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SENATE—*Wednesday, March 29, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Your love never ends. You continue to care about us through all of life's seasons. You give us confidence to work for a better tomorrow. Your grace prompts us to touch hurting lives.

Strengthen our Senators today to be good stewards of Your gifts. May they serve one another and our Nation with whatever talents they have received from You. Shine into their minds and hearts the light of Your wisdom that they may be heralds of hope in a time of despair.

Inspire us all to labor with patience, empowered by the sure hope that the harvest is certain. Continue to bless us with the precious gift of Your loving providence.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 29, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I wish everyone a good morning as we start a very busy day in the Senate.

Yesterday, I think we defined a good glidepath to finishing the lobbying reform bill, after which we will return to the immigration issues.

Today, following our period of morning business, we will return to the consideration of the lobbying reform bill. Yesterday, we invoked cloture by a vote of 81 to 16, and therefore I believe we will be able to finish that bill at an early hour today. The order from last night provides that all amendments must be offered no later than 11 a.m. this morning. The bill managers will be here and will be able to call up amendments if Members are unable to get to the floor by 11 o'clock. Therefore, at 11 o'clock this morning, we will be able to determine how many remaining amendments will require votes before we go to passage of the lobbying reform bill. We already have a time agreement with Senator FEINGOLD on his amendment relating to gifts, and we will vote on that issue prior to noon today.

Once we complete the lobbying reform bill, we will proceed to the border control bill under the order entered yesterday. We will begin that bill for a period of debate first before we get into the amendment process. Many Senators have indicated that there is a desire to have opening statements before we begin to consider other immigration issues. Therefore, we have provided for that period for debate, and I encourage Members to take advantage of this opportunity today, this afternoon, or this evening.

Having said that, we will be voting today on a number of lobbying amendments as well as passage of the lobbying reform bill. I also encourage Senators to keep their schedules open for the remainder of the week as we get into the border control bill and related issues. We are providing ample time for the consideration of this bill, and we need to take advantage of each day between now and the recess for this bill.

It was now over 3 months ago that we said we would spend these 2 weeks on the issues of border control, of interior enforcement, and issues such as the temporary worker issues. We will be doing that over these 2 weeks. I believe we can complete that over the course of these 2 weeks. I do encourage our colleagues to get involved early, both in the debate and taking advantage of the time we are providing beginning today, tonight, and every day and every night between now and the next recess.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the majority leader or his designee and the remaining 30 minutes under

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the control of the Democratic leader or his designee.

The Senator from Alabama.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, the Senate Judiciary Committee has voted out a historic and monumental immigration bill. The work was intense and fast, and we spent less than, perhaps, half a day dealing with the entire area of the bill that is referred to as guest workers or what to do with those who are here today illegally—perhaps 11 million to 20 million individuals.

I have reached a conclusion, having been in law enforcement for the most part of my professional career, that the enforcement provisions are not going to be adequate—although there are some good ones there, some steps forward—and our approach to those who are here and those who wish to come here in the future has been poorly thought out and unprincipled.

I strongly believe that America has a tremendous opportunity to fix a broken immigration system. The system as it operates today makes a mockery of law, and we all know that. It rewards bad behavior. It places bureaucratic hurdles and delays in front of those who want to do the right thing in coming here.

The list of the ways the current system does not work, frankly, is almost endless. We have had hearings and discussions, and you have read in the newspapers so many of the things that are disturbing about why our system does not work. Our failure to develop a lawful system has had a number of perverse consequences. But one little-noted consequence is that many Americans, even those in this Senate, have come to believe that it cannot be fixed, that it is hopeless, that we cannot get control of our borders, that it is just a natural thing we should accept, that we go through the motions of doing something about it, but it really will never be fixed.

But the good news is that is not true. The failure of our current system is the result of identifiable defects, defects that can be fixed. It is not impossible. Fixing these deficiencies is not all that difficult. Although it will cost real money, it is affordable. So what we really need is the will to do it, the belief and the will and the determination to go forward and make this system work.

T.J. Bonner, who heads the National Border Control Council and who has repeatedly expressed the frustrations of our Border Patrol agents—he represents them—told us, at our Judiciary Committee, how to make the system work. He said: First, control the borders. Second: Workplace enforcement needs to be effectually carried out; that is, to make sure people who are not legal do not get jobs because the jobs are the magnets. A third and connected step is to make our entry and exit system biometric and easier to use. That is part of the concept that would be necessary to move us to an effective legal system.

Such actions, in my view, based on my study and the hearings I have attended, will allow us to quickly reach the magic "tipping point." That is the point where those who want to come to this country will receive a clear message. And that message is this: It makes far more sense to enter our country legally rather than illegally.

Now, at this time, the opposite is true. Those who desire to enter America would rather pay a fee to some transporter, some "coyote," to cross illegally rather than enter lawfully. The situation is so bad that while we apprehended 1.1 million last year entering our country illegally—think of that, 1.1 million—the number who have arrived successfully has surged to almost 12 million, according to the best estimates. Many say more. How bad is that? That is not good. This is not a policy which we can take pride in or have any confidence in, that we have almost as many people illegally as legally coming.

So what do we do to fix it? You say: SESSIONS, what are you going to do about it? What do you propose? There are some steps we can do. Unfortunately, because the system has been broken for so long, we are going to have to work very hard at first to get to that tipping point, to tip from illegality to legality.

But you see what happens when that occurs, when you reach that tipping point? Then the stress on the agents, who are out arresting thousands every night, is so much less because they have fewer to apprehend. You have fewer in our deportation centers. You have much less of a problem for those who are deported—other than Mexicans, who cannot readily be deported to their country—because fewer are coming because they know if they come they are likely to be apprehended and they will be immediately sent back to whatever country they came from.

It begins to work in a way that a lot of people do not think is possible, but it is absolutely possible, and that is, once we make clear you are not going to successfully be able to enter our country illegally, that you must wait in line to come legally, we will have far fewer people come here. Right now the word is out that we are open for anyone who desires to come, even if they don't desire to come legally. That is what is causing so much problem.

One of the things we learned in the 1986 amnesty was not to give amnesty again. You want to do the right thing, and we are going to do the right thing about the people who have come here illegally. We need to spend some time on it. We need to care about every single one of them. They are human beings with dreams and hopes, creatures of our Heavenly Father. Each one of them is entitled to respect, but they are not entitled to the same benefits a lawful entrant into our country has. Who would suggest that? I don't think that is a principled approach we can defend.

We learned in 1986 that we should not give amnesty. It failed. No serious commentator believes the amnesty of 1986 worked. It was widely held to encourage illegal entry. There was a commission appointed by the Congress, a bipartisan commission, 6 years after 1986 to review what happened when the legislation passed that created amnesty at that time. They said it failed. It should not be done again.

By any standard of the definition of the word "amnesty," the bill that came out of committee is that. That is a loaded word. I don't want to be a demagogue with the word "amnesty." But if amnesty has any meaning, it is that people who came illegally are given an opportunity to receive every single benefit, including citizenship, as a result of their illegal act. That is how we have always meant it. That is what was done in 1986. That is what was determined to be a failure.

Secondly, we must deal with and eliminate, as T.J. Bonner said, the magnet of jobs for illegals. It will not be hard to stop the hiring of illegals by requiring biometric identifiers of foreign workers. It will be easy. Most businesses will comply with what they understand to be the plain law. If they are told they should require identification and it should be checked through the computer system that is being set up and will be set up to determine whether this is a lawful applicant, they will do so. It will not be easy to prosecute those cases. We have learned, however, that in 2004, only three cases of fines were assessed against an employer for bringing people into the country or hiring people who were here illegally. So it has never been enforced. It is a mockery of the law. You have it on the books, but nobody has ever enforced it.

Businesses will comply. We will not have to prosecute all of them. As soon as they realize this is not the policy of the United States anymore, that the policy of the United States is you should check your workers before you hire them and make sure they are here legally, they will do so. All of a sudden, this magnet can be eliminated. Again, therefore, if you want to come to the United States to work lawfully, you are tipped into the idea of waiting in line, take your time, come and have your background check done to make sure you don't have terrorist connections and don't have a criminal record, those kinds of things, and then you can come in.

Border enforcement is not easy. We have 1,900 miles on the border. People say we should not have a fence; it is something deeply wrong with that. I don't find anything wrong with that. I always heard the slogan "good fences make good neighbors." It certainly has worked in San Diego. But in the most busy areas where illegal entry is occurring, that is a perfectly normal and natural thing. If we don't do that, it is an indication that we lack the will to see the matter through.

The House has a bill that deals with this issue. It proposes up to 700 miles of fencing in the worst areas. It has worked in the San Diego area. It can work here. So it is a test. Are we committed to the enforcement question?

The committee bill did deal with some important steps on enforcement, however. It had some important steps. I don't want to diminish that. I have used a metaphor to say, unfortunately, that it is like making an 8-foot leap across a 10-foot ravine. We are almost there, but we are not there. If we do a few more things, including barriers, including biometrics, including workplace enforcement and detention, not having anymore catch-and-release programs, those kinds of things, we could get there more quickly and more easily than most people think. We have made progress, but we are not there yet.

I have discovered, as a former attorney general and prosecutor, U.S. attorney, from my local police officers in Alabama that they are not welcomed to even voluntarily contribute their abilities in immigration enforcement. For example, there is a clear message told to local law enforcement—and I meet with groups of law enforcement officers whenever I am in the State and enjoy that. I ask them how their drug laws are going, what are they seeing on the streets, what problems do they have. And I usually ask them about immigration. The standard answer is, they have been told by the immigration enforcement officers that unless they have 15 people illegally they have apprehended, don't bother to call. They won't come and pick them up. They are not interested. What does that say about our intention to have a lawful system as opposed to an unlawful one?

I saw the front page of the Washington Times a few days ago. It had an article about an officer in the Midwest or the West who apprehended 15 illegal aliens. He called the immigration people and they said: Don't bother. Don't call us.

This has been going on for years. It is the standard policy out there. So this indicates to me we are not serious about having a lawful system.

It is absolutely possible for us to reverse this trend, to allow large numbers of people to come to our country to work, people who we know are not connected to terrorism or are not criminal elements, drug gangs and organizations of that kind. We absolutely can do that. But I am afraid the legislation we have moved forward does not do so. We are going to have some discussion about the majority leader's bill, the Frist bill. It is more focused on the enforcement question. It does not attempt to settle the huge, difficult human issue of how to handle in a humane and lawful way those who are already here unlawfully. That is a big deal, and we will have to spend some time on that. But I don't understand the purpose of it. We will spend a day or so on that and then apparently go to the committee bill.

It came out of committee with a pretty large vote, six "no" votes on the committee. The Judiciary Committee has produced their legislation. It is on the floor now, and it will be the main part of the debate as we go forward. The only thing about which I will express concern to my colleagues is that we haven't read it yet. I see the Presiding Officer, such an extraordinarily valuable member of our committee who cares about this issue deeply. We haven't even seen it printed yet. We passed amendments, and we agreed to amendments on the floor. We passed the agriculture jobs bill that was up here a year or so ago that got blocked. We passed it in a 5-minute discussion. I think it was maybe 50 or 100 pages. This bill is over 300 pages. We substituted the Kennedy-McCain bill for the chairman's mark and passed that. Who has read that?

Then they said: Well, it wasn't quite the same as everything you have heard about our bill. We have made improvements on it. What improvements? What does it say?

I urge my colleagues to not announce too quickly that they are in support of the legislation that came out of our committee because they don't know what is in it yet. I don't know what is in it, and I am on the committee.

We are dealing with one of the most momentous challenges of our time. We need to do it in the right way. We can do it in the right way. What I believe we should do is follow the lead of the House of Representatives. People say that is a harsh bill. It is not a harsh bill. It is a bill designed to make the legal system work. What is harsh about that? Unless you believe lawlessness is the appropriate way to handle business in America, unless you don't respect the rule of law. It is not harsh to create a legal system. They have concluded that the proper response to the crisis we face, with due respect to the concerns of the American people, is to, first, demonstrate that we can create an immigration system that actually works. That is what the House decided to do. That is what they focused on, and that is what they passed. They did not attempt, with a few hours debate, to deal with the colossal issue of human concerns of those who are here and to develop an architecture for who we want to allow to come in in the future and under what conditions.

That is what we should do. That is what most of our hearings in the committee have been focused on. Then we will have some credibility with the American people.

Let me share a couple of additional thoughts about matters I believe are important. The Judiciary bill—I don't want to call it Chairman SPECTER's mark because it was so altered and changed. It had quite a bit of difference. But the bill that came out of committee did a number of different things. One, it would immediately legalize the 12 to, some say, 20 million people who are here illegally. It would give them a green card in a relatively short period. It would then put them on an automatic path to citizenship. Once they become a citizen, they are able to bring in family members and even brothers and sisters, mothers and fathers. It would double the number of legal visas, I think, to 400,000. Each one of those would not be as though you have a visa to come in. These visas are not just to come in to work for 6 months or a year and go back to your home country. This 400,000 will allow you to stay up to 6 years and then allow you, at the end of 4 years, to apply for a green card. And once you get that permanent green card, you can apply for citizenship. So it will be about another 400,000.

We think, conservatively speaking, this bill would add 30 million people to our Nation in the next 10 years. We ought to spend some time talking about that. That is a big deal. That is a 10-percent increase in our population, and we ought to be thinking about what is in it. We spent very little time and we have spent very little national discussion in which the American people have had an opportunity to listen on this issue. It is hugely important. We want to do the right thing about it.

Let me share this: The enforcement mechanisms we passed in committee—many of which are good, some of which failed that were needed—are only a promise.

This is why the American people have a right to be cynical, they have a right to be nervous, they have a right to watch this Congress like a hawk because that is what happened in 1986. Once you pass the guest worker part of the bill—which is what it is being called, and I am not sure that is a very good description of it—that becomes law; the people become legalized; they put in for citizenship, and we double the number of people coming, et cetera, and that becomes our law right now.

What about the enforcement? We authorized UAV, the virtual fence. Virtual reality is all that is. That UAV is to see if somebody is out there, but that is of very little value if you don't have somebody go out and pick them up. Anyway, we increase the bed spaces and increase some Border Patrol officers by authorization. All the Judiciary Committee bill can do is authorize those actions to be made. They have no ability whatsoever to fund them and to make sure they get carried out.

What we learned after 1986 is that Congress hasn't funded the things necessary to make the border secure, and the Presidents—every one of them since that time—seem to have little interest in making sure it gets enforced. They don't come before Congress and say we have a problem at the border; we need more money, more agents, more detention space, and more barriers. They let it go. So this is a dangerous thing. I am not going to vote for any bill that is a "let me see one hand and not the other." In other words, we are going to have one vote that will be a permanent decision about how to deal with those who are here illegally. But we will not be able to have any guarantee that the enforcement system is going to be made workable. That is why the House believes they should complete the enforcement mechanisms first, which is a good principle that we should be concerned about.

The stress on our system is going to be incredible. Some in the immigration system say, when they think what this will mean, they cannot imagine how this will ever work. They have a huge backlog on applications to come into the country. Our immigration service is expected to make some background checks to make sure we are not allowing criminals and terrorists to come into the country. If we more than double the number that are allowed to apply and enter, then their workload is going to be incredibly heavy. It is not working now. We can do better.

Finally, a lot of people have been unhappy with President Bush. They say he has been too much for amnesty. They say he is not serious about the border, and they have complained about that and so have I. I felt that he has not been sufficiently concerned about creating a legal system that works. But I have to tell you, the bill that came out of committee is way past that. Please know that, Senators. I heard Scott McClellan on the radio today, from the press conference he gave yesterday, and he stated the principles of the President. One of them is that those who come here illegally are not put on an automatic path to citizenship. That is what the President defines as amnesty. That is what he says he is not for.

But that is what this bill does. The bill puts the people who came here unlawfully on an automatic path to citizenship. If that is not amnesty, what is? The President does not support what is here. It is beyond what he wants to do. He has a very generous idea about immigration. He wants to do the right thing. All of us do, but we cannot defend the principle of granting amnesty because we know what happened in 1986. It did not work. The independent commissions have said that.

I will conclude by urging my colleagues to recognize how important this issue is to get right, how important it is that we do the right thing, so that 10 years from now, 20 years from now, we can be proud of what we did. And we can get there; we absolutely can. But this bill is not the vehicle to do it. We should not pass it in its present form. I say that with the caveat that nobody has seen the bill we will have on the floor. It hasn't even been printed yet. That is a pretty sad case, if you want to know the truth. It was so complex and rushed through our committee in such a hasty way.

Mr. President, I thank the Chair and my colleagues for giving me a chance to share these thoughts. I urge each and every one of them to spend some time on this issue. Let's study this legislation and let's don't be stampeded by politics or protests or that kind of thing. Let's try to do the right thing and make sure that whatever we do is something we can be proud of and our children can be proud of.

The PRESIDING OFFICER (Mr. VITTER). Does the Senator from Alabama yield back the majority's time?

Mr. SESSIONS. How much time remains?

The PRESIDING OFFICER. There is 1 minute 40 seconds.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, we have a half hour in morning business for the Democrats; is that correct?

The PRESIDING OFFICER. That is correct, and 29 minutes 15 seconds remain.

Mr. KENNEDY. I ask the Chair to notify me after I have used 12 minutes.

The PRESIDING OFFICER. The Chair will do so.

IMMIGRATION REFORM

Mr. KENNEDY. Mr. President, I always enjoy listening to my friend from Alabama. He has been very much involved and engaged in the discussion and debate on this issue in our Judiciary Committee. But I caution those watching this debate to examine his comments, where he said: "Any individuals that came here illegally, this bill puts them automatically on a path for citizenship." That statement is categorically wrong. It does not. I will explain about the provisions of the legislation. I would not support that proposal. The members of the Judiciary Committee that supported the underlying legislation, the McCain-Kennedy legislation, don't support that proposal.

We gather here today to begin debate on our effort to correct a great historic wrong.

For decades, this country has turned a blind eye to the plight of the stranger in our midst, and looked away in indifference as undocumented immigrants have been exploited at the workplace and have been forced with their families to live in constant fear of detection and deportation.

We have ignored the tough conditions endured by the undocumented, and the harmful ripple effects undocumented employment has on some U.S. workers. For decades Congress has failed to take sensible steps to end undocumented immigration, and some of our policy choices have even contributed to the current crisis.

We first confronted this problem directly in 1952, passing a law known in the parlance of the time as the "Wetback" bill, which made it a crime to harbor or abet undocumented immigrants. But at the same time, over the vigorous objections of President Truman, Congress carved out the Texas Proviso—so called because it was drafted by agricultural producers from that State—which made it legal to employ undocumented immigrants. This decision protected the "economic pull factors" which have sustained illegal migration since that time.

In 1961 the Edward R. Murrow documentary Harvest of Shame directed the Nation's attention to the miserable conditions under which migrant farm workers toiled to bring cheap fruit and vegetables to our table. Congress responded by terminating the deeply flawed Bracero guest-worker program, and strict limits were imposed for the first time on labor migration from Mexico. I was part of that effort in the Senate to end that unacceptable and outrageously exploitive program. These changes to our immigration policy were well-intentioned, but with hindsight their result was predictable: by ending legal migration, but allowing employers to bid for immigrant labor, Congress all but guaranteed a generation of undocumented immigrants would emerge.

Since that time, economic disparity between the U.S. and its neighbors increased, globalization made travel in and out of the U.S. easier, and two whole generations of foreign workers and U.S. employers came of age in an economic system organized around illegal migration.

In truth, Congress has done little since then to confront this problem. In 1986 we passed the Immigration Reform and Control Act, but IRCA's employer sanctions provisions have never been enforced. Rather than confront the structural causes of undocumented immigration, Congress has repeatedly attacked the symptoms of this disease: building more fences and placing more agents at the U.S.-Mexican border, and imposing more restrictions on immigrants' legal rights. These blunt enforcement tools have not quenched employers' thirst for immigrant workers, and they have not given families the tools to be reunited with their loved ones. Instead, enforcement-only approaches have driven immigrants farther into the desert and deeper underground.

For decades, we tolerated undocumented immigration because it seemed like a win-win exchange: employers and consumers were given access to cheap labor and low-cost goods and services; but Congress was not required to make politically difficult decisions about expanding legal low-skilled immigration.

But, of course, undocumented immigration has not been cost-free—far from it. And recent changes make continued indifference to this crisis impossible. Undocumented immigrants now live in every State in the Nation, and whole sectors of the economy—from construction, to food services, to health care, to agriculture—depend on undocumented workers to stay in business.

Labor and business alike now demand a system in which workers' rights are respected and in which workers are no longer vulnerable to deportation.

Millions of U.S. citizens now demand a system in which their husbands, wives, parents, children, and neighbors can plan for the future. And the continued health of the American economy demands a system in which all of these workers join the formal labor force, pay their taxes, and play by the rules.

United States relations with Mexico and other countries of origin have also changed, and changed dramatically. In 1965, when the foundation for our current system was put in place, Mexico was an authoritarian state and barely a top 10 United States trade partner. Now Mexico is a flourishing democracy, a partner in the North American Free Trade Agreement, and our No. 2 trade partner in the world. Over 300 million legal border crossings occur between the United States and Mexico each year, and trade across the border totals $650 million a day. Yet this relationship and our broader regional interests are jeopardized by this humanitarian crisis at the border and by the exploitation of immigrants within the United States.

President Bush is traveling to Mexico this week, and the crisis of undocumented immigration, including the enormous strain it places on our partnership with Mexico, will be at the top of the agenda.

And, of course, the 9/11 attacks remind us that undocumented immigration creates a crisis of insecurity. America spends billions of dollars tracking entries and exits at our ports of entry, but we have no idea about the identity of millions of immigrants already living among us. The vast majority of these undocumented immigrants are honest and hard-working, but our national security requires that we identify and monitor those who are not.

We all agree that the time has come for Congress to act, but how shall we do so? Fundamentally, we must choose between two alternatives.

Some would have us build higher and longer walls at the border. They would have us further restrict migrants' legal rights and make these hard-working men and women not just subject to deportation but also do time in U.S. prisons for the crime of living and working in this country. They would go much further, actually making felons of people such as Cardinal Mahoney and tens of thousands of other clergy and social workers who are offering counseling or humanitarian support to undocumented immigrants.

Yet the United States lacks the resources or the political will to actually remove all of the 11 million undocumented immigrants among us. Doing so would cost $240 billion, it would wreak havoc with our economy, and it would destroy millions of American families. Nor in a global economy do we truly have the desire or the capacity to build an impenetrable wall around ourselves.

The idea that blunt enforcement will disrupt this deeply entrenched system of undocumented immigration flies in the face of history and economics. Rather, this enforcement-only approach would simply replicate the policy failures of the past. Down this road lie further undocumented immigration, further insecurity, further economic polarization, and further exploitation of the poorest and most vulnerable among us.

I must say, on the issue of the wall, all we have to do is look at our recent history. We have spent $20 billion over the last 10 years. We have a wall now that is 66 miles long. There are 1,800 more miles along the Mexican border, if we are talking about building walls. We have tripled the number of border guards, built the wall along the border, and we find the present system is not functioning or working. How many times do we have to learn that lesson, and how much more would it cost us if we go that particular route? It is a route that is unacceptable, expensive, and unworkable.

We propose an alternative approach. We propose to end this system of exploitation and to right this historical injustice.

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. KENNEDY. Mr. President, I yield myself 4 more minutes.

We believe that immigrants, like women and African Americans before them, have rights in this country, and the time is ripe for a new civil rights moment. We believe that a nation of immigrants rejects its history and its heritage when millions of immigrants are confined forever to second-class status and that all Americans are debased by such a two-tier system. The time has come for comprehensive immigration reform.

Our opponents believe that blunt enforcement can solve our current crisis. We believe that the culture and infrastructure of illegality can only be disrupted and our security and prosperity can only be assured through a three-pronged approach.

First, we favor smarter and tougher enforcement through greater reliance on technology, better screening at our consulates abroad, more international cooperation on migration enforcement, working with Mexico and the other countries in Central America—which our opponents never think about or have asked to or have a program to try to do—and also tracking terrorist mobility and more efficient screening at U.S. work sites.

Our national security and our immigration control efforts are both weakened when we fail to distinguish the millions of undocumented immigrants making vital contributions to our economy and the handful of extremists who would enter the United States to do us harm.

How can we seriously consider diverting our scarce resources to building a fence along the border? This is a 19th century solution to a 21st century problem. A fence—muro de muerte is the alternative, and we are saying that is the kind of wall we are going to build, with all the technology we have? It is a bankrupt policy.

The focus on the border will not prevent undocumented immigration. Almost half of all undocumented immigrants enter through legal channels, and others will always find ways to go over, under, or around the wall. More importantly, a United States-Mexico border fence does nothing to help us identify and track terrorists who would almost certainly choose other strategies for entry, including the use of fraudulent or legitimate documents, or entry anywhere along an unguarded northern border or coastline.

Second, in an economy which depends on immigrant labor, we favor the creation of legal opportunities so that all American workers have the right to labor with dignity and the protection of our laws. More opportunities must be created for workers and families to obtain green cards through our permanent visa system. And the 400,000 or so undocumented immigrants now joining our workforce each year must be offered access to temporary visas and to a spot in the formal economy when employers cannot find U.S. workers to take these jobs.

Our temporary worker program differs in fundamental ways from the failed approaches of the past. We include robust wage guarantees to ensure that temporary workers will not depress the wages and working conditions of American workers, which is happening at the present time, and we back up these guarantees with strong complaint procedures and protections for whistleblowers. We believe guest workers must not be tied to a single employer but, rather, must have the right to vote with their feet by changing jobs when employers would exploit them. And we believe workers must have the right to adjust to permanent status if their situation changes and they choose to remain in the United States.

Third, immigration reform will be fundamentally incomplete without a plan for bringing the undocumented immigrants already among us out of the shadows and into legal status. Our national security requires the United States to know who resides in our country. Our economic prosperity requires that undocumented immigrants—5 percent of all workers in the United States—join the legal economy.

The PRESIDING OFFICER. The Senator has used his additional 4 minutes. There is 13 minutes remaining.

Mr. KENNEDY. Mr. President, I see my friend from Illinois here. I am going to take 1½ more minutes, and then I will yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, countless American families want their undocumented relatives to have the opportunity to become residents. One million immigrants rallied in communities across the country last week, and the crowds included thousands of families waving American flags and celebrating America as their adopted homeland.

No one believes in amnesty for these immigrant workers and families, but we do believe in giving them a chance to earn—earn—legal status. That is the difference. Amnesty is a pardon. We are not pardoning any undocumented immigrants. What we are basically saying is: Come out of the shadows, pay a fine, pay your taxes, learn English, and after all those who are in line to come to the United States at the present time and have come to the United States, go to the back of the line and work your way to citizenship by playing by the rules. There are 70,000 permanent resident aliens who are serving in Iraq and Afghanistan. If you don't play by the rules, then you are subject to deportation. That is earning legal status, and that is the process we follow.

All undocumented immigrants deserve this chance, but only those who pay the stiff fines, work for 6 years, pay their taxes, learn English and pass a civics test will be permitted to remain in the United States.

Today, we embark on a historic debate. We have an opportunity to correct these historic wrongs. I look forward to the coming debate. Together, let us move forward, not backward, on genuine immigration reform.

Mr. President, I have been here when Republicans and Democrats have come together to accept the challenge of an issue that is not going away. This issue is not going away. We now have Republicans and Democrats working together. The President has talked about this issue as well. Surely we ought to be challenged to find a way where this Nation can make progress with Republicans and Democrats and hopefully even the administration working together to help do something that is sensible, responsible, workable, humane, and consistent with our national traditions.

I yield back whatever time is remaining.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Mr. President, my colleague from Iowa has come to the floor and wants 15 minutes to speak. I ask unanimous consent for 5 minutes and my colleague from Iowa 15 minutes and that morning business be extended the necessary time for that to occur, and an equal amount offered to the other side, if they care to use it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. So it is my understanding, Mr. President, that after I speak for 5 minutes, the Senator from Iowa will be recognized for 15 minutes.

Mr. HARKIN. I thank the Senator.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts who has just spoken. Senator KENNEDY has led so many important fights in the Senate. This may be one of the most historic. We know our immigration system is broken. It just does not work.

In my office in Chicago, almost 90 percent of all of the work we do is on immigration. The stories will break your heart. There are people who have come to this country and, for reasons that often cannot be explained, are not in legal status today. As Senator KENNEDY said, approximately half the undocumented people in America arrived here legally. What happened? They were going to school on a visa and they didn't take the necessary course work to be a full-time student. They lost their legal status. They were part-time students. They started again as full-time students, and they are undocumented as a result, or they came and stayed beyond their visas or they came into circumstances that, frankly, created family situations so they could not leave: A woman falls in love with an American citizen, is married, and has children. Her husband is an American citizen, all her children are American citizens, but she is not. She is an undocumented person in this country.

But let me tell you one story or one group of stories that I think dramatizes some of the injustices of the current system that I think should be addressed. A few years ago, Senator ORRIN HATCH and I worked together in a bipartisan effort to pass what is known as the Dream Act. Senator HAGEL, Senator LUGAR, and I are now cosponsoring it on a bipartisan basis. It came to my attention because we got a phone call from a woman in Chicago, a Korean-American woman who works at a dry cleaners in Chicago 12 hours a day. She said she had a problem. Her problem was her daughter, who came to the United States at the age of 2 and became a musical prodigy. She played the symphony piano by the age of 8. She has played with the Chicago Symphony. She is an amazing, talented musician.

She was recruited by Julliard School of Music—the best in America—to develop her skills as a musician. When she started to fill out the application, she turned to her mother and said: It says here: Nationality, American, right? And her mother said: No, we never filed your papers. And here she was, a bright future ahead of her, and she called my office and said: What am I to do? We called the Immigration and Naturalization Service and they said: The answer is obvious. She has to go back to Korea.

Back to Korea? She had been in this country for 16 years. Through no fault of her own, she was not a documented citizen or in legal status. She had fallen through the cracks, one of the 11 million.

Let me tell you another story. It is about Diana, who was brought to Chicago at the age 6 by her family from Mexico. Diana is undocumented. She has lived her entire life in the United States. There is a 50-percent dropout rate among undocumented students in America—50 percent. She didn't drop out of school; she did the opposite. She stayed in school and made the dean's list all through high school. She graduated with a 4.4 average out of 4.0, taking advanced placement classes to pursue her dream of being an architect. She was accepted at Northwestern University and was so excited. She came to learn that because she was undocumented, she couldn't get financial assistance. She couldn't go to Northwestern. She went to another college. She is still trying to be an architect.

Tell me: Is America a better place if those two girls leave or is it a better place if they stay?

The Dream Act gives young people such as that a chance, people who came to the United States, young people, through no decision on their own—their parents made the decision. They did the right thing, followed the rules, didn't break any laws, went to school, were good students, studied, aspired, and dreamed of the opportunity in this country, and then learned, to their bitter disappointment, they were reaching a point where they could not pursue their education.

The Dream Act says this: If you are one of those people, if you have been here 5 years or more, if you entered the country under the age of 16, if you are in high school, you have a chance, and the chance is this: Complete high school and then either 2 years in college or a college degree in the next 6 years, or serve in our military for 2 years, and we will then give you a chance to start a long path toward citizenship. That is important.

I can't tell you the people who come up to me in the city of Chicago, students, for example, who are undocumented, who want to teach. We need them so badly. They want to teach math and science and critical languages. Yet, being undocumented, they can never be licensed to teach in my State of Illinois or virtually any other State.

Should these young people have a chance? Should they be allowed now to become part of America and our future? I think they should. The Dream Act is part of this immigration reform, and I urge my colleagues to support it. I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, first let me commend Senator DURBIN for his leadership on the Dream Act and making sure that it is now a part of the bill that came out of the Judiciary Committee. I was a cosponsor of that Dream Act, and I support it being a part of the bill.

For me, the current debate on immigration strikes very close to home. Those words at the base of the Statue of Liberty, "Give me your tired, your poor, your huddled masses, yearning to breathe free," have a profound personal meaning to me.

On my wall in my office, I have a picture of the house in which my mother was born and raised until she was 20 years of age in the small town of Suha, Slovenia. It is a small house with a dirt floor. Yes, my mother was born and raised in a house with a dirt floor until she was aged 20. Then she got steerage on the SS Argentina and came to America. She was going to land at Ellis Island, but landed in Boston because of bad weather. I have a copy of the documentation from when my mother landed here in America, it had her name and where she was from, and what she owned. She had one suitcase, a train ticket to Des Moines, IA, and $7. That is how my mother came to America. When she came, though, she was welcomed into the American community. She got married, obviously raised a family. She has since obviously passed away, but she became a productive citizen, a loyal American who gave a lot back to her adopted homeland.

I know the current debate has stirred up a lot of passions, but this is nothing new. Across the centuries, successive waves of immigrants—Germans, Irish, and again on my father's side my great-grandfather, who was an immigrant from the northern part of Ireland; Chinese, Italians, Greeks, others—every time they have come here they have aroused strong emotions. But in every case, Americans eventually rose above their economic fears and ethnic prejudices. We were true to those Statue of Liberty words and, as a result, America has become stronger and richer and fairer. We are indeed the envy of the world.

Today, once again, we are in the midst of a difficult and often emotional national debate about immigration. I am optimistic that we can arrive at a bill that addresses legitimate national security and law enforcement concerns, while also being faithful to our tradition and history as a nation of immigrants. I commend the senior Senator from Pennsylvania, Senator SPECTER, for his skill and leadership in reporting a bipartisan bill from the Judiciary Committee that takes us in the right direction. I want to commend his ranking member, Senator LEAHY, and Senator KENNEDY for his strong work on getting this bill through and making it a decent, fair, but yet strong bill to protect our national security and to protect our law enforcement in this country.

My State of Iowa, I am proud to say, has a long history of welcoming new immigrants. We have a growing immigrant Muslim population from Asia and the Middle East. In fact, Cedar Rapids, IA, is home to the oldest mosque in America, and we are proud of that. A quarter of a century ago, responding to the plight of Vietnamese and Laotian boat people, former Governor Robert Ray introduced programs to bring more than 30,000 of these refugees to our State. Because of his courageous humanitarian leadership, thousands of Iowans opened their homes and their hearts to these new immigrants.

More recently, tens of thousands of immigrants have come to Iowa from Latin America and elsewhere. They have come here in search of two things: work and freedom. Work, in order to feed and clothe their families; and freedom, to learn and to develop their talents, and to grow. In most cases, they have found work. The Iowa economy is hungry for immigrants who are willing to do jobs that basically are physically demanding, oftentimes dangerous, one example, of course, being the meat packing industry.

But not all of these new immigrants have found freedom—the freedom to learn and to grow and to develop their talents. Earlier this month, at United Trinity Methodist Church in Des Moines, I met with a group of new immigrants, an undocumented family. They told me about the hardships they face. They live in constant fear. They live in the shadows. What do they want? They want to become loyal, contributing Americans, to pursue the American dream, to contribute as my mother did, as my great-grandfather and his descendants did, to building this country we call America. But, instead, they are living an American nightmare of anxiety, exclusion, and exploitation.

So it is time for us to find a constructive and positive way to bring these people out of the shadows and into the sunlight. One thing we all agree on is that the current immigration system is broken and needs reform. It is totally out of sync with today's social and economic realities. It is time to come up with a just and fair immigration system, one true to our values and our tradition. I know we can come up with a bill that is a win-win for all of us.

To that end, we need at least three things: One, we need tough, consistent, effective enforcement of reformed immigration laws. Two, we need to enforce sanctions against employers who hire immigrants unauthorized to work. Three, we need a temporary worker program with documentation that gives immigrants a reasonable path to earning full American citizenship. As Senator KENNEDY said earlier, we are not talking about amnesty. That would be wrong. We are talking about a process of earned legalization, giving people who are here a practical way to earn citizenship by working, paying taxes, paying a fine, learning English.

We need to deal with the reality before us. We have 11 million to 12 million undocumented people in this country, many of whom—as we listened to Senator DURBIN talk about—have lived here for many years, and many who came here as young children, as babies. Many of them who are here have children. They have other family members who are U.S. citizens. They are contributing to our prosperity. They are making a big contribution to our society. They may be undocumented; they may be living in the shadows; but make no mistake: They are de facto members of our American community. They are integrated into the fabric of our national life. They are filling jobs that, in most cases, go unfilled, and they are not going away. Frankly, we would face huge problems if they did. As the U.S. Chamber of Commerce said recently: "If you kick out 11 and-a-half to 12 million people, it will bring our economy to a screeching halt."

So let us acknowledge the reality. Let's establish a legal framework within which these immigrants can work and learn English and pass security background checks, pay a fine, the penalties that are necessary, and then earn the right to eventually become a U.S. citizen. At the same time, let's not delude ourselves with so-called simple solutions that are unworkable, unaffordable, or just plain mean-spirited. For example, the House has passed a bill that calls for criminalizing undocumented immigrants, rounding them up and deporting them, and charging with crimes anyone who might help, including clergy and church members.

Does anyone seriously believe we can round up 11 million to 12 million undocumented immigrants? Who is going to do it? Are we going to spend the $140 billion it would take to hire a vast army of agents to do this? And even if it were physically possible to round up 12 million people, how do you do it humanely? For example, would we be willing to break up families? Would we deport mothers and fathers but allow their U.S. citizen children to remain here? Would we deport an undocumented immigrant who is here, married, has children? Would she or he take the children with them, or leave them here? What is going to happen to all these people? How do you deal with this humanely?

Others advocate we spend tens of millions of dollars to build a 700-mile wall, a fence, across our southern border. That is nonsense. Did the Great Wall of China work? Maybe for a month or two. Think of the Berlin Wall. Just remember the Berlin Wall. And think about a wall between the United States and Mexico. Now we are going to build a wall across the Canadian border, too? Let's get serious. This is nonsense, absolutely nonsense.

And does anyone want to talk about those who come to the U.S. and overstay their visas? There are an estimated 4 million people in the United States who have overstayed their visas. They get visas, they are here, they are working. They overstay their visa and do not go back to their home countries; they decide to stay here illegally.

It is time to acknowledge why immigrants continue to come across our border, making enormous sacrifices, risking their lives. They are coming for economic opportunity to better themselves and to reunite, a lot of times, with their families. In other words, they are coming for exactly the same reasons that my mother came to America—to get reunited with family members who were here, to work, to raise a family, to better her life and to better the lives of her children. The difference is they are coming now as undocumented because we failed to create a documented, legal avenue for our economy to get the workers we need. It is not their fault, it is our fault—because we have not designed a good immigration system.

We have heard it said that undocumented immigrants drive down wages for American citizens at the low end of the economic scale. According to this argument, undocumented immigrants are so desperate to work for the minimum wage or less, they will tolerate harsh, unsafe working conditions. Unfortunately, there is a lot of truth to that argument. So what is the answer, kick them out? No. The answer is to bring them out of the shadows. If they are given documentation and legal status, then employers will have to pay them a decent wage and treat them fairly. This will raise the floor. It will raise wages at the bottom rungs of the ladder, and this will benefit all American workers.

There is another huge cost and danger to allowing the status quo to continue. The current system has driven undocumented workers deep underground. We are not able to document, track, or control who is within our borders. This is the ideal environment for al-Qaida and others who aim to penetrate our society. Because of our preoccupation with chasing down undocumented immigrants, we are diverting scarce resources from addressing the real threats to our national security, and this needs to change. Instead, we are tracking down gardeners and dishwashers, let's focus on those who really want to do us harm.

Throughout America's history, the subject of immigration has lent itself to fearmongering, demagoguery, and simplistic so-called solutions. But to our credit—and to America's great social and economic benefit—we have listened to the better angels of our nature. We have refused to slam the door. We have been true to our tradition as a nation of immigrants.

Today, once again, we are challenged to rise above fear and prejudice and to do the right thing. Legally or illegally, immigrants will continue to come to America as they have for four centuries. We need smart immigration reform, reform that will protect our borders, crack down on employers who hire those who are unauthorized to work, while creating a guest worker program that gives immigrants the opportunity to earn legalization and to have family reunification.

In closing, I commend the Judiciary Committee for sending to the floor a bipartisan bill that would accomplish these important things. It would bring undocumented immigrants out of the shadows so we know who they are, where they live, where they are from, and so we can identify any who could be a threat to our homeland security. It would allow earned legalization for those who pass security background checks.

It is going to take more than 10 years for an undocumented immigrant to demonstrate that he or she is a person of good moral standing, is paying taxes, learning English, and has paid the necessary fines. These people will not jump ahead of anyone who is already in line for citizenship. I want to stress that point. There is a thought: Oh, they will get in front of everybody. That is not true, not under the bill from the Judiciary Committee. They would work 6 years before they could apply for legal permanent residency or green card status, and after that they would work for another 5 years before they could apply for citizenship. During this process, they would have to pay a fine, and with those fines would help pay for this system.

Last, we don't need a wall around our borders. We can use unmanned aerial vehicles, sensors, guard posts. We can do this without building a wall, and we can protect our borders much better than we are doing now. That is what is in the Judiciary bill. It is an excellent starting point.

Again, I commend Senator SPECTER and the committee. They have done a great service to the Senate and to our country. I hope this Senate will do the right thing in passing that bill.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this point, morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2349, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2930, 2965, 2995, EN BLOC

Mr. DODD. Mr. President, on behalf of Senator OBAMA, of Illinois, I ask that it be in order to call up three amendments, and once the amendments are reported, that they may be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I call up amendments No. 2930, No. 2965, and No. 2995.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. OBAMA, proposes amendments numbered 2930, 2965, 2995, en bloc.

The amendments are as follows:

AMENDMENT NO. 2930

(Purpose: To clarify that availability of legislation does not include nonbusiness days)

On page 5, line 21, after "hours" insert "or 1 business day, whichever is longer,".

On page 6, line 7, after "hours" insert "or 1 business day, whichever is longer,".

AMENDMENT NO. 2965

(Purpose: To ban employment negotiations to become lobbyists by Members of Congress and required recusal for senior congressional staff while in office)

At the appropriate place insert the following:

SEC. . BAN ON IN OFFICE EMPLOYMENT NEGOTIATIONS.

(a) Senate.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A member of the Senate shall not negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist.

"(b) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall recuse himself or herself from working on legislation if a conflict of interest or an appearance of a conflict of interest might exist as a result of negotiations for prospective private employment.

"(c) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.".

(b) Criminal Provision.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

"(e) Prohibition on Employment Negotiations While in Office.—

"(1) In general.—No officer or employee of the executive branch of the United States Government, an independent agency of the United States, or the Federal Reserve, who is compensated at a rate of Executive Schedule Level I, II, or III, shall negotiate or have any arrangement concerning prospective private employment if a conflict of interest or an appearance of a conflict of interest might exist, as determined by the Office of Government Ethics.

"(2) Penalty.—A violation of this subsection shall be punished as provided in section 216.".

AMENDMENT NO. 2995

(Purpose: To expand the prohibition on lobbying in the year after leaving service to the Senate to include a prohibition on paid coordination activities)

At the appropriate place insert the following:

SEC. ___. PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. A Member of the Senate or an employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress.".

Mr. DODD. Mr. President, I ask that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2960

Mr. DODD. On behalf of Senator Levin of Michigan, I call up amendment No. 2960, and once it is reported, I ask that it be set aside.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. Dodd], for Mr. Levin, proposes an amendment numbered 2960.

The amendment is as follows:

AMENDMENT NO. 2960

(Purpose: To require electronic filing and establish a public database for lobbyists for foreign governments)

At the appropriate place in the bill, add the following:

SEC. ___. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) Electronic Filing.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

"(g) Electronic Filing of Registration Statements and Updates.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.".

(b) Public Database.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

"(d) Public Database of Registration Statements and Updates.—

"(1) In general.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registration statements and updates filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

"(2) Accountability.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.".

The PRESIDING OFFICER. The amendment is set aside without objection.

AMENDMENT NO. 2963

Mr. DODD. Mr. President, on behalf of Senator Feingold, I call up amendment No. 2963, and once it is reported, I ask that it be set aside as well.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. Dodd], for Mr. Feingold, proposes an amendment numbered 2963.

The amendment is as follows:

AMENDMENT NO. 2963

(Purpose: To remove lobbyists all together from Member trips)

On page 9, after line 10, insert the following:

"(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent and

"(iv) registered lobbyists will not participate in or attend the trip;".

The PRESIDING OFFICER. The amendment is set aside without objection.

AMENDMENTS NOS. 3181 AND 3182, EN BLOC

Mr. DODD. On behalf of Senator Byrd of West Virginia, I ask that it be in order to call up two amendments, and once the amendments are reported, that they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I call up amendment No. 3181 and amendment No. 3182.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. Dodd], for Mr. Byrd, proposes amendments numbered 3181 and 3182, en bloc.

The amendments are as follows:

AMENDMENT NO. 3181

(Purpose: To clarify the termination date of the Commission)

On page 50, strike lines 8 through 13 and insert the following:

(1) Final report.—Two years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

AMENDMENT NO. 3182

(Purpose: To clarify the subpoena powers of the Commission)

On page 46, after line 7, insert the following:

(d) Limit on Commission Authority.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

Strike Sec. 266(a)(2) and (b).

The PRESIDING OFFICER. The amendments are set aside without objection.

AMENDMENTS NOS. 2980, 2981, 2983, 2961, 3175, 2970, 2936, 2937, AND 2982, EN BLOC

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent to call up the following amendments en bloc and that they be temporarily set aside after they have been called up: amendments Nos. 2980, 2981 and 2893, introduced by Senator Ensign; amendment No. 2961, introduced by Senator Cornyn; amendment No. 3175, introduced by Senator Coburn; amendment No. 2970, introduced by Senator Sununu; and amendments Nos. 2936, 2937, and 2982, these by Senator Inhofe.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2980

(Purpose: To include Federal entities in the definition of earmarks)

On page 5, line 2 strike "a non-Federal" and insert "an".

AMENDMENT NO. 2981

(Purpose: To clarify the treatment of out of scope matters in conference reports)

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) In General.—A point of order may be made by any Senator against consideration of a conference report that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) Disposition.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Definitions.—In this section:

(1)(A) The term "unauthorized appropriation" means an appropriation—

(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

(2) The term "new or general legislation" has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term "new matter" means any matter not committed to conferees by either House.

(4) The term "nongermane matter" has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

AMENDMENT NO. 2983

(Purpose: To permit a Senator to raise a single point of order that several provisions violate Section 102)

On page 3, line 12, strike "shall be made and voted on separately for each item in violation of this section" and insert "may be made and voted on separately for each item in violation of this section.

It shall be in order for a Senator to raise a single point of order that several provisions of a conference report or an amendment between the Houses violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled."

AMENDMENT NO. 2961

(Purpose: To require lobbyist to distinguish whether clients are public or private entities)

On page 24, after line 22, insert the following:

"(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality of a State or local government, or a private entity.".

AMENDMENT NO. 3175

(Purpose: To require full disclosure of all entities and organizations receiving Federal funds)

At the appropriate place, insert the following:

SEC. . FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDING.

(a) In General.—Effective beginning January 1, 2007, the Office of Management and Budget shall ensure the existence and operation of a single updated searchable database website accessible by the public at no cost that includes for each entity receiving Federal funding—

(1) the name of the entity;

(2) the amount of any Federal funds that the entity has received in each of the last 10 fiscal years;

(3) an itemized breakdown of each transaction, including funding agency, program source, and a description of the purpose of each funding action;

(4) the location of the entity and primary location of performance, including the city, State congressional district, and country;

(5) a unique identifier for each such entity and parent entity, should the entity be owned by another entity; and

(6) any other relevant information.

(b) Definitions.—In this section:

(1) Entity.—The term "entity"—

(A) includes—

(i) a corporation;

(ii) an association;

(iii) a partnership;

(iv) a limited liability company;

(v) a limited liability partnership;

(vi) any other legal business entity;

(vii) grantees, contractors, and, on and after October 1, 2007, subgrantees and subcontractors; and

(viii) any State or locality; and

(B) does not include—

(i) an individual recipient of Federal assistance;

(ii) a Federal employee; or

(iii) a grant or contract of a nature that could be reasonably expected to cause damage to national security.

(2) Federal Funding.—The term "federal funding"—

(A) means Federal financial assistance and expenditures that include grants, contracts, subgrants, subcontracts, loans, awards and other forms of financial assistance; and

(B) does not include credit card transactions or minor purchases.

(3) Searchable Database Website.—The term "searchable database website" means a website that allows the public to—

(A) search Federal funding by name of entity, parent entity, or type of industry, geography, including location of the entity and the primary location of the performance, amounts and types of federal funding, program sources, type of activity being performed, time factors such as fiscal years or multiple fiscal years, and other relevant information; and

(B) download data included in subparagraph (A) including outcomes from searches.

(c) Website.—The database website established by this section—

(1) shall not be considered in compliance if it links to FPDS, Grants.gov or other existing websites and databases, unless each of those sites has information from all agencies and each category of information required to be itemized can be searched electronically by field in a single search;

(2) shall provide an opportunity for the public to provide input about the utility and of the site and recommendations for improvements; and

(3) shall be updated at least quarterly every fiscal year.

(d) Agency Responsibilities.—The Director of OMB shall provide guidance to agency heads to ensure compliance with this section.

(e) Report.—The Director of OMB shall annually report to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Government Reform on implementation of the website that shall include data about the usage and public feedback on the utility of the site, including recommendations for improvements. The annual report shall be made publicly available on the website.

AMENDMENT NO. 2970

(Purpose: To revise the time period for Internet availability in the provisions relating to earmarks and availability of conference reports from 24 hours to 48 hours)

Beginning on page 4, strike line 21 and all that follows through page 6, line 7, and insert the following:

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. In this rule—

"(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

"(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

"2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

"(1) all earmarks in such measure;

"(2) an identification of the Member or Members who proposed the earmark; and

"(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.".

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) In General.—

(1) Amendment.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

"7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.".

AMENDMENT NO. 2936

(Purpose: To provide a 1-year prohibition against lobbying for senior career staff of executive branch agencies)

On page 40, after line 2, insert the following:

(c) Senior Executive Personnel Generally.—Section 207(a) of title 18, United States Code, is amended by adding at the end the following:

"(4) One-year restrictions on certain employees of the executive branch and independent agencies.—Any person who is an officer or employee in the Senior Executive Service, is employed in a position subject to section 5108 of title 5, is employed in a position subject to section 3104 of title 5, or is employed in a position equivalent to a level 14 position in the General Schedule (GS–14) (including any special Government employee) of the executive branch of the United States (including an independent agency) and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.".

AMENDMENT NO. 2937

(Purpose: To amend the Lobbying Disclosure Act of 1995 to extend coverage to all executive branch employees)

On page 34, strike line 7 and insert the following:

SEC. 221. COVERAGE OF ALL EXECUTIVE BRANCH EMPLOYEES.

Section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by striking the period and inserting "; and";

(3) by adding at the end the following:

"(6) any other employee of the executive branch.".

SEC. 222. EFFECTIVE DATE.

AMENDMENT NO. 2982

(Purpose: To provide criminal penalties for lobbying by exempt organizations)

On page 25, after line 11, insert the following:

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by adding at the end the following: "An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by section 18 shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.".

The PRESIDING OFFICER. Without objection, the amendments are set aside.

Mr. LOTT. Mr. President, I believe we are ready to go forward with amendments postcloture. We did get an agreement last night to go to the Feingold amendment. I see the Senator from Wisconsin is on the Senate floor, so I yield to him to call it up at this time.

AMENDMENT NO. 2954

Mr. DODD. Mr. President, I ask my colleague to yield just to make a request.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President. I ask that an amendment by Senator Baucus of Montana, amendment No. 2954, be called up and that amendment be laid aside as well.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is called up and set aside.

The amendment is as follows:

AMENDMENT NO. 2954

(Purpose: To prohibit Members from using 501(c)(3) organizations for personal or political gain)

On page 16, strike line 1 and insert the following:

SEC. 113. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) In General.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A Member of the Senate shall not use for personal or political gain any organization—

"(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

"(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

"(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

"(2) any of the Member's staff is employed by the organization,

"(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

"(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

"(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

"(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

"(2) For purposes of this subparagraph, an applicable contribution is a contribution—

"(A) which is to an organization described in subparagraph (a);

"(B) which is over $200; and

"(C) of which such Member or employee, as the case may be, knows.

"(3) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

"(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

"(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

"(A) the independence of the Member from the organization;

"(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

"(C) the risk of abuse; and

"(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.".

(b) Effective Date.—The amendment made by this section shall take effect on January 1, 2007.

SEC. 114. EFFECTIVE DATE.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 2962

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2962.

Mr. FEINGOLD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2962

(Purpose: To clarify the application of the gift rule to lobbyists)

On page 8, after line 16, insert the following:

"(iii) For purposes of this subclause, the term 'registered lobbyist' means any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act, and any employee of such registrant as defined in section 3(5) of that Act.".

Mr. FEINGOLD. Mr. President, first of all, I commend my friend from Connecticut and also the Senator from Pennsylvania for their amendment on meals that was offered before the recess, and also the Senator from Mississippi, the chairman of the Rules Committee, for accepting it. If we are going to have a lobbyist gift ban, it clearly has to include meals. The provision in the underlying bill that allowed for Senators and staff to continue dining at the expense of lobbyists as long as those meals are disclosed on the Senator's Web site would have been an administrative nightmare and also created a subculture of lawbreaking just as, unfortunately, the $50 limit has done.

The way we avoid that is just to ban meals from lobbyists, as we have banned gifts in the underlying bill.

I am obviously not going to stand here and say that any Senator's vote can be purchased for a free meal or a ticket to a football game. But I do not think anyone can say that all lobbyists are buying these meals out of the goodness of their heart. At this point, no reform bill is going to be credible that does not contain a strict lobbyist gift ban. And no one has ever explained to me why Members of Congress need to be allowed to accept free meals, tickets, or any other gift from a lobbyist. If you really want to have dinner with a lobbyist, no one is saying that you cannot. Just take out your wallet and pay your own way. I can tell my colleagues from personal experience that you will survive just fine under a no-gifts policy. The Wisconsin Legislature has had such a policy for some 30 years and I brought it here with me to Washington. And I certainly have not gone hungry.

We ought to just stop the practice of eating out at the expense of others. It is not necessary. It looks bad. It leads to abuses. So I support the Dodd-Santorum amendment on meals and I am glad that it was adopted.

Here is the problem that I seek to address in my amendment. We have just said that we want to ban all gifts from lobbyists—tickets, meals, presents, everything. But it is a little known fact that the Ethics Committee already has in place an interpretation of the term "registered lobbyist" that narrows it somewhat. That interpretation might make some sense for the prohibitions on lobbyists that are currently in our rules. But that same interpretation, if it is applied to this gifts and meals ban, will create a huge loophole.

Here is how it works. As my colleagues know, the Lobbying Disclosure Act requires organizations, trade associations, and companies that employ in-house lobbyists to file a single registration. The registrant is the organization, and it lists its individual lobbyists on its registration form. For purposes of the gift rules now, the Ethics Committee treats the actual listed lobbyists as registered lobbyists, but not the organization. If you do not believe me, look on page 43 of the Ethics Manual. Here is the language:

> For purposes of applying the special restrictions on lobbyists in the Gifts Rule, an organization employing lobbyists (outside or in-house) to represent solely the interests of the organization or its members will not be considered to be a "lobbyist."

If that interpretation is applied to the gift and meals ban, that means that the organization can continue to offer gifts and meals to Senators and staff.

So, for example, a company can give a Senator free tickets to a show or a baseball game, as long as a lobbyist doesn't actually offer or handle them. If the lobbyist's secretary makes the call or the organization's CEO president, that would be permitted, or a lobbyist can invite a Senator or staffer to dinner, as long as he brings along someone else from the organization to pick up the tab with the company credit card.

Let me read some of the companies and organizations that have registered under the LDA because they have inhouse lobbyists. All of the organizations I am about to list, and hundreds more, will be able to continue to give gifts unless my amendment is adopted: Chamber of Commerce for the U.S.A.; Association of Trial Lawyers of America; General Electric Co.; American Medical Association; Northrop Grumman Corp.; Edison Electric Institute; AFL-CIO; Verizon Communications Inc.; Business Roundtable; Pharmaceutical Research & Manufacturers of America; National Association of Realtors; ExxonMobil Corp.; SBC Communications Inc.; Boeing Co.; Lockheed Martin; AT&T Corp.; General Motors Corp.; American Association of Retired Persons (AARP); Sprint Corp.; Microsoft Corp; American Council of Life Insurance; Pfizer Inc.; National Association of Broadcasters; Citigroup; J.P. Morgan Chase & Co.; Securities Industry Association; American Bankers Association; The Seniors Coalition; Ford Motor Co.; Merck & Co.; American Bankers Association; American Farm Bureau Federation; IBM Corp.; National Cable and Telecommunications; Association and state affiliates; Eli Lilly and Co.; Brown & Williamson Tobacco; American International Group Inc.; General Dynamics Corp.; Motorola Inc.; Southern Co.; BellSouth Corp.; ChevronTexaco; Investment Company Institute; Alliance of Automobile Manufacturers, Inc.; GlaxoSmithKline; DaimlerChrysler Corp.; Textron Inc.; Bristol-Myers Squibb Co.; United States Telecom Association; Intel Corp.; National Association of Manufacturers; Health Insurance Association of America; Time Warner; Marathon Oil Corp.; American Association of Health Plans; Abbott Laboratories; Union Pacific Corp.; American Chemistry Council; BP Amoco; Shell Oil Co.; United Technologies Corp.; Mortgage Insurance Companies of America; Honeywell, Inc.; Qwest Communications International Inc.; Property Casualty Insurers Association of America; Aircraft Owners and Pilots Association; Wyeth; Walt Disney Co.; Biotechnology Industry Organization; Prudential Financial Cos.; Merrill Lynch & Co. Inc.; Monsanto Co.; CTIA—The Wireless Association™ (formerly the Cellular Telecom Industry Association); The Bond Market Association; Asbestos Study Group; Johnson & Johnson, Inc.; Schering-Plough Corp.; Procter & Gamble Co.; American Forest & Paper Association; National Federation of Independent Business; American Institute of CPAs; Raytheon Co.; Visa USA Inc.; American Airlines; and International Paper Co.

These are all companies that have registered under the Lobbying Disclosure Act because they have inhouse lobbyists. So let me repeat. All of the organizations I just listed, and hundreds more, will be able to continue to give gifts, tickets, and meals unless my amendment is adopted. By the way, each of the organizations I just listed has reported spending between $15 and $200 million on lobbying activities between 1998 and 2004. So let me make this very clear. If these companies can still give gifts, we won't have a real lobbyist gift ban. We won't be able to look the American people in the eye and say, "we just banned gifts from lobbyists," because we didn't.

We ought to just stop the practice of eating out at the expense of others. But we need to make sure it's a real ban. My amendment will do that. It simply says that for purposes of the gift ban only, the term "registered lobbyist" means any person or entity who is registered under the LDA and any employee of that entity. Very simple, and very fair.

Now let me point out one other thing before people get all worried. All of the exceptions in the current gift rule continue to apply to the meals and gift ban. That means it does not impact our colleagues, relatives, personal friendship, widely attended events, food and drink of nominal value, etc. So that means that employees of these organizations can still have their friends who work on the Hill over for dinner, they can still go out on dates, they can still exchange Christmas gifts, they can still get a housewarming gift from a neighbor. Organizations can still host receptions and Members and staff can attend and have a bit to eat. My amendment simply makes sure that organizations that are registered under the LDA can't get around the gift ban by having people other than their lobbyists offer tickets or meals or other gifts.

I say this with great respect for the Senators who have worked so hard in putting this bill together.

If we are serious about changing the rule on gifts and meals, we have to take the interpretation seriously. My amendment makes it clear that we mean what we say. The era of the free lunch will be over. For real. As it should be. If it is not adopted, there is no conclusion to be drawn but that we are trying to pull the wool over the eyes of the American people. I don't want that to be the story coming out of this debate. I hope the managers will accept this amendment and, if not, I urge my colleagues to support it.

Mr. LOTT. Mr. President I rise in opposition to the amendment. I have worked in this area to make sure that we did some things that were necessary and realistic. I think we should make it clear about gifts. We do that in this legislation. We can't accept gifts.

I am offended at the very idea that some meal is going to cause me to vote one way or the other. But it suits me fine. As I have said on this floor, I would be happy not to ever have to go to another luncheon or dinner. I would just as soon go home and order a Big Mac. But I think this goes a step further which is problematic in a way that I don't believe the American people expect us to do or that we would want to do.

Under the Lobbying Disclosure Act of 1995, individuals who lobby on behalf of other entities must register as a lobbyist. In addition, organizations such as corporations, trade associations, or a labor union that employs in-house lobbyists or outside lobbying firms are required to register under the act.

However, for purposes of applying the restrictions that are imposed on lobbyists under our gift rule, an organization that employs lobbyists to represent organizations or its members' interests is not considered to be a lobbyist.

Thus, for example, the AFL–CIO employs lobbyists. But for purposes of the Senate gift rule, the AFL–CIO can sponsor a congressional factfinding trip whereas if the AFL–CIO employed an outside lobbying firm, the lobbying firm cannot sponsor such a trip.

Under the proposed amendment, for the purposes of our new rule banning gifts and meals, the employees of the AFL–CIO would all be considered to be registered lobbyists. Janitors at the AFL–CIO would all be considered registered lobbyists. The janitors at the AFL–CIO headquarters, the secretaries in the organization, all would be deemed to be registered lobbyists.

I am the son of a shipyard worker pipefitter union member. How far would this extend? Would you not be able to go to a meal with a supervisor of a pipe department because they have a lobbyist, not to mention the CEO?

So this is not just about corporate America. It is also about union member trade associations and other organizations. We are trying to deal with how we relate to lobbyists, but now we are going to extend it way beyond. You will not be able to go to a meal with the chairman of the board of a sardine manufacturing plant. And why not, when you are in your State and you have an opportunity to go meet with workers and sit down with them? Are we going to be able to have a cup of coffee and a donut?

I think we are beginning to go from the sublime to the ridiculous. It could go on and on.

I am a big fan of Domino's pizza and McDonald's and Big Macs. I love them. They are bad for you, but they are wonderful.

What about the kids working behind the counter? Would they be considered registered lobbyists because McDonald's has lobbyists? I assume they do. I don't think I have ever met one.

By the way, in the case of McDonald's, there are franchises. They own all the McDonald's in the Mississippi Delta, or they might own 10 or 12. Would I not be able to go to lunch with my longtime friend in the Mississippi Delta who owns those 12 McDonald's in the delta? Not only would I miss an opportunity to be with a friend, I would not have an opportunity to understand the challenges and difficulties of running a small business, or running a restaurant in these towns, problems with crime, workers' problems, workers' needs, the lack of insurance for entry-level employees.

How are we supposed to know all of this stuff? Like manna from heaven? We have to stay in touch with reality in order to serve here. We have turned ourselves into not citizen legislators but professional Senators in this room divorced of any opportunity to hear what people have to say. It is OK to talk to them so long as we don't have anything to eat. I think we are going a step too far.

Every company in the Fortune 1000 employs a lobbyist, either a private firm or an in-house lobbyist. Under this amendment, every person who works for Exxon, Wal-Mart, Home Depot—not exactly dangerous places—and countless other businesses that employ lobbyists in Washington would be considered registered lobbyists.

I honestly cannot believe that we want to pass an amendment that wants to turn every employee not only in corporate America but in management and labor and other associations into registered lobbyists. But I think that is what the effect of this would be.

If the Senator wants to ban the CEO and chairman of the board of the company from paying for a meal, or the head of a labor union, do that specifically. But this is so broadly developed I think it goes way beyond that.

I think we would be well advised not to accept this amendment. I reluctantly went along with accepting the amendment earlier about dealing with lobbyists, but that is OK. I am willing to do things that would prohibit improper conduct, or even the appearance of it, but I think this is a leap way too far.

I hope we would not accept this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I enjoyed listening to the remarks of the Senator from Mississippi. This reminds me of the experience in 1994 when there was stiff resistance to the idea of having a gift ban in the Senate. We achieved a significant victory by having at least a $50 limit which has been, unfortunately, abused to this day.

I would like, at this time, to get this done in a way that does not cause us to have to come back. The point I make to my friend from Mississippi is that this is a real loophole. I am not trying to find some esoterical problem. It is a real loophole if employees of large companies, where the companies are registered as lobbyists, if they are able to buy meals. It undercuts the whole idea that we are prohibiting meals by lobbyists and their employees.

I make two responses. First, this does not apply to companies that are not registered as lobbyists. For example, if the Senator from Mississippi were to have lunch with, say, a banker in Jackson, MS, whose company bank does not have a lobbyist, this does not affect that situation. Let's not exaggerate how far it goes.

What is more important, I don't understand the premise. The Senator said he would not be able to have lunch or have dinner with a CEO. Why not? All you have to do is split the bill. It is that simple. Maybe it is a different cultural tradition, but in Wisconsin if you go to lunch with someone, or dinner, more times than not, you split the bill. It seems to me that Senators know how to do that. It is not about the person trying to buy you a meal. It is just a good thing for us to do.

Whether this is practical or impractical, I say this again, we have had this rule in Wisconsin for over 30 years for our State legislature. It has worked just fine. Sometimes we kid around about it, the cup of coffee situation, but it is a good, clean rule. And people understand, when you are a legislator in Wisconsin, you pay your own way. That is all there is to it. It is that simple.

I don't want to prohibit the Senator from Mississippi or anyone else from socializing with whomever he wants, and I certainly enjoy sharing dinner with friends. Sometimes, they are lobbyists. There is no problem, though, with paying your own way.

If we don't do this, if we do not adopt this amendment, we are stuck with a big loophole. I think the fears about this being difficult to administer are exaggerated.

I retain the balance of my time.

Mr. DODD. How much time remains?

The PRESIDING OFFICER. The Senator from Mississippi has 13½ minutes; the Senator from Wisconsin has 9 minutes.

Mr. DODD. Mr. President, may I be informed when I have consumed 10 minutes. I see my friend from Maine is here. She would like 2 or 3 minutes, as well.

The PRESIDING OFFICER. Who yields the time?

Mr. LOTT. Mr. President, I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I say to my friend from Wisconsin, he and I have worked together on a lot of issues. I consider him one of my best friends in this institution. I appreciate his kind remarks about the adoption of the Dodd-Santorum amendment, about 3 weeks ago now, when our joint amendment provided a total ban on meals coming from lobbyists.

I never could keep straight exactly what the numbers were, for example, how much you could take at lunch and how much you could take at dinner. We decided we would require some bright line tests. Rather than going through and setting a dollar amount—people probably forget the number anyway and put themselves in jeopardy of being found guilty of something, unintentionally—we offered and passed a total ban on meals, without exceptions.

So meals from lobbyists are now banned when this legislation becomes law. If you violate the ban provision, the fine is a maximum of $100,000 under the legislation we are adopting.

The concern I have about my colleague from Wisconsin and his amendment is that it is broader and includes a much larger audience. This bill is about lobbyists. You become a lobbyist through registration under the Lobby Disclosure Act. It is not a self-selecting process where I decide tomorrow I'm a lobbyist. In fact, you have to register and go through a process to become a lobbyist.

We have been very concerned for obvious reasons, given the recent past history, of what happens when lobbyists engage in certain activities, some lawful and some unlawful, and the perception of whether Members of this institution have somehow compromised themselves in those dealings. We have been determined to try and draw that bright line. My concern is that we begin to blur that line because now we are going to be declaring de facto—not by law, not because they have registered—that virtually hundreds of thousands of people have become lobbyists. They will have no idea they have become one, but they have become one under this amendment, subjecting themselves, potentially, to a $100,000 fine for purchasing a meal for a Member of Congress. As a practical matter, that is what will happen here.

If your organization hires a lobbyist, and most do—I presume even the bank in Mississippi has a lobbyist; today, almost every major institution, financial or otherwise, has someone who is representing their interests—the lobbyists have to register if they come to the Senate and talk to us. Therefore, they become not only de facto, but de jure lobbyist because they have had to register to do so. If you are an employee of that bank, however, and you live next door to someone, you are a longstanding friend, and my colleague from Wisconsin is correct in this regard, if a longstanding friend of my friend from Mississippi took him to lunch, that would be an exception to the rule. However, that longstanding friendship is subject, obviously, to some analysis as to how long the friendship is. That could pose this difficulty.

I don't think we want to extend this, in my view, and my colleagues may decide when we vote on this and reach a different conclusion, to dealing with this legislation on lobbyists and their relationship to Members of Congress, by expanding the universal definition of what is a lobbyist, to virtually every other employee of an organization that hires a lobbyist to represent their interest. This type of expansion goes too far and is overly broad.

Let me tell you one fact situation that worries me. I had hoped maybe my colleague might provide for some legislative language to close a potential loophole that I think could exist under the present circumstance. That fact situation is the following. The lobbyist invites the secretary to go out to have lunch with a Member of Congress. The secretary picks up the tab. The lobbyist is there. The lobbyist may have provided money to the secretary to provide lunch. Now, that would be an abuse of what Congress intended here because it then would be doing indirectly what cannot be done directly, in a sense, bringing someone who is not a lobbyist to lunch. The lobbyist is at the lunch, they buy the meal, but at least ostensibly the person who actually bought the lunch was not the lobbyist.

If there was some situation we could close that loophole, that would be abuse of what we are trying to do. But to extend broadly that every employee of every organization that hires a lobbyist would then become a lobbyist, in effect, for the consideration of this legislation, seems to me to go way beyond what we are intending to accomplish in this legislation.

Again, I made the case to my colleagues, reform is not a static event. It is an organic event. It grows over time. What we consider to be reform today or not reform today, may down the road be the case. I have been involved in every virtual effort on reform here for the last 25 years. Twenty-five years ago what was considered appropriate behavior, that no one had difficulty with, today we would consider very inappropriate behavior. And 5 years or 10 years down the road, maybe we will have different standards.

As of today, I urge my colleagues, as of today, on this bill, dealing with registered lobbyists, we have banned meals. That is a major step for this institution to take. Cut it out altogether. If you are a registered lobbyist, that is it, no more meals.

Let me also say, there is nothing in this legislation which permits any Member of Congress from doing that which they want to do. If a Member of Congress, a Member of this institution does not want to accept a meal from anyone, there is nothing in law which prohibits a Member from doing that. If a Member feels as though somehow it is wrong to be doing it, I strongly suggest that Member not do it. But it seems to me to extend this lobbying bill to people who have no intention of ever being a lobbyist, never see themselves in that regard, have relationships, as my colleague from Mississippi has pointed out in our own States, with delegations, with staff, with others, these have occurred hundreds and hundreds of times when Members are back in their own areas—not longstanding friends, not relatives, people they do not know that well at all but sit down under a variety of different circumstances, including home settings, picnics, barbecues, other things, where you may find yourself in violation of this law.

I don't think we want to do that. That goes a step further than what we should be trying to accomplish with this legislation. I don't want to have to say to my constituents, you are potentially guilty of a violation of law, subjected to $100,000 fine if you fall into this category, or to one of our colleagues as well.

We have done a good job, in my view, on this meals provision. It is a strong line. It is a bright line. There is no longer any question of whether it is a $10 meal or a $50 meal or a $100 meal; you cannot accept a meal from a lobbyist. That is it. If you do, you are potentially in violation of Federal law, or certainly civil penalties. That is where the bright line, in my view, ought to exist.

I have great respect for my colleague from Wisconsin. He has been a champion of reform efforts since the day he arrived. I respect him for it immensely. But in this one, we are taking it a step further than I believe we should go at this juncture.

I urge my colleagues to either table this amendment or reject it, depending on what the motion will be when the matter comes for a vote.

My respect for him is unlimited. I thank him for his thoughts in this regard but I urge the rejection of this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. FEINGOLD. Mr. President, I express my gratitude not only for the Senator's kind remarks to the Senator from Connecticut but I am pretty sure the McCain-Feingold effort that we fought for, for 8 years, would not have succeeded if not for the brilliant leadership of the Senator as manager on the floor, for which I am always grateful and also for his friendship.

I pursue the example that the Senator raised in a constructive way. In the scenario the Senator raised where the secretary would come with lobbyists, what is the Senator's thought about how she would be paying for that? Would she be paying for that with the company credit card, for example?

Mr. DODD. Again——

Mr. FEINGOLD. Or with a personal?

Mr. DODD. Under his amendment, that would be a banned activity.

Putting aside whether she showed up with a lobbyist—if she shows up, and you go out and have lunch, and she pays for it with the company credit card—under the amendment before the Senate, that would be a violation. She could be fined $100,000.

Mr. FEINGOLD. And does the Senator agree, under your current amendment, that the secretary would be able to use the company credit card to pay for it under the amendment we have agreed to?

Mr. DODD. That is correct. If she is not a lobbyist and she takes you to lunch and she decides that is how she is paying for it, she is not a registered lobbyist, she is not in violation of the law in the amendment we agreed to.

Mr. FEINGOLD. On this point—obviously, it may not be a secretary or a CEO of a company; it could be some other employee—would the Senator at least consider whether we should take the step of prohibiting the use of company resources or company credit cards? In other words, I think it should be broader. You have raised some concerns about that. What about allowing personal resources to be used but not company resources?

Mr. DODD. I would certainly consider it.

The point I make, about the goal of this bill—the Senator and I have talked about this at great length—is the bill should be narrowly tailored to registered lobbyists and their relationships to Members of Congress and senior staff.

My concern under this bill, is that by expanding that definition of a "lobbyist" to include anyone who would use resources that were not their own, we are opening up a universe and making the legislation overly broad. I don't think we want to go that far at this particular juncture. That is my own sense of matters.

It turns virtually everyone who works for any of these associations, labor unions, trade association, a small business, a large corporation, into a defacto lobbyist. I think the opening up of a universe of that size based on whether the lunch was paid for by a company credit card or their personal credit card at that particular time, goes too far.

Mr. FEINGOLD. I think the Senator sees where I am going with this. I think the Ethics Committee and others will have to be very reasonable interpreters.

The PRESIDING OFFICER. The Senator from Connecticut has used 10 minutes.

Mr. FEINGOLD. I will have him respond on my time.

The situation is that you are raising situations with personal friends, and in those situations I don't disagree. I don't think there would be a problem. I think the exception would be properly interpreted.

I am asking the Senator to at least perhaps consider whether we really want the kind of scenario that the Senator posits, where a company basically lines up people to come in and act as the person that uses the company credit card. It seems to me we have an opportunity to fix something here, not go as far as I want to go but at least prevent the use of company resources and at the same time avoid the possibility of the true personal friendship situation from being affected.

Mr. DODD. If my colleague will yield, I cited that example, and I hope I did not invite those out there who may decide to use this as a loophole.

If this becomes a problem, we ought to revisit the issue and somehow prohibit it because that is abusing the intent of the legislation.

It seems to me to pass legislation which would turn virtually millions of people—when you start talking about the number of people who can be affected by this—into lobbyists, per se, on the abject possibility that someone may abuse this down the road goes to far.

It goes further than I would at this juncture. In time, if we see those who have engaged in this abuse have carved another loophole, I am prepared to come back and deal with that fact situation.

It is a fact situation that worries me. I say that to my colleagues. I am not unconcerned about it, but I am not so concerned about it at this juncture that I am willing to put everyone else—the millions of others who would not think about that, nor would they do that—in harm's way. That is my concern, putting innocent people, potentially, in harm's way. I do not think our intentions here, as Members, ought to be that.

We are dealing with lobbyists. We are dealing with registered lobbyists. They have to go through certain procedures to achieve that status. Once they have achieved that status, there is a concern. We are trying to deal with that problem. Taking people who go way beyond that definition, it seems to me, is a step that at least I do not want to go that far.

Mr. FEINGOLD. Mr. President, obviously, not only do I respect what the Senator from Connecticut is doing, but I know his intentions are absolutely to have the strongest possible bill we can have.

What I am trying to do, as strongly as I feel about this issue—because, again, Wisconsin has had this system, and it has worked just fine. So based on my own personal experience, this is not some kind of a crazy system. Nonetheless, what I am trying to get at is a way that we could have a rule, that even if somebody is technically considered a lobbyist—or we could do it some other way—they just could not use company resources to purchase the meal. That seems to me to be a very reasonable step.

When somebody goes out to lunch or dinner with somebody, it is one thing if they buy a friend or even someone they just met a meal, it is another thing when they are using that company credit card. So obviously I am interested in the amendment I have offered, but I would ask the Senator to think about whether what I am saying is an attempt to come to some kind of a reasonable agreement that actually addresses the hypothetical that he has raised.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time is remaining in opposition?

The PRESIDING OFFICER. Three minutes.

Mr. LOTT. Three minutes.

Mr. President, I yield the remainder of our time, except for the final 15 seconds, to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Mississippi.

Mr. President, let me begin by expressing my admiration for the Senator from Wisconsin. He is a champion of good government. I worked very closely with him on the McCain-Feingold bill, and I think the world of him.

I know the intent of his amendment is admirable, but I do not think it is workable. It is far too sweeping, and it will lead to all sorts of problems. There are literally millions of Americans who work for LDA registrants. For example, I would imagine that nearly every employee of a Fortune 500 company fits in that category. Many of those employees have absolutely no responsibility for the lobbying activities of their companies. They probably have no idea their company, their employer, is an LDA registrant.

That is why I do not think this is workable. I think it will create all sorts of inadvertent violations of this important law. What we would be doing, as the Senator from Connecticut has pointed out, is treating rank-and-file employees as if they were registered lobbyists. That does not make sense.

The fact is, a lot of business in this country is done over lunch, an informal lunch. I have lunch occasionally with the union presidents from one of my shipyards. Is that all of a sudden going to become an offense under this proposal because the shipyard employs a lobbyist in Washington?

I think we need to think more thoroughly about the implications of this amendment. Its sweep is enormous. It brings millions of rank-and-file employees into the jurisdiction of the Lobbying Disclosure Act. I do not think that is addressing any problem.

Now, I do think it is important we strengthen this bill to make very clear that registered lobbyists cannot buy meals for Members of Congress. I support that reform. But let's have a sensible bill.

I do rise in opposition to the amendment from my good friend from Wisconsin.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe we have had a good debate. I know the intent of the amendment's sponsor is an honest one, but I really think we are going down a trail we should not be. And I do not see how you can start parsing it back away from it. So I would move to table the amendment at this point and ask for the yeas and nays.

Mr. FEINGOLD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin still has 5½ minutes remaining.

Mr. LOTT. All right. At the appropriate time I will move to table and will ask for the yeas and nays.

Mr. FEINGOLD. I thank the Senator from Mississippi.

Mr. LOTT. Mr. President, how much time is left?

The PRESIDING OFFICER. There is 5 minutes 15 seconds.

Mr. FEINGOLD. I do not know if I will use the whole time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I have such regard for the Senator from Maine that I would consider an exception for any lobster in Maine because she and I have shared lobster in Maine, and that is a very special thing I think everyone would accept.

My admiration for this Senator from Maine on these issues is truly boundless. She is the one who, somehow, we convinced to join us very early on McCain-Feingold. And just like I said about Senator DODD, if not for Senator COLLINS, there is no way this major reform would have ever passed. So I am talking to some of the people who truly have been reformers in Congress over the years, some of them much longer than I have been. And I say all of this with respect.

Let me say this. We know, because some of us have been working on this for some time, that these opportunities for reform do not come up every year. They tend to come up when something bad happens, whether it be the concerns about the 1996 campaign finance violations or the Abramoff scandal. It is not like we are going to have a chance to do this next year because that is not the way this place works. And, frankly, there are weightier matters that face this country.

But I am warning my colleagues, this is a chance to not have another embarrassing loophole. If we do not do what I am suggesting here, we are going to be embarrassed. There are going to be meals arranged—not the kind of scenario Senator DODD suggested: an innocent situation but a gaming of this meal ban to allow expensive meals to be bought by people who work for some of the companies I have listed.

I do not think people are going to feel good about that. I think it could raise some of the very things we talked about in terms of the whole Abramoff scandal that led to this. I think we are missing an important opportunity to make sure this bill passes the test with the American people. So again, with respect, I offer this amendment to make sure this amendment works.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator.

I have been listening to the debate in my office, and I understand the concern the leadership is expressing. It seems to me it boils down to an inadvertent concern. But, folks, I think the Senator from Wisconsin has a point. I have had it as my practice since I have been in the Senate—and I don't think it is so hard—that when you sit down and have a meal, to just split the bill or you pay for it. I don't get that.

Now, I am going to vote with the Senator. I expect he is going to lose on a tabling motion. But maybe there is a way he can come back and tighten up this inadvertent piece. Because I do understand. I have been in a position where I have sat with someone, told them I cannot let them buy my lunch. They go ahead—and it is a friend or somebody who I have known for a while—and I found out later they paid with a company credit card. They told me they were.

Now, I know that is an exception. I know because the person is a friend, it would get me out anyway of the exception under this rule. But the point I am making is, I can picture someone saying "Don't worry. I am taking care of my share," and it is a company credit card. If that is the worry, there ought to be a way to deal with that.

But I say, with due respect—there is nobody I am closer to and think has more wisdom than the Senator from Connecticut—but this one seems pretty simple to me. If someone buys you lunch, buys you dinner, buys you breakfast, you can say: Hey, I want half the bill.

I am going to support the Senator. But maybe if it loses, there is a way to come back at it a different way. I don't know.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am grateful to the Senator from Delaware for his support and his ideas on this issue because he obviously knows what he is talking about, having been a Member of this body for a very long time.

I think, obviously, I will try to find some other way to do this. But he has stated the key point. This is not hard to do. This is what we have done in Wisconsin for decades. It is very simple to pay your own way. I do not know what it is, but I cannot understand what the problem is with having that kind of a clear prohibition. I think we will all be better off.

Mr. President, has the other side yielded their time? Has their time expired?

The PRESIDING OFFICER. Yes.

Mr. FEINGOLD. Mr. President, I yield my time.

Mr. LOTT. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in family.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—68

Akaka
Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Pryor
Reed
Reid
Roberts
Santorum
Sarbanes
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NAYS—30

Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Cantwell
Carper
Clinton
Coburn
Dayton
DeWine
Feingold
Feinstein
Kennedy
Kerry
Kohl
Levin
Lincoln
Menendez
Nelson (FL)
Nelson (NE)
Obama
Salazar
Schumer
Sessions
Stabenow
Talent
Vitter
Wyden

NOT VOTING—2

Byrd
Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, I ask unanimous consent to speak for no more than 4 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HAGEL are printed in today's RECORD under "Morning Business.")

Mr. LOTT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent to go off the ethics bill for 5 minutes to speak in morning business to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2468 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SCHUMER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent—and this is after extensive consultation during the noon lunch period by both sides, both committees, and Senators on both sides of the aisle. We would like to get this matter cleared up, and then I will be able to explain where we are and how we can wrap up this important issue, hopefully within the hour.

I ask unanimous consent that it be in order at this time to raise one point of order against a series of amendments that violate rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I raise a point of order under rule XXII against amendments Nos. 2936, 2937, 2954, 2965, 2982, 3175, and 2995.

The PRESIDING OFFICER. Without objection, the point of order is well taken. The amendments fall.

AMENDMENTS NOS. 2930, 2960, 2961, AS MODIFIED, 2963, 2970, 3181, AS MODIFIED, 3182, 2979, 3184, 3185, 3186, 3187, AND 3188, EN BLOC

Mr. LOTT. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc, with modifications as indicated: amendments Nos. 2930, 2960, 2961, as modified; 2963, 2970, 3181, as modified; and 3182.

I further ask unanimous consent that a series of technical amendments that have been cleared on both sides and that are at the desk also be considered en bloc, agreed to, with motions to reconsider on each laid upon the table.

I ask unanimous consent that no other amendments be in order other than the pending amendments Nos. 2980, 2981, and 2983.

I further ask unanimous consent that following disposition of those amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object, we went through these numbers and procedures rather quickly. I would tell our colleagues that there were some very good ideas in these amendments. This is not a rejection of some of the concepts and ideas but, rather, under cloture we have to stick with the germaneness criteria.

If we started making exceptions, then this could have become an endless debate. It was painful in some cases because I substantively agreed with a number of these amendments. But the problem occurs, if we get into that process, we could be here for days trying to resolve these matters. We ended up following the rule saying if an amendment is not germane, it will have to fall.

Again I emphasize, this is not an indictment or criticism of the substance of some of these amendments but, rather, under the procedures we are operating, we cannot begin accepting some and rejecting others.

I thank my colleagues for offering these amendments. I presume we will see these amendments again under different circumstances where it will be appropriate to consider them. We have no other recourse but to apply rule XXII and ask the amendment be ruled out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2930, 2960, 2963, 2970, and 3182) were agreed.

The amendments, as modified, were agreed to as follows:

AMENDMENT NO. 2961, AS MODIFIED

On page 24, after line 22, insert the following:

"(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.".

AMENDMENT NO. 3181, AS MODIFIED

On page 50, strike lines 8 through 13 and insert the following:

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

The technical amendments were agreed to, as follows:

AMENDMENT NO. 2979

(Purpose: To clarify disclosure requirements)

On page 22, lines 12 through 14, strike "the registrant or employee listed as a lobbyist provided, or directed or arranged to be provided," and insert "the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided,".

AMENDMENT NO. 3184

(Purpose: To make a technical amendment)

On page 6, lines 13 and 14, strike "Enrolling Clerks of the Senate and" and insert "Clerk of the".

On page 6, line 16, strike "and establish".

AMENDMENT NO. 3185

(Purpose: To clarify that lobbying contacts for Congressional staff do not include seeking lobbying disclosure compliance information from the Clerk of the House of Representatives or the Secretary of the Senate)

On page 39, line 17, after "employed." insert "This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995."

AMENDMENT NO. 3186

(Purpose: To provide a technical amendment)

On page 44, line 18, strike "503" and insert "263".

AMENDMENT NO. 3187

(Purpose: To provide a technical amendment)

On page 40, after line 2, insert the following:

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 3188

(Purpose: To provide a technical amendment)

On page 27, lines 21 through 23, strike ", in addition to any" and all that follows through "House of Representatives." and insert ". The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

Mr. LEVIN. Mr. President, I opposed the Ensign amendment on earmarks because I believe that it would have done more to hide earmarks than to expose them. Under the bill before the Senate, an earmark is defined as a provision, that specifies a non-Federal entity to receive assistance and the amount of that assistance. The Ensign amendment would have revised the language to include assistance provided to any entity, whether Federal or non-Federal. Every item of discretionary spending is directed to some entity. Most is directed to Federal entities, such as funding provided to the Department of Justice, the Department of State, or the Department of Defense, all of which are Federal entities. As I read the Ensign amendment, it would have categorized every item of Federal discretionary spending as an earmark. That would make the term meaningless. It would also hide the real earmarks in a huge list of routine funding provisions that none of us consider to be earmarks. The amendment is simply too broadly drawn, and that is why I opposed it.

Mr. LEAHY. Mr. President, I filed an amendment to the lobbying reform bill, S. 2349, on March 7. My amendment is the honest services amendment, No. 2924.

It is disappointing that there will not be an opportunity to offer my amendment—or to have it considered by the Senate—because cloture has been invoked and the strict rules governing amendments postcloture prevent me from offering this amendment.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed with respect to links between special favors and gifts and official acts, without incurring criminal liability. My amendment would have offered an important and needed new dimension to the lobbying reform bill. Ironically, because my amendment offers a new element to the lobbying reform debate, it is now out of order.

It was only with the indictments of Jack Abramoff, Michael Scanlon, and Randy "Duke" Cunningham that Congress took note of the serious ethics scandal that has grown over the last years. If we are serious about restoring public confidence in Congress, we need to do more than just reform the lobbying disclosure laws and ethics rules. Congress must send a signal that it will not tolerate this type of public corruption by providing better tools for Federal prosecutors to combat it.

My amendment would have done exactly that. It would create a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of honest services fraud involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under my amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

My amendment would also prohibit Members of Congress and their staff from accepting these types of gifts and favors or holding hidden financial interests in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years' imprisonment or both.

My amendment would strengthen the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment would authorize $25 million in additional Federal funds over each of the next 4 years to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad-ranging impact, including the devastating consequence of undermining the public's confidence in our Government. Earlier this month, the Washington Post reported that, as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade, who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

I strongly believe that public service is a public trust and that Congress must provide better tools for Federal prosecutors to combat public corruption in our Government. If we are serious about reform and cleaning up this scandal, we will do so. I am disappointed that we missed the opportunity this lobbying reform bill provided to bolster Federal corruption prosecutors, and I hope we will soon find another opportunity to act in the interest of all Americans.

Mr. McCAIN. Mr. President, let me begin by commending the hard work of my colleagues in this effort. The chair and ranking member of the Governmental Affairs Committee, Senators COLLINS and LIEBERMAN, and the chair and ranking member of the Rules Committee, Senators LOTT and DODD, have worked tirelessly and in a bipartisan manner to bring a bill to the floor. I regret, however, that I find it necessary to vote against final passage of this measure because it simply doesn't do enough to address the critical need for comprehensive lobbying reform. We had a golden opportunity to institute real reform and prove to the American people that we are not completely oblivious to their concerns. Unfortunately, Mr. President, we dropped the ball.

While it does contain some good provisions to increase lobbyist disclosure and reporting requirements, the bill lacks imperative enforcement measures. We can pass all of the rules changes we want in this body, but they are useless unless we back it up with a tough enforcement mechanism. I was disappointed that the Collins-Lieberman-McCain amendment to create a Senate Office of Public Integrity was defeated yesterday. That office would have had the ability to investigate complaints of ethical violations by Senators, staff, officers of this Chamber. Headed by a Director appointed by the President Pro Tempore of the Senate upon the joint recommendation of the majority and minority leaders, the Office of Public Integrity would investigate complaints of rules violations filed with or initiated by the office.

At a time when the public is questioning our integrity, the Senate needs to more aggressively enforce its own rules. We should do this not just by making more public the work that the Senate Ethics Committee currently undertakes but by addressing the conflict that is inherent in any body that regulates itself. By rejecting the creation of a new office with the capacity to conduct and initiate investigations, and a perspective uncolored by partisan concerns or collegial relationships, we neglected to address this longstanding structural problem.

The proposed Office of Public Integrity would not only have assisted in performing existing investigative functions, but would also have been charged with approving or denying requests for travel by members and staff. Rather than prohibit official travel paid for by any entity other than the Federal Government, as some have proposed, our proposal would have required that all travel to be precleared. The purpose of this preclearance was to ensure that the trips serve a legitimate governmental interest, and are not substantially recreational in nature. The Office of Public Integrity would have been an appropriate entity to conduct these review, but, sadly, the Senate voted to maintain the status quo.

Another critical aspect of reform that is not addressed in this bill is the ability of a Member to travel on a corporate jet and only pay the rate of a first-class plane ticket. Because cloture was invoked on this bill yesterday, Senator SANTORUM and I were prevented from offering an amendment that would have required Senators and their employees who use corporate or charter aircraft to pay the fair market value for that travel.

Senator SANTORUM and I were well aware that our amendment would not be popular with some of our colleagues, but we felt that the time had come for us to fundamentally change the way we do things in this town. Much of the public views our ability to travel on corporate jets, often accompanied by lobbyists, while only reimbursing the first-class rate, as a huge loophole in the current gift rules. And they are right; it is. I have no doubt that the average American would love to fly around the country on a very comfortable corporate-owned aircraft and only be charged the cost of a first-class ticket. It is a pretty good deal we have got going here. We need to face the fact that the time has come to end this Congressional perk.

There is a public perception that these lobbyist-arranged flights unduly influence Members of Congress and serve as a way for lobbyists to curry favor with legislators and their aides. We must change that perception. There was nothing in our amendment that would have prohibited a Member from using corporate aircraft. It simply required that they pay the fair market value of the flight. It was a fair, reasonable approach designed to prove to the American public that we are serious about reform and would do what is necessary to restore the public's trust. But, again, the Senate chose to maintain the status quo by preventing us from offering our amendment.

Finally, this bill does not go far enough to rein in the practice of earmarking Federal funds in the annual appropriations bills. Together with Senators COBURN, ENSIGN, FEINGOLD, KYL, DEMINT, SUNUNU, and GRAHAM, I was prepared to offer an amendment that would amend the Senate rules to allow points of order to be raised against unauthorized appropriations, earmarks, and policy riders in appropriations bills and conference reports in an effort to rein in wasteful porkbarrel spending. If the point of order were successful, the objectionable provisions would be stricken and the related funding would be reduced accordingly. Once again, we were blocked from offering this amendment as well.

In my judgment, if we are really committed to addressing comprehensive lobbying reform in a meaningful and effective way, we need to include earmark reform provisions in this legislative package. The process is clearly broken when each year Congress continues to earmark billions and billions of taxpayer dollars, sometimes with little or almost no knowledge about the specifics of those earmarks by most of the Members of this body. Sadly, the scandal that has come to light recently concerning the earmarking by one former Member of the House is a pox not just on him, but on each of us and the process that we have allowed to occur on our watch. The American public deserves better and that is what my amendment was about.

In 1994, there were 4,126 earmarks. In 2005, there were 15,877—an increase of nearly 400 percent. But there was a little good news for 2006 solely due to the good sense that occurred unexpectedly when the Labor-HHS appropriations bill was approved with almost no earmarks, an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Yet despite this first reduction in 12 years, it doesn't change the fact that the largest number of earmarks have still occurred in the last 3 years—2004, 2005, and 2006.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased. Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This is wrong and disgraceful and we urgently need to make some changes in this process.

We, as Members, owe it to the American people to conduct ourselves in a way that reinforces, rather than diminishes, the public's faith and confidence in Congress. An informed citizenry is essential to a thriving democracy. And, a democratic government operates best in the disinfecting light of the public eye. This bill could go so much further to balance the right of the public to know with its right to petition government; the ability of lobbyists to advocate their clients' causes with the need for truthful public discourse; and, the ability of Members to legislate with the imperative that our government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence. We can, and we must, do better than this bill.

Mr. FEINGOLD. Mr. President, when Jack Abramoff pled guilty in January, it was clear that the Senate would have to address lobbying and ethics reform this year. For a short time, it seemed like significant reforms had become possible. While this bill contains many positive provisions, it falls too far short of what I hoped could be achieved for me to support it. So I will vote no.

Ethics reform is not something that happens around here every year. Unfortunately, it takes a perfect storm to get Congress to address these difficult issues. We had that perfect storm this year with the Jack Abramoff scandal, which exposed the seamy side of relations between lobbyists and Members of Congress. We had a chance to take decisive action and really change the way things work in Washington. Unfortunately, we have missed that chance.

We had the chance to give the American people what they want and deserve—a strong brew of tough lobbying and ethics reforms. Instead, all we gave them is weak tea.

The lobbying and ethics reform bill before us today includes a number of significant provisions, such as improvements in lobbying disclosure. But the Senate missed a once-in-a-decade opportunity to address the most serious ethical problems plaguing Congress. It left open a major loophole in the lobbyist gift ban, it retreated from earlier promises to get rid of privately funded travel, it allowed Members to continue getting around revolving door restrictions by simply avoiding direct conversations with their former colleagues while accepting millions of dollars to run a lobbying office, and it refused to even vote on a proposal to make Senators pay the charter rate if they want to fly on corporate jets. Perhaps most important, the Senate rejected a thoughtful proposal to establish an independent ethics enforcement office.

The American people want to have confidence that their elected officials are held to the highest ethical standards. My judgment is that this bill doesn't meet that test.

Mr. KERRY. Mr. President, today the Senate failed to live up to its responsibility to keep faith with the American people and change the way business is done in Washington. I oppose the lobbying reform bill because it does not go far enough to effectively change the way business is done in Washington.

It is not enough to reform the earmarking process. It is not enough to ban gifts and meals from lobbyists. It is not enough to rein in pay-to-play schemes like the Republican K Street project. Changing the rules does no good if we have ineffective enforcement and fundamental reform is needed.

It is not reform if business as usual continues and the fox is left guarding the chicken coop.

We need an outside entity, whether a congressional inspector general, as I proposed, or an ethics commission, as Senator OBAMA proposed, or an Office of Public Integrity as Senators COLLINS and LIEBERMAN proposed, to police Congressional ethics violations. It is wrong that the Senate failed to establish an Office of Public Integrity. Some of my colleagues apparently are fine with the status quo. I couldn't disagree more strongly. We need an independent entity to ensure Members act ethically. We need an independent entity to ensure that no one changes the rules as they play the game as the House tried to do just last year. We need an independent entity to ensure that violations are investigated and that offenders are punished. Without such an independent entity, this attempt at ethics reform runs the risk of not being considered real or serious.

The fact is that Congress has not been able to effectively investigate or appropriately punish its Members for ethical violations. Last year, House Republican leaders were forced to rescind their attempts to change their Ethics Committee rules to protect former House majority leader TOM DELAY from further ethics investigations. The House Ethics Committee never sanctioned Randy "Duke" Cunningham, and neither the House nor the Senate Ethics Committees has opened an investigation into the Jack Abramoff scandal. We can tinker with disclosure and gift rules all we want, but until we get tough on enforcement, no significant change will happen.

A few weeks ago, former Representative "Duke" Cunningham received the longest prison sentence ever imposed on a former Member of Congress. His crime? Collecting $2.4 million in homes, yachts, antique furnishings, and other bribes—including a Rolls-Royce—from defense contractors. This disgraceful conduct—beyond comprehension for me and most of my colleagues—earned him 8 years and 4 months in a Federal prison and orders to pay the Government $1.8 million in penalties and $1.85 million in ill-gotten gains.

What is almost as shocking as Duke Cunningham's bribes is that under today's rules, the American taxpayer is still paying for his congressional pension—a pension worth approximately $40,000 per year. Under today's rules, Duke Cunningham will collect his pension—paid for by the American taxpayers—while he sits in jail for violating the law and ethics as a Congressman. That is simply unacceptable. And it has got to change.

That is why Senator SALAZAR and I introduced the Congressional Pension Accountability Act and attempted to offer as an amendment to the lobbying reform bill. Our amendment would have denied Federal pensions to Members of Congress who are convicted of white-collar crimes such as bribery—Members who perform acts like Randy "Duke" Cunningham.

As elected representatives, we must hold ourselves and all those who represent the Federal Government to the highest ethical standards. The principle is a simple one: Public servants who abuse the public trust and are convicted of ethics crimes should not collect taxpayer-financed pensions. Right now, only a conviction for a crime against the United States, such as treason or espionage, will cost a Member of Congress their pension. There is no reason the law should not be changed to ensure that Congress does not reward unethical behavior. But because debate on the lobbying reform bill was unnecessarily limited, I was prevented from offering my amendment to prevent Duke Cunningham and other Members who violate the law from collecting their pensions.

There are other important issues that the lobbying reform bill fails to address. For example, although the bill bans gifts and meals from lobbyists, it does not apply to the organizations that employ the lobbyists. Nor does it apply to lobbyists paying for parties to "honor" or "recognize" Members. And although the bill increases the amount of time that Members and senior executive branch officials are prohibited from making lobbying contacts and conducting lobbying activities from 1 to 2 years, it does include organizing and directing a lobbying campaign in the prohibited activities. Thus, a former Member or senior executive branch official cannot make contact directly, but they can direct partners or employees in a lobbying strategy. The bill does not include any restrictions on lobbyists soliciting and organizing fundraisers or serving as treasurers on officeholder committees, nor does it prohibit special interest groups from paying for and organizing congressional travel junkets.

These are serious problems with this lobbying reform legislation. It simply does not go far enough to have a real impact on the way business is done in Washington. And, frankly, it is not surprising given the limited amount of floor debate we had on the bill and the number of important amendments that were never offered or debated because we were rushed to a cloture vote. I am disappointed that we could not take advantage of this unique moment in history and enact serious lobbying reform. I am voting against this package because the American people deserve a strong reform bill and this does not meet that test.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, to clarify where we are, we do have three remaining amendments by Senator ENSIGN, and there are other Senators who are working on those amendments and discussing them with Senators who have some concerns. Hopefully, we can work out all of them or a couple of them. It may be a few more minutes.

When that is done, we will then dispose of those amendments one way or another, and we will be able to go to final passage.

I will be glad to yield the floor at this time so Senator DODD can make some comments, maybe go over some of the items we have in this legislation, and I will join him at some point.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Mississippi. I would like to do that while we are awaiting final resolution of these remaining issues which we can, hopefully, conclude in short order and then go to final passage of this bill.

I begin by again commending my colleagues from Mississippi and from Maine, Senator LOTT and Senator COLLINS, and my colleague from Connecticut, Senator LIEBERMAN, and their staffs and our staffs for the tremendous work they have done on a bill going back some weeks now.

As my colleagues recall, we began consideration of this matter some weeks ago. We were derailed for reasons that were beyond our control. There were matters that arose of national significance and importance, and Members rightly wanted to consider some of those issues in the midst of this debate.

Nonetheless, I believe we put together a good product. It does not include every idea that surfaced during the consideration of these proposals, but I think it is a very solid effort and one in which my colleagues can rightfully claim credit and with some degree of pride for what we have done.

I again commend the Committee on Homeland Security and Governmental Affairs for handling a major part of this effort, and again the Rules Committee for coming out with a bill, a unanimous vote out of our committee, with matters we considered and presented to our colleagues for their full consideration.

This is not a perfect bill. In my 25 years, I have yet to see one of those. But we have a pretty good one, given the constraints of time and invocation of cloture which left behind some very important amendments, amendments which I would have strongly supported had they been offered.

Nonetheless, this is a strong bill. It bans gifts and meals from lobbyists altogether. That is a major step in reform.

It requires additional and more frequent disclosure of lobbying activities.

It places tight new limitations, including Ethics Committee preapproval, on congressional travel funded by outside sources.

It increases the transparency of the earmark process. It toughens the conflict of interest rules for Members. It tightens the revolving door provisions of Senate rules and bans floor privileges for former Members who become lobbyists.

Further, it bans inappropriate attempts to influence hiring decisions by lobbying firms, such as the K Street Project.

It broadens disclosure requirements for massive grassroots lobbying efforts.

It requires that conference reports be available on the Internet before they are considered by the full Senate. And it makes other important changes to strengthen and tighten current lobbying laws.

This is no small achievement. Just those provisions alone are included in this bill which we will be voting on in very short order.

This bill is the result of the work, as I mentioned earlier, of two separate committees, the Homeland Security and Governmental Affairs Committee and the Rules Committee of this body. Both of these committees held hearings and markup sessions on those issues within their jurisdiction and reported measures on a bipartisan basis to improve the transparency of our legislative work.

I know it doesn't happen with great frequency any longer, but it is how this institution is supposed to operate: have hearings, have markups, try to build bipartisan consensus whenever we can. Unfortunately, that bipartisan process is becoming the exception, not the rule, I say with a great degree of disappointment. It used to be that this was standard operating procedure. I am saddened to say now it has become the exception, as I said, unfortunately, and not the rule.

These two bills were joined together in one piece of legislation on the Senate floor. Consideration of this matter has been truly a bipartisan effort. I have been honored to serve as the floor manager, along with the majority floor manager who is here, the distinguished Senator from Mississippi, Mr. LOTT, and I commend my colleague for his diligence in bringing this legislation to the floor. He advised me very early in the session that he intended to craft a lobbying reform bill, to have a full and open markup in the Rules Committee, and offer all members of that committee the opportunity to offer amendments. That is what he did, and that is why I think we ended up with as strong a bill as we did. Because we had the opportunity to fully debate and amend the chairman's mark in the committee, we were able to produce an original bipartisan bill that was reported to the Senate unanimously. That beginning boded well for this legislation.

I also want to commend, of course, our comanagers of the bill—I have mentioned already Senator COLLINS of Maine—and my colleague from Connecticut, Senator LIEBERMAN, for their very similar bipartisan approaches to this legislation. As I noted earlier, it is unusual to have a bill that is reported from two different committees merge together on a single measure on the Senate floor, but even more unusual, I suspect, is that the bill would be managed by Senate colleagues from the same State, in this case my colleague from Connecticut, Senator LIEBERMAN, and I. This may be the first time that has ever happened, I might point out, in this Chamber.

I also want to commend our leaders, Senator FRIST and Senator REID, for their efforts to accommodate this bill in the very busy Senate schedule and for allowing this measure to remain the pending business, even in the face of other priorities. In particular, I commend Senator REID for his leadership on lobbying reform and for his efforts in introducing the very first comprehensive lobbying reform measure in this Congress. In large part we are here today because of Senator REID's early and persistent efforts to respond to this crisis of confidence of the American people following the Jack Abramoff scandal in the House of Representatives, a matter involving the bribery conviction of a Member of that body and the legal proceedings against certain administration officials involving allegations of lobbying-related improprieties.

That is why we are here debating this measure, because of that scandal of the illegal activities of a lobbyist, Jack Abramoff, that rocked the House of Representatives. The serious allegations have led to guilty pleas by former Members and their staffs, and the activities of Abramoff and his cronies, wherein they violated current lobbying gift and ethics rules, creating a climate of disillusionment, unfortunately, and distrust of the United States Congress. I suspect we have not seen the end of the indictments, nor the full breadth of this scandal, unfortunately.

But to the credit of my colleagues, Democrats and Republicans, the United States Senate has acted not in haste but in a measured response to this scandal. Our goal is to ensure the confidence of the American people in their system of representative government by ensuring that special interests cannot operate under a cloak of darkness.

This bill, with its extended disclosure requirements of lobbying activities and its restrictions on the type of influence lobbyists can exert over Members of Congress through lobbying gifts, I think, can go a long way toward restoring the confidence of ordinary Americans in their Government. We must now get this bill married to the House bill and get it enacted into law, and that will be a task, given the shortened calendar of this election year. But we cannot neglect this final chapter in our effort to bring real reform to Washington.

Lobbying reforms are important and certainly will change how business is done in our Nation's Capital. But these changes alone will not address what I have consistently stated is the core problem, the one that still hangs out there, and that is the need for true, meaningful campaign finance reform that breaks the link between the legislative favor seekers and the free flow of special interest private money. That would be a much more significant reform, in my view, than all of the reforms that we have accomplished with this legislation, as important as they are.

I am grateful to my colleagues for heeding the concerns that we not mix lobbying reform and campaign finance reform in one measure, and I remain committed to seeing that this body addresses real campaign finance reform. But I am equally committed to seeing that we do not do so on this important piece of legislation.

We are all aware that the House leadership has included major campaign finance measures in its lobbying reform bill. I am very grateful to our colleagues in seeing to it that our efforts down the road will exclude those kinds of provisions in the final product. In the meantime, I welcome the opportunity to have as complete a debate on campaign finance reform issues as we have had on lobbying reform. Chairman LOTT, my good friend, has indicated his willingness to hold a hearing on this issue in the Rules Committee. I would like to go further than that and hear him commit to a markup on the bill.

He has not gone that far yet, but he has committed to a hearing. I will take victories as I can get them. If I can get a hearing, I will take the hearing, and then I will be lobbying him, without buying him a lunch, to see if we can't get a markup of a good campaign finance reform bill.

But for now, we should commit ourselves to moving forward to conference with the House. I urge the House to move forward as well on this important lobbying reform bill. If the introduced version is any indication, as it appears, the House-passed bill will be substantially weaker than the job we have completed here—in a number of key respects. We must hold fast to our stronger provisions whenever possible as we move forward. The American people are looking forward to us putting our house in order and ensuring that lobbying scandals of the House are not repeated anymore in this Chamber.

So, again, I commend my colleagues for their tremendous work on this bill. It is a good bill. It is one we can be proud of, and I look forward to its adoption and moving to conference with the House of Representatives.

The bill before us has been improved by the amendments offered and debated here in the Senate. There is no reason to believe that we cannot continue to build on these provisions in conference with the House. Although the Majority in the House only recently introduced their lobbying reform measure, I encourage the Leadership to move the measure expeditiously so that we can complete a conference on this measure before Congress gets bogged down in the fall campaigns.

I commend my colleagues, Senator LOTT and Senator COLLINS, and my colleague from Connecticut, Senator LIEBERMAN, for their leadership in bringing this bill to this point. I also want to thank the capable staff of the Senate Rules Committee, Majority counsel Alexander Polinsky and staff director Susan Wells, for their many courtesies and assistance both during mark-up of this measure in Committee and during the floor debate.

I also want to thank the staff of the Homeland Security and Governmental Affairs Committee for their efforts to successfully merge these two bills and jointly support the managers. In particular, I want to thank the Majority staff director and chief counsel, Michael Bopp, and Senator LIEBERMAN's Democratic staff, in particular his staff director and counsel, Joyce Rechtschaffen, chief counsel Laurie Rubenstein, and counsel Troy Cribb.

I also want to thank my very capable staff, including my committee staff director and chief counsel, Kennie Gill; our elections counsel, Veronica Gillespie, and Democratic staff members Candace Chin, Joe Hepp, Colin McGinnis, and Carole Blessington.

And of course, no legislative effort of this magnitude could be accomplished without the assistance of our floor staff. Marty Paone and David Schiappa are invaluable in their efforts to structure our unanimous consent requests to accommodate our colleagues and the Senate schedule. Lula Davis and our cloakroom staff as well as our leadership staff are indispensable to us in our roles as floor managers.

I say to all of these staff, and the many hundreds of others who work night and day to bring good legislative ideas to fruition and work to manage the Senate floor and its proceedings, job well done. This is legislation that will truly make a difference in how the American people view their government and will hopefully help to reconnect us to the people we serve.

I appreciate the cooperation of our colleagues and look forward to working with them as we move this bill to conference with the House.

I yield the floor.

Mr. LOTT. Mr. President, I commend and respond in the same sense and vein of the distinguished Senator from Connecticut. Before I do that, and talk further about our relationship and how the Rules Committee package came together, I would like to call on my colleague, the distinguished Senator from Maine, to go over the specifics of what is included in the bill out of her committee work, and with Senator LIEBERMAN. I have never worked with a floor manager who has been more enjoyable than working with the Senator from Maine, her attitude and her help, her tenacity, and also, of course, Senator DODD. But I thought before I respond further to Senator DODD. I would like for us to understand the details of what was in the legislation that came out of the Homeland Security and Governmental Affairs Committee.

Ms. COLLINS. Mr. President, first let me begin by thanking my colleague from Mississippi, the chairman of the Rules Committee, for his extraordinary leadership in bringing this bill forward. I also want to commend the ranking member of the committee, Senator DODD. This has been an unusual and extraordinary experience where we have two committees that produced bipartisan bills with overwhelming support—only one negative vote between the two committees—and have brought legislation to the Senate floor where it was married together and presented to the full Senate. I am very proud that there has not been a single party-line vote that has occurred as we considered this bill, both in committee—in my committee, anyway—and also here on the Senate floor. I do think this is a model for how the Senate should act, that we can act together in a bipartisan way and look at how much we can get done when we do so.

So I salute Senator LOTT and Senator DODD for their extraordinary leadership. I also thank the ranking Democrat on the Homeland Security Committee, Senator LIEBERMAN, for all that he has done to advance this very important cause. Senators MCCAIN and SANTORUM also were key figures. Senator MCCAIN introduced one of the earliest bills. Senator SANTORUM brought together a bipartisan group which agreed on certain principles that became the foundation of the legislation before us. The Senate majority leader, Senator FRIST, and the minority leader, Senator REID, worked together to ensure that we would complete action on this bill. I must say, when the bill was pulled before, I was worried about whether we would return to finish the job. We have done just that, and I am proud of that activity.

This legislation is a strong bill. It may not be a perfect bill—we probably would all have different definitions of what a perfect bill would be—but it is a strong bill that I believe will help to enhance public confidence in the integrity of Government decisions. Let me describe some of the major provisions of the bill as approved and, in particular, the emphasis on the Homeland Security and Governmental Affairs Committee's provisions.

First of all, we greatly strengthened the disclosure required by lobbyists. The legislation requires quarterly filings rather than the present semiannual filings by lobbyists, and it ensures that the information is made available to the public on the Internet. We will have stronger, more accessible disclosure reports. This is important in terms of ensuring that there is adequate sunshine on these activities. Our goal, which would be accomplished by this bill, is to have lobbying disclosure reports on a searchable, easily accessible public database, so that the public can evaluate the spending that is occurring, and so that they know who is lobbying whom. I think disclosure is going to make a big difference, and we put some teeth in the disclosure process by doubling the maximum penalty for noncompliance to $100,000. I think that is going to provide ample incentive for prompt and full disclosure.

Another provision of the bill will provide for auditing and oversight of the lobbyists' disclosure reports by the Comptroller General, the head of the Government Accountability Office. The GAO will do some random audits, give us advice, and help us understand weaknesses in the current system.

Another important provision that really hasn't been discussed much on the Senate floor is that the legislation provides for mandatory ethics training for Members of Congress and congressional staff. I think this is important as well. I think a lot of times people aren't fully informed of what the rules are. We are going to require mandatory training for both Members and their staffs.

Another provision of the legislation addresses the so-called revolving door issue where Members of Congress and high-ranking staff leave Government for jobs focused on the institution in which they once served. We extend the cooling off period during which a former Member of Congress or a former senior executive branch official may not lobby from 1 year to 2 years. We also make an important change in the so-called revolving door provisions as they apply to senior staff. Right now the limitation is that a staff member cannot lobby the specific office for which he or she worked for a 1-year period. We retain that 1-year period—the cooling off period—but we extend it to the entire Senate or the entire body in which the staffer worked. So I think that is a significant strengthening of the revolving door provisions.

Our legislation also, for the first time, prohibits lobbyists from providing gifts and travel that Members and staff are prohibited from accepting under the ethics rules. The burden has always been on Members. We have a parallel requirement placed now, for the first time, on lobbyists, and I think that is going to make a difference as well. I am pleased that we adopted an amendment on the Senate floor to draw a bright line to make it clear that lobbyists cannot provide gifts to Members, including meals.

Another provision of our bill, this provision authored by Senator COLEMAN, would create a commission to look over our ethics laws and rules and to make recommendations to Congress by July 1 of this year on any further changes that would be appropriate.

Again, I think this is an excellent bill. It is an important step forward toward the goal of restoring public confidence in the decisions that we make.

Some people asked: Why does this matter? Why should we be even spending time strengthening our lobbying disclosure laws, prohibiting practices that might undermine the public's confidence in Government?

The reason this is so worthwhile and so important is that we cannot tackle the big issues facing our country if the public doesn't trust us to act in the public interests. Too often, the public is convinced that the big decisions are tainted by undue influence. Lobbying conjures up images of all-expense-paid vacations masquerading as factfinding trips, or special access that the average citizen does not have, or decisions that are tainted by improper influence. That means the public doesn't have confidence that we will do the right thing, that we will act in the public interest rather than to meet the wishes of some special interest. That is why this matters. The experts tell us over and over again that there are so many important issues—entitlement reform, for example—that we should be tackling. But if the public doesn't trust us, if the bonds of trust between public officials and their constituents are frayed, then it is very difficult for us to make the difficult choices, for us to make the hard decisions. That is why this matters. That is why this legislation is so important. In many ways, it is the foundation that allows us to proceed to tackle the challenges facing our great Nation.

I am very pleased and proud today that we have come together. I believe this legislation will be overwhelmingly adopted by the full Senate, and that is as it should be. I am also very pleased to see the ranking Democrat on the Homeland Security Committee has joined us on the floor. As I said earlier when he was not on the floor, he has been such a valuable partner. His commitment to good government and to repairing the public trust in government is second to none. It has been a pleasure to work with him as well as with Senator LOTT and Senator DODD as we brought forward this bipartisan endeavor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the bill. Let me first thank my chairman, Senator COLLINS, for her extraordinary leadership in a good cause and in a characteristically, for her, not partisan way. I thank her for her kind words. I appreciate that she said them when I wasn't in the room. Somebody told me after I had been in Washington for a while, if somebody compliments you when you are not in the room, then you know they really mean it. I appreciate that from Senator COLLINS.

It has been a pleasure to work with Senator LOTT and Senator DODD, my dear friend, my senior Senator from Connecticut. This has been a strong foursome. Probably there should be an alliterative "F," like the faithful or ferocious foursome. But this has been an important precedent and one that has served the Senate well.

We had two committees, each with jurisdiction over part of lobbying reform. The leadership worked together to meld the products of both committees so we could consider this matter. It is actually quite a valuable precedent for other large subject matter interests Members of the Senate have which often get divided into pieces based on committee jurisdiction. I am very grateful to my three colleagues, and with some real sense of pride, I rise to express strong support for the Lobbying Transparency and Accountability Act on which we will vote shortly.

This legislation contains very significant reforms in a number of critical areas. It ends all gifts to Members from lobbyists. It requires significantly increased disclosure from those who are paid to influence Members of Congress. For the first time ever, it would shine sunlight on the activities of those who are paid to generate advocacy—phone calls, letters to congressional offices, so-called grassroots lobbying. It significantly slows the so-called revolving door by doubling the ban on lobbying by Members once they leave Congress and significantly expanding the rules covering who staff can and cannot lobby.

This is not popular stuff inside here, but it is the right thing to do, and we are about to do it. In short, this legislation upends the status quo with regard to oversight of lobbying and the relationship between lobbyists and Members of Congress. This upending of the status quo is justified by the recent scandals that have afflicted us here in Washington, most prominently the crimes of lobbyist Jack Abramoff.

Trust between the people and their elected leaders is essential to our democracy. The behavior of Mr. Abramoff and his associates and some Members of Congress has undercut that trust and sent the message to too many people across our great country that in Washington, results go too often to the highest bidder, not to the greatest public good. That is not the truth. But this legislation upends that perception, I believe, and the status quo.

There are many people to thank. I begin as I have with Senator COLLINS for her usual outstanding leadership. After a hearing in late January, she was ready to mark up legislation a month later, despite a large workload our committee had in conducting the ongoing Katrina investigation. The legislation we passed out of our committee contained significant reforms that will not only change the way lobbyists and Members of Congress interact but again, I believe, provide the American people with additional information that they have not had before, and that the media has not had access to before, about where billions of dollars for lobbying are being spent and for what purpose.

The measure approved by our Homeland Security and Governmental Affairs Committee requires lobbyists to report more details, significantly more details, and to report more frequently about their activities, including lobbyists' campaign contributions to Members of Congress, lobbyists' contributions to political action committees, and lobbyists' fundraising events hosted or sponsored by lobbyists or for their benefit for Members of Congress. They would also be required to disclose travel they arrange for Members of Congress or executive branch officials. All lobbyists' disclosures would have to be made quarterly rather than semiannually, and they would have to be made online so that anyone who wished to monitor lobbyists' activities would be able to do so online and do so, obviously, on a public, searchable database.

For the first time ever, a relatively new but significant aspect of lobbying Congress would be subject to disclosure of the money they spend. These are the so-called grassroots lobbying campaigns, familiarly known around here as Astroturf campaigns because they are manufactured. They are not just grass that naturally grows or letters or e-mails and calls that naturally come to Members of Congress on an issue, but they are organized. That is OK. No matter how it happens, when we hear from members of the public, it is important for us. But a lot of money is spent on these campaigns. It is a significant part of lobbying in Washington today. Those lobbyists ought to disclose how much money they earn or spend.

I thank my friend and colleague from Michigan, Senator CARL LEVIN, for working with me on this effort. He has fought for this for a long time—more than a decade. I believe this is a significant victory, and it directly responds to the activities of Mr. Abramoff and his associate, Michael Scanlon, who sought and received multimillion-dollar contributions from Native-American tribes to a grassroots lobbying effort. In fact, Mr. Abramoff received enormous kickbacks from that grassroots organization.

The major impact on grassroots lobbying firms is simply that they will, for the first time, have to disclose. There is nothing in here that inhibits grassroots lobbying. There is nothing in here that inhibits in any way the freedom of the American people to petition their Government, the freedom of companies to hire out—make money—to organize the public to petition Members of the Government. It is simply a requirement that they reveal how much money they have charged and how much money they have spent.

That requirement to disclose clearly would have stopped this scheme, this scam which Mr. Abramoff and Mr. Scanlon were carrying out because the disclosure of the grassroots lobbying firm would have shown enormous amounts of money coming in, much more than was being spent. The result, obviously, the answer to that puzzle, was that too much was going to Mr. Abramoff in kickbacks.

The Homeland Security and Governmental Affairs Committee, as I mentioned, slows the revolving door between Congress and K Street by doubling, to 2 years, the amount of time a former Member of Congress must wait before lobbying his or her former colleagues. This is a significant change; not one that I would say is inherently popular here, but it is the right thing to do, and this legislation does it.

The leadership of the Rules Committee, as I said earlier, Chairman LOTT and Senator DODD, ranking member, has done a great job in producing a strong bill from their committee which, combined with ours, is now on the Senate floor. Their bill prohibited most gifts from lobbyists to Members of Congress and required preapproval and greater disclosure of all congressional travel. It also addressed an issue of deep significance to an increasing number of citizens by requiring that earmarks attached to legislation be listed, explained, and the Member behind the earmark be identified. Those are significant changes.

These reforms were further strengthened on the Senate floor in this debate with an amendment by Senator DODD to make sure that all gifts from lobbyists are banned. All gifts from lobbyists to Members of the Senate are banned—including meals. This is a real victory for those who believe the relationship between Members of Congress and lobbyists has grown too cozy.

The bill was additionally strengthened with an amendment from Senators GRASSLEY and WYDEN that would abolish the practice of secret holds on legislation.

I also thank Senators MCCAIN, OBAMA, and FEINGOLD all stalwarts of reform and indispensable allies in this endeavor.

Senator MCCAIN led the hearings of the Indian Affairs Committee which—I was going to say revealed—really blew open the Abramoff scandal and, when those were finished, drafted legislation to reform our lobbying laws, building on what he had learned in the Abramoff investigation. I was proud to join him as original cosponsor of this legislation.

Senator FEINGOLD actually submitted a lobbying reform package a year ago, even before we understood the Abramoff scandal.

Senate Minority Leader REID provided essential impetus and I would say muscle to the reform cause when he introduced his own reform package supported by almost the entire Democratic Senate caucus earlier this year.

Of course, Senator COLLINS and I are disappointed that the Senate yesterday rejected our amendment, introduced with Senators MCCAIN and OBAMA, that would have established an independent Office of Public Integrity. I believe this office would have given further assurances to the American people that we in Congress are not only dead serious about reform, we are dead serious about the enforcement of that reform. I regret that a group of us were unable to offer an amendment to increase the reimbursement costs of airplane travel provided to Members by private entities. But even without those two additional reforms, this legislation we are about to adopt sends a clear and powerful message that in Washington we ourselves, in pursuit of greater legitimacy and credibility and trust of the American people, are taking significant steps to make sure that here in this Congress, results go to the greatest public good and not ever to the highest bidder.

I have said many times throughout this debate that we have a once-in-a-generation opportunity now to reach bipartisan agreement on a broad set of reforms that will reduce cynicism, prevent abuse, and restore trust of the American people in their Government here in Washington. I believe this bill does exactly that.

On a final note, I wish to thank several staff members of all four Senators for their long hours and exceptional hard work on this legislation. On my staff, I particularly thank Troy Cribb, who led our efforts on this bill, as well as my staff director Joyce Rechtschaffen and chief counsel Laurie Rubenstein. They labored to make this bill as good as it could possibly be.

I also thank Michael Bopp, Jennifer Hemmingway, Ann Fisher, and Kurt Schmautz on Senator COLLINS' staff and Kennie Gill and Veronica Gillespie on Senator DODD's staff, and Senator LOTT's able staff as well. I thank them all, I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I don't want to repeat everything that has been said here because we do have the need to move forward. We have some amendments we need to dispose of, but let me take a minute to comment as to Senator DODD and Senator LIEBERMAN and Senator COLLINS and their leadership and the way we work together.

I wish to do that by reminding you a little bit of history. When we started off this year, there were problems that were reflecting on the Congress and the way we do business—the Abramoff matter, as Senator LIEBERMAN has described. There was a feeling that we needed to address some of those concerns. We needed to take a look at our lobbying laws and the rules of the institution. There was a concern about, was this going to be a panic reaction? Was this going to be everybody taking their partisan positions and not ever actually getting anything done, just looking for political advantage?

That could have been what happened, but that is not what happened. It started off by strong leadership on both sides of the aisle. Senator SANTORUM was designated by Majority Leader FRIST to pull together a task force to begin working on issues that needed to be addressed, and solutions. Senator REID stepped right out and started developing a package on the Democratic side.

By the way, I think one of the ways we came to the point where we are is that there were some good things in the Reid proposal. When I brought up the chairman's mark in the Rules Committee, several of the pieces of that legislation came from the Reid ideas. Then it continued to move forward with important areas being addressed. I wound up in a meeting that was somewhat of an amazement to me because it was a bipartisan meeting that included

Senator COLLINS, Senator McCAIN, Senator SANTORUM, Senator DODD, Senator OBAMA, Senator ISAKSON—a large group from both sides of all different political persuasions working together to see if we couldn't come up with bipartisan legislation.

I guess it was about that time when I started talking to Senator DODD, saying: Can we do this together and make it a truly cooperative thing? He wanted to do that, but both of us had to make sure leaders were OK with that, and they were. They told us: Yes. Do your job and operate the way a committee is supposed to act—hold hearings, have a markup, report a bill, regular order. That is what we did.

I am pleased the way this has come about.

I could go around and commend everybody who has been involved but that has already been done very legitimately.

But this is a case study of an issue that could have blown up. It was very tough. It could have produced nothing but acrimony. That is not what happened, no.

It is not a perfect bill. But we have addressed some tough issues. When you start talking about outright ban of gifts, outright ban of meals from lobbyists, taking action with regard to the flights and transparency and disclosure, saying that former Senators cannot come onto the floor of the Senate when we are debating legislation where they are registered lobbyists, and that also applies to former officers of the institution, except for ceremonial events. We also have very tight postemployment restrictions, and we address the question of earmarks.

I, for one, think that earmarks—and I don't particularly like that description, but where you have a Senator or a Congressman exercising their right to have language included in a tax bill or in a highway bill or in an appropriations bill for the benefit of some entity that they are familiar with or something in their State, I think we should have that right. I think it is our constitutional right, as a matter of fact, and I will fight for that. I will fight for it even if my colleague from Mississippi were not the chairman of the Appropriations Committee. But he worked with us on how we could deal with this issue by making sure that it wasn't just about appropriations. It was about tax bills coming out of the Finance Committee, and authorization bills, too.

I must say, while I think the language in this area still is not totally artfully crafted, we made some real progress there. This was a problem that I believe people were concerned about where there was an earmark in a conference that had not been considered by either body and there was no way to get at it—at a particular item—without a point of order, without taking down the whole conference.

That doesn't make sense. That is not the way the Byrd point of order works. So we include that here.

I think that is where we need to go. We will continue to work with Senators on both sides of the aisle, from all persuasions, to make sure that we have thought that through carefully and produced the right result. But we didn't duck the issue. We stepped up and addressed it by bringing people in and talking about the best way to deal with the earmarks issue.

But that leads me to the point that there are some amendments pending now and the only three left that do get into this particular area.

In the effort to move forward and expedite these issues and come to conclusion, I think now would be the time to move to an amendment that is pending, which I guess would be 2981. I believe Senator ENSIGN has an amendment.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Nevada.

AMENDMENT NO. 2981 WITHDRAWN

Mr. ENSIGN. Mr. President. I call up my amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. LOTT. Mr. President, I raise a point of order against the amendment.

Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. A point of order may be raised.

Mr. LOTT. Mr. President, I raise a point of order——

Mr. ENSIGN. Mr. President, don't I have a right to be heard before the point of order is raised? I was recognized.

The PRESIDING OFFICER. The Senator from Nevada may proceed.

Mr. ENSIGN. Thank you, Mr. President.

Mr. President, Senator McCAIN and I understand that our amendment is going to be ruled nongermane. Previously, it was going to be ruled germane. Since then some items were pointed out that has caused the amendment to be ruled as nongermane. Despite that fact, I would hope that the managers of the bill will work in conference to clarify the language of this bill. I know the chairman of the Rules Committee has said that he will review this language. I believe he will. Our amendment seeks to clarify that if things are put into a conference report that were not in either the House bill or the Senate bill, a Senator would have the chance to take those items out without taking down the entire conference report. One section of this bill creates a new point of order against items that are slipped into conference reports. The provisions in the bill seek to address what has become a very significant problem around here. A member slips something in, without debate. That certainly is not an open process. The purpose of this lobbying reform bill is to make sure there is more transparency and our amendment is consistent with that.

The way the bill is drafted, there is a problem. The bill uses the term matter without providing a definition or examples of anything that would be considered a matter.

According to our discussions with the Parliamentarian, that definition would not allow a point of order to be raised because there could be no way for the Parliamentarian to interpret the new rule. This point of order would basically be null-and-void.

Our amendment was attempting to clarify the bill by providing a definition. That way we will ensure that we have openness in the process of conference reports. That certainly is the purpose of our bill and of our amendment.

Without losing my right to the floor, I ask the chairman if he would submit to a question through the Chair. I ask the chairman of the Rules Committee if he would commit to working on this definition in conference so that it will meet with the criteria stated by the Parliamentarian to give effect to the rule. That way the provisions of this bill will meet with the intent of what the Chairman said in his previous statement.

Mr. LOTT. Mr. President, for purposes of debate only, I said in my comments before the Senator offered his amendment that I realize it is not perfect language. It has been difficult to achieve what we would like to achieve. He worked on it in the Rules Committee. Senator COCHRAN made some very important points, and we actually made some changes as we went forward. But I think we still have some more work to do to accomplish what we are trying to accomplish.

I will commit to work with Senator ENSIGN to try to find language that does what we are trying to do and which has the support of all involved in the discussions this afternoon. I am not sure what the Senator is trying to do is what we want to do. But I also realize that the language, the wording we have in there, the critical word is pretty nebulous. And we will have to work on that.

Mr. ENSIGN. Mr. President, very simply, I will let people know what the intent is. I have worked with Senator McCAIN. I applaud his efforts. He has been doing this a lot longer than I have.

All we are trying to do is say if something was not in the Senate bill, not in the House bill, and it was put in, in the conference, a point of order could be raised against that item without bringing an entire bill down.

Right now nobody wants to raise a point of order against a bill because they don't want to bring the whole bill down. Senators know we have to fund the Government, so nobody wants to bring a point of order against a bill that does that. Nobody wants to vote on a point of order that brings down the whole bill either. But if something was put in which was not in the House bill and not in the Senate bill, we want to be able to surgically strike that provision to make sure that we have a cleaner process in government. This is not new ground as the Senate already has this rule with respect to Budget reconciliation bills.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. ENSIGN. I will yield for a question without losing my right to the floor.

Mr. McCAIN. I ask my colleague, isn't it true that the reason this amendment is being proposed is because the Parliamentarian looked at the present language and informed the Senator and myself that it is not clear enough language that we could actually achieve the purpose of the bill that the Senator from Mississippi and the Senator from Connecticut have proposed—in other words, we are in keeping with the intent of the language in the bill, and we are trying to clarify it because the Parliamentarian said that it is not clear. All we are asking, I think, is the managers of the bill to fix it so there is no doubt that we can carry out the intent of the legislation which is before this body. That is all we are talking about.

It is also true, if it is not clarified, I will tell my dear friends, you will see this amendment again. You will see it again and again. This goes to the heart of what we are trying to stop. We are trying to stop ANWR from being put into a bill that has nothing to do with it. We are trying to stop liability protection for a flu vaccine added at midnight which we have never seen before. It is an outrageous abuse of the rights of the Members of this Senate who are not members of the Appropriations Committee; is that correct?

Mr. ENSIGN. Mr. President, those and many other things have been put in. Sometimes good things are put in. But that is not the way the legislative process is supposed to work. We are supposed to have an open process. Senators should be able to see what is in a bill. We should provide transparency so that the public can scrutinize what is going on. The current process is broken when we are forced to enact provisions that were not in either one of the bills.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. ENSIGN. Mr. President, I will yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. DODD. The Parliamentarian may have suggested something other than, but for the purpose of the legislative intent—and sometimes debate can be enlightening—legislative intent, as far as this Senator is concerned, is exactly as the Senator from Nevada described and the Senator from Arizona described, if there is a matter which is neither in the House bill nor the Senate bill, and if it ends up in conference, that matter is subject to a point of order—and for the very reasons which my colleague described.

I do not know how that is confusing language. If it is, I am certainly committed to trying to straighten it out. I believe that is the appropriate way to go.

Mr. McCAIN. Mr. President, if the Senator will yield for a question, why would the Senators raise a point of order when this is simply a clarification of the intent of the legislation, according to the Parliamentarian who has told us—I am asking a question.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. ENSIGN. I yield for a question.

Mr. McCAIN. Does the Senator from Nevada see my point? There is no reason to raise a point of order if all we are doing is clarifying. We are wasting the time.

Mr. ENSIGN. I agree with the Senator from Arizona. I appreciate the manager of the bill when he said he would work with us. I wanted it on the record that the managers have committed to working with us to ensure that the intent of the bill is clear. Which is exactly what our amendment seeks to do. The bill managers have put it on the record that it is their intent. We hope in this process, as this bill moves forward, that the language that is ultimately adopted will include some kind of a definition, as we have tried to do, so that the intent of the Senate is clear. It needs to be done. We need to clean up the appropriations process we have going on in the Senate.

I don't see any reason to raise a point of order. I think it would be easier to ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if the Senator wishes to proceed with his next amendment.

Mr. ENSIGN. If the Senator could give me 60 seconds.

Mr. LOTT. I thank the Senator for his approach on this.

Let me make a couple of points. Again, in a way, there is not as big a problem here as indicated. For instance, I have been assured the example that was used about ANWR, this, in fact, would apply to that and a point of order would be in order against the ANWR amendment being added in conference that had not been in the other body. We will work through this.

The second point is and one of the reasons why I was prepared to make a point of order. Senator DODD and I, postcloture, have been very meticulous; even when there were amendments he or I or both of us supported, if they were not germane, we have not included them in the managers' package. We have held the line because once you start allowing exceptions, there is no end to it. We were trying to get through with as strong a package as possible.

With that, I yield the floor.

AMENDMENT NO. 2980

Mr. ENSIGN. I call up amendment No. 2980.

The PRESIDING OFFICER. The amendment is pending.

Mr. ENSIGN. Mr. President, let me discuss this amendment very briefly. I want to be cooperative with the managers of the bill. I know they want to wrap up this legislation.

This amendment is germane. We will have a recorded vote on this particular amendment, unless the chairman of the Committee on Appropriations agrees to a voice vote that we would win.

Section 103 of this bill creates a new Senate rule. Each Senator knows that we create very few new Senate rules because the rules we create are hard to change once created. The rules we make today will govern the Senate's conduct for years to come. It is important we get language right the first time so we do not have any unintended consequences.

Within the proposed rule in this bill is a definition of the term "earmark." Many people in my home State of Nevada have heard the phrase earmark, as people across the country have. As taxpayers, Nevadans understand some earmarks can be costly, some can be beneficial. Earmarks are often the result of Senators using their influence to require Federal agencies to spend significant dollars in their States. In some cases, earmarks are given to State or local governments or charitable or philanthropic organizations. In many cases, these earmarks are justifiable. In many cases, these earmarks have a national impact and can be justified because they meet a national purpose.

Each Senator has seen the abuse of the earmark process. That is why we have offered this amendment. To clear up abuses. Our amendment provides a clear definition of what an earmark is. Our definition clarifies that earmarks are not limited solely to non-Federal entities. The definition also includes Federal entities. Spending for federal, as well as non-Federal, entities in the earmarking process can be abused.

The Senator from Mississippi argued earlier it is a Senator's right to offer things that are good for their State. Senators have ideas about how money should be spent. I actually have no problem with that philosophy. I agree to a great degree with that philosophy. The problem is that such a process has been abused in too many cases. For instance, the military provides a procurement list to the Armed Services Committee that includes lists of things the military says they need. In order to benefit their state, Senators will contradict the decisions of the military and override the military's request. They ignore what is in the best interest of the military in order to benefit their State. Military is a Federal project but this bill does not provide accountability. This bill would continue to allow Senators to put their political interests before the needs of the military.

That is why our amendment expands the definition of earmark to both Federal and not just non-Federal entities. That is why we should support this amendment.

Mr. LOTT. Will the Senator yield?

Mr. ENSIGN. I yield.

Mr. LOTT. The Senator started moving toward giving an example. So that I will fully understand exactly what the Senator is trying to get at here, can he give me a couple of examples? He has referred to military, for instance. I don't want to use any particular weapon system because I don't want to make anyone mad, but take generic helicopter. If the Pentagon or the President's budget only included 100 helicopters and a Senator of the Committee on Armed Services, in conference, said no, we are going to make it 200, would that be an example of where the Senator is trying to get this language to apply?

Mr. ENSIGN. I would say to the Senator from Mississippi, if one Senator were to raise a point of order against the item you have described, the process laid out in this bill would be to have the entire Senate decide the matter. If the rest of the Senate believes that the additional helicopters are justifiable, then the——

Mr. LOTT. That is the type of example.

Mr. ENSIGN. I will give the Senate a more specific example. I will not use the exact example I had mentioned to the Senator from Mississippi previously because I don't think it is appropriate to discuss specifics like this on the Senate floor. The military tells Congress that they need certain items for the troops. They want something produced. Perhaps similar products are produced in different States so there are competing products. The military has said, We like this item made by one company, it is far superior. What is happening today is that some members, perhaps one on the Military Subcommittee on Appropriations, who represent a state with a similar product will use their influence to direct spending to products made in their own State. Even though the Pentagon says we like product A, Congress tells them they must buy product B. When the bill comes back from conference, spending gets shifted. Spending is earmarked to go to one product instead of for a product that the military said would be best for our fighting men and women.

That is exactly some of the things we are trying to avoid.

Mr. LOTT. If the Senator would yield for a further question, the language we have would allow for that kind of designation to continue?

Mr. ENSIGN. It would allow for the designation to continue.

I would say to the Senator from Mississippi, this amendment does not affect the point of order in the bill. I apologize if I was unclear on that. This amendment affects the requirement that Senators be given a report that identifies which members have requested which earmarks. It requires that all earmarks be included in that report. That is all this amendment is doing. We want Members, if they are going to request earmarks and redirect spending, to be identified. If they want to direct spending to go to their State, they should be willing to be identified. This is a simple sunshine provision. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, for a second I will discuss again what the amendment is. It requires that all earmarks included in a bill or conference report should be clearly listed—the sponsor identified, explanation, et cetera.

I fully support the intent of that requirement. However, the underlying definition of the earmark is only "non-Federal" at this time.

The point the Senator from Nevada is trying to make in the amendment, there are plenty of Federal pork barrel projects, if I may be so blunt. Let me give an example. The Army Corps of Engineers is clearly a Federal entity. In 2006 we spent $600,000 in the Army Corps of Engineers, a Federal entity, to study fish passage in Mud Mountain, WA; $275,000 to remove the sunken vessel State of Pennsylvania from the Christina River; $7 Million for the Arctic Energy Office—guess where—Alaska. Aren't you astonished? And $500,000 for the collection of technical and environmental data to be used to evaluate potential rehabilitation of the St. Mary's storage unit facility's Milk River project, Montana. The list goes on and on.

These are all out of a Federal entity called the Army Corps of Engineers. They should be listed. They should be in the sponsorship, they should be required to be listed, and as a Federal entity. So, clearly listed, sponsor identified, accompanied by information of the essential Government purpose of the legislation.

We are saying there are earmarks that are Federal entity as well as non-Federal entity. That is all this amendment does. It changes it from Federal to as well non-Federal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it was interesting to notice the arguments of the Senator from Arizona right before we had the vote on cloture on this bill. He pointed out what the consequences of cloture would be, one of which would be that nongermane amendments could not be offered, and he listed two examples, one of which was amendments on earmarking.

I think this amendment, just as the previous amendment, should be subject to a point of order. The Parliamentarian sustained the point of order that was raised by the chairman of the Committee on Rules and Administration, but I am advised that the Parliamentarian would not rule that a point of order lies against this amendment. It is clear and obvious that it would.

But notwithstanding that disagreement, this amendment would have the most impractical effects and unintended consequences of any I have seen offered. What the Senator is suggesting is that anytime you identify a project or a program or an entity that is enlarged or constructed in any bill—an appropriations bill, an authorization bill from any of the authorizing committees—you have to separately list or include in the conference report, it is not clear, the identity of those who support the inclusion of that or who authored it.

There are many things here that are sponsored by one Senator, cosponsored by many others. In order to meet the criteria of this requirement, we would have a voluminous stack of documents presented to the Senate when a bill is presented, showing which Senators in committee may have offered that amendment or suggested to the committee that it be included in the bill, and why.

We already have committee reports that accompany most pieces of legislation that come to the Senate. In that committee report, the provisions are discussed, described. It boggles the mind to think what the consequences of this one provision would do, the paperwork, bookkeeping, and the like. I don't know of any Senator who does not want his name associated with a provision that he suggests or she suggests be included in a bill, whether it is authorizing language or whether it is in an appropriations bill. There is nothing wrong with that. I am not arguing that should not be included. It usually is well known.

I plead with the Senate, let's not include this amendment on this bill at a time when we are right about to go to final passage. The bill reflects the consensus of the Rules Committee. The two managers of this legislation did an excellent job of carefully reviewing all the suggestions that were out there for lobbying reform, reforms of the way the Senate does its business. We are going to have to go to conference with the House. If there are better ways to word this earmarking provision that is in the bill, there is a provision in the bill, the committee signed off on it, and we are coming to the very end of the consideration. We are nitpicking. That is what this is, nitpicking. I don't know of a better word to describe this amendment. It does not serve any useful purpose to inform the public.

What member of the general public is going to look through documents that will be 2 feet high associated with almost any legislation that authorizes or appropriates funds for a department's activities for an entire year? Think about it. Do not approve this.

I support the idea that we need to do a better job of controlling spending. We need to achieve more in the way of ensuring that projects are justified, that they are reviewed more carefully. That is a part of this process. That is why this provision is in the bill. I voted for it. I supported it in the markup session of our Rules Committee. I am a member of that distinguished committee. My colleague from Mississippi is the chairman of the committee. I am here supporting the work of his committee.

Friends and colleagues who want to be more demonstrative and more zealous and more volatile on the issue of spending restraint now come along and insist that we vote on an amendment such as this. We should say enough is enough. We have listened to all of the arguments. We have brought this bill to the Senate. The consensus has been achieved.

So, Mr. President, I move to table this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The motion to table is nondebatable.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Is the Senator seeking consent?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Let me say to the Senator from Mississippi, with all respect and affection——

Mr. COCHRAN. Mr. President, a point of order: Is a motion to table debatable?

The PRESIDING OFFICER. No, it is not.

Is there objection to the Senator continuing?

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I understand the Senator from Arizona was suggesting that he be allowed 2 minutes to comment on this amendment. I have no objection to him having 2 minutes. So I ask unanimous consent that he be granted 2 minutes to speak on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I would just amend that unanimous consent request, in case the Senator from Mississippi wants to respond to those 2 minutes, that he would have an additional 2 minutes, if he needs it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I would like to respond as to why this amendment is necessary and why I do not think it is nitpicking. I think a lot of us would have liked to have known who sponsored the amendments that were put into the Defense appropriations bill by former Representative Cunningham, who is now in jail. We would have been very well illuminated by the tens of millions of dollars that were somehow put into an appropriations bill in the middle of the night that none of us had ever seen or heard of. And we did not know who was behind it until he was on trial.

It is perfectly clear—it is perfectly clear—that this is not a nitpicking amendment. The people of this country deserve to know who puts in these projects in conference in the middle of the night, as a former Congressman was able to do named Cunningham, ripping off the taxpayers of tens if not hundreds of millions of dollars. That is why this amendment is not nitpicking.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

The PRESIDING OFFICER (Mr. COBURN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—57

Akaka
Alexander
Allard
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dayton
Dodd
Dole
Domenici
Dorgan
Durbin
Feinstein
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reed
Reid
Roberts
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stevens
Voinovich

NAYS—41

Allen
Bayh
Biden
Boxer
Burns
Burr
Cantwell
Carper
Chafee
Clinton
Coburn
Cornyn
DeMint
DeWine
Ensign
Enzi
Feingold
Graham
Harkin
Inhofe
Isakson
Kerry
Kohl
Kyl
Lieberman
Martinez
McCain
Menendez
Nelson (FL)
Obama
Salazar
Santorum
Smith
Stabenow
Sununu
Talent
Thomas
Thune
Vitter
Warner
Wyden

NOT VOTING—2

Byrd
Rockefeller

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2983 WITHDRAWN

Mr. LOTT. Mr. President, I have been asked by the sponsor of the amendment to ask unanimous consent to withdraw the final pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. With that, we have finished our amendments on this very important legislation. I believe we are almost ready to hear from the leaders, and then we will be ready to go to final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am very happy to be here today as we are very near to passing the ethics and lobbying reform legislation. This is important legislation, and it is legislation the American people care about. I am so glad the Senate has been able to take the lead in enacting these important reforms.

Let's step back a minute from the details of the legislation and remind Members of the Senate and the American public why we are here. In the past year, America has been shocked, and some have certainly been disgusted, by revelations of corruption in our current system. While much of the behavior at issue in some of these scandals is already illegal, the scandals have shown that some outsiders and insiders believed they could act with impunity. It has shaken public confidence in the Congress and our entire Federal Government.

Congress needed to act aggressively and swiftly, and we did that. I am very proud of those on this side of the aisle, in my caucus. When we returned to session earlier this year, the first thing we did as Democrats was unite behind the Honest Leadership Act. We moved beyond principles and speeches and introduced a strong reform bill, with the support of virtually the entire caucus. The entire caucus worked to achieve the effort here today. Senators OBAMA and FEINGOLD led the way. Then we arrived at the committee structure, where on my side of the aisle, Senators DODD and LIEBERMAN worked with integrity and swiftness, intelligence, experience, and part of that was that they worked with their counterparts, Senator COLLINS and Senator LOTT, to allow us to arrive at the point where we are today.

The baseline was a bill that we introduced. But people kept pushing and we have gotten something done. As I have already said, the Rules Committee and Homeland Security Committee worked in a bipartisan way. We worked in a bipartisan way to get where we are today. Included in the bills that came to this floor was much of what was contained in the legislation we introduced, the Honest Leadership Act.

I express my appreciation to Senators LOTT, DODD, COLLINS, and LIEBERMAN, who have acted, I believe, in an exemplary way in moving legislation forward.

This is a good day for the Senate. I repeat, we are here as a result of bipartisan legislation. We are going to complete this legislation. This is not a perfect bill, I know that. I would like to have seen some other things in this legislation, as would other Democrats, and I am sure other Republicans. But the bill makes a number of extremely important changes to lobbying disclosure rules and Senate ethics rules. In many cases, the legislation is exactly what Democrats called for in our Honest Leadership Act.

Let's talk about what we have done today. We are going to have pundits talk about what we didn't do. But let's talk about what we did do. We should be proud of what we have done. We are going to extend and strengthen rules against the revolving door. We are going to end gifts and meals from lobbyists. We have new rules for privately paid travel, requiring preclearance and added disclosure. What we will do in this legislation is clarify the pay-to-play scheme that some have referred to as the K Street Project that is unethical and violates Senate rules. This legislation eliminates floor privileges for former Members who become lobbyists. This legislation strengthens lobbying disclosure rules, and that is an understatement. This legislation requires new disclosure of "astro turf" lobbying campaigns and stealth coalitions used by business groups. This legislation reforms rules regarding earmarks, scope of conference, and availability of conference reports. We should all feel that is an improvement and a significant step forward.

I repeat that this bill is not perfect, but it is a significant improvement over current law and it will help restore the public's confidence in Government. I am proud of the efforts of my colleagues to get this legislation passed today. I urge my colleagues to support it.

Mr. President, the majority leader and I are seen in the eyes of the public as always being like a couple of bighorn sheep in rutting season, running and bashing heads and moving back. That is what the public sees. But this legislation could not have come to the floor today but for the work we did together—we did together—not anything on which we gave speeches and issued press releases. We are here today as a result of the work we did together.

Only the majority leader and I know how difficult it is to get a bill to the point it is today. So I extend my hand to the majority leader for working with us to get lobbying reform done. I repeat for the fourth time during my short remarks today, this is not perfect, but people focus on how much we have done to improve the system. There are other days and other legislation that can come forward, but today, let's feel good about a bipartisan piece of legislation.

I again express my appreciation to the managers of this bill. They did remarkably good work.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, earlier this year, I made a commitment, with the Democratic leader, to make lobbying and ethics reform a top priority this year and not just another political talking point. By passing lobbying reform today, the Senate, in a way that demonstrates us working together in a bipartisan way, will fulfill that commitment.

I am pleased the Senate has led the way. We were the first to develop ideas through a bipartisan working group, the first to introduce a comprehensive lobbying reform package to two committees, the first to have those committee hearings and markups, the first to debate those issues on the floor of a body, and today we will pass the first lobbying reform bill in Congress in over a decade.

The goals of this legislation are simple, they are straightforward. It is about trust. It is about transparency. It is about accountability. Trust is the foundation of our democratic government. We are a government of the people, by the people, and for the people. The American people have entrusted us with their votes, have entrusted us with their hard-earned tax dollars, and they expect us to uphold the highest standards of honesty, of integrity. With public opinion of Congress at an alltime low, we have to do a better job of regaining that trust and that confidence. We must bring more transparency and accountability into our Government. We must conduct our Nation's business focusing on the public interest and not special interests. By passing this bill to reform our lobbying and ethics rules, we will do just that.

Among its many provisions, the bill will enhance public disclosure of lobbyist activities and campaign contributions, ban gifts and meals from registered lobbyists to Senators and staff, require enhanced scrutiny and Ethics Committee preapproval for privately funded travel, slow the revolving door between Government and lobbying, and reform our earmark process to cut pork-barrel spending.

I also thank the managers—Senator LOTT, Senator COLLINS, Senator LIEBERMAN, and Senator DODD—for their tremendous work both in their respective committees and, indeed, on the floor.

I thank Senator SANTORUM, who very early on, on the Republican side, stepped forward and with his leadership began a lobbying reform working group upon which much of this work has been based. Many of the provisions in this bill are, in large part, a result of the meetings he had.

I also thank all of my colleagues, again, as expressed by the Democratic leader, on both sides of the aisle—and especially the Democratic leader—for their cooperation in moving this legislation forward in a way and in a manner which I believe really dignifies this body working together.

A lot of people say we have moved way too fast. An equal number say we have moved too slow. Right now, there are many people coming forward saying: No, we need to change these provisions. Adding to what the Democratic leader said, this is not a perfect bill, but this bill is a major step forward. It is a product of working together, Democrats and Republicans.

In closing, most everyone agrees that we have taken the issue of lobbying and ethics reform seriously. Indeed, we have. We have produced a strong and meaningful result that will have implications for years to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in family.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—90

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—8

Coburn
DeMint
Feingold
Graham
Inhofe
Kerry
McCain
Obama

NOT VOTING—2

Byrd
Rockefeller

The bill (S. 2349), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I take no contributions from special interest PACS or lobbyists. My office operates under a set of rules governing our interaction with lobbyists that is stricter than current law. Regardless of any legislation, I always hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

The past several months, however, have highlighted for congressional action on lobbying and ethics reform. Public concern has increased about both illegal and unethical activities involving lobbyists. These include well-funded special interest groups that disguise their activities through the formation of coalitions, associations, and grassroots campaigns; improper campaign finance practices; lavish gifts to Members of Congress and their staffs apparently in violation of current congressional ethics rules; and earmarks slipped into legislation as favors for lobbyists without debate on proper consideration.

The actions of others have made it clear that our current regulations on lobbying are outdated and ineffective. That is why I supported S. 2349, the Legislative Transparency and Accountability Act of 2006. It is my hope that this legislation will move us toward restoring the public confidence in Congress by shining light on congressional processes and cracking down on lobbyist influence.

I realize that this bill falls short in certain areas. I was an original cosponsor of the Honest Leadership Act, which would have gone even further than the Senate-passed bill in reigning in inappropriate gifts, travel, and influence on Members of Congress. I supported amendments that would increase the transparency of Senate actions and voted against cloture to give other Senators a chance to offer amendments to strengthen the bill.

If the legislation passed by the Senate today had gone further in increasing accountability for Members of Congress, it would have gone further in restoring the public faith. However, I believe it is also our responsibility to balance far-reaching legislation with the time constraints before us. This bill is far from perfect but it is an important first step in putting an end to the "culture of corruption" that has become a part of Washington.

Serving in Congress is a great honor—one we must earn by always making the welfare of our constituents and the Nation our sole motivation. The current lobbying scandals show how far we have drifted from that ideal. But the reforms will do much to correct our course. And, as always, I will continue to hold myself and my office to the highest standard of conduct in our service to the people of Wisconsin.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURING AMERICA'S BORDERS ACT

Mr. FRIST. Mr. President, pursuant to the order of March 28, I ask that the Senate now begin consideration of S. 2454. I further ask unanimous consent that the time until 8 p.m. be equally divided between the two leaders or their designees.

I further ask unanimous consent that when the Senate resumes consideration of the bill tomorrow, the time until 12 noon be equally divided in the same form for debate only, and that at noon the chairman be recognized in order to offer an amendment; provided further that there then be debate only until 5:30, with the time divided in a similar fashion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

The PRESIDING OFFICER. Who yields time?

The majority leader.

Mr. FRIST. Mr. President, to clarify, we are now on what will be passionately discussed over the next several days, a very important piece of legislation that addresses the range of border security issues surrounding enforcement, interior enforcement, temporary worker programs—a debate which I know and expect will be civil and held with dignity, but what is a very difficult debate.

I will make a brief opening statement and then turn to the chairman and ranking member, but also I would like to make a statement shortly after they do.

Mr. President, this debate, when you boil it down to its essence, is about the American dream and the home that this country offers for so many hard-working people—a difficult debate, an important debate. But it is also an issue about what it means to be a nation, and every nation must keep its citizens safe and its borders secure.

That is why we are starting with the Securing America's Borders Act, a bill I introduced prior to the March recess. This bill acknowledges the overriding principle that we must protect our citizens by securing our borders. A nation that cannot secure its borders cannot secure its destiny or administer its laws.

The situation along our southern border now ranks as a serious national security challenge, second only to the war on terror. Every day we discover new facts that show how delay and inaction is making America less safe and less secure.

In January, officials discovered a massive tunnel stretching nearly a half mile from Tijuana to San Diego. We don't know how many more snuck in. We do know that mixed in with the families seeking a better life are drug dealers, human traffickers, terrorists, and common criminals who cross our border into this country every day.

But the danger is not only to America. It is danger to those who try to cross our borders as well. Unofficial data collected along the Arizona border shows that nearly 225 people died last year crossing that border. About 10 percent perished under circumstances that suggest foul play.

We all know the terrible stories of criminals who prey on vulnerable migrants, who charge outrageous prices to smuggle them across the border and then often abandon them at the moment trouble strikes. It is wrong. It is time for us to act. And over the next week and a half on this floor we will act.

The bill that I introduced includes a number of commonsense consensus measures that improve security along our physical border, crack down on human smugglers, simplify the process of deporting wrongdoers, and make it easier for employers to confirm their employees' legal status.

First and foremost, we need better enforcement and we need more manpower on the ground. Last year, the Senate led the charge to provide funding for 1,000 additional officers, more equipment, and more detention beds. That was a start but only a start.

My proposal adds nearly 15,000 more officers over the next few years in a sustained and focused effort to buttress the nearly 20,000 already deployed to work on border issues.

It also requires new investments in unmanned aerial vehicles, cameras, and sensors, and a comprehensive national border security strategy.

It establishes a long-term project of building a virtual barrier to cover every mile of our 1,951-mile border with Mexico.

This will both make America safer, and it will reduce the number of people endangering themselves trying to come into our country.

In addition to physically strengthening our border, the bill makes it easier for the Department of Homeland Security to catch people who violate our immigration laws.

It enhances the collection of biometric data about who enters the country. And it allows the department to set up additional border checkpoints. Moreover, the border security bill creates tough, new penalties for human smugglers and document forgers.

Under this bill, terrorists, dangerous gang members, and others with serious criminal connections face expedited removal from the United States.

But this bill doesn't just draw on the common sense of the American people for its provisions. It also looked to the 9/11 Commission Report for guidance. This Commission recommended that we consolidate border screening systems. The border security bill does just that.

It encourages the use of biometric data to keep track of who is coming and going. Again, the border security bill does just that. It identified the need of State and local officials to work with Federal agencies to identify terrorist suspects. The border security bill does just that.

Securing the border and enforcing our laws are crucial first steps to making America safer. But much more remains to be done. And we will address these other issues over the next week and a half.

There are over 11 million people in this country illegally. Congress simply cannot turn a blind eye to this growing number. We need to act. Our Nation is founded on the rule of law by generations upon generations of immigrants. We should not have to choose between these founding principles. Instead, we need to honor both traditions.

In my view, neither the House bill nor the bill reported by the Judiciary Committee yet quite strikes that appropriate balance, and both need to be improved. I believe the House bill is incomplete because it fails to provide a comprehensive solution to our immigration situation, one that allows for necessary and helpful legal immigration and that welcomes those who play by the rules.

We should reward those who respect the rule of law, who made it here the right way, and who are trying to make it here the right way. I believe the committee bill by contrast goes too far in granting illegal immigrants with what most Americans will see as amnesty.

I disagree with this approach not just as a matter of principle but because granting amnesty now will only encourage future and further disrespect for the law. It will undermine our efforts to secure our homeland. There are better ways to address this issue.

Senator KYL and Senator CORNYN have a proposal. Senator SPECTER had a chairman's mark and a proposed compromise, and all of these approaches created a temporary worker program without a grant of amnesty. We need to find a legal way for employers to find the people they need to keep their businesses running and continue to grow the economy. Creating legal paths of immigration is a way to do this.

In the end, it is my hope we will have a bill which has both strong enforcement mechanisms with additional border and interior security and real employer accountability that addresses the humanitarian and economic challenges we now face without amnesty.

America has always been the place where one can come to live out a dream of improvement and renewal. But while we welcome those who refresh and restore our American spirit, we have always done so within a framework of the law. The full Senate should have a chance to discuss, to deliberate, to debate, and to decide how we balance that rule of law with the situation as we find it. We are here to solve problems and not to stand by as problems get worse. Those problems are getting worse. We need to work together so that all 100 Senators have the opportunity to work within our rules to solve this problem.

The committee bill, while not perfect, makes real and significant progress in many areas. I believe it can be improved upon. It has formalized a new consensus in the Senate, one that did not exist a year ago, on aggressive provisions to protect our borders, including new detection technologies, significant new increases in Border Patrol agents, tough provisions on alien smuggling and, for the first time, a real employer verification enforcement title.

As is the right of the chairman, the Judiciary Committee product will be offered as an amendment to the Border Patrol security bill that has been introduced. Moreover, I expect a whole series of amendments which will attempt to tighten the amnesty and temporary worker provisions in the judicial bill. I intend to support those amendments.

I recognize we have important principled differences that will be expressed in the Senate with conviction and with passion over the next several days. I expect the debate to be contentious. I also expect it will be civil and it will be respectful. I invite all who have ideas to work with us. Together we can bring our best to bear on the problem of illegal immigration so America is safer and is more secure.

As I said when I introduced my bill, I want this coming debate to reflect our commitment to the rule of law and to our proud immigrant inheritance. We are a nation of immigrants. We have all benefited from America's uniquely inclusive ethos. But America is also a nation of laws. Our laws bind us and protect us. They transform us from seekers into citizens. They are the very foundation of our democracy.

I am glad many agree on the need to ensure our debate is in the best keeping of the Senate's tradition. We ought to be honest about the problems we face, face them directly, and be honest about the outcomes we seek, within a framework of conversation that does credit to the Senate and to the Nation. We will conduct this debate with respect and seriousness.

I look forward to a thorough discussion over the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senate has an opportunity to take what could be a historic stand on reforming our immigration system, where many problems exist, including border security, ports, people coming into our country whom we cannot identify, posing a potential security risk from terrorists entering the United States. There are some 11 million undocumented aliens in the United States who are unwilling to step forward because of their concern of being prosecuted and deported. We have an economy which relies very heavily on immigrant labor.

We have now come to the point where legislation has been introduced which tackles these problems. The majority leader has said there will be passionate arguments. That is certainly true. Emotions run very high on these issues.

Some say we are a nation defined by the rule of law and that has been flagrantly violated by the 11 million people who have come to this country without conforming to the U.S. law. Many others who have come on visas have overstayed their leave. And, at the same time, we pride ourselves on being a compassionate nation. No one can deny that the United States of America is a nation built by immigrants. No one can deny that.

In my own personal situation, my own family is Exhibit A. My father came to this country in 1911 when he was 18 because the Czar wanted to send him to Siberia. He preferred Pennsylvania. So he came to the United States. My mother came at the age of 6 with her family and settled in St. Joe, MO. My brother and my two sisters and I have contributed to life in America. Our story is replicated by millions of people who have come from foreign shores and who have created a life for themselves, as the majority leader says, the American dream. And people still clamor to come to the United States because of the quality of life in this country, because of our democratic institutions, because of freedom of speech, because of educational opportunities and economic growth, and a chance to have a better livelihood and a superior way of life.

When the majority leader comments about the committee bill and says it is amnesty, I disagree with him head on. It is not amnesty. It is not amnesty because the lawbreakers are not being unconditionally forgiven for their transgressions. The lawbreakers, in order to move forward and stay in the United States and move toward a citizenship path, have to pay a fine. They have to pay their back taxes. They have to undergo a rigorous background examination. They have to work for 6 years. They have to earn the right to move toward a citizenship track.

If there is a better way to bring these 11 million people forward so that we can identify them, we are open to any suggestions which anyone may have. The Judiciary Committee has worked on this issue for months. We have had hearings. We have had analysis in the committee on markups. We faced the leader's requirement that the bill be finished before yesterday, before Tuesday, or the Senate would proceed on the leader's bill as opposed to the committee bill.

The Judiciary Committee prides itself on getting its work done. We got our work done. It was not easy, but we did it. In an unusual session, people returned early from the recess, came back on a Sunday. It doesn't happen around here, unfortunately. It should, but it doesn't. We ought to work more Mondays. We are going to work Friday of this week on this bill. We started at 10 o'clock on Monday morning and with a short recess break we worked through until past 6 o'clock in the afternoon. People who are watching C–SPAN may not be too interested in what a quorum is, but that is when 10 Senators are present out of 18. That is hard to do, especially when some Senators are in Iraq.

With the cooperation of the distinguished ranking member, Senator LEAHY, and the committee members generally, we were able to complete our task and complete and report out a bill on Monday of this week. That bill will be the replacement bill on behalf of the leader's bill.

While the leader is still on the floor, I say in his presence, his bill is up about noon tomorrow. The committee bill will be a replacement bill which will form the substance of the Senate deliberation.

I thank the committee members for their hard work. We have taken thoughtful, constructive legislation introduced by Senator McCAIN and Senator KENNEDY, and thoughtful, construction legislation introduced by Senator KYL and Senator CORNYN, and suggestions made by other Senators, and have molded them into what we call a chairman's mark. That is the name for the amalgamated bill that was the basis for our consideration.

We have moved ahead. It was my hope that we might have structured accommodation, a compromise among the competing ideas. After debating it extensively on Monday afternoon, it was determined we could not accomplish that, but we are still working on it. We yet may be able to structure a bill which will have more of what Senator KYL and Senator CORNYN were looking for than the final committee product. But all of that remains to be seen.

However, we have produced a bill and the majority leader characterized it as "while not perfect, significant progress," and I would not disagree with the majority leader's characterization that it is not perfect. I have been here a while and I haven't seen a perfect bill yet. I hope to be here a while longer and I do not anticipate seeing a perfect bill. This bill, however much it is improved, is not going to be perfect, in any event.

We have provided for border security. We have what we call a virtual fence. Unmanned drones will patrol the borders. There will be overhead satellite control. We have very vastly increased the number of border agents. We have provisions for employer verification, worked out with the cooperation of Senator GRASSLEY, who is not only a member of the Committee on the Judiciary but also chairman of the Committee on Finance. That is on a title which is yet to be added and will be added on the floor. We have a little jurisdictional issue, but we have worked out employer verification. Employer verification is a very major aspect of securing our borders.

We are going to have people come to the United States because of opportunity here, no matter what we do. We want to avoid the circumstance President Bush described in a Saturday address last week of having people come to the United States in 18-wheelers. What is an 18-wheeler? It is a big truck that has 18 wheels and people are stuffed into it. Many have died trying to come into this country in that way.

We have the realistic prospect of having an identification card, much like a credit card, which can go through an electronic process so that prospective employers will know whether the applicant for a job is here legally. If the employer hires the applicant knowing they are illegal, there will be tough employer sanctions to try to stop that practice.

As long as there is opportunity in this country, and without a guest worker program which will satisfy the needs of our economy, we are going to have people who will be determined to come here legally or illegally, any way they can get here.

We had a very important amendment offered by Senator FEINSTEIN, who had worked with Senator CRAIG, on agriculture. The statement was made by Senator CRAIG, and I believe it to be accurate, that agriculture in America would collapse—tough word—collapse without migrant labor. This committee bill includes a worker program which has been the cornerstone of what President Bush has urged.

I was pleased today to hear that Speaker DENNIS HASTERT commented he favors a guest worker program, which would be a significant addition to what the House of Representatives has passed, an enforcement program. That is the recognition that it is necessary for the American economy to have people come into this country to help us on the farms, in the hotels, in the restaurants, in so many lines of American work.

It is a good sign that when we function in conference under our bicameral system—the House has passed a bill; I am confident we will pass a bill in the Senate on immigration; and it is subject to modification and the will of the Senate—but with the recognition by the Speaker of a guest worker program, that is a very positive sign.

We have improved the situation with respect to visas for highly qualified people. William Gates was in Washington, lobbying—a pretty high-priced lobbyist—to come talk about the needs of Microsoft—a marvelous company, high tech, enormous advances for America—he wants more people with Ph.D.s and wants a larger quota of visas for those people to come in. We have accommodated that. And we have created more opportunities for people to come in who are students. If we can bring more brains to the United States, we are going to be anxious to do so.

I believe it is important to say, simultaneously, that we are making strenuous efforts to avoid bringing people into this country where there are Americans who can handle the jobs. If Americans can handle the jobs, we are not going to be bringing in other people. We will give those jobs to Americans first. And before employers may seek guest workers, under our legislation, there has to be a showing that the jobs could not be filled by Americans.

We have tackled, in the committee bill, the 11 million undocumented aliens, candidly, as best we could. We pride ourselves on being a nation of laws, and those who are here undocumented have come into the United States in violation of our laws. And now the question is, what do we do? We do not want to have a fugitive class in America. We do not want to have an underclass in America.

To contemplate, to even theorize about going out and taking 11 million people into custody is an impossibility. And if you took them into custody, they have to be detained before they have a deportation proceeding. Where will you detain them? Where are there detention facilities? Where are there beds? Where are there accommodations to keep them for deportation proceedings?

So if we have a realistic expectation that these undocumented aliens will have to come forward, there is going to have to be a program which will encourage them to come forward. We are not going to go out and arrest them and find them. And they have to know there is consideration for their plight, even though they are here without complying with U.S. law. And they do have to pay a fine. They do have to pay their back taxes. They do have to work for 6 years. And they have to undergo a background check. They have to comply with U.S. laws.

So it is not a free ticket. It is not amnesty. This word "amnesty" is a code word. It is a code word to try to smear good-faith legislation to deal with this problem. If you move away from the label, if you move away from the smear word and analyze what is going on, I think it is fairly stated that we do not have amnesty.

One line which we have not yet finished is the issue of judicial reform, judicial review. We need to have more in the way of immigration judges—better trained, better qualified—to handle the tough jobs which they have.

Then, we have an appellate line, the Board of Immigration Appeals, where the number has been cut from 23 to 11, and they are filing one-page opinions, which puts an enormous burden on judicial review in the circuit courts. Our bill will return that number to 23. We will call upon the Board of Immigration Appeals to write opinions so the circuit court will know what their reasons are, to take a burden from the circuit court of being required to start from ground zero to figure out what is going on in a case.

The chairman's mark has a provision that will consolidate appeals in the Federal circuit. We have had a good bit of objection to that from the Judicial Conference and from very prominent judges. Before moving ahead, we did not include that in the bill which we reported out of committee. Instead, we are going to have a hearing next Monday. We may even get in the habit in the Senate of working on Mondays. Who knows what may come from this bill?

We are going to bring in experts in the field. We are going to bring in the chief judge of the Federal circuit. We are going to bring in the chief judge of the Second Circuit, which has a very heavy burden. The chief judge of the Ninth Circuit is not available. We will have other representation from the Ninth Circuit to analyze that issue, to know more about the structure as to what we will be doing there.

But I believe we are off to a good start. I believe that when we replace Senator FRIST's bill with the committee bill, we will have a comprehensive reform package on the table. Then we will work the will of the Senate. We came close to striking a compromise, as I said, on Monday afternoon, and it was not successful. But it is going to be revisited. I think we may yet be able to take portions of the Kyl-Cornyn bill and integrate them into the committee bill, which relies very significantly on McCain-Kennedy, to present an even more balanced approach.

May I say, in conclusion, that we ask Senators to file their amendments. We have a difficult job. Instead of having 2 weeks, we are going to have, starting on Thursday—and Friday is always subject to some question as to how late in the day we can go, if at all—and then we have next week. And the temper of the Senate is to try to finish on Thursday when we look toward a recess, especially the Easter recess. I am being very pragmatic here as to what we are doing, but I would not be surprised if the leader was prepared to keep us in beyond Thursday night, beyond even Friday.

So I urge—and I know my distinguished colleague, Senator LEAHY, joins me in this—Senators to come forward with their amendments and be prepared to debate them and to start to think about time limits and to be aware that we are going to hold the votes to 15 plus 5. We have many votes which are held into the 30- to 40-minute category, which cuts into the floor time to get this important work done.

And now, with another pat on the back to Senator LEAHY for his tireless efforts and support, and who had a lot of things he wanted to do in Vermont—it is hard to get Senator LEAHY out of Vermont any earlier than absolutely necessary—he was back here on Sunday, and he was there on Monday. And with the help of the committee—and we had pretty good attendance—we reported out a bill. I accept the leader's characterization: while not perfect, significant progress. Let's make some more progress, and let's get some real immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Pennsylvania for his kind words. I have told him privately, and I will say it publicly, he has acted as a chairman should. I have been here 31 years, now going on my 32nd year. I have seen great chairmen in both parties in this institution. I have seen others who were chairmen in both parties.

Senator SPECTER is in the mold of the great chairmen. He took a very difficult bill, by his own force of will—as he has with others—and kept us together, made sure we had discussions. We went across the political spectrum. We had people who feel very strongly, and rightly so, who had differing views—all distinguished Members of the Senate. He herded them together, kept us together, and kept us in, doing what has been a rarity: the type of Monday session he had to make it work.

I can assure colleagues, both Republicans and Democrats, we would not have this bill on the floor, in an ability where the Senate cannot only work its will but do a fine piece of legislation, were it not for Senator SPECTER. Senator SPECTER made it possible with his leadership.

Senator KENNEDY, on our side, has worked on these issues since before any of us presently on the floor were in the Senate. And with the work of Senators from both sides of the aisle, we have a bill that provides a realistic, a reasonable system for immigration.

We voted in a bipartisan majority. We have seen, over the years, the Judiciary Committee become more polarized. We have seen, in the past couple of years, more and more strongly bipartisan votes. In this case, it was a bipartisan majority with a vote of 12 to 6, with two-thirds of the members of the committee voting in favor of a bill that protects America's borders, strengthens enforcement, and—and this is what is so important—remains true to American values.

The Judiciary Committee has confronted the challenging problem of how to fix our broken immigration system head on. It has sent to the Senate a good product. The committee met six times to debate a proposal offered by the chairman, meeting for long hours and considering dozens of amendments. The debate was substantive. It was civil. It was bipartisan. It was effective. And it was productive.

I might say, had it not been for superb staff on both sides of the aisle, this would not have been possible. I think of the members of my own staff. I would log on sometimes at midnight, when I would get home from other things, and their e-mails were pouring in from the work they had done. I would go back on the e-mails at 5 or 6 o'clock in the morning, and there were new ones. They were working around the clock.

We were given a deadline of March 27 by the Senate Republican leadership. I understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline and report a bill by Monday night. It was difficult. At times it was a Herculean task that seemed almost the task of Sisyphus. It seemed undoable and the deadline impossible, but under the steady leadership of the chairman, with the hard work and dedication of so many members of the committee—again, I compliment Senator KENNEDY of Massachusetts on our side who worked so hard on this—we worked through the long hours and numerous amendments and accomplished what seemed to be the impossible.

When I mention those two Senators, it is not to leave out other Senators. We had so many who brought up amendment after amendment, who worked hard on it, all trying to get a bipartisan bill.

The Judiciary Committee sent this resounding message, as I said, with a bill with a bipartisan vote of 12 to 6, with strong bipartisan support of every key amendment. These were not partyline amendments. These were bipartisan amendments. It is a bill that is strong on enforcement and in some ways stronger than the bill passed by the other body.

It includes a provision added by Senator FEINSTEIN, for example, to make tunneling under our borders a Federal crime. It is tough on employer enforcement. And it is tough on traffickers.

It is also comprehensive and balanced. It confronts the problem of 12 million undocumented immigrants who live in the shadows. It values work. It respects human dignity. And it includes guest worker provisions that have been supported by both business and labor. It includes a way to pay fines and earn citizenship that has the support of religious and leading Hispanic organizations.

These provisions are not amnesty. I spent enough years in law and enough years as a prosecutor. I know what amnesty is. These are not amnesty. Undocumented immigrants already in the country would not get to cut to the front of the line, but, in accordance with the committee's bipartisan plan, will need to pay fines, pay back taxes, work hard, and wait in line for green cards. They have to pass background checks and play by the rules. With fines and hard work and going to the back of the line, after 11 years, by following a regular path to legal status, the currently undocumented will join as full participants in American society. Following this plan, we could create an orderly system for immigration that is consistent with traditional American values and our history.

Opponents of a fair, comprehensive approach are quick to claim that anything but the most punitive provisions are amnesty. They are wrong. We had an amnesty bill. President Reagan signed an amnesty bill in 1986. This is not an amnesty bill. An editorial in the New York Times entitled "It Isn't Amnesty" makes the point that painting the word "deer" on a cow and taking it into the woods does not make that cow a deer. Frankly, in the State of Vermont, we deer hunters know the difference between a cow and a deer. We better. Our committee bill should not be falsely labeled. Our bill is more properly called what it is—a smart, tough bill.

The committee also voted to add several constructive and practical measures to the chairman's mark. We added a new version of the Agricultural Job Opportunities, Benefits, and Security Act, or AgJOBS, a bill I have long supported. I was joined in that bipartisan effort by Senator Larry Craig. AgJOBS will reform the H-2A visa program for temporary agricultural labor. This new version will help dairy farmers in Vermont and many other States to legally hire foreign workers. The bipartisan provision approved by the panel would make dairy workers able to work under visas for up to 3 years, with the opportunity to adjust to permanent residence and achieve their full potential to become eligible for higher paying occupations.

The American people are engaging with us in this debate. The Nation's newspapers reflect the public's growing interest in how these decisions will be settled. In my home State, the Burlington Free Press and the Rutland Daily Herald have offered thoughtful editorial observations about these issues. I commend these editorials to the attention of my colleagues, and I will at the end of my statement include them.

The committee also adopted an amendment to include the bipartisan Development, Relief, and Education for Alien Minors Act, called the DREAM Act. This provision will allow immigrant students to attend college and become permanent residents if they follow the rules established in the act. It will free eligible students from the constant fear of deportation, while allowing them to work so they can afford to pay for college. By our bipartisan committee vote, we hope to extend Hispanic young people greater educational opportunities so they may realize the American dream and achieve their potential.

The committee agreed—wisely, I believe—to drop several controversial provisions. Early in the process, I led an effort to remove a provision directing the Department of Homeland Security to study building a barrier, a fence, a wall along our northern border with Canada.

If I might just for a moment. I live less than an hour's drive from Canada. I see people go back and forth across that border all the time, families who live on both sides. My wife is a first-generation American. She was born in Vermont literally a couple hundred yards from the Canadian border. Her parents were naturalized citizens coming from the Province of Quebec. When I come home and she is speaking French on the phone, I know she is talking with some of her relatives in Canada. But tens of thousands of families, probably far more than that, cross the northern border.

There are also businesses. We even have a store in Vermont where there is a line painted down the center of the store, a cash register on one side of the store with Canadian money and a cash register on the other side with U.S. money. Why? Because half the store is in Canada and half in the United States. With the proposal that was before us of this barrier, this fence, it was going to be Joe would get a passport and bring me that box of Rice Krispies from the other side of the store. I mean, it gets down to that. There are businesses up and down the same way. When this proposal faced the light of day, we understood it easily.

There were other controversial provisions that we wisely dropped, provisions that would have exposed those who provide humanitarian relief—medical care, shelter, counseling, and other basic services—to undocumented aliens to possible prosecution under felony alien smuggling provisions of the criminal law. If somebody is running a food bank or a shelter for battered children and women and they give aid, they help people, they feed the hungry, if you have an order of nuns who feed the hungry, under those circumstances, they faced a chance of being charged with a crime. For shame, for shame. Let's accept the beatitudes as something that should go across all faiths, across all laws. I thank so many in the relief and religious communities for speaking out on this matter. Those criminal provisions should be focused on the smugglers. Under the committee bill, that is what we do—go after the real criminals, the smugglers, people who trade in human lives.

The committee also voted down a measure that would have criminalized mere presence in an undocumented status in the United States. Illegal status is currently a civil offense with very serious consequences, including deportation. But criminalizing that status was punitive and wrong. Let's be realistic. Are you going to go out and lock up over 10 million people? It would have led to further harsh consequences. It would have trapped people in permanent underclass status, unwilling to move into the mainstream of society.

These policies, which were included in the House-passed bill and supported there by congressional Republicans, understandably sparked nationwide protests. They were viewed as anti-immigrant and inconsistent with American values and history. American values that attracted my grandparents to come here from Italy to settle in Vermont or my great grandparents to come from Ireland and do the same.

The committee bill was tough on enforcement and very properly so tough on the smugglers. It is smarter and fairer.

Finally, I thank the chairman for setting aside provisions in the mark that would have consolidated all immigration appeals from around the Nation into the jurisdiction of the Federal circuit, the court of appeals for the Federal circuit. That is a court we have wisely set up in recent years in Washington because it has specialized jurisdiction. It was created to hear patent appeals and cases involving technical intellectual property issues, those issues which have so much to do with the economy of our country. It was not set up to hear immigration appeals. In fact, the Judicial Conference, chaired by now Chief Justice John Roberts and Federal judges from across the country, expressed serious concerns with these proposals. The chairman did the right thing when he agreed to hold a hearing and further consider what provisions will best correct the problems created by former Attorney General Ashcroft's ill-conceived actions with respect to these matters in cutting down the number of people who could handle such matters.

I ask everybody to look at the peaceful demonstrations around the country over the last week. I will pick just one—in Los Angeles, half a million people. I can't help but notice that. We have slightly over 600,000 people in my State. They had almost the population of my State in a peaceful demonstration in Los Angeles. They were calling on us, calling on the Congress, the U.S. Senate and our colleagues in the other body, to recognize the human dignity of all. These aren't numbers. These aren't numbers. These are human beings. Do the right thing. We can do it in keeping with the longstanding American values. Let's not take the attitude that we are here, so no one else should be here. We are a nation of immigrants. We really are. In this case, if we are going to truly have the American dream, we also need a comprehensive solution to what has become a national problem. We need a fair, realistic, and reasonable system that includes both tough enforcement but immigration reform provisions. The bill reported by the Judiciary Committee is that bill.

This could be a pivotal moment in helping to achieve that goal. The Judiciary Committee's debate has produced a bill that I believe would make my grandparents proud. But I think it would make the ancestors of all of us proud. It is worthy of our support. We should stop and think for a moment in this body, this exclusive body—there are only 100 of us who get a chance at any given time to represent almost 290 million Americans—should we not do something that makes the country proud, makes those other 290 million Americans proud and makes us in this body proud?

I thank the many individuals and organizations who were so helpful to us during committee consideration of the bill. Included among those supporting this measure are many labor unions, the U.S. Chamber of Commerce and other business groups, leading Hispanic organizations such as the Mexican-American Legal Defense and Education Fund, the National Council of La Raza, many religious organizations, including the United States Conference of Catholic Bishops.

I ask unanimous consent that editorials from the Rutland Daily Herald, the Burlington Free Press, and the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Daily Herald, Mar. 28, 2006]

ONE WORLD

Vermont's economy is sending a mixed message. Unemployment is low, and median family income is growing. But economic growth is imperiled by a shortage of workers, and the costs of housing and health care are becoming increasingly burdensome.

The labor shortage is having several effects in the economy. One of them is the appearance of large numbers of illegal immigrants to work on the state's dairy farms. The problem of illegal immigration will come before Congress this week, and it is a contentious and complex issue. The situation in Vermont is a microcosm.

It is often argued that workers from Mexico, legal or illegal, are essential to the economy because they are willing to do work that U.S. workers are unwilling to do. But as Paul Krugman notes in the column below, workers shy away from low-paying jobs because they are low-paying. If a farm worker earned as much as a school teacher, there would be more people willing to milk cows for a living. But farmers are in a bind. If they had to pay that much for farm labor, they would either have to raise the price of milk or they would have to absorb a cost that few could afford. The price of milk is out of their hands, and as long as illegal immigrants are available to hire, they play a role providing low-cost labor.

Thus, farmers who refuse to hire illegal immigrants find themselves at a competitive disadvantage, forced to pay higher wages for the same labor. That's why business interests are among the chief proponents of allowing guest workers into the country legally. Business reaps the benefit of low-cost labor.

The result is that there is an underclass of workers, legal or illegal, willing to work at wages below what is deemed by many to be livable in the United States. It is a consequence of our proximity to Mexico. Substandard wages in this country are desirable to many Mexicans who, even earning low wages, manage to send home money to support family members left behind. The economic inequities between Mexico and the United States cannot be abolished by passing a tough immigration law, and the result is downward pressure on wages for Americans.

That downward pressure exists in the industrial sector as well. Many old companies have departed over the past 40 years, replaced by a new brand of high-tech company or by service sector jobs that pay less than traditional factory jobs. Vermont has regained its footing after the industrial decline that hurt Springfield, Rutland and Bennington so badly, but continued industrial growth remains hampered by the labor shortage caused by an aging population.

On top of these pressures are the extra burdens of high housing and health care costs, which hit low- and middle-income workers the hardest. Market forces beyond Vermont are driving up those costs, and efforts in Montpelier by the Douglas administration and the Legislature to ease the burden of those costs are essential to future economic growth in the state.

Thus, it is impossible to talk about Vermont's economy without talking about the economy of the nation and the world. The influx of farm workers from Mexico makes that clear, but the rest of the economy, too, remains enmeshed with the broader, changing world.

[From the Burlington Free Press, Mar. 28, 2006]

IMMIGRATION BILL SHOULD HELP FARMERS

Vermont needs immigrant labor to help on dairy farms. There are currently more than 2,000 Mexicans filling relatively low-paying farm jobs that Vermonters won't accept. Without that immigrant work force, some dairy farms would go bankrupt.

That's a reality.

As the U.S. Senate focuses this week on immigration reform changes, Congress should recognize the needs of farms for this critical labor source. The Senate should create a program to allow hard-working immigrants to legally hold jobs in this country.

That might be structured much like the current program that allows immigrant labor—primarily from Jamaica—to work for less than a full year in Vermont picking apples.

The Senate Judiciary Committee on Monday passed a good version supported by Sen. Patrick Leahy, D-Vt., that suggests a three-year work program that can be renewed.

The changes cannot create a permanent "underclass," as some have suggested. Instead, it should be based on "common sense, decency and reality," said Vermont Agriculture Secretary Steve Kerr.

This is not a partisan issue. Vermont Sens. Jim Jeffords and Leahy support such a change. President Bush has also expressed a desire to enable immigrants to cross the border and fill job vacancies, and Sen. Larry Craig, R-Idaho, has sponsored an agricultural jobs package.

There is resistance, however, from some senators who worry about security threats linked to opening the borders in such a way, and those who don't want to reward immigrants who have broken the law to enter this country.

While it is important to tighten border security, this does not preclude taking responsible steps to allow carefully screened immigrants to hold jobs in Vermont that provide income for their families and help the state's struggling dairy industry.

"This is a deciding issue," Kerr told the Free Press on Monday, as the Senate Judiciary Committee in Washington began serious work on immigration legislation. "This is a litmus test."

Kerr said Vermont farmers would certainly prefer to hire local labor for these jobs. But, he said, it is virtually impossible to find people willing to take these low-paying, physically demanding jobs. The Mexican workers are paid roughly $8 an hour, and the farmer provides many of the basics, including housing and heat.

Creating a program that documents the arrival of those workers makes sense. Local law enforcement would know who is living in their communities, and the workers would have the security of moving freely off the farm and knowing they aren't at risk of automatic deportation.

Most importantly, farmers would have a reliable, hard-working group of people helping with the milking and other demanding farm tasks. For some, that might be the difference between staying In business or throwing In the towel.

[From the New York Times, Mar. 29, 2006]

IT ISN'T AMNESTY

Here's one way to kill a cow: take it into the woods in hunting season, paint the word "deer" on it and stand back.

Something like that is happening in the immigration debate in Washington. Attackers of a smart, tough Senate bill have smeared it with the most mealy-mouthed word in the immigration glossary—amnesty—in hopes of rendering it politically toxic. They claim that the bill would bestow an official federal blessing of forgiveness on an estimated 12 million people who are living here illegally, rewarding their brazen crimes and encouraging more of the same.

That isn't true. The bill, approved by the Senate Judiciary Committee in a 12–to–6 vote on Monday, is one the country should be proud of. Four Republicans, including the committee's chairman, Arlen Specter, joined eight Democrats in endorsing a balanced approach to immigration reform. The bill does not ignore security and border enforcement. It would nearly double the number of Border Patrol agents, add resources for detaining illegal immigrants and deporting them more quickly, and expand state and local enforcement of immigration laws. It would create a system to verify workers' identities and impose tougher punishments on employers who defied it.

But unlike the bill's counterpart in the House, which makes a virtue out of being tough but not smart, the Specter bill would also take on the hard job of trying to sort out the immigrants who want to stay and follow the rules from those who don't. It would force them not into buses or jails but into line, where they could become lawful residents and—if they showed they deserved it—citizens. Instead of living off the books, they'd come into the system.

The path to citizenship laid out by the Specter bill wouldn't be easy. It would take 11 years, a clean record, a steady job, payment of a $2,000 fine and back taxes, and knowledge of English and civics. That's not "amnesty," with its suggestion of getting something for nothing. But the false label has muddied the issue, playing to people's fear and indignation, and stoking the opportunism of Bill Frist, the Senate majority leader. Mr. Frist has his enforcement-heavy bill in the wings, threatening to make a disgraceful end run around the committee's work.

The alternatives to the Specter bill are senseless. The enforcement-only approach—building a 700–mile wall and engaging in a campaign of mass deportation and harassment to rip 12 million people from the national fabric—would be an impossible waste of time and resources. It would destroy families and weaken the economy. An alternative favored by many businesses—creating a temporary-worker underclass that would do our dirtiest jobs and then have to go home, with no new path to citizenship—is a recipe for indentured servitude.

It is a weak country that feels it cannot secure its borders and impose law and order on an unauthorized population at the same time. And it is a foolish, insecure country that does not seek to channel the energy of an industrious, self-motivated population to its own ends, but tries instead to wall out "those people."

It's time for President Bush, who talks a good game on immigration, to use every means to clarify the issue and to lead this country out of the "amnesty" semantic trap. He dislikes amnesty. Mr. Frist dislikes amnesty. We dislike amnesty, too.

The Specter bill isn't amnesty. It's a victory for thoughtfulness and reason.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from New Mexico.

Mr. DOMENICI. Before the distinguished Senator leaves the Senate floor, Mr. LEAHY, might I say that I was present while you spoke this afternoon. I was here when the distinguished chairman of the committee spoke. I commend both of you for the diligent and obviously hard work you put in on a very hard subject for the American people. I think we got off to a good start today. Your hearings set the right pace for Americans to begin to understand that immigration is a complicated issue but that it can be solved. I am much more optimistic than I was a couple of months ago that even with these timeframes which have been tough on you all, these mandates by our leader that you get things done by a time-certain, we have both been here long enough to know that maybe that is how you get it done.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from New Mexico. We have known each other for over 30 years. I appreciate his words. I thank him.

Mr. DOMENICI. Mr. President, I am going to speak today very personally because I don't think very many people know, certainly looking here at my good, new friend occupying the chair from the State of Oklahoma. I am quite certain he doesn't know that this Senator was born by a mother who unknowingly was an illegal alien. She happened to be Italian. We are now talking more about Hispanics, although not exclusively. But today in the Senate Hart Building, the Senator from New Mexico had before him on the floor of his office, and in the chairs that we had, about 30 Navajo young men and women—10th, 11th and 12th graders—with a few adults, and about 5 or 6 students from a completely different part of the State of New Mexico. They were sitting on the floor asking me if I would talk to them about myself. "Who are you?" they asked.

I started off by telling them who I was. I gave a little bit of a lesson on the Constitution, and about there being only two Senators from each State, and how lucky we are, because we have just as many Senators as New York has. Of course, they knew that. I told them that might not seem fair, but the Constitution makes it fair because it is the document of fairness.

Then we proceeded to talk about how I got here. I told them the story of how I ran for office on a dare and got elected. Then I talked about some dates in our State's history. I said, in 1912, New Mexico became a State. Before that, in 1906, 2 boys arrived at Ellis Island with an uncle. One of these boys with the last name Domenici had a strange first name, Cherubino. People wondered what that was. In Italy, that was a nice name that meant "little angel." He was born the last child of that Domenici family because his mother died in childbirth, so they named him "little angel."

In 1906, Cherubino, who was my father, arrived at Ellis Island, having left a little town called Lucca, Italy. He arrives in Albuquerque, NM. I told these young Indian students. He went to work in a grocery store that, believe it or not, was named the Montezuma Mercantile Company, and it was owned by Italian immigrants. These Navajo young people were wondering in awe, what are you talking about? I said, well, that is the way America was then. They welcomed aliens. There were no illegal aliens. If you came from Europe during those times, they said, come, we want you. They didn't say you are automatically a citizen, but they said come. These two boys were brothers; my dad came with his brother. The reason why is something that should not take the Senate's time tonight, other than to say they planned to bring my father only, but he got scared to come without his brother, so he cried and his brother said I will go, and then my dad said I will go, too. He said if you go, I will go. So his father played Solomon and sent them both. They went to France and got on a boat and arrived in Albuquerque in 1906.

We became a State in 1912. If my math is right, that is 6 years later. Guess what. By then, my father had bought the grocery store. He never went to school, but you see, he was still able to buy the grocery store. He was an alien. He worked hard and guess what happened. The war came along. Don't get too far ahead of yourself. It was the First World War. He got drafted as an alien. They put him in the Corps of Engineers. He told me one day: They wanted to promote me, but I told them I didn't want another bar because I spoke English too poorly and I was embarrassed to drill the boys. He was a little older than some of them, but he turned down the little button, or whatever you get, because he didn't want to sound like an Italian instead of an American, so he did not take the promotion.

But he still came home from the war a hero. And because of his service, he was made a U.S. citizen. Guess what. He went to see the best lawyer in Albuquerque, NM, before he married my wonderful mother. He said: If I marry her, because she has not finished her paperwork for citizenship, will she be a citizen? The lawyer said: Oh, yes, sure, she will be a citizen. Now, you see, that was wrong legal advice. So here my mother bears four children to a wonderful citizen whose grocery store is growing. She becomes kind of everybody's leader, the Parent-Teacher Association president, raising all the money for the Catholic school, and guess what. She is an illegal alien.

My mother hadn't been back to Italy since she was 3 years old. Remember, that is like some of our aliens in America. You know them, Senator MARTINEZ. They have been here 30 years, they have never been back to their home countries, they live in the same neighborhood, they have children and they marry Americans, just like my mother. One afternoon when I am about 9 or 10 years old, sitting in the backyard, guess who arrived? It was during the Second World War, 2 years before the end, or a year and a half. Who were we at war with? Italy. The immigration officers arrived in their big black cars. They pulled up to the house, and there was the Senator-to-be 45 years later—little PETE—with his sisters, and here they come. Of course, we think what happened was there was a flamboyant Italian man nearby that used to—excuse me—imbibe on weekends. They think he had a little too much imbibing and he was singing a song out the window of the third floor of a hotel, right on top of the grocery store, the Montezuma Grocery Store. Of course, singing Italian, he probably excited some American who was a supercitizen, right? He was worried about these illegal aliens. So the immigration officers set about to see who among us were illegal aliens, and there she was, my mother, Alda Domenici. They decided she had to be arrested because she was an illegal alien. So, sure enough, they came to do that and a neighbor had to come over to take care of us kids. I was about 9 or 10. I was pretty frightened. I remember that we had a nice Zenith radio, a standup, and it had an aerial in it that would permit you to get music and pick up noise from overseas. The agents disconnected the radio so we could not communicate with the enemy. Then my father arrived at home. But guess who else arrived. That lawyer who advised my parents on my mother's immigration status came because my father called him up. That great lawyer, whose son was later Governor of New Mexico, got there to the house and said: What is the matter with you guys? This is no lady to be arrested. She has been living here since she was 3. Look at all her kids, and her husband has been running this business. And the agents said: We have these orders that she has to be arrested. To make it short, the lawyer answered: Why don't you arrest me, too.

So they had to arrest the lawyer, too. They took him to wherever they were going—to Federal court, I suppose, and they took my dad's gun. A couple hours later they put up the bond and she came home. I don't know when—probably about 6 months later—she filled out all the forms to become a U.S. citizen.

Why do I tell you this story? I want everybody to know that I am a Republican. I don't want anybody to think that in order to understand what it is like to have things happen to you like what happened to me, you have to be a Democrat or a Republican; you just have to live in this country during these times, when things like this happen. They happen and you know exactly how people feel. They are like everybody else.

We talk about this whole issue of illegal aliens as if we are talking about hooligans and people who are drug addicts. Of course, when you have something as intricate as the border, which is where economics come into confrontation—the economics of poverty come into confrontation with the desire of adults to get ahead; that comes into confrontation with those who want to make money by taking advantage of that desire and charging people and becoming human smugglers—the thieves of human bodies; and that comes into confrontation with lying to and cheating Federal agents. You have this whole panorama of what is going on along our borders. Then we keep waiting for it to get solved, while all the time, day by day, thousands upon thousand of stories such as I have described are occurring.

There is no way to sit back, whether you are a competent, powerful radio announcer, newspaper article writer, editorial page writer, or local neighborhood noisemaker—there is no way you can properly capture the reality of what we have let happen to this country. I, for one, want it to be known that I think this problem is solvable. I believe we can tighten up our borders. I believe it will take time—I believe it is impossible to pass a law and 6 months later have a border that is as tight as a belt, as some people say. It is going to take a lot of equipment and manpower and a lot of machinery and technology to do that. It is also going to take the next 2 or 3 weeks in the Senate of human willpower built around a spirit that is American, that recognizes our country was built by people such as those I have described. And there happen to be not as many named Domenici as there were back then; more are named Martinez than Domenici today, and Salazar, and Chavez; and many of their first names are not like mine, which was Pietro, but they are Enrique and Carlos.

I think there is a willingness to work these issues of border security and immigration reform out. I want to suggest a couple of items. I believe the American people are going to understand before we are finished that we are going to do our very best to make the border such that it will not be penetrated every day by thousands of people who will be violating this new law we pass. I believe that is going to happen.

I do believe, however, one thing that has not been discussed enough is that we are going to have to get much more cooperation from Mexico to get that done, and I would like my friend Senator MARTINEZ, who is here, to talk about that when he makes his comments.

The Mexican government and our Government must enter into an agreement, an accord, when this bill is finished that they are going to jointly see that our border security provisions get enforced. I have a provision requiring that in a bill that I introduced called the WISH Act. It has provisions saying that before the bill comes into force as far as benefits to Mexico, the Presidents of the two countries must enter into an agreement regarding enforcing our drug laws, human smuggling laws, and immigration laws; and also where Mexico will encourage their residents who live here to come forward and be recognized under the law. And, fellow Americans, what we put on paper and make our law is going to have to be significantly enticing enough for these millions of undocumented workers, some of whom have been living here a long time, to risk putting up their hands and saying: I will exchange the way I am living now for this new promise, this new proposal.

It better be good enough or they will continue living the way they are. So it has to have something in it that they want.

But it also has to say to the American people: We have this situation under control; it is not going to continue on after we pass this bill. And that gets back to the 10 million to 15 million undocumented workers who live here. We have called them all kinds of things. Let's just say the 10 million to 15 million aliens who live in the United States who are not citizens of the United States, some of whom came here totally illegally, some of whom came here under temporary permits—that group of human beings has to be addressed by this legislation in a humane way. They must be addressed in a way that recognizes that they are currently contributing significantly to the United States, that they probably are going to continue to contribute to our country, and that what we have in our minds about who they are and what they are is probably not what they really are. In our minds, we have pictures of them being leeches, people who are living off us instead of producing something we want or need.

I hope I get a chance to give another few comments later. I have some very valuable information about the economic contribution of these people. It is a very big contribution, in the billions of dollars in commerce coming from these people living in our country. There are billions of dollars in GDP contributions.

What kind of jobs are these people we are talking about currently doing? Some of us speak about them as if the only jobs they have are kind of trashy old jobs that nobody else wants. That is some misinformation, too. They are taking some menial jobs. We constantly say: Why don't we let them come here because they will take those jobs that nobody else wants? But they are also engaged in some very good jobs. There are carpenters and automobile mechanics in certain cities. They have moved their skills upward beyond that temporary permit they have, and they are in another category, but they can't move up into that new category under current law, to represent the new kind of lifestyle they live.

Also, about half of them have lived here a short period of time, and about half of them have lived here a long time. So I am just going to describe what maybe is the way we get the issue of undocumented workers solved. Let's consider drawing a line at those who have lived here longer than 5 years. It seems to me that this is an important consideration, an important issue to look at because if one lives here for several years, that person certainly has a different relationship with the community and probably a different relationship all the way around than somebody who just arrived last week or even somebody who works 3 months and goes home. If someone has lived here for 5 years and has been working and maybe is just like that lady I described, my mother, who is living with an American and has children and has been here 10 years but is not a citizen, we have to figure out how we are going to handle that.

I believe the President of the United States deserves enormous credit for sticking with this issue for a long time. People have said: Where is the plan? He was the only big voice in America for the last 3 or 4 years that has constantly said we have to do something about this problem, and it is not just buttoning up the border. He said we have to go beyond that and provide something for those who want to live and work here—we must give them a chance to live here under humane circumstances with the kind of grace and opportunity that is a privilege of living in America. I think he is still saying that.

I am hopeful that before we finish this debate, the solution is going to come from a White House-Senate-House melding of ideas along the lines of giving some special treatment to those who have lived here for a longer period of time—different and better treatment, easier access to the U.S., perhaps easier access to a higher level of status than what they had when they came here.

That is the essence of a proposal that I put in what I call the WISH bill. Workers who are here less than 5 years under my proposal can apply for and get a visa without leaving the United States. If they are unemployed for no more than 30 consecutive days, they get a renewal of that 3 year visa two more times. Then they have to leave America for at least three years. That proposal is for people who have been here less than 5 years.

One would say that is not so good. But what we are talking about is giving these people 9 full years to do their best to arrange things and have whatever successes they can make. So that is one approach to one portion of these people who are undocumented workers.

I suggest we split this group of people so that those who have been here for longer than 5 years—which they can prove that with workers' affidavits and the like—start by obtaining the same visa I just discussed, but after 5 years, they can apply for another visa or a change of status, except permanent residency, without leaving the United States. We would have no caps on the number of visas for these change-of-status grants.

It would appear to this Senator that this could be the beginnings of a compromise built around something that is understandable, realistic, and should be given due consideration by this body.

Not having had the burden—or the luxury—of serving on the Judiciary Committee, I have told Senator KYL, who has worked very hard on this issue, that I am willing to work with him, and to the best of my staff's ability they will work with him, to see if we can't come up with some kind of a better approach than has been forthcoming heretofore.

I notice Senator KENNEDY is present. Senator MARTINEZ has asked if he could speak next, and he has been waiting for quite a while. I assume that is satisfactory.

In the absence of the Senator from Massachusetts, I spoke about the fact that frequently we get legislation done when we are told we must do it under a deadline. There is still a lot to do on this bill, but I can tell the Senator, there are a lot of people pulling for a solution and who want to be helpful.

This is, indeed, a true turning point in modern American domestic policy history. It is a big opportunity. We solve it or we have some of the worst problems confronting the American people that we can imagine. It has almost gone beyond the solvable, but not quite because we are pretty sanguine and willing to work.

Just as Senator KENNEDY and his family have their roots in Ireland, I had an opportunity to speak this afternoon about a very strange incident of how this Senator happened to be born to a woman who thought she was American but was not. So I lived in a family for quite a while with a father who became a citizen only because he served in the First World War. He married a woman who he was told would be an American if he married her. He was told that erroneously by a lawyer, and she was arrested during the Second World War—taken right out of our household. So I understand this whole idea of a household with a father who is American and a mother who is not, but they are living, working, and getting ahead and driving their business. I understand that they are just like every other family in America. There is nothing different. They have the same love, same hope, same will, and same aspirations as those of us who were born here have.

I am here to be helpful. I thank the Senate for listening, and I thank the Senator from Massachusetts for listening to me again the last 5 minutes. My wife is going to give me a note saying that my face is getting red, and it is time to sit down. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, first, I thank the Senator from New Mexico. I thank Senator KENNEDY for indulging me for a couple of moments. I know we are supposed to go back and forth, but I appreciate the opportunity to be heard following Senator DOMENICI because I believe my comments are germane to the comments he made. I thank the Senator from Massachusetts for his courtesy. These will be very brief comments.

Mr. President, I say to Senator DOMENICI, I love hearing his story because it is the story of America. It is the fabric of America about which he spoke. I was so touched by the way he told it.

Obviously, as the only immigrant in the Senate, I think it is terribly appropriate that I speak at the outset of this very important national debate on this issue in the Senate.

I am reminded as we talk about these issues that there are so many interesting connections. When I came to the Senate as a Senator from the State of Florida, it was such an incredibly proud moment for me and, frankly, for many in the community from which I come—the Cuban-American community—since I was the very first Cuban American to have this distinction and this honor. I also am probably the first Florida Senator to ever serve in the U.S. Senate who was not born in America. But, Mr. President, the story of America is such that, as I started to look at that history, I found out that the very first Senator from Florida, when Florida became a State—I believe in 1854—was a fellow by the name of Yulee Levy who was actually born in the Middle East. He was a fellow who had come to America as an immigrant and who ended up representing the State of Florida as the very first of two Senators who came, and he, in fact, beat me by a good little margin as the first foreign-born Senator from the State of Florida. But that is the sort of history our country is made of.

This is such a timely and important debate. I am pleased that you would mention our President, who has been very steadfast and very strong on the issue of a comprehensive solution to our immigration problem. I love so much that you began this debate in such a loving way, in such a civil way, and in a way that allows us to think a little bigger and a little higher than the combat of the day and the rhetoric, frankly, which so often gets so heated, which so often gets so beyond the pale of what ought to be. I am proud of the Senate as the Senator begins this debate with such a note of civility.

I believe we recognize first and foremost that our immigration system is broken, that we have to fix it, we have to set about fixing it. The Senator is so right when he speaks about the fact that it is almost too late to fix and we have to act and we must act now. It is important, too, that we focus on a comprehensive solution.

It is obvious that we have to fix the border. All of us want to see the border be secured and protected, to be something other than what we have today. The resources will be there, we will do it, and it will be a commitment that we make first and foremost for border security. I think all of us, no matter where we come from, appreciate the legality involved in border security, but in addition to that, we have to be careful of the rhetoric. I don't believe we should allow the loudest voices, not necessarily the best voices, to make a definition of what amnesty is and what amnesty should be. I believe we should look to solutions that are rooted in what America is about and our American values.

We cannot ignore the millions who already are here.

We have to give the border its importance, but we have to look beyond that to the fact that there are millions who have been living here and contributing to this Nation, and we look forward to an opportunity to figure a mechanism.

Senator DOMENICI has put forward a proposal—and there are many others on the table, obviously. The bill out of the Judiciary Committee makes an important contribution there. We need to find a way that we can come to grips with what to do with the millions of people who are living here and who are already here making a contribution.

The Latin community of America, the Hispanic community of America, has been galvanized by this issue like no other. This is a historic moment in our history, and it is a moment we have to treat with great care and great importance how we set the tone of this debate. I am hopeful that as we look to the future, we will come up with solutions. I am very hopeful that we can come together as a Senate. I am very hopeful that the Congress will come together, with the help of the President and others interested in this debate, to come up with solutions which will provide a way forward, which will provide a historic opportunity for the people of America to be one Nation, to be, as our model says, e pluribus unum—"For many, one"—because I do know that the immigrants who come to this Nation do not come to change America, they come to be changed by the miracle that is America.

I know that I, as an immigrant, was changed by America. When I came here, much like Senator DOMENICI's father, I did not speak the language. You learn the language. You make it your business to become an American. I did not understand this culture. I had no idea as a 15-year-old boy what the country was all about, but I made it my business so that I could make a contribution to it.

So I am hopeful that we can come together to find solutions to these issues. There is nothing easy about this problem, and I know people of good will will come together so we can move forward in a positive way, in an American way.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, for the last 15 minutes or so, we heard the stories that have true meaning in terms of the whole American experience. Senator DOMENICI talked about his parents and how they worked through the process of becoming proud Americans, and the good Senator from Florida told, as well, the story of an extraordinarily successful immigrant who came here and is now serving with great distinction, representing the people of Florida.

Last evening, just as the Senate was about to adjourn, Senator MCCAIN, who is the primary sponsor of this legislation, introduced me to a wonderful young American, Fabian Nunez, and Fabian Nunez is the speaker of the California Assembly. His father was a Bracero in the 1950s, and at the end of the Bracero Program, he went back to Mexico. He came back here—the boy did—with his mother, who had been a maid and was also undocumented. She had worked two jobs. And this young boy came back to the United States—as a young boy, had gone back to Mexico and came here at 8 years old. I also talked by telephone to the father, who is 83 years old, and he said how proud he is that his son is now the speaker of the California Legislature. That is the real story of America.

At other times, we have seen where Democrats and Republicans have come together and Presidents have come together with the Senate and the House and have taken action that has moved this Nation. That was certainly true during the civil rights legislation where we knocked down the walls of discrimination, of race and religion, and also of gender. We knocked down the walls of discrimination against the disabled with the Americans With Disabilities Act. We came together as well to pass the Medicare Act so that many of our elderly people would not live in poverty and also would be able to get the health care they needed. We came together to do that. We came together in terms of the higher education legislation, and today millions of young people are benefiting from that system. I certainly hope that we can, as we start this debate, come together as Americans to deal with this issue.

It is a new civil rights issue, but it is one that is going to continue to be an issue unless and until we address it. There are different approaches, and they have been outlined earlier today, and they will continue to be outlined tomorrow. But I think the stories we heard this evening are the clearest and most compelling evidence of what this country is when it is at its best and what it can be. It is in that spirit that Senator DOMENICI spoke and that Senator MARTINEZ spoke and that others have spoken. Democrats and Republicans. It is that spirit which we hope to capture when we address this issue and finally vote on the legislation that is before us.

I look forward to having the chance to speak at greater length tomorrow. I spoke earlier today about the history of the whole migrant program and the steps that have been taken. There have been failures and some successes, but the challenging opportunities are the ones we face today. This is an issue which isn't going to go away. It is going to take the best that is in all of us. I am very hopeful that when the vote is finally cast, it will be for a meaningful, comprehensive program that will recognize the national security issues which are involved, will understand the economic issues involved, and finally, and perhaps most importantly, understand the issues of values which are involved. I will have more to say on that on the morrow.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, we are a Nation of immigrants. There are so many great stories of people who have come to this country and enriched our Nation and benefited their families and had great life experiences. There is no dispute about that. I don't think there is a single Member here who would deny that.

But there is a suggestion that those who do not support the Kennedy bill—or whatever you want to call the bill that came out of the Judiciary committee, of which I am a Member and the Presiding Officer is a Member—if you don't support that bill, you want to run everybody out of the country and you want to lock them up and prosecute them. If you don't support this bill, you have bias against them and you don't believe in immigration. You don't believe in the great freedoms of our country. Nothing could be further from the truth. That is not right.

What we are trying to do is to develop a system to deal with the immigration crisis that we have that is consistent with our values as Americans, that is consistent with the rule of law in this country, that treats people who do the right thing better than it treats people who do the wrong thing. That is what this debate is all about. We are trying to set policy for the future about the people who are allowed into our country, how many and under what circumstances. A Nation surely has a right to decide how many people it allows to come in. We are one of the most generous nations in the history of the world in allowing people to come here. But we have a right to decide how it should be done.

Under this bill, we have provisions that actually allow a virtually unlimited number of unskilled workers to come in, but limits the amount of skilled workers that come in. How weird is that?

This legislation came together in a most hasty way and violates a number of principles. One thing I would mention, the Presiding Officer, Senator COBURN, has been involved in these discussions. I know he and I share a common view about it. I thought we all agreed we would not have amnesty. The President, as much as he believes in bringing people into this country, as much as he believes in allowing workers to come here who want to work, has said: No amnesty. Our Democratic colleagues have said: No amnesty. This morning I said: The truth is, this bill is amnesty. It is exactly like the 1986 bill, and everybody said that was amnesty. They didn't even dispute it.

I have the definition from "Black's Law Dictionary," the one law students use to get legal definitions, and it uses the 1986 bill as an example of "amnesty." Of course it was. And the bill that came out of the Judiciary Committee is the same thing.

I have to tell you, Senator SPECTER's bill that we started with in the Judiciary Committee was not amnesty. Senator FRIST's bill is not amnesty. But the bill that we came out with was. That is just a fact. I am going to go into some detail about that because Senator KENNEDY has said it is false for me to say this is amnesty. We are going to talk about it. Senator LEAHY said it is not amnesty. Why are they saying this now? I'll tell you what is going on.

They are over there talking with the President and they are trying to get a compromise. They are trying to come up with something so they can come back and say it is not amnesty. They will claim that they moved in this direction and now they want to pass it.

We are going to have to read this bill, and we are going to have to think about it because it is a major issue facing our country today. It really is. We need to do the right thing, and we can do the right thing. I am actually optimistic about our options and our capabilities of coming up with something that will work. But this bill is not it. It is absolutely not it.

I want to say a couple of things first. We are going to pass legislation dealing with the entry of people into our Nation. We are going to pass legislation, and I will favor properly drafted legislation that will increase the number of people who come to our country lawfully. We want to pass legislation that treats fairly and decently and humanely the 11 to 20 million people who are here illegally. But I hope and trust we won't pass amnesty which gives the full benefits of legal entry into our country to those who come illegally.

That is really what we are talking about, because what we learned in 1986 was that when you do that, before the ink is dry on the bill, other people come in illegally because they expect we will be right back here again in this Congress giving them amnesty again. So we need to reestablish the principle of law. That is all I am saying. We can treat people in a good way. We will not have to remove all of these people from America. They would not have to be prosecuted and put in jail. How silly is that? That can't be done. Nobody is proposing that.

What we are working on is legislation that can bring law, bring principle, and bring integrity to our immigration system, and I believe it is within our grasp to do so. But I am not going to support the legislation that is before us now. It is just not good.

The question about amnesty and where we are arises from the nature of the provisions in the bill that passed the Judiciary Committee. I don't know what to call it. I guess it is the Kennedy-Specter bill. Senator SPECTER's bill, though, that he offered and we began with, did not do the unprincipled things that this compromised bill does.

Senator FRIST, the majority leader, has offered legislation that does not create a direct path to citizenship for the entire illegal alien population. His bill didn't do that. The original Specter bill did not create a new or direct path to citizenship for illegal aliens. Before the committee markup, the Specter bill would have given illegal aliens working in the United States a temporary work permit, renewable every 2 years as long as the individual was working.

We still don't have the language that passed out of the Judiciary Committee. I know Senator COBURN has been around Congress for some time, and he serves on the Judiciary Committee with me. We still don't have the language we voted on Monday. I don't know for sure exactly what it is, but we sure should not be passing a piece of legislation when we haven't even had a chance to read it.

But in the committee, a complete amnesty program was adopted for the illegal alien population and large, new permanent immigration programs were created for low-skilled workers. The committee bill, as reported, creates a direct pathway to citizenship for aliens who have broken our laws.

You will hear claims that this bill is earned adjustment, earned citizenship. Those are descriptions, but they are misnomers. This bill really is—in the sense that we have been talking about it for several years now as a part of an American dialog, in every sense of what people mean by amnesty—it is amnesty. If it is not amnesty, it is the same thing as amnesty. That is what it is.

There are four different amnesty provisions in the bill. These four amnesty programs are what you are voting for or against when you vote on the Judiciary Committee bill. Let me clearly describe to you the breathtaking enormity of the four programs that I believe clearly constitute amnesty in the Judiciary Committee bill.

Element No. 1, the committee bill takes every illegal alien in the United States who pays $1,000 and was employed before January 7, 2004—whether full time, part time, seasonally or self-employed—and puts that person on a direct path to citizenship. The family of the illegal aliens, their spouse and children, would also be given amnesty, even if they are not already in the United States. They would now be able to come and come legally.

How will it be given out? How do you get on this direct path to citizenship? What is required of the person who seeks it? The truth is that other than illegal presence in the United States, very little is required.

We have been following very carefully the draft of the bill that we were provided and that we had as we voted on this legislation in Committee. The final passed version, however, is still being cobbled together, but I am confident that what I'm saying is accurate with regard to these issues.

All illegal aliens present in the United States before January of 2004, who have worked illegally here since then for any amount of time, will first be given an H–5B nonimmigrant status, good for 6 years. They are made legal for 6 years. Their spouses and children will be given the same status. After 6 years and another $1,000 fine, the aliens and their families will get green cards if the alien has been "employed in the United States, either full time, part time, seasonally, or self-employed, or has met educational requirements."

The education requirement is as broad as being in a 1-year vocational work program at "an institution of higher education."

These requirements are very broad.

A self-employed person could be someone who worked 1 day a year, and there is no limit on that definition. A person who meets the work requirement through education has to prove that they had full-time attendance in as little as a 1-year educational program, not that they completed any educational program.

Additionally, the work requirement and education requirement for the green card are completely waived if the alien is under 21. After getting the green card, illegal aliens will be able to apply for citizenship like any other lawful permanent resident. They are put in the same status as the people who came here legally.

To satisfy the work requirement of being employed in the United States, either part time, seasonally, or self-employed, the bill states that an alien can conclusively establish his work history in the United States either by, one, presenting records maintained by one of the following: Social Security Administration, IRS or any Federal, State or local government agency or employer, a labor union, a day labor center, and "organizations that assist workers in matters related to employment," or presenting two of the following: bank records, business records, sworn affidavits from nonrelatives or remittal records.

However, the documents listed that conclusively establish work history are not even really required.

Later on, the bill states that the burden of proof that the alien must meet to qualify is even lower than that. It says: "The alien has a burden of proving by a preponderance of the evidence that the alien has satisfied the requirements. An alien must meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference."

Reasonable inference? That is not a proof standard. It is a situation that allows everyone to qualify.

Why would we want to do that?

The bill then states: "It is the intent of the Congress that the work requirement be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien."

It is not that hard to prove you have worked. If you work for an employer, you can get the employer to provide a statement that you worked for them even if you don't have pay stubs. It is not that hard.

This basically obviates any requirement of proof and allows anybody to qualify.

I am just telling you that is what is in the bill. I wish it were not so. I am not making this up. I am reading to you what is in the bill.

The work standard is not a work standard at all. In fact, the bill basically says that Congress is telling the Department of Homeland Security to accept pretty much anything as proof of work.

This is an open invitation to fraud and will prevent Department of Homeland Security from vetting out fraudulent applications.

It is a perfect example of why our immigration laws are so messed up.

We have placed so many difficult obstacles in front of agencies that are required to enforce them that they have become utterly unenforceable.

We say that we have a work requirement, and then we say it can be seasonal, it can be part time, and it can be self-employed. Then we say just about any records you can produce, or that you conjure up will be sufficient. But if you do not have records and you have a reasonable inference that you worked, they must let you qualify.

Basically, that is what the Department of Homeland Security office is going to do. They are going to accept anybody's application. There is no way you could object to it. This standard appears to be a standard but is not one at all.

What about waiver of the work requirement? What if you have not worked since January of 2004 and did not work before then. Does this bill leave you out? Does it mean you can't be a citizen now? Can you qualify for this type of amnesty? The answer is still yes.

Even if you are an illegal alien who has never worked in the United States and cannot produce any evidence to reasonably infer that you have worked illegally in the United States, you and your family can get on the bill's direct path to citizenship. You get automatic amnesty, no requirement to prove work.

If you have full-time attendance at an institution of higher education—graduation is not required—full-time attendance at any secondary school, as defined by State law, or you are a minor under the age of 21, what does qualifying for amnesty get you?

The mere filing of an application for amnesty triggers the following things: Employment authorization for the alien, the alien's spouse and children, permission to travel abroad and return to the United States, protection from being detained, determined inadmissible or deportable or removed pending final adjudication of the alien's application for adjustment of status.

Only future conduct or a criminal conviction removes these protections.

Additionally, if you have already been ordered removed from the United States or if you are subject to mandatory detention for a criminal conviction, the Department of Homeland Security has to give you the opportunity to show you are eligible for amnesty before you can be removed.

This will simply freeze the entire detention and removal operation of the Department of Homeland Security.

If you are legally here in January of 2004 because you got a work visa before you came to the United States, you will not get the benefit of this amnesty.

Repeat that: If you are legally here because you got a valid work visa or permit before January of 2004, you do not get the benefit of this amnesty. This amnesty benefits you only if you came here illegally.

So we are only giving you a direct path to citizenship if you first broke our laws. If you came here the right way and did not break the law, you are out of luck. No new path to citizenship for you.

They say this is a guest worker program.

The second major part of Specter-Kennedy substitute amendment—that was an amendment that was substituted for the original Specter bill in the past—is a new program for bringing low-skilled workers into the United States, in addition to illegal aliens already doing these jobs. The program puts them on a direct path to citizenship. It is a new program.

The new program would bring 400,000 low-skilled workers per year into the United States on a 3-year work visa. This visa is renewable for 3 years. It is essentially a guaranteed entry for 6 years to work in the United States.

This 400,000-per-year cap is supposed to be limited, they say to 400,000. This is several times what the cap is today. I am mistaken—several times this 400,000 is how many will be allowed to come in under an illegal system. But the cap that purports to be is completely artificial. If the cap is reached and actually 400,000 come in that year and an additional 80,000 visas can be given out that year, the cap will go up automatically the next year as much as 20 percent. By the sixth year this program will immigrate 2.4 million new low-skilled workers, at a minimum, into the United States.

On day one, when the worker arrives in the United States, the employer can sponsor the alien for a green card. It gives them legal permanent status. Normally the employers or family members sponsor the alien before they have the right to permanent entry and a green card. But this is a major change. The person can sponsor himself and make his own application. So after 4 years of work, the new immigrants can self-petition for a green card and then be eligible for citizenship.

Normal grounds for inadmissibility, except for the most serious crimes on national security grounds, can be waived for a fee of $1,500. All legal permanent residents are eligible for citizenship after 5 years. All legal permanent residents, green card holders, after 5 years, are eligible for citizenship. If they have not been convicted of a felony, if they have basic English skills, they can become a citizen automatically. People all over this country and all over the world are waiting and hoping to be able to be selected to be able to come to the United States following the laws and rules.

To be eligible to come to the United States under this low-skilled immigrant worker category, the alien is merely required to pay a $500 application fee, undergo a medical examination, and show they are capable of performing the labor or services required, and have evidence of employment from "employers, employer associations or labor representatives." Those are probably some of the people who have been leading these protests the last few days.

Under the bill language, you can qualify for this new program and come to the United States as a low-skilled immigrant even if you were in removal proceedings and signed a voluntary departure agreement but never left, or you were already removed from the United States and illegally reentered. If you had been removed and illegally reentered, you are eligible.

One might ask, why does this program cover these people? I thought the program was for people who wanted to come to the United States to work in the future, not for those who are already here. This provision is specifically designed to make sure that illegal aliens who are not covered by the bill's amnesty provisions because they did not work in the United States prior to January of 2004, or because they were not legally present in the United States on that day, are not left without a direct path to citizenship also.

This bill covers everybody. It should be called "no illegal alien left behind." I am not exaggerating. It is fixed so that if they are not covered under this "magic" date, January 7, 2004, they are covered under the new exemptions of the 400,000 people per year.

Element three, the Dream Act. That was brought up several times. It never moved in the Senate. But boom, in 2 minutes, Senator DURBIN offered the Dream Act and we voted on it in committee Monday afternoon as an amendment to the bill. It took him less than 2 minutes to get it in the bill as an amendment.

The Dream Act does two things. It grants amnesty to an unlimited number of illegal alien minors who graduate from a high school and enroll in college or the military for at least 2 years, or who perform hours of volunteer work, or who can show "compelling circumstances for the inability to do any of those three," and, two, eliminates United States Code section 1623 which I will describe below, thus allowing all illegal aliens enrolled in college to receive in-State tuition rates.

This means that while American citizens from Tennessee, Georgia, South Carolina, Massachusetts, have to pay out-of-state tuition rates if they send their kids to the University of Virginia or the University of Alabama, people who have illegally immigrated into this country do not.

How much sense does that make, to have people here illegally and they have more benefits than those who are here legally? Instead, they receive educational benefits paid by the taxpayers of Virginia and Alabama for in-State residents. I do not mean to suggest in any way there are not good kids out there. We need to figure out a way to accommodate them and work with those who have come here illegally. Maybe they came here a long time ago. Maybe they came here illegally as a junior or senior in high school. They came across the border and now they want to be on a direct path to citizenship.

I am not saying we should not wrestle with how to treat them in a generous way, but should we give them more rights than we give to American citizens? When you do too much of this and you work at it too hard, pretty soon you end up with a mockery of law, an unprincipled bill that cannot be defended, and we are in the situation of wondering why would you want to bother to try to come into the country legally. Why not come illegally?

So the Dream Act establishes a seamless process to take illegal aliens directly from illegal status to conditional permanent resident status, to legal permanent resident status, to citizenship.

First, the illegal aliens who came here before age 16 and have been here for 5 years will be given conditional permanent residence through cancellation of removal if they have been admitted to college or have a GED or a high school diploma. So if you get your high school diploma or get yourself into college somewhere, whether you are passing or not, then you qualify for cancellation of removal.

Step two, after 6 years, the alien will then be eligible to apply for a green card if they have attended 2 years of higher education, served 2 years in the military, performed 910 hours of community service for an organization that receives funds under the Combined Federal Campaign, or prove an extreme and unusual hardship, and you have good moral character and do not have a deportable offense. It is a guaranteed step forward if you do not do something wrong and get yourself convicted of a felony.

After 5 years, those green card holders can apply for citizenship and cannot be denied if they meet the basic standards of English and have no criminal history. Current law provides "that an alien who is not physically present in the United States shall not be eligible on the basis of residence within a State or a political subdivision for any postsecondary educational benefit unless a citizen or national of the United States is eligible for such benefit in no less amount, duration and scope, without regard to whether the citizen or national is such a resident."

That is basically the law we passed several years ago, I think before I came to Congress. It said if you are here illegally, you do not get in-State tuition.

We are going to reverse that. Congress just passed it 8 or 10 years ago. The DREAM Act would eliminate this provision and allow illegal alien college and university students to be eligible for in-State tuition without affording out-of-State students the same opportunity. Thus, the University of Alabama could offer in-State tuition to illegal alien students while requiring citizens residing in Mississippi to pay a much higher tuition rate. In fact, that is being done probably in violation of law in some areas right now.

Allowing all the illegal aliens enrolled in college to receive in-State tuition rates means that while American citizens from the 49 other States have to pay out-of-State tuition rates to send their kids to the University of Alabama or Virginia, people who have illegally immigrated into this country might not. Out-of-State tuition rates range from 2 to 3½ times what in-State tuition rates are. It has always struck me that one of the things you do to encourage people to come here legally and abide by the law, is not give benefits to those who come illegally. It is one thing not to prosecute them; it is one thing not to take them out of the country; but to give them benefits that people who do the right thing get? We should not do that. It is bad policy.

So what about loans in the DREAM Act? I think this is still in the bill. We have not had a chance to see all of language. This was in the DREAM Act originally. I do not know if it is still in there under the Judiciary bill, but I assume it is. Under title IV of the Higher Education Act of 1965, as amended, legal permanent residents and certain other eligible noncitizens receive Federal student financial aid, including Pell grants and Stafford student loans. That is part of the 1965 act.

The committee bill will add illegal students, illegal alien volunteers, and illegal alien military members to the list of people eligible, by changing their immigration status to that of a legal permanent resident. This change in status would make them eligible for Federal financial aid. Pell grants and Stafford loans currently comprise 85 percent of postsecondary student aid available to citizens and eligible noncitizens. In fiscal year 2002, 8.8 percent of the individuals receiving Pell grants were eligible noncitizens over 380,000 people.

We want to help people and be generous. But if you are in an illegal status, I do not see why there is an obligation to give the same extra benefits that you do to those who are lawfully here.

Pell grants. The Federal Pell Grant Program is the single largest source of grant aid for postsecondary education funded by the Federal Government. There is already a current fiscal year Pell grant shortfall of over $2.5 billion. We have done a lot of different things to try to get money as high as we can get it this year. The fiscal year 2003 estimated program costs are approximately $12.5 billion. The annual appropriations is $11.4 billion. Now we want to open up Pell grants to illegal aliens?

Although Pell grants are a discretionary program, the cost of increasing the number of eligible recipients in an award year is considered direct spending, when the appropriations and maximum grant award for that year are already set in law and a payment schedule is published. Thus, we could be facing a budget point of order with this bill. In other words, since in a number of these instances the right to have a Pell grant for qualifying persons is an entitlement, making more people eligible for this entitlement could subject this bill to a budget point of order.

The Congressional Budget Office estimates that 58,500 additional Pell grants would have been given within 1 year if last year's DREAM Act had passed, with an average grant being $2,420. How many people do not get a dime who try to send their kids to college, out of State maybe, people who have worked hard all their life, middle-class Americans? They do not get a dime. But somebody who is here illegally gets $2,400? I do not think that is fair. I do not think that is being insensitive to legitimate interests of people who want to come to America, who want to participate in the American dream, or is inhumane in any way.

What about Stafford loans? The Congressional Budget Office estimated under last year's DREAM Act—the one that was offered last year but did not pass—65,000 would enroll during the first year and meet all other criteria. Because 1 in 10 students borrow student loans, the student loan costs would increase by $22 million per year over the 2003-to-2012 period.

While we were going about our business in committee, the AgJOBS bill was offered as an amendment. Well, we had a big fight on the AgJOBS bill last year. It was offered on the floor of the Senate. Senator SAXBY CHAMBLISS of Georgia, chairman of the Agriculture Committee, opposed the bill, offered a number of important amendments that I thought made it far more sane, far more appropriate, and the bill did not pass, after a great deal of debate.

Well, in about 15 minutes, in the committee, Senator FEINSTEIN offered the AgJOBS bill to the Specter bill, the committee bill. It was a 106-page amendment. It put 1.5 million illegal alien agriculture workers on a direct path to citizenship—just like that.

How does it do it? After the Feinstein amendment, 1.5 million illegal alien workers who pay a $500 fine and demonstrate they worked in agriculture for 150 workdays in the last 2 years will be given blue cards and will be allowed to stay in the United States. Because a workday is defined as 1 hour of work per day, an alien who worked in agriculture for only 150 hours—there are 168 hours in a week—over 2 years will qualify. So if you work 150 hours over 2 years, you qualify.

Spouses and children of illegal alien agriculture workers also get legal status and work permits, and they are not limited to working in agriculture either.

The blue card holder is eligible for a green card in two ways: after 3 years of 150 additional workdays—1 hour per day is all that is required—per year or after 5 years of 100 additional workdays per year.

Then, what about citizenship? For these who come here illegally, and they work 150 hours, what happens as to their citizenship? Even though they came here illegally, are they put on the path to citizenship? Yes. All legal permanent residents become eligible for citizenship after 5 years.

On May 18, 2004, the Washington Times published a column by Frank Gaffney, president of the Center for Security Policy, titled "Stealth Amnesty" dealing with the AgJOBS bill when it came up back in 2004. The article correctly summarized the AgJOBS bill when it said this:

> By the legislation's own terms, an illegal alien will be turned into "an alien lawfully admitted for temporary residence," provided they had managed to work unlawfully in an agricultural job in the United States. . . . Once so transformed, they can stay in the U.S. indefinitely while applying for permanent resident status. From there, it is a matter of time before they can become citizens.
>
> . . .
>
> If any were needed, [the AgJOBS bill] offers a further incentive to illegals: Your family can stay, as well. Alternatively, if they are not with you, you can bring them in, too—cutting in line ahead of others who made the mistake of abiding by, rather than ignoring, our laws.

What about the safe harbor provisions? Under the AgJOBS bill, which was added to this committee proposal without much debate, an illegal alien is undeportable as soon as the amnesty paperwork is merely filed. So if you file your amnesty paperwork and you are otherwise deportable, it automatically stops. No adjudication of the application is necessary to kick start the legal status of the illegal alien.

Once an alien receives a temporary work visa, it never expires unless the worker is otherwise deemed deportable or applies for permanent residence and is denied. There is nothing temporary about a single temporary work visa lasting indefinitely. It is not temporary. The alien's blue card status can only be revoked if the alien is determined to be deportable, the blue card was acquired through fraud, the alien is convicted of a felony, three or more misdemeanors, or an offense which involves serious bodily injury or damage to more than $500 of property.

What about all the legal stuff that gets involved with this? How do you prove all this stuff? The AgJOBS amendment even goes so far as to provide free legal counsel to illegal aliens who want to receive this amnesty. The AgJOBS amendment specifically states that recipients of "funds under the Legal Services Corporation Act" shall not be prevented "from providing legal assistance directly related to an application for adjustment of status under this section."

Not only will the AgJOBS bill give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bill of those 1 million illegal aliens.

We are going to work on something here. We are going to pass some legislation—if not this year, soon—that will work through all these difficult human issues and treat people in a fair and just way. Nobody is proposing that we do not. I mean that. There is a consensus in this Congress that it is time for us to fix this problem, to deal with the 11 million people here illegally, to allow more people to come legally, and to shut down the border and stop people from coming illegally. But this legislation does not do that.

People say: I want to vote for something. I want to fix it.

Don't vote for this bill. It will not fix it. Not only does it give amnesty to 1.5 million illegals, it would have the American taxpayer pay the legal bills of the 1 million illegal aliens.

What about the H2A farm workers? The sponsors of the AgJOBS bill will have you believe that farmers want the AgJOBS bill. They say: This is for agriculture. It has to be done. If you don't do this, the country is going to collapse. Maybe that is the case in the District of Columbia where the national groups get to write the letters and speak for their farmers and come in and tell us what farmers want, regardless of what the individual farmers have to say. One of those people talked to me about it.

I said: That may be your opinion, Mr. Farm Leader, but if you took a poll of the farmers I know in my home State or the Presiding Officer knows in his home State, I will bet you 80 percent of them would agree with me that this is not a principled way to do business. This is not the right way to do business. We are not here to serve agribusiness. We are here to promote the national interests of the United States, to create an immigration system consistent with our generous values, and a legal system that will work, not to reward those who violate the law but provide the benefits to those who follow the law.

Last year when we debated this bill, I received an open letter from the Southern Farmers Coalition. The letter is signed by a list of organizations and individuals who participate in the H2A program. The letter says: Overwhelmingly, the majority of H2A program users in this country—the list of signatories is expansive, including the North Carolina Growers Association, the MidAtlantic Solution, Georgia Peach Council, Ag Works, the Georgia Fruit and Vegetable Growers Association, the Virginia Agricultural Growers Association, the Vidalia Onion Business Council—I like Vidalia onions—and the Kentucky-Tennessee Growers Association. They all signed this letter. The cover page of the letter, contrary to what some national agricultural experts say, says this:

> Farmers in the southern United States are opposed to S. 1645—

the same bill being offered as an amendment today, as part of this bill—

> introduced by TED KENNEDY and LARRY CRAIG. It is an amnesty for illegal farm workers. It does not reform the H2A program. Please oppose this legislation.

These are the farmers who are supposed to be helped by it. That is what they say about it: "Please oppose this legislation."

The text of the letter, which asked me to stand up and fight against this legislation, states:

> Ag JOBS is nothing more than a veiled amnesty.

I am reading this letter from the farmers themselves.

> Ag JOBS is nothing more than a veiled amnesty. While everyone, it seems, agrees that the H2A program desperately needs reform, this legislation does not fix the two most onerous problems with the program—the adverse effect wage rate and the overwhelming litigation brought by legal services groups against the farmers using the H2A program.

That is what the farmers told us. The letter goes on to say:

> The Craig-Kennedy-Berman reform package provides a private right of action provision that goes far beyond legitimate worker protections and expands legal services attorneys ability to sue growers in several critical areas. These lawyers, who have harassed program users with meritless lawsuits for years, will continue to attack small farmers under the new statute. Supporters of the Craig-Berman legislation have endorsed this alleged reform, believing, in a misguided fashion, that it will bring stability to the agricultural labor market. It will not. It will create greater instability. As the illegal farm workers earn amnesty, they will abandon their farm jobs for work in other industries. Many of the attached signatories have been actively involved in negotiations surrounding this legislation. The following groups have broken ranks with the American Farm Bureau, the National Council of Agricultural Employers, the Agricultural Coalition for Immigration Reform, and the American Nursery and Landscape Association to oppose the legislation because those groups have decided an amnesty is more important than legitimate H2A reform. You are likely to hear that the majority of agriculture supports this bill. The industry, in fact, is split. History has demonstrated that the amnesty granted under the Immigration Reform and Control Act of 1986 was a dismal failure for agriculture employers. Farm workers abandoned agricultural employment shortly after gaining amnesty and secured jobs in other industries.

Of course, they did. So why should we pass this Judiciary bill, what I guess we can call the Specter-Kennedy package?

Who supports the amendment? I know who supports the amendment. The national lobbying groups are really out of touch with the desires of the American people and the desires of farmers and the desires of those who want to see a good and decent system created.

I don't believe I am out of touch on this issue. I believe I know what average American citizens and farmers want. They want real immigration reform that guarantees the laws we pass will be enforced and that people who do not honor our immigration laws will be punished, not rewarded with worker visas and green cards. So I strongly oppose the Specter-Kennedy bill that came out of committee, and I hope my colleagues will join in that.

Now, earlier, Senator LEAHY said that the 1986 bill Congress passed was amnesty. He said it was amnesty, and he admitted it was. "Blacks Law Dictionary" says that the 1986 bill was amnesty. It is the very definition of amnesty.

By the way, when we passed that bill, it was supposed to fix the immigration problem. As I explained and talked about this morning, that is a very important concept. So the deal in 1986 was that we were going to give amnesty to 1 million people who we thought were here illegally. We now think there are 11 million here illegally. We are going to give amnesty to those, and we are going to create a legal system that encourages people to come legally and we won't have this problem again. Those who were dubious about it said: No, this amnesty would encourage more people to come illegally, but the pro-amnesty crowd won out and they passed the legislation and it became law.

Well, what happened immediately afterward? It wasn't 1 million people who showed up to claim amnesty; it was 3 million—three times as many. I don't know how many will show up this time. Will it be 11 million or 33 million? Probably not 33 million, but I would not be surprised at all, based on our history, if we would have a good many more show up and claim amnesty.

Six years after the bill passed, the Congress, in a very unusual action, voted to form a commission to review the legislation to see if it worked. The commission, a bipartisan professional commission, did a study and said it was a failure. It did not work, did not do what it was supposed to do.

Well, the Citizenship and Immigration Services tried to say that 1986 was not amnesty. But everybody has agreed it was. CIS later explained what the 1986 bill did. I would like to go over it with you because this current bill does the very same things. It is just not disputable. So if we have any understanding of what an amnesty program is, we have the 1986 act to give us a guide. It says:

> The legalization program was not amnesty, but a targeted program that balanced the offer of legalization with stringent requirements.

This is how they defended this problem.

> Legalization of applicants had to: prove to INS adjudicators that they had resided in the U.S. since January 1, 1982—

I went over with you how this bill said you had to be here since January 2004. If you came after 2004, you could still get in. That is a real stringent standard. You had to prove you resided there before that day—

> pay a $185 fee—

We upped it to $1,000—

> for principal applicants, $50 for each child, with a $420 family cap; accept ineligibility

> for most public benefits for 5 years after application—

We don't even do that in this bill. It says you could not go on welfare for at least 5 years. We did that in 1986. That is not in this bill today—

> and complete an 18-month period of temporary residency. After that, and only after successfully completing an English language and civics requirement within a year-long one-time window—

Which is a very low-grade test for the most part—

> and the payment of an $80 fee per applicant (with a $240 family cap) they were eligible to apply for permanent residency. In exchange, the applicant would be authorized to work, travel, and after becoming a permanent resident, petition for the immigration of certain family members.

They could bring family members in from out of the country to join them. Then, of course, once you become a permanent resident, it is a matter of 5 years to become a citizen, if you have not been convicted of a felony and you can speak English. I don't want to be demagogic and say this is amnesty, amnesty, amnesty, and vote against the bill. I am saying that everybody agreed that 1986 was amnesty, and it did not work.

Everybody I hear publicly talking about this bill says it is not amnesty. Senator KENNEDY, I think, used the word "lie" after I said it was amnesty this morning. I think I have demonstrated that it is precisely the same scheme that was used in 1986, which we proved didn't work. If that is not amnesty, what is? Senator LEAHY defended the bill and said it is not amnesty. President Bush said he doesn't believe in amnesty. All he believes in is immigration, and he wants us to do better and be as generous as we can possibly be. But he doesn't believe in amnesty.

Scott McClellan, yesterday at the press briefing he does for the President, said that the President believes that a direct path to citizenship is amnesty, and he opposes that.

This bill provides a direct path to citizenship for people who came to this country illegally. That is just the fact. If we want to have people say it is not so, we will keep talking about it every day this week. That is all I am saying. I wish it weren't so. It is not necessary that we do that. We can provide a humane and decent way to give people full opportunities to live and progress in our society without giving the people who come here illegally benefits over those who wait in line and come legally. That is what it is all about.

So I will just say that, in this rush to move a bill through and to prove that we care, we have not thought it through. We spent 5 days in markup in the Judiciary Committee, and about 4 of those days we really spent some time dealing with enforcement and border issues. We talked about them in some depth. We went over the wording of the statutes with some care. We debated single words. Senator DURBIN, who is here, is a great lawyer. He made some points, being the skilled lawyer he is. We changed words and did all kinds of things.

But when we got to the last day, Monday, they offered an AgJOBS bill, with over 100 pages, in about 15 minutes, and it passed. We still had not seen the draft of it. During the debate in our committee on how to handle the 11 million people in a decent, fair, and just way, to not remove them or make them all leave this country in a permanent way or to abuse them or prosecute them, but how to handle this in a logical, sane way—we spent almost no time on it.

I urged the committee to stay with the enforcement matters like the House did. Let's start hearings immediately and get the best minds in America. Let's find out who these 11 million people are, their desires and wishes; what would be a good and principled way to deal with them; who we should let into our country in the future; what standards should we use; should we have unlimited numbers come in for low-wage jobs and have limits on the high-wage people? Is that logical, what we want to do?

How many more people do we want to allow into our country legally? This bill will allow every year, annually, at least 400,000, and that number can increase every year, forever.

I wish to make one more point, and this is where the American people have to watch this Congress. If we pass this amnesty legislation, if we pass the legislation that makes all these status changes and makes them into law and they become law, that becomes a permanent decision of this U.S. Congress.

But what about the promises that we are going to have enforcement? I offered an amendment in committee that was accepted to add 10,000 detention beds. That probably is not nearly enough, but it would make a big difference. That was accepted. I offered an amendment to increase the number of Border Patrol agents. It probably is not a large enough number, but it would ramp it up faster than the plan was, and that was accepted.

Then it hit me. I have been in the Senate long enough, and I should have been more alert. This is an authorizing committee. The Judiciary Committee is an authorizing committee. We know what happened in 1986. They granted amnesty, they gave everybody amnesty, and they promised in the future they were going to fund an enforcement mechanism, but they didn't do it. It was the bait and switch.

So what did we get? We got an authorization to step up enforcement on our borders, but we didn't get the money to do it. We don't have it yet. Who is to say we won't have a slowdown in the economy next year, and they will cut the money, we will never get the enforcement, and we will still have large numbers coming into the country illegally. That is a big concern to us.

We need to tie this issue down so that we know and the American people can have confidence that the enforcement mechanisms will work and will be funded. That is why the House took the approach they did.

I again say it is not true that those of us who oppose this bill oppose immigration. It is not true. We actually, at least as far as I am concerned, need to increase the numbers that come here legally. It is not true that we want to prosecute people.

What is true is that it is important for our Nation to create a humane, fair, and just way to deal with the people who are here illegally and to make positive and thoughtful decisions about how we want to handle immigration in the future. I do not believe this bill does that job. It is not something I can support. I hope the Senate will not support it. We will see a number of amendments that can make it better. I hope our Senate colleagues will study the legislation and inform themselves of the great issues at stake so we can fix it.

I yield the floor.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CASPAR WEINBERGER

Mr. HAGEL. Madam President, yesterday America lost one of the preeminent public servants of our time when former Secretary of Defense Caspar Weinberger passed away at the age of 88.

An inventory of Cap Weinberger's service to our country is a tribute to his patriotism. He served in the Army in World War II. He oversaw the State of California's finances for Governor Ronald Reagan. That was during the 1960s. He served under Presidents Nixon and Ford as Chairman of the Federal Trade Commission, Director of the Office of Management and Budget, and as Secretary of the Department of Health, Education, and Welfare. He again served Ronald Reagan as our country's 15th Secretary of Defense, from 1981 to 1987.

Cap Weinberger understood America and he understood the American military. As Secretary of Defense during the tipping point of the Cold War, he led an unprecedented rebuilding of an American military that had been demoralized and devastated by Vietnam.

His legacy was the most professional and technologically advanced military the world has ever known. He knew we needed the world's best military not because we wanted war but because we wanted to prevent war.

I was struck by an excerpt from Cap Weinberger's memoir "In The Arena," published in the Washington Post this morning. It said this:

> Some thought it was incongruous that I did so much to build up our defenses but was reluctant to commit forces abroad. I did not arm to attack. . . . We armed so that we could negotiate from strength, defend freedom, and make war less likely.

Cap Weinberger stands out as the model—the model—of what a Secretary of Defense should be. When I was president of the World USO in the late 1980s, I had the privilege of working very closely with Secretary Weinberger. As a Senator, I sought often his wise counsel and sound advice. Without fail, he was always candid, thoughtful, and generous with his time and, I would say, always correct in his analysis.

All Americans owe this great patriot our gratitude and deepest respect. We have much to learn from the lessons of Casper Weinberger's service to his country and his exemplary life. Lilibet and I offer our thoughts and our prayers to Secretary Weinberger's family, as I know do all Americans.

Madam President, I yield the floor.

TRIBUTE TO HERB TOBMAN

Mr. REID. Mr. President, I rise today to honor the life of Herb Tobman, who passed away on Tuesday. Herb was from a different era of Las Vegas. The town was a lot smaller then, and everyone knew him as a successful businessman and a community leader. What impressed me most about Herb though was his quiet generosity that impacted the lives of countless Nevadans. I know that Las Vegas would not be the place it is today without Herb Tobman.

I first saw Herb as a preteenager at Squires Park ballfield. He played fastpitch softball in the Horseshoe Club championship league with my brother Dale. His athletic accomplishments were widely known: Herb was a high school all star in every sport. He was a champion handball and racquetball player, and later he went on to play professional basketball.

Herb was born in the Bronx in 1924. In the 1950s, Herb moved to Las Vegas, where he secured a $1,200 loan. This small sum allowed Herb to open City Furniture Exchange, the first used furniture store in Las Vegas. The business thrived, and it was a Las Vegas landmark for more than 25 years.

His success as a businessman led Herb to start Western Cab Company in 1965. Herb started with one cab, and ended with more than 134 taxicabs and 355 employees.

Soon after, Herb took his business acumen to the gaming industry. He was an associate of Moe Dalitz, the developer of the original Desert Inn Hotel and Casino. Herb helped develop the Sundance Hotel and Casino in downtown Las Vegas. Before the modern Las Vegas casinos were built, the Sundance was the tallest building on the Las Vegas skyline. In addition to these accomplishments, Herb also managed the Marina, Fremont, Aladdin, and Stardust resorts. Herb was known throughout the industry for his kindness and generosity to his employees.

In addition to his business accomplishments, Herb was also an active participant in Nevada politics. In 1986, he ran in the Democratic gubernatorial primary against incumbent Richard Bryan. Instead of using his wealth to fuel his political aspirations, Herb limited contributions to $10 per individual. Needless to say, those limits put him at a competitive disadvantage, but Herb still managed to receive more than 15 percent of the primary vote. The vote total is a testament to Herb's reputation throughout the state.

Accomplishments in business and politics would be enough for some men, but it was not enough for Herb. From an early age, Herb learned the importance of giving back to his community. Herb never sought recognition for his efforts, but he impacted almost every life in southern Nevada.

Every year, during the holidays, Herb anonymously fed hundreds of homeless individuals in Las Vegas. He helped local children with their college expenses, and he helped people who were down on their luck. No challenge was too great. If Herb knew you needed help, he was there to provide it oftentimes unknown to his beneficiaries. I needed help on several occasions, and Herb was always available. Herb was my friend and I will miss him very much.

There are many successful individuals throughout Nevada, but very few had the sense of community of Herb Tobman. Nevada is a better place because of Herb.

THE VALUE OF SERVING OTHERS

Mr. REID. Mr. President, Cameron Ball of Henderson, NV, recently delivered a moving speech on the value of serving others to the Coronado High School Honor Society. Over the past year, Cameron and the student body of Coronado High School have worked tirelessly to improve their community. Many of these students will enter college next year, but I hope they will keep Cameron's speech close to heart; service is a lifelong pursuit, and we all have an obligation to help others. I congratulate these students on their accomplishments for Coronado High School and Henderson, NV.

I ask unanimous consent Cameron Ball's speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH TO 2005–2006 INDUCTEES OF CORONADO HIGH SCHOOL'S NATIONAL HONOR SOCIETY

Throughout the year, you have all proved yourselves involved, caring, and crucial parts of our community. If we were to have taken turns volunteering, one at a time, we would have performed community service for more than a year. Although this is a formal recognition of all your hard work and service, you must all remember that dedication to a cause does not end here, but it is a lifelong process. Induction into NHS does not directly make your deeds significant, and stops short of granting you success in life. Induction into this club provides you with the experience you will need to launch yourself into greater tasks. Emerson wrote: "The only reward of virtue, is virtue: the only way to have a friend, is to be one."

Induction into National Honor Society is not a life-defining moment, but an infinitesimal instant in a continuum of time. The significance of this club and its actions, your actions, will seem to fade over the years. Spent will be the money we worked so hard at raising from Hip Hop 4 Hearts; the smiles we have put on the faces of those whom were fed, clothes and given gifts will have waned. The tangible accomplishments of this club will vanish gradually like footprints in the sand. Instead, thoughts of college life will fill your mind; money will still be sorely needed the world over; and everywhere, pariahs of humanity will hide in obscure poverty, waiting to be lifted from the black pit of circumstance.

Nevertheless, our actions and intentions have not been in vain. NHS has not immortalized the happiness of an individual. That would be impossible. National Honor Society has catalyzed your involvement in a lifelong process: a journey of love; a wrestle with dignity; a mission to make a difference. The road that lies before you is intrinsically more important that what you have done with these past three quarters of your high school career. With your experience and whetted appetite to serve, you will find that it becomes easier to replenish the smiles on the faces of troubled friends and strangers. If you pledge yourself to improving the lives of others, you ensure that life continues. My life, taken alone, is meaningless. As soon as I become one with my community, I gain an identity: a purpose. I can do this by volunteering, donating the fruits of my labor to a worthy cause, or simply by giving everyone I see a smile. After all, "a friend may well be reckoned the masterpiece of nature" (Emerson). Deeds, both great and small, are never wasted. As Emily Dickinson wrote:

If I can stop one heart from breaking,
I shall not live in vain:
If I can ease one life the aching,
Or cool one pain,
Or help one fainting robin
Unto his nest again,
I shall not live in vain.

Your deeds have been exceptional thus far, and for that we recognize you here today. The next step in serving is to shed yourself of recognition for your actions. Give back to your community more than you take from it, and do so modestly. Do not boast of your accomplishments. Conceit never cured any illnesses. Lao Tzu, ancient philosopher, propounds: "True virtue does not 'act,' and has no intentions . . . Know glory, but cleave to humiliation." By doing this, you will rally others to your side—kindle in the despondent, a flame of hope. Know your charge. Lift others to your side, and never push them down. As for yourself, transcend the grasps of hubris, and look to austere altruism for your guidance, albeit at times seemingly insignificant, for even the smallest action can change the course of history.

DEATH OF FORMER ESTONIAN PRESIDENT LENNART MERI

Mr. BIDEN. Mr. President, today I would like to honor the extraordinary life and legacy of the late Estonian President Lennart Meri. President Meri was an inspiration to his countrymen, a true friend of the United States, and a stalwart advocate for freedom. His passing on March 14, 2006, was a tremendous loss to the people of Estonia and the world.

Born in 1929 to the renowned diplomat and Shakespearean translator Georg Meri, Lennart's early childhood exemplified the plight of the Estonian people. Living in a country ravaged by war and subjected to the brutality of Soviet occupation, Lennart attended nine different schools and studied in four different languages. He was eventually deported from his homeland to Siberia along with thousands of other Estonians, Latvians, and Lithuanians. During his forced exile, he helped feed his family by picking potatoes.

President Meri experienced more hardship as a boy than most men do in a lifetime, but he was quick to turn his struggles into opportunities. In the course of his itinerant education he became fluent in French, German, English, and Russian. He also developed a tenacity that would serve him well throughout his life.

Lennart eventually came back to Estonia to study history and languages, graduating from Tartu University with honors in 1958. The Soviet Government prevented Lennart from working as an Estonian historian, but he again found possibility where others might have only seen discouragement. Instead of accepting defeat, he established himself as a writer, filmmaker, and dramatist, and used these avenues to preserve Estonia's national identity.

For over 20 years, the Soviet Union refused to allow Lennart to venture beyond the Iron Curtain. Ultimately, when he did travel abroad, he served as a lone, unofficial emissary of what was by then an almost forgotten country. He established contact with politicians and journalists, recounting the story of Estonia to whoever would listen. When the collapse of the Soviet empire finally freed his country, Lennart was able to continue representing his newly independent homeland as an Ambassador and Foreign Minister. Ultimately, Lennart served two terms as President of the country he had loved and championed for so long.

Lennart's accomplishments were myriad: he helped build Estonia's Foreign Service from the ground up, established strong ties with the West, and reached an historic agreement with Boris Yeltsin to end Russia's military presence in Estonia. Beyond these remarkable achievements, though, Lennart left behind a bequest of liberty that will endure along with the free nation of Estonia. I hope each of us will appreciate that legacy and continue working to advance the cause of freedom.

WOMEN'S HISTORY MONTH

Mr. JOHNSON. Mr. President, today I want to give a statement on Women's History Month. This is an important time for Americans to reflect on the invaluable contributions women make in our society. Women are our families, our coworkers, and our neighbors. They juggle many roles in making our homes, our neighborhoods, and our country stronger. Eighty million women in our country are mothers. Sixty percent of American women work at least part time. Nearly 2 million American women are veterans. More than 200,000 women are doctors, and more than 2½ million women are registered nurses.

South Dakota's own history is filled with women who balanced the needs of their families and their communities to make our country better. Mamie Pyle is one such woman. In 1902, Mamie's husband passed away when she was just 36, leaving her to raise four young children on her own. Not only did Mamie find a way to send all four of her children to college in the early 1900s, but she also led the South Dakota women's suffrage movement for a decade. Because of Mamie's determination, South Dakota ratified the national women's suffrage amendment in 1919. Mamie continued to serve her community as a member of the Huron College board of trustees for more than 40 years. In 1947, South Dakotans honored Mamie by naming her the State's Mother of the Year at age 81.

It is women like Mamie who teach South Dakota girls—and all of us—of the difference one person can make in our society and of the thousands of women who have made South Dakota the great State it is today.

This month we remember that women are our soldiers, our doctors, our social workers, our mothers, and our teachers. And we remember the women who came before them and made these roles possible. So many of them are unknown to us, but our gratitude to all of them is no less real.

Women's opportunities continue to expand in South Dakota, in America, and throughout the world. They are leaders in South Dakota, taking on new roles every day in our communities. Cecelia Fire Thunder is one such woman. Cecelia is the first female president of the Oglala Sioux Tribe. She has fought to improve the education of her tribe's children and the health of her tribe's community. This is not Cecelia's first role as a caregiver to her community. Before becoming president, she was a nurse and healthcare provider.

Yet even as we celebrate South Dakota's women of yesterday and today, we live in uncertain times for women. As we honor the women who have helped us throughout history and those who make our country a better place today, it is imperative that we keep our promises to them.

As the 200,000 active American women soldiers return home, we must keep our promise to them to give them access to the health care they need. Four million women are battered in their homes in this country every year. We must keep our promise to them to fully fund law enforcement and violence prevention programs under the Violence Against Women Act. More than 2,500 children will be born into poverty today alone in this country. We must keep our promise to their mothers that every child in every community in this country will receive a quality education. One in four Native American women live in poverty. We must keep our promise to them to make their communities stronger with programs that provide access to quality, affordable housing under the Native American Housing Assistance and Self Determination Act.

And most importantly, when the women in our communities are vulnerable, we cannot abandon them. We cannot ignore their needs. When we know that the leading causes of death for women are heart disease and cancer—and the average fatality rates for South Dakotans with these diseases are higher than the national average fatality rates—we cannot cut Government support for research that will cure these deadly diseases as the current 2007 budget proposes. We as a community must stand by our promise to women to find a cure for these diseases.

This month we honor the women who protect our values in our homes, in our communities and overseas. This month we thank them for their sacrifices, their compassion, and their leadership. This month we renew our promises to them to continue building a safer, better, more just society for them, for their families and for all Americans.

IN RECOGNITION OF GERALD J. LEELING

Mr. NELSON of Nebraska. Mr. President, I rise today to recognize Gerald "Gary" Leeling for receiving the Colonel Paul W. Arcari Meritorious Achievement Award from the Military Officers Association of America—MOAA—on March 18, 2006.

I have come to know Gary through his service as minority staff director of the Senate Armed Services Personnel

Subcommittee, of which I am ranking member. His responsibilities include recruiting and retention, separation and retirement, pay and benefits, personnel policies, military medical programs, and military officer nominations. Gary is highly deserving of this award for his strong staff work on numerous legislative initiatives affecting military people. Whether he is briefing me on pending nominations or changes to numerous defense programs. Gary does so in a professional and committed manner.

Before beginning his service in the Senate in December 1998, Gary was an Army Judge Advocate General's corps officer. During his 28 years of service in the Army, Mr. Leeling served as chief of the Administrative Law Division, Office of the Judge Advocate General of the Army; staff judge advocate for III Armored Corps, Fort Hood, TX; faculty, Industrial College of the Armed Forces; staff judge advocate for 2nd Armored Division, Fort Hood, TX; and deputy staff judge advocate for VII Corps, Stuttgart, West Germany.

Gary received a bachelor of science degree from South Dakota State University and a juris doctorate from the University of South Dakota. He is a graduate of the Judge Advocate General's Graduate Course, the Army Command and General Staff College, and the Industrial College of the Armed Forces.

I consider Gary a tremendous asset that the Senate Armed Services Committee is lucky to have, and I commend Gary on his accomplishments and thank him for his contributions to our country's servicemembers.

PASSING OF RAY MEYER

Mr. OBAMA. Mr. President, I rise today with sadness to note the passing of a college basketball icon, Ray Meyer, the longtime coach of the DePaul University Blue Demons. Mr. Meyer died on March 17 of congestive heart failure at age 92. Although we mourn his passing, I choose to celebrate the memory of a good and decent man and a quintessential Chicagoan.

Ray Meyer had a hardscrabble upbringing on the West Side of Chicago the youngest in a family of seven boys and three girls. His dad ran a wholesale candy business but died when young Ray was only 13. Finding an outlet in competitive sports—baseball, basketball, football, and wrestling—Ray Meyer started to make a name for himself at St. Agatha's Grade School, Quigley Preparatory Seminary, and St. Patrick's Academy.

Coach Ray's earliest mentoring skills led him to the love of his life—Margaret Mary Delaney—when a local priest cajoled Ray into assisting him with the St. Agatha's parish girls team. The "Coach and Marge" had a lifelong love affair in a marriage of 46 years that ended only with Marge's death in 1985 at age 72.

Earning a scholarship to Notre Dame under coach George Keogan, Ray Meyer had a distinguished collegiate career. He graduated on the honor roll with classmates including future Notre Dame president Theodore Hesburgh and future executive vice president Edmund Joyce. Graduating in 1938, Ray was the proud recipient of Notre Dame's Byron V. Kanaley Award for lettermen demonstrating the highest in academic achievement and leadership.

Following graduation, Meyer worked several jobs unrelated to his love of sports. Shortly after his marriage, Ray was offered the job of basketball coach at Joliet Catholic high school, but he refused when the school fell $100 short of his requirement for an $1,900 annual salary. But fate intervened when his former Notre Dame coach George Keogan suffered a heart attack and Ray was hired to fill in for the remainder of the 1940–41 season, staying on as an assistant to Keogan until 1942 when DePaul University came calling.

Early in his career, Coach Meyer was blessed with a bespectacled, gangly 6-foot-10-inch center named George Mikan. Mikan, who later was named the outstanding player of the first half of the 20th century, was awkward and inexperienced. Under Ray Meyer's tutelage and his own work ethic, George Mikan turned into a dominating force as one of the first true big men to excel at the college level.

In 1943, Mikan and his DePaul mates played in the 1943 NCAA tournament against the Georgetown Hoyas and a freshman reserve named Henry Hyde the same Henry Hyde who is just now serving his final term in the other body as a distinguished member of Congress from Illinois. In 1945, the Mikan-led Blue Demons won the National Invitational Tournament, which at the time was more prestigious than the NCAA tourney.

Coming to DePaul in 1942, Coach Ray stayed 42 years on the sidelines and another 13 as the colorful radio broadcaster for the games of the school he loved, then coached by his former player and son, Joey Meyer. Ray Meyer's list of coaching accomplishments is truly impressive: 724 victories at 1 school; 55 years of attending all of DePaul's 1,467 games; 37 winning seasons; an NIT title in 1945; NCAA Final Four teams in 1943 and 1979; and membership in the Basketball Hall of Fame. DePaul University recognized the role of Coach and his wife as ambassadors in its expansion to the largest Catholic University in the United States. DePaul named in its campus Fitness and Recreation Center after the coach and the floor at its home court, Allstate Arena, as the "Ray and Marge Meyer Court."

Coach Meyer was not only good, he was resourceful. For many years, his recruiting budget was minimal. Enticing promising players to come to a school in the shadow of the North Side "L" was difficult. Finding housing for players near a campus with little student housing at that time was also a challenge. Sometimes, the players were fed from the Meyer kitchen or some extra meal tickets at the Roma on the corner of Sheffield and Webster, where they could enjoy a great Italian beef sandwich. But Coach was imaginative and diligent. He used both qualities to establish and operate a basketball camp in Three Lakes, WI, for 55 summers.

Ray Meyer left an impact on all of his players. He had some great ones Mikan, Jim Lamkin, Howie Carl, Dave Corzine, Mark Aguirre, Rod Strickland, Terry Cummings, and Dallas Comegys, among others. But he had an incalculable impact on his school, his family and friends, Chicago, the Midwest and the Nation. Hall of Fame coach and native Chicagoan, Mike Krzyzewski, may have said it best:

> Coach Meyer casts a large shadow on the game of college basketball. . . . He truly loved the game and the kids he coached. It was so evident. In each game that he coached and each game that he announced. I love him. He served as a great example of what a coach should be."

To his children sons Tom, Joey, Bob and daughters Barbara and Pat and his 18 grandchildren, I send my most heartfelt condolences, and I ask my colleagues to join me in celebrating the life and memory of a wonderful human being, Coach Ray Meyer.

ADDITIONAL STATEMENTS

IN MEMORY OF BUCK OWENS

• Mrs. BOXER. Mr. President, today, I rise to honor the memory of the late Buck Owens, the Country Music Hall of Fame honoree who introduced a uniquely California sound to country music. Mr. Owens, a long time Bakersfield resident, passed away at his home on March 25, 2006. He was 76 years old.

Alvis Edgar Owens, Jr. was born in Sherman, TX, in 1932. At an early age, he nicknamed himself, "Buck," after a mule on the family farm. Seeking better fortune during the Great Depression, the Owens family moved west in 1937, settling in Mesa, AZ.

An avid music fan, Buck learned to play the guitar in his early teens. By his late teens, he was already a regular on local radio stations and was playing shows in honky tonks and bars around Phoenix. A precocious and determined young man, it was apparent to many that Buck was a prodigiously talented musician who was destined for great success.

Buck's many accomplishments amassed over a five-decade recording and performing career have rightfully cemented his status as one of the greatest country-western entertainers ever. He was truly a trailblazer whose trademark stinging electric guitar and rhythm sound revolutionized country music. Buck's 21 country singles from 1963 to 1988 were a testament to his longevity and staying power. Buck's music was universally celebrated and embraced, as evidence by the Beatles' cover of his song, "Act Naturally" in 1965. The consummate entertainer, Buck's iconic television entertainment show, "Hee Haw" enjoyed a remarkable 25 year run on the airwaves.

I was delighted to have met Buck back in 1997 at his Crystal Palace in Bakersfield. He was kind and generous of spirit, as when I was invited to present one of his special red, white, and blue guitars to a promising music student named William Villatoro. I still vividly remember how the young man was deeply moved and inspired by his generous gesture. I will certainly remember Buck Owens as a man of great compassion who possessed a profound love for his country. Although he is no longer with us, I take great comfort in knowing that Buck Owens was not only able to be a shining light in the life of a young man from Bakersfield, but also to the millions of others who admired his musical gifts and were touched by his humanity.

Buck Owens has left behind a legacy of artistry and boundless love for his adopted hometown of Bakersfield and California's Central Valley. He will be dearly missed.

Buck Owens is survived by his three sons, Buddy Alan, Michael, and Johnny.•

HONORING JAZZ LEGEND AND COLORADAN DIANNE REEVES

• Mr. SALAZAR. Mr. President, I rise to call attention to one of the world's most recognized jazz vocalists who also happens to call Denver home—Dianne Reeves.

Earlier this year, Dianne won a Grammy for Best Jazz Vocal Album, this time for her work on the soundtrack of the Best Picture-nominee, "Good Night, and Good Luck." The album is filled with standards like "Straighten Up and Fly Right," and "Too Close for Comfort."

Dianne grew up in Denver where she was raised by her grandmother, taking piano lessons before discovering her love of singing. She got her start in the jazz band at Denver's George Washington High School when she was discovered by trumpeter Clark Terry while performing with the band at the National Association of Jazz Educators Conference in Chicago. She went on to tour with Harry Belafonte while still in her twenties before being signed to the legendary Blue Note record label in 1987. Just 4 years ago, the world enjoyed her performance at the closing ceremonies of the 2002 Winter Olympics in Salt Lake City, UT, that critics called "spellbinding."

This Grammy award was not Dianne's first. Rather, it was her fourth in six nominations. Previously, she won the Best Jazz Vocal award 3 years in a row, an unprecedented feat for an artist in any vocal category. She has joined with fellow jazz giants like Wynton Marsalis, recorded with the Chicago Symphony Orchestra, performed with the Berlin Philharmonic, and was the first vocalist to perform at the Walt Disney Concert Hall in Los Angeles.

Dianne has been recognized around the world for her outstanding artistic accomplishments and contributions, and we in Colorado are proud that she still calls our State "home."•

PIEDMONT ELEMENTARY SCHOOL, DULUTH, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor Piedmont Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Piedmont School is truly a model of educational success. The school has 220 pupils in kindergarten through grade 5 and provides school readiness services for 30 preschool children.

One program unique to Piedmont Elementary is its reverse-mainstreaming program, which makes it possible for kindergarteners to spend time in a special education classroom for kindergarten children with special needs. The experience helps these children to interact better with one another and to appreciate the challenges that some children must meet every day.

The school prides itself on its efforts to ensure that everyone will feel valued at Piedmont and that everyone—pupils, staff, parents, grandparents, and visitors—will know that they are always welcome. In keeping with this cordial theme, each child arriving at Piedmont for the first time receives the red-carpet treatment: A red carpet of construction paper, which is signed by all the children currently enrolled, is laid down as part of the welcoming ceremony.

Also along the lines of good citizenship, each month, a new character trait is taught in the classrooms and at monthly assemblies, focusing on respect, responsibility, compassion, citizenship, fairness, and honesty.

Much of the credit for Piedmont School's success belongs to its principal, Kris Teberg, and her dedicated teachers. The children and staff at Piedmont School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Piedmont School should be very proud of their accomplishments.

I congratulate Piedmont Elementary School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

EVELETH-GILBERT PUBLIC SCHOOLS, ELEVETH AND GILBERT, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor the Eveleth-Gilbert Public Schools, in Eveleth, MN, and Gilbert, MN, which recently earned an Award for Excellence in Education for exceptional and innovative achievements in educating children.

The Eveleth-Gilbert Public School District is truly a model of educational success. About 10 years ago, the district initiated an accelerated reader program to teach literacy skills and an appreciation for reading at all grade levels. Originally, this unique reading program was established for the District's 10th-grade students and is now used in grades 2 through 12.

The accelerated reader program takes a fun and exciting approach to promoting reading, both at school and at home. The students read books and take a 10-question, computer-assisted assessment to score their comprehension, earning accelerated reader points for every assessment they pass. The students love to track their own progress, and teachers often involve the class in setting goals for accruing accelerated reader points. Students receive instant feedback and gain increased motivation to read more books. As students test themselves on more books, the accelerated reader system enables close monitoring of general levels or reading performance and other diagnostic information.

The success of the accelerated reader program is reflected in the students' scores on the reading portion of the Minnesota Comprehensive Assessment tests. Over the past 2 years, Franklin Elementary and Nelle Shean Elementary, the district's two elementary schools, and Eveleth-Gilbert Senior High School, earned four- and five-star status from the Minnesota Department of Education for their test scores in reading.

Much of the credit for the success of the Eveleth-Gilbert Public Schools belongs to the superintendent, Mike Lang; the building principals, Deborah Hildie, Jan Mesich, and Lyn Bol; and all the district's dedicated teachers. The students and staff at the Eveleth-Gilbert Public Schools understand that, in order to be successful, a district must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Eveleth-Gilbert Public Schools should be very proud of their accomplishments.

I congratulate the Eveleth-Gilbert Public Schools in Eveleth and Gilbert for winning the Award for Excellence in Education and for exceptional contributions to education in Minnesota.•

DENFELD HIGH SCHOOL, DULUTH, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor Denfeld High School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Denfeld High School is truly a model of educational success. The teachers at Denfeld are noted for their outstanding teaching abilities and their strong emphasis on ethics and individualized instruction. Teachers challenge their students with consistently high expectations and also help students, according to their individual needs, to master difficult subject matter.

A unique part of school life revolves around lunchtime. Once a week, Denfeld students participate in integration learning lunches, to which an integration specialist brings foods from different cultures for students to enjoy while they discuss other cultural traditions and the benefits of a diverse society.

With respect to the arts, Denfeld High School focuses significant attention on its music programs. The school is extremely proud of its classic, acoustically pure auditorium, which accommodates an audience of 1,800. Denfeld's orchestra, band, and choir programs help foster the musical talents of all students.

Much of the credit for Denfeld High School's success belongs to its principal, Ed Crawford, and his dedicated teachers. The students and staff at Denfeld High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Denfeld High School should be very proud of their accomplishments.

I congratulate Denfeld High School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

VIRGINIA PUBLIC SCHOOLS, VIRGINIA, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor the Virginia Public Schools, in Virginia, MN, which recently earned an Award for Excellence in Education for exceptional and innovative achievements in educating children.

The Virginia Public School District is truly a model of educational success. The district has superbly nurtured students' progress in academics and in the performing arts. Its educators are very proud of their students' accomplishments and believe that the school system provides young people with the highest quality of education in a wonderful learning environment.

Nestled in the center of Minnesota's Iron Range, the Virginia Public School District has endured the ups and downs of a difficult economic climate and declining school enrollments, while continuing to produce extraordinary student successes, academically and artistically.

In 2004–2005, 100 percent of the seniors at Virginia Public Schools passed the Basic Standards Tests in reading, writing, and mathematics. Students at Virginia Secondary School are qualified to enrol in many challenging, upper-level courses, including honors British literature, advanced placement biology, physics, and Spanish 3, honors American literature, accounting, economics, history, and medical careers.

Much of Virginia's success has been attributed to a caring, well-seasoned staff of veteran teachers. Nearly 80 percent of Virginia's faculty have 10 or more years of teaching experience. Moreover, 54 percent of Virginia's teachers hold master's degrees.

In addition to strong academic programs, Virginia is justly proud of its extraordinary music programs. The band, orchestra, and choir students are second to none in the region and well known throughout Minnesota. The orchestra program, which is the only string program remaining on the Iron Range, is one of only a handful existing outside of the Twin Cities metropolitan area.

The Virginia vocal music program has a strong tradition of excellence, reaching back decades. Virginia's A Cappela Choir, the school's premier choir, has consistently won superior ratings at the State music contest.

The Virginia band program is led by the award-winning Virginia Marching Blues, who have traveled across the United States and Canada, winning numerous awards and splendidly representing Virginia and the State of Minnesota. The jazz band and the concert band also consistently win superior ratings at the State music contest, achieving this distinction virtually every year for three decades.

Much of the credit for the Virginia School District's success belongs to its superintendent, Phil Johnson; the dedicated principals, Michael Krebsbach, Willie Spelts, and Kraig Konietzko; and all the district's teachers. The students and staff at the Virginia Public Schools understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for a lifetime of success. All of the faculty, staff, and students at the Virginia Public School District should be very proud of their accomplishments.

I congratulate the Virginia Public Schools in Virginia for winning the Award for Excellence in Education and for exceptional contributions to education in Minnesota.•

TRIBUTE TO DR. KENT WYATT

• Mr. COCHRAN. Mr. President, I am pleased to commend Dr. Kent Wyatt of Cleveland, MS, for his distinguished service as president of Delta Council this year. Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the 18 delta and part-delta counties of Northwest Mississippi. Delta Council was organized in 1935 to focus on the challenges which face the economy and society of the region.

Kent Wyatt distinguished himself as the president of Delta State University from 1975 to 1999, and during his years as the president of this proud, regional university, the school experienced unprecedented growth. Since retirement from Delta State University, Dr. Wyatt has provided careful and responsive civic leadership to the Mississippi Delta region. Through his work with Delta Council, he has been a strong advocate and effective leader in advancing adult literacy, for reversing critical teacher shortages in the primary and secondary school system, in increasing access to improved health care, and for sustaining progress in highway developments which are so important to the delta region.

Dr. Kent Wyatt has been a leader in his community and in the field of higher education. He and his wife Janice have committed their entire life toward improving the quality of life for others in this special delta region of our country.

I congratulate Dr. Kent Wyatt for his contributions to the delta region and for his effective leadership of Delta Council. I look forward to his future contributions.•

RECOGNIZING THE 100TH ANNIVERSARY OF THE CITY OF COALINGA

• Mrs. BOXER. Mr. President, I rise to recognize the 100th anniversary of the city of Coalinga, one of the few California cities that was founded as a mining boomtown and survived.

The city originally known as "Coaling" was a sleepy coal mining town until oil was prospected in the region as early as 1865 by Southerners displaced by the Civil War. However, aside from being used to control dust on the roads and as a pitch for roofing, there was limited use for petroleum in those days. Limited uses, coupled with transportation challenges, caused early interest in oil to die down considerably. In 1891, the Southern Pacific Railroad purchased the 160-acre Melville Curtiss homestead and laid out the town site that became Coalinga. Local folklore attributes the desire for better musical effect for the addition of the final "a" and the eventual adoption of the town name, Coalinga. By the time the city was incorporated on April 3, 1906, the interest in oil had risen again.

In 1909, the Silver Tip well broke loose in the greatest gusher recorded in California at that time; spraying 36,000 barrels of oil in a 72-hour period. The emergence of Coalinga as an oil boomtown caused enough excitement that the Los Angeles Stock Exchange was shut down for a day so that the financiers of California could go witness and experience the boom for themselves. At its peak, the Silver Tip well produced 10,000 barrels of oil a day.

Coalinga's thriving oil fields of that time were to produce personalities and companies that were to become the giants of the industry. R.C. Baker, the founder of Baker Oil Tools, first honed his trade in Coalinga. Republic Oil Field Supply can also trace its beginnings to the city. The formula for world famous A&W root beer was first concocted in downtown Coalinga. Perhaps most famously, Coalinga's oilfield workers fought and won the industry's first 8-hour workday.

On May 2, 1983, a 6.7 magnitude earthquake altered the face of Coalinga. All the brick buildings constructed during the 1900s boom toppled or they had to be demolished. A large slice of the character and charm of Old Coalinga was lost. However, the town's residents demonstrated remarkable unity and determination in putting forth the hard work to make sure that Coalinga continues to grow in spite of the earthquake. Today, the former boomtown with the old brick buildings that was left reeling after the 1983 earthquake is a thriving city that is primed for even greater residential and business growth in the future.

For the past century, the city of Coalinga has served as a testament to the importance of community, optimism, and cooperation. As the residents of Coalinga work together with great pride to make their city a better place to call home, I congratulate them on their centennial anniversary and wish them another 100 years of good fortune and success.•

IN MEMORIAM TO JUDGE DELBERT E. WONG

• Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Delbert Wong, the first Chinese-American judge in the continental United States. Judge Wong passed away on March 10, 2006, at the age of 85.

Delbert Wong was born in Hanford, CA, on May 17, 1920, and was raised a short distance away in Bakersfield. After obtaining an associate of arts degree from Bakersfield College, he transferred to the University of California, Berkeley, where he received an undergraduate degree in business.

After he left U.C. Berkeley, Delbert joined the Army Air Corps during World War II and became one of 18 B-17 Flying Fortress navigators that graduated in his class at Mather Field in Sacramento. During his service with the military, he was 1 of only 3 navigators who completed their 30 bombing missions. For his bravery and dedication, 1LT Delbert Wong was awarded the Distinguished Flying Cross, as well as four Air Medals, for his wartime service.

Following the war, Delbert was faced with a tough choice: should he join his family's grocery business or enter law school? He chose law school, and in 1949 became the first Chinese American graduate of Stanford University's School of Law. After his graduation, Delbert continued to break new ground. He was the first Asian American to be appointed Deputy Legislative Counsel serving the California State Legislature, and the first Asian American to be appointed a deputy state attorney general.

During his tenure as a deputy State attorney general, Delbert was appointed by then-Governor Pat Brown to the Los Angeles County Municipal Court bench in 1959, making him the first Chinese American named to the bench in the continental United States. Two years later, Judge Wong was elevated to the superior court, where he served for over 20 years.

Throughout his career, Judge Wong was an exemplary jurist who dedicated his life to public service. Even after he retired from the bench in 1986, he continued to be deeply involved in his community.

Among his many accomplishments, Judge Wong researched and reported on racial issues within the Los Angeles Airport Police Bureau at the request of the Los Angeles Department of Airports; was appointed by then-mayor of Los Angeles Tom Bradley to serve on a panel tasked with drafting an ethics policy for the city of Los Angeles; and was appointed chair of the Asian Pacific American Focus Program of the National Conference of Christians and Jews, to combat the rise in violence against Asian Americans.

Together with his wife Dolores, Judge Wong was also an ardent supporter of the Chinese American community, making significant contributions to the Asian Pacific American Legal Center, the Chinatown Service Center, and the Asian Pacific American Friends of the Center Theater Group.

Judge Wong was a trailblazer for Asian Americans in the field of law. His dedication to justice and equality was evident in everything that he did. His many years of service—for the city of Los Angeles, for the State of California and for the Nation will not be forgotten.

Judge Wong is survived by his wife Dolores; his children Kent, Shelley, Duane, and Marshall; and his three grandchildren. I extend my deepest sympathies to his family.

Whether he was fighting for our country or fighting for integrity and equality under the law, Judge Delbert Wong was undeterred in his efforts to make America a better place to live. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his passion and dedication to justice.•

MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3440. An act to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building".

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4786. An act to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the "H. Gordon Payrow Post Office Building".

H.R. 4805. An act to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building".

H.R. 4882. An act to ensure the proper remembrance of Vietnam veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial.

H.R. 4979. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

The message also announced that the House has passed the following bills, without amendment:

S. 2116. An act to transfer jurisdiction of certain real property to the Supreme Court.

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 353. Concurrent resolution commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections.

ENROLLED BILLS SIGNED

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2116. An act to transfer jurisdiction of certain real property to the Supreme Court.

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3440. An act to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4786. An act to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the "H. Gordon Payrow Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4805. An act to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the "Gene Vance Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4882. To ensure the proper remembrance of Vietnam veterans and the Vietnam War by designating a site for a visitor center for the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 353. Concurrent resolution commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2467. A bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6159. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021606D) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6160. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule, Removal of Georges Bank Yellowtail Flounder Daily Limit" (I.D. No . 021706B) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6161. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Final Rule" ((RIN0648-AU00)(I.D. No. 120805A)) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6162. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Correct and Clarify Amendment 13/Framework 40-A to the Northeast Multispecies Fishery Management Plan" ((RIN0648-AS80)(I.D. No. 040705A)) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6163. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Bering Sea and Aleutian Islands: Final 2006 and 2007 Harvest Specifications for Groundfish" (I.D. No. 122805B) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6164. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Gulf of Alaska; Final 2006 and 2007 Harvest Specifications for Groundfish" (I.D. No. 122805A) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6165. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report on behalf of the Coast Guard on the Critical Skills Retention Bonus (CSRB) program; to the Committee on Commerce, Science, and Transportation.

EC–6166. A communication from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, the annual report assessing the Coast Guard Capabilities and Readiness to Fulfill National Defense Responsibilities; to the Committee on Commerce, Science, and Transportation.

EC–6167. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revisions to Civil and Criminal Penalties; Penalty Guidelines" (RIN2137-AE14) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6168. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Gas Gathering Line Definition; Alternative Definition for Onshore Lines and New Safety Standards" (RIN2137-AB15) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6169. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste: Revision of Requirements for Carriage by Aircraft" (RIN2137-AD18) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6170. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR , -145XR, -145MP, and -145EP Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6171. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Polskie Zaklady Lotnicze Spolka zo.o. Model PZL M26 01 Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6172. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11 and MD-11F Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6173. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318-100 and A319-100 Series Airplanes; A320-111 Airplanes; A320-200 Series Airplanes; and A321-100 and A321-200 Series Airplanes"

(RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6174. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-33, DC-8-51, DC-8-53, DC8-55, DC-8F-54, DC-8F-55, DC-8-63, DC-8-62F, DC-8-63F, DC-8-71, DC-8-73, DC-8-71F, DC-8-72F, and DC-8-73F Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6175. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 and 0100 Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6176. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hamburger Flugzeugbau GmbH Model HFB 320 HANSA Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6177. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aero Advantage ADV200 Series Vacuum Pumps" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6178. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3-60 SHERPA, SD3-SHERPA, and SD3-60 Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6179. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, A340-200 and -300 Series Airplanes, and A340-541 and -642 Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6180. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6181. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines" (RIN2120-AA64) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6182. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Seaway Regulations and Rules: Periodic Update, Various Categories" (RIN2135-AA22) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6183. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amending FMVSS No. 224, Rear Impact Protection, in Response to NTEA Petition for Reconsideration for Trailers and Semi-Trailers with Liftgates" (RIN2127-AJ80) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6184. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Head Restraints" (RIN2127-AJ84) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6185. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Buy America Requirements; Amendments to Definitions" (RIN2132-AA80) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2468. A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2469. A bill to posthumously award a Congressional Gold Medal to Alice Paul in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG:

S. 2470. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. DEWINE:

S. 2471. A bill to suspend temporarily the duty on Basic Red 1 Dye; to the Committee on Finance.

By Mr. DEWINE:

S. 2472. A bill to suspend temporarily the duty on Basic Red 1:1 Dye; to the Committee on Finance.

By Mr. DEWINE:

S. 2473. A bill to suspend temporarily the duty on Basic Violet 11 Dye; to the Committee on Finance.

By Mr. DEWINE:

S. 2474. A bill to suspend temporarily the duty on Basic Violet 11:1 Dye; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. HATCH, Mr. BINGAMAN, Mrs. HUTCHISON, and Mr. MENENDEZ):

S. 2475. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2476. A bill to suspend temporarily the duty on N-Cyclohexylthiophthalimide; to the Committee on Finance.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2477. A bill to suspend temporarily the duty on 4,4'-Dithiodimorpholine; to the Committee on Finance.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2478. A bill to suspend temporarily the duty on Tetraethylthiuram Disulfide; to the Committee on Finance.

By Mr. DEWINE: (for himself and Mr. VOINOVICH):

S. 2479. A bill to suspend temporarily the duty on certain Tetramethylthiuram Disulfide; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. LEAHY):

S. 2480. A bill to amend the Fairness to Contact Lens Consumers Act with respect to the availability of contact lenses; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. VOINOVICH, Ms. COLLINS, Mr. LIEBERMAN, Mr. COLEMAN, Mr. LEVIN, Mr. COBURN, and Mr. CARPER):

S. Res. 412. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2006; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 413. A resolution commending the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III National Basketball Championship; considered and agreed to.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. Res. 414. A resolution celebrating the musical and cultural heritage of country music and recognizing the "Country: A Celebration of America's Music" festival at the John F. Kennedy Center for the Performing Arts; considered and agreed to.

ADDITIONAL COSPONSORS

S. 117

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 117, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 709

At the request of Mr. DEWINE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1086

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1158

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1158, a bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings.

S. 1343

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1815

At the request of Mr. ALEXANDER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1815, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2014

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2014, a bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2198

At the request of Mr. DOMENICI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2278

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2322

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2416

At the request of Mr. BURNS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2460

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2460, a bill to permit access to certain information in the Firearms Trace System database.

S.J. RES. 1

At the request of Mr. ALLARD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 357

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 357, a resolution designating January 2006 as "National Mentoring Month".

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 410

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 410, a resolution designating April 2006 as "Financial Literacy Month".

AMENDMENT NO. 2954

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 2954 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2970

At the request of Mr. SUNUNU, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 2970 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2980

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2980 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2981

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2981 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2983

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2983 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 2468. A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, one of the issues that has been hovering over this Chamber—and this country, of course—is the NSA program, the President's program to do wiretaps on American citizens if part of the call originated in a foreign country.

First, let me stress that I think most of us in this Chamber, Democrat and Republican—certainly myself—believe the President should be given the tools he needs to fight terror. In this brave new world, the tools are different, and because a rule worked in 1960 or 1980 does not necessarily mean it works in 2005 or 2006 or 2004. We have to be flexible. I think you can be flexible in a way that both protects our security and protects our liberty. In most issues, this does not conflict. My watchword on most of these issues is: Have a debate, have a standard, and have an independent arbiter check that that standard is being met.

That worked, for instance, in wiretaps. Before 1971, it was a mess. J. Edgar Hoover was listening in on whomever he chose. There was a debate on this issue. There was a standard—probable cause—and there is an independent arbiter, a federal judge, who determines whether probable cause is met. And it works. Neither the prosecutors nor the defense bar have any complaints.

We could come to the same exact conclusion in the new world we face, where warrants are needed far more quickly regarding many more people. If you are doing information gathering where you look for patterns, that might be needed. Again, because one way worked in the past doesn't mean it still works, and I think most Members, myself included, want to be flexible. The problem is when the executive branch arrogates this issue to itself and says, We can decide to do whatever we want, either under the constitutional executive power—that is pretty broad—or even under a grant of war powers, a grant to use force which, as most know, I supported back when the President asked for it in 2001.

Now there is a great debate. The President and his supporters say he was allowed to do these wiretaps without changing the law, without congressional approval. Some on the other side say he never should have been allowed to do it. I think that is a small minority. Many others say: Yes, he should be allowed to do it, but there ought to be a congressional debate, a change in the law, and perhaps a standard would be applied.

Right now we are deadlocked on that issue. We are deadlocked because, whether it is the Intelligence Committee, the Judiciary Committee on which I serve, this body in general, or the Nation—nobody knows, did the President go outside the ambit of the law about asking for a warrant? Some think yes, and they are pretty sure of that. Some think no, and they are pretty sure of it. They are pretty sure that he couldn't. Many are not sure at all.

I ask you, who is the logical group or person to make that determination? The executive branch generally through our history has had a lean to expand executive power. That is natural.

The legislative branch has had a lean on the other side. That is how the Founding Fathers set up our Government in their wisdom and it seems to have worked very well ever since 1789. To say we should just go along with what the executive branch wants is not going to work. Frankly, even though I am a Senator and believe in protecting the legislative prerogative, if we only did what the legislative branch wanted, that probably wouldn't work, either; and, needless to say, we are divided on this.

The most logical place for this to be settled is in the U.S. Supreme Court. They don't side with executive or legislative power, necessarily. They are authoritative, they are respected, in a sense they are the supreme arbiters, and they could put this question to rest and we could move on.

There is one difficulty. There will be people who will challenge these wiretaps through the normal process and we might get to the Supreme Court in 3 or 4 years. During all that time, the gridlock and deadlock we face on this issue, and the concomitant gridlock and deadlock that occurs in other issues related to this, would be hanging over this body. So I tried to figure out how can we get the Supreme Court to hear this case quickly.

The bill I am introducing right now will do just that. We have consulted some expert authorities and there are two basic problems—one easier, one harder. The easier is to simply expedite the judicial process, to grant expedited review. The minute a case is decided in the district court, it goes right up to the Supreme Court because time is of the essence—and I believe it is here. We have good precedent for this. It was done recently so the Supreme Court could hear on an expedited basis McCain-Feingold, and they came to a conclusion, and elections could be held and we moved forward. That is a typical example of where you would do that.

Our bill does grant such expedited review. But what about standing? How do you quickly get into the district court to do this? And, by the way, I have a feeling very few in this body would want to grant an expedited hearing to someone who might be participating in or accused of terrorism. So you have a dilemma that, while you want expedited review and it would seem logical that the Supreme Court should be the place, the cases that are out there are not the ones that would seem to merit that kind of expedited review—a special case; particularly if someone is accused of terrorism. We in New York know better than anywhere else that is a dastardly act.

What we have done—frankly, in consultation with some leading experts on this—is we have granted standing to a very narrow class of citizens who actually have refrained from making overseas calls because of a fear that they might be listened to under the NSA program. But these are not people who are accused of terrorism in any way. These are, rather, people who maybe would be—and it is a small class—business people who would regularly call, say, Afghanistan. Maybe they are importing rugs, who knows? But they are afraid to because their calls might be listened in to.

It might be academics, maybe a professor of linguistics who might be doing research into the Pashtun language, and now has refrained from making calls. These are people who have been chilled by the reports that their calls might be listened in to. They are American citizens calling the foreign country and would have standing.

Our bill gives those people standing, gives them a right to go to district court quickly and then with expedited review to the Supreme Court, so we could actually get a decision, very possibly, on whether the President's wiretapping was under the ambit of the law very quickly. It is very authoritative. It might break through the dilemmas we face.

I am introducing this legislation this afternoon and I ask my colleagues to give it careful consideration. It is clearly not partisan legislation. Given the current composition of the Supreme Court and the two new Justices who have just been added, it is hardly a liberal or Democratic court, and it could settle the issue once and for all so our country could achieve some comity on this issue and move on and discuss other issues.

I urge my colleagues and everyone else in this great country of ours to examine this legislation, see if they wish to support this legislation or something close to it, and maybe we can move this kind of bill on the floor quickly so we could get the kind of expedited review that I think many of us would seek from the one body that would have the authority to make such review ultimately, and that is the U.S. Supreme Court.

The bill will be handed to the desk for introduction.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

By Mr. CRAIG:

S. 2470. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Southern Idaho Bureau of Reclamation Repayment Act of 2006. This Act authorizes prepayment by landowners of their allocated portion of the obligations to the Bureau of Reclamation within A&B Irrigation District and will allow individual landowners to prepay their obligations if they so desire. Additionally, the Act will allow the landowners who have prepaid to be exempt from the acreage limitation provisions set in the Reclamation Reform Act of 1982, thereby creating an appropriate market for the sale of those lands now owned by landowners who have either died or have retired.

I look forward to working with my colleagues to move this necessary bill through the legislative process quickly.

By Mr. SALAZAR (for himself, Mr. MARTINEZ, Mr. HATCH, Mr. BINGAMAN, Mrs. HUTCHISON, and Mr. MENENDEZ):

S. 2475. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise to speak about legislation I am introducing today which I believe will enhance the experience of the millions of visitors who visit our Nation's Capital every year, and will contribute to the ongoing, deeply rewarding, and profoundly important process of national self-discovery. As we learn more about who we are as Americans, we gain strength from our history and enrich our vision for the future.

In that spirit, together with Senators MARTINEZ, HATCH, BINGAMAN, HUTCHISON, and MENENDEZ, I have introduced the National Museum of the American Latino Community Commission Act. The bill will establish a Commission to study the potential creation of a National Museum of the American Latino Community. The Commission members, selected by the President and Members of Congress, will be tasked with studying the impact of such a Museum, developing a plan of action and a fundraising plan, and proposing recommendations to make the Museum a reality.

I am pleased to be building on the work of several members of Congress during the 108th Congress, most notably Senator HATCH and Congressman XAVIER BECERRA.

On May 10, 2005, Congressman XAVIER BECERRA re-introduced the Commission bill in the House of Representatives with Congresswoman ILLEANA ROS-LEHTINEN. Since then, 107 Representatives have lent their support to H.R. 2134, and tomorrow, the Subcommittee on National Parks, Recreation and Public Lands in the House Resources Committee will meet to examine the proposal.

Washington, DC is more than the seat of our government; it is the symbolic heart of our country. When American travel to their Capital, they expect the museums, monuments, and national parks they visit to reflect the complete American experience. I celebrate the recent opening of the National Museum of the American Indian and the announcement of the location of the new National Museum of African American History and Culture. I believe we must celebrate the diversity of our Nation and her rich national heritage.

Many assume that Hispanics have just arrived on our country's shores. But these newly arrived Hispanics are only a small segment of a much larger community that has been an integral part of American history since before our country was founded.

Hispanics soldiers fought in the American Revolution alongside General George Washington, our first Commander-in-Chief, and have served in every subsequent military conflict in which the U.S. has fought. During the war that led to our Nation's birth, General Washington's army was successful at Yorktown in part because of support from a diverse army led by Bernardo de Galvez on a southern front against the British, driving them out of the Gulf of Mexico, fighting them on the Mississippi and in Florida.

In the Korean War, 140,000 Hispanic soldiers served. During the Vietnam War, more than 80,000 Hispanics served. While Hispanics comprised only 4.5 percent of the U.S. population at the time, they represented 5.5 percent of those who made the ultimate sacrifice for their country. More recently, 20,000 Hispanics took part in Operation Desert Shield and Desert Storm. And today, more than 10 percent of the United States Armed Forces are Hispanics.

In sum, we will honor the more than 1.1 million Hispanic veterans living in America today, by sharing this long history with all who come to our Nation's Capital.

My own family's story speaks to this truth.

Over 400 years ago, in 1598, my family helped found the oldest city in what is now these United States. They named the city Santa Fe—the City of Holy Faith—because they knew the hand of God would guide them through the struggles of survival in the ages ahead.

For the next four centuries, that faith in their future guided them to overcome extremely painful and challenging times. As humble and poor farmers, the circumstances of their lives forged the priceless and timeless values my father Henry and mother Emma instilled in their eight children.

They were indeed a part of our country's greatest generation. My mother traveled across the country to work in the Pentagon's War Department, and my father was a proud veteran of World War II. In fact, one of his last requests was to be buried in his uniform.

Although neither had a college degree, they taught us about the values and promise of America. All eight of their children became first generation college graduates, inspired by their dedication to God, family, community and country.

As the National Capital Planning Commission states: "the memorials and museums that define Washington's Monumental Core express America's connections to its past and its direction for the future. They help us understand what it means to be an American."

As a proud American, I want to ensure that every individual who visits Washington has a chance to learn the full history of who we are and who we are becoming as Americans. It is my hope that the Senate can work to pass this important bill that will record and preserve our shard American history.

In the coming months, I will work with the Senate Energy and Natural Resource Committee to advance the Commission bill. I look forward to speaking with my Senate colleagues about the Commission bill, and hope we can take the important step of establishing the Commission.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 412—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 1 THROUGH 7, 2006

Mr. AKAKA (for himself, Mr. VOINOVICH, Ms. COLLINS, Mr. LIEBERMAN, Mr. COLEMAN, Mr. LEVIN, Mr. COBURN, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 412

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) improve and secure our transportation systems;

(12) keep the Nation's economy stable; and

(13) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2006, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 22nd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I stand in recognition of America's public servants who provide the essential, often unseen services on which our great country thrives. As the ranking member of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am honored to submit a resolution paying tribute to these employees in celebration of Public Service Recognition Week. I am delighted to be joined by the leadership of the Senate Homeland Security and Governmental Affairs Committee, Senators VOINOVICH, COLLINS, LIEBERMAN, COLEMAN, LEVIN, COBURN, and CARPER.

The 22nd anniversary of Public Service Recognition Week, which takes place the week of May 1, 2006, showcases the talented individuals who serve their country as Federal, State and local government employees, both civilian and military. From Hawaii to Maine, throughout the Nation and around the world, America's public employees use this week to showcase the exciting challenges of a career in public service and demonstrate how government workers create a brighter future for us all.

Public servants perform essential services that our nation relies on every day. They care for our veterans, protect our public lands, ensure the safety of our food and water, and deliver the mail and needed medical supplies, in addition to countless additional tasks.

Over the past few years we have all been reminded of the remarkable work of public servants, including our men and women in uniform. Their steadfast devotion to the defense of this Nation and the ideals we hold most dear is commendable. Nearly 2,600 military and Department of Defense civilian employees have lost their lives since the beginning of Operation Enduring Freedom and Operation Iraqi Freedom. The sacrifice of these brave men and women remain a constant reminder of the courage with which the members of our Armed Forces serve. Nor should we forget those Federal civilian employees who work side-by-side with our troops abroad and provide needed support for their mission. Military and civilian employees alike continue to earn our admiration with their unwavering strength and dedication.

The men and women who serve in the Coast Guard exemplify public service as demonstrated by their tireless efforts to rescue the people trapped in their homes by the flood waters from Hurricane Katrina.

Another example of the countless contributions public servants give to the Nation is Orlando Figueroa, the Deputy Associate Administrator for Programs, Science Mission Directorate, at the National Aeronautics and Space Administration, who led the Mars Exploration Rover Project. Mr. Figueroa and his team created a mobile science lab used to conduct remote exploration on the surface of another planet, which allowed the exploration of regions beyond the original landing site. This fantastic accomplishment has produced a wealth of scientific discoveries revealing Mars as a potential habitat. The work of Mr. Figueroa and other Federal scientists spark the imagination, fuel the human spirit, and inspire us to pursue even greater things.

President John F. Kennedy said, "Let the public service be a proud and lively career." While Public Service Recognition week provides the opportunity to honor and celebrate the works of our Federal employees, it also serves as a time to call upon a new generation of Americans to explore the opportunities of such a "proud and lively career." Through job fairs, agency sponsored events, and special exhibits, Public Service Recognition Week allows individuals from all walks of life to gain a deeper appreciation of the challenging, exciting, and rewarding work available in the federal government.

I encourage my colleagues to bring to light the works and services of the federal employees in their states and join in this annual celebration.

SENATE RESOLUTION 413—COMMENDING THE VIRGINIA WESLEYAN COLLEGE MARLINS MEN'S BASKETBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION III NATIONAL BASKETBALL CHAMPIONSHIP

Mr. ALLEN (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 413

Whereas the students, alumni, faculty, and supporters of Virginia Wesleyan College are to be congratulated for their commitment to and pride in the Virginia Wesleyan Marlins National Champion men's basketball team;

Whereas the National Collegiate Athletic Association (NCAA) championship game against the Wittenberg University Tigers concluded a 28 game winning streak for the Virginia Wesleyan Marlins, the longest in the nation, resulting in an impressive record of 30-3;

Whereas the Virginia Wesleyan Marlins won the 2005 NCAA Division III National Basketball Championship with an outstanding second half when junior forward Brandon Adair made two free throws to tie the game at 56 with 49 seconds to play, allowing sophomore guard Ton Ton Balenga to score the final points with less than three seconds to play, giving Virginia Wesleyan the 59–56 victory;

Whereas the Virginia Wesleyan Marlins added the Division III title to consecutive Old Dominion Athletic Conference titles;

Whereas every player on the Virginia Wesleyan basketball team—Ken Cizek, D'Juan Tucker, Thomas Sumpter, Tory Green, Terrell Dixon, Marques Fitch, Ari' Paschal, Ton Ton Balenga, Brandon Adair, Rodney Young, Tyler Fantin, Devver Miller, Norman Hassell, Matt Towell, Zac Green, Travis Klink, and Marcus Riley—contributed to the team's success in this impressive championship season;

Whereas the Marlins outstanding, creative and motivational basketball Head Coach David Macedo was named the 2006 D3hoops.com Coach of the Year, and has had a successful six year tenure as Virginia Wesleyan's head coach, with a record of 124–45;

Whereas Assistant Coaches David Doino and Brad Dunleavy deserve high commendation for their strong leadership of, and superb coaching support to, the Virginia Wesleyan College Marlins men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III, National Championship;

(2) recognizes the achievements of Head coach David Macedo, Assistant Coaches David Doino and Brad Dunleavy, and all the team's players; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to David Macedo, Head Coach of the National Champion Virginia Wesleyan College Marlins and a copy to the Virginia Wesleyan President William T. Greer, Jr.

SENATE RESOLUTION 414—CELEBRATING THE MUSICAL AND CULTURAL HERITAGE OF COUNTRY MUSIC AND RECOGNIZING THE "COUNTRY: A CELEBRATION OF AMERICA'S MUSIC" FESTIVAL AT THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. FRIST (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 414

Whereas country music is an essential element of the musical and cultural heritage of the United States, and helps promote an understanding and appreciation of the cultural achievements of the Nation;

Whereas country music is a medium with the power to entertain, connect, and communicate, and embodies the spirit and the lives of Americans with diverse backgrounds;

Whereas the diversity of country music provides a valuable form of artistic expression and embraces musical traditions including folk, bluegrass, gospel, honky-tonk, and rock and roll;

Whereas the popularity and notoriety of country music have had a unique effect on the commercial development of Nashville, Tennessee, commonly known as "Music City, U.S.A.";

Whereas the Country Music Hall of Fame and Museum, located in Nashville, is dedicated to—

(1) identifying and preserving the evolving history and traditions of country music; and

(2) educating audiences throughout the world about that rich musical tradition;

Whereas the John F. Kennedy Center for the Performing Arts, the Country Music Hall of Fame and Museum, and other contributors to the "Country: A Celebration of America's Music" festival, should be commended for celebrating country music and engaging in a serious curatorial investigation into a form of artistic expression that is unique to the United States;

Whereas the "Country: A Celebration of America's Music" festival will—

(1) highlight accomplished singers, musicians, and songwriters of the country music genre;

(2) celebrate the traditional roots and geographical reach of country music;

(3) explore the regional and stylistic variations of country music; and

(4) honor the creators, audiences, and values of country music; and

Whereas additional efforts to recognize the role of folk-based and indigenous arts of the United States should be encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the musical and cultural heritage of country music;

(2) recognizes the "Country: A Celebration of America's Music" festival at the John F. Kennedy Center for the Performing Arts; and

(3) commends the John F. Kennedy Center for the Performing Arts and the Country Music Hall of Fame and Museum for promoting the artistry and legacy of country music.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3184. Mr. LOTT proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process.

SA 3185. Mr. LOTT proposed an amendment to the bill S. 2349, supra.

SA 3186. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, supra.

SA 3187. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, supra.

SA 3188. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, supra.

SA 3189. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3190. Mr. SESSIONS (for Mr. AKAKA) proposed an amendment to the resolution S. Res. 410, designating April 2006 as "Financial Literacy Month".

TEXT OF AMENDMENTS

SA 3184. Mr. LOTT proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 6, lines 13 and 14, strike "Enrolling Clerks of the Senate and" and insert "Clerk of the".

On page 6, line 16, strike "and establish".

SA 3185. Mr. LOTT proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 39, line 17, after "employed." insert "This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995."

SA 3186. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 44, line 18, strike "503" and insert "263".

SA 3187. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 40, after line 2, insert the following:

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

SA 3188. Mr. LOTT (for Ms. COLLINS) proposed an amendment to the bill S. 2349, to provide greater transparency in the legislative process; as follows:

On page 27, lines 21 through 23, strike ", in addition to any" and all that follows through "House of Representatives." and insert ". The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

SA 3189. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In the interest of national security and in respect for legal immigration, effective immediately, notwithstanding any other provision of law, there shall be no implementation of provisions in this act creating a guest worker program until the Secretary of Homeland Security has certified in writing to the President and the Congress that borders of the United States of America are reasonably sealed and secured.

SA 3190. Mr. SESSIONS (for Mr. AKAKA) proposed an amendment to the resolution S. Res. 410, designating April 2006 as "Financial Literacy Month"; as follows:

On page 2, the first whereas clause strike $11,000,000,000 and insert $11,000,000,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 29, 2006, at 10 a.m., to conduct a hearing on "Economic Impact Issues in Export-Import Bank Reauthorization."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold an oversight hearing on Wednesday, March 29, at 9:30 a.m., on the impact of the elimination of MTBE.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, March 29, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "U.S.-China Economic Relations Revisited."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 29, 2006, at 9:30 a.m., to hold a closed briefing on U.S.-India Atomic Energy Cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 29, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on the following bills:

(1) S. 2078, Indian Gaming Regulatory Act amendments.

(2) S. 1899, Indian Child Protection and Family Violence Prevention Act amendments.

(3) S. 2245, Indian Youth Telemental Health Demonstration Project Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, March 29, 2006, at 9:30 a.m., in room 226 of the Dirksen Senate Office Building.

Panel I: Members of Congress, TBA.

Panel II: Brian M. Cogan to be United States District Judge for the Eastern District of New York; Michael Ryan Barrett to be United States District Judge for the Southern District of Ohio; Thomas M. Golden to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 29, 2006, at 2:30 p.m., to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committe on Aging be authorized to meet Wednesday, March 29, 2006 from 10 a.m. to 12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on "What's in a Game? State Regulation of Violent Video Games and the First Amendment" on Wednesday, March 29, 2006, at 2 p.m. in SD 226.

Witness List

Panel One: Reverend Steve Strickland, brother of Arnold Strickland, police officer killed by teenager in 2004, Fayette County, AL; Dr. Elizabeth Carll, Ph.D., Chair of Interactive Media Committee, Media Psychology Division, American Psychological Association Long Island, NY; Dr. Dmitri Williams, Ph.D., Assistant Professor of Speech Communications, University of Illinois at Urbana-Champaign, Urbana, IL; Dr. David Bickham, Ph.D., Research Scientist, Center on Media and Child Health, Harvard Medical School Boston, MA.

Panel Two: Patricia E. Vance, President, Entertainment Software Rating Board New York, NY; Representative Jeff Johnson, Assistant Majority Leader, Minnesota House of Representatives, St. Paul, MN; Paul Smith, Partner, Jenner & Block LLP, Washington, DC; Professor Kevin Saunders, J.D., Ph.D., Professor of Law, Michigan State University East Lansing, MI.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Wednesday, March 29, 2006, at 2:30 p.m. to hold a hearing on U.S.-Burma Relations.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on March 29, 2006, at 9:30 a.m., in open session to receive testimony on U.S. nonproliferation strategy and the roles and missions of the Department of Defense and the Department of Energy in nonproliferation in review of the Defense Authorization request for fiscal year 2007 and the future years Defense progam.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, March 29, 2006, at 2:30 p.m. for a hearing entitled, The War on Terrorism: How Prepared is the Nation's Capital? Part (II).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, March 29 at 2:30 p.m. The purpose of the hearings is to receive testimony on S. 1832, to authorize the Secretary of the Interior to lease oil and gas resources underlying Fort Reno, OK, to establish the Fort Reno Management Fund, and for other purposes; S. 2150, to direct the Secretary of Interior to convey certain Bureau of Land Management land to the city of Eugene, OR; and H.R. 3507, to transfer certain land in Riverside County, CA, and San Diego County, CA, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; S. 1056 to direct the Secretary of the Interior to convey to the city of Henerson, NV certain Federal land located in the city, and for other purposes; and S. 2373 to provide for the sale of approximately 132 acres of public land to the city of Green River, WY at fair market value.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Seapower authorized to meet during the session of the Senate on March 29, 2006, at 3:30 p.m., in open session to receive testimony on Navy/Marine Corps Force structure and future capabilities in review of the Defense Authorization request for Fiscal Year 2007 and the future years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate March 29, at 2:30 p.m., in open session to receive testimony on global strike plans and programs in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER, without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND COMPETITIVENESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Innovation, and Competitiveness be authorized to meet on Wednesday, March 29, 2006, at 10 a.m., on Importance of Basic Research to U.S. Competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that George Ward, who is serving on my staff for the course of this immigration debate, be granted floor privileges for the full course of the debate on S. 2454, Senator FRIST's border security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a fellow on my staff, Marc Rosenblum, be admitted to the Senate floor for the remainder of the debate on the immigration legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Chris Liddell-Westefeld of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent the privilege of the floor be granted to Rebecca Kelly of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE ARMED FORCES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of and the Senate now proceed to S. Res. 385.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 385) expressing gratitude and appreciation to the men and women of the Armed Forces who serve as military recruiters, commending their selfless service in recruiting young men and women to serve in the United States military, particularly in support of the global war on terrorism.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 385) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 385

Whereas the Armed Forces are an all volunteer force, which makes recruiting the necessary number of volunteers for each individual service a challenging task;

Whereas the military recruiters have enabled the individual branches of the Armed Forces to meet the demands of the modern battlefield through the enlistment of quality soldiers, sailors, airmen, and Marines;

Whereas military recruiters work long strenuous hours, in rural and urban areas of the country, and away from the traditional military support systems;

Whereas military recruiters, like many of their deployed colleagues, have forfeited and sacrificed time with their families and placed their mission above all else;

Whereas military recruiters support the global war on terrorism by filling our Nation's military ranks with qualified personnel needed to combat and eradicate terrorists through military power;

Whereas, in the past fiscal year, military recruiters provided the Nation with more than 200,000 new active duty, reserve, officer, and enlisted accessions;

Whereas military recruiters have provided young men and women across the Nation the opportunity to further their education through the use of congressionally mandated incentives such as the Montgomery GI Bill, and various college loan repayment programs, thereby allowing returning veterans greater opportunity to achieve their full potential as successful members of society;

Whereas military recruiters are the face and voice of the Armed Forces in communities in every State across the Nation, as well as Puerto Rico, Europe, Korea, and Guam;

Whereas military recruiters develop close working relationships with families, schools, business professionals, and numerous civic organizations; and

Whereas military recruiters are an essential element of the Department of Defense and play a key role in the security of our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of our Armed Forces who serve as military recruiters for their service to our country and their dedicated, professional, and noteworthy performance of duty during difficult times of sustained combat and the global war on terrorism; and

(2) reaffirms its commitment to supporting all aspects of the recruiting services of the Armed Forces, by providing sufficient legislative support and incentives in order that recruiters may continue to meet and exceed the personnel requirements of the Armed Forces.

COMMENDING THE VIRGINIA WESLEYAN COLLEGE MARLINS MEN'S BASKETBALL TEAM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 413, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 413) commending the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III National Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 413) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 413

Whereas the students, alumni, faculty, and supporters of Virginia Wesleyan College are to be congratulated for their commitment to and pride in the Virginia Wesleyan Marlins National Champion men's basketball team;

Whereas the National Collegiate Athletic Association (NCAA) championship game against the Wittenberg University Tigers concluded a 28 game winning streak for the Virginia Wesleyan Marlins, the longest in the nation, resulting in an impressive record of 30–3;

Whereas the Virginia Wesleyan Marlins won the 2005 NCAA Division III National Basketball Championship with an outstanding second half when junior forward Brandon Adair made two free throws to tie the game at 56 with 49 seconds to play, allowing sophomore guard Ton Ton Balenga to score the final points with less than three seconds to play, giving Virginia Wesleyan the 59–56 victory;

Whereas the Virginia Wesleyan Marlins added the Division III title to consecutive Old Dominion Athletic Conference titles;

Whereas every player on the Virginia Wesleyan basketball team—Ken Cizek, D'Juan Tucker, Thomas Sumpter, Tory Green, Terrell Dixon, Marques Fitch, Ari' Paschal, Ton Ton Balenga, Brandon Adair, Rodney Young, Tyler Fantin, Devven Miller, Norman Hassell, Matt Towell, Zac Green, Travis Klink, and Marcus Riley—contributed to the team's success in this impressive championship season;

Whereas the Marlins outstanding, creative and motivational basketball Head Coach David Macedo was named the 2006 D3hoops.com Coach of the Year, and has had a successful six year tenure as Virginia Wesleyan's head coach, with a record of 124–45;

Whereas Assistant Coaches David Doino and Brad Dunleavy deserve high commendation for their strong leadership of, and superb coaching support to, the Virginia Wesleyan College Marlins men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III, National Championship;

(2) recognizes the achievements of Head coach David Macedo, Assistant Coaches David Doino and Brad Dunleavy, and all the team's players; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to David Macedo, Head Coach of the National Champion Virginia Wesleyan College Marlins and a copy to the Virginia Wesleyan President William T. Greer, Jr.

COUNTRY: A CELEBRATION OF AMERICA'S MUSIC

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 414, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 414) celebrating the musical and cultural heritage of country music and recognizing the "Country: A Celebration of America's Music" festival at the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 414) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 414

Whereas country music is an essential element of the musical and cultural heritage of the United States, and helps promote an understanding and appreciation of the cultural achievements of the Nation;

Whereas country music is a medium with the power to entertain, connect, and communicate, and embodies the spirit and the lives of Americans with diverse backgrounds;

Whereas the diversity of country music provides a valuable form of artistic expression and embraces musical traditions including folk, bluegrass, gospel, honky-tonk, and rock and roll;

Whereas the popularity and notoriety of country music have had a unique effect on the commercial development of Nashville, Tennessee, commonly known as "Music City, U.S.A.";

Whereas the Country Music Hall of Fame and Museum, located in Nashville, is dedicated to—

(1) identifying and preserving the evolving history and traditions of country music; and

(2) educating audiences throughout the world about that rich musical tradition;

Whereas the John F. Kennedy Center for the Performing Arts, the Country Music Hall of Fame and Museum, and other contributors to the "Country: A Celebration of America's Music" festival, should be commended for celebrating country music and engaging in a serious curatorial investigation into a form of artistic expression that is unique to the United States;

Whereas the "Country: A Celebration of America's Music" festival will—

(1) highlight accomplished singers, musicians, and songwriters of the country music genre;

(2) celebrate the traditional roots and geographical reach of country music;

(3) explore the regional and stylistic variations of country music; and

(4) honor the creators, audiences, and values of country music; and

Whereas additional efforts to recognize the role of folk-based and indigenous arts of the United States should be encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the musical and cultural heritage of country music;

(2) recognizes the "Country: A Celebration of America's Music" festival at the John F. Kennedy Center for the Performing Arts; and

(3) commends the John F. Kennedy Center for the Performing Arts and the Country Music Hall of Fame and Museum for promoting the artistry and legacy of country music.

FINANCIAL LITERACY MONTH

Mr. SESSIONS. Mr. President, I ask unanimous consent that yesterday's action on S. Res. 410 be vitiated, that the resolution be agreed to, that the technical amendment to the preamble which is at the desk be agreed to, and that the preamble, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 410) was agreed to.

The amendment (No. 3190) was agreed to, as follows:

On page 2, the first Whereas clause, strike "$11,000,000,000" and insert "$11,000,000,000,000."

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. Res. 410

Whereas the personal savings rate of United States citizens in 2005 was negative 0.5 percent, marking the first time that the rate has been negative since the Great Depression year of 1933;

Whereas in 2005, only 42 percent of workers or their spouses calculated the amount that they needed to save for retirement, down from 53 percent in 2000;

Whereas the 2005 Retirement Confidence Survey found that a majority of workers believe that they are behind schedule on their retirement savings and that their debt is a problem;

Whereas during the third quarter of 2005, the household debt of United States citizens reached $11,000,000,000,000;

Whereas during the third quarter of 2005, individuals serviced their debt with a record 13.75 percent of after-tax income;

Whereas nearly 1,600,000 individuals filed for bankruptcy in 2004;

Whereas approximately 75,000,000 individuals remain credit-challenged and unbanked, or are not using insured, mainstream financial institutions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas a greater understanding of and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas only 26 percent of individuals who were between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the majority of college seniors have 4 or more credit cards, and the average college senior carries a balance of $3,000;

Whereas 1 in every 10 college students has more than $7,000 of debt;

Whereas many college students pay more in interest on their credit cards than on their student loans;

Whereas a 2004 Survey of States by the National Council on Economic Education found that 49 States include the subject of economics in their elementary and secondary education standards, and 38 States include personal finance, up from 48 and 31 States, respectively, in 2002;

Whereas a 2004 study by the JumpStart Coalition for Personal Financial Literacy found that high school seniors scored higher than their previous class on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997;

Whereas, in spite of the improvement in test scores, 65 percent of all participating students still failed the exam;

Whereas individuals develop personal financial management skills and lifelong habits during their childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2006 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

Mr. AKAKA. Mr. President, I rise today, as in years past, to submit a resolution to designate April as Financial Literacy Month. I thank my cosponsors, Senators SARBANES, COCHRAN, LAUTENBERG, KOHL, STABENOW, TALENT, LINCOLN, CRAPO, JOHNSON, DODD, MARTINEZ, DURBIN, INOUYE, DEMINT, BAUCUS, FEINSTEIN, COLEMAN, and ALLEN. I am pleased to once again work with colleagues on both sides of the aisle to promote financial and economic literacy for people of all ages all across America. This resolution highlights the need to combat financial and economic illiteracy in our homes, schools, workplaces, and communities, and mobilize everyone to better educate themselves and others around them.

In my State of Hawaii, State Representative K. Mark Takai in a previous year sponsored legislation establishing April as Financial Literacy for Youth Month, as I had in a previous Senate resolution, and this year introduced HB 1920 to redesignate the name of the month as Financial Literacy Month to broaden the month's focus to people of all ages. Testimony from State and local officials and community leaders supporting the legislation included a statement from Ms. Kristine Castagnaro, Executive Director of the Hawai'i Council on Economic Education, who said, "residents of all ages deserve to possess the skills necessary to make wise choices for their lives and communities." Mr. Brent Dillabaugh, Public Policy Director of the Hawai'i Alliance for Community Based Economic Development, said, "Fostering basic financial and economic literacy is one of the most important aspects in achieving self sufficiency. As credit options become increasingly sophisticated and difficult to understand it is crucial that individuals have the capacity to make sound financial decisions." I support such State-level efforts in Hawaii and similar efforts across the country highlighting the need for us to focus on these important issues.

Education in personal finance and economics means empowerment, because it can provide people with the tools they need for sound decisionmaking. Unfortunately, many individuals do not understand even the basics of our complex economic system. Although much continues to be done to provide more Americans with an education in personal finance and economics, a number of troubling indicators show that many people are ill-equipped to negotiate life's financial choices.

For instance, scores went up for the first time on the Jump$tart Coalition's 2004 test of the financial literacy of high school seniors, but on average, students still failed the exam. States have responded so that now all recognize to some degree the need for economic or personal finance in their curriculum. However, according to the National Council on Economic Education, only 17 States require an economics course be offered in their high schools and only 15 require an economics course as a graduation requirement. Moreover, only 8 States require a course be offered with content in personal finance and only 7 States require students to take such a course. This picture must improve, as barriers to credit continue to decrease, and credit card holders become younger and younger. According to a recent national poll by Junior Achievement, 5 percent of teenagers 13-14 years of age reported having credit cards, and this percentage doubles to 10 percent for those 17 years of age, and doubles again to nearly 20 percent for those 18 and older. Early use of credit should be accompanied by early education in money management and the basics of economics.

On the other end of the spectrum, a tenth of our Nation's families are without an account at a mainstream financial institution. The most common reason people give for not having a checking account is that they do not write enough checks to make it worthwhile. Still, checking accounts are useful in a number of other ways and typically serve as the first formal relationship one will have with a mainstream financial institution. Opening an account at a mainstream financial institution is a critical step in the path to homeownership and entrepreneurship and allows individuals to benefit from the relatively low fees, savings instruments, and other wealth building opportunities offered by banks and credit unions.

Increased financial and economic literacy can help people navigate around the countless pitfalls found in the marketplace. Consumers with a variety of credit histories can easily find credit in many different forms. Lenders' aggressive marketing campaigns encourage families to take on substantial debt for indulgences and luxuries, which can be harmful if the families are already saddled with debt and are not saving toward an education or retirement nest egg. Taking out these loans is irrational, but abusive marketing efforts have resulted in unprecedented levels of borrowing.

Thus, although the availability of credit has grown dramatically, financial literacy has not yet increased adequately in response. Consequently, we are presented with a number of troubling statistics. Last year's personal savings rate was negative for the first time since 1933, at the end of the Great Depression. A negative savings rate means that, on average, people are spending more money than they make. Moreover, the household debt service ratio, which gives a sense of the proportion of disposable income people are using to pay off their debt, increased to record levels in 2005. These findings suggest a serious problem exacerbated by the fact that most workers have not calculated how much they need to save for retirement, even if they believe they are behind schedule in their retirement savings.

As policymakers, we need to focus on these issues year round. However, focusing on Financial Literacy Month in April means that we have a designated part of the year when we can reassess our efforts to highlight that worked and improve on those that have not. Once again, I thank my colleagues for their support of this resolution.

Mr. KOHL. Mr. President, I rise today to join with my colleague, Senator AKAKA, in support of his resolution designating April as Financial Literacy Month.

Financial literacy is an imperative for all Americans. From creating a family budget, to managing credit, to saving for retirement—Americans need to understand financial principles more than ever before. However, research shows that Americans lack a fundamental understanding of personal savings, financial planning, and budgeting. According to the Jump$tart Coalition for Personal Financial Literacy, over 60 percent of our high school students could not pass a quiz with basic questions on savings and budgeting. In addition, an AARP survey found that less than half of those over age 45 could identify and define basic financial terms such as "diversification" or "compound interest."

Financial literacy is critical as more Americans take on more of the responsibility for managing their retirement savings. Pension plans are shifting from defined benefit plans, which guaranteed a certain benefit level for a lifetime, to defined contribution plans, which are based on the investment decisions of individual employees. Unfortunately, too many individuals do not have the tools to plan for retirement in a manner that will guarantee their long-term financial health. In fact, the Employee Benefit Research Institute found that only 60 percent of current workers are actively saving for their retirement, and only 42 percent of workers and their significant others have calculated what their financial needs will be in retirement.

The lack of financial literacy has serious ramifications, not only for individuals who fail to adequately budget and save, but for the national economy as well. The personal saving rate has recently turned negative, and personal saving is a component of national saving, which drives economic growth.

These trends are certainly troubling. In recent years, the work of Senator AKAKA and others have focused attention on the threat posed by our Nation's high financial illiteracy rate. For example, Senator AKAKA's Excellence in Economic Education Act promotes financial literacy in primary and secondary schools. Many groups have developed innovative programs to reach children of all ages on this topic, and increased access to formal economics classes has helped acquaint students with the financial services marketplace. In addition, public-private partnerships have helped adults increase their financial literacy and gain a better understanding of long-term financial planning tools.

It is my hope that this resolution will take another step to help increase awareness about the need to improve our Nation's financial literacy, and I am pleased to support it.

MEASURE PLACED ON THE CALENDAR—S. 2467

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2467) to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

Mr. SESSIONS. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's calendar, Calendar No. 566. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Randall L. Tobias, of Indiana, to be Administrator of the United States Agency for International Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 295

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order with respect to S. 295, the China currency bill, be modified to reflect a date no later than September 29, 2006, or the last day of the second session of the 109th Congress, whichever is earliest, and that all other provisos remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 30, 2006

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 30. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that following morning business the Senate resume consideration of S. 2454, the border control bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Today, by an overwhelming vote, we passed the lobbying bill. We now have turned to another important piece of legislation, the border control bill. We will be working on this bill for the remainder of the week and into next week. Under an agreement we entered this afternoon, tomorrow we will have more debate on the bill and Senator SPECTER will offer his substitute amendment at noon. Votes are expected tomorrow, and we will alert everyone when a vote is locked in for a certain time.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. On behalf of the majority leader, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I want to thank my colleague from Alabama for coming to the floor and addressing one of the most important bills we will consider this year, the question of the immigration system in America. My colleague and I may disagree—and we do disagree—on the substance of this bill, but I thank him for engaging the Senate in this conversation and dialogue. It is important that the American people know what we are about, and they should also know that we are taking our time to do it right.

I am a member of the Senate Judiciary Committee with the Senator from Alabama. We spent a lot of time on this bill, as we should have. It is a big challenge. I am not sure it is perfect. I think we can make it a better bill. But I am certainly pleased that the bill we brought to the floor is a balanced approach.

The one thing I like about it is it starts in the same place as many of its detractors want us to start, and that is to make sure that we have enforcement in this country. There should be laws; they should be enforced. That means we should do more, put more resources and more effort into making certain that our borders are not porous. It is a challenge. During the course of any given year, I am told that 300 million people pass between the United States and Mexico. The vast majority of them are doing it legally. But at the same time, there are people crossing that border into the United States illegally. We need better border enforcement, smarter border enforcement, using the best technology available today. Some of the suggestions we have heard I think are perhaps in answer to a problem of 100 years ago, but building a wall around the United States is hardly going to stop the immigration problem.

Over half the people currently in the United States undocumented did not enter illegally across the border. They came here legally, and because their visas expired or there were other circumstances or changes in the paperwork that they filed with our Government, they are not presently documented or in legal status. So this concept of building a fence or building a wall seems to me to be nothing more than a symbol—perhaps an unfortunate symbol—for a country as great as America.

Let me say a word or two about the bill that is going to be debated on the Senate floor for several days, perhaps through next week. It is a bill which addresses our immigration system in America. Most everyone agrees: This system needs to be changed. It is not fair. It is not a system that we are proud of because it doesn't deal with the serious issue of how many people are in the United States not in legal status—undocumented people.

One of the comments made several times during the course of the debate by my colleague from Alabama was that the bill coming out of the Senate Judiciary Committee creates amnesty. What is amnesty? Very simply, if you have been charged and found guilty of a crime, an amnesty says: We forgive you. We are not going to hold you responsible for your crime. There are things that you can do to pay your price to society for the crime you have committed. If you pay that price, people say: Well, that isn't amnesty. You have extracted some cost for the crime that has been committed.

Let me remind my colleague from Alabama what this bill does that comes to the floor.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from today's New York Times of March 29, 2006, entitled, "It Isn't Amnesty."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IT ISN'T AMNESTY

Here's one way to kill a cow: take it into the woods in hunting season, paint the word "deer" on it and stand back.

Something like that is happening in the immigration debate in Washington. Attackers of a smart, tough Senate bill have smeared it with the most mealy-mouthed word in the immigration glossary—amnesty—in hopes of rendering it politically toxic. They claim that the bill would bestow an official federal blessing of forgiveness on an estimated 12 million people who are living here illegally, rewarding their brazen crimes and encouraging more of the same.

That isn't true. The bill, approved by the Senate Judiciary Committee in a 12-to-6 vote on Monday, is one the country should be proud of. Four Republicans, including the committee's chairman, Arlen Specter, joined eight Democrats in endorsing a balanced approach to immigration reform. The bill does not ignore security and border enforcement. It would nearly double the number of Border Patrol agents, add resources for detaining illegal immigrants and deporting them more quickly, and expand state and local enforcement of immigration laws. It would create a system to verify workers' identities and impose tougher punishments on employers who defied it.

But unlike the bill's counterpart in the House, which makes a virtue out of being tough but not smart, the Specter bill would also take on the hard job of trying to sort out the immigrants who want to stay and follow the rules from those who don't. It would force them not into buses or jails but into line, where they could become lawful residents and—if they showed they deserved it—citizens. Instead of living off the books, they'd come into the system.

The path to citizenship laid out by the Specter bill wouldn't be easy. It would take 11 years, a clean record, a steady job, payment of a $2,000 fine and back taxes, and knowledge of English and civics. That's not "amnesty," with its suggestion of getting something for nothing. But the false label has muddied the issue, playing to people's fear and indignation, and stoking the opportunism of Bill Frist, the Senate majority leader. Mr. Frist has his enforcement-heavy bill in the wings, threatening to make a disgraceful end run around the committee's work.

The alternatives to the Specter bill are senseless. The enforcement-only approach—building a 700-mile wall and engaging in a campaign of mass deportation and harassment to rip 12 million people from the national fabric—would be an impossible waste of time and resources. It would destroy families and weaken the economy. An alternative favored by many businesses—creating a temporary-worker underclass that would do our dirtiest jobs and then have to go home, with no new path to citizenship—is a recipe for indentured servitude.

It is a weak country that feels it cannot secure its borders and impose law and order on an unauthorized population at the same time. And it is a foolish, insecure country that does not seek to channel the energy of an industrious, self-motivated population to its own ends, but tries instead to wall out "those people."

It's time for President Bush, who talks a good game on immigration, to use every means to clarify the issue and to lead this country out of the "amnesty" semantic trap. He dislikes amnesty. Mr. Frist dislikes amnesty. We dislike amnesty, too.

The Specter bill isn't amnesty. It's a victory for thoughtfulness and reason.

Mr. DURBIN. Mr. President, let me quote from this:

> The path to citizenship laid out by the Specter bill—

which is the bill that will come before us soon—

> wouldn't be easy. It would take 11 years, a clean record—

no criminal record—

> a steady job, payment of a $2,000 fine, payment of all back taxes, and knowledge of English and civics.

Those are the things a person has to go through to reach the point where they are considered open for the possibility of legalization. So it isn't as if we have wiped away the fact that some people are here illegally: we are making it clear that if they want to become legal in the eyes of the United States, there is a cost to it. It is a cost in commitment, and it is a long one.

So I think The New York Times has it right, and I think my colleague did not have it right. This is not an amnesty. I don't support an amnesty. There are some who do, but no Members of the Senate that I know of are suggesting an amnesty. Instead, we have set up a process. First, enforce the laws at the border and through employers. Second, say to those people who are here: If you are prepared to go through a lengthy, involved, and demanding process, we will give you a chance to be part of America. I think that is the only sensible way to approach this. If we don't start with that possibility, that a person here who wants to call America home permanently can reach that goal legally, what will bring that person out of the shadows? If a year from now or 2 years from now there are still millions of Americans whom we don't know by name, by address or by occupation, we will not have addressed the problems with immigration, and America will not be as secure as it should be.

The process we are putting together will bring these people out of the shadows, into a process where they are disclosed, known to the Government and all others, if they are to stay in the United States. I think that is the only way to approach this sensibly.

There is another part of the bill which my colleague from Alabama addressed which is near and dear to me personally. It is a piece of legislation which I introduced several years ago with Senator HATCH of Utah, reintroduced recently with Senator HAGEL of Nebraska, a bipartisan bill known as the DREAM Act. This part of the bill addresses those who are minors, who were in the United States undocumented.

There is one thing we all should agree on: Adults who enter our country illegally are responsible for their actions. They should be held accountable. That is what the bill does. But undocumented children are different, and I think they should be treated differently. Unlike undocumented adults, children brought here by their parents are too young to understand the consequences of their actions. We are not a country that punishes children for the mistakes of their parents.

Listen to what the Supreme Court said in Plyler v. Doe, and I quote:

> Those who elect to enter our territory by stealth and in violation of our law should be prepared to bear the consequences, including, but not limited to, deportation. But the children of those illegal entrants are not comparably situated. They can affect neither their parents' conduct nor their own status.

Now, unlike many undocumented adults and all foreign student visa holders, these young people have lived in this country for most of their lives. It is the only home they know. They have assimilated into American culture. They have been acculturated into American society. They are American in virtually every sense of the word except their technical legal status. Think about it. A child brought into the United States by parents at an early age of 1 or 2, in the United States for 16, 17 or 18 years, still has not reached legal status by virtue of living here, by going to school here, by participating in America. They are still undocumented. If we give foreigners on student visas—those who come to go to school in the United States—a chance to obtain legal status after only a short time in this country, surely we should extend the same opportunity to young people who have grown up here and show a promise to contribute to America.

Under title VI of the chairman's mark which we considered in the committee, an undocumented individual could have qualified for gold card status if they were working in January of 2004, but a person who wasn't working on that date because they were too young or in school wouldn't qualify, no matter how long they lived here. We addressed that. The chairman's mark was not adopted by the committee. A different approach was addressed. And the committee adopted the provision I am talking about today, the DREAM Act.

The DREAM Act would address the situation of many young people. It would permit undocumented students to become permanent residents if they came here as children, if they are long-term U.S. residents, if they have good moral character, and attend college or enlist in our military for at least 2 years.

During the 108th Congress, the Senate Judiciary Committee marked up this DREAM Act, and it was voted out by a vote of 16 to 3, a strong bipartisan vote. Compromises and changes were made.

It is unfortunate that the Senator from Alabama, when he spoke about the DREAM Act earlier, did not make reference to the current version of the law. There were three things in particular that he said that were not accurate, which I would like to clarify for the RECORD.

First, the path for a young person to become an American citizen involves education or military service. It does not include community service, which the Senator mentioned earlier.

Second, those students who go on to college, if they are allowed to by the States where they reside, and receive in-State tuition, that is strictly a State decision. They would not be eligible for Pell grants, the grants of Federal funds to college students. We eliminated that.

The Senator from Alabama referred to Pell grants earlier, but that provision was eliminated from the DREAM Act.

Finally, the number of students who are likely to benefit from this and be involved with our colleges is dramatically less than the number quoted by the Senator from Alabama. He said it is likely—I quote from his statement on the floor:

> Sixty-five thousand students would enroll during the first year.

We have a recent report from the Congressional Budget Office. Their estimate is that about 13,000 students might enroll during the next academic year. And they go on to say it is unlikely because they are probably going to be community college students, that they would be receiving substantial amounts of Federal assistance as students.

So those three points made earlier by the Senator from Alabama were not accurate. They do not describe the current law as passed by the Senate Judiciary Committee. I think the best way to describe what this is about is to tell you some of the stories of actual young people who have been affected by this.

A young lady named Theresa was raised in Illinois. She is an amazing young lady. She came to the United States when she was 2 years old. Her parents brought her here from Korea. Her mother is the family's only bread winner, and she works at a dry cleaners in Chicago.

If you know that great City of Chicago, which I am honored to represent, 85 percent of the dry cleaning establishments are owned by Korean Americans. They are wonderful, hard-working people. They are there from the crack of dawn until late at night, 6 and 7 days a week.

Her mother is one of those people. She raised Theresa, and realized at an early age that Theresa was an extraordinary young girl. She had musical talents that none would have imagined. She began playing the piano when she was 8 years old. She became a musical prodigy, winning the Chicago Symphony Orchestra Youth audition. The top music schools in the United States recruited Theresa. They wanted her as a student.

She only learned when she applied to the schools that she had a problem, and the problem is this: When her mother brought her to this country her mother never filed any papers. So Theresa is an undocumented person in America. She is here illegally. Now, at the age of 18, after having lived here all of her life since she was 2, she discovers it, and she calls my office—her mother did—and said: What can be done?

She started filling out the application for the Juilliard School of Music, and they put a question in there on citizenship. She said: I do not know what to put down. We had better call.

They called my office. We asked the Immigration and Naturalization Service. They said she is undocumented. She is here illegally. I said: What can be done? We want to get this young girl on the right track to become an accomplished musician. We know she will be.

They said: There is one thing she can do. She can go back to Korea.

Go back to Korea after 16 years? That was the only alternative available to her.

Luckily, she has gone on to school without financial assistance, incurring a lot of debt in the process. She is in this gray shadow world of people who are undocumented living in the United States—a young woman who will undoubtedly be a great contribution to America's culture at some point in her life. She still does not know what her future holds. She is not the only one.

One of her music teachers told me about her. She said: I worry that our country, the richest and most blessed in the world, will not permit this very large talent to be developed. We are not such a rich land that can throw away the talents of our children.

Theresa is among the lucky ones who went off to college at great financial sacrifice. But she is one of the people I am talking about. Theresa is not alone. There are thousands like her. They turn out to be honor roll students, star athletes, talented artists, valedictorians, aspiring teachers, doctors, scientists, and engineers. They follow the rules and work hard in school. And they beat the odds.

Fifty percent of the Hispanic students in high school in America today drop out. They do not finish high school. They and others who are from other countries have to struggle with culture and language, and many of them give up. But the ones who don't give up are exceptional people.

Let me tell you about another one, Dianna, whom I met, a very bright young lady. She went to high school in Chicago and aspired to become an architect. That was her dream. She entered contests, was an honor student in high school, won competitions statewide in Illinois to move on toward architecture. She graduated from high school with a 4.4 out of 4.0, applied, and was accepted at Northwestern University to become an architect, a dream come true.

Then it was discovered that she was undocumented, the papers had not been filed. She had been here all her life but still was not a legal American, living in the United States. She couldn't get financial assistance to go to that great university and instead had to go to another school where she is pursuing her education at great expense but worries that the day will come when she wants to be licensed as an architect and she cannot be because she does not have legal status. She is not documented.

Those two young women I just talked about are classic examples of why the DREAM Act is important.

Would America be a better place if those two girls left, if we didn't have the architectural skills of Dianna or the musical skills of Theresa or the other student who came up to me in the streets of Chicago and said: Senator, I finished high school and then I went to college and paid for it all on my own because I can't get any financial help. I want to be a teacher. I want to teach in the schools of Chicago, the public school system. I can't be licensed as a teacher because I am undocumented.

Would we be better off if that young man who came up to me left America? I don't think so.

In many respects, these young people, like our own children, are our future. They are our hopes. What we do with the DREAM Act is say we are going to take this group of students and give them a chance. Here are the conditions: They have 6 years under the DREAM Act. A student could obtain conditional legal residency for 6 years if the student has been continuously present in the United States for at least 5 years prior to the enactment of this law, was under 16 years of age when he entered the United States, has graduated from high school or obtained a GED in the United States or has been admitted to an institution of higher education in the United States, can demonstrate good moral character, is not inadmissible or deportable under specifically enumerated grounds.

The student could obtain legal permanent residency if within the 6-year conditional period he earns a degree from an institution of higher education or completes at least 2 years towards a bachelor's degree or serves honorably in the U.S. military for at least 2 years.

That is not amnesty. We say to that young person: We don't know the circumstances that brought you here. But if you have done a good job as a student, if you were prepared to continue your education to contribute to America, if you are prepared to serve America in our U.S. military and risk your life for this country, we will give you a chance to be a citizen. You have to earn it. It is not free. It is not amnesty. It is not unconditional. We put these provisions in the law.

I think that is a reasonable thing to do. I think otherwise we are going to waste talent, talent that America needs among the thousands of students who may be helped by the DREAM Act. They may be a doctor who will treat your child in the future. They may be a researcher who will help advance the cures in medical treatment. They may be an engineer who will help us find new composite metals that we use for a space program. The possibilities are limitless because opportunity is limitless in America.

Why would we want to walk away from these kids? Why would we want to turn our backs on them?

Finally, I say to States across America that you decide how to treat these students. Many States like my own have already decided, but you decide whether these undocumented students will be eligible for instate tuition or out-of-State, which is more expensive. But each State makes the decision. That is a change in the Federal law, but it is a change that States can make without a Federal penalty.

I received a letter of support for the DREAM Act from a group of Americans who lost loved ones in the September 11 terrorist attacks. Here is what they wrote me:

> We will all be safer if we unite against terrorists, and if our immigration system can be made more rational and reflective of our values as a Nation.

President Bush said the other day some words that I think are worthy of repeating on the floor of the Senate. He said:

> It is true that we are a Nation of laws, but we are also a welcoming Nation. We are a Nation of immigrants.

I stand before this body, as I have said many times, so proud of the fact that my grandmother and grandfather had the courage to pick up and leave a tiny little village in Lithuania in 1911. My grandmother picked up my mom, a 2-year-old infant, and brought her and my aunt and uncles on a boat from Germany to Baltimore, MD, where they caught a train and went to St. Louis, MO, and then crossed the river into East St. Louis, the town where I was born.

My grandfather worked in the steel mills, packinghouses, and the stockyards—did things that all immigrants did, the hardest, toughest, dirtiest jobs. He kept the family together.

My mother made it to the eighth grade and then went to work, as young women did in her era, and then was married to my dad and applied and became a naturalized citizen.

I have her naturalization certificate in my office today. I am very proud of it. Today, her son is the 47th Senator in history from the State of Illinois. It is an American story, our family story. And it is a story repeated over and over again.

Some of the children who will be helped here, some of the young people who will be helped here, will make extraordinary contributions to our country. I can't even predict what they will be. But would we be a better nation, a stronger nation by turning them away, telling them to go back to Korea and Mexico and Ireland and Poland and all the places they have come from? I don't think so.

I think the letter from the families of the September 11 victims says it all. We need to have an immigration system that reflects our values as a nation. We shouldn't deport extraordinary people like the ones I have described. They will make America a better place. We should extend a welcoming hand and an opportunity for them to earn their way into legalization in America. That is what the DREAM Act will do.

I urge my colleagues, when they consider this bill as it comes to the floor, to support this legislation and the DREAM Act provisions.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 8:11 p.m., adjourned until Thursday, March 30, 2006, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar under the authority of an order of the Senate of January 20, 2005:

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, March 29, 2006:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

RANDALL L. TOBIAS, OF INDIANA, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, March, 29, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 29, 2006.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. John W. Coker, Jr., Pastor, First Presbyterian Church, Fayetteville, North Carolina, offered the following prayer:

O God, in Your sight nations rise and fall and pass through times of peril. In Your name, our forebears won liberty for us all and lit the torch of freedom for nations then unborn.

Give constant and wise counsel to this Congress, to the President, and to the judiciary of this land. Make these servants equal to our trust, reverent in the use of freedom, just in the exercise of power, generous in the protection of weakness. Be present with our Armed Forces throughout the world and with their families.

Keep us mindful of how small the Earth is, how interrelated our lives have become, and how fragile security and peace can be. Hold us together as one people. Guard us from prejudices against neighbors who, having come from many lands, now pledge allegiance to one flag.

Have mercy upon us, O Lord, and grant us Your peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPITO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF DR. JOHN WRIGHT COKER, JR.

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I am very honored today to introduce to you the gentleman who just gave our opening prayer, our guest pastor, John Wright Coker, Jr., from Fayetteville, North Carolina.

Jay, as he is known to all of us as his friends, is a native of Leland, North Carolina, in southeastern North Carolina, which I have the great opportunity to represent.

His commitment to spreading the word of God both here in the United States and abroad is unparalleled. Currently serving in his 12th year as pastor of First Presbyterian Church of Fayetteville, Jay has also led churches in South Carolina, Tennessee, and Mississippi.

Active in the Presbyterian Church U.S.A., Dr. Coker serves on the Presbytery Council, the Committee on Budget and Finance, and the Outreach Foundation. In addition, he has traveled the world with passion and purpose to spread God's word. From Mexico to the Middle East to Cuba, he has worked to build brighter and stronger communities while opening hearts and minds to the power and promise of God's unconditional love.

Mr. Speaker, Jay is blessed with a strong family, who are here with him today, including his wife, Sharon, and children John, Joseph, and Margaret Ann, and other friends and his mother.

Our State of North Carolina and Nation are blessed to have him as an ambassador of the Holy Scriptures and an ambassador of the promise we have for tomorrow.

Thank you, Mr. Speaker, and may God's blessings be upon Dr. Coker and his family and, indeed, upon our Nation.

REPUBLICANS WIN HOUSE BASKETBALL TITLE

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I am pleased today to announce the results of the basketball game last night between the Republicans and the Democrats at Gallaudet University: 35–26, the Republicans prevailed. Try to curb your enthusiasm.

It was a wonderful game in the tradition. This is the 12th game in the series.

I want to thank our players, particularly SHIMKUS, FERGUSON, LOBIONDO, HULSHOF, WAMP, FOSSELLA, STEARNS, FLAKE, DENT, ENSIGN. Mr. Speaker, we actually had two Senators, ENSIGN and THUNE. The good news was, of course, they are former House Members and they were trained the right way in basketball.

Gallaudet University is a great university, of course, the only school for the deaf in the entire country. We want to thank the NBA for helping sponsor this wonderful event.

I want to thank my counterpart, RON KIND, the captain of the Democratic team for their efforts. It was all for a good cause, and we are proud to display the trophy for this day on our side.

Thank you very much.

RUBBER-STAMPING REPUBLICANS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, we used to do the people's business in the people's House when the Democrats were in charge.

Now the majority party rubber-stamps every bad policy that the administration serves up. House Republican leaders go even further with a little help from their friends. Indentured servitude to financial institutions is called bankruptcy reform. Rubber stamp.

Increasing drug company profits is sold as a medical benefit. Rubber stamp.

Increasing tax holidays for the super-rich, with poverty increasing among children in this country. Rubber stamp.

We used to have real debate in the people's House when the Democrats were in charge, but now the Republicans schedule 2-minute votes because the outcome is preordained. Rubber stamp.

When I brought this stamp out here, people laughed. Now nobody laughs because it is the order of the day.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NO JUSTICE FOR VICTIMS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, justice is lacking in the Ohio criminal court of Judge John Connor. Sexual deviant, Andrew Selva, admitted to approximately 20 assaults against a 5-year-old and a 12-year-old. In most societies, Selva would be looking at a life sentence in the jailhouse. But Judge Connor put the criminal on probation and basically told him, try to do better.

The judge obviously lives in the never-never land of excusable conduct. Child molesters belong behind bars. That is why we build the penitentiaries. That is the only therapy that works for these predators.

And the DA's office is a cohort in this injustice since it reduced the charges and had a case of trial sickness, a term applied to inferior and unprepared prosecutors who will not go to trial and advocate on behalf of victims for fear of losing the case.

The real losers are the two victims. The criminal abused them and then the judge and the DA abused them and victimized them again. The judge and the DA should both resign and become defense attorneys, since they both obviously are more concerned about criminals than they are victims.

Mr. Speaker, in this particular case, the judge and the DA would both be found guilty of inexcusable conduct if they were judged by the community. And that's just the way it is.

THE FLAWED POLICIES OF THE PRESENT ADMINISTRATION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, last week President Bush said that we were going to bring our troops home, but it is going to be a problem for the next President.

This is not a strategy to win the peace; it is just running out the clock and letting the next coach play sudden death. His flawed premise got us into this war ill prepared. He was wrong when he famously declared 1,061 days ago, "Mission accomplished," but his worst calculation is just holding on.

It is time to start bringing the troops home according to a plan. As we phase down, it is important to increase Iraq's role in its own future. It is immoral to just pass this on to the next President, and shame on us if we let President Bush do that.

IN MEMORY OF STAFF SERGEANT MARCO SILVA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today with a heavy heart. On the 13th of this month, the family of Staff Sergeant Marco Silva experienced the tragic loss of a loving father, devoted husband, and courageous soldier. I would like to offer to the Silvas my deepest condolences on their terrible loss.

Staff Sergeant Silva served two tours of duty in Iraq as an Army air assault sniper for the 101st Airborne Division and had been bravely serving and defending our country since 2002.

Staff Sergeant Silva is a true hero, not only to the people of his hometown in Homestead, Florida, but to all who value the sacrifices that are made every day to keep our country safe and to spread democracy.

Staff Sergeant Silva selflessly fought to defend the liberties that we cherish here in the United States. I ask that your thoughts and prayers be with the Silva family during this most difficult time.

KEEP AMERICA COMPETITIVE GLOBAL WARMING POLICY ACT OF 2006

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, there is solid, scientific consensus that global warming is real. Many believe that the erratic and record-breaking weather events we are seeing across the country, such as the prolonged droughts in my home State of New Mexico, are the result of global warming.

To combat this problem, I will introduce the Keep America Competitive Global Warming Policy Act of 2006 with my colleague from Wisconsin, the Honorable TOM PETRI. We believe it is time for America to take steps to address global warming. We have structured a policy that will not put America's jobs at risk.

This bill is modest and certain as well as efficient. Our policy internalizes the cost of global warming through a cap and trade system on all greenhouse gas emissions with a fixed price safety valve.

This monumental step of putting a price on greenhouse gases will stabilize and eventually reduce emissions, finally putting the United States of America on the road towards curbing the effects of global warming. I urge my colleagues to support this legislation.

SUPPORT THE KEEP AMERICA COMPETITIVE GLOBAL WARMING ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, for the past 30 years there has been a great debate over the true impact of greenhouse gases on global warming. There is now general consensus that they are having a significant impact on our planet, and it is time for us to act. That is why I am cosponsoring Congressman TOM UDALL's Keep America Competitive Global Warming Act.

His bill is a commonsense approach to reducing emissions. Unlike past legislative efforts that would drive industries out of our country and increase home energy bills exponentially, this bill takes into account the true costs of emission reductions.

The legislation sets a reasonable standard for emissions and allows companies to buy the time they need to meet our reduction requirements without incurring irreparable financial harm. What makes this bill unique and effective is that it is flexible enough to give industry the opportunity to adapt without forcing business to drastically hike prices, lay off workers or move abroad.

Greenhouse gas reduction needs to be a higher priority for this Nation. As the biggest producer of emissions, we must be a leader, a leader in demonstrating that we can reduce emissions in a meaningful way while maintaining our global competitiveness.

REPUBLICAN OVERSIGHT FAILURES

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, since the beginning of the Iraq war, House Republicans have rubber-stamped every war supplemental the President has sent to Congress with very few questions about how the money is being spent.

House Democrats have repeatedly tried to get Republicans to join us in supporting the creation of a select committee to investigate government contracting.

The committee would be similar to the Truman Committee during World War II, which, under Democratic Senator Harry Truman's leadership, held hundreds of hearings and fact-finding missions into contracts approved by the Democratic Roosevelt administration.

Truman did not see this as a partisan issue, and said, unlike Republicans today, he took his oversight responsibilities seriously.

The Truman investigation saved the American taxpayer an estimated $15 billion. Just think how much money we could save the American taxpayer today. Under Halliburton's two largest Iraq contracts, Pentagon auditors found $1 billion in questioned costs and $400 million in unsupported costs, and these discoveries are from Pentagon auditors.

Just think what we could discover from a real congressional investigation. It is time for the Republican rubber-stamping to end.

□ 1015

DEMOCRATS HAVE A WEAK RECORD ON NATIONAL SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today Democrats are scheduled to host a media stunt to unveil their so-called strategy on national security issues. While I am sure that the Democrats will talk the talk, actions speak far louder than words. The American people need to look beyond the Democrats' spin and study their record on these issues. When they do, they will see the Democrats have no credibility, because they voted against many measures to keep our country safe.

Cases in point: Republicans voted to pass the major border security bill in December, but Democrats, led by their minority leader, opposed the bill. Republicans voted to pass the PATRIOT Act to keep Americans safe, but Democrats, led by their minority leader, opposed the bill. Republicans voted to pass the REAL ID Act to make sure that people who received driver's licenses are here legally. The Democrats, led by their minority leader, again opposed the bill.

If this was not bad enough, Democrats are trying to cut $60 billion from military weapons systems that keep our brave men and women in uniform safe. If Democrats want to talk the talk like they are for strong national security, then they need to start walking the walk.

GRACE PESHKUR

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize Grace Peshkur and her family on the occasion of her fourth birthday today. Grace is an extraordinary child who has endured a life of struggle, and yet she has persevered against a rare skin disease and genetic disorder called epidermolysis bullosa, or EB for short.

Grace is an inspiration to many Long Island families who have rallied around her. She has helped raise awareness about EB, which I had never heard of before meeting Grace.

Over 12,000 Americans like Grace are afflicted with EB. The symptoms are fragile skin, recurrent blisters and painful sores caused by minor rubbing and that can be aggravated by routine activities we take for granted, like eating, walking and even changing clothes.

For Grace and her family, every day that goes by is another battle won. I admire the Peshkur family and over 12,000 other Americans afflicted with EB who fight this disease and are working to raise awareness, find better treatments and, ultimately, discover a cure.

In lieu of a fourth birthday present for Grace, I encourage my colleagues to cosponsor H. Res. 335, which would raise awareness by creating an EB awareness week.

Mr. Speaker, we can only imagine the difficulty that Grace and her family face on a daily basis, but we can do something about it. We can provide the hope and promise of a cure.

DEMOCRAT "NATIONAL SECURITY AGENDA"

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, Democrat leaders are planning to make big news at a press conference later today. What is the news? That they are tough on national security. This kind of claim coming from congressional Democratic leaders leaves the American people scratching their heads. It is one thing to hold an election-year conference full of tough talk on national security issues; it is quite another thing to back that talk up with your voting record.

Unfortunately, their rhetoric doesn't match their record. Where were the Democrat leaders when it came time to vote for the PATRIOT Act or for border security legislation or armed services recruiting or the REAL ID Act? Given the chance, they often line up against our Nation's national security initiatives, again and again and again.

It is Democrats who would like to censure President Bush for authorizing the NSA terrorist surveillance program. It is Democrats who want to unilaterally withdraw from the Iraqi front in the war on terror. A news conference to announce Democrat leaders are tough on national security, that certainly is big news.

ENERGY PRICES

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, gasoline prices are once again on the rise. Over the last 2 weeks, prices are up by 14 cents, 40 cents higher than at this same time last year. Americans are looking to Washington for relief, but no relief has occurred. That is because House Republicans rubber-stamped an energy plan that was written in secret by a Cheney energy task force, whose participants are still not known to the American people.

Based on the final law, one can only assume that the American consumer was not represented at those closed-door meetings. The Bush administration, Mr. Speaker, has admitted that this energy law will do absolutely nothing to reduce the pain Americans feel when they fill up at the pump.

In fact, according to the President's own administration, the final energy law will actually lead to higher gasoline prices. As gas prices increase in the coming weeks, the American people should blame House Republicans who rubber-stamped an energy policy written by and for Big Oil at the White House.

AMERICAN SOLDIERS REMAIN COMMITTED TO SUCCESS IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Ralph Waldo Emerson once said that an ounce of action is worth a pound of theory. As I listen to theories of doom and gloom about our military operations in Iraq, I am proud that American soldiers remain focused to successfully accomplish their mission to protect American families. Last week, the U.S. director of the Iraq Reconstruction Management Office reminded us of the tremendous progress that has been made in Iraq over the last 3 years.

Ambassador Daniel Speckhard reported that Iraq's per capita annual income increased from $500 per person in March 2003 to $1,200 today. More than 30,000 Iraqi businesses have been registered in the past year. Iraq now has a free press, more than 2,000 Internet cafes, and more than 5 million cell phone users.

While naysayers focus on a civil war in Iraq, our troops are committed to creating a civil society in Iraq which protects American families.

In conclusion, God bless our troops, and we will never forget September 11.

REMEMBER THE TRIANGLE FIRE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, this past Saturday, March 25, came and went, and not enough of us took notice of its significance. March 25, 1911, was the anniversary of the tragic Triangle Fire, an event that truly encapsulated the lengths to which industrial greed was allowed to operate at the expense of the American worker.

When the fire had subsided, 146 of the 600 Triangle factory workers were dead in New York City. Many workers jumped to their deaths from eighth, ninth and tenth floors rather than face the searing flames.

But the harsh reality of working in a sweatshop was their lives. The Triangle factory had never conducted a fire drill, had locked doors, poor sanitation, crowding, all symptoms that contributed to the high death toll.

It would be easy to believe that the Triangle Fire was a tragedy of the past, but the horrifying truth is that tragedies like Triangle are occurring throughout the world: 188 workers were killed on May 10, 1993, in Thailand when the factory of a toy company went up in flames; 52 workers were killed on November 25 of 2000 in a fire at a garment factory near Dhaka, Bangladesh. This is what happens when we try to Wal-Mart America. Think of it the next time you buy something off their shelves.

ACTION ON IMMIGRATION

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, today our colleagues in the Senate begin hearings on immigration legislation. I rise to urge our colleagues in the other Chamber to follow the House's lead by passing legislation that focuses first and foremost on securing our broken border enforcement system.

Porous borders and the illegal immigration caused by them are a threat not only to our national security but to our national economic security. The Federal Government, more specifically Congress, has a duty to do everything we can to secure our borders.

Enforcement first legislation passed by the House last year was the right approach. Once we have effectively secured our border, then and only then should we focus on the other consequences of illegal immigration.

Mr. Speaker, we are a Nation of immigrants. Our Nation's greatness is built on the hopes and dreams of those who have come here from another country. I understand that.

But above all, we are a Nation built on the rule of law. As a Nation and as a Congress, our duty is to enforce these laws and secure our borders.

REQUESTING A REFUND FOR THE AMERICAN PEOPLE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, it is time we give the American people a refund, because this Congress is not giving them what they paid for. Day after day, we see headlines detailing the incompetence, mismanagement and sometimes outright corruption of our government, and yet this Congress sits idly by rubber-stamping the administration's policies.

Three years after the invasion, we are mired in an endless occupation of Iraq. Yet this Congress has approved $480 billion without a single question of where the $10 billion that is missing has gone and how did Halliburton continue to get its no-bid contracts.

A few days ago we learned that government investigators were able to smuggle enough radioactive material in the U.S. to make two dirty bombs. Not a single question by the administration or this Congress, because they have not provided the money for border and port security.

Since 2000, the Congress has added $3 trillion to the national debt. Yet we didn't hear so much as a peep out of this Congress when the debt limit was raised for the fourth time in 5 years. The taxpayers bought thousands of trailers in Louisiana, and they sit empty.

Mr. Speaker, the people's House is here to serve the people, not the special interests. It is time the American people either got their money's worth or a refund. It is time for new priorities. It is time to end this rubber-stamp Congress.

PRESCRIPTION DRUG PROGRAM WORKING

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, it appears that the more the Democrats talk down the new Medicare prescription drug program, the more the enrollments seem to go up. Democrats have been doing nothing but demagoguing and criticizing this program, yet the U.S. Department of Health and Human Services announced just last week that more than 27 million Medicare beneficiaries are now getting coverage and saving money on their prescription drugs.

In fact, they just announced that another 1.9 million additional beneficiaries have signed up just since February. This is wonderful news. Even the New York Times is reporting success stories from seniors who signed up for the program and are now saving hundreds, if not thousands, of dollars on their prescriptions.

Mr. Speaker, this prescription drug benefit is doing something that most Democrats probably didn't even think would happen, maybe they didn't want to have happen: it is helping seniors; it is reducing their costs.

As nice as it would be to hear Democrats stop for a moment and actually admit that this program is a success, perhaps they should just keep up their futile demagoguery, because at this rate, we will be at 100 percent enrollment in no time at all.

REPUBLICAN RUBBER-STAMP CONGRESS REFUSES TO HOLD BUSH ACCOUNTABLE FOR KATRINA

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, gulf coast residents continue to pay the price for the Bush administration's incompetence, cronyism and failed leadership. Yet, House Republicans refuse to ask the tough questions of an administration that showed no competence during Hurricane Katrina.

The House Republican Davis report on the Katrina response is woefully incomplete. The White House was allowed to ignore congressional subpoenas, and Michael Brown's e-mails were excluded. How is that a proper investigation? Worse yet, Republicans hold no one in the Bush administration accountable.

Americans cannot afford to gamble their security on the same Bush administration team that mismanaged Katrina. The American people deserve a bipartisan independent Katrina commission, like the 9/11 Commission, to get all the answers we need to better prepare for future natural and terrorist disasters.

Hurricane Katrina should have served as a wake-up call to House Republicans about the critical need for congressional oversight. Unfortunately, they refuse to ask the tough questions.

NATIONAL MOM AND POP BUSINESS OWNERS DAY

(Ms. BEAN asked and was given permission to address the House for 1 minute.)

Ms. BEAN. Mr. Speaker, I am excited to rise today to support National Mom and Pop Business Owners Day. This celebration honors the husband and wife business owner teams whose work helps drive the economy and fuel job growth.

Married couples who work together to build and maintain a business assume broad responsibilities. Not only is their work important to our local and national economies, but their success is central to the well-being of their families.

My Eighth District, like others, counts on these family businesses and their teams working hard to support their families and aid their communities. As retailers, these teams often bring different or unique products to the marketplace. In manufacturing, they create innovative concepts and ideas. They manage to do all of this while at the same time providing stellar and personal customer service.

As a member of the House Committee on Small Business and because of my own experience as a small business owner, I am appreciative of the impact these small businesses have on our local economies. In fact, 80 percent of our domestic job growth comes from the small- and medium-sized business community.

I am proud of the contributions of these mom and pop business owners across America and hope that my colleagues will join with me in celebrating this important day.

□ 1030

CLOSE THE LOOPHOLE ON 527 GROUPS

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, what we have today is more liberal lunacy. Billionaires like the Daddy Warbucks of the Democratic Party, George Soros, are pushing their left-wing agenda by funneling hundreds of millions of dollars through shady organizations called 527 groups.

Section 527 groups operate outside of campaign finance laws by spending hundreds of millions of dollars on ads and partisan voter recruitment efforts with no oversight and no accountability.

Mr. Speaker, $370 million flowed through 527 groups in the last campaign election cycle, and this is outside of campaign disclosure. So much for taking big money out of politics.

Over one-fifth of the $370 million channeled through 527s came from four individuals. This is money laundering on a scale that would make even Tony Soprano blush.

Mr. Speaker, it is time that we close this loophole on 527s and open transparent and accountable campaigns to the American people.

REPUBLICAN REFUSAL TO EXTEND PRESCRIPTION DRUG SIGN-UP PERIOD

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, it is time the House Republicans stand up to the Bush White House and say they are not going to allow America's seniors to be penalized for a complicated and confusing drug proposal they helped create.

It was bad enough that the Republicans allowed the big drug companies to write their own prescription drug plan for them, but now that a deadline looms 47 days away that would inflict a tax on seniors who have not yet chosen a plan. Republicans seem willing to, once again, blindly follow the President.

Earlier someone made the comment that Democrats are not doing enough to have seniors sign up for the plan. I beg to differ. I work very hard to have my seniors sign up and save money, but they will never save as much, the billions of dollars that went to the drug companies, as the drug companies will receive in that process.

House Republicans seem willing to once again rubber-stamp a plan that would inflict a Bush prescription drug tax on seniors for the rest of their lives. They have yet to show any support for Democratic efforts to extend the sign-up deadline to the end of the year.

While America's seniors continue to pay outrageously high prices for their prescription drugs, House Republicans can no longer just rubber-stamp.

IMMIGRATION REFORM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of securing our borders and getting legislation to the President's desk that will stop the flow of illegal immigrants into our country.

This week, the Senate is debating immigration reform, and it is crucial that they pass legislation that puts enforcement first and says "no" to blanket amnesty.

As a physician, I know you have to stop a patient's bleeding before you can heal the wound. Likewise, we must stop the bleeding of our borders before we can address other areas of reform.

Our southern border is not just bleeding; it is hemorrhaging. Thousands of illegal immigrants cross it each month, and our incomplete border fence does little to tame the flow. Our border enforcement is woefully understaffed, and local law enforcement officials lack the jurisdiction to apprehend illegal immigrants within their own communities.

Mr. Speaker, the House passed legislation in December to address each of these concerns. Reforming our immigration system requires a commitment to security and lawfulness, and our Senate colleagues must pledge their resolve to these core principles as they move forward in this debate.

REPUBLICANS REFUSE TO TAKE 9/11 COMMISSION SERIOUSLY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, more than 4 years have passed since 9/11, and Washington Republicans have failed to make the American people as safe as they should be.

House Republicans continue to ignore the real security risks that we face. They allow President Bush to disregard the recommendations from the independent 9/11 Commission. After all, House Republicans stood by the Bush administration in its attempts to keep the 9/11 Commission from ever being created.

A report from the commission in December gave the Bush administration failing grades in securing our Nation. From chemical plants to subways, ports and the border, the commission report showed how Washington has failed to take the proper steps needed to close security gaps.

House Republicans could make homeland security a priority if they joined us this month in rejecting President Bush's 2007 budget that dramatically underfunds key homeland security programs. Unfortunately, I am concerned Republicans will once again pay lip service to these critical security needs and will, instead, once again, rubber-stamp a Bush budget that leaves us vulnerable to those who wish us harm.

HONORING FIRST SERGEANT MICHAEL MATTHEWS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today, I recognize an American who has given so much to our community and our country.

In January of this year, Michael Matthews of the Roswell, Georgia, Police Department was named the 2005 Officer of the Year for his work as a patrol officer and SWAT team member. When Officer Matthews is not serving the Roswell Police Department, he dedicates his time to protect America as a member of the Army National Guard.

On August 30 of last year, First Sergeant Matthews was on patrol in Iraq when his convoy was struck by an IED. Suffering injuries requiring surgery, First Sergeant Matthews received the Purple Heart for being wounded in combat. The deepest gratitude of the American people go to First Sergeant Matthews and his fellow soldiers.

True patriots are protecting and serving their local communities, as well as our country at large. As these brave men and women stand on the front lines of the war on terrorism, there should be no limit to the time and opportunities we take here at home to remind the American people of their courageous and selfless acts.

REAUTHORIZATION OF HIGHER EDUCATION ACT

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today in support of the Higher Education Act, which will be reauthorized today and tomorrow in Congress. As the chairman of the Higher Education Subcommittee, I am intimately familiar with this legislation.

This legislation expands college access for millions of American students by strengthening the Pell Grant program and by strengthening Perkins student loans.

We strengthen the Pell Grant program by allowing Pell Grants to be used year round for the first time in history and by increasing the maximum award to $6,000, the largest amount in history.

We strengthen Perkins student loans by reauthorizing them and providing a way for low-income students, up to 10 million of them, to get fixed, low-interest rates at 5 percent.

Perkins loans and Pell Grants are the passport out of poverty for millions of worthy young students. So do not believe the hype from the critics of this legislation. Here is some straight talk: not a single student in America will receive less financial aid under this bill, not one.

I urge my colleagues to vote "yes" on the higher education reauthorization bill today.

WHATEVER HAPPENED TO FISCAL RESPONSIBILITY?

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, whatever happened to the Republicans who were fiscally responsible? I think they must have left town after President Bush came to Washington in 2001.

In January of that year, thanks to the fiscal policies of the Clinton administration, we were expecting a $5.6 trillion budget surplus over 10 years. Instead, thanks to the fiscal policies of President Bush and the Republican "Rubber Stamp" Congress, that $5.6 trillion surplus has been turned into a $3.3 trillion deficit.

President Bush has yet to propose a balanced budget, and yet the Republicans do not seem to mind. They keep signing off on the budget proposals, ignoring fiscal discipline.

Because of their reckless borrow-and-spend policy, Republicans were forced to increase the debt limit earlier this year for the fourth time in 5 years, raising it to nearly $9 trillion. We are currently borrowing more than $600,000 a minute, much of it from foreign countries such as China and Saudi Arabia.

Mr. Speaker, if House Republicans are serious about fiscal discipline, they will stop rubber-stamping President Bush's failed fiscal policies.

PROVIDING FOR CONSIDERATION OF H.R. 609, COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 741

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Education and the Workforce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated March 22, 2006. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. After disposition of the amendments printed in the report of the Committee on Rules, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. ISSA). The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

H. Res. 741 provides a structured rule of 1 hour of general debate on H.R. 609, the College Access and Opportunity Act of 2005, and makes in order 15 separate amendments to that legislation.

I would like to point out that this bill has been significantly discussed in committee markups. Seventy-nine amendments were discussed; half as many, as well, were discussed in the subcommittee markup. Nonetheless, 117 amendments were also filed with the Rules Committee, many of them by members of the committee, some retreads, but some allegedly were rewritten after the committee markup took place.

Because so many amendments have been introduced and many of them are those first impression-type amendments, the Rules Committee will be issuing a separate, second rule at a later date that will allow for consideration of additional amendments to H.R. 609.

Providing for two separate rules in this manner will allow the Rules Committee some additional time it needs to adequately review the large number of amendments that were submitted, guard against potential duplicative amendments, violation of House rules, ensure germaneness and also eliminate those that would violate budgetary rules.

I hope that in this process we will ensure an orderly debate on the key issues of this particular bill with the proposed two structured rules coming to us.

This two-step process will also allow many of the sponsors of those amendments some additional time to perhaps redraft their language, with closer consultation with the Parliamentarian and the relevant committees of jurisdiction.

The Rules Committee did work hard to listen to the Member testimony and consider the amendments that were proposed. What is filed in this particular rule are 15 amendments, seven of which are Democrat or bipartisan amendments which provide for a wide range of debate on many key aspects of the higher education program and policy. I think it is indeed a fair rule.

In 1965, the original Higher Education Act was proposed in order to provide assistance to a high number of students to fulfill a dream of a college education. Since that time, this bill and reauthorizations of this bill have been used for some other purposes.

One of the things that is positive about the bill before us is an effort to refocus on the primary purpose and the primary goal of this bill as it was originally applied, and that is public assistance to more students, period.

It is an effort on the part of the committee to try and make sure that people have this opportunity to go to college. As such, they reauthorize programs like TRIO and its associate programs like Upward Bound and GEAR UP to take kids who, by virtue of their socioeconomic status or perhaps their cultural background, are given an opportunity to advance to a college degree maybe for the first time to fulfill that particular dream.

☐ 1045

I realize that my brothers and I are the first ones in my family to have actually graduated from college, and to allow that for many of these kids who will sometimes be the first of their families to have that experience in college and to graduate from college is significant.

The committee reauthorized the student Perkins loan grants, which also recognizes the need of a different strain of students to be able to make it through college with the different niche that they provide. It has recognized the role of proprietary schools without automatic recognition but understanding the niche that it plays now as well as in the future.

Most significantly, it reauthorizes the Pell Grants. It does so in a way that expands the cap, simplifies the rules, changes the eligibility so a greater number of individuals will be eligible and participate in this particular program. It adds new emphasis on the highest-achieving first- and second-year students, which in the past have had the greatest need but maybe have not had the proportional advantage of this particular program. It accelerates the opportunity for course work to be done in a way that helps the students to actually get through their college careers. In essence, it is one of those programs that does well.

I hope as we proceed on the discussion of this rule as well as the underlying bill that we do not lose sight of the purpose of this particular bill, which is to provide assistance for more students. And I also hope that we do not lose sight that we are dealing with the bill at hand, not other extraneous issues.

The original act, the original act never intended that the Federal Government pay for all of college education but rather was an assistance, a helping hand to those wishing to go to school and allowing those students themselves to earn their own way in the higher education world.

I feel I have a personal stake in this particular concept. I have five kids, four of whom have been in college, unfortunately, at the same time. Since 1998, I have had the wonderful opportunity of funding multiple students in college simultaneously. And if my third kid goes to graduate school, I will have a chance of adding the fifth kid in college at the same time in both law schools, undergraduate work, as well as perhaps graduate work, and I did it all on a schoolteacher's salary.

Both I and my credit cards understand the significance of this particular piece of legislation, and I am also convinced that it is a remarkably good balance by reauthorizing existing programs while at the same time increasing accountability for Federal dollars spent, increasing consumer choices, creating incentives for institutions to control tuition costs, and actually increasing the overall number of low- and middle-income students who will be receiving that particular assistance.

We will probably hear, as the discussion unfolds, both in this rule and the next rule, of many programs trying to institute social engineering projects into this particular bill; perhaps to expand the role in the Federal Government at the State and local education prerogatives; perhaps those amendments to micromanage institutions; perhaps those that will change the authorization levels in an unrealistic fashion. It will be an interesting debate. But what I hope we do not lose track of, again, is that this bill makes progress in helping kids receive a college education, and progress is always paid at some particular price.

It also does not diminish the other role besides assistance in the cost of education and college, which is tuition increases. By providing specific incentives to schools to hold the line on tuition increases, by simplifying the process and by studying this issue and reporting back, it does make a significant stand in this particular area without forgetting that the Federal Government is a partner in this situation. The institutions of higher learning belong to the States and the private and religious organizations. We are simply exercising a partnership with them.

I have to commend the former chairman of the Education Workforce Services Committee, our current majority leader, Mr. BOEHNER, for his efforts in trying to work across the aisle to come up with a good bill. I also congratulate the new chairman, Mr. MCKEON, for his hard work in seeing this bill through to this point. I also congratulate many Members of the minority. Many of their ideas and provisions are incorporated in the base bill, 609, that we have before us.

Forty-eight hours ago, this was a good bipartisan bill, and I am under the assumption that, when we finish our work and go home Saturday, we will also recognize that we have passed a good bipartisan bill.

In conclusion, I ask the Members to support this first rule and vote in favor of this resolution. We will have as a body two chances at the plate in this particular bill. And as Satchel Page used to say: "Pitch strikes. Home plate don't move."

This is a good bill, and it ain't going to move either. With that, I hope we continue to make progress in moving this important piece of legislation forward at an orderly pace.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Utah for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, in our country, education has long been viewed as the doorway to opportunity. Unfortunately, if we pass this rule and the underlying legislation, we will be closing this door for many.

Over the past year, I have sat down with students at Sacramento State University in my hometown of Sacramento. These young people are so talented and so filled with the possibility of tomorrow, but they are all concerned about the cuts to financial aid and their ability to finish college. This legislation will not address their concerns and, actually, will probably increase them.

The inability to afford college was less of an issue for my generation. When I was growing up in California, there was never a concern that I couldn't go to college. But this is not the case today. In all likelihood, my parents would have a very difficult time putting together a package that would allow me to go to college because, across the Nation, the average tuition and fees at 4-year public colleges have risen 40 percent since 2001 when adjusted for inflation. Yet when also adjusted for inflation, the maximum Pell Grant last year was worth $800 less than it was in 1975, and this bill only raises the authorizing level by a mere $200 over 6 years.

The spending cuts this Congress passed earlier this year represented the single largest cut to the Nation's Federal student aid programs ever. Sadly, this bill fails to reverse that trend, and it puts college even further out of reach for many. For the students at Sac State, UC Davis, and across the Nation, this legislation will impact their ability to earn a degree as well as their future, and ultimately it will impact this Nation's future.

Today, this country is a world leader by nearly every economic indicator, and our standard of living is without equal. But that didn't happen by accident. Our predecessors made a decision to make the critical investment in education and ensure access to an affordable education. While we seem to be increasing the barriers to a college education, we should not doubt for a moment that our international competitors are making that mistake. China, India, South Korea and others are making the investment to produce the intellectual capital they will need to boost their economic growth and catch up to the United States.

College financial aid is an investment in America's economic strength and its workforce. If the barriers to a college education continue to increase, America's preeminence in the world economy will be at risk. If we want to ensure we retain our international preeminence, we must make the investment in our most important engine of economic growth: the American people. They are our Nation's most valuable resource.

We must make college truly affordable for every student who has the ability and the will to work hard, study and continue to make America the world's economic leader. But we will not be doing that with this legislation. And as we bring this bill to the House floor, we are sending a very loud signal that partisanship has a higher priority in this Congress than working together to address the needs of the Nation.

In previous Congresses, the higher education reauthorization has come to the floor with a rule simply requiring the preprinting of amendments, certainly a far more open process than today. Those rules passed each time by voice vote. It allowed healthy debate on one of the most important bills this Congress considers, because we must get it right. But we don't see the same rule in this Congress. Instead, the Rules Committee chose to shut out Members' ideas by issuing this first restrictive rule late last night, which is likely to be followed by a second rule that also shuts Members out of the process.

Once again, we see the majority limiting the ideas that can be debated on the House floor. It will only add to this bill's flawed consideration, and ultimately, it will block efforts to correct its misguided priorities.

So I urge my colleagues to vote down this rule and the underlying legislation so we can return to the floor with a higher education bill that does make the investment in our young people and our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. KELLER), the chairman of the subcommittee of jurisdiction dealing with higher education issues.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding. I rise today in support of the rule and in support of H.R. 609, the College Access and Opportunity Act, which will reauthorize the Higher Education Act.

Don't believe the hype from the critics of this legislation. Here is some straight talk: not a single student in America will receive less financial aid under this bill. Not one. This legislation actually expands college access for millions of American students by strengthening the Pell Grant program and by reauthorizing the Perkins student loan program.

I will focus my comments this morning on the heart of this legislation, which is Perkins loans and Pell Grants. Both of these are worthy programs which enjoy broad bipartisan support.

As someone from humble beginnings, who would not have been able to go to college without Pell Grants and student loans, and as chairman of the subcommittee with jurisdiction over higher education, I am a strong supporter of both Perkins loans and Pell Grants.

Let me first discuss Perkins loans. This legislation reauthorizes the Perkins student loan program, a critical program that offers financial assistance to over 10 million low-income students. The Perkins program helps our neediest students borrow extra money for college at a fixed, low 5 percent interest rate. In this bill, we increase the loan limits in the Perkins program from $4,000 up to $5,500 for undergraduates and from $6,000 to $8,000 for graduate students, thereby increasing access to college.

I will next discuss Pell Grants. This legislation strengthens the Pell Grant program by authorizing a maximum Pell Grant for $6,000, the largest amount in the history of our country, and by providing year-round Pell Grant aid for students attending school throughout the year, the first time we have done that in the history of this country.

Mr. Speaker, programs like Perkins student loans and Pell Grants are the passports out of poverty for millions of American students each year. I urge my colleagues to vote "yes" on the rule and vote "yes" on the College Access and Opportunity Act in order to help millions of college students be able to afford to go to college.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from California, my colleague, for yielding me this time, and I appreciate the opportunity to speak on this rule and on this bill.

Mr. Speaker, scarcely 2 months ago, the Republican majority voted to cut $12 billion from Federal student aid programs. That is what they did. And not a single member of the Democratic minority voted for those cuts. This raid on student aid represents the single largest cut in the history of these critical Federal programs.

Mr. Speaker, it is wrong to force America's college students and their families to pay the price for the majority's irresponsible management of our Nation's budget. It is wrong to make students and families who are already struggling to pay for college foot the bill for tax cuts for the super-rich.

□ 1100

In February, President Bush submitted his budget for fiscal year 2007, which this House is likely to take up next week and which continues to cut America's Federal investment in higher education.

For the sixth year in a row, President Bush has broken his promise to raise the maximum Pell Grant to $5,100. Instead, his budget freezes the maximum level at $4,050, well below what is needed for low-income students to pay for college. Once again, the President's budget eliminates Federal funding for Perkins loans and sharply cuts back funding for campus-based grants like the SEOG and work study.

Financially needy students are further denied opportunities to achieve a college education by a budget that eliminates programs that directly help them prepare for college, including GEAR UP and Upward Bound.

So here we are today, preparing to bring H.R. 609 to the House floor. Does this bill restore the purchasing power of the Pell Grant? No, it does not. Instead, it increases the maximum Pell Grant by just a measly $200 over 6 years.

When Pell Grant first began, it covered 84 percent of the cost at a 4-year public college. Today, because of inadequate funding, the Pell Grant covers only 42 percent of the cost, forcing millions of students to go deep into debt, work long hours, or forget college altogether. Does this bill guarantee that only the minor authorized increase for the Pell Grant in H.R. 609 will actually be funded at this level? No, it does not. Assuming Republican priorities remain the same, we will continue to see budgets and appropriations that fall far short of what is needed to make college affordable for all of America's qualified students.

Mr. Speaker, there is still time for the Republican leadership to do the right thing. We can strengthen and improve this bill, but only if the Rules Committee makes in order amendments like the Miller-Kildee alternative.

Mr. Speaker, this bill, as written, misses the mark. We must help more of our students get to college and afford to stay there. If we fail to truly make this our number one priority, then we fail our students, our families, our communities and the Nation, and we inflict long-term damage on America's ability to compete, our economy and America's future prosperity.

What a rotten legacy this Republican Congress is leaving future generations: enormous Federal debt and the slashing of important vital programs to give all Americans the opportunity to pursue higher education.

I would say to my colleagues on the other side of the aisle, your priorities are wrong. Your priorities will do damage to our students and will undercut our Nation's ability to remain an economic superpower. You have already slashed away at Federal funding for elementary and secondary education despite all the new Federal mandates that have been imposed on our schools by No Child Left Behind. Now here we are shortchanging higher education. When is enough enough?

Don't tell us you do not have the money. You have money for tax breaks for Donald Trump and the super-rich, but you don't have money when it comes to helping working families.

Mr. Speaker, I would say to my colleagues that if education is your priority, then you need to vote against this bill, send this bill back and force this Republican majority to do what is right. Do not listen to the rhetoric about somehow we are improving Pell Grants and we are providing more assistance to our younger people. The fact of the matter is the purchasing power of Pell Grants is at an all-time low. We could do better.

Without significant changes in this bill, I regret that I cannot support H.R. 609. I urge my colleagues to vote against the rule. This should be an open rule. If anything should be debated on this House floor, it should be education.

Last night, we had many Members offer amendments, and here we are with a restrictive rule. We should spend a week on education. We should not be rushing this in a day or two. Let's spend a week. It is that important. I urge my colleagues to vote against the rule and vote against the bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Massachusetts and his discussion of the budget issues we will be debating next week. It is a good primer for that particular issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee, to speak about this bill at hand.

Mr. DREIER. Mr. Speaker, I want to congratulate my friend, the great history professor, who understands the importance of education and for his stellar service on the Rules Committee and his commitment to ensuring that we have a good piece of legislation.

At the outset, let me say that we obviously have seen Chairman McKEON work in a bipartisan way reaching out to my fellow Californian, Mr. MILLER, from Martinez, California, who has also a passionate commitment to dealing with the issue of education.

I have to say when I sat in the Rules Committee yesterday, listening to this debate, I was struck by the fact that my friend, Mr. MILLER, was regularly nodding his head in agreement with Mr. McKEON when he talked about issue after issue that had been addressed by the majority on the committee. I hope very much, as we proceed with this process, that we are able to once again enjoy the bipartisan support and commitment we had on this issue about 36 hours ago.

I also want to say to my friend from Massachusetts who raised the issue of the rule, this is the first of two rules. We have begun with this rule, and we will be providing an opportunity for more of our colleagues to offer amendments as we move on with this debate, which is not going to be a 1-day debate. We understand how important this issue is.

I also want to express my appreciation to Mr. McKEON for addressing some of the major concerns that have been brought forward by the leaders of private schools, private colleges and universities. One of the things that we need to recognize in our society is we have pluralism in education. We have spectacular public and private schools of learning. I believe, as we look at the education challenge, it is important for us to take the steps to ensure the strength of both of those. A number of concerns that have been raised by many of my friends in the academic world have been effectively addressed.

Mr. Speaker, it was 6 years ago this month that 15 European heads of state met in Lisbon, Portugal, and pledged to make the European Union the most competitive and dynamic knowledge-based economy in the world by 2010. By their own account, the EU has acknowledged that that goal has failed and will not be accomplished.

The German economist, Andreas Schleicher, published a report entitled, "The Economics of Knowledge: Why Education is Key For Europe's Success." As the title indicates, Schleicher concludes in a knowledge-based, innovation-driven economy, education is the linchpin. He also concludes that right now Europe is lagging well behind the United States. He ranks the world's top 20 universities and finds that the EU is home to only two of those.

I am happy to say that the United States is home to 17 of them, including six in California, and one, the California Institute of Technology in Pasadena, of which I am particularly proud.

Schleicher makes it clear that without a substantial investment in education in the high-tech and knowledge-based fields, the European Union will not only fail to reach its goal of having the most competitive economy by 2010, it will continue to fall further and further behind. The report was meant to be a wake-up call for Europeans, but I believe it should be a wake-up call for us as Americans.

We lead the global economy in growth, fueled by the power of our innovation. We are home to the world's best universities where today's students train for tomorrow's workforce, where creative thinkers conduct research and develop new technologies. But as a dynamic, fast-paced, highly competitive economy, we know better than anyone that complacency and stagnation are economic death knells. We cannot assume that today's competitiveness ensures tomorrow's success.

If we want to continue to be the global economic leader, we must expand our investment in education. We must better prepare students for the rigorous work that the high-tech workforce demands. We must better equip teachers to provide the educational foundation that our students need. And, Mr. Speaker, we must ensure that our institutions of higher learning continue to be the hotbeds of research where new ideas are tested, new methods are discovered and new technologies are developed.

I believe that H.R. 609, the College Access and Opportunity Act, which we are going to be considering, helps us to accomplish each of those goals. It is a critical component of our agenda to enhance the competitiveness of the U.S. economy, and it is necessary to ensure that the next generation of American workers does not find itself reading reports on our lack of top universities and our inability to compete in the global marketplace.

I urge my colleagues to support this rule, and as we go through this amendment process, specifically addressing concerns that I raised, that we will take on in the manager's amendment, I urge my colleagues to, in a bipartisan way, support this very, very important legislation.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there is very little I can disagree within what the gentleman from California said in his prior statement. But if you really want a bipartisan process to move forward in shaping what is perhaps the most important piece of legislation that is going to be coming out of the Congress this year, the reauthorization of the Higher Education Act, then open up the process, both in committee for those of us serving on the committee with regard to the ideas that we want to share and improve with this bill, but also on the House floor today and tomorrow.

Last night, we had a Rules process where many of us went forward to testify on various amendments that we wanted to offer. Instead, today, we get a very restrictive rule with very limited amendments that will be considered over the next couple of days. We should have a much broader debate in regards to the education bill before us, rather than the restrictive rule that is before us today.

I agree that we need to be innovative and creative as a society, not only to grow the economy, but for national security implications. If the gentleman wants us to remain innovative and creative as a country, then let us do it with this bill. Let us invest in these areas; and this is the vehicle by which to do it.

Today, China is graduating nine times the number of engineers than we do. Last year, China graduated more English-speaking engineers. It is not as if we do not know this is happening. The studies are coming in. The National Academy of Sciences just produced a report "Rising Above the Gathering Storm." The Glenn Commission that met years before submitted a report called "Before It is Too Late," citing the difficulties we will face given the major education investments that countries like China and India are making in their future, in their students. And yet we have just token recognition of that in this important vehicle, the higher education bill. We can do a lot better.

I believe the amendments offered last night were offered in good faith in an attempt to craft a more bipartisan bill. The fact that so many of us are excluded from offering them, even having a discussion about many of these important amendments on the floor, is a disgrace to the process.

My friend from Massachusetts is exactly right. We should be debating this bill for a week. We should open it up and allow everyone on the committee and off the committee to have some input and say on our most important legislation this year. I hope we can go back and address that. I encourage a no vote on this Rule.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, traditionally, the higher education bill has been an opportunity for this Nation to pause and think about the role of higher education over the coming years in American society, in America's economy, in America's national security. Every 4 or 5 years we reauthorize that act. That is not what happened this time, and that is why you have opposition to this bill across the higher education community, across America from every sector, because we did not do that.

Instead, the higher education bill was hijacked. It was hijacked by those in the Republican Party that wanted to take the savings from the student aid accounts and give them to the oil companies and to the energy companies for their tax breaks. To continue to pay for the tax breaks for the wealthiest people in this country, they hijacked those moneys that America's families and students have been paying over the years, the excessive fees and excessive rates that they have been paying, and rather than reinvest them in America's future, rather than reinvest them in the institutions of higher education, in the families and students who are attending those institutions who are trying to get those advanced degrees to participate, they simply took that money 3 months ago and walked off with it. And now what we have here are the leftovers, the leftovers that state lofty principles and ideals, but fund none of them.

The Budget Committee is slashing education funding. The caps have suggested that they want cuts beyond what the President has suggested in his budget, and that is the status of higher education in America today.

What does it mean? Members recall Mr. DREIER talked about the EU coming to some conclusions. You do not have to go to the EU. Just listen to what Americans, who are thinking about the subject, who have a great stake in the outcome have been telling this Congress for a number of years, and this Congress has turned a deaf ear to those individuals under Republican leadership.

□ 1115

Whether it is the American Academy of Sciences, whether it is the Council of Graduate Schools, whether it is the American Electronics Association, whether it is Tech Net, whether it is the bioscience companies, all of these people have paraded to Washington and said one thing: you must reinvest in the R&D and in fellowships and in graduate school programs for science, engineering and mathematics. It is not being done. It is not being done. We recognized and we have been warned of the need to reinvest in the greatest partnership ever created in the history of the world, the greatest public-private partnership that was the result of President Kennedy's decision to send a person to the Moon and to bring them back safely. It was more than a Moon shot. It was an investment in the best and the brightest in America. Tens of thousands of fellowships were given to individuals. They didn't have to go beg for a loan. They didn't have to think about working during the summer or on Easter vacation or student break. No, they concentrated on the science and the engineering, and America met its goal. And we have been living off that legacy now for 30 years.

But everybody in that field, betting their money, their company's money, their venture capitalist money has told us the time has come to reinvest. That is not what this bill does. That is not what this bill does. This bill just passes on as if nothing has changed in America. And yet, members of this committee, Members of this House have traveled to the Pacific Rim. They see the new institutions being created in India and South Korea and China. They see institutions that are attracting some of the best and brightest minds from America to those institutions. They see the investment being made by the private sector of worldwide companies, American companies, because of that kind of investment that is being made there.

But this bill doesn't address that. This bill is just status quo. This bill doesn't create new fellowships. This bill doesn't create new opportunities for people to pursue those degrees. This bill simply adds to the debt and the cost, because when I say "this bill," understand I talk about both bills. You split them for the convenience of what you wanted to do with your raid on student aid. But this is the higher ed bill. The moneys were skimmed off in the name of the oil companies. The moneys were skimmed off in the name of tax cuts to the wealthy, so we don't have the ability to make that investment that we have been warned about by the leading companies, by the leading people who have been thinking about this, by various institutions about the investment that America needs to make.

So we have a bill now that really doesn't do much of anything. It pretends that it sort of increases Pell Grants, but as we know, the Pell Grant has continued to lose value. Yes, they say, well, we put more money in it every year. That is because more students, tragically, are eligible for the Pell Grant because they don't have the family income. And we now see that the Pell Grant now covers the lowest percentage of costs for those students who have Pell Grants going to school; it has dropped from 41 percent. It covered 41 percent of those costs in 2000. It is now down; it will be down to 25 percent by 2010.

So the trend line is horrible. The trend line is horrible for those students most in need, those families most in need. More and more of them are showing up to get the Pell Grant, but they are not getting enough money to cover the costs of their college education. The trend line is horrible. And the number of students who are pursuing graduate degrees in science, math and engineering, it is working against the American economy and American security. But this bill doesn't address that.

The Higher Education Act has lost its place in the priorities of this Congress and the priorities of this Nation about the future of education, and that is a tragedy. That is a tragedy for those students who will be saddled with higher costs because of the increase in interest rates, with higher fees. Their parents will be saddled with higher costs. Those who will choose to take out direct loans to try to reduce the cost will find out they are paying fees now.

And so that is what the Republicans decided. Their idea, when every indicator suggests that college costs are getting out of the reach of America's families and students and workers, their idea was to increase the cost to those families and to their students. It is just unacceptable. It was unacceptable 3 months ago, and it is unacceptable today. This bill should be returned to committee, and we should initiate the debate that this country demands and that this country needs in terms of the future of these students, our economy and our national security. That is what this higher education bill should be about. It should not be about the leftovers after the largest cut in student aid accounts in history have already been pulled off 2 months ago.

Mr. BISHOP of Utah. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from California (Mr.

McKEON), the former subcommittee chairman who dealt with this issue, and now the chairman of the full committee who has brought this bill to us and done a remarkable job in getting us to this position so far.

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding the time, and I appreciate the work he is doing on this rule.

Just a little history, Mr. Speaker. You know, we have been working on this higher education reauthorization bill now for 3 years, and we have been doing it in a bipartisan way. What the other side wants to focus on is something that took place a few months ago. And what we did, we passed a Deficit Reduction Act to try to help the taxpayers of the country against further increasing deficits. And what we did in that bill was we lowered loan fees to students. We set higher loan limits for students in their first 2 years of college, which is when they have the greatest problem in staying in, when we have the greatest dropouts. We wanted to help those that are trying to get on the ladder of success to achieve the American Dream. We provided grant aid for high-achieving, low-income students, which is the purpose of the Higher Education Act, to help the lower-income students to have greater accessibility to a college education. And we simplified the financial aid process, again, trying to help those who have the most needs to get into the system. We provided taxpayer protections. What we did was we reduced the excess subsidies to lenders. There was a loophole that was put in the law years ago. We reduced that, eliminated that loophole that provided an increased subsidy to lenders. We improved risk sharing. We added accountability to administrative funds, and we provided protection and prevention against loan default, all against the lenders, to help strengthen the program for students.

As I mentioned, we have been working on this in a bipartisan basis, and up until yesterday, that effort was moving forward in committee and subcommittee and full committee. We addressed over a hundred amendments from the other side of the aisle. And since the passage, months ago, in committee, we have continued to work with the other side. We have a lengthy manager's amendment. Everything that is in that manager's amendment has been approved by the other side. I have pages of amendments, things that we have put in the bill to satisfy the other side. And we were, as I said, working together, until yesterday when they said they had decided, and I can only assume it is for political reasons because it didn't come up until then, they decided that they were going to go back and talk about something that happened months ago, rather than what is in this bill, the good things that we have in this bill to make college education more affordable, more accessible, more accountable to parents and students in this Nation.

Our goal is to further the process that was put in place 40 years ago when the Higher Education Act was passed, to give all of the people in this country the opportunity to move forward, to get a college education, to improve themselves so that we can compete on a global basis.

I led a congressional trip last year to China, because we are concerned about worldwide competitiveness, and we do things in this bill to help make us more competitive and to expand access and accessibility for our students. And I feel good about what we have done in this work. I feel badly that we have had this, for whatever reason, change of tone and attitude on the other side. And I hope that we can continue to reach out to the other side, ask them to continue to work with us, and that is why we are going to have another rule later today. Those who want to work with us, that want to have an amendment in the bill that can support the bill to move forward, this is a long process. What we are working on today is not the end. It is a further step in the process. We will get this bill passed on the floor tomorrow. Hopefully, the other body will pass a bill, we will go to conference, we will continue to work to improve the process. That is the democratic process that we are buying into and instead, all we are hearing is no, no, no from the other side. I think it is about time, you know, there are lots of issues we can fight on, but education should be bipartisan. And you know that we have worked together to make this a bipartisan approach, and I feel sad that you have decided to make this partisan, but we are not going to let that stop us. We are going to move forward. We are going to get the bill passed, because the important thing is to reach out and help the students in our country be able to compete as we go forward in our progress. It is not going to have a lot of effect on me, but it is going to affect my children, my 28 grandchildren that are going to be able to, hopefully, get an education and compete on a worldwide basis.

Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise in strong opposition to the rule and to H.R. 609 in its current form. Prior to coming to Congress, for 29 years, I was a college administrator, and I spent 16 of those years as the chief administrator of the college I served. And my views on this bill and on this rule are informed by what I learned over the course of that time in dealing with students and faculty and parents and staff and all constituencies of the higher education community.

Over a hundred amendments have been offered on this bill, and this underscores the importance of this bill and of this issue to this Congress and to our future. And I understand that we are going to have a second rule, but I am troubled that the Rules Committee thus far seems to have excluded a great many amendments that would have taken a bill that many of us take issue with and made it better. We are talking about getting it through this week. What's the rush? Why do we have to take the most important issue to our future and rush through a consideration of a bill that is going to have far reaching consequences for the next several years? I mean, is this not what the American people sent us here to do, to debate the issues of importance to our future?

Some specific issues: There is an amendment with respect to whether or not the Federal Government should have a role in evaluating transfer credit and forming institutional policies on transfer credit. Is that not an issue that this body should debate? Should this body not debate whether or not we ought to extend the tuition tax credit that expired on December 31, a tax credit, by the way, that primarily benefits the middle class? Should we not be debating a reasonable change to the needs analysis system, the fundamental system that determines a family's ability to pay, which determines their eligibility for aid, which, in turn, determines whether or not they will be able to attend college? These are just some of the issues that at least thus far the rule excludes from consideration. And in so doing, I would say that the American people and certainly the students of this country are not being well served.

As Mr. McKEON, our chairman, just said, education is the last issue we should be politicizing, but it appears that that is precisely what we are doing. Simply put, H.R. 609 fails to achieve its goal. We said the goal would be to make college more affordable and to expand access for Americans who wish to pursue the dream of a college education. H.R. 609, in its present form, falls woefully short of that goal. I say let us vote down this rule. Let us send the bill back to the Education Committee and let us try again.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we should all be proud that America stands for opportunity, regardless of one's background. Our colleges and universities provide millions of students with the chance to realize their dreams and blaze their own paths. This could not happen without the Higher Education Act. But today we see the support coming under attack. This bill keeps the Federal Pell Grant stuck in the 1970s.

□ 1130

It increases interest rates on loans and forces students to absorb new fees. We should be expanding our students' horizon, not restricting it. And unless the second rule is open or allows every amendment submitted to Rules to be considered on the floor, it is shutting down this process.

Again, I want to point out that the last two times this House reauthorized the Higher Education Act, in 1992 and 1998, it did so under an amendment process that allowed any amendment that complied with House rules to be offered on the floor. We should do the same this time.

I urge all Members to reject this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The gentleman from Utah is recognized to close.

Mr. BISHOP of Utah. Mr. Speaker, in our discussion of the rule today, we have heard many things. We have heard discussions of budget issues, which will be addressed when we do the appropriations bill later on. We have heard discussion of rules that were not made into this particular rules order even though we clearly said there will be another rule coming up later to address those other issues, others of those 117 amendments that were made, many of which were made by members of the committee who had full opportunity to debate and discuss, as they have talked about the 79 amendments in the committee, in a committee process that since the pre-War of 1812 days, when Henry Clay established the committee process to make a full and open hearing of these issues in committee before it came to the floor.

Nonetheless, there will still be two rules. This rule takes 15 of those amendments, opening up the opportunity for those later on to come.

We have also heard rhetoric about a bill that was passed last year. I find it important to remember that even when the Constitution was being debated, the anti-Federalists, who opposed the Constitution, made their case and lost, and then moved on and worked together with the Federalists, who passed the Constitution, to work together for a better country. That is the opportunity we have, to try to emulate that right now. It is time now to work together on this bill, on what this bill does.

You have already heard from the subcommittee chairman that it does no harm to those already in the system. You have heard from the chairman of the full committee how its goal is to increase the number of kids who can have access to these opportunities to enhance and reach their dream of a college education. That is the purpose. That is the goal. That is where we should maintain our focus. This rule provides for the first step in reaching that goal, and we will have another opportunity with a second rule later.

It is a good and fair rule, and I urge adoption of it because it deals with a bill that moves us forward, a bill where we should unite to move forward because it helps kids in America.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ISSA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 198, not voting 9, as follows:

[Roll No. 70]

YEAS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Blunt
Davis (FL)
Davis (KY)
Evans
Istook
McCollum (MN)
Ruppersberger
Rush
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1159

Messrs. CLEAVER, STARK, RANGEL and GEORGE MILLER of California changed their vote from "yea" to "nay."

Mr. EHLERS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ISSA) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 29, 2006, at 9:10 am: That the Senate passed without amendment H.R. 4911.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

PERMISSION TO OFFER AMENDMENTS OUT OF ORDER DURING CONSIDERATION OF H.R. 609, COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 609 pursuant to House Resolution 741, the following amendments be permitted to be offered out of the specified order:

Amendment No. 9 by Mr. FOSSELLA;

Amendment No. 12 by Mr. PORTER;

Amendment No. 14 by Mrs. WILSON of New Mexico;

Amendment No. 15 by Miss MCMORRIS.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 609.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 741 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 609.

□ 1202

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, with Mr. BISHOP of Utah in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this bill to reform, reauthorize and strengthen programs under the Higher Education Act. I want to thank my former chairman and our current majority leader, Mr. BOEHNER, for working with me to craft this legislation.

It has been a long process, but the bill that we are bringing to the floor today is a good one, one worthy of healthy debate and bipartisan support. I would like to thank the new chairman of the 21st Century Subcommittee, Representative RIC KELLER from Florida, for his work on key elements of this legislation, notably the improvements we make on the Pell Grant program.

I would also like to take a moment to recognize Representatives KILDEE and MILLER for their continued work on college access issues.

In addition to the strong underlying bill we have before us today, the legislation also incorporates a manager's amendment which is the product of substantial bipartisan negotiations. Through our work together over the past several weeks and months, we have drafted a manager's amendment that addresses many concerns.

Those concerns include some of those of my friends across the aisle. For example, the manager's amendment eliminates an Inspector General's rule as part of the college affordability index provisions.

It clarifies that a State cannot require an institution to be accredited by that same State and also makes clear that schools can continue to choose their own accreditor. It adds a new post-secondary institution to the list of historically black graduate institutions. It increases the minimum grant for tribally controlled colleges and universities. It enhances coordination within the TRIO and GEAR UP programs to better serve foster care students, and it allows the U.S. Department of Education to reserve funds within the high school equivalency program, college assistance, migrant program for technical assistance activities.

Often this type of bipartisan work does not come easily, and I am pleased that we were able to find common ground on issues important to Members on both sides of the aisle. At the outset of this debate today, I am hopeful that the spirit of bipartisanship can carry on. If we disagree, we should not be disagreeable, and above all, our consideration of this important bill should not turn into an election-year fight led by those who may seek to play fast and loose with the facts about what the bill does and does not do.

Mr. Chairman, we cannot lose sight of the fact that each year American taxpayers invest tens of billions of dollars in aid to college students and funding for U.S. institutions of higher education, as you can see on the chart here.

Our Federal commitment to student aid is great, and gets greater with each passing year. More than four decades ago, when the Higher Education Act was enacted, the purpose of this hefty investment was clear, to expand college access to all people.

However, today, faced with an increasingly competitive global economy, in which post-secondary education is more necessary than ever, ensuring that Federal dollars are spent effectively and efficiently is a bottom-line issue for students, parents and taxpayers alike, again, as you can see from this chart.

Mr. Chairman, costs at both private and public colleges are spiraling upward and fast. Indeed, consistent increases in college costs have made it clear that colleges and universities must remain accountable to consumers of higher education. At the same time, students, parents and taxpayers have the right to know that Federal dollars are being invested in ways that respond to a changing marketplace, expanding college access and protecting students' interest. The College Access and Opportunity Act does just that. I urge my colleagues to join with me in supporting that.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, after a highly contentious debate over a $12 billion raid on student aid. I was hoping to build some bridges and work together with the rest of the higher education reauthorization. Unfortunately, after countless hours of negotiations, we reached an impasse, and we are considering another bill that falls short of my hopes.

We were able to reach agreement on year-round Pell Grants pilot program, student aid application simplification, loan forgiveness in areas of national need and minimum grants for tribal colleges. I am pleased that Chairman MCKEON was willing to work with me on these important improvements, but my concerns in the bill still outweigh these improvements.

Additionally, it is incumbent upon me to both lead and serve the members of my committee, and my Democratic colleagues on the Education and Workforce Committee have spoken loud and clear. They cannot support this bill. They, too, are pleased with the modifications I mentioned, but it just is not enough to call this a bipartisan bill.

In truth, H.R. 609 does little to help make college more affordable for students and families already struggling to pay increasing tuition costs.

H.R. 609 does not increase student aid; does not lower interest rates to make loans more manageable; does not promote greater State investment in higher education. It freezes the authorized level of the maximum Pell Grant scholarship, at just $200 above current levels, through 2013 and it does not include any mandatory increase in Pell.

H.R. 609 establishes a troublesome standard for transfer of credit, creating an unprecedented Federal role in college curriculum standards which discourages schools from setting high academic standards.

At a time when America's workforce is facing fierce global competition, the Federal Government should not be encouraging our colleges to reduce their academic standards.

H.R. 609 many puts forth a drastic plan to allow States to act as accreditors. Colleges currently have to meet three independent standards: one set for eligibility for Federal aid; the second one for State licensing; and another for regional or national accreditation.

A classic example of consolidation of power, H.R. 609 would allow States too much control over accreditation. The current trinity of independent standards is key to maintaining America's high quality higher education. Here, too, undermining such standards will undermine America's global competitiveness.

It is unsettling for me to know that we are missing a real opportunity to make college more affordable and accessible, to boost America's economic competitiveness and to invest in America's continued prosperity. But that is what we have here today, a missed opportunity.

With major national student groups, unions and countless colleges, including my own University of Michigan, opposed to the bill, it has become clear that this is not a bill we should send to the Senate. Fortunately, Mr. Chairman, this debate is not over after today's vote.

I hope we can revisit our attempts at bipartisanship once this bill goes to conference. I wish I was down here on the floor to say great things about this bill, but I have to oppose H.R. 609, and I would ask my colleagues to do the same.

Mr. MCKEON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. KELLER), the chairman of the Higher Education Subcommittee.

Mr. KELLER. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise to proudly support H.R. 609, the College Access and Opportunity Act, which reauthorizes the Higher Education Act. Don't believe the hype from the critics of this legislation.

Here is some straight talk. Not one single student in America will receive less financial aid under this bill. Not one.

This legislation expands college access for millions of American students by strengthening the Pell Grant program and reauthorizing the Perkins student loan program. I will focus my comments on the heart of this legislation, which is the Perkins loans and Pell Grants. Both of these worthy programs enjoyed broad bipartisan support.

As one from humble beginnings who would not have been able to go to college without Pell Grants or student loans, and as chairman of the subcommittee with jurisdiction over higher education, I am a strong supporter of both Perkins loans and Pell Grants. Now, it is true the President's budget did call for eliminating the Perkins student loan program but we said no. The leaders on the House Education Committee worked in a bipartisan manner and agreed that we would reauthorize this worthy program.

Let me first discuss the Perkins loans. This legislation reauthorized the Perkins loan program, a critical program that offers financial assistance to more than 10 million students. The Perkins program helps our neediest students borrow extra money for college at a fixed low 5 percent interest rate. In this bill we increase the loan limits to help the Perkins loans students so undergrads can get from $4,000 up to $5,500 and graduate students can get from $6,000 now up to $8,000. These Perkins loans are especially important for teachers, nurses, police officers and other public servants who are eligible for Perkins loans forgiveness.

I will next discuss Pell Grants. This legislation strengthens the Pell Grant program by increasing the authorized maximum Pell Grant to $6,000 and by providing year-round Pell Grant aid for students attending school throughout the year.

Both of these improvements enjoy broad bipartisan support. In fact, when we drafted this legislation during the full House Education Committee markup, 100 percent of Democrats and Republicans voted in favor of my amendment to increase the maximum award to $6,000, the largest level in the history of the program.

Let me show you some charts to indicate our strong support for the Pell Grant program. Pell Grants and student loans should be bipartisan. I think in large part they are but some have made comments that Republicans are not doing enough to support Pell Grants. So let me show you a chart that reflects the reality. This shows the last 20 years of the Pell Grant program. The yellow shows the years when the Democrats were in control of the Congress and you see the Pell Grants at this low amount. The red shows when Republicans took control of Congress, and you see that they spiked dramatically.

If you really want to learn what happened historically, look at the year 1992. At that year, Pell Grants were appropriated at $2,400, even though they were authorized at $3,100. So they were not fully funded by the Democrats. The next year, 1993, you had Bill Clinton in office. That is a Democrat President. You had a Democrat Congress and what happened to Pell Grants? They were slashed. They went from $2,400 to $2,300.

☐ 1215

They were cut the next year and the next year, 3 years in a row. Finally, they got to $2,340, still less than the $2,400. So the last 3 years in power they were actually cut. Does that mean President Clinton doesn't care about Pell Grants or our House Democrat leaders don't? I don't think so. I think they care a lot about poor people. I think they wished they had more money.

My point is, don't say the Republicans haven't done enough on Pell Grants, because we have got a pretty good record.

I was elected in 2000, and I made a promise to myself and my constituents, we would do all we can to increase the Pell Grant program, and let's see what happened since 2000.

Since 2000, Pell Grant funding has increased 71 percent from $7.6 billion to $13 billion. Since 2000, the Pell Grant maximum award has gone up $3,300 to $4,050, and this year there will be an extra $1,000 for the high-achieving, low-income students; and the number of Pell Grant recipients has gone up 36 percent from 3.9 million to 5.3 million.

Mr. Chairman, Pell Grants and Perkins student loans are the passport out of poverty for so many worthy young people. They are the heart of this legislation. I urge my colleagues to vote "yes."

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1 minute.

The gentleman tells an interesting story on Pell Grants, but the problem is the amount of money for Pell Grants has gone up simply because more students are eligible for that. More students are applying for that, but the Pell Grant that they get is worth less now than it was in the year 2000, worth less than it was in 1995.

The fact of the matter is, it is covering only about 30 percent of the cost of the college, and it is getting worse every day.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I reluctantly rise in opposition of the bill, not because I do not appreciate the hard work that has gone on in committee and the attempt of the chairman and the ranking member, everyone involved, to try to produce a bipartisan bill, but because the bill before us is really a missed opportunity bill, as my friend from Michigan described it.

This bill is one of the most important pieces of legislation that will come out of the Congress this year because it is a bill that will directly affect who we are going to be as a Nation in this century, whether we will retain our leadership in being the most innovative and creative country in the world or whether we will start sounding the retreat and waving countries like China and India good-bye as they make major investment in their education infrastructure, especially in the fields of math, science, engineering and technology, because they want to be on the cutting edge of scientific and technological discovery.

Last year, I was with the chairman on a 2-week tour of some of the higher education institutions in China. China has graduated nine times the number of engineers we did in this country. They graduated more English-speaking engineers than we did in our own country. This is one of the keys to how creative we will be and what type of economic growth and job creation we will realize and what type of national security we will have.

This bill also speaks to the anxiety that many American families feel throughout the country, and that is a fear that they are not going to be able to afford to give their child postsecondary educational opportunities because they do not have the financial means to do so.

A recent study shows that close to one-half of the low-income students in this country who are qualified and want to go on to school cannot because of financial reasons; and for a country as wealthy and as powerful as ours to be closing the door of educational opportunity because of finance alone is a recipe for economic disaster.

More can be done. There are good features in this bill, but this bill also appears before us in the shadow of the largest raid on student aid in our Nation's history, over $12 billion worth of cuts in the budget reconciliation bill that just passed weeks before in this Congress. The budget resolution that we are marking up in committee today is requiring an additional $1.3 billion in cuts in the Education and Workforce Committee budget, and we are going to have to try to figure out where those are going to come from.

The bottom line is, if we are going to remain innovative, if we are going to retain our economic strength and grow the economy, we have to make crucial investments in the education field.

I am glad that we were able to put a token scholarship program for students entering the math, science, engineering and technology fields; and I commend the chairman for working with some of us to get that accomplished, but it is just that, a token effort because the studies are coming in and they are hitting us between the eyes. The national academy, "Rising Above the Gathering Storm"; the Glenn Commission, years before, titled "Before It Is Too Late"; other studies that are telling us that we really do need to ramp up this investment in education before it is too late.

This is a missed opportunity, and hopefully, we will have a chance to correct it.

Mr. Chairman, college is an investment that pays off over a lifetime. Median annual earnings for a year-round, full-time worker with a bachelor's degree are about 60 percent higher than earnings for those with a high school diploma. Congress passed the Higher Education Act in 1965 to provide all Americans with greater post-secondary educational opportunities.

This bill is a missed opportunity to make college more affordable, to boost America's economic competitiveness, and to invest in American's continued prosperity. If I supported this bill, I would not be able to look the students in my congressional district in the eye because I would know I had not done all I could to help better their futures. Cost factors already prevent 48 percent of college-qualified high school graduates from attending a four-year institution and 22 percent from attending any college at all. No person in this country should ever be excluded from attending college because they cannot afford it.

During Committee consideration, we offered an alternative that would have saved the typical student more than $6,000 on his or her college loans and provided a $500 boost to the maximum Pell grant—at no additional cost to taxpayers. I am disappointed that our colleagues on the other side of the aisle were unwilling to work with us to include this proposal in the final bill.

There are, however, several provisions in the bill that I support. I am pleased to have worked with Chairman McKEON, and Representatives EHLERS and HOLT in successfully passing an amendment to the Higher Education Act to provide scholarships and grants for students to study and enter into careers in science, technology, engineering and math, STEM, fields.

America is suffering from a shrinking talent pool of students who are proficient in fields of math, sciences, engineering and technology, and is consequently in danger of losing its unique position of world leadership in innovation and creativity. We must do more to make Americans employable in 21st century jobs by putting greater emphasis on student achievement in these areas and giving our students the tools and skills they need to compete in the today's economy. Our global competitors are doing it—we can't afford to stand idly and watch them pass us by.

In addition, I was pleased to have worked with my good friend, Representative TIERNEY, in preventing changes to the campus-based aid formula that would have cut $7.56 million in campus-based aid for the University of Wisconsin System. This money is critical for students in Wisconsin and the loss of these funds would have further reduced opportunities for students to attend college.

Another provision included in H.R. 609 that I worked on with my colleague from Wisconsin, Representative PETRI, will allow our 13 two-year colleges in the University of Wisconsin System to qualify individually for TRIO grants.

Finally, during debate in Committee, my amendment requesting the Department of Education to study the trends of adult learners was accepted. Older people are heading back to the classroom in large numbers, and we must not ignore their individual needs.

In closing, I would like to remind all my colleagues what President Bush said in his State of the Union speech in January. He said "We must continue to lead the world in human talent and creativity. Our greatest advantage in the world has always been our educated, hardworking, ambitious people—and we are going to keep that edge." Yet, the President and the Congressional majority have already begun to walk away from that promise by supporting the higher education bill before us today.

As you know, Mr. Chairman, America is number one in the global economy, and we can stay number one if we make aggressive investments in education, innovation, and future generations. At a time when education is at a premium and we need to be growing the economy, we should be making it easier, not harder, for students to attend college.

Mr. McKEON. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), the majority leader of the House, former chairman of the committee.

Mr. BOEHNER. Mr. Chairman, I want to thank my colleague for yielding and congratulate him on his selection as chairman of the Committee on Education and the Workforce, a committee that I used to chair and worked closely with Mr. McKEON over the last 5 years on a variety of issues, including the issue that is being debated on the floor today, and that is the reauthorization of the Higher Education Act.

Forty years ago, Congress established the Higher Education Act to ensure all students, regardless of their financial circumstances, would have the opportunity to pursue a postsecondary education.

Today, after 3 years of hard work on the part of the members of the Education and Workforce Committee and its staff, on both sides of the aisle, I believe we have produced a bill that finally lives up to that legacy.

The College Access and Opportunity Act does just what its name suggests. It expands access and provides new opportunities for millions of low- and middle-income students, and by opening the door to a college education, even more Americans will be able to take advantage of the strong economy that has had 30 consecutive months of robust job creation.

Let us take a look at some of the most important provisions in this bill. It provides extra Pell Grant aid for high-achieving first- and second-year students; provides year-round Pell aid for students attending school throughout the year and encourages students to make progress toward completing a degree; reduces redtape for students and graduates; removes barriers for nontraditional students; empowers consumers with more transparency in college costs and accreditation; repeals duplicative and unnecessary programs; establishes an Academic Bill of Rights; and safeguards the privacy of students; promotes merit-based pay for teachers; and demands accountability in Federal college access programs.

Mr. Chairman, a report released last week confirms that Republican pro-growth policies have led us to the best job market in 5 years, and this bill builds on that momentum and helps strengthen American competitiveness to ensure America's students are prepared for the strong challenges of the 21st century.

Mr. Chairman, if I could, there is a member of the committee staff who last month celebrated her 25th anniversary as a member of the committee staff; and Sally Lovejoy has worked on this bill, worked on No Child Left Behind and a variety of education programs throughout her 25 years as a member of our staff. I want to say thank you on behalf of myself, as the former chairman of the committee, and all the Members on both sides of the aisle who have had the chance to work with you.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I hope this will not come out of his time, but I certainly want to associate myself with your remarks in thanking Sally for all of her work in a most cooperative way, but keeping us on our toes a lot of the time over here. So we thank you and wish her well for all of her service to the committee.

I thank the gentleman.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the bill before us purports to strengthen and improve the Nation's higher education system by expanding college access for low- and middle-income students, but in reality, it fails to provide the urgently needed assistance for millions of low- and middle-income families that are trying to figure out how to pay for their children to go to college.

This past December, the House majority voted to cut the student loan program by $12 billion, and these cuts included many significant changes in the Higher Education Act, none of which expand access to college or make college more affordable for students and their families. This bill, put forward by the majority, does nothing to make up for those draconian cuts.

Mr. Chairman, the Democratic substitute will be offered later this afternoon, which will offer real financial assistance to needy families. For example, it will lower the costs of student loan interest rates for middle- and low-income families, specifically by lowering the direct and Federal Family Education Loans by cutting them in half from 6.8 percent to 3.4 percent.

That substitute will also repeal what is called the Pell tuition sensitivity by making sure that all students receive the full benefit of the Pell Grant program without regard to whether they are attending a 2-year community college or a private 4-year institution.

That substitute will also boost college participation rates for minority students, establishing graduate Hispanic Serving Institution programs. It also establishes a Predominantly Black Institution program that would boost college opportunities for low-income and first-generation African American college students.

Our substitute will also increase the tribal college minimum grant and stabilization of tribal college construction by ensuring that the title III program currently used for construction is guaranteed.

Mr. Chairman, we all know that a college education significantly increases the future earning power for students today, and the cost of tuition should not stand between a qualified student and a college education. The Democratic alternative will offer families a real solution to the problem of rising tuition costs and make good on our promise to put college education within the reach of American students and families. The underlying bill does not.

I urge my colleagues, therefore, to support the Democratic substitute, and if it is not adopted, to oppose the bill.

Mr. McKEON. Mr. Chairman, I am happy to yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in support of H.R. 609, the College Access Opportunity Act. I would like to thank our majority leader and former chairman, as well as the current chairman, Mr. McKEON, for their extensive work on this legislation.

I am very pleased that within the underlying legislation is the reauthorization of the TRIO program which reaches out to motivate and support students from disadvantaged backgrounds.

This inclusion is especially important to my constituents in the Fifth District of Florida because the bill ensures that veterans are eligible to participate in TRIO programs and services. The Fifth District is home to approximately 110,000 veterans, and as their representative, it is a top priority of mine to see that they receive the assistance that they need.

The Upward Bound program within TRIO extended its scope in 1972 with the creation of the Veterans Upward Bound program. This is aimed at providing educational and support services to enable veterans to transition to a post-secondary education. It also addresses the fact that most of our veterans have different education and life experiences than do secondary-school-aged Upward Bound participants.

The percentage of the veteran population that has not completed high school has dropped from 33 percent to 12 percent in the last 30 years as a result of a number of Federal initiatives. The bill we have before us today will ensure that this trend continues to help not only veterans, but also so many students from modest backgrounds, obtain a higher education.

I urge my colleagues to join me in voting in favor of this very important piece of legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I, too, want to thank the chairman of the committee and the ranking member and the chairman and ranking member of the subcommittee for their work on this important issue.

However, I, too, reluctantly must oppose this bill because I believe it falls short, and I think it would be wrong to give the American people the impression that we are meeting the challenges in higher education when we are not.

It was just 2 months ago that the President of the United States stood before this Chamber at the podium before us and delivered his State of the Union address. In that address, he told the people of this country the United States must do more to maintain our competitive edge in the global economy. He was right about that. Those were fine words, and in fact, the Education and Workforce Committee has been debating and looking into those issues for some time now, but the issue is not identifying the problem.

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That is the easy part. The challenge is doing something about the problem. And in that regard, this body and the Bush administration, unfortunately, get failing grades, because we all understand that a key part of maintaining our competitive edge in the global economy is to make sure we invest in the skills and education of our workforce.

We need to make sure our people have the training they need in what is increasingly a knowledge-based economy, and to do that, we need to make the necessary investments. Yet the day after the President stood before this Chamber and delivered his State of the Union address was the day this House passed a reconciliation bill that cut $12 billion out of the Federal student loan program: $12 billion.

Now, we all know that usually when this higher education bill comes before this House, it contains those funding provisions, the provisions for student assistance in this country. But, unfortunately, those were taken out of this bill and dealt with separately and cut by $12 billion. So now this body doesn't have to deal with that issue with the bill before us today. But those are the facts.

We also need to invest more in our K-12 education system. And it was just shortly after the President delivered his State of the Union address that he delivered a budget that cut the No Child Left Behind from its authorized level. It was $15 billion short of what we had promised there.

If we are going to be serious about this issue, we need to make a commitment at the national level to address the competitiveness challenges in our country. We don't do right by the American people when we say one thing on the big day of the State of the Union address and then we bring a bill before the Congress that doesn't contain the necessary investments in funding to make sure that we meet the challenges.

And so, Mr. Chairman, I must reluctantly oppose this bill because it would be wrong to send a message we are doing something about the challenges when in fact we are not.

Mr. McKEON. Mr. Chairman, I am happy to yield 2 minutes to the chairman of the Education Reform Subcommittee, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. To Chairman McKeon, congratulations on rising to the top of this very significant committee. I would also like to express my accolades to Sally Lovejoy, who has had occasion to straighten me out, even when I didn't want to be straightened out from time to time, and we appreciate that and do wish her the best.

I do rise in support of this legislation and congratulate all those who worked hard on this, because this was a very open process with a huge number of amendments as we got to where we are now. I think it is unfortunate that we are not all together on it, but I understand how those things work.

One concern that continues to rise and has done so since I came to Congress is the continuously rising cost of a college education. Tuition increases are outpacing the rate of inflation, increases in family income, and even increases in State and Federal financial aid, which have grown frequently in recent years, as we have seen. These cost increases are pricing students and families out of the college market in a time when we have reports suggesting that for the first time high school students recognize the importance of obtaining a college education. These students should not shy away because of skyrocketing costs.

It is my belief that one of the best things we can do is to talk about the issue and to force transparency into the process. H.R. 609 does just that. Parents and students, as consumers, deserve the opportunity to understand why tuition is increasing at their universities and colleges. As educated consumers, it is my hope that they will in turn have the power to demand more, to demand answers and, ultimately, drive down costs. Understanding that there are many moving parts to a solution, transparency is a good step in the right direction.

Truly, the Higher Education Act covers a great deal of ground, from student loans to campus-based aid to teacher education to graduate schools to international education. In such a large act, one of the most important jobs of Congress in the reauthorization is to ensure that fraud and abuse protections are in place and are working. During committee, two amendments I offered to meet this goal were accepted. The first would prevent for-profit institutions from competing for Federal funds; the second would retain and clarify what is known as the 90–10 rule. Both of these amendments were intended to recognize the evolution of the for-profit industry in higher education while protecting Federal funds.

Again, I support H.R. 609 and urge my colleagues to do the same.

The CHAIRMAN. The gentleman from Michigan controls the time.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise to oppose this legislation. I have an appreciation for those members on the Education Committee, many of whom have worked hard to try and put a decent product before this body, but this just doesn't make it.

I am disappointed that my amendment that would have helped to increase the teacher capacity and supply in the areas affected by Katrina and Rita and future disasters was not made in order. But I am more disappointed in that section of the bill that deals with the private post-secondary schools.

There is something called the 90–10 rule. The rationale for the 90–10 rule was that if the education provided was worth paying for, a company should be able to attract at least 10 percent of its students on a paying basis. But, no, these private post-secondary lobbyists have come in here, and they have thrown in the nonprofit schools and they have manipulated the rules so that this won't apply, so that basically they can get 100 percent of their money from the taxpayers. They go out and they recruit illiterates, they recruit the most vulnerable people, who should perhaps be trying to get a GED someplace, but they recruit them, and they help them to fill out the Pell Grants. They get the money. Many of them don't have qualified teachers, they do not have computers, and some even close down the schools, take the money, and then they show up under another name.

They are ripping off billions of dollars from the American taxpayers, and why they are able to wield their influence in this subcommittee, I just don't understand. It is a scandal. It has been reviewed and exposed by "60 Minutes" and others on television, but we keep allowing the lobbyists to come in here and do what they want to do, to get richer and richer and basically undermine the ability of these vulnerable people who really do want to get an education.

The CHAIRMAN. The gentleman from Florida is in charge of the time.

Mr. KELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Thank you, Mr. Chairman, and I thank the chairman for yielding me time. I rise in support of H.R. 609, the College Access and Opportunity Act. I thank Majority Mr. Leader BOEHNER and Chairman MCKEON for their endless hard work on this bill.

I will vote in favor of the bill and wish to highlight provisions I strongly support. I may also comment about a few that I hope will be modified as we go through the process.

I strongly support an independent evaluation of distance education programs, and I would like to thank Chairman McKEON for including my study in his manager's amendment. Section 931 will require the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs as compared to the quality of campus-based education programs. I am not opposed to distance education, but I want to make certain that we do a good job of this and we develop good accreditation standards.

Also, I am very supportive of strengthening U.S. competitiveness through math and science programs and teacher training. During the committee process, I worked with Chairmen BOEHNER and McKEON, and with Representative WOLF, to craft provisions that provide scholarships and interest payments on loans for students pursuing an undergraduate or graduate degree in science, math and engineering.

I understand that Representative McMORRIS will be offering an amendment to further strengthen U.S. competitiveness, and I urge Members to support her amendment as well.

I do have some concerns about the college affordability index. My local colleges contacted me, very concerned. They are low-cost institutions but realize tuition increases are inevitable, and the index will handicap them more than it would handicap other higher-tuition schools. We should encourage schools with low tuition and not increase their problems.

I should also mention a concern about State accreditation. Again, the institutions in Michigan are concerned about that, and we have to clarify the bill to make certain that the accreditation language applies only to those States that are already doing it.

I strongly support this bill and urge my colleagues to support it as well.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the bill before us is mistitled the College Access and Opportunity Act. It ought to be called the Reducing College Access and Missed Opportunity Act.

Last month, the Republican Congress passed and the President signed a $12 billion cut in student aid, the largest student aid cut in history. This raid on student aid made college more expensive for low- and middle-income students at the very time a college education is more critical than ever for young men and young women throughout our entire country. Today, Congress is finishing the raid on student aid. This bill is a missed opportunity to make college more affordable.

Democrats have offered an alternative that would lower interest rates on student loans, increase Pell Grants, help colleges hit by the gulf coast hurricanes to rebuild and recover, and boost college participation rates for minority students. If history is any guide, however, the Republican House will reject this alternative, because like President Bush they value tax cuts for the wealthiest Americans over assisting low- and middle-income Americans in their quest for a college education.

Mr. Chairman, those are not the values of the American people, and I encourage my colleagues to reject the Republican raid on student aid and to support the Democratic alternative because we have to keep in mind that these students are the very future of the United States of America.

Mr. KELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the chairman for yielding and for his hard work on this bill and the importance of this bill.

I am kind of stunned, because virtually every speaker from the other side has come down to the well or talked up there and talked about the "$12 billion raid on student aid" in the Deficit Reduction Act. Well, aside from the fact that that is not true, it is not what we are here to talk about. We are talking about bill 609.

We have heard this bill doesn't do much to help students attend college. We have heard if you vote for it, it is a missed opportunity. Well, Mr. Chairman, anyone voting against this bill, anyone voting against this bill is truly missing an opportunity to continue a very positive program.

Now, opponents can say what they want, but if you look at the figures, they don't lie. And what they tell you is that year after year after year we are increasing student aid.

What does this bill do? It strengthens Pell Grants, strengthens student aid, reduces red tape for students and graduates, removes barriers for nontraditional students, empowers consumers through sunshine and transparency in college costs. Also, it safeguards the privacy of students, eases college access for members and veterans of the armed services. It repeals duplicative and expired or unnecessary programs, and it promotes merit-based pay for teachers through the Teacher Incentive Fund, which is something I have a particular interest in.

The Teacher Incentive Fund specifically targets high-poverty schools, and it provides some extra compensation for teachers who achieve. The initiative rewards those who have delivered on student achievement. It was a recommendation of the bipartisan National Governors Association, which called for the creation of the Teacher Incentive Fund, and we responded.

Mr. Chairman, this bill is a positive move in the right direction, and I urge all Members, Republicans and Democrats, to put politics aside and vote for education for our young people. Vote "yes" on 609.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

In February, this House passed a reconciliation bill that cut $12 billion from the student aid program. That bill raised student loan interest rate caps and raised student loan taxes and fees. It placed billions of dollars in student aid at risk by cutting $2.2 billion in critical funds used to carry out and administer the student aid program.

Just as the reconciliation bill did not help students, H.R. 609 will not improve access to college. The reauthorization bill we are debating today is not about making college affordable, and it is not about helping students pay for college. This bill makes significant changes in the Higher Education Act, but the purpose of many of the changes is not to benefit students.

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H.R. 609 certainly helps for-profit colleges. Proprietary schools, which have faced a number of controls and regulations to protect taxpayers and students from abuse, will see markedly less oversight. The new single definition of an institution of higher education will allow for-profit colleges access to additional student aid Federal funding. At the same time, changes to the sanctions of the 90–10 rule will leave students at risk, allowing for-profit colleges to remain out of compliance for 3 consecutive years before losing eligibility to participate in Federal student aid programs.

The purpose of the 90–10 rule was to ensure that schools were not relying on student aid programs for the entirety of their funding. Easing requirements previously placed on for-profit schools places student aid programs at greater risk of misuse. They will be vulnerable to subsidizing short-term for-profit ventures. These changes in the 90–10 rule will benefit for-profit colleges, but they will not help students.

The Higher Education Act was intended to provide help for all Americans, regardless of their income level, with greater educational opportunities. The act recognizes the shared benefits by both society and the individual of a higher education. H.R. 609 will not help students and will not expand access to college.

I urge my colleagues to join me in voting "no."

Mr. KELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I rise in strong support of H.R. 609, and I want to congratulate Majority Leader BOEHNER and Chairman McKEON for bringing this important legislation to the floor.

H.R. 609 is critical to improving college access and includes a host of reforms to safeguard the interest of students and parents and the pocketbooks of American taxpayers.

I want to highlight three provisions that I believe will have a significant impact. First, it promotes merit-based pay for teachers. The bill establishes a teacher incentive fund to provide funds to States and local school districts to help pay and help develop pay-for-performance systems. These systems would offer teachers and principals recognition pay for demonstrating progress in raising student achievement and closing the achievement gap.

Another provision is increasing public access to information about colleges and universities. This bill would provide parents and students valuable information currently sent to the U.S. Department of Education about college costs, student/faculty ratios, graduation rates, and average amounts of financial aid being received by students. And furthermore, institutions that increase tuition and fees at more than twice the rate of inflation over a 3-year interval will be publicly identified and asked to provide information to the public about the causes of tuition increases as well as strategies to help hold down tuition in the future.

A third provision would ease college access for members and veterans of our armed services. The legislation ensures the eligibility of all veterans to participate in the TRIO college access programs. The bill also classifies members of the armed services as independent students which could increase access to financial aid.

These reforms build on important education benefits for military personnel enacted in February 2006 under the Deficit Reduction Act. That measure provided that active duty members of the military may receive loan deferment, meaning payments are not required and interest will not accrue when serving our Nation.

As a member of the Education and Workforce Committee, I am very proud to support this legislation and urge my colleagues also to support this measure.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I rise in strong opposition to this bill. I spent nearly 30 years working on a college campus, and based on my experience, I have three major concerns with H.R. 609.

First, in my view, this legislation, coupled with the budget cuts authorized by this Congress and further cuts proposed by the President, threatens to return the state of higher education in America to the pre-World War II era. Back then, only 5 percent of Americans had a college degree compared with nearly 30 percent today. This bill does little, if anything, to make college more affordable or expand access to Americans pursuing the dream of a college education. The bill is another step backward in a retreat from affordability and access.

Second, I oppose this bill because the Federal Government should not be in the business of telling colleges and universities that we know better than them when it comes to making decisions concerning the price of tuition, the transfer of credit, and academic freedom and integrity, yet that is what this bill does.

This bill is based on the flawed notion that colleges and universities are not capable of governing themselves and thus need to be directed by Congress. Our solution to this accountability problem is more intrusion into the day-to-day operations of colleges and universities. It is wrong for us to be dictating these decisions, and it is insulting to the colleges.

Worse, this ideology is inconsistent with the reality of what is actually happening on the college campus. It is illogical that Congress imposes government oversight into academia, but does not conduct the same oversight for the oil and pharmaceutical industries, to name just two.

Third, while this bill demonstrates a lack of confidence in the not-for-profit higher education sector, it shows strong confidence in the for-profit sector. As a result, there is less accountability and oversight for that sector.

I want to be clear that there are a great many for-profit schools which are excellent and have been doing a great job for a long, long time; but there is also a long history in the for-profit sector of defrauding students, parents, taxpayers and Congress, and there is skepticism toward the sector of higher education with a stellar record of achievement, that being the not-for-profit sector.

By relaxing safeguards put into place to keep students and taxpayers safe against fraud by proprietary institutions, Congress is essentially giving the for-profit sector their stamp of approval.

For these reasons, I urge my colleagues to vote for the Democratic substitute and vote against final passage of H.R. 609.

Mr. McKEON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from North Carolina (Ms. FOXX), a former community college president, a university administrator, a former TRIO director, someone with great credibility on this subject, and a member of the committee.

Ms. FOXX. Mr. Chairman, I thank the chairman, Majority Leader BOEHNER and the Education and Workforce Committee staff for their hard work on and dedication to the College Access and Opportunity Act.

For many reasons the United States must have a highly educated workforce. This legislation does just that by strengthening math, science and foreign language instruction. It includes incentives to recruit and better prepare more teachers in these critical areas.

Most importantly, to adhere to the initial purpose of the Higher Education Act of 1965, this bill further offers low-income and middle-income youth the opportunity to better themselves and their socioeconomic status through a variety of important reforms.

This bill repeals duplicative and unnecessary programs and removes barriers for a greater number of potential, not to mention current, students.

Two additional parts of the bill about which I am particularly excited are, one, protecting the privacy of students; and, two, helping TRIO programs better demonstrate their effectiveness and results.

In the committee markup, I was able to work with the chairman and staff to offer an amendment ensuring that a unit record database with students' personal information would not be allowed. Privacy of the individual is one of the main tenets on which our great Nation was founded.

I was also able to offer an amendment in committee that would improve and strengthen TRIO programs. As a former director of Upward Bound Special Services programs at a large State university in North Carolina, I know these programs firsthand and how they have helped many achieve their goals of a higher education. I am a believer in the TRIO programs, and that is why I am committed to making them stronger.

There is nothing in current law that provides a way for these programs to demonstrate their effectiveness. If we want to help these programs prove that they are doing all that we know they are, we must institute accountability measures so their purpose and effectiveness will not continue to be questioned.

As a former community college president, university administrator and instructor, I am deeply committed to our students and to seeing that they get the full value of their education. The bottom line is, this bill is much needed and provides greater access for those of lesser means who need it; and I am simply appalled at my colleagues on the other side of the aisle for the misrepresentation of this bill and the good things that it would do for the students of this country.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, the prior speaker said she was appalled by some of the characterizations. Funny, that was my emotion when this Congress just 2 months ago cut $12.5 billion from college assistance, the largest cut in the history of the United States for college assistance. So when you want to get appalled, try getting appalled by the biggest cut, $12.5 billion, from college assistance.

We have all read many articles that in the 21st century a college education is as essential to economic success as a high school education was in the 20th century. In a century in which you earn what you learn, what does the Republican Congress do as one of its first acts? The largest cut in history in college assistance, $12.5 billion.

And on the heels of that, they propose this act which, literally on the heels of a $12.5 billion cut, a bill that would freeze Pell Grants 2 years in a row at the level they are at.

The average Illinois graduate today graduates $15,000 in debt. You are supposed to get your diploma on graduation day. You get your diploma and your Visa credit bill. That is what is happening to our kids. Parents in my district are working second jobs, taking second mortgages so their kids get a chance at a future where doors are opening.

And what are we doing in this Congress? We are slamming the door on their future. We can do better than that. We owe it to our children.

College costs in the last 4 years have gone up, on average, 38 percent; and the United States Congress, under Republican stewardship, has had the largest cut in the history of the country, $12.5 billion, frozen Pell Grants, and not made it easier for parents to give their children the most important thing besides love, an education.

So what are we offering them? More of the same at a time when we all know you need an education. We know about the importance of a college education, and we have done nothing to make it easier for parents to afford an education for their kids, except for a second job or a second mortgage. And that is after the largest cut in the history of the country.

I think that we can do better. I know we can do better. We must rethink the way we apply and get assistance to families so they can send their kids to college. A college education is important for the 21st century.

When World War II was over, we had a GI bill for our returning vets that built the middle class. The GI bill, after a high school education, built America and made the 20th century the American century. It is time now that we make a college education as universal in the 21st century as a high school education was in the 20th century.

This is a step backwards, closing doors on families rather than opening doors and giving kids a chance to do better for the next generation, as their parents have done, and build on their shoulders. We must restore the $12.5 billion of cuts through an amendment that I offered that was denied, and make sure that we do not freeze college assistance, but enrich it and make it stronger.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Chairman, the last speaker, I realize he is not on the Education Committee, but stated an appalling misrepresentation of what has happened on two different fronts. First off, as he probably realizes, or should, this is not an appropriations bill, this is an authorizing bill.

Secondly, what cuts? We readjusted the student loan rates, made them more fair. We went through committee, watched the misrepresentations of how this proceeded, and it continues today.

There are fixed rates now that as the interest rates go up, students around America are actually going to save tremendous amounts of money. Where this cut language comes from is baffling. As a budgeting technique, the exposed risk of the Federal Government, because we are on fixed versus variable, budgets as a cut, but in reality could have saved the government and saved the students in the long run here if you believe interest rates are going to rise, which most people believe they are going to.

It is just an appalling misrepresentation to walk down to Congress and say that we have been cutting education when, if anything, education has been the fastest growing discretionary part of our budget. We have steadily increased funding for education, and now we have an authorizing bill, not a spending bill, an authorizing bill, and any number in there is funny money. What really matters is what you appropriate in education.

The bottom line is this: at two ends we have a problem. One is higher education is changing in America as we go to more online, more lifelong learning; and this bill attempts to accommodate the diversity in the changing nature of higher education.

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But I wanted to particularly talk about one subsection that is important because, as we are moving in international competition, we can't leave people behind. I first came into Congress in 1995 and worked with my friend, Congressman FATTAH on the other side, with the program he had called High Hopes that turned into GEAR UP, which said to kids in the eighth grade who were disadvantaged that we are not going to leave you behind.

In Indiana, it is called the 21st Century Scholars Program. And then Governor Evan Bayh worked with this to say that if you got your Indiana degree from a high school, kept a GPA of 2, stayed clean of drugs and alcohol and didn't commit another crime, went to an Indiana college and applied for Federal aid, we were going to guarantee that you could get some sort of Federal aid or Pell Grant with the State scholarship program.

Here we are continuing GEAR UP. I have been frustrated every year for the past few that the President of the United States has zeroed it out in his budget proposals, but the House has put it back in and gone along with the Senate to keep this program funded. It gives kids an opportunity to say, many kids who thought they would never get a chance to go to college, to say, if you do your part, we will do our part in the government. And part of this GEAR UP High Hopes program is to, just like we do with special needs kids, to say that the State has to have a way to not just make this promise, but to have these field organizations go and work with the individual kids to help them with milestones. Much like the TRIO program has done in college, this now takes it to the high school level to make sure that those who come from disadvantaged backgrounds have some opportunity at least to get a higher education or we are not going to be able to compete in the world. We have to help all Americans and GEAR UP will help give all Americans that chance.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I just want to take this time to highlight a proprietary school in my home county of Bronx, New York. I am delighted that proprietary schools are mentioned in the district and I just want to highlight this degree-granting proprietary school called Monroe College, Bronx, New York, my district, Mr. SERRANO's district. Last June, they graduated 2,000 students, and I have seen firsthand the wonderful job that they do. And these students are particularly minority students, people who want to go back to school and want to have the opportunity to move forward. So with all the other discussions about what is going on with the bill, I just want to say that I am delighted that proprietary schools, particularly degree-granting proprietary schools like Monroe College, are finally getting the recognition that they deserve, and I think that they do deserve recognition because they do good work, again, particularly Monroe College in Bronx, New York.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, Members of the House, there is some suggestion that somehow this bill has become a partisan bill. The fact of the matter is that this bill has continued, as we have done so many bills in the Education Committee, started out on a bipartisan basis, and we worked on that basis over the last couple of years. And then in the last session of Congress, the decision was made in the reconciliation bill to split out the student loan portions of this bill and to make the cut, the now famous $12 billion cut, in the student aid accounts.

We continued to work with the majority, and up until yesterday, when I went in and talked to Mr. McKEON and told him I just didn't think we were going to be able to arrive at a conclusion, and he was getting ready to go to Rules Committee, and I said that we are just not going to get to that point where the Members on my side of the aisle, significant players in the education community and on our committee would not support the legislation. We look forward to continuing to work with him as we go into conference. But the fact of the matter is, I think what Members see in this legislation, when we talk about a missed opportunity, when we talk about a failure to respond is you can continue to put up charts that we are spending more money. Yes, the entitlement programs of Pell and the entitlement loan program are spending more because more students are becoming eligible for them, some because of a bad economy, some because they have decided to go to college.

But the fact of the matter is you are spending more money and you are purchasing less. And the gap that the maximum Pell Grant covers now, it used to cover 40 percent of that student's education. If that student worked full-time during the summer, part-time during school, they could close that gap. Starting this year, they can no longer close that gap. They are going to be about $2,000 short. They are going to be about $2,000 short if they work over that period of time. So the Pell Grant is purchasing less and less of the college education. In just a couple of years, a couple of years from now, that gap will dramatically increase even more.

So what the problem is, and what the Republicans haven't yet recognized is, the conversations that are taking place in families right now as students are trying to put together their aid package, that the student loans, the Pell Grant are purchasing less and less of the cost of that education. And this bill fails to address that. This bill fails to address that because they chose, when they made that $20 billion in cuts, the $12 billion net, they chose not to reinvest those savings in the education programs on behalf of these families and their students. Families will continue and students will continue to pay excessive fees and excessive charges. They will not let the lenders keep them, and they shouldn't let the lenders keep them. But they take what they admit are excessive payments by these families, and they give it for the tax cut. They don't say, here, take this money back; return this to the borrower, let them keep the money, let them pay for their child's education. They take it off and give it off to the tax cuts for the oil companies and the tax cuts to the wealthy.

That is what we talk about when we say a missed opportunity. The Republicans just aren't hearing huge numbers of American families who are struggling with the decision on how to pay for their kids' college education. In that cut, they raise the interest rates on those parents from 7.9 percent to 8.5 percent. The parents are going to have to borrow more under this program. They charge them a 1 percent insurance fee. They say, well, it is waivable, all that. The fact of the matter is they are raising costs at a time when it is harder and harder for families in America to put together the package to pay for that education. And as we see now, even if the students work full time in the summer, part time through the school year, they cannot close that gap. That is what we mean. That is why some of the speakers got up here and said they are worried about the affordability. That is what we mean by the inability to address the needs of families and students who want to pursue a higher education.

Mr. Chairman, I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, a report released last week by a leading consulting firm confirmed that the pro-growth policies championed by this Congress and this President are working. In fact, they have been so successful that, this spring, we are poised to see the strongest job market for our Nation's 1.4 million college graduates since the dot-com bubble burst in 2001. The firm also cited a recent survey that showed employers plan to hire 14.5 percent more new college graduates this year than they did a year ago.

There is a great deal of doom and gloom here in Washington. Some taking part in this debate today certainly are no exception. But the fact is our economy is growing, and the college graduates are feeling the effect. That is why this bill before us is so important today. The legislation will empower students with more information and more resources than ever before as they seek to achieve the dream of attending college.

The College Access and Opportunity Act that we have before us today strengthens the Pell Grant program by providing year-round Pell Grant aid for students attending school throughout the year, and removes an incentive for colleges to raise tuition by repealing the Pell Grant tuition sensitivity language.

It gives higher education consumers more information about what they are getting for their money by establishing college consumer profiles.

It shines a spotlight on excessive tuition hikes through the college affordability index, and it strengthens U.S. competitiveness by sharpening our focus on improving math, science and critical foreign language programs.

Mr. Chairman, simply put, this bill is comprehensive. It is fiscally responsible, and it is worthy of our support.

Again, I thank my colleagues on the committee for their work in crafting the College Access and Accountability Act, and I urge my colleagues to support it on final passage.

Mr. Chairman, before I finish, I have spent 14 years almost now on this committee. I would like to recognize a member of the Education and the Workforce Committee staff, Sally Lovejoy. I have just become chairman of this committee and I was really offended when she let me know that she was leaving. I thought it was because of me. But then I heard that she has been offered a great job, to work with the first lady, representing us in Paris. And that is where she did some of her college work. I think it is a wonderful opportunity, and I am happy that she has the opportunity. We are going to miss her, and we appreciate all of the years, 25 years' work that she has put in on this committee. On behalf of our entire committee and the rest of the staff, I want to thank her for all of her great work.

Mrs. CAPITO. Mr. Chairman, I rise to highlight the designation of West Virginia State University as an eligible school for the Historically Black Graduate Institutions (HBGI) program in H.R. 609, the College Access and Opportunity Act of 2006. The designation was included today in the McKeon Manager's Amendment.

The HBGI program is an important tool in enhancing innovative math and science education programs at our Nation's Historically Black Colleges and Universities. West Virginia State University was designated as a Title III University under the Higher Education Act of 1965 and has participated as an undergraduate Title III Part B institution since 1989.

In 2003, West Virginia State began offering a unique Master's Degree in Biotechnology that emphasizes the skills a biologist will need in the 21st century. The program also studies new technologies and concepts in the biotechnology field. Graduates will be prepared for careers or further studies in Health Care, Biotechnology, or Environmental Sciences.

It is important that our Nation provide the resources necessary to remain the world's leader in science and technology research. Our Nation's education system and especially our colleges and universities are on the front lines in keeping America competitive in the world economy.

I want to recognize Dr. Hazo Carter, President of West Virginia State University and Dr. Orlando McMeans for their hard work in establishing the University as an eligible HBGI institution. I also want to thank Chairman McKEON and the Education and Workforce Committee for working with me to include this important designation in H.R. 609.

Mr. BONILLA. Mr. Chairman, I rise today in support of H.R. 609, the College Access and Opportunity Act of 2006. This legislation will take important steps toward strengthening access, accountability, and affordability for students, teachers, and higher education institutions across our country.

I am particularly pleased by provisions in this legislation to provide year-round and increased Pell Grant aid to certain students. In addition, H.R. 609 will strengthen the TRIO programs, which I have strongly supported since my first election to Congress. Specifically, this bill will increase the minimum grant levels for TRIO programs and ensure our country's veterans are eligible to participate in all TRIO programs and services. I am also pleased that this legislation will reduce red tape and improve flexibility for Hispanic Serving Institutions.

Education is one of the foundations of our Nation's prosperity. This legislation will aid our Nation's students, teachers, and higher education institutions to undoubtedly continue this prosperity. While I do support this legislation, I am, however, very concerned with several provisions regarding private higher education institutions within this bill. Private higher education institutions serve as valuable centers of ideas and innovation in our country. I strongly urge my colleagues to find an equitable agreement to address the issues of concern to private higher education institutions within this bill as it moves forward in the legislative process.

Mr. LEWIS of Kentucky. Mr. Chairman, I am pleased that the House today took essential steps to make college tuition more affordable for middle and low-income students. Ensuring quality higher education is one of the most important things we can do for future generations.

H.R. 609, the College Access and Opportunity Act, will expand access to higher education for millions of students by strengthening Pell Grants, improving access for non-traditional students, reducing red tape, and instituting transparency in tuition costs.

As a cosponsor of this legislation, I am especially pleased that the legislation will strengthen college access programs such as TRIO and GEAR UP. These are important programs that have benefited students in my district, aiding in their ability to attend college.

I would like to mention two provisions in the bill that were brought to my attention by small, independent colleges in my district. Their concerns centered around the affordability provision and the ability for States to become accreditors. There was great fear that the publishing of tuition rate increases and other financial information could lead to a price control or other Federal intervention in tuition increases. Also, there was apprehension that States could be granted the ability to intervene in the accreditation process of private institutions or offer incentives for institutions to choose State accreditation over other regional options.

I appreciate the Committee on Education and the Workforce for their willingness to address the concerns of these institutions. Chairman McKEON's Managers' Amendment made great strides to ease the burdens that both of these provisions could have potentially placed on higher education institutions. The Manager's Amendment makes changes to the penalties for offending institutions and expressly forbids States to offer incentives to encourage schools to choose State accreditation.

I originally filed an amendment with the Rules Committee to address the concern of State intervention in the accreditation process, but the changes by Chairman McKEON were sufficient to ease my concerns. The bill in its current form will prohibit potential overreaching by State accreditors.

The College Access and Opportunity Act addresses the important need to make higher education more affordable and easier to access for low and middle-income students. I am proud to support this legislation and am hopeful that it will sufficiently boost the competitiveness of American students in the global economy.

Mr. PETRI. Mr. Chairman, I want to express my disappointment that the rule to H.R. 609 does not allow my colleagues the opportunity to consider the Student Aid Reward Amendment that I sought to offer with Representative GEORGE MILLER to H.R. 609, the College Access and Opportunity Act. This amendment was based on H.R. 1425, the Student Aid Reward Act, that we introduced last March. Senator KENNEDY and Senator GORDON SMITH have sponsored a companion bill in the Senate.

The STAR program is rooted in my longstanding belief that we have a fundamental obligation to our constituents to eliminate waste, fraud, and abuse in government spending wherever it exists. This amendment would have done just that by cutting $13.4 billion in waste over the next 10 years. Furthermore, it would reinvest those savings both into Pell Grant aid and towards reducing the deficit at no additional taxpayer expense.

The STAR program would reward colleges and universities that choose to participate in the Federal student loan program that is most cost-effective for taxpayers and, in turn, return half of those savings to the schools in the form of Pell Grants for low and middle-income students. This would increase student aid as much as an additional $1,000 per recipient, per year.

The real opportunity in this amendment was that it allowed for an increased investment in education while not costing taxpayers a single penny more. In fact, under the STAR program, there would be enough savings not only to return half to schools that switch to the more cost-effective program, but also to provide an additional 25 percent of those savings to schools that were previously enrolled in the cost-effective program and thus already saving taxpayers money. The final 25 percent would be devoted towards deficit reduction.

All these savings are be made possible due to the startling difference in the cost between the two Federal student loan programs. For the current fiscal year, the Federal Family Education Loan (FFEL) program costs taxpayers nearly three times as much as the exact same loan administered under the Direct Loan (DL) program. For example, if the Federal Government loans a student $100 through the FFEL program, taxpayers will subsidize nearly $11 (10.7 percent) of that loan. However, the same loan under the DL program costs taxpayers only one-third, less than $4 (3.6 percent). In fact, the President's budget office projects that taxpayers will spend $3 billion more this year alone to issue identical loans through the FFEL program than it would cost through the DL program.

Beyond the Office of Management and Budget, other budget experts continue to confirm this cost difference. Earlier this week, the Congressional Budget Office released a score that projected savings from this amendment in the amount of $13.4 billion over the next 10 years—and that's if only 15 percent of colleges choose to participate in the Student Aid Reward program by switching from the FFEL to the DL program. Those savings would be even more substantial with increased participation.

It is important to note that the STAR amendment would not mandate that schools select the most cost-effective program, although we hope that they would. Under this amendment, each college retains their ability to choose their student loan program. Those who choose to be more responsible with taxpayers money would be rewarded with a portion of the savings. Those that decide to continue with the more expensive program face no penalties, other than a missed opportunity to use taxpayer savings to boost their students' Pell Grants. Furthermore, each school would have the choice to leave the STAR program at the end of their five year contract if they are not satisfied with the results for their students.

A critical tenant of this program is that it is budget neutral. Any reward payments to schools are contingent upon actual taxpayer savings that year. We are confident that these savings not only exist, but amount to several billion dollars annually. Both the CBO and OMB continue to confirm this year after year.

The overarching reason that the FFEL program is so much more expensive than the DL program is the excessive subsidies paid to lenders each year to issue loans. As all lenders are guaranteed the exact same subsidies, regardless of their costs and efficiency, lenders do not compete for the benefit of taxpayers, only among themselves for market share. This practice is not only unnecessary but it is irresponsible—especially when the DL program has no similar costs.

The taxpayers not only pay interest subsidies to private lenders, they also subsidize the 13 guaranty agencies that purchase loans from the lenders after a certain period of time has passed. This is also a wasteful practice—especially when the DL program has no similar cost.

I would like to reiterate that this amendment would have in no way mandated that schools choose the DL program over the FFEL program, or even that the DL program will always necessarily be the most cost-effective program. Instead, the amendment stipulated that the Secretary of Education shall determine each year which program is most cost-effective to taxpayers and that schools who participate in that program receive some of the savings. The Secretary would do this by making use of the best data available each year.

I believe that as stewards of taxpayers' money, Congress should always seek to make government more efficient and more accountable. This amendment would have been an important step in that direction. Given the current budget environment, it is shameful that we are not taking full advantage of this opportunity to save money while rededicating some of those savings towards much-needed financial aid. This amendment would have invested over $10 billion in Pell Grants while devoting over $3 billion towards reducing the deficit without costing taxpayers a penny more. Given that this program is budget neutral for taxpayers and completely voluntary for schools, there is absolutely no reason why we should not have taken a close look at this tremendous opportunity.

Fiscal responsibility is a solidly Republican value and, in fact, one that every Member of Congress should support. That is why I am disappointed that my colleagues have been denied the opportunity to consider this amendment. I would encourage all House Members, instead, to consider cosponsoring H.R. 1425, the Student Aid Reward Act, to show their support for increased government efficiency and maximizing taxpayer investment in education.

Mr. WOLF. Mr. Chairman, I rise today in support of H.R. 609, the College Access and Opportunity Act. This bill recognizes the unprecedented challenges that America is facing from countries like China and India and targets resources to increase the number of math, science and engineering professionals.

As chairman of the House Science-State-Justice-Commerce Appropriations subcommittee, which controls the budget of NASA, the National Science Foundation, the White House Office of Science and Technology policy and NOAA, I have spoken with groups of leading Americans who represent a cross section of our nation. Over the past few months, groups that advocate for business, education, and research and development have all told me that America is at the very least in a stall, and many believe in a decline, when it comes to global competition in science and technology. Three key measuring sticks are down: patents awarded to American scientists; papers published by American scientists; and Nobel prizes won by American scientists.

There is a critical shortage of math, science and engineering students in the United States. Unfortunately, there has been little public awareness of this downward trend and its implications for jobs, industry or national security in America's future. With the president's American Competitiveness Initiative announced at the State of the Union earlier this year, public awareness is increasing, but we still need to do everything we can to help attract more students to these fields.

Last April, I introduced legislation with Representative VERN EHLERS, MI, and Representative SHERRY BOEHLERT, NY, aimed at attracting more students to math, science, engineering and related fields. H.R. 1547, the Math and Science Incentive Act, would forgive interest on undergraduate student loans for math, science and engineering majors who agree to work 5 years in their field upon graduation.

I appreciate Chairman MCKEON and former Chairman BOEHNER's recognition of the value of using loan forgiveness as an incentive to attract and retain more students, particularly undergraduates, into these critical fields and the inclusion of this provision of this legislation as a provision in H.R. 609.

Authorizing the Secretary of Education to pay up to $5,000 of the interest accrued on student loans for math, science and engineering majors who agree to work for 5 years in their field of study may make all the difference in the world for a student considering whether or not to stick with an engineering degree program. These are certainly challenging subjects.

Recognizing how critical the competitiveness issue is today, the Education and Workforce Committee also included in H.R. 609 a provision for Honors Scholarships for students pursuing a baccalaureate, master's, or doctoral degree in science, math, or engineering as well as a provision for grants to better coordinate and implement reforms that improve math and science education, as well as better teacher recruitment and training.

H.R. 609 augments the recently approved National Science and Mathematics Access to Retain Talent Grants, National SMART Grants. National SMART Grants provide grants of up to $4,000 to Pell Grant-eligible students in their third and fourth academic year of undergraduate education at a 4-year, degree-granting institution of higher education. The student must be pursuing a major in the physical, life, or computer sciences, math, technology, or engineering, or a foreign language. The student must also have a grade-point average of at least 3.0.

America is poised to mobilize again to ensure that our country remains the world leader in innovation. This bill helps our country face the challenge before us all. I believe our future as the solid world leader in innovation is again looking bright, particularly in light of the resources we're targeting at the higher education level.

I urge my colleagues to join me in supporting H.R. 609 and thank the committee for its good work on this legislation.

Mr. GREEN of Wisconsin. Mr. Chairman, we have an important opportunity before us today to protect the rights of all students who attend higher education institutions. H.R. 609, the "College Access and Opportunity Act," includes "Academic Bill of Rights" language that would ensure the rights of all students to express their ideological, religious, and political beliefs without fear of retribution. I am pleased that this language has been included in the House's efforts to improve the accessibility of higher education.

No student attending college in America should have to worry that they are being graded on anything other than their knowledge of a subject. This portion of H.R. 609 would simply express the sense of Congress that higher learning institutions are places for diverse approaches and viewpoints, that campus funds should be used for the selection of a variety of speakers and presentations, and that every student should feel confident in their ability to speak freely in the classroom without fear of reprisal from their teachers, classmates, or administrators.

Unfortunately, I have seen first-hand how students' individual liberties can be compromised by their school's officials. Earlier this year, the administration of my alma mater, the University of Wisconsin–Eau Claire, enforced a ban on resident assistants having private, non-mandatory Bible studies in their own room. This was a blatant disregard of student's religious freedom, and thankfully, the university reversed their position on the matter after extensive debate and pressure from myself and members of the community.

Simply put, this is not a conservative or liberal issue—it's just a common sense way for Congress to urge schools to take academic freedom seriously. I'm also pleased that this language would not impose any controls or limits on institutions, but would help to ensure students are afforded some protection in expressing a variety of viewpoints.

Once again, I applaud efforts by the House Education and Workforce community, along with members of the higher education community, to include Academic Bill of Rights language in H.R. 609. It can only serve to strengthen the academic standards of free speech and diversity that universities already work so hard to develop, and I urge my colleagues to join me in supporting academic freedom for all of our nation's higher education students.

Mrs. JONES of Ohio. Mr. Chairman, I rise today to voice my strong opposition to H.R. 609, the Higher Education Reauthorization Act. I believe this is a missed opportunity to make a genuine effort to provide educational opportunities to our children. I am disappointed that this bill does not effectively address the financial needs of low and middle income students.

After passage of the Deficit Reduction Act, the Republicans put another financial hurdle in the way of many students ability to pay for college. They cut funding for student loans while raising the interest rate. I am also bothered that the Academic Competitiveness Grants that were created make part-time students ineligible for them. This effectively exempts 62 percent of community college students. If we are to create grants aimed at assisting students attending college we need to make them available to all students who qualify full and part-time.

H.R. 609 is the vehicle to correct the wrong that has been done to underprivileged students, but sadly it does not address it. H.R. 609 caps Pell Grants at $6000, this amount does not adequately address the needs of low income students. It does not decrease the interest rates on students' loans, and it does not increase the authorization of Perkins Loans. With growing tuition costs we need to be doing everything we can to assist students in seeking a higher education.

H.R. 609 does not adequately address the needs of our Nation's students, and I want to express my oppositions to its passage.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the bill before us today is a crucial authorization bill for the future of our Nation, and yet, I am disappointed because an opportunity has been missed.

I am pleased that certain cornerstones of higher education policy remain strong and supported in this bill, such as the overall continuation of Federal assistance for students in need of help to afford higher education, as well as the ongoing recognition of the value of

Historically Black Colleges and Universities and institutions serving other minority populations.

This bill represents a wonderful opportunity both to improve access to higher education for America's low- and middle-income students and to improve the quality of teacher education and preparation programs. Every HEA reauthorization since 1965 has focused on the expansion of college opportunity. Unfortunately, H.R. 609 in its current form does not carry forward this legacy because it fails to provide the necessary supports to enable students to enter and succeed in college such as increased need-based aid and lessening the loan burden.

We believe that the future of our youth is the future of our country; an investment in our children is an investment for America. Teachers are responsible for the development of the United States through their impact in our classrooms. It is greatly appreciated when teachers begin the process of intellectual development for our children, but there is an even greater appreciation when teachers continue working with those children throughout the years. Teachers are quite often the role models of the children who eventually go on to serve the United States through avenues of public service.

For our country to move in the direction of progress, we Members, as representatives of the people, must follow the provisions of the Higher Education Act, especially in regards to the activities addressed in Title II of that document. Activities such as the disbursement of teacher quality enhancement grants for our states and grants preparing the teachers of tomorrow with the newest technology of today benefit society as a whole.

Many amendments under consideration will help this bill achieve its goal and I encourage my colleagues to consider each carefully. I, unfortunately, have a difficult time supporting this bill as it is currently written—it could have been so much more. The closed rule inhibits an open process and also contributes to my inability to support this legislation. I know that several amendments attempted to try to increase the Pell Grant maximum, for example—and yet none of them were announced for consideration by the Rules committee.

We are talking about our future here—we are talking about students who are pursuing programs that will help us manage our financial and economic systems, grow diplomatic relations, communicate more effectively, and most of all, teach us how to successfully administer and secure our country. A lot is at stake—and I wish this bill answered this need completely.

Mr. Chairman, I rise to speak on a corner stone of our Nation's future: higher education.

PELL GRANT

The average public institution tuition in 2005–2006 was $5,490 dollars, and tuition increased 7.1 percent from the year before. If tuition continues to increase even 5 percent every year as it has for the last decade, in 2012 the average tuition will rise to an average of $7,350 dollars. The maximum amount of aid available should increase as well to reflect the growing cost of education.

The current bill provides for the maximum of $6,000 that would barely cover the average cost of a public institution for 1 year today. This bill provides the Pell grant maximum in this current version of the bill. If $6,000 isn't enough today it won't be enough in 6 years.

This modest increase to $7,300 in my amendment is not a required minimum, it is the allowable maximum. This is a critical amendment that will help students in need of Federal assistance to access to higher education.

BLIND AND VISION-IMPAIRED STUDENTS

Literacy—the ability to read and write—is vital to a successful education, career, and quality of life in today's world.

Whether in the form of curling up with a good book, jotting down a phone number, making a shopping list, or writing a report, being literate means participating effectively at home and in society.

Currently, nearly 94,000 children in the United States who are blind or visually impaired are being helped by some form of special education. These students are an extremely diverse group ranging from infants to young adults through age 21.

The nature and degree of their visual impairments are equally diverse, as are the ways they adapt to their vision loss. Some students have other disabilities in addition to visual impairment. Their level of academic functioning spans a great range. And in every way they are as disparate as any other group of individuals in terms of ethnic and racial background, religion, geographic location, and income. Given this diversity, it is important to , remember that each child needs to be viewed as an individual with unique needs.

Literacy is a crucial skill for success for the blind and visually-impaired, not only quality of life as individual, but also employment opportunities.

Fewer than one-third of the working-age visually impaired population in the United States is in the labor force. Today, underemployment and unemployment have remained a serious issue for adults with visual impairments. Whether from insufficient attention given to developing appropriate work skills or other causes, these statistics are alarming and unacceptable.

Several research studies found that successful individuals with visual impairments often share the following common characteristics: positive attitudes about work and about themselves, realistic occupational goals, good orientation and mobility skills, good communication skills, expanded social networks, involvement within the community, and good independent living skills. For students who are blind or visually impaired, it is not enough to merely discuss appropriate attributes related to work and adult responsibilities. These students must also be offered work-related experiences to build their life skills.

Of those employed, 93 percent read Braille. This simple statistic demonstrates just how powerful knowledge accessibility can be. Blind and visually impaired higher education students depend on Braille texts for access to higher education across the board, and this amendment encourages publishers, professors, and universities to help each and every student achieve.

This bill also does not adequately address the needs of blind or vision impaired students. Students in higher education classes regularly face unnecessary barriers to the content of the class.

Although textbooks are updated almost yearly and republished, it is rare that the book will be published in Braille after the initial release. My amendment encourages publishers, professors and universities to pay special attention to this accessibility issue.

I certainly recognize that Braille materials are often costly. I have written the amendment in the form of a Sense of Congress in order to encourage publishers, professors, and institutions of higher education to work together to help students get access to materials.

Purchasing Braille textbooks is often too expensive for individual schools. For example, Webster's Dictionary is 72 volumes in Braille and costs $1,381. I am not advocating that publishers release a Braille version of each textbook—supplements of updated content may suffice. The point is to get these entities with the power to make educational materials available to work together and actually make higher education accessible to blind and vision-impaired students.

There is a growing movement to transcribe and transfer textbooks into electronic formats. This is a wonderful solution, however, the learning curve is prohibitive, and the technology is not mainstreamed quite yet. This amendment encourages a re-examination of existing resources, in order to ensure that students have in front of them the materials.

We must continue to ensure equal access to our education system for all of the children in our Nation—at the very least, we shouldn't let outdated textbooks prevent students from obtaining an education. I hope my colleagues will join me in supporting this amendment.

LEARNING DISABILITIES STUDIES

My last amendment requires the Education department to do a study on students who have achieved higher education even though they have learning abilities, in the hope that indications for success can be discovered that can be applied to younger grades. The overall goal is to encourage and help students with learning disabilities achieve a higher education.

I would add Sec. 929, readjusting the subsequent numbers as necessary: Sec. 929: Study of Students with Learning Disabilities in Higher Education. The Secretary of Education shall conduct a study of the occurrence of students attending institutions of higher education seeking assistance for learning disabilities how institutions of higher education are addressing the needs of this specific population in terms of outreach, accessibility, financing, and student support services, including online education. The Secretary shall submit a report on the study to the Committee on Education and the Workforce of the House of Representatives that includes recommendations on measures the Federal Government can take to address the needs in regards to education and job training for students with learning disabilities pursuing higher education, as well as recommendations to encourage and support primary and secondary education students with learning disabilities to pursue and achieve higher education.

These 3 amendments are necessary to increase higher education opportunities to ease the financial burden on students and provide accommodations for students with special needs.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong opposition to H.R. 609, the College Access and Opportunity Act of 2006. This legislation misses a critical opportunity to provide students from moderate and low income families, access to the American dream. This legislation further depletes our already underfunded Federal student aid programs, placing post-secondary education even further out of reach for the students who need it the most. To be sure, I share the concerns of my colleagues and my constituents, about the rising costs of college and the difficulties of obtaining student aid. However, I am convinced that H.R. 609 fails to adequately address these issues.

Mr. Chairman, my concerns with H.R. 609 extend beyond the fact that it squanders an opportunity to enhance America's economic competitiveness, by providing a future generation of highly skilled workers. I have serious concerns about additional provisions contained within the bill. I am terribly concerned about the rising costs of college tuitions across the Nation, and I commend the House Education & Workforce Committee for attempting to address this issue. In fact, I believe that some of the provisions addressing the rising costs of college could aid in addressing this issue. However, I believe that we must tread carefully when setting price controls on college tuitions. It is imperative that we do not infringe upon the independence of our Nation's private and religious institutions.

Mr. Chairman, I also am concerned with provisions contained in H.R. 609 that would allow states to function as an accrediting body. If we are going to legislate a deviation from the existing quasi-independent programmatic and institutional accrediting bodies, we must remain cognizant of the potential for major conflicts of interest and the emergence of divisions among public and independent institutions. Politics, demographics, higher education strategies, and economic incentives are among the factors that could contribute to the unintended result of compromising the independence of our nation's private colleges and universities.

Mr. Chairman, last month the Republican majority of the House of Representatives voted to raid Federal student aid programs of $12 billion, in the budget reconciliation bill. As you may recall, all of my Democratic colleagues voted against that misguided legislation. Once again I encourage my colleagues, on both sides of the aisle, to stand up for the children of America's hard working families and support increased access to higher education for all students. I urge my colleagues to vote against final passage of H.R. 609, the College Access and Opportunity Act of 2006.

Mr. POMEROY. Mr. Chairman, I rise to say that I will be voting against H.R. 609. In this age of rising global competitiveness, graduating from college has never been more important for America's students. However, as the importance of obtaining higher education is rising, so is college tuition and the amount of debt that students must borrow to earn a college degree. Since 2002, the cost of college has increased over 40 percent, with North Dakota's largest schools increasing their tuition by double digits in the past two academic years. In addition, last year 9.7 million students received federal education loans, with the typical student borrowing $15,500 to finance a bachelor's degree.

In this climate, the bill before the House today does not adequately address the problem of college accessibility. First, the bill does not reverse the changes made in the budget reconciliation bill passed earlier this year, which included the largest cuts to the student aid program ever. The reconciliation bill increased interest rates for new loans to students and parents and imposed new consolidation fees on borrowers, making the repayment of loans more difficult. Second, although H.R. 609 does include some improvements to aid programs, these changes are not adequate to address the problems outlined above. For example, although H.R. 609 increases the maximum Pell grant award, the award was only increased $200—not enough to meet the increasing costs of college tuition. Unfortunately, H.R. 609 does not do enough for students and parents facing college costs and I am hopeful that this bill can be improved as it progresses through the legislative process.

Ms. EDDIE BERNICE JOHNSON of Texas. I would be remiss if I did not make clear to the Chairman and to the Ranking Democrat on the Committee my very real concern about the Committee's failure to address an obvious shortcoming in this bill resulting from the creation of the Academic Competitiveness Grants and the SMART Grants in the Omnibus Deficit Reduction Act of 2005 (P.L. 109–171). Namely, while we have offered low-income, language minority, and "first-generation" college students an attractive reward—significant grant aid to help pay for college—especially for those who major in the STEM areas and in foreign language—we have not provided a means for many of them to qualify for such grants.

Two things must be done to ensure that we build a pipeline for these students to qualify for these important new additions to our Federal Student Aid arsenal if we are to pave the way for access and educational opportunity for all of our students. First, we must help prepare low-income, language minority, and "first-generation" students to be successful in the eighteen core courses that the extent research tells us will help ensure academic success in college. Second, we must work to be sure that those courses—Algebra I and II, Plane Geometry, Biology, Chemistry and Physics, World History, Geography, Economics, Government, English, and Foreign Language—are all well-taught in every high school in America.

In many urban and rural high schools, academically rigorous college preparatory courses are simply not taught, and our students and the Nation suffer as a result. This week, the Center for Education Policy released the results of a recent survey under the No Child Left Behind Act. The Center for Education Policy survey not only found that teachers are "teaching to the test," but that non-reading and math course work is being short-changed or eliminated to ensure that poor performing students achieve the NCLB performance levels. This means that history and science are not being taught so kids can perform well on reading and math tests. Clearly this will achieve one goal, but it will sacrifice these students' future preparedness for post-secondary academic success.

We can do better and we must. I want to work with my colleague Representative FATTAH, with you Mr. Chairman and with my friend from California Mr. MILLER to fashion a solution that will work.

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to H.R. 609, the College Access and Opportunity Act. H.R. 609 reauthorizes the Higher Education Act (HEA), including all discretionary programs under the HEA, such as Federal student financial aid programs, teacher training programs, and programs that provide aid to institutions of higher education serving minority populations. Reauthorizing the HEA provided the House with an excellent opportunity to invest in our Nation's future by making college more accessible and affordable. Unfortunately, H.R. 609 does not provide the investment in higher education necessary to make college more affordable and to ensure our Nation's future economic competitiveness and prosperity.

HEA reauthorization bills typically include all mandatory and discretionary programs in the HEA, and H.R. 609, as reported by the House Education and Workforce Committee, included both mandatory and discretionary programs. The recently enacted Deficit Reduction Act (P.L. 109–171) reauthorized the mandatory Federal student loan programs, but cut Federal student aid programs by $12.7 billion—the largest cut ever in the Federal student loan program.

Specifically, P.L. 109–171 doubles the origination fee for students getting Direct Loans from an effective 1.5 percent to 3 percent in 2006. Additionally, P.L. 109–171 requires lenders to collect a 1 percent fee on Federal Family Education Loans (FFEL) that may come directly from students' pockets or the lenders' own operating expenses. P.L. 109–171 also increases the fixed rate on parent loans to 8.5 percent (Under current law, beginning in July 2006 parent loans would have a fixed rate of 7.9 percent). Finally, P.L. 109–171 eliminates all mandatory spending for administration of all higher education programs, which shows a savings of $2.2 billion; however, the only way these savings can occur is if Congress chooses not to appropriate this money—which could jeopardize not only student loan programs, but also programs like Pell Grants, TRIO, and Work Study programs.

H.R. 609 presented the House with an opportunity to correct these misguided increases in fees and rates on students and their families. Unfortunately, the House approved a rule for consideration of H.R. 609, which prohibited amendments from being offered addressing the fee and rate increases for students and their families.

Additionally, while H.R. 609 authorizes a maximum Pell Grant scholarship award of $6,000, the bill does not include any mandatory spending increases for Pell Grant funding, which will ensure that the amount actually appropriated remains frozen. For instance, the Bush Administration's FY 2007 budget proposes to freeze maximum Pell Grant scholarship award at $4,050, where it has been held since 2003. This is troubling because, during this same period, the average tuition and fees at a four-year public college have risen by $1,393. Further, when adjusted for inflation, the maximum Pell Grant award is actually worth $900 less than the maximum scholarship 30 years ago.

I instead supported the Miller-Kildee-Scott-Davis-Grijalva substitute amendment that boosts college opportunities and makes college more affordable. Specifically, this legislation would offer the 3.4 percent fixed interest rate to students who take out subsidized loans between July 1, 2006, and June 30, 2007, which would lower the cost of college by $2.4 billion for students and their families. This amendment would have also repealed the single holder rule, which requires student borrowers to consolidate their loans with their existing lender. Under the substitute amendment, the borrower could choose which lender he or she wished to use to consolidate loans. Additionally, this substitute amendment would have provided loan forgiveness for nurses, highly qualified teachers in bilingual and low-income communities, librarians, first responders, and other public servants.

With our Nation is facing increasing competition from rising economic powers, such as China and India, it is more important that ever that Congress work to improve the accessibility and affordability of a college education. Funding for higher education is an investment, not a cost, which will produce an educated, talented workforce to ensure our nation's future economic competitiveness and prosperity.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. DENT). All time for general debate has expired.

In lieu of the amendment printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee print dated March 22, 2006. The amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "College Access and Opportunity Act of 2006".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. References; effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. Definition of institution of higher education.
  "Sec. 101. Definition of institution of higher education.
  "Sec. 102. Institutions outside the United States.
  "Sec. 123. Restrictions on funds for for-profit schools.
Sec. 102. New borrower definition.
Sec. 103. Student speech and association rights.
Sec. 104. National Advisory Committee on Institutional Quality and Integrity.
Sec. 105. Alcohol and drug abuse prevention.
Sec. 106. Prior rights and obligations.
Sec. 107. Limitation on certain uses of funds.
  "Sec. 124. Limitation on certain uses of funds.
Sec. 108. Consumer information and public accountability in higher education.
  "Sec. 131. Consumer information and public accountability in higher education.
Sec. 109. Databases of student information.
  "Sec. 132. Databases of student information prohibited.
Sec. 110. Performance-based organization.

TITLE II—TEACHER PREPARATION

Sec. 201. Teacher quality enhancement grants.

"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

  "Sec. 201. Purposes; definitions.
  "Sec. 202. State grants.
  "Sec. 203. Partnership grants.
  "Sec. 204. Teacher recruitment grants.
  "Sec. 205. Administrative provisions.
  "Sec. 206. Accountability and evaluation.
  "Sec. 207. Accountability for programs that prepare teachers.
  "Sec. 208. State functions.
  "Sec. 209. General provisions.
  "Sec. 210. Authorization of appropriations.
Sec. 202. Preparing tomorrow's teachers to use technology.
Sec. 203. Centers of excellence.

"PART C—CENTERS OF EXCELLENCE

  "Sec. 231. Purposes; definitions.
  "Sec. 232. Centers of excellence.
  "Sec. 233. Authorization of appropriations.
Sec. 204. Teacher incentive fund program.

"PART D—TEACHER INCENTIVE FUND PROGRAM

  "Sec. 241. Purpose; definitions.
  "Sec. 242. Teacher incentive fund grants.
  "Sec. 243. Evaluations.
  "Sec. 244. Authorization of appropriations.
Sec. 205. Transition.

TITLE III—INSTITUTIONAL AID

Sec. 301. Title III grants for American Indian Tribally Controlled Colleges and Universities.
Sec. 302. Alaska Native and Native Hawaiian-serving institutions.
Sec. 303. Grants to part B institutions.
Sec. 304. Technical amendments.
Sec. 305. Title III authorizations.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS

Sec. 401. Pell Grants.
  "Sec. 401A. Pell Grants Plus: achievement grants for State scholars.
Sec. 402. TRIO programs.
Sec. 403. TRIO reform.
  "Sec. 402G. Staff development activities.
  "Sec. 402H. Evaluations.
Sec. 404. GEARUP.
Sec. 405. Federal Supplemental Educational Opportunity Grants.
Sec. 406. LEAP.
Sec. 407. HEP/CAMP program.
Sec. 408. Robert C. Byrd Honors Scholarship Program.

"SUBPART 6—ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

  "Sec. 419A. Robert C. Byrd mathematics and science honors scholarship program.
  "Sec. 419B. Mathematics and science incentive program.
  "Sec. 419C. Mathematics and science education coordinating council grants.
  "Sec. 419D. Authorization of appropriations.
Sec. 409. Child care access.
Sec. 410. Learning anytime anywhere partnerships.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Sec. 421. Loan forgiveness for service in areas of national need.
  "Sec. 428K. Loan forgiveness for service in areas of national need.
Sec. 422. Additional administrative provisions.

PART C—FEDERAL WORK-STUDY PROGRAMS

Sec. 441. Authorization of appropriations.
Sec. 442. Community service.
Sec. 443. Allocation of funds.
Sec. 444. Books and supplies.
Sec. 445. Job location and development.
Sec. 446. Work colleges.

PART D—FEDERAL DIRECT LOAN PROGRAM

Sec. 451. Income contingent repayment.

PART E—FEDERAL PERKINS LOAN PROGRAM

Sec. 461. Reauthorization of program.
Sec. 462. Loan terms and conditions.
Sec. 463. Loan cancellation.
Sec. 464. Technical amendments.

PART F—NEED ANALYSIS

Sec. 471. Significantly simplifying the student aid application process.
Sec. 472. Discretion of student financial aid administrators.

PART G—GENERAL PROVISIONS RELATING TO STUDENT FINANCIAL ASSISTANCE

Sec. 481. Expanding information dissemination regarding eligibility for Pell Grants.
Sec. 482. Student eligibility.
Sec. 483. Institutional refunds.
Sec. 484. Institutional and financial assistance information for students.
Sec. 485. Distance education demonstration program.
Sec. 486. College affordability demonstration program.
  "Sec. 486A. College affordability demonstration program.
Sec. 487. Program participation agreements.
Sec. 488. Additional technical and conforming amendments.

PART H—PROGRAM INTEGRITY

Sec. 495. Accreditation.
Sec. 496. Report to Congress on prevention of fraud and abuse in student financial aid programs.
  "Sec. 499. Report to Congress on prevention of fraud and abuse in student financial aid programs.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Definitional changes.
Sec. 502. Assurance of enrollment of needy students.
Sec. 503. Additional amendments.
Sec. 504. Postbaccalaureate opportunities for Hispanic Americans.

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

  "Sec. 511. Purposes.
  "Sec. 512. Program authority and eligibility.
  "Sec. 513. Authorized activities.
  "Sec. 514. Application and duration.
Sec. 505. Authorization of appropriations.

TITLE VI—TITLE VI AMENDMENTS

Sec. 601. International and foreign language studies.
Sec. 602. Business and international education programs.
Sec. 603. Institute for International Public Policy.

"Sec. 621. Program for foreign service professionals.
Sec. 604. Evaluation, outreach, and dissemination.
"Sec. 632. Evaluation, outreach, and dissemination.
Sec. 605. Advisory Board.
"Sec. 633. International Higher Education Advisory Board.
Sec. 606. Recruiter access to students and student recruiting information; safety.
"Sec. 634. Recruiter access to students and student recruiting information.
"Sec. 635. Student safety.
Sec. 607. National study of foreign language heritage communities.
"Sec. 636. National study of foreign language heritage communities.

TITLE VII—TITLE VII AMENDMENTS

Sec. 701. Javits fellowship program.
Sec. 702. Graduate assistance in areas of national need.
Sec. 703. Thurgood Marshall legal educational opportunity program.
Sec. 704. Fund for the improvement of postsecondary education.
Sec. 705. Urban community service.
Sec. 706. Demonstration projects to ensure students with disabilities receive a quality higher education.

TITLE VIII—CLERICAL AMENDMENTS

Sec. 801. Clerical amendments.

TITLE IX—AMENDMENTS TO OTHER EDUCATION LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

Sec. 901. Laurent Clerc National Deaf Education Center.
Sec. 902. Authority.
Sec. 903. Agreement for the National Technical Institute for the Deaf.
Sec. 904. Definitions.
Sec. 905. Audit.
Sec. 906. Reports.
Sec. 907. Liaison for educational programs.
Sec. 908. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf.
Sec. 909. Oversight and effect of agreements.
Sec. 910. Authorization of appropriations.
"Sec. 1. Short title.

PART B—ADDITIONAL EDUCATION LAWS

Sec. 921. Cancellation of student loan indebtedness for survivors of victims of the September 11, 2001, attacks.
Sec. 922. Amendment to Higher Education Amendments of 1998.
Sec. 923. Tribally Controlled College or University Assistance Act of 1978.
Sec. 924. Navajo Community College Act.
Sec. 925. Education Amendments of 1992.
Sec. 926. Study of student learning outcomes and public accountability.
Sec. 927. Study of minority graduation rates.
Sec. 928. Study of education-related indebtedness of medical school graduates.
Sec. 929. Study of adult learners.
Sec. 930. Increase in college textbook prices.

SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

(a) AMENDMENT.—Title I is amended by striking sections 101 and 102 (20 U.S.C. 1001, 1002) and inserting the following:

"SEC. 101. DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

"(a) INSTITUTION OF HIGHER EDUCATION.—For purposes of this Act, the term 'institution of higher education' means an educational institution in any State that—

"(1) admits as regular students only individuals who—

"(A) meet the requirements of section 484(d)(3), or have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

"(B) are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(C) will be dually enrolled in that institution and a secondary school;

"(2) is legally authorized within such State to provide a program of education beyond secondary education;

"(3)(A) is accredited by a nationally recognized accrediting agency or association; or

"(B) if not so accredited, is a public or nonprofit institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time; and

"(4) meets either of the following criteria:

"(A) is a nonprofit, for-profit, or public institution that—

"(i) provides an educational program for which the institution awards a bachelor's, graduate, or professional degree;

"(ii) provides not less than a 2-year educational program which is acceptable for full credit towards such a degree;

"(iii) provides not less than a 1-year program of training that prepares students for gainful employment in a recognized occupation; or

"(iv) awards a degree that is acceptable for admission to graduate or professional degree programs, subject to the review and approval of the Secretary; or

"(B) is a nonprofit, for-profit, or public institution that provides an eligible program (as defined in section 481)—

"(i) for which the institution awards a certificate; and

"(ii) that prepares students for gainful employment in a recognized occupation.

"(b) ADDITIONAL LIMITATIONS.—

"(1) FOR-PROFIT POSTSECONDARY INSTITUTIONS.—

"(A) DURATION OF ACCREDITATION.—A for-profit institution shall not be considered to be an institution of higher education unless such institution is accredited by a nationally recognized accrediting agency or association and such institution has been in existence for at least 2 years.

"(B) INSTITUTIONAL ELIGIBILITY ONLY FOR COMPETITIVE GRANTS.—For the purposes of any program providing grants to institutions for use by the institution (and not for distribution among students), a for-profit institution shall not be considered to be an institution of higher education under this section if such grants are awarded on any basis other than competition on the merits of the grant proposal or application.

"(2) POSTSECONDARY VOCATIONAL INSTITUTIONS.—A nonprofit or public institution that meets the criteria of subsection (a)(4)(B) shall not be considered to be an institution of higher education unless such institution has been in existence for at least 2 years.

"(3) LIMITATIONS BASED ON MANAGEMENT.—An institution shall not be considered to meet the definition of an institution of higher education in this section if—

"(A) the institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except that this paragraph shall not apply to a nonprofit institution, the primary function of which is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that filed for bankruptcy under chapter 11 of title 11, United States Code, between July 1, 1998, and December 1, 1998; or

"(B) the institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of Federal, State, or local government funds, or has been judicially determined to have committed a crime involving the acquisition, use, or expenditure involving Federal, State, or local government funds.

"(4) LIMITATION ON COURSE OF STUDY OR ENROLLMENT.—An institution shall not be considered to meet the definition of an institution of higher education in subsection (a) if such institution—

"(A) offers more than 50 percent of such institution's courses by correspondence (excluding courses offered by telecommunications as defined in section 484(*l*)(4)), unless the institution is an institution that meets the definition in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998;

"(B) enrolls 50 percent or more of the institution's students in correspondence courses (excluding courses offered by telecommunications as defined in section 484(*l*)(4)), unless the institution is an institution that meets the definition in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998, except that the Secretary, at the request of the institution, may waive the applicability of this subparagraph to the institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2- or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;

"(C) has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for an institution that provides a 2- or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary certificate, respectively; or

"(D) has a student enrollment in which more than 50 percent of the students either do not meet the requirements of section 484(d)(3) or do not have a secondary school diploma or its recognized equivalent, and does not provide a 2- or 4-year program of instruction (or both) for which the institution awards an associate's degree or a bachelor's degree, respectively, except that the Secretary may waive the limitation contained in this subparagraph if an institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not meet the requirements of section 484(d)(3) or do not have a secondary school diploma or its recognized equivalent.

"(c) LIST OF ACCREDITING AGENCIES.—For purposes of this section, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part H of title IV, to be reliable authority as to the quality of the education or training offered.

"(d) CERTIFICATION.—The Secretary shall certify, for the purposes of participation in title IV, an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part H of title IV.

"(e) LOSS OF ELIGIBILITY.—An institution of higher education shall not be considered to meet the definition of an institution of higher education in this section for the purposes of participation in title IV if such institution is removed from eligibility for funds under title IV as a result of an action pursuant to part H of title IV.

"SEC. 102. INSTITUTIONS OUTSIDE THE UNITED STATES.

"(a) INSTITUTIONS OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—An institution outside the United States shall be considered to be an institution of higher education only for purposes of part B of title IV if the institution is comparable to an institution of higher education, as defined in section 101, is legally authorized by the education ministry (or comparable agency) of the country in which the school is located, and has been approved by the Secretary for purposes of that part. The Secretary shall establish criteria by regulation for that approval and that determination of comparability. An institution may not be so approved or determined to be comparable unless such institution is a public or nonprofit institution, except that, subject to paragraph (2)(B), a graduate medical school or veterinary school located outside the United States may be a for-profit institution.

"(2) MEDICAL AND VETERINARY SCHOOL CRITERIA.—In the case of a graduate medical or veterinary school outside the United States, such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

"(A) in the case of a graduate medical school located outside the United States—

"(i)(I) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

"(II) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

"(ii) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

"(B) in the case of a veterinary school located outside the United States that is not a public or nonprofit institution, the institution's students complete their clinical training at an approved veterinary school located in the United States.

"(b) ADVISORY PANEL.—

"(1) IN GENERAL.—For the purpose of qualifying a foreign medical school as an institution of higher education only for purposes of part B of title IV, the Secretary shall publish qualifying criteria by regulation and establish an advisory panel of medical experts that shall—

"(A) evaluate the standards of accreditation applied to applicant foreign medical schools; and

"(B) determine the comparability of those standards to standards for accreditation applied to United States medical schools.

"(2) FAILURE TO RELEASE INFORMATION.—The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subsection (a)(2) shall render such institution ineligible for the purpose of part B of title IV.".

(b) RESTRICTIONS ON FUNDS FOR FOR-PROFIT SCHOOLS.—Part B of title I is amended by inserting after section 122 (20 U.S.C. 1011k) the following new section:

"SEC. 123. RESTRICTIONS ON FUNDS FOR FOR-PROFIT SCHOOLS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act authorizing the use of funds by an institution of higher education that receives funds under this Act, none of the funds made available under this Act to a for-profit institution of higher education may be used for—

"(1) construction, maintenance, renovation, repair, or improvement of classrooms, libraries, laboratories, or other facilities;

"(2) establishing, improving, or increasing an endowment fund; or

"(3) establishing or improving an institutional development office to strengthen or improve contributions from alumni and the private sector.

"(b) EXCEPTION.—Subsection (a) shall not apply to funds received by the institution from the grant, loan, or work assistance that is awarded under title IV to the students attending such institution.

"(c) INELIGIBILITY FOR CERTAIN PROGRAMS.—Notwithstanding section 101, a for-profit institution of higher education shall not be considered an eligible institution for the programs under titles III and V of this Act.".

(c) CONFORMING AMENDMENTS.—

(1) Section 114(a) (20 U.S.C. 1011c(a)) is amended by striking "(as defined in section 102)".

(2) Section 435(a)(1) (20 U.S.C. 1085(a)(1)) is amended by striking "section 102" and inserting "section 101".

(3) Subsection (d) of section 484 (20 U.S.C. 1091(d)) is amended by striking the designation and heading of such subsection and inserting the following:

"(d) SATISFACTION OF SECONDARY EDUCATION STANDARDS.—".

(4) Section 486(b)(2) (20 U.S.C. 1093(b)(2)) is amended by striking "102(a)(3)(A), 102(a)(3)(B)" and inserting "101(b)(4)(A), 101(b)(4)(B)".

(5) Section 487(c)(1)(A)(iii) (20 U.S.C. 1094(c)(1)(A)(iii)) is amended by striking "section 102(a)(1)(C)" and inserting "section 102".

(6) Section 487(d) (20 U.S.C. 1094(d)) is amended by striking "section 102" and inserting "section 101".

(7) Subsections (j) and (k) of section 496 (20 U.S.C. 1099b(j), (k)) are each amended by striking "section 102" and inserting "section 101".

(8) Section 498(g)(3) (20 U.S.C. 1099c(g)(3)) is amended by striking "section 102(a)(1)(C)" and inserting "section 102".

(9) Section 498(i)(1) (20 U.S.C. 1099c(i)(1)) is amended by striking "section 102" and inserting "section 101".

(10) Section 498(j)(1) (20 U.S.C. 1099c) is amended by striking "except that such branch shall not be required to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) prior to seeking such certification" and inserting "except that such branch shall not be required to be in existence for at least 2 years prior to seeking such certification".

(11) Section 498B(b) (20 U.S.C. 1099c-2(b)) is amended by striking "section 102(a)(1)(C)" and inserting "section 102".

(d) EFFECT ON OTHER LAWS.—

(1) INCLUSION OF FOR-PROFIT INSTITUTIONS IN DEFINITION.—The inclusion of proprietary and for-profit institutions within the definition of the term "institution of higher education"' in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) pursuant to the amendment made by subsection (a) of this section shall not apply to any other provision of law (other than the Higher Education Act of 1965) enacted before the date of enactment of this Act that references section 101 of the Higher Education Act of 1965 (or that term as so defined), except as expressly provided by an amendment to, or other revision of the application of, such law enacted after such date of enactment.

(2) INCLUSION OF FOR-PROFIT INSTITUTIONS AS TITLE III OR V ELIGIBLE INSTITUTION.—Any reference in any provision of law other than the Higher Education Act of 1965 to institutions of higher education that are eligible to participate in programs under title III or V of such Act (20 U.S.C. 1051 et. seq., 1101 et seq.) shall not be treated, as a consequence of the amendment to section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) by subsection (a) of this section, as including a reference to a for-profit or proprietary institution of higher education, except as expressly provided by an amendment to, or other revision of the application of, such law enacted after such date of enactment.

SEC. 102. NEW BORROWER DEFINITION.

Paragraph (7) of section 103 (20 U.S.C. 1003) is amended to read as follows:

"(7) NEW BORROWER.—The term 'new borrower' when used with respect to any date for any loan under any provision of—

"(A) part B or part D of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under either of those parts; and

"(B) part E of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made under that part.".

SEC. 103. STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) by amending subsection (a) to read as follows:

"(a) PROTECTION OF RIGHTS.—

"(1) It is the sense of Congress that no student attending an institution of higher education on a full- or part-time basis should, on the basis of participation in protected speech or protected association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division of the institution directly or indirectly receiving financial assistance under this Act, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution; and

"(2) It is the sense of Congress that—

"(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

"(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

"(C) within the context of its institutional mission, a college should promote intellectual pluralism and facilitate the free and open exchange of ideas;

"(D) students should not be intimidated, harassed, discouraged from speaking out, discriminated against, or subject to official sanction because of their personal political, ideological, or religious beliefs; and

"(E) students should be treated equally and fairly, including evaluation and grading, without regard to or consideration of their personal political views or ideological beliefs.

"(3) Nothing in paragraph (2) shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association."; and

(2) in subsection (b)(1), by inserting after "higher education" the following: ", if the imposition of such sanction is done objectively, fairly, and without regard to the student's personal political, ideological, or religious beliefs".

SEC. 104. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

(a) MEMBERSHIP.—Section 114(b) (20 U.S.C. 1011c(b)) is amended by adding at the end the following new sentence: "A member of the Committee may continne to serve after the expiration of a term until a successor has been appointed.".

(b) EXTENSION.—Section 114(g) (20 U.S.C. 1011c(g)) is amended by striking "2004" and inserting "2012".

SEC. 105. ALCOHOL AND DRUG ABUSE PREVENTION.

Section 120(e)(5) (20 U.S.C. 1011i(e)(5)) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "4 succeeding fiscal years" and inserting "5 succeeding fiscal years".

SEC. 106. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended by striking "1999 and for each of the 4" each place it appears and inserting "2006 and for each of the 5".

SEC. 107. LIMITATION ON CERTAIN USES OF FUNDS.

Part B of title I is further amended by adding after section 123 (as added by section 101(b) of this Act) the following new section:

"SEC. 124. LIMITATION ON CERTAIN USES OF FUNDS.

"No funds made available to carry out this Act may be used—

"(1) for publicity or propaganda purposes not authorized by the Congress before the date of enactment of the College Access and Opportunity Act of 2006; or

"(2) unless authorized by law in effect on such date of enactment, to produce any prepackaged news story intended for broadcast or distribution unless such story includes a clear a notification contained within the text or audio of such story stating that the prepackaged news story was prepared or funded by the Department of Education.".

SEC. 108. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

Section 131 (20 U.S.C. 1015) is amended to read as follows:

"SEC. 131. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide students and families with an easy-to-use, comprehensive web-based tool for researching and comparing institutions of higher education;

"(2) increase the transparency of college cost, price, and financial aid; and

"(3) raise public awareness of information available about postsecondary education, particularly among low-income families, non-traditional student populations, and first-generation college students.

"(b) COLLEGE OPPORTUNITY ON-LINE (COOL) WEBSITE RE-DESIGN PROCESS.—In carrying out this section, the Secretary—

"(1) shall identify the data elements that are of greatest importance to prospective students, enrolled students, and their families, paying particular attention to low-income, non-traditional student populations, and first-generation college students;

"(2) shall convene a group of individuals with expertise in the collection and reporting of data related to institutions of higher education, the measurement of institutional compliance costs, consumer use of data related to institutions of higher education, general consumer marketing, and college intervention services to—

"(A) determine the relevance of particular data elements to prospective students, enrolled students, and families;

"(B) assess the cost-effectiveness of various ways in which institutions of higher education might produce the data desired by consumers;

"(C) determine the general comparability of the data across institutions of higher education;

"(D) make recommendations regarding the inclusion of specific data items and the most effective and least burdensome methods to institutions of higher education of collecting and reporting useful data; and

"(3) shall assure that the redesigned COOL website—

"(A) uses, to the extent practicable, data elements currently provided by institutions of higher education to the Secretary;

"(B) includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families;

"(C) provides comparable information, by assuring that data is based on accepted criteria and common definitions;

"(D) includes a sorting function that permits users to customize their search for and comparison of institutions of higher education based on the information identified through the process as prescribed in paragraph (1) as being of greatest relevance to choosing an institution of higher education.

"(c) DATA COLLECTION.—

"(1) DATA SYSTEM.—The Secretary shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this section and to continue to improve the usefulness and timeliness of data collected by such systems in order to inform consumers about institutions of higher education.

"(2) COLLEGE CONSUMER PROFILE.—The Secretary shall publish, for each academic year and in accordance with standard definitions developed by the Commissioner of Education Statistics (including definitions developed under section 131(a)(3)(A) as in effect on the day before the date of enactment of the College Access and Opportunity Act of 2006), from at least all institutions of higher education participating in programs under title IV the following information:

"(A) The tuition and fees charged for a first-time, full-time undergraduate student.

"(B) The room and board charges for such a student.

"(C) The cost of attendance for a first-time, full-time undergraduate student, consistent with the provisions of section 472.

"(D) The average amount of financial assistance received by a first-time full-time undergraduate student, including—

"(i) each type of assistance or benefits described in 428(a)(2)(C)(ii);

"(ii) institutional and other assistance; and

"(iii) Federal loans under parts B, D, and E of title IV.

"(E) The number of first-time, full-time students receiving financial assistance described in each clause of subparagraph (D).

"(F) The average net price for first-time, full-time students receiving Federal, State, or institutional grant or loan assistance.

"(G) The institutional instructional expenditure per full-time equivalent student.

"(H) Student enrollment information, including information on the number and percentage of full-time and part-time students, the number and percentage of resident and non-resident students.

"(I) Faculty/student ratios.

"(J) Faculty information, including the total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

"(K) Completion and graduation rates, identifying whether the completion or graduation rates are from a 2-year or 4-year program of instruction and, in the case of a 2-year program of instruction, the percentage of students who transfer to 4-year institutions prior or subsequent to completion or graduation.

"(L) A link to the institution of higher education with information of interest to students including mission, accreditation, student services (including services for students with disabilities), transfer of credit policies and, if appropriate, placement rates and other measures of success in preparing students for entry into or advancement in the workforce.

"(M) Any additional information that the Secretary may require.

"(d) DATA DISSEMINATION.—The Secretary shall make available, at a minimum, the data collected pursuant to this section, including an institution's college affordability index as calculated in accordance with subsection (e). Such data shall be made available in a manner that permits the review and comparison of data submissions of individual institutions of higher education. Such data shall be presented in a form that is easily accessible and understandable and allows parents and students to make informed decisions based on the prices for typical full-time undergraduate students and the institution's rate of cost increase. The Secretary shall work with public and private entities to promote broad public awareness, particularly among middle and high school students and their families, of the information made available under this section, including by distribution to students who participate in or receive benefits from Federally funded education programs and other Federal programs determined by the Secretary.

“(e) College Affordability Index.—

“(1) In general.—The Secretary shall, on the basis of the data submitted under subsection (a), calculate a college affordability index for each institution of higher education submitting such data and shall make the index available in accordance with subsection (d) as soon as operationally possible on the Department's college opportunity online Web site. Such index shall be presented in a manner so that the index for any institution is stated in a column or cell immediately adjacent to a column or cell containing the total tuition and fees of the institution.

“(2) Calculation of index.—The college affordability index shall be equal to—

“(A) the percentage increase in the tuition and fees charged for a first-time, full-time, full-year undergraduate student between the first of the 3 most recent preceding academic years and the last of those 3 academic years; divided by

“(B) the percentage increase in the Consumer Price Index—All Urban Consumers (Current Series) from July of the first of those 3 academic years to July of the last of those 3 academic years.

“(f) Outcomes and Actions.—

“(1) Response from institution.—Effective on June 30, 2009, an institution that has a college affordability index that exceeds 2.0 for any 3-year interval ending on or after that date shall provide a report to the Secretary, in such a form, at such time, and containing such information as the Secretary may require. Such report shall include—

“(A) an explanation of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students;

“(B) a management plan stating the specific steps the institution is and will be taking to reduce its college affordability index;

“(C) an action plan, including a schedule, by which the institution will reduce increases in or stabilize, such costs and tuition and fees: and

“(D) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

“(2) Information to the public.—Upon receipt of the institution's report and management plan under paragraph (1), the Secretary shall make the institution's report required under paragraph (1) available to the public in accordance with subsection (b).

“(3) Quality-efficiency task forces.—

“(A) Required.—Each institution subject to paragraph (1) that has a college affordability index that is in the highest 25 percent of such indexes of all institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the operations of such institution.

“(B) Membership.—Such task force shall include administrators and business and civic leaders and may include faculty, students, trustees, parents of students, and alumni of such institution.

“(C) Functions.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the class of institutions. Such analysis should identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas should then be targeted for in-depth analysis for cost reduction opportunities.

“(D) Report.—The results of the analysis by a quality-efficiency task force under this paragraph shall be included in the report to the Secretary under paragraph (1).

“(4) Consequences for 2-year continuation of failure.—If the Secretary determines that the institution has failed to comply with the management plan and action plan submitted by the institution under this subsection following the next 2 academic years that begin after the submission of such plans, and has failed to reduce the college affordability index below 2.0 for such 2 academic years, the Secretary—

“(A) shall make available to the public a detailed report provided by the institution on all costs and expenditures, and on all tuition and fees charged to students, for such 2 academic years;

“(B) shall place the institution on an affordability alert status and shall make the information regarding the institution's failure available in accordance with subsection (d);

“(C) shall notify the institution's accrediting agency of the institution's failure; and

“(D) may require the institution to submit to a review and audit by the Inspector General of the Department of Education to determine the cause of the institution's failure.

“(5) Information to state agencies.—Any institution that reports under paragraph (1)(C) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

“(6) Exemptions.—

“(A) Relative price exemption.—The Secretary shall, for any 3-year interval for which college affordability indexes are computed under paragraph (1), determine and publish the dollar amount that, for each class of institution described in paragraph (7) represents the maximum tuition and fees charged for a full-time undergraduate student in the least costly quartile of institutions within each such class during the last year of such 3-year interval. An institution that has a college affordability index computed under paragraph (1) that exceeds 2.0 for any such 3-year interval, but that, on average during such 3-year interval, charges less than such maximum tuition and fees shall not be subject to the actions required by subparagraph (B) or (C) of paragraph (1), or any action under paragraph (4), unless such institution, for a subsequent 3-year interval, charges more than such maximum tuition and fees.

“(B) Dollar increase exemption.—An institution that has a college affordability index computed under paragraph (1) that exceeds 2.0 for any 3-year interval, but that exceeds such 2.0 by a dollar amount that is less than $500, shall not be subject to the actions required by subparagraph (B) or (C) of paragraph (1), or any action under paragraph (4), unless such institution has a college affordability index for a subsequent 3-year interval that exceeds 2.0 by more than such dollar amount.

“(7) Classes of institutions.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

“(g) Fines.—In addition to actions authorized in section 487(c), the Secretary may impose a fine in an amount not to exceed $25,000 on an institution of higher education for failing to provide the information described in this section in a timely and accurate manner, or for failing to otherwise cooperate with the National Center for Education Statistics regarding efforts to obtain data on the cost and price of higher education under this section and pursuant to the program participation agreement entered into under section 487.

“(h) GAO Study and Report.—

“(1) GAO study.—The Comptroller General shall conduct a study of the policies and procedures implemented by institutions in increasing the affordability of postsecondary education. Such study shall include information with respect to—

“(A) a list of those institutions that—

“(i) have reduced their college affordability indexes; or

“(ii) are, as determined under subsection (f)(6)(A), within the least costly quartile of institutions within each class described in subsection (f)(7);

“(B) policies implemented to stem the increase in tuition and fees and institutional costs;

“(C) the extent to which room and board costs and prices changed;

“(D) the extent to which other services were altered to affect tuition and fees;

“(E) the extent to which the institution's policies affected student body demographics and time to completion;

“(F) what, if any, operational factors played a role in reducing tuition and fees;

“(G) the extent to which academic quality was affected, and how;

“(H) the extent to which policies and practices reducing costs and prices may be replicated from one institution to another; and

“(I) other information as necessary to determine best practices in increasing the affordability of postsecondary education.

“(2) Interim and final reports.—The Comptroller General shall submit an interim and a final report regarding the findings of the study required by paragraph (1) to the appropriate authorizing committees of Congress. The interim report shall be submitted not later than July 31, 2011, and the final report shall be submitted not later than July 31, 2013.

“(i) Student Aid Recipient Survey.—

“(1) Survey required.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

“(A) to identify the population of students receiving Federal student aid;

“(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

“(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

“(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

"(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

"(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

"(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, and professional and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

"(3) DISSEMINATION.—The Secretary shall disseminate the information resulting from the survey in both printed and electronic form.

"(j) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.".

SEC. 109. DATABASES OF STUDENT INFORMATION.

Part C of title I is further amended by adding at the end the following new section:

"SEC. 132. DATABASES OF STUDENT INFORMATION PROHIBITED.

"(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the design, development, creation, implementation, or maintenance of a nationwide database of personally identifiable information on individuals receiving assistance, attending institutions receiving assistance, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

"(b) EXCEPTION.—The provisions of subsection (a) shall not affect the loan obligation enforcement activities described in section 485B of this Act.".

SEC. 110. PERFORMANCE-BASED ORGANIZATION.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)(2)(B)—

(A) by inserting "unit" after "to reduce the"; and

(B) by inserting "and, to the extent practicable, the total costs of administering those programs" after "those programs";

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "Each year" and inserting "Each fiscal year";

(B) in paragraph (1)(B), by inserting "secondary markets, guaranty agencies," after "lenders,"; and

(C) in paragraph (2)(B), by striking "Chief Financial Officer Act of 1990 and" and inserting "Chief Financial Officers Act of 1990," and by inserting before the period at the end the following: ", and other relevant statutes"; and

(3) in subsection (f)(3)(A), by striking "paragraph (1)(A)" and inserting "paragraph (1)".

TITLE II—TEACHER PREPARATION

SEC. 201. TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student academic achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

"(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

"(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

"(2) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(3) HIGHLY QUALIFIED.—The term 'highly qualified' when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A)(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

"(II) for which not less than 25 percent of the children served by the agency are from families with incomes below the poverty line;

"(ii) that is among those serving the highest number or percentage of children from families with incomes below the poverty line in the State, but this clause applies only in a State that has no local educational agency meeting the requirements of clause (i); or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7, as determined by the Secretary; and

"(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

"(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

"(5) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(6) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(7) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(8) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(9) TEACHING SKILLS.—The term 'teaching skills' means skills that—

"(A) are based on scientifically based research;

"(B) enable teachers to effectively convey and explain subject matter content;

"(C) lead to increased student academic achievement; and

"(D) use strategies that—

"(i) are specific to subject matter;

"(ii) include ongoing assessment of student learning;

"(iii) focus on identification and tailoring of academic instruction to students's specific learning needs; and

"(iv) focus on classroom management.

"SEC. 202. STATE GRANTS.

"(a) IN GENERAL.—From amounts made available under section 210(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

"(b) ELIGIBLE STATE.—

"(1) DEFINITION.—In this part, the term 'eligible State' means—

"(A) the Governor of a State; or

"(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

"(2) CONSULTATION.—The Governor or the individual, entity, or agency designated under paragraph (1)(B) shall consult with the Governor, State board of education, State educational agency, State agency for higher education, or State agency responsible for early childhood education and programs, as appropriate, with respect to the activities assisted under this section.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall submit an application to the Secretary that—

"(1) meets the requirement of this section;

"(2) demonstrates that the State is in full compliance with sections 207 and 208;

"(3) includes a description of how the eligible State intends to use funds provided under this section;

"(4) includes measurable objectives for the use of the funds provided under the grant;

"(5) demonstrates the State has submitted and is actively implementing a plan that meets the requirements of sections 1111(h)(1)(C)(viii) and 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(viii) and 6319); and

"(6) contains such other information and assurances as the Secretary may require.

"(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) REFORMS.—Ensuring that all teacher preparation programs in the State are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by assisting such programs—

"(A) to retrain faculty; and

"(B) to design (or redesign) teacher preparation programs so they—

"(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification (including recertification) or licensing requirements to ensure that—

"(A) teachers have the subject matter knowledge and teaching skills in the academic subjects that the teachers teach that are necessary to help students meet challenging State student academic achievement standards; and

"(B) such requirements are aligned with challenging State academic content standards.

"(3) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

"(A) innovative approaches that reduce unnecessary barriers to State certification while producing highly qualified teachers, which may include articulation agreements between institutions of higher education;

"(B) programs that provide support to teachers during their initial years in the profession; and

"(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

"(4) INNOVATIVE PROGRAMS.—Planning and implementing innovative programs to enhance the ability of institutions of higher education to prepare highly qualified teachers, such as charter colleges of education or university and local educational agency partnership schools, that—

"(A) permit flexibility in meeting State requirements as long as graduates, during their initial years in the profession, increase student academic achievement;

"(B) provide long-term data gathered from teachers' performance over multiple years in the classroom on the ability to increase student academic achievement;

"(C) ensure high-quality preparation of teachers from underrepresented groups; and

"(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers.

"(5) MERIT PAY.—Developing, or assisting local educational agencies in developing—

"(A) merit-based performance systems that reward teachers who increase student academic achievement; and

"(B) strategies that provide differential and bonus pay in high-need local educational agencies to retain—

"(i) principals;

"(ii) highly qualified teachers who teach in high-need academic subjects, such as reading, mathematics, and science;

"(iii) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b));

"(iv) special education teachers;

"(v) teachers specializing in teaching limited English proficient children; and

"(vi) highly qualified teachers in urban and rural schools or districts.

"(6) TEACHER ADVANCEMENT.—Developing, or assisting local educational agencies in developing, teacher advancement and retention initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.

"(7) TEACHER REMOVAL.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to remove expeditiously incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

"(8) TECHNICAL ASSISTANCE.—Providing technical assistance to low-performing teacher preparation programs within institutions of higher education identified under section 208(a).

"(9) TEACHER EFFECTIVENESS.—Developing—

"(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

"(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach as a result of such programs.

"(10) TEACHER RECRUITMENT AND RETENTION.—Undertaking activities that—

"(A) develop and implement effective mechanisms to ensure that local educational agencies and schools are able effectively to recruit and retain highly qualified teachers; or

"(B) are described in section 204(d).

"(11) EARLY CHILDHOOD EDUCATOR.—Developing strategies—

"(A) to improve the qualifications of preschool teachers, which may include State certification for such teachers;

"(B) to improve and expand preschool teacher preparation programs; and

"(C) to reduce unnecessary burdens to the attainment of a bachelor's degree in early childhood education and increase the number of bilingual early childhood educators, which may include developing articulation agreements between institutions of higher education.

"(12) GIFTED AND TALENTED STUDENTS.—Incorporating the learning needs of gifted and talented students into the activities described in paragraph (1), (2), or (3) in order to ensure that new teachers possess the basic knowledge and skills necessary to meet the educational needs of gifted and talented students.

"(13) NEW-TEACHER MENTORING ON THE NEEDS OF GIFTED AND TALENTED STUDENTS.—Establishing or expanding new-teacher mentoring and assessment programs (including induction and evaluation programs) that are a part of a licensure process which is designed to demonstrate that new teachers possess basic knowledge of the classroom indicators of giftedness, are able to identify student learning differences among gifted students, and are able to provide instruction to accommodate such differences.

"(14) SPECIAL EDUCATION, MATH, AND SCIENCE FACULTY.—Supporting the development of new special education, math, and science faculty positions in institutions of higher education dedicated to the preparation of highly qualified special education, math, and science teachers (as defined by section 9101 of the Elementary and Secondary Education Act or section 602 of the Individuals with Disabilities Education Act), with matching funds from institutions of higher education and a commitment to continue new faculty positions when Federal funding ends.

"(15) SUBJECT AREA EVALUATION.—Assessing the performance of teacher preparation programs within institutions of higher education in the State using an assessment which provides comparisons across such schools in the State based upon indicators including teacher candidate knowledge in subject areas in which such candidate has been prepared to teach. Such information shall be made publicly available and widely disseminated.

"(e) EVALUATION.—

"(1) EVALUATION SYSTEM.—An eligible State that receives a grant under this section shall develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State in producing gains in—

"(A) the teacher's annual contribution to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

"(B) teacher mastery of the academic subjects they teach, as measured by pre- and post-participation tests of teacher knowledge, as appropriate.

"(2) USE OF EVALUATION SYSTEM.—Such evaluation system shall be used by the State to evaluate—

"(A) activities carried out using funds provided under this section; and

"(B) the quality of its teacher education programs.

"(3) PUBLIC REPORTING.—The State shall make the information described in paragraph (1) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"SEC. 203. PARTNERSHIP GRANTS.

"(a) GRANTS.—From amounts made available under section 210(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

"(b) DEFINITIONS.—

"(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnership' means an entity that—

"(A) shall include—

"(i) a partner institution;

"(ii) a school of arts and sciences;

"(iii) a high-need local educational agency; and

"(iv) a public or private educational organization; and

"(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private educational organization, a business, a science-, mathematics-, or technology-oriented entity, a faith-based or community organization, a prekindergarten program, a teacher organization, an education service agency, a consortia of local educational agencies, or a nonprofit telecommunications entity.

‘‘(2) PARTNER INSTITUTION.—In this section, the term ‘partner institution’ means an institution of higher education, the teacher training program of which demonstrates that—

‘‘(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

‘‘(i) demonstrating that the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

‘‘(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

‘‘(I) using criteria consistent with the requirements for the State report card under section 207(a); and

‘‘(II) using the State report card on teacher preparation required under section 207(a); or

‘‘(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

‘‘(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

‘‘(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas

‘‘(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

‘‘(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student academic achievement;

‘‘(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be used in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

‘‘(3) contain a description of—

‘‘(A) how the partnership will meet the purposes of this part;

‘‘(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e);

‘‘(C) the partnership's evaluation plan pursuant to section 206(b);

‘‘(D) how faculty of the teacher preparation program at the partner institution will serve, over the term of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the partnership;

‘‘(E) how the partnership will ensure that teachers, principals, and superintendents in private elementary and secondary schools located in the geographic areas served by an eligible partnership under this section will participate equitably in accordance with section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881);

‘‘(F) how the partnership will design and implement a clinical program component that includes close supervision of student teachers by faculty of the teacher preparation program at the partner institution and mentor teachers;

‘‘(G) how the partnership will design and implement an induction program to support all new teachers through the first 3 years of teaching that includes mentors who are trained and compensated by the partnership for their work with new teachers; and

‘‘(H) how the partnership will collect, analyze, and use data on the retention of all teachers in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its teacher support system; and

‘‘(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f).

‘‘(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

‘‘(1) REFORMS.—Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

‘‘(A) retraining faculty; and

‘‘(B) designing (or redesigning) teacher preparation programs so they—

‘‘(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

‘‘(ii) promote strong teaching skills.

‘‘(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice and in-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support for teachers, including preparation time and release time, for such interaction.

‘‘(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

‘‘(4) TEACHER PREPARATION.—Developing, or assisting local educational agencies in developing, professional development activities that—

‘‘(A) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, limited English proficient students, gifted and talented students, and students with special learning needs; and

‘‘(B) provide training in methods of—

‘‘(i) improving student behavior in the classroom; and

‘‘(ii) identifying early and appropriate interventions to help students described in subparagraph (A) learn.

‘‘(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

‘‘(1) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

‘‘(A) innovative approaches that reduce unnecessary barriers to teacher preparation producing highly qualified teachers, which may include articulation agreements between institutions of higher education;

‘‘(B) programs that provide support during a teacher's initial years in the profession; and

‘‘(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

‘‘(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

‘‘(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing professional development programs for principals and superintendents that enable them to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards.

‘‘(4) TEACHER RECRUITMENT.—Activities—

‘‘(A) to encourage students to become highly qualified teachers, such as extracurricular enrichment activities; and

‘‘(B) activities described in section 204(d).

‘‘(5) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training, by participation in the business, research, and work environments with professionals, in areas relating to science, mathematics, and technology for teachers and prospective teachers, including opportunities for use of laboratory equipment, in order for the teacher to return to the classroom for at least 2 years and provide instruction that will raise student academic achievement.

‘‘(6) COORDINATION WITH COMMUNITY COLLEGES.—Coordinating with community colleges to implement teacher preparation programs, including through distance learning or articulation agreements, for the purposes of allowing prospective teachers—

‘‘(A) to attain a bachelor's degree and State certification or licensure; and

‘‘(B) to become highly qualified teachers.

‘‘(7) TEACHER MENTORING.—Establishing or implementing a teacher mentoring program that—

‘‘(A) includes minimum qualifications for mentors;

“(B) provides training and stipends for mentors;

“(C) provides mentoring programs for teachers in their first 3 years of teaching;

“(D) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day;

“(E) establishes an evaluation and accountability plan for activities conducted under this paragraph that includes rigorous objectives to measure the impact of such activities; and

“(F) provides for a report to the Secretary on an annual basis regarding the partnership's progress in meeting the objectives described in subparagraph (E).

“(8) COMPUTER SOFTWARE FOR MULTILINGUAL EDUCATION.—Training teachers to use computer software for multilingual education to address the needs of limited English proficient students.

“(9) GIFTED AND TALENTED STUDENTS.—Increasing the knowledge and skills of preservice teachers participating in activities under subsection (d) in the educational and related needs of gifted and talented students by, among other strategies, infusing teacher coursework with units on the characteristics of high-ability learners, using assessments to identify preexisting knowledge and skills among students, and developing teaching strategies that are driven by the learner's progress.

“(10) REDUCING THE SHORTAGE OF HIGHLY QUALIFIED SPECIAL EDUCATION, MATH, AND SCIENCE TEACHERS.—Increasing the number of highly qualified special education, math, and science teachers (as defined by section 9101 of the Elementary and Secondary Education Act or section 602 of the Individuals with Disabilities Education Act) through such activities as recruitment, scholarships for tuition, and new teacher mentoring.

“(f) SPECIAL RULE.—At least 50 percent of the funds made available to an eligible partnership under this section shall be used directly to benefit the high-need local educational agency included in the partnership. Any entity described in subsection (b)(1)(A) may be the fiscal agent under this section.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

“(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

“SEC. 204. TEACHER RECRUITMENT GRANTS.

“(a) PROGRAM AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

“(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term ‘eligible applicant’ means—

“(1) an eligible State described in section 202(b); or

“(2) an eligible partnership described in section 203(b).

“(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

“(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

“(2) a description of the activities the eligible applicant will carry out with the grant, including the extent to which the applicant will use funds to recruit minority students to become highly qualified teachers; and

“(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

“(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

“(1)(A) to award scholarships to help students, such as individuals who have been accepted for their first year, or who are enrolled in their first or second year, of a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

“(B) to provide support services, if needed to enable scholarship recipients—

“(i) to complete postsecondary education programs; or

“(ii) to transition from a career outside of the field of education into a teaching career; and

“(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

“(2) to develop and implement effective mechanisms to ensure that high-need local educational agencies and schools are able effectively to recruit highly qualified teachers.

“(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds—

“(1) to develop and implement effective mechanisms to recruit into the teaching profession employees from—

“(A) high-demand industries, including technology industries; and

“(B) the fields of science, mathematics, and engineering;

“(2) to conduct outreach and coordinate with inner city and rural secondary schools to encourage students to pursue teaching as a career;

“(3) to develop and implement dual degree programs that enable students at institutions of higher education to earn two undergraduate degrees concurrently, one of such degrees being in education and the other in the subject matter of the student's choosing; and

“(4) to recruit high achieving students, bilingual students, and other qualified candidates into early childhood education programs.

“(f) SERVICE REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher education programs—

“(A) subsequently teach in a high-need local educational agency for a period of time equivalent to—

“(i) one year; increased by

“(ii) the period for which the recipient received scholarship assistance; or

“(B) repay the amount of the scholarship.

“(2) USE OF REPAYMENTS.—The Secretary shall use any such repayments to carry out additional activities under this section.

“(g) PRIORITY.—The Secretary shall give priority under this section to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

“SEC. 205. ADMINISTRATIVE PROVISIONS.

“(a) DURATION; ONE-TIME AWARDS; PAYMENTS.—

“(1) DURATION.—

“(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

“(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

“(2) ONE-TIME AWARD.—An eligible partnership may receive a grant under each of sections 203 and 204, as amended by the College Access and Opportunity Act of 2006, only once.

“(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

“(b) PEER REVIEW.—

“(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

“(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

“(A) with respect to grants under section 202, give priority to eligible States that—

“(i) have initiatives to reform State teacher certification requirements that are based on rigorous academic content, scientifically based research, including scientifically based reading research, and challenging State student academic content standards;

“(ii) have innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

“(iii) have innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas; and

“(B) with respect to grants under section 203—

“(i) give priority to applications from broad-based eligible partnerships that involve businesses and community organizations; and

“(ii) take into consideration—

“(I) providing an equitable geographic distribution of the grants throughout the United States; and

“(II) the potential of the proposed activities for creating improvement and positive change.

“(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

“(c) MATCHING REQUIREMENTS.—

“(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

“(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

"(d) Limitation on Administrative Expenses.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 206. ACCOUNTABILITY AND EVALUATION.

"(a) State Grant Accountability Report.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary and the authorizing committees. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

"(1) Percentage of highly qualified teachers.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 602 of the Individuals with Disabilities Act (20 U.S.C. 1401).

"(2) Student academic achievement.—Increasing student academic achievement for all students, which may be measured through the use of value-added assessments, as defined by the eligible State.

"(3) Raising standards.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

"(4) Initial certification or licensure.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative routes to certification and licensure.

"(5) Decreasing teacher shortages.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

"(6) Increasing opportunities for research-based professional development.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

"(B) promotes strong teaching skills.

"(7) Technology integration.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, decisionmaking, and parental involvement for the purpose of increasing student academic achievement.

"(b) Eligible Partnership Evaluation.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased student achievement for all students, as measured by the partnership;

"(2) increased teacher retention in the first 3 years of a teacher's career;

"(3) increased success in the pass rate for initial State certification or licensure of teachers;

"(4) increased percentage of highly qualified teachers; and

"(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

"(c) Revocation of Grant.—

"(1) Report.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

"(2) Revocation.—

"(A) Eligible states and eligible applicants.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

"(B) Eligible partnerships.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

"(d) Evaluation and Dissemination.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) State Report Card on the Quality of Teacher Preparation.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

"(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

"(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

"(4) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

"(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

"(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

"(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of teacher candidate skills, academic content knowledge, and evidence of gains in student academic achievement.

"(8) For each teacher preparation program in the State, the number of students in the program, the number of minority students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

"(b) Report of the Secretary on the Quality of Teacher Preparation.—

"(1) Report card.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (8) of subsection (a). Such report shall identify which eligible States received a grant under this part, and the States in which eligible partnerships receiving grants are located. Such report shall be published and made available annually.

"(2) Report to congress.—The Secretary shall report to Congress—

"(A) a comparison of States' efforts to improve teaching quality; and

"(B) regarding the national mean and median scores on any standardized test that is used in more than one State for teacher certification or licensure.

"(3) Special rule.—In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(c) Coordination.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"(d) Institution and Program Report Cards on Quality of Teacher Preparation.—

"(1) Report card.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information:

“(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed at least 50 percent of the requirements for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

“(ii) A comparison of the institution or program's pass rate for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average pass rate for institutions and programs in the State.

“(iii) A comparison of the institution or program's average raw score for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average raw scores for institutions and programs in the State.

“(iv) In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

“(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

“(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

“(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

“(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

“(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

“(e) DATA QUALITY.—Either—

“(1) the Governor of the State; or

“(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

“SEC. 208. STATE FUNCTIONS.

“(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a). A State receiving Federal funds under this title shall develop plans to close or reconstitute underperforming programs of teacher preparation within institutions of higher education.

“(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

“(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

“(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

“SEC. 209. GENERAL PROVISIONS.

“(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

“(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

“(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

“(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

“(c) LIMITATIONS.—

“(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

“(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

“(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

“SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

“(1) 45 percent shall be available for each fiscal year to award grants under section 202;

“(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

“(3) 10 percent shall be available for each fiscal year to award grants under section 204.”.

SEC. 202. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

(a) ELIGIBILITY.—Section 222(a)(3)(D) (20 U.S.C. 1042(a)(3)(D)) is amended by inserting “nonprofit telecommunications entity,” after “community-based organization,”.

(b) PERMISSIBLE USES OF FUNDS.—Section 223(b)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1043(b)(1)(E)) is amended to read as follows:

“(E) to use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 224 (20 U.S.C. 1044) is amended by striking “each of fiscal years 2002 and 2003.” and inserting “fiscal year 2006 and each of the 5 succeeding fiscal years.”.

SEC. 203. CENTERS OF EXCELLENCE.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

“PART C—CENTERS OF EXCELLENCE

“SEC. 231. PURPOSES; DEFINITIONS.

“(a) PURPOSES.—The purposes of this part are—

“(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

“(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

“(b) DEFINITIONS.—As used in this part:

“(1) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means—

“(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

“(i) a part B institution (as defined in section 322);

“(ii) a Hispanic-serving institution (as defined in section 502);

“(iii) a Tribal College or University (as defined in section 316);

“(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

“(v) a Native Hawaiian-serving institution (as defined in section 317(b));

“(B) a consortium of institutions described in subparagraph (A); or

“(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

“(2) HIGHLY QUALIFIED.—The term ‘highly qualified’ when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

“(3) SCIENTIFICALLY BASED READING RESEARCH.—The term ‘scientifically based reading research’ has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

“(4) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based research’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“SEC. 232. CENTERS OF EXCELLENCE.

“(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) Use of Funds.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

"(A) teacher or principal mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

"(6) Activities authorized under sections 202, 203, and 204.

"(c) Application.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

"(d) Minimum Grant Amount.—The minimum amount of each grant under this part shall be $500,000.

"(e) Limitation on Administrative Expenses.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 204. TEACHER INCENTIVE FUND PROGRAM.

Title II (20 U.S.C. 1021 et seq.), as amended by section 203 of this Act, is further amended by adding at the end the following:

"PART D—TEACHER INCENTIVE FUND PROGRAM

"SEC. 241. PURPOSE; DEFINITIONS.

"(a) Purpose.—The purpose of this part is to assist States, local educational agencies, and non-profit or for-profit organizations to develop and implement, or expand, innovative compensation systems to provide financial rewards for teachers and principals who raise student academic achievement and close the achievement gap, especially in the highest-need local educational agencies.

"(b) Definitions.—For purposes of this part:

"(1) Eligible entity.—The term 'eligible entity' means—

"(A) a local educational agency, including a charter school that is a local educational agency;

"(B) a State educational agency, or other State agency designated by the chief executive of the State; or

"(C) a partnership of—

"(i) one or more agencies described in subparagraph (A) or (B), or both; and

"(ii) at least one non-profit or for-profit organization.

"(2) High-need local educational agency.—The term 'high-need local educational agency' has the meaning given that term in section 201.

"SEC. 242. TEACHER INCENTIVE FUND GRANTS.

"(a) Program Authorized.—

"(1) In general.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants of up to 5 years in length to eligible entities to develop and implement, or expand, a comprehensive performance-based compensation system for teachers and principals for one or more local educational agencies.

"(2) Comprehensive performance-based compensation systems.—A comprehensive performance-based compensation system developed and implemented, or expanded with funds under this part—

"(A) shall differentiate levels of compensation primarily on the basis of increases in student academic achievement; and

"(B) may—

"(i) differentiate levels of compensation on the basis of high-quality teachers' and principals' employment and success in hard-to-staff schools or high-need subject areas; and

"(ii) recognize teachers' and principals' skills and knowledge as demonstrated through—

"(I) successful fulfillment of additional responsibilities or job functions; and

"(II) evidence of high achievement and mastery of content knowledge and teaching skills.

"(b) Use of Funds.—A grantee shall use grant funds provided under this part only to design and implement, or expand, in collaboration with teachers, principals, other school administrators, and members of the public, a compensation system consistent with the requirements of this part. Authorized activities under this part may include the following:

"(1) Developing appraisal systems that reflect clear and fair measures of student academic achievement.

"(2) Conducting outreach within the local educational agency (or agencies) or the State to gain input on how to construct the appraisal system and to develop support for it.

"(3) Paying, as part of a comprehensive performance-based compensation system, bonuses and increased salaries to teachers and principals who raise student academic achievement, so long as the grantee uses an increasing share of non-Federal funds to pay these monetary rewards each year of the grant.

"(4) Paying, as part of a comprehensive performance-based compensation system, additional bonuses to teachers who both raise student academic achievement and either teach in high-poverty schools or teach subjects that are difficult to staff, or both, so long as the grantee uses an increasing share of non-Federal funds to pay these monetary rewards each year of the grant.

"(5) Paying, as part of a comprehensive performance-based compensation system, additional bonuses to principals who both raise student academic achievement and serve in high-poverty schools, so long as the grantee uses an increasing share of non-Federal funds to pay these monetary rewards each year of the grant.

"(c) Applications.—To be eligible to receive a grant under this part, an eligible entity shall submit an application that includes—

"(1) a description of the local educational agency or local educational agencies to be served by the project, including such demographic information as the Secretary may request;

"(2) information on student academic achievement and the quality of the teachers and principals in the local educational agency or agencies to be served by the project;

"(3) a description of the performance-based teacher and principal compensation system that the applicant proposes to develop and implement or expand;

"(4) a description of how the applicant will use grant funds under this part in each year of the grant;

"(5) an explanation of how the applicant will meet the requirement in subsection (b)(3) and how the grantee will continue its performance-based compensation system after the grant ends;

"(6) a description of the support and commitment from teachers, the community or local educational agency or agencies for the development and implementation, or expansion, of a performance-based teacher and principal compensation system;

"(7) a description of how teacher, principal and student performance will be measured and the baseline measurement units; and

"(8) a description, if applicable, of how the applicant will define the term 'high-quality' for the purposes of subsection (a)(2)(B)(i), through the use of measurable indicators, such as effectiveness in raising student academic achievement, or demonstrated mastery of subject matter knowledge.

"(d) Priority.—The Secretary shall give priority to applications for projects that would establish comprehensive performance-based compensation systems in high-need local educational agencies.

"SEC. 243. EVALUATIONS.

"The Secretary shall conduct an independent evaluation of the program under this part and may use up to 1 percent of the funds made available under this part or $1,000,000, whichever is less, for any fiscal year for the cost of the evaluation.

"SEC. 244. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 205. TRANSITION.

The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this title.

TITLE III—INSTITUTIONAL AID

SEC. 301. TITLE III GRANTS FOR AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) Eligible Institutions.—Subsection (b) of section 316 (20 U.S.C. 1059c(b)) is amended to read as follows:

"(b) Definitions.—

"(1) Eligible institutions.—For purposes of this section, Tribal Colleges and Universities are the following:

"(A) any of the following institutions that qualify for funding under the Tribally Controlled College or University Assistance Act of 1978 or is listed in Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note): Bay Mills Community College; Blackfeet Community College; Cankdeska Cikana Community College; Chief Dull Knife College; College of Menominee Nation; Crownpoint Institute of Technology; Diné College; D-Q University; Fond du Lac Tribal and Community College; Fort Belknap College; Fort Berthold Community College; Fort Peck Community College; Haskell Indian Nations University; Institute of American Indian and Alaska Native Culture and Arts Development; Lac Courte Oreilles Ojibwa Community College; Leech Lake Tribal College; Little Big Horn College; Little Priest Tribal College; Nebraska Indian Community College; Northwest Indian College; Oglala Lakota College; Saginaw Chippewa Tribal College; Salish Kootenai College; Si Tanka University—Eagle Butte Campus; Sinte Gleska University; Sisseton Wahpeton Community College; Sitting Bull College; Southwestern Indian Polytechnic Institute; Stone Child College; Tohono O'Odham Community College; Turtle Mountain Community College; United Tribes Technical College; and White Earth Tribal and Community College; and

"(B) any other institution that meets the definition of tribally controlled college or university in section 2 of the Tribally Controlled College or University Assistance Act of 1978, and meets all other requirements of this section.

"(2) Indian.—The term 'Indian' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978.".

(b) Distance Learning.—Subsection (c)(2) of such section is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;";

(2) in subparagraph (C), by inserting before the semicolon at the end the following: ", or advanced degrees in tribal governance or tribal public policy";

(3) in subparagraph (D), by inserting before the semicolon at the end the following: ", in tribal governance, or tribal public policy";

(4) by striking "and" at the end of subparagraph (K);

(5) by redesignating subparagraph (L) as subparagraph (M); and

(6) by inserting after subparagraph (K) the following new subparagraph:

"(L) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and".

(c) Application and Allotment.—Subsection (d) of such section is amended to read as follows:

"(d) Application and Allotment.—

"(1) Institutional eligibility.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

"(2) Application.—Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

"(3) Allotments to institutions.—

"(A) Allotment: Pell Grant basis.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each eligible institution a sum which bears the same ratio to one-half that amount as the number of Pell Grant recipients in attendance at such institution at the end of the award year preceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all eligible institutions.

"(B) Allotment: degree and certificate basis.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each eligible institution a sum which bears the same ratio to one-half that amount as the number of degrees or certificates awarded by such institution during the preceding academic year bears to the total number of degrees or certificates at all eligible institutions.

"(C) Minimum grant.—Notwithstanding subparagraphs (A) and (B), the amount allotted to each institution under this section shall not be less than $400,000.

"(4) Special rules.—

"(A) Concurrent funding.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) Exemption.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.".

SEC. 302. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

(a) Distance Learning.—Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;";

(2) in subparagraph (C), by inserting before the semicolon at the end the following: ", or advanced degrees in tribal governance or tribal public policy";

(3) in subparagraph (D), by inserting before the semicolon at the end the following: ", in tribal governance, or tribal public policy";

(4) by striking "and" at the end of subparagraph (G);

(5) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(6) by inserting after subparagraph (H) the following new subparagraph:

"(I) development or improvement of facilities for Internet use or other distance learning academic instruction capabilities; and".

(b) Endowment Funds.—Section 317(c) is further amended by adding at the end the following new paragraph:

"(3) Endowment funds.—

"(A) In general.—An Alaska Native or Native Hawaiian-serving institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

"(B) Matching requirement.—In order to be eligible to use grant funds in accordance with subparagraph (A), the institution shall provide to the endowment fund from non-Federal funds an amount equal to the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

"(C) Applicability of other provisions.—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this paragraph, shall apply to funds used under subparagraph (A).".

(c) Application Process.—Section 317(d)(2) is amended by striking "Such application shall include—" and all that follows through "may require.".

SEC. 303. GRANTS TO PART B INSTITUTIONS.

(a) Use of Funds.—

(1) Facilities and equipment.—

(A) Undergraduate institutions.—Paragraph (2) of section 323(a) (20 U.S.C. 1062(a)) is amended to read as follows:

"(2) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities.".

(B) Graduate and professional schools.—Paragraph (2) of section 326(c) is amended to read as follows:

"(2) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;".

(2) Outreach and collaboration.—Paragraph (11) of section 323(a) is amended to read as follows:

"(11) Establishing community outreach programs and collaborative partnerships between part B institutions and local elementary or secondary schools. Such partnerships may include mentoring, tutoring, or other instructional opportunities that will boost student academic achievement and assist elementary and secondary school students in developing the academic skills and the interest to pursue postsecondary education.".

(b) Technical Assistance.—Section 323 (20 U.S.C. 1062) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Technical Assistance.—

"(1) In general.—An institution may not use more than 2 percent of the grant funds provided under this part to secure technical assistance services.

"(2) Technical assistance services.—Technical assistance services may include assistance with enrollment management, financial management, and strategic planning.

"(3) Report.—The institution shall report to the Secretary on an annual basis, in such form as the Secretary requires, on the use of funds under this subsection.".

(c) Distance Learning.—Section 323(a)(2) (20 U.S.C. 1062(a)(2)) (as amended by subsection (a)(1)(A)) is further amended by inserting "development or improvement of facilities for Internet use or other distance learning academic instruction capabilities and" after "including".

(d) Minimum Grants.—Section 324(d)(1) (20 U.S.C. 1063(d)(1)) is amended by inserting before the period at the end the following: ", except that, if the amount appropriated to carry out this part for any fiscal year exceeds the amount required to provide to each institution an amount equal to the total amount received by such institution under subsections (a), (b), and (c) for the preceding fiscal year, then the amount of such excess appropriation shall first be applied to increase the minimum allotment under this subsection to $750,000".

(e) Eligible Graduate or Professional Schools.—

(1) General authority.—Section 326(a)(1) (20 U.S.C. 1063b(a)(1)) is amended—

(A) by inserting "(A)" after "subsection (e) that";

(B) by inserting before the period at the end the following: ", (B) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, and (C) according to such an agency or association, is in good standing".

(2) Eligible institutions.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—

(A) by striking "and" at the end of subparagraph (Q);

(B) by striking the period at the end of subparagraph (R) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(S) Alabama State University qualified graduate program;

"(T) Prairie View A & M University qualified graduate program;

"(U) Coppin State University qualified graduate program; and

"(V) Delaware State University qualified graduate program.".

(3) Conforming amendment.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

(A) by striking "1998" and inserting "2005"; and

(B) by striking "(Q) and (R)" and inserting "(S), (T), (U), and (V)".

(f) Professional or Graduate Institutions.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(1) in paragraph (1)—

(A) by striking "$26,600,000" and inserting "$54,500,000"; and

(B) by striking "(P)" and inserting "(R)";

(2) in paragraph (2)—

(A) by striking "$26,600,000, but not in excess of $28,600,000" and inserting "$54,500,000, but not in excess of $58,500,000"; and

(B) by striking "subparagraphs (Q) and (R)" and inserting "subparagraphs (S), (T), (U), and (V)"; and

(3) in paragraph (3)—

(A) by striking "$28,600,000" and inserting "$58,500,000"; and

(B) by striking "(R)" and inserting "(V)".

(g) Hold Harmless.—Section 326(g) (20 U.S.C. 1063b(g)) is amended by striking "1998" each place it appears and inserting "2005".

SEC. 304. TECHNICAL AMENDMENTS.

(a) Amendments.—Title III is further amended—

(1) in section 311(c) (20 U.S.C. 1057(c))—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents.";

(2) in section 312(b)(1)(A) (20 U.S.C. 1058(b)(1)(A)), by striking "subsection (c)" and inserting "subsection (d)";

(3) in section 312(b)(1)(F) (20 U.S.C. 1058(b)(1)(F)), by inserting "which is" before "located";

(4) in section 312(b)(1) (20 U.S.C. 1058(b)(1)), by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) which provides a program that is not less than a 2-year educational program that is acceptable for full credit toward a bachelor's degree;";

(5) in section 316(c)(2) (20 U.S.C. 1059c(c)(2))—

(A) by redesignating subparagraphs (G) through (M) (as redesignated by section 301(b)(2) of this Act) as subparagraphs (H) through (N), respectively;

(B) by inserting after subparagraph (F) the following:

"(G) education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents;"; and

(C) in subparagraph (N), as redesignated by subparagraph (A), by striking "subparagraphs (A) through (K)" and inserting "subparagraphs (A) through (M)";

(6) in section 317(c)(2) (20 U.S.C. 1059d(c)(2)), by inserting after subparagraph (I) (as added by section 302(a)(6) of this Act) the following:

"(J) education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents.";

(7) in section 323(a) (20 U.S.C. 1062(a))—

(A) by striking "section 360(a)(2)" and inserting "section 399(a)(2)";

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(C) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents.";

(8) in section 324(d)(2) (20 U.S.C. 1063(d)(2)), by striking "section 360(a)(2)(A)" and inserting "section 399(a)(2)(A)";

(9) in section 326(e)(1) (20 U.S.C. 1063b(e)(1)), in the matter preceding subparagraph (A), by inserting a colon after "the following":

(10) in section 327(b) (20 U.S.C. 1063c(b)), by striking "initial";

(11) in section 342(5)(C) (20 U.S.C. 1066a(5)(C))—

(A) by inserting a comma after "equipment" the first place it appears; and

(B) by striking "technology,," and inserting "technology,";

(12) in section 343(e) (20 U.S.C. 1066b(e)), by inserting after the subsection designation the following: "Sale of Qualified Bonds.—";

(13) in section 351(a) (20 U.S.C. 1067a(a)), by striking "of 1979";

(14) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(15) in section 396 (20 U.S.C. 1068e), by striking "section 360" and inserting "section 399".

(b) Repeal.—Section 1024 (20 U.S.C. 1135b–3), as transferred by section 301(a)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 1636), is repealed.

SEC. 305. TITLE III AUTHORIZATIONS.

Section 399(a) (20 U.S.C. 1068h(a)) is amended—

(1) by striking "1999" each place it appears and inserting "2006";

(2) by striking "4 succeeding fiscal years" each place it appears and inserting "5 succeeding fiscal years";

(3) in paragraph (1)—

(A) by striking "$10,000,000" in subparagraph (B) and inserting "$23,800,000"; and

(B) by striking "$5,000,000" in subparagraph (C) and inserting "$11,900,000";

(4) in paragraph (2)—

(A) by striking "$135,000,000" in subparagraph (A) and inserting "$241,000,000"; and

(B) by striking "$35,000,000" in subparagraph (B) and inserting "$59,000,000"; and

(5) in paragraph (4), by striking "$110,000" and inserting "$212,000".

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS

SEC. 401. PELL GRANTS.

(a) Extension of Authority.—Section 401(a) (20 U.S.C. 1070a(a)) is amended by striking "2004" and inserting "2012".

(b) Direct Payment.—Section 401(a) (20 U.S.C. 1070a(a)) is further amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(c) Maximum Pell Grant Increase.—Paragraph (2)(A) of section 401(b) 20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

"(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be $6,000 for academic years 2006–2007 through 2012–2013, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.".

(d) Tuition Sensitivity.—Section 401(b) is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(e) Multiple Grants.—Paragraph (5) of section 401(b) (as redesignated by subsection (d)(2)) is amended to read as follows:

"(5) Year-round Pell grants.—

"(A) In general.—The Secretary shall, for students enrolled full time in a baccalaureate or associate's degree program of study at an eligible institution, award such students two Pell grants during a single award year to permit such students to accelerate progress toward their degree objectives by enrolling in academic programs for 12 months rather than 9 months.

"(B) Limitation.—The Secretary shall limit the awarding of additional Pell grants under this paragraph in a single award year to students attending—

"(i) baccalaureate degree granting institutions that have a graduation rate as reported by the Integrated Postsecondary Education Data System for the 4 preceding academic years of at least 30 percent; or

"(ii) two-year institutions that have a graduation rate as reported by the Integrated Postsecondary Education Data Systems, in at least one of the last 3 years for which data is available, that is above the average for the applicable year for the institution's type and control.

"(C) Evaluation.—The Secretary shall conduct an evaluation of the program under this paragraph and submit to the Congress an evaluation report no later than October 1, 2011.

"(D) Regulations required.—The Secretary shall promulgate regulations implementing this paragraph.".

(f) Ineligibility Based on Involuntary Civil Commitment for Sexual Offenses.—

Paragraph (7) of section 401(b) (as redesignated by subsection (d)(2)) is amended by inserting before the period the following: "or who is subject to an involuntary civil commitment upon completion of a period of incarceration for a sexual offense (as determined under regulations of the Secretary)".

(g) PELL GRANT ELIGIBILITY DURATION.—Section 401(c) (20 U.S.C. 1070a(c)) is amended—

(1) in paragraph (1)—

(A) by striking "The period" and inserting in lieu thereof "Subject to paragraph (5), the period"; and

(B) by striking the period at the end thereof and inserting "but shall be subject to the limitation described in paragraph (5)."; and

(2) by adding at the end the following new paragraph:

"(5) The period during which a student may receive Federal Pell Grants shall not exceed the equivalent of 18 semesters or 27 quarters in duration (as determined by the Secretary by regulation), without regard to whether the student is enrolled on a full-time basis during any portion of that period, and including any period of time for which the student received Federal Pell Grants prior to the date of enactment of the College Access and Opportunity Act of 2006.".

(h) ELIGIBILITY PERIOD.—Section 401(c)(2) (20 U.S.C. 1070a(c)(2)) is amended by inserting ", for not more than one academic year," after "which are determined by the institution" in the first sentence.

(i) PELL GRANTS PLUS: ACHIEVEMENT GRANTS FOR STATE SCHOLARS PROGRAM.—

(1) AMENDMENT.—Subpart 1 of part A of title IV is amended by inserting after section 401 (20 U.S.C. 1070a) the following new section:

"SEC. 401A. PELL GRANTS PLUS: ACHIEVEMENT GRANTS FOR STATE SCHOLARS.

"(a) GRANTS AUTHORIZED.—From sums appropriated to carry out section 401, the Secretary shall establish a program to award Pell Grants Plus to students who—

"(1) have successfully completed a rigorous high school program of study established by a State or local educational agency in consultation with a State coalition assisted by the Center for State Scholars;

"(2) are enrolled full-time in the first academic year of undergraduate education, and have not been previously enrolled in a program of undergraduate education; and

"(3) are eligible to receive Federal Pell Grants for the year in which the grant is awarded.

"(b) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amount of the grant awarded under this section shall be $1,000.

"(2) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—A grant awarded under this section to any student, in combination with the Federal Pell Grant assistance and other student financial assistance available to such student, may not exceed the student's cost of attendance.

"(c) SELECTION OF RECIPIENTS.—

"(1) PROCEDURES ESTABLISHED BY REGULATION.—The Secretary shall establish by regulation procedures for the determination of eligibility of students for the grants awarded under this section. Such procedures shall include measures to ensure that eligibility is determined in a timely and accurate manner consistent with the requirements of section 482 and the submission of the financial aid form required by section 483.

"(2) REQUIRED INFORMATION.—Each eligible student desiring an award under this section shall submit at such time and in such manner such information as the Secretary may reasonably require.

"(3) CONTINUATION OF GRANT REQUIREMENTS.—In order for a student to continue to be eligible to receive an award under this section for the second year of undergraduate education, the eligible student must—

"(A) maintain eligibility to receive a Federal Pell Grant for that year;

"(B) obtain a grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) for the first year of undergraduate education; and

"(C) be enrolled full-time and fulfill the requirements for satisfactory progress described in section 484(c).

"(d) EVALUATION, AND REPORTS.—The Secretary shall monitor the progress, retention, and completion rates of the students to whom awards are provided under this section. In doing so, the Secretary shall evaluate the impact of the Pell Grants Plus Program and report, not less than biennially, to the authorizing committees of the House of Representatives and the Senate.".

(2) CONFORMING AMENDMENT.—Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 through 1070a–35) is repealed.

SEC. 402. TRIO PROGRAMS.

(a) DURATION OF GRANTS.—

(1) AMENDMENT.—Section 402A(b)(2) (20 U.S.C. 1070a–11(b)(2)) is amended to read as follows:

"(2) DURATION.—Grants or contracts awarded under this chapter shall be awarded for a period of 5 years, except that—

"(A) grants under section 402G shall be awarded for a period of 2 years; and

"(B) grants under section 402H shall be awarded for a period determined by the Secretary.".

(2) TRANSITION TO SYNCHRONOUS GRANT PERIODS.—Notwithstanding section 402A(b)(2) of the Higher Education Act of 1965 (as in effect both prior to and after the amendment made by paragraph (1) of this subsection), the Secretary of Education may continue an award made before the date of enactment of this Act under section 402B, 402C, 402D, 402E, or 402F of such Act as necessary to permit all the awards made under such a section to expire at the end of the same fiscal year, and thereafter to expire at the end of 5 years as provided in the amendment made by paragraph (1) of this subsection.

(b) MINIMUM GRANTS.—Section 402A(b)(3) (20 U.S.C. 1070a–11(b)(3)) is amended to read as follows:

"(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, individual grants for programs authorized under this chapter shall be no less than $200,000, except that individual grants for programs authorized under section 402G shall be no less than $170,000.".

(c) PRIOR EXPERIENCE; NOVICE APPLICANTS.—Section 402A(c)(2) (20 U.S.C. 1070a–11(c)(2)) is amended—

(1) by striking "In making grants" and inserting "(A) Subject to subparagraph (B), in making grants"; and

(2) by adding at the end the following new subparagraph:

"(B) From the amount available under subsection (h) for a program under this chapter (other than a program under section 402G or 402H) for any fiscal year in which the Secretary conducts a competition for the award of grants or contracts under such program, the Secretary shall reserve 10 percent of such available amount for purposes of funding applications from novice applicants. If the Secretary determines that there are an insufficient number of qualified novice applicants to utilize the amount so reserved, the Secretary shall restore the unutilized remainder of the amount reserved for use by applicants qualifying under subparagraph (A).".

(d) APPLICATION STATUS.—Section 402A(c) (20 U.S.C. 1070a–11(c)) is amended by striking paragraph (7).

(e) DOCUMENTATION OF STATUS.—Section 402A(e) (20 U.S.C. 1070a–11(e)) is amended by striking "(g)(2)" each place it appears in paragraphs (1) and (2) and inserting "(i)(4)".

(f) HOMELESS AND UNACCOMPANIED YOUTH.—Section 402A(e) is further amended by adding at the end the following new paragraph:

"(3) Notwithstanding this subsection and subsection (i)(4), individuals who are homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act shall be eligible to participate in programs under sections 402B, 402C, 402D, and 402F of this chapter.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 402A(f) (20 U.S.C. 1070a–11(f)) is amended by striking "$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$836,500,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(h) DEFINITION.—Section 402A(g) (20 U.S.C. 1070a–11(g)) is amended—

(1) in paragraph (3), by striking "by reason of such individual's age";

(2) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and

(3) by inserting before paragraph (3), as redesignated, the following:

"(1) DIFFERENT CAMPUS.—The term 'different campus' means an institutional site that—

"(A) is geographically apart from the main campus of the institution;

"(B) is permanent in nature; and

"(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

"(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an entity seeks to serve through an application for funding under this chapter, that—

"(A) is separate and distinct from any other population that the entity seeks to serve through an application for funding under this chapter; or

"(B) while sharing some of the same needs as another population that the entity seeks to serve through an application for funding under this chapter, has distinct needs for specialized services.".

(i) EDUCATION AND COUNSELING SERVICES.—Chapter 1 of subpart 2 of part A of title IV is further amended—

(1) in section 402B(b) (20 U.S.C. 1070a–12(b))—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(B) by inserting after paragraph (2) the following:

"(3) education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents;"; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)";

(2) in section 402C (20 U.S.C. 1070a–13)—

(A) in subsection (b)—

(i) by redesignating paragraphs (2) through (12) as paragraphs (3) through (13), respectively;

(ii) by inserting after paragraph (1) the following:

"(2) education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents;";

(iii) in paragraph (12), as redesignated by clause (i), by inserting ", specifically in the fields of math and science" after "postsecondary education"; and

(iv) in paragraph (13), as redesignated by clause (i), by striking "paragraphs (1) through (11)" and inserting "paragraphs (1) through (12)"; and

(B) in subsection (e), by striking "subsection (b)(10)" and inserting "subsection (b)(11)";

(3) in section 402D(b) (20 U.S.C. 1070a-14(b))—

(A) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(B) by inserting after paragraph (1) the following:

"(2) education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents;"; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)";

(4) in section 402E(b) (20 U.S.C. 1070a-15(b))—

(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(B) by inserting after paragraph (6) the following:

"(7) education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents;"; and

(5) in section 402F(b) (20 U.S.C. 1070a-16(b))—

(A) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively;

(B) by inserting after paragraph (3) the following:

"(4) education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents;"; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking "paragraphs (1) through (9)" and inserting "paragraphs (1) through (10)".

(j) MAXIMUM STIPENDS.—Section 402C(e) (20 U.S.C. 1070a-13(e)) is amended—

(1) by striking "$60" and inserting "$100"; and

(2) by striking "$40" and inserting "$60".

(k) STUDENT SUPPORT SERVICES.—Section 402D(d)(6) (20 U.S.C. 1070a-14(d)(6)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) working with other entities that serve low-income working adults to increase access to and successful progress in postsecondary education by low-income working adults seeking their first postsecondary degree or certificate.".

(l) POSTBACCALAUREATE ACHIEVEMENT MAXIMUM STIPENDS.—Section 402E(e)(1) (20 U.S.C. 1070a-15(e)(1)) is amended by striking "$2,800" and inserting "$5,000".

(m) EDUCATIONAL OPPORTUNITY CENTERS: APPLICATION APPROVAL.—Section 402F(c) (20 U.S.C. 1070a-16(c)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) consider the extent to which the proposed project would provide services to low-income working adults in the region to be served, in order to increase access to postsecondary education by low-income working adults.".

SEC. 403. TRIO REFORM.

(a) PERFORMANCE MEASURES.—Section 402A (20 U.S.C. 1070a-11) is amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (g), (h), and (i), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—The Secretary shall establish expected program outcomes and procedures for measuring, annually and for longer periods, the quality and effectiveness of programs operated under this chapter, and the impact of the services provided through the programs to support the attainment of higher education for students from disadvantaged backgrounds, low-income individuals, and prospective first-generation college students.

"(2) USE OF MEASURES.—The performance measures described in paragraph (1) shall be used to—

"(A) assess the impact of the specific services provided by recipients of grants or contracts under this chapter and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

"(B) identify strengths and weaknesses in the provision of services provided by grantees under this chapter;

"(C) identify project operations that may require training and technical assistance resources.

"(3) ADDITIONAL MEASURES.—In addition to the performance measures in paragraph (1), each grant recipient may establish local performance measures.".

(b) SELECTION.—Subsection (d) of such section (as redesignated by subsection (a)(1) of this section) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) SELECTION.—

"(A) IN GENERAL.—In awarding grants from among qualified applicants, the Secretary shall consider the effectiveness of each applicant in providing services under this chapter, based on—

"(i) the plan of such applicant to deliver program services and achieve expected program outcomes established by the Secretary;

"(ii) the plan of such applicant to coordinate program services with other programs for disadvantaged students; and

"(iii) any prior experience of such applicant in achieving expected program outcomes under this chapter.

"(B) ADDITIONAL CRITERIA.—The Secretary may establish additional selection criteria as necessary to identify the most qualified applicants.".

(c) PRIOR EXPERIENCE.—Paragraph (3) of such subsection (d) (as amended by section 402(c) and redesignated by subsection (b)(1) of this section) is amended—

(1) by striking subparagraph (A) and inserting "(A) In making grants under this chapter, the Secretary shall use the measures described in subsection (c)(1) to evaluate each applicant's prior experience in achieving expected program outcomes under the particular program for which funds are sought."; and

(2) by adding at the end the following new subparagraph:

"(C) The Secretary shall not give prior experience points to any current grantee that during the then most recent period for which funds were provided—

"(i) failed to meet one or more expected program outcomes based on the performance measures described in subsection (c); or

"(ii) expended funds for indirect costs in an amount that exceeded 8 percent of the total grant award.".

(d) ORDER OF AWARDS.—Paragraph (4) of such subsection (d) (as redesignated by subsection (b)(1) of this section) is amended—

(1) in subparagraph (A)—

(A) by striking "under paragraph (4)" and inserting "under paragraph (5)"; and

(B) by stiking "with paragraph (2)" and inserting "with paragraph (3)"; and

(2) by amending subparagraph (B) to read as follows:

"(B) The Secretary shall not provide assistance to an entity if the Secretary has determined that such entity has involved the fraudulent use of public or private funds.".

(e) TECHNICAL ASSISTANCE.—Paragraph (3) of subsection (e) of such section (as redesignated by subsection (a)(1) of this section) is amended to read as follows:

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to applicants for projects and programs authorized under this chapter. The Secretary shall give priority to serving programs and projects that serve geographic areas and eligible populations which have been underserved by the programs assisted under this chapter. Technical training activities shall include the provision of information on authorizing legislation, goals and objectives of the program, required activities, eligibility requirements, the application process and application deadlines, and assistance in the development of program proposals and the completion of program applications.".

(f) RECORDKEEPING AND REPORTING.—Section 402A is further amended by inserting after subsection (e) of such section (as redesignated by subsection (a)(1) of this section) the following new subsection:

"(f) RECORDKEEPING AND REPORTING.—

"(1) IN GENERAL.—The Secretary shall establish uniform reporting requirements and require each recipient of funds under this chapter to submit annually and in electronic form such information in such manner and form and at such time as the Secretary may require, except that reporting such information shall not reveal personally identifiable information about an individual student.

"(2) REPORT TO CONGRESS.—At least once every 2-year period, the Secretary shall prepare and submit to the authorizing committees, a report on the services provided to students that shall include—

"(A) a statement for the then most recently concluded fiscal year specifying—

"(i) the amount of funds received by grantees to provide services under this chapter; and

"(ii) the amount of funds received by new grantees to provide services under this chapter;

"(B) a description of the specific services provided to students;

"(C) a summary of the overall success in achieving specific program outcomes or progress toward such outcomes;

"(D) a report of the number of students served by types of service received;

"(E) information summarizing the types of organizations that received funds under this chapter; and

"(F) a summary of the research and evaluation activities under section 402H, including—

"(i) a status report on ongoing activities; and

"(ii) results, conclusions, and recommendations of such activities available after the then most recent report.".

(g) Increased Monitoring.—Subsection (h) of such section (as redesignated by subsection (a)(1) of this section) is amended by striking everything after the first sentence and inserting the following: "Of the amount appropriated under this chapter, the Secretary may use no more than one half of 1 percent of such amount to support the administration of the Federal TRIO programs including to increase the level of oversight monitoring, to support impact studies, program assessments and reviews, and to provide technical assistance to prospective applicants and current grantees.".

(h) Expected Program Outcome.—

(1) Section 402B (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(d) Expected Program Outcome.—For the purposes of assessing an applicant's past performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider the college-going rate of the participants served by the program compared to that of other applicants eligible to receive consideration of prior experience.".

(2) Section 402C (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(f) Expected Program Outcome.—For the purposes of assessing an applicant's past performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider the college-going rate of the participants served by the program compared to that of other applicants eligible to receive consideration of prior experience.".

(3) Section 402D (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(e) Expected Program Outcome.—For the purposes of assessing an applicant's past performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider the college-going rate of the participants served by the program compared to that of other applicants eligible to receive consideration of prior experience.".

(4) Section 402E (20 U.S.C. 1070a-12) is amended by striking subsection (f) and inserting the following:

"(f) Expected Program Outcome.—For the purposes of assessing an applicant's past performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider the college-going rate of the participants served by the program compared to that of other applicants eligible to receive consideration of prior experience.".

(5) Section 402F (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(d) Expected Program Outcome.—For the purposes of assessing an applicant's past performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider the college-going rate of the participants served by the program compared to that of other applicants eligible to receive consideration of prior experience.".

(i) Staff Development.—Section 402G (20 U.S.C. 1070a-17) is amended to read as follows:

"SEC. 402G. STAFF DEVELOPMENT ACTIVITIES.

"(a) Secretary's Authority.—For the purpose of improving the operation of the programs and projects authorized by this chapter, the Secretary is authorized to make grants to institutions of higher education and other public and private nonprofit institutions and organizations to provide training and technical assistance for staff and leadership personnel employed in, participating in, or preparing for employment in, such programs and projects.

"(b) Contents of Training Programs.—Such training shall be provided to assist programs and projects in—

"(1) achieving the expected program outcomes stated under this chapter or additional outcomes identified by individual programs or projects;

"(2) addressing any identified program weaknesses in the overall development, conduct, or administration of a grant or contract;

"(3) improving the quality of services provided to eligible students; or

"(4) additional areas in need of program improvement as identified by the Secretary or as requested by grantees in order to enhance program operations and outcomes.

"(c) Consultation.—Grants for the purposes of this section shall be made only after consultation with regional and State professional associations of persons having special knowledge with respect to the needs and problems of such programs and projects.".

(j) Evaluations.—Section 402H (20 U.S.C. 1070a-18) is amended to read as follows:

"SEC. 402H. EVALUATIONS.

"(a) Evaluations.—

"(1) In general.—For the purpose of improving the effectiveness of the programs and projects assisted under this chapter, the Secretary shall make grants to or enter into contracts with one or more organizations to—

"(A) evaluate the effectiveness of the programs and projects assisted under this chapter; and

"(B) disseminate information on the impact of the programs in increasing the education level of participating students, as well as other appropriate measures.

"(2) Issues to be evaluated.—The evaluations described in paragraph (1) shall measure the effectiveness of programs under this chapter in—

"(A) meeting the expected program outcomes stated under this chapter and all performance measures identified by the Secretary;

"(B) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

"(C) preparing individuals and students for postsecondary education;

"(D) comparing the level of education completed by students who participate in the programs funded under this chapter with the level of education completed by students of similar backgrounds who do not participate in such programs;

"(E) comparing the retention rates, dropout rates, graduation rates, and college admission and completion rates of students who participate in the programs funded under this chapter with the rates of students of similar backgrounds who do not participate in such programs; and

"(F) such other issues as the Secretary considers appropriate for inclusion in the evaluation.

"(3) Program methods.—Such evaluations shall also investigate the effectiveness of alternative and innovative methods within Federal TRIO programs of increasing access to, and retention of, students in postsecondary education.

"(b) Results.—The Secretary shall submit to the authorizing committees—

"(1) an annual interim report on the progress and preliminary results of the evaluation of each program funded under this chapter no later than 2 years following the date of enactment of the College Access and Opportunity Act of 2006; and

"(2) a final report not later than 3 years following the date of enactment of such Act.

"(c) Public Availability.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable reports under subsection (b), except that any personally identifiable information on students participating in any TRIO program shall not be disclosed or made available to the public.".

SEC. 404. GEARUP.

(a) Duration of Awards.—Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended—

(1) in paragraph (2)(B), by striking "Higher Education Amendments of 1998" and inserting "College Access and Opportunity Act of 2006"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Duration.—An award made by the Secretary under this chapter to an eligible entity described in paragraph (1) or (2) of subsection (c) shall be for the period of 6 years.".

(b) Continuing Eligibility.—Section 404A (20 U.S.C. 1070a–21) is amended by adding at the end the following new subsection:

"(d) Continuing Eligibility.—An eligible entity shall not cease to be an eligible entity upon the expiration of any grant under this chapter (including a continuation award).".

(c) Continuity of Service.—

(1) Cohort approach.—Section 404B(g)(1)(B) (20 U.S.C. 1070a–22(g)(1)(B)) is amended by inserting "and provide the option of continued services through the student's first year of attendance at an eligible institution of higher education" after "grade level".

(2) Early intervention.—Section 404D (20 U.S.C. 1070a–24) is amended—

(A) in subsection (b)(2)(A), by inserting "and students in the first year of attendance at an eligible institution of higher education" after "grade 12"; and

(B) in subsection (c), by inserting ", and may consider students in their first year of attendance at an eligible institution," after "grade 12".

(d) Coordination.—Section 404C(a)(2) (20 U.S.C. 1070a–23(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) describe activities for coordinating, complementing, and enhancing services under this chapter provided by other eligible entities in the State; and".

(e) Education and Counseling Services.—Section 404D(b)(2)(A)(ii) (20 U.S.C. 1070a–24(b)(2)(A)(ii)) is amended by striking "and academic counseling" and inserting "academic counseling, and financial literacy and economic literacy education or counseling".

(f) HOMELESS AND UNACCOMPANIED YOUTH.—Section 404D is further amended by adding at the end the following new subsection:

“(e) HOMELESS AND UNACCOMPANIED YOUTH.—Notwithstanding any other provision of this chapter, individuals who are homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act shall be eligible to participate in programs under this section.”.

(g) REAUTHORIZATION.—Section 404H (20 U.S.C. 1070a–28) is amended by striking “$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “$306,500,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking “$675,000,000 for fiscal year 1999 and such sums as may be necessary for the 4 succeeding fiscal years” and inserting “$779,000,000 for fiscal year 2006 and such sums as may be necessary for the 5 succeeding fiscal years”.

(b) PRIORITY OF AWARDS.—Paragraph (2) of section 413C(c) (20 U.S.C. 1070b-2(c)(2)) is amended to read as follows:

“(2) In carrying out paragraph (1) of this subsection, each institution of higher education shall, in the agreement made under section 487, assure that the selection procedures—

“(A) will give a priority for supplemental grants under this subpart to students who receive Pell Grants and meet the requirements of section 484; and

“(B) will award no more than 10 percent of each institution's allocation received under section 413D to students who did not receive Federal Pell Grants in a prior year.”.

(c) PHASEOUT OF ALLOCATION BASED ON PREVIOUS ALLOCATIONS.—

(1) AMENDMENT.—Subsection (a) of section 413D (20 U.S.C. 1070b–3(a)) is amended to read as follows:

“(a) ALLOCATION BASED ON PREVIOUS ALLOCATION.—

“(1) BASE GUARANTEE.—From the amount appropriated pursuant to section 413A(b) for each fiscal year after fiscal year 2007, the Secretary shall, subject to paragraph (2), first allocate to each eligible institution an amount equal to the following percentage of the amount such institution received under subsection (a) of this section for fiscal year 2007 (as such subsection was in effect with respect to allocations for such fiscal year):

“(A) 80 percent for fiscal years 2008 and 2009;

“(B) 60 percent for fiscal years 2010 and 2011;

“(C) 40 percent for fiscal years 2012 and 2013;

“(D) 20 percent for fiscal years 2014 and 2015; and

“(E) 0 percent for fiscal year 2016 and any succeeding fiscal year.

“(2) RATABLE REDUCTIONS FOR INSUFFICIENT APPROPRIATIONS.—

“(A) REDUCTION OF BASE GUARANTEE.—If the amount appropriated for any fiscal year is less than the amount required to be allocated to all institutions under this subsection, then the amount of the allocation to each such institution shall be ratably reduced.

“(B) ADDITIONAL APPROPRIATIONS ALLOCATION.—If additional amounts are appropriated for any such fiscal year, such reduced amounts shall be increased on the same basis as they were reduced (until the amount allocated equals the amount required to be allocated under this subsection).

“(3) ADDITIONAL ALLOCATIONS FOR CERTAIN INSTITUTIONS.—

“(A) ALLOCATIONS PERMITTED.—Notwithstanding any other provision of this section, the Secretary may allocate an amount equal to not more than 10 percent of the amount by which the amount appropriated in any fiscal year to carry out this subpart exceeds $700,000,000 among eligible institutions described in subparagraph (B).

“(B) ELIGIBLE INSTITUTIONS.—An otherwise eligible institution may receive a portion of the allocation described in subparagraph (A) if—

“(i) not less than 10 percent of the students attending the institution receive Federal Pell Grants; and

“(ii)(I) in the case of an institution that offers programs of at least 4 years in duration, if its graduation rate for Federal Pell Grant recipients attending the institution and graduating within the period of time equal to normal duration of the longest undergraduate program offered by the institution, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(5)(C)); or

“(II) in the case of an institution that offers programs of at least 2, but less than 4, years in duration, if its rate for Federal Pell Grant recipients attending the institution and graduating or transferring to an institution that offers programs of at least 4 years in duration within the period of time equal to the normal duration of the program offered, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(5)(C)).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any amounts appropriated under section 413A(b) of the Higher Education Act of 1965 (20 U.S.C. 1070b(b)) for fiscal year 2008 or any succeeding fiscal year.

(d) BOOKS AND SUPPLIES.—Section 413D(c)(3)(D) (20 U.S.C. 1070–3(c)(3)(D)) is amended by striking “$450” and inserting “$600”.

SEC. 406. LEAP.

Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended—

(1) by striking “1999” and inserting “2006”; and

(2) by striking “4 succeeding” and inserting “5 succeeding”.

SEC. 407. HEP/CAMP PROGRAM.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)(1)(B)(i), by inserting “, or whose spouse” after “themselves”;

(2) in subsection (b)(3)(B), by inserting “, including preparation for college entrance exams” after “program”;

(3) in subsection (b)(8), by inserting “, including child care and transportation” after “supportive services”;

(4) by striking “and” at the end of subsection (b)(7), by striking the period at the end of subsection (b)(8) and inserting “; and”, and by adding at the end of subsection (b) the following new paragraph:

“(9) follow-up activity and reporting requirements, except that not more than 2 percent of the funds provided under this section may be used for such purposes.”;

(5) in subsection (c)(1)(A), by inserting “, or whose spouse” after “themselves”;

(6) in subsection (c)(1)(B), by striking clause (i) and inserting the following:

“(i) personal, academic, career, and economic education or personal finance counseling as an ongoing part of the program;”;

(7) in subsection (c)(2)(B), by inserting “(including mentoring and guidance of such students)” after “services”;

(8) in subsection (c)(2), by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; and”, and by adding at the end of subsection (c)(2) the following new subparagraph:

“(C) for students in any program that does not award a bachelor's degree, encouraging the transfer to, and persistence in, such a program, and monitoring the rate of such transfer, persistence, and completion.”;

(9) in subsection (e), by striking “section 402A(c)(1)” and inserting “section 402A(c)(2)”; and

(10) in subsection (h)—

(A) in paragraph (1), by striking “$15,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “$24,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years”; and

(B) in paragraph (2), by striking “$5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “$16,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

Subpart 6 of part A of title IV is amended to read as follows:

“Subpart 6—Robert C. Byrd Honors Scholarship Program

“SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE HONORS SCHOLARSHIP PROGRAM.

“(a) PURPOSE.—The purpose of this section is to award scholarships to students who are enrolled in studies leading to baccalaureate and advanced degrees in physical, life, or computer sciences, mathematics, and engineering.

“(b) DEFINITIONS.—As used in this section—

“(1) the term ‘computer science’ means the branch of knowledge or study of computers, including such fields of knowledge or study as computer hardware, computer software, computer engineering, information systems, and robotics;

“(2) the term ‘eligible student’ means a student who—

“(A) is a citizen of the United States;

“(B) is selected by the managing agent to receive a scholarship;

“(C) is enrolled full-time in an institution of higher education, other than a United States service academy; and

“(D) has shown a commitment to and is pursuing a major in studies leading to a baccalaureate, masters, or doctoral degree (or a combination thereof) in physical, life, or computer sciences, mathematics, or engineering;

“(3) the term ‘engineering’ means the science by which the properties of matter and the sources of energy in nature are made useful to humanity in structures, machines, and products, as in the construction of engines, bridges, buildings, mines, and chemical plants, including such fields of knowledge or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;

“(4) the term ‘life sciences’ means the branch of knowledge or study of living things, including such fields of knowledge or study as biology, biochemistry, biophysics, microbiology, genetics, physiology, botany, zoology, ecology, and behavioral biology, except that the term does not encompass social psychology or the health professions;

“(5) the term ‘managing agent’ means an entity to which an award is made under subsection (c) to manage a program of Mathematics and Science Honors Scholarships;

“(6) the term ‘mathematics’ means the branch of knowledge or study of numbers and the systematic treatment of magnitude, relationships between figures and forms, and relations between quantities expressed symbolically, including such fields of knowledge or study as statistics, applied mathematics, and operations research; and

“(7) the term ‘physical sciences’ means the branch of knowledge or study of the material universe, including such fields of knowledge or study as astronomy, atmospheric sciences, chemistry, earth sciences, ocean sciences, physics, and planetary sciences.

“(c) AWARD.—

“(1)(A) From funds authorized under section 419D to carry out this section, the Secretary is authorized, through a grant or cooperative agreement, to make an award to a private, non-profit organization, other than an institution of higher education or system of institutions of higher education, to manage, through a public and private partnership, a program of Mathematics and Science Honors Scholarships under this section.

“(B) The award under subparagraph (A) shall be for a five-year period.

“(2)(A) One hundred percent of the funds awarded under paragraph (1)(A) for any fiscal year shall be obligated and expended solely on scholarships to eligible students.

“(B) No Federal funds shall be used to provide more than 50 percent of the cost of any scholarship to an eligible student.

“(C) The maximum scholarship award shall be the difference between an eligible student's cost of attendance minus any nonloan based aid such student receives.

“(3)(A) The secretary may establish—

“(i) eligibility criteria for applicants for managing agent, including criteria regarding financial and administrative capability; and

“(ii) operational standards for the managing agent, including management and performance requirements, such as audit, recordkeeping, record retention, and reporting procedures and requirements.

“(B) The Secretary, as necessary, may review and revise any criteria, standards, and rules established under this paragraph and, through the agreement with the managing agent, see that any revisions are implemented.

“(4) If the managing agent fails to meet the requirements of this section the Secretary may terminate the award to the managing agent.

“(5) The Secretary shall conduct outreach efforts to help raise awareness of the Mathematics and Science Honors Scholarships.

“(d) DUTIES OF THE MANAGING AGENT.—The managing agent shall—

“(1) develop criteria to award Mathematics and Science Honors Scholarships based on established measurements available to secondary students who wish to pursue degrees in physical, life, or computer sciences, mathematics, and engineering;

“(2) establish a Mathematics and Science Honors Scholarship Fund in a separate, named account that clearly discloses the amount of Federal and non-Federal funds deposited in the account and used for scholarships under this section;

“(3) solicit funds for scholarships and for the administration of the program from non-Federal sources;

“(4) solicit applicants for scholarships;

“(5) from the amounts in the Fund, award scholarships to eligible students and transfer such funds to the institutions of higher education that they attend; and

“(6) annually submit to the Secretary a financial audit and a report on the progress of the program, and such other documents as the Secretary may require to determine the effective management of the program.

“(e) APPLICATIONS.—

“(1) Any eligible entity that desires to be the managing agent under this section shall submit an application to the Secretary, in such form and containing such information, as the Secretary may require.

“(2) Each application shall include a description of—

“(A) how the applicant meets or will meet requirements established under subsections (c)(3)(A) and (d);

“(B) how the applicant will solicit funds for scholarships and for the administration of the program from non-Federal sources;

“(C) how the applicant will provide nationwide outreach to inform students about the program and to encourage students to pursue degrees in physical, life, or computer sciences, mathematics, and engineering;

“(D) how the applicant will solicit applications for scholarships, including how the applicant will balance efforts in urban and rural areas;

“(E) the selection criteria based on established measurements available to secondary students the applicant will use to award scholarships and to renew those awards;

“(F) how the applicant will inform the institution of higher education chosen by the recipient of the name and scholarship amount of the recipient;

“(G) what procedures and assurances the applicant and the institution of higher education that the recipient attends will use to verify student eligibility, attendance, degree progress, and academic performance and to deliver and account for payments to such institution;

“(H) the management (including audit and accounting) procedures the applicant will use for the program;

“(I) the human, financial, and other resources that the applicant will need and use to manage the program;

“(J) how the applicant will evaluate the program and report to the Secretary annually; and

“(K) a description of how the entity will coordinate with, complement, and build on similar public and private mathematics and science programs.

“(f) SCHOLARSHIP RECIPIENTS.—

“(1) A student receiving a scholarship under this section shall be known as a ‘Byrd Mathematics and Science Honors Scholar’.

“(2) Any student desiring to receive a scholarship under this section shall submit an application to the managing agent in such form, and containing such information, as the managing agent may require.

“(3) Any student that receives a scholarship under this section shall enter into an agreement with the managing agent to complete 5 consecutive years of service to begin no later than 12 months following completion of the final degree in a position related to physical, life, or computer sciences, mathematics, or engineering as defined under this section.

“(4) If any student that receives a scholarship under this section fails to earn at least a baccalaureate degree in physical, life, or computer sciences, mathematics, or engineering as defined under this section, the student shall repay to the managing agent the amount of any financial assistance paid to such student.

“(5) If any student that receives a scholarship under this section fails to meet the requirements of paragraph (3), the student shall repay to the managing agent the amount of any financial assistance paid to such student.

“(6)(A) Scholarships shall be awarded for only one academic year of study at a time.

“(B)(i) A scholarship shall be renewable on an annual basis for the established length of the academic program if the student awarded the scholarship remains eligible.

“(ii) The managing agent may condition renewal of a scholarship on measures of academic progress and achievement, with the approval of the Secretary.

“(C)(i) If a student fails to either remain eligible or meet established measures of academic progress and achievement, the managing agent shall instruct the student's institution of higher education to suspend payment of the student's scholarship.

“(ii) A suspension of payment shall remain in effect until the student is able to demonstrate to the satisfaction of the managing agent that he or she is again eligible and meets the established measures of academic progress and achievement.

“(iii) A student's eligibility for a scholarship shall be terminated if a suspension period exceeds 12 months.

“(D)(i)(I) A student awarded a scholarship may, in a manner and under the terms established by, and with the approval of, the managing agent, postpone or interrupt his or her enrollment at an institution of higher education for up to 12 months.

“(II) Such a postponement or interruption shall not be considered a suspension for purposes of subparagraph (C).

“(ii) Neither a student nor the student's institution of higher education shall receive the student's scholarship payments during the period of postponement or interruption, but such payments shall resume upon enrollment or reenrollment.

“(iii) In exceptional circumstances, such as serious injury or illness or the necessity to care for family members, the student's postponement or interruption may, upon notification and approval of the managing agent, be extended beyond the 12 month period described in clause (i)(I).

“(g) RESPONSIBILITIES OF INSTITUTION OF HIGHER EDUCATION.—

“(1) The managing agent shall require any institution of higher education that enrolls a student who receives a scholarship under this section to annually provide an assurance, prior to making any payment, that the student—

“(A) is eligible in accordance with subsection (b)(2); and

“(B) has provided the institution with a written commitment to attend, or is attending, classes and is satisfactorily meeting the institution's academic criteria for enrollment in its program of study.

“(2)(A) The managing agent shall provide the institution of higher education with payments from the Fund for selected recipients in at least two installments.

“(B) An institution of higher education shall return prorated amounts of any scholarship payment to the managing agent, who shall deposit it in to the Fund, if a recipient declines a scholarship, does not attend courses, transfers to another institution of higher education, or becomes ineligible for a scholarship.

“SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PROGRAM.

“(a) Program.—

“(1) In general.—The Secretary is authorized to carry out a program of assuming the obligation to pay, pursuant to the provisions of this section, the interest on a loan made, insured, or guaranteed under part B or D of this title.

“(2) Eligibility.—The Secretary may assume interest payments under paragraph (1) only for a borrower who—

“(A) has submitted an application in compliance with subsection (d);

“(B) obtained one or more loans described in paragraph (1) as an undergraduate student;

“(C) is a new borrower (within the meaning of section 103(7) of this Act) on or after the date of enactment of the College Access and Opportunity Act of 2006;

“(D) is a highly qualified teacher of science, technology, engineering or mathematics at an elementary or secondary school in a high need local educational agency, or is a mathematics, science, or engineering professional; and

“(E) enters into an agreement with the Secretary to complete 5 consecutive years of service in a position described in subparagraph (D), starting on the date of the agreement.

“(3) Prior interest limitations.—The Secretary shall not make any payments for interest that—

“(A) accrues prior to the beginning of the repayment period on a loan in the case of a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan; or

“(B) has accrued prior to the signing of an agreement under paragraph (2)(E).

“(4) Initial selection.—In selecting participants for the program under this section, the Secretary—

“(A) shall choose among eligible applicants on the basis of—

“(i) the national security, homeland security, and economic security needs of the United States, as determined by the Secretary, in consultation with other Federal agencies, including the Departments of Labor, Defense, Homeland Security, Commerce, and Energy, the Central Intelligence Agency, and the National Science Foundation; and

“(ii) the academic record or job performance of the applicant; and

“(B) may choose among eligible applicants on the basis of—

“(i) the likelihood of the applicant to complete the 5-year service obligation;

“(ii) the likelihood of the applicant to remain in science, mathematics, or engineering after the completion of the service requirement; or

“(iii) other relevant criteria determined by the Secretary.

“(5) Availability subject to appropriations.—Loan interest payments under this section shall be subject to the availability of appropriations. If the amount appropriated for any fiscal year is not sufficient to provide interest payments on behalf of all qualified applicants, the Secretary shall give priority to those individuals on whose behalf interest payments were made during the preceding fiscal year.

“(6) Regulations.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

“(b) Duration and Amount of Interest Payments.—The period during which the Secretary shall pay interest on behalf of a student borrower who is selected under subsection (a) is the period that begins on the effective date of the agreement under subsection (a)(2)(E), continues after successful completion of the service obligation, and ends on the earlier of—

“(1) the completion of the repayment period of the loan;

“(2) payment by the Secretary of a total of $5,000 on behalf of the borrower;

“(3) if the borrower ceases to fulfill the service obligation under such agreement prior to the end of the 5-year period, as soon as the borrower is determined to have ceased to fulfill such obligation in accordance with regulations of the Secretary; or

“(4) 6 months after the end of any calendar year in which the borrower's gross income equals or exceeds 4 times the national per capita disposable personal income (current dollars) for such calendar year, as determined on the basis of the National Income and Product Accounts Tables of the Bureau of Economic Analysis of the Department of Commerce, as determined in accordance with regulations prescribed by the Secretary.

“(c) Repayment to Eligible Lenders.—Subject to the regulations prescribed by the Secretary by regulation under subsection (a)(6), the Secretary shall pay to each eligible lender or holder for each payment period the amount of the interest that accrues on a loan of a student borrower who is selected under subsection (a).

“(d) Application for Repayment.—

“(1) In general.—Each eligible individual desiring loan interest payment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) Failure to complete service agreement.—Such application shall contain an agreement by the individual that, if the individual fails to complete the 5 consecutive years of service required by subsection (a)(2)(E), the individual agrees to repay the Secretary the amount of any interest paid by the Secretary on behalf of the individual.

“(e) Treatment of Consolidation Loans.—A consolidation loan made under section 428C of this Act, or a Federal Direct Consolidation Loan made under part D of title IV of this Act, may be a qualified loan for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

“(1) a loan made under section 428 or 428H of this Act; or

“(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of this Act.

“(f) Prevention of Double Benefits.—No borrower may, for the same service, receive a benefit under both this section and—

“(1) any loan forgiveness program under title IV of this Act; or

“(2) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(g) Definitions.—As used in this section—

“(1) the term ‘high need local educational agency’ has the same meaning given such term in section 201(b)(4); and

“(2) the term ‘mathematics, science, or engineering professional’ means a person who—

“(A) holds a baccalaureate, masters, or doctoral degree (or a combination thereof) in science, mathematics, or engineering; and

“(B) works in a field the Secretary determines is closely related to that degree, which shall include working as a professor at a two- or four-year institution of higher education.

“SEC. 419C. MATHEMATICS AND SCIENCE EDUCATION COORDINATING COUNCIL GRANTS.

“(a) Purposes.—The purposes of this section include—

“(1) supporting programs that encourage students to enroll in and successfully complete baccalaureate and advanced degrees in science, technology, engineering, and mathematics;

“(2) achieving the common objective of organizing, leading, and implementing State-based reform agendas that support the continuing improvement of mathematics and science education; and

“(3) improving collaboration in a State among the State educational agency, 2-year and 4-year institutions of higher education, and the business community through the development or improvement of a coordinating council.

“(b) Definitions.—For the purposes of this section:

“(1) the term ‘eligible State’ means—

“(A) the Governor of a State; or

“(B) in the case of a State for which the constitution or laws of the State designate an individual, entity, or agency in the State, other than the Governor, to be responsible for coordination among segments of the State's educational systems, such individual, entity, or agency.

“(2) the term ‘mathematics and science education coordinating council’ means an organization that is charged by a State with coordinating mathematics and science education in the State. Such a council shall be composed of education, business, and community leaders working together to increase student participation and academic achievement in mathematics and science.

“(c) State Grants.—From amounts made available under section 419D for this section, the Secretary is authorized to use not more than $5,000,000 to award grants on a competitive basis to eligible States for the purpose of carrying out activities described in subsection (d)

“(d) Uses of Funds.—An eligible State that receives a grant under this section is authorized to use grant funds to carry out one or more of the following activities:

“(1) In a State in which a mathematics and science education coordinating council does not exist, planning and establishing such a council.

“(2) In a State in which such a council exists, reforming or expanding the activities of the council, including implementing State-based reform agendas that support the continuing improvement of mathematics and science education, and support services that lead to better teacher recruitment and training, increased student academic achievement, and increased student enrollment and degree attainment in science, technology, engineering, and mathematics.

“(3) Coordinating with activities under part B of title II of the Elementary and Secondary Education Act of 1965 and with title II of this Act, especially as it pertains to the recruitment and preparation of highly qualified mathematics and science teachers.

“(e) Application.—To be eligible to receive a grant under this section, an eligible State shall submit an application to the Secretary that—

“(1) describes the activities the State will carry out with the funds;

“(2) contains a plan for continuing such activities once Federal funding ceases; and

“(3) contains such other information and assurances as the Secretary may require.

“(f) Consultation.—The Governor of a State, or the individual, entity, or agency in the State described in subsection (b)(1)(B), shall consult with the State board of education, State educational agency, and the State agency for higher education, as appropriate, with respect to the activities assisted under this section. In the case of an individual, entity, or agency described in subsection (b)(1)(B), such consultation shall also include the Governor.

“(g) Construction.—Nothing in this section shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(h) Administrative Provisions.—

“(1) In general.—

“(A) Grants awarded under this section shall be awarded for a period not to exceed 5 years.

“(B) A grantee may receive a grant under this part only once.

“(C) Payments of grant funds under this section shall be annual.

“(2) Secretarial selections.—The Secretary shall determine which applications receive funds under this section, and the amount of the grant. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this section and the nature of each grant proposal, including whether funds are being sought to assist in the creation of a new State mathematics and science education coordinating council or to extend the work of an existing council. The Secretary shall also take into account the equitable geographic distribution of grants throughout the United States.

“(3) Matching requirement.—Each eligible State receiving a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

“(i) Accountability and Evaluation.—

“(1) State grant accountability report.—An eligible State that receives a grant under this section shall submit an annual accountability report to the Secretary. Such report shall include a description of the degree to which the eligible State, in using grant funds, has made substantial progress in meeting its objectives.

“(2) Evaluation and dissemination.—The Secretary shall evaluate the activities funded under this section and report the Secretary's findings regarding such activities to the authorizing committees. The Secretary shall broadly disseminate successful practices developed by eligible States under this section, and shall broadly disseminate information regarding such practices that were found to be ineffective.

“(3) Revocation.—If the Secretary determines that an eligible State is not making substantial progress in meeting the purposes, objectives, and measures, as appropriate, required under this section by the end of the second year of a grant, then the grant payment shall not be made for the third year and subsequent years of the grant.

“SEC. 419D. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated $41,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years to carry out this subpart.”.

SEC. 409. CHILD CARE ACCESS.

Section 419N(g) (20 U.S.C. 1070e(g)) is amended—

(1) by striking “1999” and inserting “2006”; and

(2) by striking “4 succeeding” and inserting “5 succeeding”.

SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

(a) Repeal.—Subpart 8 of part A of title IV (20 U.S.C. 1070f—1070f–6) is repealed.

(b) Conforming Amendment.—Section 400(b) (20 U.S.C. 1070(b)) is amended by striking “through 8” and inserting “through 7”.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

“SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

“(a) Purposes.—The purposes of this section are—

“(1) to encourage highly trained individuals to enter and continue in service in areas of national need; and

“(2) to reduce the burden of student debt for Americans who dedicate their careers to service in areas of national need.

“(b) Program Authorized.—

“(1) In general.—The Secretary is authorized to carry out a program of assuming the obligation to repay, pursuant to paragraphs (2) of subsection (c) and subsection (d), a qualified loan amount for a loan made, insured, or guaranteed under this part or part D (other than loans made under section 428B and 428C and comparable loans made under part D), for any new borrower after the date of enactment of the College Access and Opportunity Act of 2006, who—

“(A) has been employed full-time for at least 5 consecutive complete school, academic, or calendar years, as appropriate, in an area of national need described in subsection (c); and

“(B) is not in default on a loan for which the borrower seeks forgiveness.

“(2) Award basis.—Loan repayment under this section shall be on a first-come, first-served basis pursuant to the designation under subsection (c) and subject to the availability of appropriations.

“(3) Regulations.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

“(c) Areas of National Need.—

“(1) Statutory categories.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full time and is any of the following:

“(A) Early childhood educators.—An individual who is employed as an early childhood educator in an eligible preschool program or child care facility in a low-income community, and who is involved directly in the care, development and education of infants, toddlers, or young children through age five.

“(B) Nurses.—An individual who is employed—

“(i) as a nurse in a clinical setting; or

“(ii) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(C) Foreign language specialists.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

“(i) in an elementary or secondary school as a teacher of a critical foreign language; or

“(ii) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

“(D) Librarians.—An individual who is employed full-time as a libarian in—

“(i) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

“(ii) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

“(E) Highly qualified teachers: bilingual education and low-income communities.—An individual who—

“(i) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

“(ii)(I) is employed as a full-time teacher of bilingual education; or

“(II) is employed as a teacher for service in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

“(F) First responders in low-income communities.—An individual who—

“(i) is employed as a firefighter, police officer, or emergency medical technician; and

“(ii) serves as such in a low-income community.

“(G) Child welfare workers.—An individual who—

“(i) has obtained a degree in social work or a related field with a focus on serving children and families; and

“(ii) is employed in public or private child welfare services.

“(H) Speech-language pathologists.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

“(I) Additional areas of national need.—An individual who is employed in an area designated by the Secretary under paragraph (2) and has completed a baccalaureate or advanced degree related to such area.

“(2) Designation of areas of national need.—After consultation with appropriate Federal, State, and community-based agencies and organizations, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into account the extent to which—

"(A) the national interest in the area is compelling;

"(B) the area suffers from a critical lack of qualified personnel; and

"(C) other Federal programs support the area concerned.

"(d) Qualified Loan Amount.—The Secretary shall repay not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth consecutive school, academic, or calendar year, as appropriate, described in subsection (b)(1).

"(e) Construction.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under section 428 or 428H.

"(f) Ineligibility of National Service Award Recipients.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(g) Ineligibility for Double Benefits.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

"(h) Definitions.—In this section

"(1) Child care facility.—The term 'child care facility' means a facility, including a home, that—

"(A) provides for the education and care of children from birth through age 5; and

"(B) meets any applicable State or local government licensing, certification, approval, or registration requirements.

"(2) Critical foreign language.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

"(3) Early childhood educator.—The term 'early childhood educator' means an early childhood educator employed in an eligible preschool program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

"(4) Eligible preschool program.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children through age 5, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

"(A) a public or private school that may be supported, sponsored, supervised, or administered by a local educational agency;

"(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) a nonprofit or community based organization; or

"(D) a child care program, including a home.

"(5) Low-income community.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

"(6) Nurse.—The term 'nurse' means a nurse who meets all of the following:

"(A) The nurse graduated from—

"(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

"(ii) a nursing center; or

"(iii) an academic health center that provides nurse training.

"(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

"(C) The nurse holds one or more of the following:

"(i) A graduate degree in nursing, or an equivalent degree.

"(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(7) Speech-language pathologist.—The term 'speech-language pathologist' means a speech-language pathologist who meets all of the following:

"(A) the speech-language pathologist has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

"(B) the speech-language pathologist meets or exceeds the qualifications as defined in section 1861(ll) of the Social Security Act (42 U.S.C. 1395x).

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 422. ADDITIONAL ADMINISTRATIVE PROVISIONS.

(a) Repayment Plans.—Section 428(b)(9)(A) (20 U.S.C. 1078(b)(9)(A)) is amended by inserting before the semicolon at the end of clause (ii) the following: ", and the Secretary may not restrict the proportions or ratios by which such payments may be graduated with the informed agreement of the borrower".

(b) Counting of Consolidation Loans Against Limits.—

(1) Amendment.—Section 428C(a)(3)(B) (20 U.S.C. 1078-3(a)(3)(B)) is amended by adding at the end the following new clause:

"(ii) Loans made under this section shall, to the extent used to pay off the outstanding principal balance on loans made under this title, excluding capitalized interest, be counted against the applicable limitations on aggregate indebtedness contained in sections 425(a)(2), 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).".

(2) Effective date.—The amendments made by this subsection shall apply with respect to any loan made, insured, or guaranteed under part B or part D of title IV of the Higher Education Act of 1965 for which the first disbursement of principal is made on or after July 1, 2007.

(c) Additional Consolidation Loan Changes.—

(1) Additional amendments.—Section 428C(b)(1) (20 U.S.C. 1078-3(b)(1)) is amended—

(A) by striking everything after "under this section" the first place it appears in subparagraph (A);

(B) by striking "(i) which" and all that follows through "and (ii)" in subparagraph (C);

(C) by striking "and" at the end of subparagraph (E);

(D) by redesignating subparagraph (F) as subparagraph (G); and

(E) by inserting after subparagraph (E) the following new subparagraph:

"(F) that the lender of the consolidation loan shall, upon application for such loan, provide the borrower with a clear and conspicuous notice of at least the following information:

"(i) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(ii) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, deferment, and reduced interest rates on those underlying loans;

"(iii) the ability of the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans;

"(iv) that borrower benefit programs may vary among different loan holders, and a description of how the borrower benefits may vary among different loan holders;

"(v) the tax benefits for which borrowers may be eligible;

"(vi) the consequences of default; and

"(vii) that by making the application the applicant is not obligated to agree to take the consolidation loan; and".

(2) Effective date for single holder amendment.—The amendment made by paragraph (1)(A) shall apply with respect to any loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078–3) for which the application is received by an eligible lender on or after July 1, 2006.

(d) Voluntary Flexible Agreements.—Section 428A(c) (20 U.S.C. 1078-1(c)) is amended by striking paragraph (3) and inserting the following:

"(3) Notice to interested parties.—Once the Secretary reaches a tentative agreement in principle under this section, the Secretary shall publish in the Federal Register a notice that invites interested parties to comment on the proposed agreement. The notice shall state how to obtain a copy of the tentative agreement in principle and shall give interested parties no less than 30 days to provide comments. The Secretary may consider such comments prior to providing the notices pursuant to paragraph (2).".

(e) Financial and Economic Literacy.—

(1) Default reduction program.—Section 428F is amended by adding at the end the following:

"(c) Financial and Economic Literacy.—Where appropriate, each program described under subsection (b) shall include making available financial and economic education materials for the borrower.".

(2) Program assistance for borrowers.—Section 432(k)(1) (20 U.S.C. 1082(k)(1)) is amended by striking "and offering" and all that follows through the period and inserting ", offering loan repayment matching provisions as part of employee benefit packages, and providing employees with financial and economic education and counseling.".

(f) Credit Bureau Organization Agreements.—Section 430A(a) (20 U.S.C. 1080a(a)) is amended by striking "agreements with credit bureau organizations" and inserting "an agreement with each national credit bureau organization (as described in section 603(p) of the Fair Credit Reporting Act)".

(g) Default Reduction Management.—Section 432 is further amended—

(1) by striking subsection (n); and

(2) by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(h) DISABILITY DETERMINATIONS.—Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following new sentence: "In making such determination of permanent and total disability, the Secretary shall provide that a borrower who has been certified as permanently and totally disabled by the Department of Veterans Affairs or the Social Security Administration shall not be required to present further documentation for purposes of this title.".

(i) TREATMENT OF FALSELY CERTIFIED BORROWERS.—Section 437(c)(1) (20 U.S.C. 1087(c)(1)) is amended by inserting "or parent's eligibility" after "such student's eligibility".

(j) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 428(a)(2)(A) (20 U.S.C. 1078(a)(2)(A)) is amended—

(A) by striking "and" at the end of subclause (II) of clause (i); and

(B) by moving the margin of clause (iii) two ems to the left.

(2) Section 428G(e) (20 U.S.C. 1078–7(e)) is amended by striking ", made to a student to cover the cost of attendance at an eligible institution outside the United States,".

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

SEC. 442. COMMUNITY SERVICE.

Section 441(c)(1) (42 U.S.C. 2751(c)(1)) is amended by striking "that are open and accessible to the community".

SEC. 443. ALLOCATION OF FUNDS.

(a) PHASEOUT OF ALLOCATION BASED ON PREVIOUS ALLOCATIONS.—Subsection (a) of section 442 (42 U.S.C. 2752(a)) is amended to read as follows:

"(a) ALLOCATION BASED ON PREVIOUS ALLOCATION.—

"(1) BASE GUARANTEE.—From the amount appropriated pursuant to section 441(b) for each fiscal year after fiscal year 2007, the Secretary shall, subject to paragraph (2), first allocate to each eligible institution an amount equal to the following percentage of the amount such institution received under subsection (a) of this section for fiscal year 2007 (as such subsection was in effect with respect to allocations for such fiscal year):

"(A) 80 percent for fiscal years 2008 and 2009;

"(B) 60 percent for fiscal years 2010 and 2011;

"(C) 40 percent for fiscal years 2012 and 2013;

"(D) 20 percent for fiscal years 2014 and 2015; and

"(E) 0 percent for fiscal year 2016 and any succeeding fiscal year.

"(2) RATABLE REDUCTIONS FOR INSUFFICIENT APPROPRIATIONS.—

"(A) REDUCTION OF BASE GUARANTEE.—If the amount appropriated for any fiscal year is less than the amount required to be allocated to all institutions under this subsection, then the amount of the allocation to each such institution shall be ratably reduced.

"(B) ADDITIONAL APPROPRIATIONS ALLOCATION.—If additional amounts are appropriated for any such fiscal year, such reduced amounts shall be increased on the same basis as they were reduced (until the amount allocated equals the amount required to be allocated under this subsection).

"(3) ADDITIONAL ALLOCATIONS FOR CERTAIN INSTITUTIONS.—

"(A) ALLOCATIONS PERMITTED.—Notwithstanding any other provision of this section, the Secretary may allocate an amount equal to not more than 10 percent of the amount by which the amount appropriated in any fiscal year to carry out this part exceeds $700,000,000 among eligible institutions described in subparagraph (B).

"(B) ELIGIBLE INSTITUTIONS.—An otherwise eligible institution may receive a portion of the allocation described in subparagraph (A) if—

"(i) not less than 10 percent of the students attending the institution receive Federal Pell Grants; and

"(ii)(I) in the case of an institution that offers programs of at least 4 years in duration, if its graduation rate for Federal Pell Grant recipients attending the institution and graduating within the period of time equal to normal duration of the longest undergraduate program offered by the institution, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(5)(C)); or

"(II) in the case of an institution that offers programs of at least 2, but less than 4, years in duration, if its rate for Federal Pell Grant recipients attending the institution and graduating or transferring to an institution that offers programs of at least 4 years in duration within the period of time equal to the normal duration of the program offered, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(5)(C)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any amounts appropriated under section 441(b) of the Higher Education Act of 1965 (42 U.S.C. 2751(b)) for fiscal year 2008 or any succeeding fiscal year.

SEC. 444. BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking "$450" and inserting "$600".

SEC. 445. JOB LOCATION AND DEVELOPMENT.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended—

(1) by striking "10 percent or $50,000" and inserting "15 percent or $75,000"; and

(2) by inserting before the period at the end the following: ", except that not less than one-third of such amount shall be specifically allocated to locate and develop community service jobs".

SEC. 446. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) by striking "work-learning" each place it appears and inserting "work-learning-service";

(2) by amending subparagraph (C) of subsection (e)(1) to read as follows:

"(C) requires all resident students, including at least one-half of all students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for at least 5 hours each week, or at least 80 hours during each period of enrollment, unless the student is engaged in an institutionally organized or approved study abroad or externship program; and";

(3) by amending paragraph (2) of subsection (e) to read as follows:

"(2) the term 'comprehensive student work-learning-service program'—

"(A) means a student work-learning-service program that is an integral and stated part of the institution's educational philosophy and program;

"(B) requires participation of all resident students for enrollment and graduation;

"(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

"(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

"(E) recognizes the educational role of work-learning-service supervisors; and

"(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program."; and

(4) in subsection (f), by striking "1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "2006 and such sums as may be necessary for the 5 succeeding fiscal years".

PART D—FEDERAL DIRECT LOAN PROGRAM

SEC. 451. INCOME CONTINGENT REPAYMENT.

Section 455(e)(2) (20 U.S.C. 1087e(e)(2)) is amended by striking "and files a Federal income tax return jointly with the borrower's spouse".

PART E—FEDERAL PERKINS LOAN PROGRAM

SEC. 461. REAUTHORIZATION OF PROGRAM.

(a) PROGRAM AUTHORIZATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(A) in paragraph (1)—

(i) by striking "1999" and inserting "2006"; and

(ii) by striking "4 succeeding" and inserting "5 succeeding"; and

(B) in paragraph (2), by striking "2003" each place it appears and inserting "2012".

(2) FEDERAL CAPITAL CONTRIBUTION RECOVERY.—Section 466 (20 U.S.C. 1087ff) is amended—

(A) by striking "2004" each place it appears in subsections (a) and (c) and inserting "2012"; and

(B) by striking "2003" each place it appears in subsections (a) and (b),and inserting "2011".

(b) PHASEOUT OF ALLOCATION BASED ON PREVIOUS ALLOCATIONS.—

(1) AMENDMENT.—Subsection (a) of section 462 (20 U.S.C. 1087bb(a)) is amended to read as follows:

"(a) ALLOCATION BASED ON PREVIOUS ALLOCATION.—

"(1) BASE GUARANTEE.—From the amount appropriated pursuant to section 461(b) for each fiscal year after fiscal year 2007, the Secretary shall, subject to paragraphs (2) and (3), first allocate to each eligible institution an amount equal to—

"(A) 100 percent of the amount such institution received under subsection (a) of this section for fiscal year 2007 (as such subsection was in effect with respect to allocations for such fiscal year), multiplied by

"(B) the institution's default penalty, as determined under subsection (e), except that if the institution has a cohort default rate in excess of the applicable maximum cohort default rate under subsection (f), the institution may not receive an allocation under this paragraph.

"(2) PHASE OUT.—For each of the fiscal years after fiscal year 2007, paragraph (1) shall be applied by substituting for '100 percent':

"(A) '80 percent' for fiscal years 2008 and 2009;

"(B) '60 percent' for fiscal years 2010 and 2011;

"(C) '40 percent' for fiscal years 2012 and 2013;

"(D) '20 percent' for fiscal years 2014 and 2015; and

"(E) '0 percent' for fiscal year 2016 and any succeeding fiscal year.

"(3) RATABLE REDUCTIONS FOR INSUFFICIENT APPROPRIATIONS.—

"(A) REDUCTION OF BASE GUARANTEE.—If the amount appropriated for any fiscal year is less than the amount required to be allocated to all institutions under this subsection, then the amount of the allocation to each such institution shall be ratably reduced.

"(B) ADDITIONAL APPROPRIATIONS ALLOCATION.—If additional amounts are appropriated for any such fiscal year, such reduced amounts shall be increased on the same basis as they were reduced (until the amount allocated equals the amount required to be allocated under this subsection).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any amounts appropriated under section 461(b) of the Higher Education Act of 1965 (20 U.S.C. 1087bb(b)) for fiscal year 2008 or any succeeding fiscal year.

(c) BOOKS AND SUPPLIES.—Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking "$450" and inserting "$600".

SEC. 462. LOAN TERMS AND CONDITIONS.

(a) LOAN LIMITS.—Section 464(a) (20 U.S.C. 1087dd(a)) is amended—

(1) in paragraph (2)(A)—

(A) by striking "$4,000" in clause (i) and inserting "$5,500"; and

(B) by striking "$6,000" in clause (ii) and inserting "$8,000"; and

(2) in paragraph (2)(B)—

(A) by striking "$40,000" in clause (i) and inserting "$60,000";

(B) by striking "$20,000" in clause (ii) and inserting "$27,500"; and

(C) by striking "$8,000" in clause (iii) and inserting "$11,000".

(b) FORBEARANCE.—Section 464(e) (20 U.S.C. 1087dd(e)) is amended by striking ", upon written request,".

(c) SPECIAL REPAYMENT RULE.—Paragraph (2) of section 464(f) is amended to read as follows:

"(2) No compromise repayment of a defaulted loan as authorized by paragraph (1) may be made unless agreed to by the Secretary.".

(d) REHABILITATION.—Section 464(h)(1)(A) (20 U.S.C. 1087dd(h)(1)(A)) is amended by striking "12 ontime" and inserting "9 ontime".

SEC. 463. LOAN CANCELLATION.

Section 465(a)(3)(A) (20 U.S.C. 1087ee(a)(3)(A)) is amended—

(1) by inserting "(D)," after "subparagraph (A), (C)," in clause (i);

(2) by inserting "or" after the semicolon at the end of clause (ii);

(3) by striking clause (iii); and

(4) by redesignating clause (iv) as clause (iii).

SEC. 464. TECHNICAL AMENDMENTS.

Part E is further amended as follows:

(1) Section 462(g)(1)(E)(i)(I) (20 U.S.C. 1087bb(g)(1)(E)(i)(I)) is amended by inserting "monthly" after "consecutive".

(2) Section 463(a)(4)(A) (20 U.S.C. 1087cc(a)(4)(A)) is amended by striking "the Secretary may" and inserting "the Secretary shall".

(3) Section 464(c)(1)(D) (20 U.S.C. 1087dd(c)(1)(D)) is amended by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(4) Section 465(a)(2) (20 U.S.C. 1087ee(a)(2)) is amended in subparagraph (A), by striking "section 111(c)" and inserting "section 1113(a)(5)".

(5) Section 467(b) (20 U.S.C. 1087gg(b)) is amended by striking "(5)(A), (5)(B)(i), or (6)" and inserting "(4)(A), (4)(B), or (5)".

(6) Section 469(c) (20 U.S.C. 1087ii(c)) is amended—

(A) by striking "sections 602 and 632" and inserting "sections 602(3) and 632(5)";

(B) by striking "qualified professional provider of early intervention services" and inserting "early intervention services"; and

(C) by striking "section 672(2)" and inserting "section 632(4)".

PART F—NEED ANALYSIS

SEC. 471. SIGNIFICANTLY SIMPLIFYING THE STUDENT AID APPLICATION PROCESS.

(a) IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS.—

(1) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483(a) (20 U.S.C. 1090(a)) is amended—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively;

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

"(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA'.

"(2) EARLY ESTIMATES.—

"(A) IN GENERAL.—The Secretary shall permit applicants to complete such forms as described in this subsection in the 4 years prior to enrollment in order to obtain a non-binding estimate of the family contribution, as defined in section 473. The estimate shall clearly and conspicuously indicate that it is only an estimate of family contribution, and may not reflect the actual family contribution of the applicant that shall be used to determine the grant, loan, or work assistance that the applicant may receive under this title when enrolled in a program of postsecondary education. Such applicants shall be permitted to update information submitted on forms described in this subsection using the process required under paragraph (5)(A).

"(B) EVALUATION.—Two years after the early estimates are implemented under this paragraph and from data gathered from the early estimates, the Secretary shall evaluate the differences between initial, non-binding early estimates and the final financial aid award made available under this title.

"(C) REPORT.—The Secretary shall provide a report to the authorizing committees on the results of the evaluation.

"(3) PAPER FORMAT.—

"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

"(B) EZ FAFSA.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the 'EZ FAFSA', to be used for applicants meeting the requirements of section 479(c).

"(ii) REDUCED DATA REQUIREMENTS.—The form under this subparagraph shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(c).

"(iii) STATE DATA.—The Secretary shall include on the form under this subparagraph such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the form under this subparagraph.

"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the form under this subparagraph, and the data collected by means of the form under this subparagraph shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the form under this subparagraph.

"(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

"(i) IN GENERAL.—The Secretary shall make an effort to encourage applicants to utilize the electronic forms described in paragraph (4).

"(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that is downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

"(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and phase out the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: dependent students, independent students without dependents, and independent students with dependents other than a spouse.

"(4) ELECTRONIC FORMAT.—

"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

"(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be submitted from the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

"(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsection (c) of section 479 and an additional, separate simplified electronic application form to be used by applicants meeting the requirements under subsection (b) of section 479.

"(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

"(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award state financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

"(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

"(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

"(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

"(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant.

"(5) STREAMLINING.—

"(A) STREAMLINED REAPPLICATION PROCESS.—

"(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title—

"(I) in the academic year succeeding the year in which such applicant first applied for financial assistance under this title; or

"(II) in any succeeding academic years.

"(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.

"(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

"(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

"(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

"(B) REDUCTION OF DATA ELEMENTS.—

"(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the College Access and Opportunity Act of 2006 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements following the date of enactment. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards the reduction referred to in this paragraph unless those data elements are reduced for all applicants.

"(ii) REPORT.—The Secretary shall annually report to the House of Representatives and the Senate on the progress made of reducing data elements.

"(6) STATE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for State need-based financial aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form on October 7, 1998, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based financial aid.

"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and data items the States require to award State need-based financial aid and other application requirements that the States may impose.

"(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

"(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

"(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

"(ii) of the State-specific data that the State agency requires for delivery of State need-based financial aid.

"(E) STATE NOTIFICATION TO THE SECRETARY.—

"(i) IN GENERAL.—Each State agency shall notify the Secretary—

"(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid; and

"(II) the State-specific data that the State agency requires for delivery of State need-based financial aid.

"(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid—

"(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

"(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection.

"(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

"(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection; and

"(II) not require any resident of that State to complete any data previously required by that State under this section.

"(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

"(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ-FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form for which a fee is charged shall be used to complete the FAFSA.

"(B) NOTICE.—Any entity that provides to students or parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

"(i) the FAFSA is a free Federal student aid application;

"(ii) the FAFSA can be completed without professional assistance; and

"(iii) includes the current Internet address for the FAFSA on the Department's web site.

"(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to January 1 of the student's planned year of enrollment.".

(2) Master Calendar.—Section 482(a)(1)(B) (20 U.S.C. 1089) is amended to read as follows:

"(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478, 479(c)(2)(C), and 483(a)(6) published in the Federal Register;".

(b) Increasing Access to Technology.—Section 483 (20 U.S.C. 1090) is further amended by adding at the end the following:

"(f) Addressing the Digital Divide.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(c).".

(c) Expanding the Definition of an Independent Student.—Section 480(d) (20 U.S.C.1087vv(d)) is amended by striking paragraph (2) and inserting the following:

"(2) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;".

SEC. 472. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by striking "(a) In General.—" and inserting the following:

"(a) Authority to Make Adjustments.—

"(1) Adjustments for special circumstances.—";

(2) by inserting before "Special circumstances may" the following:

"(2) Special circumstances defined.—";

(3) by inserting "a student's status as a ward of the court at any time prior to attaining 18 years of age, a student's status as an individual who was adopted at or after age 13, a student's status as a homeless or unaccompanied youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act)," after "487,";

(4) by inserting before "Adequate documentation" the following:

"(3) Documentation and use of supplementary information.—"; and

(5) by inserting before "No student" the following:

"(4) Fees for supplementary information prohibited.—".

PART G—GENERAL PROVISIONS RELATING TO STUDENT FINANCIAL ASSISTANCE

SEC. 481. EXPANDING INFORMATION DISSEMINATION REGARDING ELIGIBILITY FOR PELL GRANTS.

Section 483(a) (20 U.S.C. 1090(a)) (as amended by section 471(a)) is further amended by adding at the end the following new paragraph:

"(13) Expanding information dissemination regarding eligibility for Pell Grants.—The Secretary shall make special efforts, in conjunction with State efforts, to notify students and their parents who qualify for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Food Stamps program, or such other programs as the Secretary shall determine, of their potential eligibility for a maximum Pell Grant, and shall disseminate such informational materials as the Secretary deems appropriate.".

SEC. 482. STUDENT ELIGIBILITY.

(a) Technical Amendment.—Section 484(b)(5) (20 U.S.C. 1091(b)(5)) is amended by inserting "or parent (on behalf of a student)" after "student".

(b) Freely Associated States.—Section 484(j) (20 U.S.C. 1091(j)) is amended by inserting "and shall be eligible only for assistance under subpart 1 of part A thereafter," after "part C,".

SEC. 483. INSTITUTIONAL REFUNDS.

Section 484B (20 U.S.C. 1091b) is amended—

(1) in subsection (a)(1), by inserting "subpart 4 of part A or" after "received under";

(2) in subsection (b)(2), by adding at the end the following new subparagraph:

"(D) Waivers of Pell grant repayment by students affected by disasters.—The Secretary may waive the amounts that students are required to return under this section with respect to Pell grants if the withdrawals on which the returns are based are withdrawals by students—

"(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which the President has declared that a major disaster exists, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

"(ii) whose attendance was interrupted because of the impact of the disaster on the student or the institution; and

"(iii) whose withdrawal ended within the academic year during which the designation occurred or during the next succeeding academic year."; and

(3) in subsection (d), by striking "(a)(3)(B)(i)" and inserting "(a)(3)(B)".

SEC. 484. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) Information Dissemination Activities.—Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended—

(1) by amending the second sentence to read as follows: "The information required by this section shall be produced and be made publicly available to an enrolled student and to any prospective student, through appropriate publications, mailings, electronic media, and the reports required by the institution's accrediting agency under section 496(c)(9).";

(2) by amending subparagraph (G) to read as follows:

"(G) the academic programs of the institution, including—

"(i) the current degree programs and other educational and training programs;

"(ii) the institution's educational mission and goals;

"(iii) the instructional, laboratory, and other physical plant facilities which relate to the academic programs; and

"(iv) the faculty and other instructional personnel;";

(3) by striking subparagraph (L) and inserting the following:

"(L) a summary of student outcomes for full-time undergraduate students, including—

"(i) the completion or graduation rates of certificate- or degree-seeking undergraduate students entering such institutions; and

"(ii) any other student outcome data, qualitative or quantitative, including data regarding distance education, deemed by the institution to be appropriate to its stated educational mission and goals, and, when applicable, licensing and placement rates for professional and vocational programs;";

(4) by inserting before the semicolon at the end of subparagraph (J) the following: ", and the process for students to register complaints with the accrediting agencies or associations";

(5) in subparagraph (M), by striking "guaranteed student loans under part B of this title or direct student loans under part E of this title, or both," and inserting "student loans under part B, D, or E of this title";

(6) by striking "and" at the end of subparagraph (N);

(7) by striking the period at the end of subparagraph (O) and inserting a semicolon; and

(8) by adding at the end the following new subparagraphs:

"(P) the penalties contained in subsection 484(r) regarding suspension of eligibility for drug related offenses;

"(Q) the policies of the institution regarding the acceptance or denial of academic credit earned at another institution of higher education, which shall include a statement that such decisions will not be based solely on the source of accreditation of a sending institution, provided that the sending institution is accredited by an agency or association that is recognized by the Secretary pursuant to section 496 to be a reliable authority as to the quality of the education or training offered, and except that nothing in this subparagraph shall be construed to—

"(i) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

"(ii) limit the application of the General Education Provisions Act; or

"(iii) create any legally enforceable right; and".

(b) Additional Amendments.—Section 485(a) is further amended by striking paragraph (6) and inserting the following:

"(6) Each institution may provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students described in paragraph (4). For the purpose of this paragraph, the definitions provided in the Integrated Postsecondary Education Data System shall apply.

"(7) Each eligible institution participating in any program under this title may publicly report to currently enrolled and prospective students the voluntary information collected by the National Survey of Student Engagement (NSSE), the Community College Survey of Student Engagement (CCSSE), or other instruments that provide evidence of student participation in educationally purposeful activities. The information shall be produced and made available in a uniform and comprehensible manner, through appropriate publications, mailings, and electronic media, and may be included in reports required by the institution's accrediting agency.".

(c) Exit Counseling.—Section 485(b) (20 U.S.C. 1092(b)) is amended by adding at the end the following new paragraph:

"(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the effect of using a consolidation loan to discharge the borrower's student loans, including—

"(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

"(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

"(D) the tax benefits for which the borrower may be eligible; and

"(E) the consequences of default.".

(d) Campus Crime Information.—Section 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended by inserting ", other than a foreign institution of higher education," after "under this title".

(e) Disclosure of Fire Safety of Campus Buildings.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is further amended—

(1) in subsection (a)(1), by adding after subparagraph (Q) (as added by subsection (a)(8) of this section) the following new subparagraph:

"(R) the fire safety report prepared by the institution pursuant to subsection (h)."; and

(2) by adding at the end the following new subsection:

"(h) Disclosure of Fire Safety Standards and Measures.—

"(1) Annual fire safety reports required.—Each institution participating in any program under this title shall, beginning in the first academic year that begins after the date of enactment of the College Access and Opportunity Act of 2006, and each year thereafter, prepare, publish, and distribute, through appropriate publications (including the Internet) or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report. Such reports shall contain at least the following information with respect to the campus fire safety practices and standards of that institution:

"(A) A statement that identifies each institution-owned or controlled student housing facility, and whether or not such facility is equipped with a fire sprinkler system or other fire safety system, or has fire escape planning or protocols.

"(B) Statistics for each such facility concerning the occurrence of fires and false alarms in such facility during the 2 preceding calendar years for which data are available.

"(C) For each such occurrence in each such facility, a summary of the human injuries or deaths, structural or property damage, or combination thereof.

"(D) Information regarding rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvements in fire safety.

"(E) Information about fire safety education and training provided to students, faculty, and staff.

"(F) Information concerning fire safety at any housing facility owned or controlled by a fraternity, sorority, or student group that is recognized by the institution, including—

"(i) information reported to the institution under paragraph (4); and

"(ii) a statement concerning whether and how the institution works with recognized student fraternities and sororities, and other recognized student groups owning or controlling housing facilities, to make each building and property owned or controlled by such fraternities, sororities, and groups more fire safe.

"(2) Fraternities, sororities, and other groups.—Each institution participating in a program under this title shall request each fraternity and sorority that is recognized by the institution, and any other student group that is recognized by the institution and that owns or controls housing facilities, to collect and report to the institution the information described in subparagraphs (A) through (E) of paragraph (1), as applied to the fraternity, sorority, or recognized student group, respectively, for each building and property owned or controlled by the fraternity, sorority, or group, respectively.

"(3) Current information to campus community.—Each institution participating in any program under this title shall make, keep, and maintain a log, written in a form that can be easily understood, recording all on-campus fires, including the nature, date, time, and general location of each fire and all false fire alarms. All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law, be open to public inspection, and each such institution shall make annual reports to the campus community on such fires and false fire alarms in a manner that will aid the prevention of similar occurrences.

"(4) Reports to the secretary.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

"(A) review such statistics;

"(B) make copies of the statistics submitted to the Secretary available to the public; and

"(C) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

"(5) Rule of construction.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

"(6) Definitions.—In this subsection, the term 'campus' has the meaning provided in subsection (f)(6).".

SEC. 485. DISTANCE EDUCATION DEMONSTRATION PROGRAM.

(a) Eligible Applicants.—Section 486(b)(3) (20 U.S.C. 1093(b)(3)) is amended—

(1) in subparagraph (B), by striking "section 102(a)(1)(C)" and inserting "section 102"; and

(2) in subparagraph (C), by striking "subsection (a) of section 102, other than the requirement of paragraph (3)(A) or (3)(B) of such subsection," and inserting "section 101, other than the requirements of subparagraph (A) or (B) of subsection (b)(4) of such section".

(b) Selection.—Section 486(d)(1) (20 U.S.C. 1093(d)(1)) is amended—

(1) by striking "the third year" and inserting "subsequent years";

(2) by striking "35 institutions" and inserting "100 institutions"; and

(3) by adding at the end the following new sentence: "Not more than 5 of such institutions, systems, or consortia may be accredited, degree-granting correspondence schools.".

SEC. 486. COLLEGE AFFORDABILITY DEMONSTRATION PROGRAM.

Part G of title IV is amended by inserting after section 486 (20 U.S.C. 1093) the following new section:

"SEC. 486A. COLLEGE AFFORDABILITY DEMONSTRATION PROGRAM.

"(a) Purpose.—It is the purpose of this section—

"(1) to provide, through a college affordability demonstration program, for increased innovation in the delivery of higher education and student financial aid in a manner resulting in reduced costs for students as well as the institution by employing one or more strategies including accelerating degree or program completion, increasing availability of, and access to, distance components of education delivery, engaging in collaborative arrangements with other institutions and organizations, and other alternative methodologies; and

"(2) to help determine—

"(A) the most effective means of delivering student financial aid as well as quality education;

"(B) the specific statutory and regulatory requirements that should be altered to provide for more efficient and effective delivery of student financial aid, as well as access to high quality distance education programs, resulting in a student more efficiently completing postsecondary education; and

"(C) the most effective methods of obtaining and managing institutional resources.

"(b) Demonstration Program Authorized.—

"(1) In general.—In accordance with the purposes described in subsection (a) and the provisions of subsection (d), the Secretary is authorized to select not more than 100 institutions of higher education, including those applying as part of systems or consortia of such institutions, for voluntary participation in the College Affordability Demonstration Program in order to enable participating institutions to carry out such purposes by providing programs of postsecondary education, and making available student financial assistance under this title to students enrolled in those programs, in a manner that would not otherwise meet the requirements of this title.

"(2) Waivers.—The Secretary is authorized to waive for any institutions of higher education, or any system or consortia of institutions of higher education, selected for participation in the College Affordability Demonstration Program, any requirements of this Act or the regulations thereunder as deemed necessary by the Secretary to meet the purpose described in subsection (a)(1), and shall make a determination that the waiver can reasonably be expected to result in reduced costs to students or institutions without an increase in Federal program costs. The Secretary may not waive under this paragraph the maximum award amounts for an academic year or loan period.

"(3) Eligible applicants.—

"(A) Eligible institutions.—Except as provided in subparagraph (B), only an institution of higher education that is eligible to participate in programs under this title shall be eligible to participate in the demonstration program authorized under this section.

"(B) Prohibition.—An institution of higher education described in section 102 shall not be eligible to participate in the demonstration program authorized under this section.

"(c) Application.—

"(1) In general.—Each institution or system of institutions desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS OF APPLICATIONS.—Each application for the college affordability demonstration program shall include at least the following:

"(A) a description of the institution or system or consortium of institutions and what quality assurance mechanisms are in place to insure the integrity of the Federal financial aid programs;

"(B) a description of the innovation or innovations being proposed and the affected programs and students, including—

"(i) a description of any collaborative arrangements with other institutions or organizations to reduce costs;

"(ii) a description of any expected economic impact of participation in the program within the community in which the institution is located; and

"(iii) a description of any means the institution will employ to reduce the costs of instructional materials, such as textbooks;

"(C) a description of each regulatory or statutory requirement for which waivers are sought, with a reason for each waiver;

"(D) a description of the expected outcomes of the program changes proposed, including the estimated reductions in costs both for the institution and for students;

"(E) a description of the quality assurance mechanisms in place to ensure the integrity of the Federal financial aid programs;

"(F) an assurance from each institution in a system or consortium of a commitment to fulfill its role as described in the application;

"(G) an assurance that the participating institution or system of institutions will offer full cooperation with the ongoing evaluations of the demonstration program provided for in this section; and

"(H) any other information or assurances the Secretary may require.

"(d) SELECTION.—In selecting institutions to participate in the demonstration program under this section, the Secretary shall take into account—

"(1) the number and quality of applications received, determined on the basis of the contents required by subsection (c)(2);

"(2) the Department's capacity to oversee and monitor each institution's participation;

"(3) an institution's—

"(A) financial responsibility;

"(B) administrative capability;

"(C) program or programs being offered via distance education, if applicable;

"(D) student completion rates; and

"(E) student loan default rates; and

"(4) the participation of a diverse group of institutions with respect to size, mission, and geographic distribution.

"(e) NOTIFICATION.—The Secretary shall make available to the public and to the authorizing committees a list of institutions selected to participate in the demonstration program authorized by this section. Such notice shall include a listing of the specific statutory and regulatory requirements being waived for each institution and a description of the innovations being demonstrated.

"(f) EVALUATIONS AND REPORTS.—

"(1) EVALUATION.—The Secretary shall evaluate the demonstration program authorized under this section on a biennial basis. Such evaluations specifically shall review—

"(A) the extent to which expected outcomes, including the estimated reductions in cost, were achieved;

"(B) the number and types of students participating in the programs offered, including the progress of participating students toward recognized certificates or degrees and the extent to which participation in such programs increased;

"(C) issues related to student financial assistance associated with the innovations undertaken;

"(D) effective technologies and alternative methodologies for delivering student financial assistance;

"(E) the extent of the cost savings to the institution, the student, and the Federal Government by virtue of the waivers provided, and an estimate as to future cost savings for the duration of the demonstration program;

"(F) the extent to which students saved money by virtue of completing their postsecondary education sooner;

"(G) the extent to which the institution reduced its tuition and fees and its costs by virtue of participation in the demonstration program;

"(H) the extent to which any collaborative arrangements with other institutions or organizations have reduced the participating institution's costs; and

"(I) the extent to which statutory or regulatory requirements not waived under the demonstration program present difficulties for students or institutions.

"(2) POLICY ANALYSIS.—The Secretary shall review current policies and identify those policies that present impediments to the implementation of innovations that result in cost savings and in expanding access to education.

"(3) REPORTS.—The Secretary shall provide a report to the authorizing committees on a biennial basis regarding—

"(A) the demonstration program authorized under this section;

"(B) the results of the evaluations conducted under paragraph (1);

"(C) the cost savings to the Federal Government by the demonstration program authorized by this section; and

"(D) recommendations for changes to increase the efficiency and effective delivery of financial aid.

"(g) OVERSIGHT.—In conducting the demonstration program authorized under this section, the Secretary shall, on a continuing basis—

"(1) ensure compliance of institutions or systems of institutions with the requirements of this title (other than the sections and regulations that are waived under subsection (b)(2));

"(2) provide technical assistance to institutions in their application to and participation in the demonstration program;

"(3) monitor fluctuations in the student population enrolled in the participating institutions or systems of institutions;

"(4) monitor changes in financial assistance provided at the institution; and

"(5) consult with appropriate accrediting agencies or associations and appropriate State regulatory authorities.

"(h) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section shall cease to be effective on October 1, 2011.".

SEC. 487. PROGRAM PARTICIPATION AGREEMENTS.

(a) REFUND POLICIES.—Section 487(a) (20 U.S.C. 1094(a)) is amended—

(1) in paragraph (16), by inserting "or other Federal, State, or local government funds" after "funds under this title" each place it appears;

(2) in paragraph (22), by striking "refund policy" and inserting "policy on the return of title IV funds"; and

(3) in paragraph (23)—

(A) by moving subparagraph (C) 2 em spaces to the left; and

(B) by adding after such subparagraph the following new subparagraph:

"(D) An institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, provided such information is in an electronic message devoted to voter registration.".

(b) ENFORCING THE 90/10 RULE.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding at the end the following new paragraph:

"(24) The institution will, as calculated in accordance with subsection (f)(1), have at least 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (f)(2).".

(2) IMPLEMENTATION.—Section 487 is further amended by adding at the end the following new subsection:

"(f) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.—

"(1) CALCULATION.—In carrying out subsection (a)(24), an institution shall use the cash basis of accounting and count the following funds toward the 10 percent of revenues from sources of funds other than funds provided under this title:

"(A) funds used by students to pay tuition, fees, and other institutional charges from sources other than funds provided under this title as long as the institution can reasonably demonstrate that such funds were used for such purposes;

"(B) institutional funds used to satisfy matching-fund requirements for programs under this title;

"(C) funds from savings plans for educational expenses established pursuant to the Internal Revenue Code of 1986;

"(D) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, so long as the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary; and

"(E) institutional aid, as follows:

"(i) in the case of institutional loans, only the amount of loan repayments received during the fiscal year; and

"(ii) in the case of institutional scholarships, only those provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during the fiscal year from an established restricted account, and only to the extent that the funds in that account represent designated funds from an outside source or from income earned on those funds.

"(2) SANCTIONS.—An institution that fails to meet the requirements of subsection (a)(24) for 3 consecutive years shall become ineligible to participate in the programs authorized by this title. In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(24) in any year, the Secretary may impose one or more of the following sanctions on the institution:

"(A) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(24).

"(B) Require such other increased monitoring and reporting requirements as the

Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(24).

"(3) PUBLICATION ON COOL WEBSITE.—The Secretary shall identify, on the College Opportunities On-Line website under section 131(b), any institution that fails to meet the requirements of subsection (a)(24) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of that subsection.".

(c) REPORTS ON DISCIPLINARY PROCEEDINGS.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding after paragraph (24), as added by subsection (b) of this section, the following new paragraph:

"(25) The institution will disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18), or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any disciplinary proceeding conducted by such institution on or after one year after the date of enactment of this Act.

(d) AUDIT REQUIREMENTS.—Section 487(c)(1)(A)(i) (20 U.S.C. 1094(c)(1)(A)(i)) is amended by inserting before the semicolon at the end the following: ", except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than $500,000 in loans under this title during the award year preceding the audit period".

SEC. 488. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

Part G is further amended as follows:

(1) Section 483(d) (20 U.S.C. 1090(d)) is amended by striking "that is authorized under section 685(d)(2)(C)" and inserting ", or another appropriate provider of technical assistance and information on postsecondary educational services, that is supported under section 663".

(2) Section 484 (20 U.S.C. 1091) is amended—

(A) in subsection (a)(4), by striking "certification,," and inserting "certification,"; and

(B) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking "section 428A" and inserting "section 428H";

(ii) in subparagraph (A), by inserting "and" after the semicolon at the end thereof;

(iii) in subparagraph (B), by striking "; and" and inserting a period; and

(iv) by striking subparagraph (C).

(3) Section 484A(b)(2) (20 U.S.C. 1091a(b)(2)) is amended by striking "part B of this title" and inserting "part B, D, or E of this title".

(4) Section 485B(a) (20 U.S.C. 1092b(a)) is amended—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) by redesignating the paragraph (5) (as added by section 2008 of Public Law 101–239) as paragraph (6); and

(C) in paragraph (5) (as added by section 204(3) of the National Community Service Act of 1990 (Public Law 101–610))—

(i) by striking "(22 U.S.C. 2501 et seq.))," and inserting "(22 U.S.C. 2501 et seq.),"; and

(ii) by striking the period at the end thereof and inserting a semicolon.

(5) Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(A) in paragraph (1)—

(i) by striking "Higher Education Amendments of 1998" and inserting "College Access and Opportunity Act of 2005"; and

(ii) by striking the second sentence;

(B) in paragraph (2)—

(i) by striking "1993 through 1998" and inserting "1998 through 2004";

(ii) by striking "(as such section" and all that follows through "Amendments of 1998)"; and

(iii) by striking "Higher Education Amendments of 1998." and inserting "College Access and Opportunity Act of 2005."; and

(C) in paragraph (3)(A)—

(i) by striking "Upon the submission" and all that follows through "limited number of additional institutions for voluntary participation" and inserting "The Secretary is authorized to continue the voluntary participation of institutions participating as of July 1, 2005,"; and

(ii) by inserting before the period at the end the following: ", and shall continue the participation of any such institution unless the Secretary determines that such institution's participation has not been successful in carrying out the purposes of this section".

(6) Section 491(c) (20 U.S.C. 1098(c)) is amended by adding at the end the following new paragraph:

"(3) The appointment of members under subparagraphs (A) and (B) of paragraph (1) shall be effective upon publication of the appointment in the Congressional Record.".

(7) Section 491(h)(1) (20 U.S.C. 1098(h)(1)) is amended by striking "the rate authorized for GS–18 of the General Schedule" and inserting "the maximum rate payable under section 5376 of such title".

(8) Section 491(k) (20 U.S.C. 1098(k)) is amended by striking "2004" and inserting "2011".

(9) Section 493A (20 U.S.C. 1098c) is repealed.

(10) Section 498 (20 U.S.C. 1099c) is amended—

(A) in subsection (c)(2), by striking "for profit," and inserting "for-profit,"; and

(B) in subsection (d)(1)(B), by inserting "and" after the semicolon at the end thereof.

PART H—PROGRAM INTEGRITY

SEC. 495. ACCREDITATION.

(a) STANDARDS FOR ACCREDITATION.—Section 496(a) (20 U.S.C. 1099b(a)) is amended—

(1) in paragraph (3)—

(A) by inserting "or" after the semicolon at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (4)—

(A) by inserting "(A)" after "(4)";

(B) by inserting after "consistently applies and enforces standards" the following: "that consider the stated missions of institutions of higher education, including such missions as inculcation of religious values, and";

(C) by inserting "and" after the semicolon at the end thereof; and

(D) by adding at the end the following new subparagraph:

"(B) if such agency or association already has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

"(i) the accreditation agency's or association's standards effectively address the quality of an institution's distance education programs in the areas identified in paragraph (5) of this subsection, except that the agency or association shall not be required to have separate standards, procedures, or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

"(ii) the agency or association requires that an institution that offers distance education programs to have processes by which it establishes that the student who registers in a distance education course or program is the same student who participates, completes academic work, and receives academic credit;";

(3) in paragraph (5)—

(A) by amending subparagraph (A) to read as follows:

"(A) success with respect to student achievement in relation to the institution's mission, including, as appropriate, consideration of student academic achievement as determined by the institution (in accordance with standards of the accrediting agency or association), retention, course and program completion, State licensing examinations, and job placement rates, and other student performance information selected by the institution, particularly that information used by the institution to evaluate or strengthen its programs;"; and

(B) by amending subparagraph (E) to read as follows:

"(E) fiscal, administrative capacity, as appropriate to the specified scale of operations, and, for an agency or association where its approval for such institution determines eligibility for student assistance under this title, board governance, within the context of the institution's mission;";

(4) by striking paragraph (6) and inserting the following:

"(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings that comply with due process that provides for—

"(A) adequate specification of requirements and deficiencies at the institution of higher education or program being examined;

"(B) an opportunity for a written response by any such institution to be included in the evaluation and withdrawal proceedings;

"(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action at a hearing prior to such action becoming final before an appeals panel that—

"(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

"(ii) is subject to a conflict of interest of policy; and

"(D) the right to representation by counsel for an such institution;"; and

(5) by striking paragraph (8) and inserting the following:

"(8) such agency or association shall make available to the public and submit to the Secretary and the State licensing or authorizing agency, together with the comments of the affected institution, a summary of agency or association actions, involving—

"(A) final denial, withdrawal, suspension, or termination of accreditation; and

"(B) any other final adverse action taken with respect to an institution.".

(b) OPERATING PROCEDURES.—Section 496(c) (20 U.S.C. 1099b(c)) is amended—

(1) by inserting "(including those regarding distance education)" before the semicolon at the end of paragraph (1);

(2) by striking "and" at the end of paragraph (5);

(3) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(4) by inserting after paragraph (6) the following new paragraphs:

"(7) ensures that its onsite comprehensive reviews for accreditation or reaccreditation include evaluation of the substance of the information required in subparagraph (H) of section 485(a)(1);

"(8) confirms as a part of its review for accreditation or reaccreditation that the institution has transfer policies—

"(A) that are publicly disclosed; and

"(B) that do not deny transfer of credit based solely on the accreditation of the sending institution as long as the association or agency is recognized by the Secretary pursuant to section 496;

"(9) develops a brief summary, available to the public, of final adverse actions in accordance with the requirements of subsection (a)(8);

"(10) monitors the enrollment growth of distance education to ensure that an institution experiencing signficant growth has the capacity to serve its students effectively;

"(11) discloses publicly, on the agency's website or through other similar dissemination—

"(A) a list of the individuals who comprised the evaluation teams during the prior calendar year for each agency or association and the title and institutional affiliation of such individuals, although such list shall not be required to identify those individuals who comprised the evaluation team used for any specific institution;

"(B) a description of the agency's or association's process for selecting, preparing, and evaluating such individuals; and

"(C) any statements related to the accreditation responsibilities of such individuals; and

"(12) reviews the record of student complaints resulting from the student information process described in section 485(a)(1)(J).".

(c) LIMITATION, SUSPENSION, AND TERMINATION OF RECOGNITION.—Section 496(*l*) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall provide an annual report to Congress on the status of any agency or association for which the Secretary has limited, suspended or terminated recognition under this subsection.".

(d) PROGRAM REVIEW AND DATA.—Section 498A(b) (20 U.S.C. 1099c-1(b)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(6) provide to the institution adequate opportunity to review and respond to any program review report or audit finding and underlying materials related thereto before any final program review or audit determination is reached;

"(7) review and take into consideration the institution's response in any final program review or audit determination, and include in the final determination—

"(A) a written statement addressing the institution's response and stating the basis for such final determination; and

"(B) a copy of the institution's statement in response, appropriately redacted to protect confidential information;

"(8) maintain and preserve at all times the confidentiality of any program review report or audit finding until the requirements of paragraphs (6) and (7) are met, and until a final program review or audit determination has been issued, except to the extent required to comply with paragraph (5), provided, however, that the Secretary shall promptly disclose any and all program review reports and audit findings to the institution under review; and

"(9) require that the authority to approve or issue any program review report or audit finding, preliminary or otherwise, that contains any finding, determination, or proposed assessment that exceeds or may exceed $500,000 in liabilities shall not be delegated to any official beyond the Chief Operating Officer of Federal Student Aid.".

SEC. 496. REPORT TO CONGRESS ON PREVENTION OF FRAUD AND ABUSE IN STUDENT FINANCIAL AID PROGRAMS.

Title IV is amended by adding at the end the following new section:

"SEC. 499. REPORT TO CONGRESS ON PREVENTION OF FRAUD AND ABUSE IN STUDENT FINANCIAL AID PROGRAMS.

"(a) PURPOSE.—It is the purpose of this section to require the Secretary to commission a nonpartisan, comprehensive study on the prevention of fraud and abuse in title IV student financial aid programs, and to report the results of such study to Congress.

"(b) SCOPE OF REPORT.—The study under this section shall thoroughly identify and address the following:

"(1) The impact of fraud and abuse in title IV student financial aid programs upon students and taxpayers, and the nature of such fraud and abuse.

"(2) The effectiveness of existing policies and requirements under this Act that were put in place to prevent fraud and abuse in title IV student financial aid programs, and how such policies and requirements should be improved.

"(3) The extent to which existing protections against fraud and abuse under this Act are adequately enforced, and how enforcement should be strengthened.

"(4) Areas in which additional information is needed to assess the effectiveness of current protections and enforcement against fraud and abuse.

"(5) Existing policies and requirements under this Act aimed at fraud and abuse that are ineffective, hinder innovation, or could be eliminated without reducing effectiveness.

"(6) New policies and enforcement, particularly those suited for the current higher education marketplace, needed to protect against fraud and abuse in title IV student financial aid programs.

"(7) The extent to which States are implementing regulations to protect students from fraud and abuse, and whether changes to Federal law will preempt such regulations.

"(c) REPORT.—Not later than December 31, 2007, the Secretary, after an opportunity for both the Secretary and the Inspector General of the Department of Education to review the results of the study, shall transmit to Congress a report on the study conducted under this section. Such report shall—

"(1) include clear and specific recommendations for legislative and regulatory actions that are likely to significantly reduce the fraud and abuse in title IV student financial aid programs identified under subsection (b); and

"(2) include both the Secretary's and the Inspector General's comments on the report.".

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. DEFINITIONAL CHANGES.

Section 502(a) (20 U.S.C. 1101a(a)) is amended—

(1) in paragraph (5)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by inserting "at the end of the award year immediately preceding the date of application" after "Hispanic students" in subparagraph (B);

(C) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(D) by striking subparagraph (C); and

(2) by striking paragraph (7).

SEC. 502. ASSURANCE OF ENROLLMENT OF NEEDY STUDENTS.

Section 511(c) (20 U.S.C. 1103(c)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6); and

(3) by inserting after paragraph (6) as so redesignated the following new paragraph:

"(7) contain such assurances as the Secretary may require that the institution has an enrollment of needy students as required by section 502(b);".

SEC. 503. ADDITIONAL AMENDMENTS.

Title V is further amended—

(1) in section 502(a)(2)(A) (20 U.S.C. 1101a(a)(2)(A)), by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively, and inserting after clause (iv) the following new clause:

"(v) which provides a program of not less than 2 years that is acceptable for full credit toward a bachelor's degree;";

(2) in section 503(b) (20 U.S.C. 1101b(b))—

(A) by amending paragraph (2) to read as follows:

"(2) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities.";

(B) by amending paragraph (12) to read as follows:

"(12) Establishing community outreach programs and collaborative partnerships between Hispanic-serving institutions and local elementary or secondary schools. Such partnerships may include mentoring, tutoring, or other instructional opportunities that will boost student academic achievement and assist elementary and secondary school students in developing the academic skills and the interest to pursue postsecondary education.";

(C) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(D) by inserting after paragraph (4) the following:

"(5) Education or counseling services designed to improve the financial literacy and economic literacy of students and, as appropriate, their parents.";

(3) in section 504(a) (20 U.S.C. 1101c(a))—

(A) by striking the following:

"(a) AWARD PERIOD.—

"(1) IN GENERAL.—The Secretary" and inserting the following:

"(a) AWARD PERIOD.—The Secretary"; and

(B) by striking paragraph (2); and

(4) in section 514(c) (20 U.S.C. 1103c(c)), by striking "section 505" and inserting "section 504".

SEC. 504. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. PURPOSES.

"The purposes of this part are—

"(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

"(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

"SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

"(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is an eligible institution under section 502(a)(2); and

"(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 513. AUTHORIZED ACTIVITIES.

"Grants awarded under this part shall be used for one or more of the following activities:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

"(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 514 that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 514. APPLICATION AND DURATION.

"(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities in programs and professions in which Hispanic Americans are underrepresented.

"(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) LIMITATION.—The Secretary shall not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.".

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a)) is amended by inserting "and section 513" after "section 503".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 528 (as redesignated by section 504(a)(2) of this Act) (20 U.S.C. 1103g) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are authorized to be appropriated to carry out part A and part C of this title $96,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title $59,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE VI—TITLE VI AMENDMENTS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a)—

(A) by striking "post-Cold War" in paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) The events and aftermath of September 11, 2001, have underscored the need for the Nation to strengthen and enhance American knowledge of international relations, world regions, and foreign languages. Homeland security and effective United States engagement abroad depend upon an increased number of Americans who have received such training and are willing to serve their Nation.";

(2) in subsection (b)(1)—

(A) by striking "; and" at the end of subparagraph (D) and inserting ", including through linkages overseas with institutions of higher education and relevant organizations that contribute to the educational programs assisted under this part;";

(B) by inserting "and" after the semicolon at the end of subparagraph (E);

(C) by inserting after such subparagraph (E) the following new subparagraph:

"(F) to assist the national effort to educate and train citizens to participate in the efforts of homeland security;"; and

(3) in subsection (b)(3)—

(A) by inserting "reinforce and" before "coordinate"; and

(B) by inserting ", and international business and trade competitiveness" before the period.

(b) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

"(i) comprehensive foreign language and area or international studies centers and programs; and

"(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.";

(2) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(C) by inserting after subparagraph (H) the following new subparagraphs:

"(I) supporting instructors of the less commonly taught languages;

"(J) widely disseminating materials developed by the center or program to local educational agencies and public and private elementary and secondary education schools, and institutions of higher education, presented from diverse perspectives and reflective of a wide range of views on the subject matter, except that no more than 50 percent of funds awarded to an institution of higher education or consortia of such institutions for purposes under this title may be associated with the costs of dissemination; and

"(K) projects that support in students an understanding of science and technology in coordination with foreign language proficiency."; and

(3) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

"(B) Partnerships or programs of linkage and outreach with 2-year and 4-year colleges and universities, including colleges of education and teacher professional development programs.";

(B) in subparagraph (C), by striking "Programs of linkage or outreach" and inserting "Partnerships or programs of linkage and outreach";

(C) in subparagraph (E)—

(i) by striking "foreign area" and inserting "area studies";

(ii) by striking "of linkage and outreach"; and

(iii) by striking "(C), and (D)" and inserting "(D), and (E)";

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(E) by inserting after subparagraph (B) the following new subparagraph:

"(C) Partnerships with local educational agencies and public and private elementary and secondary education schools that are designed to increase student academic achievement in foreign language and knowledge of world regions, and to facilitate the wide dissemination of materials related to area studies, foreign languages, and international studies that are reflective of a wide range of views on the subject matter.".

(c) LANGUAGE RESOURCE CENTERS.—Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting "reflect the purposes of this part and" after "shall".

(d) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking "combinations" each place it appears and inserting "consortia";

(2) in subsection (a)(2)—

(A) in subparagraph (B)(ii), by striking “teacher training” and inserting “teacher professional development”;

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively;

(C) by inserting after subparagraph (H) the following new subparagraph:

“(I) the provision of grants for educational programs abroad that are closely linked to the program's overall goals and have the purpose of promoting foreign language fluency and knowledge of world regions, except that not more than 10 percent of a grant recipient's funds may be used for this purpose;”; and

(D) in subparagraph (M)(ii) (as redesignated by subparagraph (B) of this paragraph), by striking “elementary and secondary education institutions” and inserting “local educational agencies and public and private elementary and secondary education schools”;

(3) in subsection (a)(4)(B), by inserting “that demonstrates a need for a waiver or reduction” before the period at the end;

(4) in subsection (a)(6), by inserting “reflect the purposes of this part and” after “shall”;

(5) in subsection (a)(8), by striking “may” and inserting “shall”; and

(6) by striking subsection (c).

(e) Research; Studies; Annual Report.—Section 605(a) (20 U.S.C. 1125(a)) is amended by inserting before the period at the end of the first sentence the following: “, including the systematic collection, analysis, and dissemination of data”.

(f) Technological Innovation and Cooperation for Foreign Information Access.—Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking “or consortia of such institutions or libraries” and inserting “museums, or consortia of such entities”;

(B) by striking “new”; and

(C) by inserting “from foreign sources” after “disseminate information”;

(2) in subsection (b)—

(A) by inserting “acquire and” before “facilitate access” in paragraph (1);

(B) by striking “new means of” in paragraph (3) and inserting “new means and standards for”;

(C) by striking “and” at the end of paragraph (6);

(D) by striking the period at the end of paragraph (7) and by inserting a semicolon; and

(E) by inserting after paragraph (7) the following new paragraphs:

“(8) to establish linkages between grant recipients under subsection (a) with libraries, museums, organizations, or institutions of higher education located overseas to facilitate carrying out the purposes of this section; and

“(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section.”; and

(3) by adding at the end the following new subsection:

“(e) Special Rule.—The Secretary may waive or reduce the required non-Federal share for institutions that—

“(1) are eligible to receive assistance under part A or B of title III or under title V; and

“(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.”.

(g) Selection of Grant Recipients.—Section 607(b) (20 U.S.C. 1127(b)) is amended—

(1) by striking “objectives” and inserting “missions”; and

(2) by adding at the end the following new sentence: “In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national interests, generate and disseminate information, and foster debate on international issues from diverse perspectives.”.

(h) Equitable Distribution.—Section 608(a) (20 U.S.C. 1128(a)) is amended by adding at the end the following new sentence: “Grants made under section 602 shall also reflect the purposes of this part.”.

(i) Authorization of Appropriations.—Section 610 (20 U.S.C. 1128b) is amended—

(1) by striking “1999” and inserting “2006”; and

(2) by striking “4 succeeding” and inserting “5 succeeding”.

(j) Conforming Amendments.—

(1) Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130-1) are each amended by striking “combinations” each place it appears and inserting “consortia”.

(2) Section 612 (20 U.S.C. 1130–1) is amended by striking “combination” each place it appears and inserting “consortium”.

SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) Centers for International Business Education.—Section 612 (20 U.S.C. 1130–1) is amended—

(1) in subsection (c)(1)(D), by inserting “(including those that are eligible to receive assistance under part A or B of title III or under title V)” after “other institutions of higher education”; and

(2) in subsection (e), by adding at the end the following new paragraph:

“(5) Special rule.—The Secretary may waive or reduce the required non-Federal share for institutions that—

“(A) are eligible to receive assistance under part A or B of title III or under title V; and

“(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.”.

(b) Education and Training Programs.—Section 613 (20 U.S.C. 1130a) is amended by adding at the end the following new subsection:

“(e) Special Rule.—The Secretary may waive or reduce the required non-Federal share for institutions that—

“(1) are eligible to receive assistance under part A or B of title III or under title V; and

“(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.”.

(c) Authorization of Appropriations.—Section 614 (20 U.S.C. 1130b) is amended—

(1) by striking “1999” each place it appears and inserting “2006”; and

(2) by striking “4 succeeding” each place it appears and inserting “5 succeeding”.

SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) Foreign Service Professional Development.—Section 621 (20 U.S.C. 1131) is amended—

(1) by striking the heading of such section and inserting the following:

“SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS.”;

(2) by striking the second sentence of subsection (a) and inserting the following: “The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations and the foreign service of the United States.”; and

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) A Tribally Controlled College or University or Alaska Native or Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under part B of title III, or a Hispanic-serving institution eligible for assistance under title V.

“(B) An institution of higher education which serves substantial numbers of underrepresented students.”.

(b) Institutional Development.—Section 622 (20 U.S.C. 1131-1) is amended by inserting before the period at the end of subsection (a) the following: “and promote collaboration with colleges and universities that receive funds under this title”.

(c) Study Abroad Program.—Section 623(a) (20 U.S.C. 1131a(a)) is amended by inserting after “1978,” the following: “Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,”.

(d) Advanced Degree in International Relations.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking “**MASTERS**” in the heading of such section and inserting “**ADVANCED**”;

(2) by striking “a masters degree in international relations” and inserting “an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives”; and

(3) by striking “The masters degree program designed by the consortia” and inserting “The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and”.

(e) Internships.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after “1978,” the following: “Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,”;

(2) in subsection (b)—

(A) by inserting “and” after the semicolon at the end of paragraph (2);

(B) by striking “; and” at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

(3) by amending subsection (c) to read as follows:

“(c) Ralph J. Bunche Fellows.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in international affairs and language study, eligible students who participate in the internship programs authorized under (a) and (b) shall be known as the ‘Ralph J. Bunche Fellows’.”.

(f) Report.—Section 626 (20 U.S.C. 1131d) is amended by striking “annually prepare a report” and inserting “prepare a report biennially”.

(g) Authorization of Appropriations.—Section 628 (20 U.S.C. 1131f) is amended—

(1) by striking “1999” and inserting “2006”; and

(2) by striking “4 succeeding” and inserting “5 succeeding”.

SEC. 604. EVALUATION, OUTREACH, AND DISSEMINATION.

Part D of title VI is amended by inserting after section 631 (20 U.S.C. 1132) the following new section:

“SEC. 632. EVALUATION, OUTREACH, AND DISSEMINATION.

“The Secretary may use not more than one percent of the funds made available for this title for program evaluation, national outreach, and information dissemination activities.''.

SEC. 605. ADVISORY BOARD.

Part D of title VI is amended by inserting after section 632 (as added by section 604) the following new section:

"SEC. 633. INTERNATIONAL HIGHER EDUCATION ADVISORY BOARD.

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—There is established in the Department an independent International Higher Education Advisory Board (hereafter in this section referred to as the 'International Advisory Board'). The International Advisory Board shall provide advice, counsel, and recommendations to the Secretary and the Congress on international education issues for higher education.

''(2) PURPOSE.—The purpose of the International Advisory Board is—

''(A) to provide expertise in the area of national needs for proficiency in world regions, foreign languages, international affairs, and international business;

''(B) to make recommendations that will promote the excellence of international education programs and result in the growth and development of such programs at the postsecondary education level that will reflect diverse perspectives and a wide range of views on world regions, foreign language, international affairs, and international business; and

''(C) to advise the Secretary and the Congress with respect to needs for expertise in government, the private sector, and education in order to enhance America's understanding of, and engagement in, the world.

''(b) INDEPENDENCE OF INTERNATIONAL ADVISORY BOARD.—In the exercise of its functions, powers, and duties, the International Advisory Board shall be independent of the Secretary and the other offices and officers of the Department. Except as provided in this subsection and subsection (f), the recommendations of the International Advisory Board shall not be subject to review or approval by any officer of the Federal Government. Nothing in this title shall be construed to authorize the International Advisory Board to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction or instructor. The International Advisory Board is authorized to assess a sample of activities supported under this title, using materials that have been submitted to the Department of Education by grant recipients under this title, in order to provide recommendations to the Secretary and the Congress for the improvement of programs under the title and to ensure programs meet the purposes of the title to promote the study of and expertise in foreign language and world regions, especially with respect to diplomacy, national security, and international business and trade competitiveness. The recommendations of the International Advisory Board may address any area in need of improvement, except that any recommendation of specific legislation to Congress shall be made only if the President deems it necessary and expedient.

''(c) MEMBERSHIP.—

''(1) APPOINTMENT.—The International Advisory Board shall have 7 members of whom—

''(A) 3 members shall be appointed by the Secretary;

''(B) 2 members shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the Majority Leader and the Minority Leader; and

''(C) 2 members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader.

''(2) REPRESENTATION.—Two of the members appointed by the Secretary under paragraph (1)(A) shall be appointed to represent Federal agencies that have diplomacy, national security, international commerce, or other international activity responsibilities, after consultation with the heads of such agencies. The members of the International Advisory Board shall also include (but not be limited to) persons with international expertise representing States, institutions of higher education, cultural organizations, educational organizations, international business, local education agencies, students, and private citizens with expertise in international concerns.

''(3) QUALIFICATION.—Members of the International Advisory Board shall be individuals who have technical qualifications, professional standing, experience working in international affairs or foreign service or international business occupations, or demonstrated knowledge in the fields of higher education and international education, including foreign languages, world regions, or international affairs.

''(d) FUNCTIONS OF THE INTERNATIONAL ADVISORY BOARD.—

''(1) IN GENERAL.—The International Advisory Board shall provide recommendations in accordance with subsection (b) regarding improvement of programs under this title to the Secretary and the Congress for their review. The International Advisory Board may—

''(A) review and comment upon the regulations for grants under this title;

''(B) assess a sample of activities supported under this title based on the purposes and objectives of this title, using materials that have been submitted to the Department of Education by grant recipients under this title, in order to provide recommendations for improvement of the programs under this title;

''(C) make recommendations that will assist the Secretary and the Congress to improve the programs under this title to better reflect the national needs related to foreign languages, world regions, diplomacy, national security, and international business and trade competitiveness, including an assessment of the national needs and the training provided by the institutions of higher education that receive a grant under this title for expert and non-expert level foreign language training;

''(D) make recommendations to the Secretary and the Congress regarding such studies, surveys, and analyses of international education that will provide feedback about the programs under this title and assure that their relative authorized activities reflect diverse perspectives and a wide range of views on world regions, foreign languages, diplomacy, national security, and international business and trade competitiveness;

''(E) make recommendations that will strengthen the partnerships between local educational agencies, public and private elementary and secondary education schools, and grant recipients under this title to ensure that the research and knowledge about world regions, foreign languages, and international affairs is widely disseminated to local educational agencies;

''(F) make recommendations on how institutions of higher education that receive a grant under this title can encourage students to serve the Nation and meet national needs in an international affairs, international business, foreign language, or national security capacity;

''(G) make recommendations on how linkages between institutions of higher education and public and private organizations that are involved in international education, international business and trade competitiveness, language training, and international research capacities may fulfill the manpower and information needs of United States businesses; and

''(H) make recommendations to the Secretary and the Congress about opportunities for underrepresented populations in the areas of foreign language study, diplomacy, international business and trade competitiveness, and international economics, in order to effectively carry out the activities of the Institute under part C.

''(2) HEARINGS.—The International Advisory Board shall provide for public hearing and comment regarding the matter contained in the recommendations described in paragraph (1), prior to the submission of those recommendations to the Secretary and the Congress.

''(e) OPERATIONS OF THE COMMITTEE.—

''(1) TERMS.—Each member of the International Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed (A) 4 shall be appointed for a term of 3 years, and (B) 3 shall be appointed for a term of 4 years, as designated at the time of appointment by the Secretary. A member of the International Advisory Board may be reappointed to successive terms on the International Advisory Board.

''(2) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of such term. A member of the International Advisory Board shall, upon the Secretary's request, continue to serve after the expiration of a term until a successor has been appointed.

''(3) NO GOVERNMENTAL MEMBERS.—Except for the members appointed by the Secretary under subsection (c)(1)(A), no officers or full-time employees of the Federal Government shall serve as members of the International Advisory Board.

''(4) MEETINGS.—The International Advisory Board shall meet not less than once each year. The International Advisory Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 3 voting members of the International Advisory Board.

''(5) QUORUM.—A majority of the voting members of the International Advisory Board serving at the time of a meeting shall constitute a quorum.

''(6) CHAIR.—The International Advisory Board shall elect a Chairman or Chairwoman from among the members of the International Advisory Board.

''(f) SUBMISSION TO DEPARTMENT FOR COMMENT.—The International Advisory Board shall submit its proposed recommendations to the Secretary of Education for comment for a period not to exceed 30 days in each instance.

''(g) PERSONNEL AND RESOURCES.—

''(1) COMPENSATION AND EXPENSE.—Members of the International Advisory Board shall serve without pay for such service. Members of the International Advisory Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the International Advisory Board. Members of the International Advisory Board may each receive reimbursement for travel expenses incident to attending International Advisory Board meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) Personnel.—The International Advisory Board may appoint such personnel as may be determined necessary by the Chairman without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the maximum rate payable under section 5376 of such title. The International Advisory Board may appoint not more than one full-time equivalent, nonpermanent, consultant without regard to the provisions of title 5, United States Code. The International Advisory Board shall not be required by the Secretary to reduce personnel to meet agency personnel reduction goals.

"(3) Consultation.—In carrying out its duties under the Act, the International Advisory Board shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.

"(4) Assistance from other agencies.—

"(A) Information.—The International Advisory Board is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the International Advisory Board, upon request made by the Chairman for the purpose of providing expertise in the area of national needs for the proficiency in world regions, foreign languages, and international affairs.

"(B) Services and personnel.—The head of each Federal agency shall, to the extent not prohibited by law, consult with the International Advisory Board in carrying out this section. The International Advisory Board is authorized to utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement, for the purpose of providing expertise in the area of national needs for the proficiency in world regions, foreign languages, and international affairs.

"(5) Contracts; experts and consultants.—The International Advisory Board may enter into contracts for the acquisition of information, suggestions, estimates, and statistics for the purpose of this section. The International Advisory Board is authorized to obtain the services of experts and consultants without regard to section 3109 of title 5, United States Code and to set pay in accordance with such section.

"(h) Termination.—Notwithstanding the sunset and charter provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) or any other statute or regulation, the International Advisory Board shall be authorized through September 30, 2012.

"(i) Funds.—The Secretary shall use not more than one-half of the funds available to the Secretary under section 632 to carry out this section.".

SEC. 606. RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION; SAFETY.

Part D of title VI is amended by inserting after section 633 (as added by section 605) the following new sections:

"SEC. 634. RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

"Each institution of higher education that receives a grant under this title shall assure that—

"(1) recruiters of the United States Government and agencies thereof are given the same access to students as is provided generally to other institutions of higher education and prospective employers of those students for the purpose of recruiting for graduate opportunities or prospective employment; and

"(2) no undue restrictions are placed upon students that seek employment with the United States Government or any agency thereof.

"SEC. 635. STUDENT SAFETY.

"Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad.".

SEC. 607. NATIONAL STUDY OF FOREIGN LANGUAGE HERITAGE COMMUNITIES.

Part D of title VI is further amended by inserting after section 635 (as added by section 606) the following new section:

"SEC. 636. NATIONAL STUDY OF FOREIGN LANGUAGE HERITAGE COMMUNITIES.

"(a) Study.—The Secretary of Education, in consultation with the International Advisory Board, shall conduct a study to identify foreign language heritage communities, particularly such communities that include speakers of languages that are critical to the national security of the United States.

"(b) Foreign Language Heritage Community.—For purposes of this section, the term 'foreign language heritage community' means a community of residents or citizens of the United States who are native speakers of, or who have partial fluency in, a foreign language.

"(c) Report.—Not later than one year after the date of the enactment of this Act, the Secretary of Education shall submit a report to the Congress on the results of the study conducted under this section.".

TITLE VII—TITLE VII AMENDMENTS

SEC. 701. JAVITS FELLOWSHIP PROGRAM.

(a) Authority and Timing of Awards.—Section 701(a) (20 U.S.C. 1132a(a)) is amended by inserting after the second sentence the following: "For purposes of the exception in the preceding sentence, a master's degree in fine arts shall be considered a terminal degree.".

(b) Interruptions of Study.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: "In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.".

(c) Allocation of Fellowships.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting "from diverse geographic regions" after "higher education"; and

(2) by adding at the end the following new sentence: "The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.".

(d) Stipends.—Section 703 (20 U.S.C. 1134b(a)) is amended—

(1) in subsection (a)—

(A) by striking "1999–2000" and inserting "2006–2007";

(B) by striking "shall be set" and inserting "may be set"; and

(C) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program on February 1 of such academic year"; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

"(1) In general.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2006–2007 and succeeding academic years, the same amount as the institutional payment made for 2005–2006 adjusted for 2006–2007 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.".

(e) Authorization of Appropriations.—Section 705 (20 U.S.C. 1134d) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) Designation of Areas of National Need; Priority.—Section 712 (20 U.S.C. 1135a) is amended—

(1) in the last sentence of subsection (b)—

(A) by striking "and an assessment" and inserting "an assessment"; and

(B) by inserting before the period at the end the following: ", and the priority described in subsection (c) of this section"; and

(2) by adding at the end the following new subsection:

"(c) Priority.—The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary math and science teachers, special education teachers, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

"(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in math and science;

"(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

"(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.".

(b) Collaboration Required for Certain Applications.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

"(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and".

(c) Stipends.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking "1999–2000" and inserting "2006–2007";

(2) by striking "shall be set" and inserting "may be set"; and

(3) by striking "Foundation graduate fellowships" and inserting "Foundation Graduate Research Fellowship Program on February 1 of such academic year".

(d) Additional Assistance.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking "1999–2000" and inserting "2006–2007";

(2) by striking "1998–1999" and inserting "2005–2006"; and

(3) by inserting "for All Urban Consumers" after "Price Index".

(e) Authorization of Appropriations.—Section 716 (20 U.S.C. 1135e) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years".

(f) Technical Amendments.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking "section 716(a)" and inserting "section 715(a)"; and

(2) by striking "section 714(b)(2)" and inserting "section 713(b)(2)".

SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) Contract and Grant Purposes.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(6) to award Thurgood Marshall Fellowships to eligible law school students—

"(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

"(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.".

(b) Services Provided.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting "in analytical skills and study methods" after "courses".

(c) Authorization of Appropriations.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking "1999 and each of the 4 succeeding fiscal years" and inserting "2006 and each of the 5 succeeding fiscal years".

(d) General Provisions.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 704. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) Contract and Grant Purposes.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;";

(2) in paragraph (2), by inserting before the semicolon at the end the following: "for postsecondary students, especially institutions, programs, and joint efforts that provide academic credit for programs";

(3) by amending paragraph (3) to read as follows:

"(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;";

(4) by amending paragraph (6) to read as follows:

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;";

(5) by striking "and" at the end of paragraph (7);

(6) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

"(9) the provision of support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation and college attendance and completion rates for disadvantaged students, and to programs that reduce postsecondary remediation rates, and improve degree attainment rates, for low-income students and former high school dropouts; and

"(10) the assessment, in partnership with a public or private nonprofit institution or agency, of the performance of teacher preparation programs within institutions of higher education in a State, using an assessment which provides comparisons across such schools within the State based upon indicators including teacher candidate knowledge in subject areas in which such candidate has been prepared to teach. ".

(b) Prohibition.—Section 741 (20 U.S.C. 1138) is further amended by adding at the end the following new subsection:

"(c) Prohibition.—No funds made available under this part may be used to provide financial assistance to students who do not meet the requirements of section 484(a)(5).".

(c) Areas of National Need.—Section 744(c) (20 U.S.C. 1138c(c)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2)(A) Development of partnerships between local educational agencies and institutions of higher education to establish or expand existing dual enrollment programs at institutions of higher education that allow high school students to earn high school and transferable college credit.

"(B) Development of consortia of institutions of higher education to create dual enrollment programs including academic and student support agreements and comprehensive articulation agreements that would allow for the seamless and timeless acquisition of college credits and the transfer of postsecondary academic credits between such institutions, particularly from 2-year to 4-year institutions of higher education."; and

(2) by striking paragraph (4) and inserting the following:

"(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

"(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

"(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention, education, healthcare, self-sufficiency, and workforce preparation. Such activities may include support for the development of coordinated curriculum and internship opportunities for students in disadvantaged communities.".

(d) Authorization of Appropriations.—Section 745 (20 U.S.C. 1138d) is amended by striking "$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$40,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years" .

SEC. 705. URBAN COMMUNITY SERVICE.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 706. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) Serving All Students With Disabilities.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking "students with learning disabilities" and inserting "students with disabilities".

(b) Authorized Activities.—

(1) Amendment.—Section 762(b)(2) is amended—

(A) in subparagraph (A), by inserting "in order to improve retention and completion" after "disabilities";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) Effective transition practices.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education."; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraph:

"(D) Distance learning.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.".

(2) Conforming amendment.—Section 762(b)(3) is amended by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (E)".

(c) Applications.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) a description of how such institution plans to address the activities allowed under this part:";

(2) by striking "and" at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 765 (20 U.S.C. 1140d) is amended by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years".

TITLE VIII—CLERICAL AMENDMENTS

SEC. 801. CLERICAL AMENDMENTS.

(a) DEFINITION.—Section 103 (20 U.S.C. 1003) (as amended by section 102) is further amended—

(1) by redesignating paragraphs (1) through (16) as paragraphs (2) through (17), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.".

(b) COMMITTEES.—

(1) The following provisions are each amended by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees":

(A) Section 428(g) (20 U.S.C. 1078(g)).

(B) Section 428A(c)(2) (20 U.S.C. 1078-1(c)(2)).

(C) Section 428A(c)(5) (20 U.S.C. 1078-1(c)(5)).

(D) Section 455(b)(7)(B) (20 U.S.C. 1087e(b)(7)(B)), as redesignated by section 423(b)(3).

(E) Section 483(c) (20 U.S.C. 1090(c)).

(F) Section 486(e) (20 U.S.C. 1093(e)).

(G) Section 486(f)(3)(A) (20 U.S.C. 1093(f)(3)(A)).

(H) Section 486(f)(3)(B) (20 U.S.C. 1093(f)(3)(B)).

(I) Section 487A(a)(5) (20 U.S.C. 1094a(a)(5)).

(J) Section 487A(b)(2) (20 U.S.C. 1094a(b)(2)).

(K) Section 487A(b)(3)(B) (20 U.S.C. 1094a(b)(3)(B)).

(L) Section 498B(d)(1) (20 U.S.C. 1099c-2(d)(1)).

(M) Section 498B(d)(2) (20 U.S.C. 1099c-2(d)(2)).

(2) The following provisions are each amended by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees":

(A) Section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)).

(B) Section 428(n)(4) (20 U.S.C. 1078(n)(4)).

(C) Section 437(c)(1) (20 U.S.C. 1087(c)(1)).

(D) Section 485(f)(5)(A) (20 U.S.C. 1092(f)(5)(A)).

(E) Section 485(g)(4)(B) (20 U.S.C. 1092(g)(4)(B)).

(3) Section 401(f)(3) (20 U.S.C. 1070a(f)(3)) is amended by striking "Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives" and inserting "Committees on Appropriations of the Senate and House of Representatives and the authorizing committees".

(4) Section 428(c)(9)(K) (20 U.S.C. 1078(c)(9)(K)) is amended by striking "House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources" and inserting "authorizing committees".

(5) Section 432(f)(1)(C) (20 U.S.C. 1082(f)(1)(C)) is amended by striking "Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate" and inserting "either of the authorizing committees".

(6) Section 439(d)(1)(E)(iii) (20 U.S.C. 1087-2(d)(1)(E)(iii)) is amended by striking "Chairman and the Ranking Member on the Committee on Labor and Human Resources of the Senate and the Chairman and the Ranking Member of the Committee on Education and Labor of the House of Representatives" and inserting "chairpersons and ranking minority members of the authorizing committees".

(7) Paragraphs (3) and (8)(C) of section 439(r) (20 U.S.C. 1087-2(r)) are each amended by striking "Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate, the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives," and inserting "chairpersons and ranking minority members of the authorizing committees".

(8) Paragraphs (5)(B) and (10) of section 439(r) (20 U.S.C. 1087-2(r)) are each amended by striking "Chairman and ranking minority member of the Senate Committee on Labor and Human Resources and to the Chairman and ranking minority member of the House Committee on Education and Labor" and inserting "chairpersons and ranking minority members of the authorizing committees".

(9) Section 439(r)(6)(B) (20 U.S.C. 1087-2(r)(6)(B)) is amended by striking "Chairman and ranking minority member of the Committee on Labor and Human Resources of the Senate and to the Chairman and ranking minority member of the Committee on Education and Labor of the House of Representatives" and inserting "chairpersons and ranking minority members of the authorizing committees".

(10) Section 439(s)(2)(A) (20 U.S.C. 1087-2(s)(2)(A)) is amended by striking "Chairman and Ranking Member of the Committee on Labor and Human Resources of the Senate and the Chairman and Ranking Member of the Committee on Economic and Educational Opportunities of the House of Representatives" and inserting "chairpersons and ranking minority members of the authorizing committees".

(11) Section 439(s)(2)(B) (20 U.S.C. 1087-2(s)(2)(B)) is amended by striking "Chairman and Ranking Minority Member of the Committee on Labor and Human Resources of the Senate and Chairman and Ranking Minority Member of the Committee on Economic and Educational Opportunities of the House of Representatives" and inserting "chairpersons and ranking minority members of the authorizing committees".

(12) Section 482(d) (20 U.S.C. 1089(d)) is amended by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives" and inserting "authorizing committees".

(c) ADDITIONAL CLERICAL AMENDMENTS.—

(1) Clauses (i) and (ii) of section 425(a)(2)(A) (20 U.S.C. 1075(a)(2)(A)) are each amended by striking "428A or 428B" and inserting "428B or 428H".

(2) Section 428(a)(2)(E) (20 U.S.C. 1078(a)(2)(E)) is amended by striking "428A or".

(3) Clauses (i) and (ii) of section 428(b)(1)(B) (20 U.S.C. 1078(b)(1)(B)) are each amended by striking "428A or 428B" and inserting "428B or 428H".

(4) Section 428(b)(1)(Q) (20 U.S.C. 1078(b)(1)(Q)) is amended by striking "sections 428A and 428B" and inserting "section 428B or 428H".

(5) Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking "428A, 428B," and inserting "428B".

(6) Section 428G(c)(2) (20 U.S.C. 1078-7(c)(2)) is amended by striking "428A" and inserting "428H".

(7) The heading for section 433(e) (20 U.S.C. 1083(e)) is amended by striking "SLS LOANS AND".

(8) Section 433(e) (20 U.S.C. 1083(e)) is amended by striking "428A, 428B," and inserting "428B".

(9) Section 435(a)(3) (20 U.S.C. 1085(a)(3)) is amended—

(A) by inserting "or" at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(10) Section 435(d)(1)(G) (20 U.S.C. 1085(d)(1)(G)) is amended by striking "428A(d), 428B(d), 428C," and inserting "428B(d), 428C, 428H,".

(11) Section 435(m) (20 U.S.C. 1085(m)) is amended—

(A) in paragraph (1)(A), by striking ", 428A,"; and

(B) in paragraph (2)(D), by striking "428A" each place it appears and inserting "428H".

(12) Section 438(b)(2)(D)(ii) (20 U.S.C. 1087-1(b)(2)(D)(ii)) is amended by striking "division (i) of this subparagraph" and inserting "clause (i) of this subparagraph".

(13) Section 438(c)(6) (20 U.S.C. 1087-1(c)(6)) is amended—

(A) by striking "SLS AND PLUS" in the heading and inserting "PLUS"; and

(B) by striking "428A or".

(14) Section 438(c)(7) (20 U.S.C. 1087-1(c)(7)) is amended by striking "428A or".

(15) Nothing in the amendments made by this subsection shall be construed to alter the terms, conditions, and benefits applicable to Federal supplemental loans for students ("SLS loans") under section 428A as in effect prior to July 1, 1994 (20 U.S.C. 1078-1).

TITLE IX—AMENDMENTS TO OTHER EDUCATION LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

(a) GENERAL AUTHORITY.—Section 104(a)(1)(A) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(a)(1)(A)) is amended by inserting after "maintain and operate" the following: ", at the Laurent Clerc National Deaf Education Center,".

(b) ADMINISTRATIVE REQUIREMENTS.—

(1) IN GENERAL.—Section 104(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(b)) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "elementary and secondary education programs'' and inserting ''Laurent Clerc National Deaf Education Center''; and

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Laurent Clerc National Deaf Education Center''.

(2) Academic Content Standards, Achievement Standards, and Assessments.—Section 104(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(b)) is amended by adding at the end the following new paragraph:

''(5) The University, in consultation with the Secretary and consistent with the mission of the elementary and secondary programs operated at the Laurent Clerc National Deaf Education Center, shall—

''(A) not later than the beginning of the 2007–2008 school year, adopt and implement academic content standards, academic achievement standards, and academic assessments as described in paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 for such Center;

''(B) develop adequate yearly progress standards for such Center as described in section 1111(b)(2)(C) of such Act; and

''(C) publicly report the results of such assessments, except in such case in which such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student.''.

SEC. 902. AUTHORITY.

Section 111 of the Education of the Deaf Act of 1986 (20 U.S.C. 4331) is amended by striking ''the institution of higher education with which the Secretary has an agreement under this part'' and inserting ''the Rochester Institute of Technology''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

(a) General Authority.—Section 112(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4332(a)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking ''an institution of higher education'' and inserting ''the Rochester Institute of Technology, Rochester, New York,''; and

(ii) by striking ''of a'' and inserting ''of the''; and

(B) by striking the second sentence; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''the institution of higher education with which the Secretary has an agreement under this section'' and inserting ''the Rochester Institute of Technology''; and

(B) in subparagraph (B), by striking ''the institution'' and inserting ''the Rochester Institute of Technology''.

(b) Provisions of Agreement.—Section 112(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4332(b)) is amended—

(1) in paragraph (2), by striking ''or other governing body of the institution'' and inserting ''of the Rochester Institute of Technology''; and

(2) in paragraph (3)—

(A) by striking ''or other governing body of the institution'' and inserting ''of the Rochester Institute of Technology'';

(B) by striking ''the institution of higher education under the agreement with the Secretary'' and inserting ''the Rochester Institute of Technology by the National Technical Institute for the Deaf''; and

(C) by striking ''Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions of the Senate''.

(c) Limitation.—Section 112(c) of the Education of the Deaf Act of 1986 (20 U.S.C. 4332(c)) is amended in paragraphs (1) and (2) by striking ''institution'' each place it appears and inserting ''Rochester Institute of Technology''.

SEC. 904. DEFINITIONS.

Section 201 of the Education of the Deaf Act of 1986 (20 U.S.C. 4351) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

(3) by adding at the end the following new paragraph:

''(7) The term 'RIT' means the Rochester Institute of Technology.''.

SEC. 905. AUDIT.

(a) Government Accountability Office Authority.—Section 203(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(a)) is amended—

(1) in the heading, by striking ''General Accounting Office'' and inserting ''Government Accountability Office''; and

(2) in the matter following paragraph (2), by striking ''General Accounting Office'' and inserting ''Government Accountability Office''.

(b) Independent Financial and Compliance Audit.—Section 203(b)(1) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(1)) is amended by striking the second sentence and inserting the following: ''NTID shall have an annual independent financial and compliance audit made of RIT programs and activities, including NTID programs and activities.''.

(c) Compliance.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking ''sections'' and all that follows through ''section 207'' and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207''.

(d) Submission of Audits.—Section 203(b)(3) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(3)) is amended—

(1) by inserting after ''Secretary'' the following: ''and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''; and

(2) by striking ''or the institution authorized to establish and operate the NTID under section 112(a)'' and inserting ''or RIT''.

(e) Limitations Regarding Expenditure of Funds.—Section 203(c)(2)(A) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(c)(2)(A)) is amended in the fifth sentence by striking ''the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 906. REPORTS.

(a) Technical Amendments.—Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended in the matter preceding paragraph (1)—

(1) by striking ''or other governing body of the institution of higher education with which the Secretary has an agreement under section 112'' and inserting ''of RIT''; and

(2) by striking ''Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

(b) Contents of Report.—Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''within one year of graduation/completion''; and

(2) in paragraph (3)(B), by striking ''of the institution of higher education with which the Secretary has an agreement under section 112, including specific schedules and analyses for all NTID funds, as required under section 203'' and inserting ''of RIT programs and activities''.

SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(a)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(a)(2)) is amended by striking ''or other governing body of the institution of higher education with which the Secretary has an agreement under section 112'' and inserting ''of RIT''.

SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended—

(1) by striking ''the institution of higher education with which the Secretary has an agreement under part B of title I'' and inserting ''RIT''; and

(2) by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 910. AUTHORIZATION OF APPROPRIATIONS.

(a) Monitoring and Evaluation Activities.—Section 205(c) of the Education of the Deaf Act of 1986 (20 U.S.C. 4355(c)) is amended by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2006 through 2011''.

(b) Federal Endowment Programs for Gallaudet University and the National Technical Institute for the Deaf.—Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended in paragraphs (1) and (2) by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2006 through 2011''.

(c) General Authorization of Appropriations.—Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in the matter preceding paragraph (1) in subsection (a), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2006 through 2011''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2006 through 2011''.

(d) Short Title.—

(1) In general.—The Education of the Deaf Act of 1986 (20 U.S.C. 4301 note) is amended by striking the matter preceding title I and inserting the following:

"SEC. 1. SHORT TITLE.

"This Act may be cited as the 'Gallaudet University and National Technical Institute for the Deaf Act'.".

(2) OTHER REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Education of the Deaf Act of 1986 shall be deemed to be a reference to the Gallaudet University and National Technical Institute for the Deaf Act.

PART B—ADDITIONAL EDUCATION LAWS

SEC. 921. CANCELLATION OF STUDENT LOAN INDEBTEDNESS FOR SURVIVORS OF VICTIMS OF THE SEPTEMBER 11, 2001, ATTACKS.

(a) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE PUBLIC SERVANT.—The term "eligible public sesrvant" means an individual who, as determined in accordance with regulations of the Secretary—

(A) served as a police officer, firefighter, other safety or rescue personnel, or as a member of the Armed Forces; and

(B) died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

(2) ELIGIBLE VICTIM.—The term "eligible victim" means an individual who, as determined in accordance with regulations of the Secretary, died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

(3) ELIGIBLE PARENT.—The term "eligible parent" means the parent of an eligible victim if—

(A) the parent owes a Federal student loan that is a consolidation loan that was used to repay a PLUS loan incurred on behalf of such eligible victim; or

(B) the parent owes a Federal student loan that is a PLUS loan incurred on behalf of an eligible victim.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) FEDERAL STUDENT LOAN.—The term "Federal student loan" means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(b) RELIEF FROM INDEBTEDNESS.—

(1) IN GENERAL.—The Secretary shall provide for the discharge or cancellation of—

(A) the Federal student loan indebtedness of the spouse of an eligible public servant, as determined in accordance with regulations of the Secretary, including any consolidation loan that was used jointly by the eligible public servant and his or her spouse to repay the Federal student loans of the spouse and the eligible public servant;

(B) the portion incurred on behalf of the eligible victim (other than an eligible public servant), of a Federal student loan that is a consolidation loan that was used jointly by the eligible victim and his or her spouse, as determined in accordance with regulations of the Secretary, to repay the Federal student loans of the eligible victim and his or her spouse;

(C) the portion of the consolidation loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim; and

(D) the PLUS loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim.

(2) METHOD OF DISCHARGE OR CANCELLATION.—A loan required to be discharged or canceled under paragraph (1) shall be discharged or canceled by the method used under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), whichever is applicable to such loan.

(c) FACILITATION OF CLAIMS.—The Secretary shall—

(1) establish procedures for the filing of applications for discharge or cancellation under this section by regulations that shall be prescribed and published within 90 days after the date of enactment of this Act and without regard to the requirements of section 553 of title 5, United States Code; and

(2) take such actions as may be necessary to publicize the availability of discharge or cancellation of Federal student loan indebtedness under this section.

(d) AVAILABILITY OF FUNDS FOR PAYMENTS.—Funds available for the purposes of making payments to lenders in accordance with section 437(a) for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments under section 437(a) to lenders of loans as required by this section.

(e) APPLICABLE TO OUTSTANDING DEBT.—The provisions of this section shall be applied to discharge or cancel only Federal student loans (including consolidation loans) on which amounts were owed on September 11, 2001. Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

SEC. 922. AMENDMENT TO HIGHER EDUCATION AMENDMENTS OF 1998.

(a) REPEALS OF EXPIRED AND EXECUTED PROVISIONS.—The following provisions of the Higher Education Amendments of 1998 are repealed:

(1) STUDY OF MARKET MECHANISMS IN FEDERAL STUDENT LOAN PROGRAMS.—Section 801 (20 U.S.C. 1018 note).

(2) STUDY OF FEASIBILITY OF ALTERNATE FINANCIAL INSTRUMENTS FOR DETERMINING LENDER YIELDS.—Section 802.

(3) STUDENT RELATED DEBT STUDY.—Section 803 (20 U.S.C. 1015 note).

(4) STUDY OF OPPORTUNITIES FOR PARTICIPATION IN ATHLETIC PROGRAMS.—Section 805 (20 U.S.C. 1001 note).

(5) COMMUNITY SCHOLARSHIP MOBILIZATION.—Part C of title VIII (20 U.S.C. 1070 note).

(6) INCARCERATED YOUTH.—Part D of title VIII (20 U.S.C. 1151).

(7) IMPROVING UNITED STATES UNDERSTANDING OF SCIENCE, ENGINEERING, AND TECHNOLOGY IN EAST ASIA.—Part F of title VIII (42 U.S.C. 1862 note).

(8) WEB-BASED EDUCATION COMMISSION.—Part J of title VIII.

(b) EXTENSIONS OF AUTHORIZATIONS AND STUDIES.—

(1) TRANSFER OF CREDIT.—Section 804(b) of such Act (20 U.S.C. 1099b note) is amended—

(A) by striking "one year after the date of enactment of this Act" and inserting "September 30, 2007"; and

(B) by inserting "and policies of institutions of higher education" after "agencies or associations".

(2) COHORT DEFAULT RATE STUDY.—Section 806 of such Act is amended—

(A) in subsection (a), by striking "higher education at which less" and inserting "higher education. The study shall also review the effect of cohort default rates specifically on institutions of higher education at which less"; and

(B) in subsection (c), by striking "September 30, 1999," and inserting "September 30, 2007,".

(3) VIOLENCE AGAINST WOMEN.—Section 826 of such Act (20 U.S.C. 1152) is amended—

(A) in subsection (g), by striking "for each of the fiscal years 2001 through 2005" and inserting "fiscal year 2006 and each of the 5 succeeding fiscal years"; and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(4) UNDERGROUND RAILROAD.—Subsection (c) of section 841 (20 U.S.C. 1153(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 923. TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) TITLE I AUTHORIZATION.—Section 110(a) of the Tribally Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) by striking "1999" each place it appears and inserting "2006"; and

(2) by striking "4 succeeding" each place it appears and inserting "5 succeeding".

(b) TITLE III REAUTHORIZATION.—Section 306(a) of the Tribally Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(c) TITLE IV REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(d) ADDITIONAL AMENDMENTS.—The Tribally Controlled Community College or University Assistance Act of 1978 is further amended—

(1) in section 2(a)(6) (25 U.S.C. 1801(a)(6)), by striking "in the field of Indian education" and inserting "in the field of Tribal Colleges and Universities and Indian higher education";

(2) in section 2(b), by striking paragraph (5) and inserting the following:

"(5) Eligible credits earned in a continuing education program shall be determined as one credit for every 10 contact hours for institutions on a quarter system, and 15 contact hours for institutions on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training, and may not exceed 20 percent of an institution's total Indian student count."; and

(3) in section 103 (25 U.S.C. 1804), by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; and", and by inserting after paragraph (3) the following new paragraph:

"(4) has been accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.".

SEC. 924. NAVAJO COMMUNITY COLLEGE ACT.

Section 5(a)(1) of the Navajo Community College Act (25 U.S.C. 640c–1(a)(1)) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

SEC. 925. EDUCATION AMENDMENTS OF 1992.

Section 1543(d) of the Education Amendments of 1992 (20 U.S.C. 1070 note) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

SEC. 926. STUDY OF STUDENT LEARNING OUTCOMES AND PUBLIC ACCOUNTABILITY.

(a) Study Required.—The Secretary shall provide for the conduct a study of the best practices of States in assessing undergraduate postsecondary student learning, particularly as such practices relate to public accountability systems.

(b) Characteristics of the Association.—Such study shall be conducted by an association or organization with specific expertise and knowledge in state practices and access to necessary state officials (in this section referred to as the "association"). The association responsible for the study under this section shall be a national, non-partisan or bi-partisan entity representing States or State officials with expertise in evaluative and qualitative policy research for best practice models, the capacity to convene experts, and to formulate policy recommendations.

(c) Required Subjects of Study.—In performing the study, the association shall, at a minimum, examine the following:

(1) The current status of institutional and state efforts to embed student learning assessments into the state-level public accountability frameworks.

(2) The extent to which there is commonality among educators and accrediting agencies on learning standards for the associates and bachelors degrees.

(3) The reliability, rigor, and generalizability of available instruments to assess general education at the undergraduate level.

(4) Roles and responsibilities for public accountability for student learning.

(d) Consultation.—

(1) National committee.—The association shall establish and consult with a national committee. The committee shall meet not less than twice a year to review the research, identify best practice models, and review recommendations.

(2) Membership.—The national advisory committee shall consist of a representative of the Secretary of Education and individuals with expertise in—

(A) State accountability systems;

(B) student learning assessments;

(C) student flow data;

(D) transitions between K–12 and higher education; and

(E) Federal higher education policy.

(3) Additional expertise.—The association may augment this committee with other expertise, as appropriate.

(e) Congressional Consultation.—The association shall consult on a regular basis with the Committee on Education and the Workforce of the House of Representatives and the Committee on Health Education Labor and Pensions of the Senate in carrying out the study required by this section.

(f) Report.—The association shall, not later than two years after the date of enactment of this Act, prepare and submit a report on the study required by this section to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 927. STUDY OF MINORITY GRADUATION RATES.

(a) Study Required.—The Secretary of Education shall—

(1) commission a national study on the decreasing numbers of underrepresented minority males, particularly African American males, entering and graduating from colleges and universities; and

(2) make specific recommendations to the Congress on new approaches to increase minority male graduation rates and the number of minority males going into careers where the population is underrepresented.

(b) Submission of Report.—Not later than one year after the date of the enactment this Act, the Secretary shall submit a report on the study required by subsection (a)(1), together with the recommendations required by subsection (a)(2), to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

SEC. 928. STUDY OF EDUCATION-RELATED INDEBTEDNESS OF MEDICAL SCHOOL GRADUATES.

(a) Study Required.—The Secretary of Education shall conduct a study to evaluate the higher education-related indebtedness of medical school graduates in the United States at the time of graduation.

(b) Deadline.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the study required by subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and shall make the report widely available to the public. Additional reports may be periodically prepared and released as necessary.

SEC. 929. STUDY OF ADULT LEARNERS.

The Secretary of Education shall conduct a study of the developing trends in older adult learners attending college and how institutions of higher education are addressing the needs of this specific population in terms of outreach, accessibility, financing, and student support services, including online education. The Secretary shall submit a report on the study to the Committee on Education and the Workforce of the House of Representatives that includes recommendations on measures the Federal Government can take to address the needs in regards to education and job training for the aging population and the changing demographics of our country.

SEC. 930. INCREASE IN COLLEGE TEXTBOOK PRICES.

(a) Findings.—The Committee on Education and the Workforce of the House of Representatives makes the following findings:

(1) The rising costs of higher education are making a postsecondary education inaccessible for many individuals.

(2) The rise in college textbook pricing contributes to the overall costs of higher education, and many factors have contributed to the rise in textbook pricing.

(b) Sense of the Committee on Education and the Workforce.—It is the sense of the Committee on Education and the Workforce of the House of Representatives that in order to make a higher education more accessible for all students, the following should occur to make college textbooks more affordable for students:

(1) The Congress encourages textbook publishers to provide students with the option of buying materials such as textbooks, CD-ROMs, access to websites, and workbooks, "a la carte" or "unbundled".

(2) Textbook publishers should work with faculty to understand the cost to students of purchasing the recommended textbooks.

(3) College bookstores should work with faculty to review timelines and processes for ordering and stocking selected textbooks, and disclose textbook costs to faculty and students.

(4) Colleges and universities should be encouraged to implement numerous options to address textbook affordability.

The Acting CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 109–399. Each amendment may be offered only in the order printed in the report; or as permitted under the order of the House by unanimous consent; by a Member designated in the report; shall be considered read: shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MC KEON

Mr. McKEON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–399 offered by Mr. McKeon:

Page 15, line 12, insert "or had" after "has".

Page 15, line 14, after "1992" insert the following: ", and continues to operate a clinical training program in at least one State, which is approved by that State"

Page 23, line 10, strike "'2012'" and insert "'2013'".

Page 23, line 14, strike "'2006'" and insert "'2007'".

Page 23, line 21, strike "2006 and" and insert "2007 and".

Page 25, line 9, strike "Secretary" and insert "Commissioner of Education Statistics".

Page 26, line 13, strike "assure" and insert "ensure".

Page 26, beginning on line 10, strike "to institutions of higher education".

Page 26, line 12, insert "from institutions of higher education" after "useful data".

Page 26, line 22, strike "assuring that data is" and insert "ensuring that data are".

Page 27, line 7, strike "Secretary" and insert "Commissioner of Education Statistics".

Page 27, line 25, insert ", full-year" before "undergraduate".

Page 28, beginning on line 1, strike "for such a student" and insert "for a first-time, full-time, full-year undergraduate student".

Page 28, line 3, strike "cost" and insert "price".

Page 28, line 4, insert ", full-year" before "undergraduate".

Page 28, beginning on line 7, strike "first-time full-time undergraduate" and insert "first-year, full-time, full-year undergraduate".

Page 28, line 15, insert ", full-year undergraduate" after "full-time".

Page 28, beginning on line 18, strike subparagraph (F) (and redesignate the succeeding paragraphs accordingly).

Page 29, line 8, insert "of undergraduate students" after "rates".

Page 30, line 1, strike "Secretary" and insert "Commissioner of Education Statistics".

Page 30, line 2, strike "make available, at a minimum, the data collected" and insert "collect and publish data submitted by each institution".

Page 30, beginning on line 5, strike the sentence beginning with "Such data" and insert "Such data shall be selected in accordance with the requirements of section 131(b).".

Page 30, line 10, stike "typical full-time" and insert "typical first-time, full-time, full-year".

Page 30, line 12, insert "Such data may be presented in combination with forms and information from the Free Application for Federal Student Aid (FAFSA) website." before "The Secretary".

Page 31, line 22, strike "2009" and insert "2010".

Page 32, line 5, strike "students;" insert "students and the steps by which the institution is and will be taking to reduce its college affordability index; and".

Page 32, beginning on line 6, strike subparagraphs (B) and (C) (and redesignate the succeeding subparagraph accordingly).

Page 32, beginning on line 19, strike paragraph (2) (and redesignate the succeeding paragraph accordingly).

Page 32, strike line 25 and insert the following:

(3) QUALITY EFFICIENCY TASK FORCES.—Each institution subject to paragraph (1) that has a college affordability index that is in the highest 10 percent of such indexes of all classes of institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the costs and expenditures on tuition and fees charged to students and the operations of such institution.

Page 33, beginning on line 1, strike subparagraph (A) (and redesignate the succeeding subparagraphs accordingly).

Page 34, beginning on line 3, strike "has failed" and all that follows through "submission of such plans, and" on line 7.

Page 34, beginning on line 10, strike subparagraph (A); on line 15, redesignate subparagraph (B) as subparagraph (A); on line 18, insert "and" after the semicolon; on line 19, redesignate subparagraph (C) as subparagraph (B); on line 20, strike "; and" and insert a period; and beginning on line 21, strike subparagraph (D).

Page 35, line 2, strike "(1)(C)" and insert "(1)(B)".

Page 36, line 5, strike "(B) or (C)" and insert "(A)".

Page 36, beginning on line 14, strike "the actions required by subparagraph (B) or (C)" and insert "the explanation of how the institution plans to address its cost increase as required by subparagraph (A)".

Page 37, after line 2, insert the following new paragraph:

"(8) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

Page 37, after line 2, insert the following new subsection (and redesignate the succeeding subsections accordingly):

"(g) INFORMATION TO THE PUBLIC.—Upon receipt of an institution's report required under subsection (f), the Secretary shall make the information in the report available to the public in accordance with subsection (d) on the COOL website under subsection (b).

Page 37, beginning on line 6, strike "described in" and insert "required by".

Page 37, beginning on line 9, strike "on the cost and price of higher education under this section" and insert "under subsections (c) and (j)".

Page 37, beginning on line 22, strike ", as determined under subsectiom (f)(6)(A),".

Page 38, after line 14, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

"(H) if the institution is a public institution, the relationship between State and local appropriations and the institution's tuition and fees;

Page 40, line 12, strike "Secretary" and insert "Commissioner of Education Statistics".

Page 42, after line 8, insert the following new section:

SEC. 111. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 113 (20 U.S.C. 1011b) is amended—

(1) by striking "**TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE**" in the heading of such section and inserting "**TERRITORIAL WAIVER AUTHORITY**";

(2) by striking "(a) WAIVER AUTHORITY.—"; and

(3) by striking subsection (b).

Page 69, line 6, insert "of 1965" after "Act".

Page 70, line 14, strike "203(b)" and insert "203(b)(1)".

Page 70, beginning on line 4, strike "made available" and insert "authorized".

Page 73, line 20, strike "shall use" and insert "may, subject to appppropriations, use".

Page 78, line 1, insert "Education" after "Disabilities".

Page 91, line 16, strike "2006" and insert "2007".

Page 92, line 17, strike "2006" and insert "2007".

Page 93, line 18, strike "defined" and insert "listed".

Page 97, line 20, strike "2006" and insert "2007".

Page 103, line 24, strike "2006" and insert "2007".

Page 104, lines 21 and 22, insert "the" after "listed in", and strike "Land Grant" and insert "Land–Grant".

Page 105, line 19, strike "O'Odham" and insert "O'odham".

Page 105, line 23, insert "of higher education" after "institution".

Page 106, line 25, insert "in" after "or".

Page 108, line 16, strike "at" and insert "awarded by".

Page 108, line 21, strike "$400,000" and insert "$500,000".

Page 110, line 17, strike "Alaska Native" and insert "Alaska Native-serving institution".

Page 111, strike lines 11 through 13, and insert the following:

(c) APPLICATION PROCESS.—Section 317(d)(2) is amended by striking everything after the first sentence.

Page 111, line 22, after "including" insert the following: "development or improvement of facilities for Internet use or other distance learning academic instruction capabilities and".

Page 112, line 4, after "326(c)" insert "(20 U.S.C. 1063b(c))".

Page 112, line 14, after "323(a)" insert "(20 U.S.C. 1062(a))".

Page 113, line 10, strike "services".

Page 113, line 12, strike "SERVICES".

Page 113, line 13, strike "services".

Page 113, beginning on line 20, strike subsection (c), and redesignate the succeeding subsections accordingly.

Page 114, line 5, strike "required" and insert "needed".

Page 115, line 13, strike "and"; on lines 15, strike the period, the close quotation marks, and the following period and insert a semicolon, and after such line insert the following new subparagraphs:

"(W) Langston University qualified graduate program;

"(X) West Virginia State University qualified graduate program; and

"(Y) Fayetteville State University qualified graduate program.".

Page 115, line 19, strike "'2005'" and insert "'2006'".

Page 115, line 21, strike "'(S), (T), (U), and (V)'" and insert "'(S) through (Y)'".

Page 116, beginning on line 10, strike "'(S), (T), (U), and (V)'" and insert "'(S) through (Y)'".

Page 116, line 15, strike "'(V)'" and insert "'(Y)'".

Page 118, line 1, strike "301(b)(2)" and insert "301(b)(5)".

Page 118, line 23, strike "399(a)(2)" and insert "399(a)(2)(A)".

Page 120, line 18, strike "'2006'" and insert "'2007'".

Page 121, line 16, strike "'2012'" and insert "'2013'".

Page 122, line 3, strike "2006–2007 through 2012-2013" and insert "2007-2008 through 2013–2014".

Page 122, line 20, strike "two Pell grants during a single award year" and insert "not more than two Pell grants during an award year".

Page 123, line 3, strike "in a single award year".

Page 124, line 6, insert "forcible or nonforcible" before "sexual offense".

Page 124, lines 7 and 8, strike "under regulations of the Secretary" and insert "in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program".

Page 125, line 8, after subsection (h) insert the following new subsection (and redesignate the succeeding subsection accordingly):

(i) ACADEMIC COMPETITIVENESS GRANT ELIGIBILITY.—Section 401A(c)(3) (as added by section 8003 of the Higher Education Reconciliation Act of 2005) is amended by striking "established by a State or local educational agency and recognized as such by the Secretary" each place it appears and inserting "beyond the basic graduation requirements and recognized as such by the designated State official, or with respect to any private school or home school, the designated school official for such school".

Page 125, beginning on line 11, strike "section 401 (20 U.S.C. 1070a)" and insert "section 401A (as added by section 8003 of the Higher Education Reconciliation Act of 2005)".

Page 125, line 13, strike "**401a**" and insert "**401b**".

Page 125, line 15, strike "From sums appropriated to carry out section 401, the Secretary shall" and insert "Beginning in academic award year 2007-2008, the Secretary is authorized to".

Page 126, line 2, before the semicolon insert "after earning a high school diploma or its recognized equivalent".

Page 126, beginning on line 12, strike "other student financial assistance available" and insert "estimated financial assistance not received under this title (as described in section 480(j))".

Page 127, lines 17 and 18, strike "described in section 484(c)" and insert "as determined under the institution's standards developed in accordance with regulations prescribed by the Secretary".

Page 127, line 25, strike the close quotes and the period at the end.

Page 127, after line 25, insert the following new subsection:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.".

Page 128, after line 3, insert the following new subsection:

(j) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to academic years beginning on or after July 1, 2007.

Page 129, beginning on line 13, strike subsection (c) through page 130, line 8, and redesignate the succeeding subsections accordingly.

Page 130, strike lines 9 through 11 and insert the following:

(d) APPLICATION STATUS; FOSTER CARE COORDINATION.—Paragraph (7) of section 402A(c) (20 U.S.C. 1070a-11(c)(7)) is amended to read as follows:

"(7) COORDINATION.—Each applicant for funds under the programs authorized by this chapter shall identify services to foster care youth as a permissible service in those programs, and ensure that such youth receive supportive services, including mentoring, tutoring, and other services provided by those programs.".

Page 131, line 5, strike "2006" and insert "2007".

Page 134, beginning on line 13, strike "and, as appropriate, their parents".

Page 137, after line 7, insert the following new subsection:

(n) GAO STUDY OF ALLOCATION OF FUNDS.—

(1) STUDY REQUIRED.—The Comptroller General shall conduct a study of the Federal TRIO Programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-11 et seq.) to examine the allocation of funds procedures for such programs. Such study shall—

(A) examine the consideration of prior experience of service delivery and its impact on grant applicants who have prior experience as compared to those who do not have prior experience; and

(B) examine the impact of the prior experience consideration in distribution of funds across programs and the impact of maintaining continuation of older programs on the success rate of accomplishing the goals of the program.

(2) REPORT.—The Comptroller General shall submit a report on the study required by paragraph (1) within one year of the date of enactment of this Act to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

Page 137, beginning on line 21, strike "the services provided" and all that follows through "college students" on line 25 and insert the following: "these programs in supporting the attainment of higher education for students from disadvantaged backgrounds, particularly low-income individuals, prospective first-generation college students, and individuals with disabilities".

Page 138, line 2, after "shall" insert "consider demographic and geographic variation and".

Page 139, line 24, strike "as amended by section 402(c) and".

Page 143, lines 17 and 18, strike "such activities available after the then most recent report" and insert "based on the most recent report available".

Page 144, beginning on line 5, strike subsection (h) through page 146, line 5, and insert the following:

(h) EXPECT PROGRAM OUTCOMES.—

(1) Section 402B (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(c) EXPECTED PROGRAM OUTCOMES.—For the purposes of assessing an applicant's performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider—

"(1) the rate of college enrollment of students served by the program;

"(2) the continued secondary school enrollment of participating students;

"(3) the graduation of participating students from secondary school;

"(4) the delivery of services described in the application approved by the Secretary; and

"(5) other such outcomes the Secretary may require.".

(2) Section 402C (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(f) EXPECTED PROGRAM OUTCOMES.—For the purposes of assessing an applicant's performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider—

"(1) the rate of college enrollment of students served by the program;

"(2) the persistence of students in postsecondary education;

"(3) the delivery of services described in the application approved by the Secretary;

"(4) the academic achievement of participating students; and

"(5) other such outcomes the Secretary may require.".

(3) Section 402D (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(e) EXPECTED PROGRAM OUTCOMES.—For the purposes of assessing an applicant's performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider—

"(1) the persistence in postsecondary education of all students served by the program;

"(2)(A) in the case of a grant recipient that is an institution of higher education offering a baccalaureate degree, the number of participating students who completed degree programs in which such students were enrolled; or

"(B) in the case of a grant recipient that is an institution of higher education not offering a baccalaureate degree, the number of participating students who—

"(i) completed degree or certificate programs; and

"(ii) transferred to institutions of higher education offering baccalaureate degrees;

"(3) the delivery of services described in the application approved by the Secretary; and

"(4) other such outcomes the Secretary may require.".

(4) Section 402E (20 U.S.C. 1070a-12) is amended by striking subsection (f) and inserting the following:

"(f) EXPECTED PROGRAM OUTCOMES.—For the purposes of assessing an applicant's performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider—

"(1) the rate of graduate school enrollment of participating students;

"(2) the attainment of doctoral degrees by participating students;

"(3) the delivery of services described in the application approved by the Secretary; and

"(4) other such outcomes as required by the Secretary.".

(5) Section 402F (20 U.S.C. 1070a-12) is amended by adding at the end the following new subsection:

"(d) EXPECTED PROGRAM OUTCOMES.—For the purposes of assessing an applicant's performance under section 402A(c)(1), and prior experience under section 402A(d)(3), the Secretary shall consider—

"(1) the rate of college enrollment of participating students;

"(2) the provision of assistance to students served by the program in completing financial aid applications and college admission applications;

"(3) the delivery of services described in the application approved by the Secretary; and

"(4) other such outcomes as required by the Secretary.".

Page 150, after line 21, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) FOSTER CARE COORDINATION.—Section 404B(c) (20 U.S.C. 1070a–22(c)) is amended by adding at the end the following new sentence:

"Each applicant for funds under the programs authorized by this chapter shall identify services to foster care youth as a permissible service in those programs, and ensure that such youth receive supportive services, including mentoring, tutoring, and other services provided by those programs.".

Page 152, line 19, strike "2006" and insert "2007".

Page 153, line 2, strike "'2006'" and insert "'2007'".

Page 153, beginning on line 20, strike subsection (c) and insert the following:

(c) ELIGIBILITY FOR ADDITIONAL ALLOCATIONS.—Section 413D(a)(4) (20 U.S.C. 1070b-3(a)(4)) is amended by striking subparagraph (B) and inserting the following:

"(B) An otherwise eligible institution may receive a portion of the allocation described in subparagraph (A) if—

"(i) not less than 10 percent of the undergraduate, degree- or certificate-seeking students attending the institution receive Federal Pell Grants; and

"(ii)(I) in the case of an institution that offers programs of at least 4 years in duration, if its graduation rate for Federal Pell Grant recipients attending the institution and graduating within the period of time equal to normal duration of the longest undergraduate program offered by the institution, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(7)(C)); or

"(II) in the case of an institution that offers programs of at least 2, but less than 4, years in duration, if its rate for Federal Pell Grant recipients attending the institution and graduating or transferring to an institution that offers programs of at least 4 years in duration within the period of time equal to the normal duration of the program offered, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(7)(C)).".

Page 157, line 14, strike "'2006'" and insert "'2007'".

Page 159, line 16, strike "2006" and insert "2007".

Page 159, line 23, strike "2006" and insert "2007".

Page 159, line 10, strike "and"; on line 25, strike the period and insert "; and"; and after line 25, insert the following new paragraph:

(11) by redesignating subsection (h) as subsections (i) and inserting before such subsection the following new subsection:

"(h) Technical Assistance.—The Secretary may reserve up to one-half of one percent of funds appropriated under subsection (i) for technical assistance activities for program improvement, including data collection and evaluation.".

Page 168, strike lines 1 and 2 and insert "to the field in which the student obtained the degree.".

Page 172, line 3, insert "(as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" after "teacher".

Page 178, line 24, strike "made available" and insert "authorized".

Page 179, line 22, strike "as it pertains" and insert "pertaining".

Page 183, line 5, strike "2006" and insert "2007".

Page 183, line 10, strike "'2006'" and insert "'2007'".

Page 184, line 13, strike "pursuant" and insert "subject".

Page 185, beginning on line 3, strike "pursuant to the designation under subsection (c)" and insert "on behalf of borrowers employed in an area of national need described in subsection (c)".

Page 186, line 8, strike "as a teacher" and insert "as a highly qualified teacher (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965)".

Page 190, line 5, strike "The Secretary" and insert "Subject to subsection (b)(2), the Secretary".

Page 192, beginning on line 21, strike subparagraph (A) and insert the following:

"(A) The nurse graduated from an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).".

Page 193, line 7, insert before the period the following: "or from an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296))".

Page 194, beginning on line 8, strike "accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act".

Page 194, line 17, strike "2006" and insert "2007".

Page 195, line 20, strike "July 1, 2007" and insert "the date of enactment of this Act".

Page 199, after line 11, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(h) Student Loan Information.—Section 435(m) (20 U.S.C. 1085(m)) is amended by adding at the end the following new paragraph:

"(5) Student loan information.—

"(A) Notwithstanding any other provision of law or regulation, a lender, secondary market, holder, or guaranty agency shall provide, free of charge and in a timely and effective manner, any student loan information maintained by that entity that is requested by an institution of higher education and any third-party servicer (as defined in section 481(c)) working on behalf of that institution to prevent student loan defaults.

"(B) An institution and any third-party servicer obtaining access to information under subparagraph (A) shall safeguard that information in order to prevent potential abuses of that information, including identity theft.

"(C) Any third party servicer that obtains information under this subparagraph shall only use the information in a manner directly related to the default prevention work the servicer is performing on behalf of the institution of higher education.".

Page 200, line 14, strike "'2006'" and insert "'2007'".

Page 200, beginning on line 23, strike subsection (a) and insert the following:

(a) Eligibility for Additional Allocations.—Section 442(a)(4) (42 U.S.C. 2752(a)(4)) is amended by striking subparagraph (B) and inserting the following:

"(B) An otherwise eligible institution may receive a portion of the allocation described in subparagraph (A) if—

"(i) not less than 10 percent of the students attending the institution receive Federal Pell Grants; and

"(ii)(I) in the case of an institution that offers programs of at least 4 years in duration, if its graduation rate for Federal Pell Grant recipients attending the institution and graduating within the period of time equal to normal duration of the longest undergraduate program offered by the institution, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(7)(C)); or

"(II) in the case of an institution that offers programs of at least 2, but less than 4, years in duration, if its rate for Federal Pell Grant recipients attending the institution and graduating or transferring to an institution that offers programs of at least 4 years in duration within the period of time equal to the normal duration of the program offered, as measured from the first day of their enrollment, exceeds the median rate for the class of institution (as defined in section 131(f)(7)(C)).".

Page 206, line 9, strike "2006 and" and insert "2007 and".

Page 206, line 24, strike "'2006'" and insert "'2007'".

Page 207, lines 4 and 9, strike "'2012'" each place it appears and insert "'2013'".

Page 207, line 9, strike "and"; on line 12, strike "'2011.'" and insert "'2012'; and"; and after line 12 insert the following:

(C) by striking "2012" in subsection (b) and inserting "2013".

Page 207, beginning on line 13, strike subsection (b) and redesignate the succeeding subsection accordingly.

Page 211, beginning on line 15, strike paragraph (2), and redesignate the succeeding paragraphs accordingly.

Page 216, beginning on line 14, strike clause (i) and insert the following:

"(i) In general.—The Secretary shall—

"(I) develop a form that uses skip logic to simplify the application process for applicants; and

"(II) make all efforts to encourage applicants to utilize the electronic forms described in paragraph (4).".

Page 221, line 11, after "Secretary," insert the following: "and an expected family contribution has been calculated by the Secretary,".

Page 221, beginning on line 16, strike "without a signature, if a signature is subsequently submitted by the applicant" and insert "with an electronic signature".

Page 228, line 2, insert "by any entity" after "charged a fee".

Page 228, line 14, insert ", worksheet, or other document" after "form".

Page 232, strike lines 9 through 12 and insert the following:

(b) Republic of Palau.—Section 484 (20 U.S.C. 1091) is amended —

(1) in subsection (a)—

(A) in paragraph (4), by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, or"; and

(B) in paragraph (5), by striking "a citizen of any one of the Freely Associated States" and inserting "or, to the extent described in subsection (j), a citizen of the Republic of Palau"; and

(2) by amending subsection (j) to read as follows:

"(j) Assistance Under Subpart 1 of Part A for Students From Palau.—Notwithstanding any other provision of law, a student shall be eligible until September 30, 2007, for assistance under subpart 1 of part A if the student is otherwise qualified and—

"(1) is a citizen of the Republic of Palau and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Freely Associated States; or

"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in any one of the Freely Associated States.".

Page 232, beginning on line 13, strike section 483 and insert the following:

SEC. 483. INSTITUTIONAL REFUNDS.

Section 484B(a)(1) (20 U.S.C. 1091b(a)(1)) is amended in subsection (a)(1), by inserting "subpart 4 of part A or" after "received under".

Page 241, line 20, strike "make, keep," and insert "establish".

Page 247, line 15, strike "insure" and insert "ensure".

Page 248, beginning on line 14, strike subparagraph (E), and redesignate the succeeding subparagraphs accordingly.

Page 250, line 25, strike "by virtue of" and insert "resulting from".

Page 251, line 4, strike "virtue of".

Page 251, beginning on line 7, strike "virtue of participation" and insert "participating".

Page 253, line 6, strike "2011" and insert "2012".

Page 253, line 23, strike "for" and insert "with respect to".

Page 257, line 6, strike "under" and insert "established pursuant to".

Page 262, line 6, strike "'2011'" and insert "'2012'".

Page 262, after line 14, insert the following new section:

SEC. 489. PELL GRANT ELIGIBILITY PROVISION.

Section 484 is amended by adding at the end the following new subsection:

"(s) Pell Grant Eligibility Provision.—A student who does not have a certificate of graduation from a school providing secondary education may be eligible for assistance under subpart 1 of Part A of this title for no more than two academic years, if such student—

"(1) meets all eligibility requirements for such assistance (other than not being enrolled in an elementary or secondary school) and is an academically gifted and talented student, as defined in section 9101 of the Elementary and Secondary Education Act;

"(2) is in the junior or senior year of secondary school, and has not received any assistance under this title;

"(3) is selected for participation and is enrolled full-time and resides on campus in a residential college gifted student program for early enrollment, leading to fully transferable college academic credit;

"(4) does not and will not participate in any secondary school course work during or after such program; and

"(5) has entered into an agreement that, if the student fails to complete the entirety of the academic program for which assistance under subpart 1 of Part A of this title was received, or participates in secondary school course work after participating in such program, the student will repay all funds received under such subpart pursuant to this subsection to the Federal Government in accordance with regulations promulgated by the Secretary.".

Page 262, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) is a State agency approved by the Secretary for the purpose described in subparagraph (A) and the State does not, for purposes of this title, directly or indirectly—

"(i) require any institution of higher education to obtain accreditation by such State agency, rather than another accrediting agency or association approved by the Secretary for the purpose described in subparagraph (A); or

"(ii) provide any exemption or other privilege or benefit to any institution of higher education by reason of its accreditation by such State agency rather than another accrediting agency or association approved by the Secretary for the purpose described in subparagraph (A); or";

Page 263, beginning on line 4, strike "missions of institutions of higher education, including such missions as inculcation of religious values" and insert "mission of the institution of higher education, including religious missions".

Page 267, line 13, strike "subparagraph (H)" and insert "subparagraph (L)".

Page 272, line 22, strike "programs identified under" and insert "programs that were identified pursuant to".

Page 273, beginning on line 8, strike subparagraph (B) and insert the following:

(B) in subparagraph (B)—

(i) by striking "at the time of application,"; and

(ii) by inserting "at the end of the award year immediately preceding the date of application" after "Hispanic students";

Page 280, lines 4 and 9, strike "2006" each place it appears and insert "2007".

Page 289, line 15, strike "'2006'" and insert "'2007'".

Page 290, line 22, and page 291, line 8, insert ", as determined by the Secretary" after "reduction" each place it appears.

Page 291, line 12, strike "'2006'" and insert "'2007'".

Page 294, line 15, strike "'2006'" and insert "'2007'".

Page 305, line 6, insert "grantee under this title," after "from any".

Page 305, line 10, insert "grantee," after "each such".

Page 310, line 8, strike "'2006–2007'" and insert "'2007–2008'".

Page 310, line 23, strike "2006–2007" and insert "2007–2008".

Page 310, beginning on line 25, strike "2005–2006 adjusted for 2006–2007" and insert "2006–2007 adjusted for 2007–2008".

Page 311, line 8, strike "2006" and insert "2007".

Page 313, lines 3 and 4, strike "for a grant by" and insert "from".

Page 313, line 5, strike "contain" and insert "provide".

Page 313, line 6, strike "collaborates" and insert "will collaborate".

Page 313, line 8, strike "assure" and insert "ensure".

Page 313, line 13, strike "2006–2007" and insert "2007–2008".

Page 313, line 23, strike "'2006–2007'" and insert "'2007–2008'".

Page 313, line 25, strike "'2005–2006'" and insert "'2006–2007'".

Page 314, line 6, strike "2006" and insert "2007".

Page 315, line 22, strike "2006 and" and insert "2007 and".

Page 317, line 16, strike "and" at the end of the line; on line 25, strike the period, close quotation marks, and following period and insert "; and"; and after such line insert the following new paragraph:

"(11) supporting efforts to establish pilot programs and initiatives to help college campuses to reduce illegal downloading of copyrighted content, in order to improve the security and integrity of campus computer networks and save bandwidth costs.".

Page 318, line 22, strike "timeless" and insert "timely".

Page 320, line 13, strike "2006" and insert "2007".

Page 323, line 4, strike "2006" and insert "2007".

Page 332, line 5, strike "and".

Page 332, line 9, strike the period and insert "; and".

Page 332, after line 9, insert the following new subparagraph:

(C) in paragraph (4)(C)—

(i) in clause (i), by striking "(6)" and inserting "(8)"; and

(ii) in clause (vi), by striking "(m)" and inserting "(o)".

Page 333, after line 8, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305) is amended—

(1) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5)" and inserting "sections 3141 through 3148 of title 40, United States Code,"; and

(2) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

Page 333, line 9, redesignate section 902 as section 903.

Page 333, line 15, redesignate section 903 as section 904.

Page 334, line 18, strike "and".

Page 335, line 10, strike the period and insert "; and".

Page 335, after line 10, insert the following new paragraph:

(3) in paragraph (5)—

(A) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5)" and inserting "sections 3141 through 3148 of title 40, United States Code,"; and

(B) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code,".

Page 335, strike line 11 and all that follows through line 15 and insert the following:

(c) LIMITATION.—Section 112(c) of the Education of the Deaf Act of 1986 (20 U.S.C. 4332(c)) is amended—

(1) in paragraphs (1) and (2), by striking "institution" each place it appears and inserting "Rochester Institute of Technology"; and

(2) in the matter following paragraph (2), by striking "the applicant" and inserting "RIT".

Page 335, line 16, redesignate section 904 as section 905.

Page 336, line 1, redesignate section 905 as section 906.

Page 336, strike line 18 and all that follows through line 23 and insert the following:

(c) COMPLIANCE.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking "sections" and all that follows and inserting "sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (a), (b), and (c) of section 209.".

Page 337, line 19, redesignate section 906 as section 907.

Page 338, after line 12, insert the following new paragraph:

(1) in paragraph (1), by striking "preparatory,";

Page 338, line 13, redesignate paragraph (1) as paragraph (2).

Page 338, line 16, redesignate paragraph (2) as paragraph (3).

Page 338, after line 21, insert the following new section:

SEC. 908. MONITORING, EVALUATION, AND REPORTING.

Section 205(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305) is amended in the first sentence by striking "preparatory,".

Page 338, line 22, redesignate section 907 as section 909.

Page 339, line 3, redesignate section 908 as section 910.

Page 339, line 11, redesignate section 909 as section 911.

Page 339, after line 23, insert the following new sections:

SEC. 912. INTERNATIONAL STUDENTS.

(a) ENROLLMENT.—Section 209(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a(a)) is amended by striking "preparatory, undergraduate," and inserting "undergraduate".

(b) TUITION SURCHARGE.—Section 209(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a(b)) is amended by striking "preparatory, undergraduate" and inserting "undergraduate".

(c) DEFINITION.—Section 209(d) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a(d)) is amended by striking "1990 per capita income" and all that follows and inserting "per-capita income of not more than $5,125, measured in 2002 United States dollars and adjusted by the Secretary to reflect inflation since 2002.".

SEC. 913. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions".

Page 340, line 1, redesignate section 910 as section 914.

Page 340, beginning on line 5, strike "2006 through 2011" and insert "2007 through 2012".

Page 340, line 13, strike "2006 through 2011" and insert "2007 through 2012".

Page 340, beginning on line 19, strike "2006 through 2011" and insert "2007 through 2012".

Page 340, line 23, strike "2006 through 2011" and insert "2007 through 2012".

Page 345, beginning on line 22, strike paragraph (4) and redesignate the succeeding paragraphs accordingly.

Page 347, beginning on line 6, strike paragraph (3) and redesignate the succeeding paragraph accordingly.

Page 347, line 19, strike "2006" and insert "2007".

Page 348, lines 2, 9, and 17, strike "'2006'" each place it appears and insert "'2007'".

Page 350, lines 6 and 13 , strike "'2006'" each place it appears and insert "'2007'".

At the end of the Amendment, add the following new sections:

SEC. 931. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education, as compared to campus-based education, can be assessed, including elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education; and

(3) identification of the types of students (including classification of types of students based on student age) who most benefit from distance education programs, the types of students who most benefit from campus-based education programs, and the types of students who do not benefit from distance education programs, by assessing elements including access to higher education, job placement rates, undergraduate graduation rates, and graduate and professional degree attainment rates.

(b) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The agreement under subsection (a) shall require that the National Academy of Sciences submit to the Secretary of Education, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives—

(1) an interim report regarding the evaluation under subsection (a) not later than December 31, 2007; and

(2) a final report regarding such evaluation not later than December 31, 2009.

SEC. 932. STUDY OF CAMPUS-BASED PROGRAM ALLOCATION OF FUNDS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study of the Federal Supplemental Educational Opportunity Grant program, the Federal Work-Study program, and the Federal Perkins Loan program (authorized by subpart 3 of part A, and parts C and E, respectively, of title IV of the Higher Education Act of 1965)—

(1) to examine the procedure for allocating funds to institutions;

(2) to compare among participating institutions the amount of funds allocated and the amount of aid awarded to students on a per-student basis under these programs; and

(3) to suggest any modifications to the allocation procedures to ensure appropriate distribution of funds under these programs

(b) REPORT.—The Comptroller General shall submit a report on the study required by subsection (a)within one year of the date of enactment of this Act to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I rise in support of this amendment to the College Access and Opportunity Act, and I would like to take a few moments to identify and clarify for Members a few points regarding the manager's amendment.

The process that we go through here is, somebody, after many hearings, writes a bill, and then it goes to our committee by direction of the Speaker, and then generally the subcommittee holds a markup giving all members a chance to participate and amend the bill, and then the full committee, and we go through the process again with all members on the committee able to add amendments, change the bill. It goes through a series of debate. And then, after that, between the time it goes to the committee and the time it comes to the floor, we continue working on the process, and the changes that are worked out at that time are added to a final manager's amendment, which we are now presenting on the floor.

And with respect to the College Affordability Index provisions of H.R. 609, which aim to shine a spotlight on hyperinflation and college costs, the manager's amendment, after this process, makes a couple of very important changes. First, it requires institutions whose affordability index ranking falls in the highest 10 percent nationwide to establish a quality, efficient task force charged with comparing the operating costs of its institution with those of others. This is down from the highest 25 percent in the underlying bill, so we have reduced that 25 percent of the colleges that have increased their costs the most over the period of the 8 years that it affects, to be highlighted, and we have cut that from 25 down to 10 percent.

Furthermore, under the manager's amendment, one of the things that we had in the original bill was we could call on the Inspector General to do an audit of the school. We have removed that, and there will be nothing more than the reporting provisions that the schools will have to comply with connected to the College Affordability Index.

On accreditation, the manager's amendment explicitly clarifies that a State cannot require colleges and universities within its borders to be accredited by that State. There has been some misinformation out on that. We have clarified that in the manager's amendment.

Moreover, this amendment provides colleges and universities a clear choice regarding whose accreditation they seek.

□ 1315

It forces no accreditation decisions on any school or any State, period. If the State wants to get into the accrediting business, they have to go through the requirements that are offered for all other accreditors. They have to be approved by the Department of Education, and then the school picks what accrediting body they want to work with.

Finally, the manager's amendment retains current law with respect to campus-based aid programs, as well as the TRIO Federal college access programs. It requires new studies that will allow us to take a deeper look into these programs and determine what steps need to be taken in the future to ensure they are running as effectively and as efficiently as possible.

Mr. Chairman, the manager's amendment contains several other changes including many that are the products of negotiations with my friends on the other side of the aisle. I urge my colleagues to support both this amendment and the underlying bill.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, we have seen the amendment and discussed it with the chairman, and we have no objections to the amendment.

The Acting CHAIRMAN (Mr. DENT). The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109-399 offered by Mr. FOSSELLA:

Page 317, line 16, strike "and" after the semicolon; on line 25, strike the period, close quotation marks, and following period and insert "; and"; and after line 25, insert the following new paragraph:

"(11) support increased fire safety in student housing—

"(A) by establishing a demonstration incentive program for qualified student housing in institutions of higher education;

"(B) by making grants for the purpose of installing fire alarm detection, prevention, and protection technologies in student housing, dormitories, and other buildings controlled by such entities; and

"(C) by requiring, as a condition of such grants—

"(i) that such technologies be installed professionally to technical standards of the National Fire Protection Association; and

"(ii) that the recipient shall provide non-Federal matching funds in an amount equal to the amount of the grant.".

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, according to the non-profit Center for Campus Fire Safety, between January 2000, and January 2006, 82 people from 25 States have been killed in student-housing fires. Common factors in these fatal fires are a lack of fire prevention technologies. Each year, an estimated 1,800 fires occur in dormitories and other college-owned houses. These fires are responsible for over $8 million in property damage.

In New York alone, there was an average of more than 300 campus fires per year between 1997 and 2000, with roughly 160 of them annually in dormitories.

Mr. Chairman, more people are alive today because of fire detection and prevention technologies, and this amendment, I think, is an important one that can benefit both colleges and universities around the country. The amendment I offer does not create a new program or any additional cost to the Federal Government. It simply allows fire alarm detection, prevention and protection systems to be eligible for funding under the Fund for the Improvement of Post-Secondary Education. Fire detection plus fire suppression equals fire safety. I urge my colleagues to support this amendment.

As many know, and especially those who may have young sons or daughters at colleges or universities, the last thing you want to hear is a call that perhaps one of your children was injured or, even worse, lost their life in a tragic fire at a dorm or campus housing. We know of many colleges not just in New York but across the country who would love to install and have in place fire prevention and detection systems given the new technology, and we would think that this is an amendment that could be supported to allow these colleges and universities to become eligible for these grants and also leverage those public grants with private resources.

Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise in support of the amendment and urge its adoption.

The Acting CHAIRMAN. Without objection, the gentleman will control 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I would also like to say that we appreciate the gentleman's amendment. We think it makes the bill stronger. We thank him for his support and work on this issue.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in House Report 109–399 offered by Mr. PORTER:

Page 189, after line 12, insert the following new subparagraph (and redesignate the succeeding subparagraph accordingly):

"(I) PUBLIC SERVICE EMPLOYMENT.—An individual who is employed full time in by a qualified public service employer.

Page 193, after line 23, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

"(7) PUBLIC SERVICE EMPLOYMENT.—The term 'qualified public service employer' means any State, local government, Federal agency, or other organization (as such terms are defined by section 3371 of title 5, United States Code), any other office or entity of the legislative branch, and any employer that is exempt from taxation under section 501(c)(3) or section 501(c)(4) of title 26, United States Code.

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Nevada (Mr. PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

I would first like to thank my colleagues, Mr. ANDREWS from New Jersey and Mr. RENZI from Arizona, for joining me in offering this commonsense, bipartisan amendment.

Many students graduate from college and professional schools, including those of social work, nursing, medicine, teaching and law, with crushing debt burdens. With the median entry-level public service law salary at $35,000, a mortgage-size debt will bar most graduates from pursuing public service jobs, such as those with government agencies or legal services programs.

Among the graduates who take such positions, many are forced to leave after 2 or 3 years of employment due to financial constraints. The Porter-Andrews-Renzi amendment amends section 421, the Loan Forgiveness for Service in Areas of National Need, of H.R. 609, by allowing public service employees to access funds in the loan forgiveness program.

Specifically, the language expands section 428K of the Higher Education Act to provide up to $5,000 in loan forgiveness for individuals who have completed a baccalaureate or advanced degree and served for 5 consecutive years in areas of public service. This amendment will help encourage highly trained individuals to enter and continue in areas of public service by reducing the burden of student debt for Americans who dedicate their careers in areas of public service.

This amendment is especially important in rapidly growing communities like Southern Nevada. In my district, we have over 5,000 new people moving into our State each month, and it is critical that we ensure our workforce staff is equipped to handle our population growth.

For example, Federal agencies such as the Department of Justice, Social Security Administration, and the U.S. Attorney's office are continually faced with staffing needs to address the increased growth in our communities. By providing these incentives, we can help our communities staff positions for which there are significant needs such as public service employees.

This is an opportunity for Congress to make an existing Federal program more useful by providing an incentive for students to enter the fields of public service. It is a fiscally responsible solution that will support individuals who choose to enter areas of public service without imposing costly new mandates that will eat into our ability to provide other student benefits through higher education.

Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, I thank the gentleman from Nevada, my good friend, for yielding me this time. And I want to thank especially the chairman, Mr. MCKEON, for his hard work and belief in this effort; Majority Leader BOEHNER, who helped us early on; and I have got to give credit to a good professor and doctor, Philip Schrag, over at Georgetown University, who for years has been fighting and championing this cause.

This amendment to the underlying bill provides much needed loan forgiveness for individuals involved in the public sector. Specifically, the language expands section 428 of the Higher Education Act to provide up to $5,000 in loan forgiveness for individuals that have completed a baccalaureate or an advanced degree and are willing to serve 5 consecutive years in public service. This will make a huge impact on our Native American reservations around America who need young people to come out in the field of doctors and lawyers and nurses to provide for our Native Americans, provide for many of our poorer communities. It is an opportunity for Congress to improve on an existing Federal program and provides incentives for students to enter the field of public service.

I urge my colleagues to support this amendment and help us attract and retain the best and brightest of America by providing them a little bit of an incentive.

Again, I want to thank my colleague, Mr. PORTER of Nevada, and our chairman so very much. I appreciate it.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. McKEON. Mr. Chairman, I would like to thank the gentleman for this amendment. It again makes the bill stronger, and I appreciate their working together in a bipartisan method to make this happen.

Mr. ANDREWS. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New Jersey will control 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition, although I am obviously in favor of the amendment.

I want to thank the chairman from California; my colleagues from Nevada and Arizona; our ranking member, Mr. GEORGE MILLER; and our subcommittee ranking member, Mr. KILDEE, for their cooperation.

This is really an unsung heroes amendment. It is for people who administer inoculation shots to children in health clinics. It is for people that work in senior centers serving meals to senior citizens. It is for lawyers who go to court and represent people who are too poor to otherwise afford a lawyer on their own when they are facing an eviction or a bankruptcy or domestic violence crisis. It is a modest way to encourage people to enter and stay in those fields.

If a person makes a long-term commitment, a minimum of 5 years, for public service fields, this amendment makes it possible that there will be a $5,000 amount of forgiveness on the student loans that they owe.

Now, I wish, frankly, we could include more people. I wish that we could have a greater level of forgiveness. Some of the issues that Mr. MILLER was talking about earlier today really go to that point as to why there are not more resources available in this bill.

Having said that, this is a modest improvement. The average debt for a person graduating from a 4-year program is about $18,000 a year now. So a $5,000 loan forgiveness is quite relevant to a person in one of those fields and could be quite helpful. Frankly, although the help is welcome, it falls short for those who have gone beyond the baccalaureate degree to a graduate or professional school because their debt usually tends towards six figures, and although any little bit helps, this is most decidedly only a very little bit. Nevertheless, it is an improvement over the existing situation. It does help those unsung heroes.

I again thank the leadership of the committee on both sides for making this a possibility. And I would urge my colleagues to vote "yes" on this amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I applaud the amendment offered by congressman JON PORTER and others today that would add Federal employees and other public servants to a Department of Education program that helps people in certain jobs pay off their student loans.

I am a longtime supporter of student loan relief programs for our valuable Federal workforce. The programs are an effective recruitment and retention tool, helping to keep the Federal Government competitive with the higher salaries of the private and non-profit sectors.

We have to take proactive steps to ensure the best and the brightest will be attracted to public sector employment. The average Federal worker is over 50—more has to be done to appeal to younger workers. Offering up to $5,000 a year for student loan repayments, as this amendment does, is an obvious way to attract the attention of recent graduates and those with remaining educational balances.

As chairman of the House Government Reform Committee and as a representative from northern Virginia, I am keenly aware of the need to safeguard the health of the Federal workforce. These are talented, well educated people with a strong sense of duty. We likely will never be able to compete on a dollar-for-dollar basis with the private sector, but we do have to take steps to make government service a viable option.

We are debating the Higher Education Act today; the recurring theme of this legislation is the fact that tuition costs for college degrees are skyrocketing. For that young man or woman considering a civil service career, we have to make tools available that will allow them to forgo the higher salaries they could otherwise command.

Mr. Chairman, I am proud to support this amendment today, but we should go even further. Under current law, agencies can repay student loans on behalf of their employees—up to $10,000 a year with a $60,000 total cap per employee. My bill, the Generating Opportunity by Forgiving Educational Debt for Service, GOFEDS, Act, which I have introduced in the last two Congresses, would improve these benefits by making them tax free.

I encourage my colleagues to join with me in ensuring the American taxpayer has the benefit of a vibrant Federal workforce—truly the best and the brightest. You can start today by support this amendment.

Mr. WILSON of South Carolina. Mr. Chairman, I am pleased to rise today in support of the Porter Amendment, which would extend student loan forgiveness to individuals employed full-time by a qualified public service employer.

In order to receive this loan forgiveness, individuals would commit to serving in areas of national need for 5 years. The underlying bill extends teacher loan forgiveness to select other groups who play critical roles in bettering the lives of millions of America's youth. From social workers and nurses to medicine specialists and lawyers, thousands of America's roll models will benefit from this vital provision. By removing the burden of student loan debt, this amendment will encourage trained professionals to seek careers in public service fields.

In South Carolina, I am specifically impressed by the tremendous dedication of speech language pathologists. Fortunately, speech language pathologists are included in the underlying bill and would also be eligible to receive the crucial student loan forgiveness. These talented and caring professionals dedicate their lives to helping children throughout our community who struggle with speech, language, or hearing disorders. As American schools struggle to recruit teaching professionals, we must do more to help promote these important careers to our Nation's best and brightest. My friend Congressman PORTER's amendment is an important way to increase the incentive for students to enter public service fields. Please join me in supporting this amendment today.

In conclusion, God bless our troops and we will never forget September 11.

Mr. ANDREWS. Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. PORTER).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109-399 offered by Mrs. WILSON of New Mexico:

Page 177, line 24, strike "and" after the semicolon.

Page 178, line 5, insert "and" after the semicolon.

Page 178, after line 5, insert the following new paragraph:

"(4) supporting regional workshops designed to permit the sharing of successful research-based strategies to improve the achievement of students in mathematics and science.

Page 179, after line 24, insert the following new paragraph:

"(4) Supporting regional workshops designed to permit educators, administrators responsible for professional development and curriculum development, and faculty of teacher preparation programs to share successful research based strategies for—

"(A) carrying out the activities described in section 2202(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6662(c)) (as amended by the No Child Left Behind Act of 2001); and

"(B) otherwise improving student achievement in mathematics and science instruction in elementary and secondary schools.

Page 180, line 5, insert ", which may include a plan for establishing a regional working group to conduct regional workshops to share research-based information and approaches to improving the achievements of students in mathematics and science" after "funds".

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

I wanted to thank the chairman for bringing this bill forward today. There are several provisions of it that are very important to our colleges and universities and the students that they serve, particularly in our Hispanic Serving Institutions, and the base bill strengthens those programs substantially.

The amendment that I am offering today deals with the teaching of math and science. In the bill there are provisions for education coordinating councils, which are educators, business, and community leaders at the local level that develop strategies to improve math and science education, drawing on the resources in the community. Not just the public funding that comes for the schools but things like universities, national laboratories, high-tech industry, giving kids the opportunity to see mathematics and science in action and connect them with the possibility of a career in science or mathematics.

What my amendment does is add to the kinds of things that can be used with these funds for these councils. It is based on legislation that I introduced in November of 2005, and what it really does is allow these councils to fund regional workshops of teachers and university professors and curriculum developers so that people can share information about the best techniques and the resources available for the teaching of mathematics and science and strengthening our ability to teach math and science, particularly in the elementary and secondary levels.

Sometimes teaching can be an isolating thing, particularly if you are in a rural community and maybe you are the only science teacher that serves all of one particular middle school. Certainly practice is important for teaching, but also interaction with one's colleagues is important. And that is why allowing these regional interactions for professional development is particularly important.

If I have a choice about the kind of school that I want my kids to go to, if I have a choice between the best, newest, most well-equipped school and a good teacher standing under a cottonwood tree, for my kids, I choose the good teacher standing under the cottonwood tree.

□ 1330

This amendment that I am offering today will help teachers become better teachers through interaction with their peers in the teaching of mathematics and science.

Mr. Chairman, I would ask my colleagues to support this amendment today.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, we have read the amendment. We support the amendment. We urge passage.

The Acting CHAIRMAN (Mr. DENT). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mrs. WILSON of New Mexico. Mr. Chairman, I have no more speakers, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. DENT). The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–399 offered by Mr. BLUMENAUER:

At the end of title IX of the Amendment add the following new section:

SEC. ____. SUMMIT ON SUSTAINABILITY.

No later than May 2007, the Secretary of Education shall convene a summit of higher education experts working in the area of sustainable operations and programs, representatives from the agencies of the Federal Government, and business and industry leaders to focus on efforts of national distinction that—

(1) encourage faculty, staff, and students at institutions of higher education to establish both administrative and educational sustainability programs on campus;

(2) enhance research by faculty and students at institutions of higher education in sustainability practices and innovations that assist and improve sustainability;

(3) encourage institutions of higher education to work with community partners from the business, government, and nonprofit sectors to design and implement sustainability programs for application in the community and workplace; and

(4) identify opportunities for partnerships involving higher education institutions and the Federal Government to expand sustainable operations and academic programs focused on environmental and economic sustainability.

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased to offer this amendment on behalf of my colleagues, Congressman EHLERS and Congressman WU, that would bring about a national summit on sustainability.

There is a quiet revolution that is occurring in communities across the country. Hospitals, businesses, local governments, many educational institutions are all involved with pioneering efforts to promote sustainable development, energy efficiency.

There is local produce that is being used by businesses and universities in their cafeterias. People are more sensitive to landscaping, carpet supplies, transportation alternatives. Time does not allow me to even list the programs in just my community, at Portland State University, the University of Portland, Lewis & Clark College, Nike, Intel, Kaiser Permanente. These institutions are putting into practice groundbreaking procedures that allow us to live more lightly on the land.

This is a great opportunity for the Department of Education to spotlight these best practices around the country, ways to save money, ways to live and practice our environmental values. And one wonders whether there is any better way for students to learn than to actually explore ways to put these elements into practice. I am confident that ultimately this process can help lead to more leadership, more investment, and stronger policies.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, the need for developing innovative and successful, sustainable development is becoming more critical as our population in urban areas grows. The higher education system is in a unique position to foster new knowledge, evaluate policies, and develop new technologies addressing sustainability and its benefits to our society.

I am very proud that my home State of Oregon is exhibiting, once again, independent, effective leadership on sustainability. Oregon is leading the Nation on sustainable architecture, the production of environmentally certified wood products, sustainable energy, nanotech, biotech, sustainable agriculture, and wind, hydroelectricity and solar energy.

Portland State University, in my congressional district, has undertaken the sustainability initiative featuring new educational offerings such as green capital construction, multidisciplinary research, public forums and community outreach projects on sustainability. I recently toured a brand-new building there, exhibiting energy efficiencies and rainwater and other recycling programs that lead the Nation.

For several years now, Portland State has been active in these efforts. In 2003, PSU launched a new program which draws on faculty and community expertise to teach 40 students the theory and practice of developing effective sustainability programs for their organizations.

In fact, this year, Portland State University is expected to save an additional $275,000 in energy costs alone on campus simply by installing more energy-efficient equipment and lighting and adjusting temperature settings. These savings are equivalent to the tuition of 80 students at PSU. This is independent, effective leadership.

The amendment that I am offering today with Congressman EHLERS and Congressman BLUMENAUER would call on the Secretary of Education to convene a summit of higher education experts working in the area of sustainability to encourage the development of sustainability programs on campuses; research in this area; and to identify opportunities for partnerships.

Educating and training the next generation of scientists, engineers, planners, and business professionals can help in the development of new tools and strategies for environmental and resource conservation, energy efficiency and more sustainable development.

I look forward to folks following Oregon's independent, effective leadership and supporting this important amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I appreciate my colleague's comments and his spotlighting Portland State University.

Mr. Chairman, if this amendment is adopted, no later than May of next year, the Secretary of Education is to convene a summit of higher education experts working in these areas. We have a vast array of people available around the country.

As my colleague pointed out, this is cost effective. This is what America needs to do to face its energy challenges, clean air, clean water. And what better way than to have higher education lead and being able to model and employ some of the best practices that we see in local communities, in the business community, and in the pioneering leadership on behalf of students themselves?

Mr. Chairman, we respectfully hope that the House will not only adopt this amendment, but that we will find ways in other legislative vehicles to advance the principles that are involved here, not just for higher education. One longs for the day when the Federal Government itself models those important principles.

Mr. EHLERS. Mr. Chairman, I rise in support of the Blumenauer-Ehlers-Wu amendment, which calls for the Secretary of Education to convene a summit on sustainability. I would like to thank Chairman MCKEON and his staff for working with us to make this amendment in order for consideration.

Simply put, sustainability is meeting the needs of the present generation without compromising the ability of future generations to meet their needs. As population growth, urban development and growing energy use place stress on our ecosystem, it is imperative that we develop innovative and successful sustainable operations and programs.

For many years, businesses and universities in Michigan and throughout the nation have engaged in sustainability initiatives. The West Michigan Sustainable Business Forum, a diverse group of 90 companies, academic institutions and government agencies works toward achieving the triple bottom line of environmental stewardship, economic vitality and social responsibility.

Universities are in a unique position to foster new knowledge, evaluate policies and discover new technologies to address sustainability. In fact, the University of Michigan, Michigan State University and Aquinas College have sustainability centers that have provided innovative research and have engaged students in sustainability thinking. Sustainable operations and programs on university campuses include water and energy conservation and recycling, as well as academic programs such as engineering courses that encourage innovative product designs, e.g., alternative fuels for cars and new types of packing that use fewer natural materials.

This amendment would convene a summit of higher education experts working in the area of sustainable operations and programs. It would encourage the Federal Government and university and business leaders to identify best practices in sustainability by encouraging current efforts, enhancing research and identifying opportunities for partnerships to expand sustainable operations and academic programs.

I respectfully urge Members to support this very important amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MISS MC MORRIS

Miss MCMORRIS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109-399 offered by Miss MCMORRIS:

Page 56, after line 2, insert the following new paragraph:

"(16) ADVANCED PLACEMENT.—Implementing strategies to increase the number of teachers qualified to teach advanced placement and pre-advanced placement courses in mathematics, science, and critical foreign languages, and other strategies to increase the availability of those courses, particularly for low-income students.

Page 69, after line 9, insert the following new paragraph:

"(16) ADVANCED PLACEMENT.—Implementing strategies to increase the number of teachers qualified to teach advanced placement and pre-advanced placement courses in mathematics, science, and critical foreign languages, and other strategies to increase the availability of those courses, particularly for low-income students.

Page 160, line 5, strike "**Honors Scholarship**" and insert "**American Competitiveness**".

Page 162, line 18, and page 178, line 25, strike "419D" and insert "419F".

Page 183, line 3, redesignate section 419D as section 419F, and before such line insert the following new sections:

"SEC. 419D. ADJUNCT TEACHER CORPS.

"(a) PURPOSE.—It is the purpose of this section to create opportunities for professionals and other individuals with subject-matter expertise to teach secondary school courses in mathematics, science, and critical foreign languages, on an adjunct basis.

"(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities to recruit and place well-qualified individuals to serve as adjunct teachers in secondary school mathematics, science, and critical foreign language courses.

"(c) ELIGIBLE ENTITY.—For the purpose of this section, an eligible entity is—

"(1) a local educational agency;

"(2) a public or private educational organization (which may be a State educational agency); or

"(3) a partnership consisting of a local educational agency and a public or private educational organization.

"(d) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than five years.

"(e) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that propose to—

"(1) serve local educational agencies that have a large number or percentage of students performing below grade level in mathematics, science, and critical foreign language courses;

"(2) serve local educational agencies that have a large number or percentage of students from families with incomes below the poverty line; and

"(3) recruit adjunct faculty to serve in schools that have an insufficient number of teachers in mathematics, science, and critical foreign languages.

"(f) APPLICATIONS.—

"(1) APPLICATION REQUIRED.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) CONTENTS.—The Application shall, at a minimum, include a description of—

"(A) the need for, and expected benefits of using, adjunct teachers in the participating schools, which may include information on the difficulty participating schools face in recruiting qualified faculty in mathematics, science, and critical foreign language courses;

"(B) measurable objectives for the project, including the number of adjunct teachers the eligible entity intends to place in classrooms and gains in academic achievement intended to be achieved;

"(C) how the eligible entity will recruit qualified individuals and public or private educational organizations to participate in the program;

"(D) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its program;

"(E) how the eligible entity will support and continue the program after the grant has expired, including how it will seek support from other sources, such as State and local government, foundations, and the private sector;

"(F) how the eligible entity will address legal, contractual, or administrative barriers to employment of adjunct faculty in the participating State or local educational agency or agencies; and

"(G) how the eligible entity will provide pre-service training to selected adjunct teachers, including the on-going mentoring of such teachers by highly qualified teachers.

"(g) USES OF FUNDS.—An eligible entity that receives a grant under this section is authorized to use grant funds to carry out one or more of the following activities:

"(1) To develop the capacity of the local educational agency or the State educational agency, or both, to identify, recruit, and train qualified individuals outside of the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct teachers in mathematics, science, and critical foreign language courses.

"(2) To provide signing bonuses and other financial incentives to encourage individuals to become adjunct teachers in mathematics, science, and critical foreign language courses.

"(3) To provide pre-service training to adjunct teachers, including the on-going mentoring of such teachers by highly qualified teachers.

"(4) To reimburse outside entities for the costs associated with allowing an employee to serve as an adjunct teacher, except that these costs shall not exceed the total cost of salary and benefits for teachers with comparable experience or expertise in the local educational agency.

"(h) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

"(i) PROGRAM PERFORMANCE.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the project that contains such information as the Secretary may require including improvements in academic achievement as a result of instruction from adjunct teachers.

"(j) EVALUATION.—The Secretary shall evaluate the activities funded under this section including the impact of the program on student academic achievement and shall report the results of the evaluation to the appropriate Committees of Congress.

"(k) DEFINITIONS.—As used in this section:

"(1) ADJUNCT TEACHER.—The term 'adjunct teacher' means a teacher who

"(A) possesses, at a minimum, a bachelor's degree;

"(B) has demonstrated expertise in mathematics, science, or a critical foreign language by having met the requirements of section 9101(23)(B)(ii) of the Elementary and Secondary Education Act of 1965; and

"(C) is not required to meet the other requirements of section 9101(23) of the Elementary and Secondary Education Act of 1965.

"(2) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' has the same meaning given such term under section 428K(h).

"SEC. 419E. FOREIGN LANGUAGE PARTNERSHIPS.

"(a) PURPOSE.—The purpose of this section is to increase the number of highly qualified teachers in, and the number of United States' students who achieve the highest level of proficiency in, foreign languages critical to the security and competitiveness of the Nation.

"(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to institutions of higher education, in partnership with one or more local educational agencies, to establish teacher preparation programs in critical foreign languages, and activities that will enable successful students to advance from elementary school through college to achieve proficiency in those languages.

"(c) APPLICATIONS.—

"(1) APPLICATION REQUIRED.—Any institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—Each Application shall—

"(A) identify each local educational agency partner and describe each such partner's responsibilities (including how they will be involved in planning and implementing the program, what resources they will provide, and how they will ensure continuity of student progress from elementary school to the postsecondary level); and

"(B) describe how the applicant will support and continue the program after the grant has expired, including how it will seek support from other sources, such as State and local government, foundations, and the private sector.

"(d) USES OF FUNDS.—Funds awarded under this section shall be used to develop and implement programs consistent with the purpose of this section by carrying out one or more of the following activities:

"(1) To recruit highly qualified teachers in critical foreign languages and professional development activities for such teachers at the elementary through high school level.

"(2) To provide innovative opportunities for students that will allow for critical language learning, such as immersion environments, intensive study opportunities, internships, and distance learning.

"(e) MATCHING REQUIREMENT.—Each grantee under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

"(f) EVALUATION.—The Secretary shall evaluate the activities funded under this section and report the results of the evaluation to the appropriate Committees of Congress.

"(g) DEFINITION.—As used in this section the term 'critical foreign language' has the same meaning given such term under section 428K(h)(2).

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentlewoman from Washington (Miss MCMORRIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Washington.

Miss MCMORRIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to support the McMorris-Holt-Dreier American Competitiveness amendment to H.R. 609.

We are pleased to offer this amendment that follows up on the President's State of the Union proposal to enhance America's leadership in science and technology. I applaud his American Competitiveness Initiative which recognizes the need for a well-educated and skilled workforce.

This amendment offers us the ability to grow our economy while retaining our cutting-edge placement as a leader in science and technology. I praise the President for his leadership on this issue, and my colleagues, and look forward to continuing to work on these issues that strengthen America and America's future.

The McMorris-Holt-Dreier amendment is an important step in promoting that educational achievement and economic productivity. This amendment is very much a collaboration between business and education, Republicans and Democrats. It is supported by numerous groups, including the U.S. Chamber of Commerce, National Association of Manufacturers, the Business Roundtable and the Information Technology Industry Council.

They all recognize the need to enhance America's competitiveness. Today, over half of China's undergraduate degrees are in math, science technology and engineering, yet only 16 percent of America's undergraduates pursue these schools.

In 2002, foreign nationals accounted for over half of all engineering and math doctorates, and almost half of all computer science doctorates. If current trends continue, by 2010, more than 90 percent of all scientists and engineers will be living in Asia, not the United States.

To meet the demands of an increasingly advanced global market, we must better train and equip our Nation's workforce. As we consider the College Access and Opportunity Act, H.R. 609, we will have the chance to take a critical step in that direction.

This amendment supports the College Access and Opportunity Act by allowing existing funds to be used to increase the number of teachers qualified to teach advanced placement courses. It also customizes the Byrd Honors Scholarship Program, which provides scholarships to students pursuing an undergraduate or graduate degree in science, mathematics or engineering, by authorizing adjunct teacher opportunities and critical foreign language activities.

The amendment we have submitted would build on these activities by authorizing the Secretary of Education to award grants to recruit and place well-qualified individuals to serve as adjunct teachers in secondary school mathematics, science, and critical foreign language courses.

We need to tap the resource of current and retiring science and math professionals that have both content mastery and the practical experience to serve as effective teachers. We need to ensure that our rural and small schools have the support they need to train and equip our young people.

In eastern Washington, our high-tech companies, such as ISR in Liberty Lake, have stressed that they must have access to a trained workforce in order to remain competitive in the global economy. Rural schools in my district also face difficulties in obtaining qualified teachers to teach math, science and foreign language courses.

Jenkins High School in Chewelah received national recognition as a Blue Ribbon School, the only high school in Washington State to receive this national award for academic achievement. This school is still working toward the goal of ensuring that highly qualified teachers are in the classroom, and this amendment will help them meet that need.

The Adjunct Teachers Corps will draw on the skills of well-qualified individuals with subject matter expertise to help meet specialized teaching needs in our Nation's secondary schools.

Math and science fields are not the only areas where we see the United

States lagging behind. Less than 1 percent of American high school students study the critical foreign languages of Arabic, Chinese, Japanese, Korean or Russian, combined. This amendment meets this need by authorizing the Secretary to award grants for teacher preparation programs in critical foreign languages and activities that will enable successful students to advance from elementary school through college to achieve proficiency in those languages.

I believe, by offering our students access to well-qualified teachers and encouraging them to participate in math, science and foreign language, our country and our 21st-century workforce will be better prepared to compete in the global marketplace.

Join us in supporting legislation to increase America's competitiveness. We urge you to vote "yes" on this amendment and "yes" on H.R. 609.

Mr. Chairman, I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I ask to claim time in opposition.

The Acting CHAIRMAN. Does the gentleman oppose the amendment?

Mr. HOLT. No, Mr. Chairman.

The Acting CHAIRMAN. Without objection, the gentleman will control the time in opposition.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, indeed I am not opposing this amendment. In fact, I am joining the gentlewoman in this amendment and working with her, and I hope we will continue to work to perfect the amendment. It is particularly important that we do this.

The National Academy of Science's report, for example, "Rising Above the Gathering Storm"; the Glenn Commission's report, "Before It's Too Late"; and many others point out the need for greater content knowledge in the areas of math and science.

There are also reports that make it clear that we need greater content knowledge in foreign languages. Our national deficiency in foreign languages is affecting the ability of American businesses to compete overseas and really compromising our very national security.

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I think we hardly need spend time arguing the need for content knowledge in math, science and foreign languages.

The question is, what are we going to do about it? Well, this amendment seeks to address that. It seeks to bring content specialists. In the amendment, we call them adjunct teachers. These are content specialists who will come to the classroom to make up for some of that deficiency that is all too real in schools across the country.

The amendment also establishes something that is in the legislation that I had introduced separately known as a K–16 Critical Language Pipeline. It will provide for instruction in foreign languages from kindergarten through university, a course across the curriculum.

Having been a teacher, a science teacher myself, I am well aware that the knowledge of a subject is only one part of helping students learn. Being an effective teacher is much more than that. This bill, this amendment to the bill, intends to bring experts into the classroom, but it recognizes these are not yet full-fledged teachers.

An adjunct teacher cannot be pulled from the job and immediately placed into the classroom and expect to do as well as an experienced teacher. They will need supervision. They will need training, first of all, and then supervision by experienced teachers, but it will raise the level of achievement in the classroom. These content specialists, with appropriate training, appropriate supervision and preparation, will be, I think, an important way of addressing this content need.

I want to emphasize that the adjunct teacher core program is not about replacing teachers. Schools that are in need of applying for these grants will design their program to suit their local needs, and the applications require that stakeholders in education participate as well.

I look forward to working with the author of this bill and the Chair of the committee as this legislation moves through a process to perfect it.

Mr. Chairman, I reserve the balance of my time.

Miss McMORRIS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank my friend from Washington for yielding. I would like to congratulate her on her great commitment when it comes to this issue of America's competitiveness. We all know that President Bush stood right here in this Chamber and, in his State of the Union message, talked about the need to ensure that the United States of America remains competitive.

I believe that, frankly, that vision that the President put forward is really one of the underlying priorities and the reason for us with this legislation to continue to pursue it.

If we look at the economic standing that the United States of America has today with a 4.8 percent unemployment rate, GDP growth last year that was at 3.5 percent, 4.8 percent projected GDP growth for the first quarter of this year, and the fact that household net worth has jumped 8 percent in the last calendar year, that being in 2005, to a level of $52 trillion and recognition contrary to what we often hear around here, prosperity has improved in virtually every single demographic bracket.

What does it say? It says that we as a country are doing something that is right.

One of the things that we learned throughout our Nation's history and one of the things that we clearly learn with the vision that is put forth with this amendment that Miss McMORRIS is offering is we cannot sit on our laurels. We cannot as a Nation be complacent with all of those great things that we are able to point to, that we have accomplished in the last several years when it comes to economic growth and our competitiveness in the world.

What we need to do is we need to make sure that we have policies that keep us on the cutting edge. Nothing is more important in pursuit of that policy than our ensuring that we have the best quality education, the best teachers, and that we pursue science, technology, engineering and math, the so-called "stem package." I believe that is exactly what we are trying to do with this amendment. I hope very much that we are able to see strong bipartisan support for this.

As I said when I stood here earlier today, I hope very much that we will be able to see strong bipartisan support for this underlying legislation. I congratulate my friend for her fine work.

Miss McMORRIS. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the gentlewoman and I would like to commend her, too, on her leadership in bringing this amendment forward along with the gentleman from New Jersey as well as the Rules Chairman from California.

I think it is important to note that there is a cry of unison here that we all must stand for the continued expansion of our American economy, the continued leadership of this country. It is my opinion we should hold as a goal that we should double this economy of ours in the next 10 years.

The way to do that is to promote math and science education. We have all seen the evidence of the fact that our competition is leaping ahead of us in terms of graduating math and science PhDs and other graduate students. We have got to get back in the game. This amendment will allow us to do just that. It will strengthen our ability to compete in the 24–7 global economy. I am glad to hear the other side, and the gentleman from New Jersey indicate that this will increase the level of discourse and discussion in the classroom by the participation of adjunct faculty.

This amendment does not create a new program. Rather, it is an innovative, fiscally responsible approach that overhauls and updates an existing program.

Over time, it will increase the number of science, technology, engineering and math graduates in America. I commend the gentlewoman for her leadership.

Mr. HOLT. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from New Jersey (Mr. HOLT). I want to rise to speak in favor of this amendment and commend my colleagues for coming together in a bipartisan fashion to recognize one of the more urgent needs that we have as a Nation to prepare for the global competition that our children and grandchildren will face in the 21st Century.

I think this is a very responsible amendment in light of recent reports that we have had a chance to decipher and analyze, as members of the education committee, from virtually all sectors of business in this country, the National Academy of Sciences have weighed in on an extensive study about the need for us to ramp up our investment in math, science, engineering, technology.

What this amendment also recognizes is the critical link between foreign language studies and those entering the fields of math and science, which is growing even more critical given the complex, interdependent economic relationship that we have with so many people and so many countries and so many businesses throughout the world.

This is a critical need that this amendment recognizes and speaks to. I want to especially commend my friend from New Jersey for the leadership that he has provided, not only to those of us on the committee but for the entire Congress, given his background and qualifications and expertise to speak on the subject of content knowledge in math, science and engineering.

He can correct me if I am wrong, but I think one of his campaign bumper stickers that his volunteers and supporters were fond of handing out was that their Congressman is a rocket scientist. And we have had the pleasure of benefiting from that knowledge on the committee. And he along with Mr. EHLERS have been tireless in their advocacy for us to do more as an institution to ramp up the fields of study of math and science and engineering.

This is, as Mr. DREIER indicated, consistent with one of the calls the President made in the State of the Union address with the American Competitiveness Initiative. That is something that I hope we all can come together in a bipartisan fashion to support and move forward on, not just in a passing authorizing language but also the important appropriation in the funds to back up these programs.

The other issue that Mr. HOLT spoke to that I think is very important too is in regards to the adjunct teachers envisioned under this legislation. Teaching is different from private life. You just cannot pluck someone off the street no matter how good and no matter how knowledgeable they are in the realm of business or in the research labs, put them in a classroom and expect them to work miracles with the students. We are hoping as we move forward with this legislation, if it is accepted, that there be pre-in-service training and screening with these adjunct teachers before they enter the classroom, before they start working with these kids at such a crucial developmental age.

We have a long way to go as a Nation in light of the current trends around the globe. Many of us on the Education Committee last year had a chance for a couple of weeks to do a higher education tour of China to see where they are going. China and India are clearly two nations that are going to be very significant and influential in world events in the 21st century. We are already starting to see that influence today.

China is a country that is not content with just being good at copying and mass producing. They want be on the cutting edge of scientific and medical and technological discoveries. We need to recognize that in light of the competition it will pose to our students in the 21st century and be willing to support bipartisan amendments like this in order to makes these steps to advance the cause of critical content knowledge in these critical fields that will hopefully enable us to retain our leadership in being the most innovative and creative nation in the world.

Again, I commend my colleagues for their leadership and vision on this amendment. I hope the rest of our colleagues will support it.

Miss MCMORRIS. Mr. Chairman, I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. EHLERS) who, with me, comprises the Bipartisan Physicist Caucus.

Mr. EHLERS. Mr. Chairman, I thank my fellow physicist for yielding.

I rise with great pleasure to support this amendment. For 12 years I have been fighting within this chamber for improved math and science education, and I am delighted to see other individuals offering similar amendments, and that I am not the only one doing so.

I congratulate the gentlewoman from Washington State. This is precisely what we need. We must address this issue if we are going to remain competitive. I recognize full well that we are at this time quite competitive; but the Chinese and the Indians 20 years ago started a program to teach their children math and science. They did it well, and they have now become major competitors of us. If we do not get on the ball and once again get to the top in competing with them on math and science education, so that we are producing scientists, engineers, technicians, and mathematicians who can compete worldwide, then we will lose the competitiveness battle.

I am absolutely delighted the President had proposed the American Competitiveness Initiative. This amendment will be an important component of the President's initiative, along with the other things we have done in this bill and in other bills to improve math and science education in this country.

So thank you again to the gentleman from New Jersey for yielding me time. I commend him and the gentlewoman from Washington for initiating this amendment.

Mr. HOLT. Mr. Chairman, I yield myself the balance of my time.

I thank the gentlewoman from Washington for working with me on this amendment. It does address an important need that you have heard over and over again. It hardly bears repeating that we have a need in the schools for content specialists in science, in mathematics, in foreign languages. This will go part way toward addressing this need. And I think it will be an important test of the K–16 Language Pipeline Program and I think it will be an important exercise in seeing how we can bring this expertise into the schools without disrupting the schools, without displacing the trained teachers. We will do it in a way so that the specialists will learn the pedagogy and will be drawn into the full system so that the students will benefit, not just in the subject matter but in the pedagogy.

Mr. Chairman, I yield back the balance of my time.

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Miss MCMORRIS. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to thank Mr. HOLT for working with me on this amendment. It is an important issue that we are addressing in this country in a bipartisan fashion. I also want to recognize Mr. EHLERS and his work as the math-science expert in Congress and his tremendous leadership in this area.

We need to be working together to make sure that America remains competitive.

Mr. Chairman, I would like to enter the following letters from the Chamber of Commerce of the United States, the Business Roundtable, TechNet, the Information Technology Industry Council, and the American Chemical Society which state support for the McMorris-Holt-Dreier American Competitiveness Initiative, into today's CONGRESSIONAL RECORD.

TECHNET,
Washington, DC, March 29, 2006.

Hon. CATHY MCMORRIS,
House of Representatives,
Washington, DC.
Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES MCMORRIS AND HOLT: TechNet is proud to lend its support to the "American Competitiveness Amendment" you will offer to the College Access & Opportunity Act, H.R. 609, this week. Maintaining our competitive edge is largely dependent upon a highly educated and skilled workforce, and your efforts to improve teaching and learning in our Nation's classrooms will help prepare today's students to be tomorrow's innovators.

As you know, TechNet is the bipartisan, political network of chief executive officers promoting the growth of technology and the innovation economy. TechNet's members represent more than one million employees in the fields of information technology, biotechnology, e-commerce and finance. TechNet is committed to working with Congress and the Administration to ensure the United States remains the world leader in economic and technological innovation.

Today, we face the reality that the demand for the best and brightest minds has become highly competitive and global in scope. With Congress and the Administration offering numerous proposals for tapping America's potential and maintaining our competitive edge, your amendment to H.R. 609 is a timely and critical supplement to private sector investments for improving educational opportunities for students and teachers.

The “American Competitiveness Amendment” to H.R. 609 not only authorizes resources to improve teacher quality, it helps address the long term challenge of encouraging more young people here in the U.S. to pursue careers in science, technology, engineering and math, STEM. In short, with so many countries beginning to recognize their own economic development potential, the United States can no longer take its current leading position for granted.

We look forward to working with you and your staff to advance our shared goals of ensuring our nation's economic strength, growth and vitality.

Sincerely,

LEZLEE WESTINE,
President & CEO.

INFORMATION TECHNOLOGY INDUSTRY COUNCIL,
Washington, DC, March 27, 2006.

Hon. DENNIS HASTERT,
Office of the Speaker,
Washington, DC.

DEAR MR. SPEAKER, On behalf of the Information Technology Industry Council, I would like to thank you for your leadership in bringing H.R. 609, the College Access and Opportunity Act to the floor for consideration. It is our understanding Representative Cathy McMorris intends to offer an amendment that will drive improvements in math and science education and, ultimately, strengthen America's competitive position in the global economy. ITI strongly supports the McMorris amendment and we anticipate scoring it in our 109th Congress High-Tech Voting Guide.

The United States is the most technologically and scientifically advanced country in the world, and our distinction as the global leader in innovation is driven by the ingenuity of our American scientists and engineers. The McMorris amendment will help sustain our position as the world leader by incorporating portions of the President's American Competitive Initiative to encourage advanced placement classes in high schools, create an adjunct teacher corps for middle and high schools, and enhance loan forgiveness programs.

We applaud your efforts to strengthen math and science education, and we encourage you to contact us if we may be of any assistance.

Best Regards,

RHETT DAWSON,
President, Information Technology Industry Council.

AMERICAN CHEMICAL SOCIETY,
Washington, DC, March 29, 2006.

Hon. CATHY MCMORRIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MCMORRIS: On behalf of the American Chemical Society, ACS, I am writing to thank you for your leadership in offering a bi-partisan floor amendment, the McMorris Amendment, to the College Access and Opportunity Act, H.R. 609, that would authorize the Department of Education to conduct the Adjunct Teacher Corps and Advanced Placement programs proposed by the President's American Competitiveness Initiative. The innovative, fiscally responsible approach your amendment would take comes at a time when the math and science education are a central focus of a vigorous national debate about future U.S. capacity for innovation and global competitiveness.

As you may know, the ACS is a nonprofit scientific and educational organization, chartered by Congress in 1938, with more than 158,000 chemical scientists and engineers as members. The world's largest scientific society, ACS advances the chemical enterprise, increases public understanding of chemistry, and brings its expertise to bear on state and national matters.

Throughout our Nation's history, American economic and technological strength has been built upon a large and highly-skilled domestic workforce of scientists, technicians, engineers, and mathematicians—the STEM workforce. A strong and growing consensus has emerged in the business, education, and scientific communities that our Nation's future economic prosperity and national security will increasingly depend on our ability to better educate our young people in math and science and to attract more of our best and brightest students into technological careers. To keep with our global competitors, we must step up our investment in math and science education.

We applaud your efforts to improve math and science education and your leadership on this issue. The American Chemical Society stands ready to work with you and others to make sure our children have the math and science skills that will enable our Nation to remain the world's most innovative.

Sincerely,

E. ANN NALLEY.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, March 27, 2006.

Hon. CATHY MCMORRIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCMORRIS: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, I write to express the Chamber's support of your American Competitiveness Amendment to H.R. 609, the College Access and Opportunity Act of 2006, which would reauthorize the Higher Education Act, HEA, of 1965. Your amendment and the enactment of this bill are critical in strengthening U.S. education performance and workforce competitiveness in the worldwide economy.

The U.S. Chamber of Commerce has long recognized the important role of quality education and workforce investment in keeping business successful and the American economy competitive. Yet the demographics of the impending retirements of the baby-boom generation and the current recognized skill shortage in the American workforce cause us to raise the priority of these issues to a new level. In the knowledge-based, global economy of the 21st century, the U.S. Chamber acknowledges that, working together, educators, business, and government at all levels must do better.

The Chamber's goals, and we believe, our Nation's goals, must be to prepare our students to be “college ready and workforce ready”. Many new jobs will require more technical skills and a greater understanding of math and science—subjects in which American students fail to show a suitable level of competence or even interest. If America is to remain competitive, we need to expand the workforce and restore excellence in education and science. As a result, several months ago, the U.S. Chamber, along with other business organizations, began an initiative called Tapping America's Potential, which calls for the doubling of America's number of science, technology, engineering and math graduates by 2015. We believe that to succeed in today's economy, there must be a collaborative effort among government, education institutions, employers and business.

In its commitment to reducing the education achievement gap, the Chamber supports your amendment and the goals behind it, and we look forward to working with you on this issue and in the future.

Sincerely,

R. BRUCE JOSTEN.

BUSINESS ROUNDTABLE,
Washington, DC, March 29, 2006.

Hon. CATHY MCMORRIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MCMORRIS: On behalf of Business Roundtable, I commend you for introducing your American Competitiveness Amendment to the College Access and Opportunity Act, H.R. 609. Business Roundtable, www.businessroundtable.org, is an association of chief executive officers of leading U.S. companies with over $4.5 trillion in annual revenues and more than 10 million employees. They are technology innovation leaders, with $86 billion in annual research and development spending—nearly half of the total private R&D spending in the U.S.

Maintaining U.S. scientific and technological leadership is essential to our national security, economic growth and high standard of living. Innovation has fueled America's economic growth and extraordinary productivity gains of the last several decades. Although our capabilities are strong today, we are not making the strategic investments needed to keep pace with the rapidly improving capacity of our foreign competitors.

A world-class workforce is critical to our future success. Especially important are the scientists and engineers who will develop the next generation of technologies, push the frontiers of new discoveries and make critical scientific breakthroughs. But we face real challenges:

Fewer students are pursuing degrees in these critical disciplines;

The retirement of the baby boom generation will deplete the current science and engineering workforce by more than 50 percent; and

U.S. high school students perform near the bottom in international assessments of math skills.

For precisely this reason, 15 national business organizations, led by Business Roundtable, issued the “Tapping America's Potential”, TAP, report in July 2005. The report included five overall recommendations:

Build public support for making science, technology, engineering and math improvement a national priority;

Motivate U.S. students and adults to study and enter science, technology, engineering and mathematics careers, with a special effort geared to those in currently underrepresented groups;

Upgrade K-12 math and science teaching to foster higher student achievement;

Reform visa and immigration policies to enable the U.S. to attract and retain the best and brightest science, technology, math and engineering students from around the world to study for advanced degrees and stay to work in the U.S.; and

Boost and sustain funding for basic research, especially in the physical sciences and engineering.

The McMorris Amendment updates Federal student aid and teacher training provisions by enabling funds to be used for training advanced placement teachers and creating adjunct teacher positions in order to strengthen math and science instruction in our schools. It makes sense for Congress to ensure that existing Federal education programs are enhancing national competitiveness as well as students' opportunities to succeed in the 21st century.

Business Roundtable urges all Members of Congress to support the McMorris Amendment to H.R. 609.

Sincerely,

JOHN J. CASTELLANI.

Mr. WILSON of South Carolina. Mr. Chairman, as the global economy becomes increasingly competitive, Americans must have the skills and knowledge necessary to compete against workers throughout the world.

Preparing American workers begins in American schools. If our students fail to excel at math, science, and foreign languages, tomorrow's generation of workers will simply not be able to overcome the challenges of the international workforce.

My friend Congresswoman CATHY McMORRIS is addressing this issue by offering fiscally responsible legislation to update the current Higher Education Act provisions and adapt them to meet the needs of the 21st century workforce. Specifically, this amendment will: Increase the number of Advanced Placement teachers; recruit well-qualified Americans to serve as adjunct teachers in high school math, science, and critical foreign language classes; and establish competitive teacher preparation programs to encourage students to advance from elementary school through college while achieving proficiency in foreign languages.

I encourage all of my colleagues to support this visionary legislation which will help American students, workers, and our economy.

In conclusion, God bless our troops and we will never forget September 11.

Mr. HOLT. Mr. Chairman, I rise to reiterate and reinforce my remarks yesterday during the debate on the McMorris-Holt amendment. I restate my commitment to work with those who want to see improvements in the adjunct teacher corps.

As I said in my previous comments, having been a professor of physics at the university level, I am well aware that knowledge of a subject is only one part of helping students learn. Being an effective teacher is much more than that. Pedagogy is both an art and a science, and pedagogical training is a critical part of being an educator.

Placing an Adjunct Teacher directly into the classroom without any pre-service training would be unfair to the Adjunct Teacher and to the students he or she would be teaching. To raise the level of performance in the classroom, Adjunct Teachers must undergo advanced training. This training must not be cursory, and should include pedagogy and the most recent research on how students learn science, mathematics, and foreign languages. It should also include practical experience with real students in classroom settings.

I want to emphasize that the Adjunct Teacher Corps program is not about replacing teachers. As the word "adjunct" signifies, these teachers would be an additional supplement to school facilities. Schools applying for these grants will tailor their Adjunct program to suit their unique needs, and in doing so, they must include parents and teachers in the planning process. This program will particularly help those educational agencies facing dire teacher shortages, or levels of achievement so low that no one teacher can solve it on his or her own. As it currently stands, many of our high-need school districts do not have enough people who are currently qualified under No Child Left Behind to teach math, science and foreign languages. While we increase those ranks, we can also supplement them with adjunct teachers with subject matter expertise. Specifically, this amendment requires adjunct teachers to possess, at a minimum, a bachelor's degree and demonstrated expertise in mathematics, science, or a critical foreign language as defined by No Child Left Behind. Every school, in every town, should have a diverse faculty with pedagogical and subject matter expertise.

I also want to state that the size of this program is very small. This program will be competing for funding with five others for a share of a $41 million authorization.

It is my hope that this program will have long-term beneficial results. Before it was introduced, I wanted to ensure that the amendment includes provision for pre-service training and continued mentoring of these content specialists. Just as Teach for America has been a valuable asset to many school districts, I believe that these content specialists can make valuable contributions to schools. After participating in the adjunct teacher program, I hope that many of these individuals will decide to stay in their school districts and serve as certified teachers.

Notably, our focus is on the most dire needs first. The amendment requires that those who apply for the funds demonstrate the need for, and expected benefits of, using adjunct teachers in the participating schools. This may include information on the difficulties that participating schools face in recruiting qualified faculty in mathematics, science, critical foreign language courses. They must also demonstrate measurable objectives for the project, including the number of adjunct teachers the eligible entity intends to place in classrooms, and academic gains that the students should make.

As pleased as I am with the amendment's progress so far, I also recognize that more work needs to be done in conference. Specifically, I am most concerned with perfecting the "Use of Funds" section to make clear that reimbursement of outside entities for the costs associated with allowing an employee to serve as an Adjunct Teacher must comply with collective bargaining agreements. I believe we can do that by spelling out that section 2(F)'s requirement that applicants demonstrate their compliance with existing contractual obligations includes collective bargaining agreements. That is my current reading of the amendment, but it could not hurt to tighten the language.

In closing, I want to thank my colleagues for the bipartisan support they have given to this amendment. I want to especially thank my Republican colleagues on the House Education and Workforce Committee for accepting some of my changes and working with me to improve the amendment from where it started. I look forward to ensuring this amendment's continued progress in conference with the Senate.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to address the need for high quality teachers in our Nation's schools. In many of our urban and rural school districts there continues to be a shortage of teachers who have a solid background in the subjects of math, science and foreign language. This shortage is resulting in sub-standard education for these students where in many cases college preparatory courses are not available in upper level math, calculus, physics, chemistry and biology. As a result many of these students will not complete high school or pursue a college education. Even if students go onto higher education, they face numerous obstacles completing their college coursework as they have not had the same college preparatory background as their counterparts. Providing high quality teachers in these critical subject areas is key in ending the achievement gap that exists throughout this country.

I fully support the ideas behind the Amendment offered by Ms. McMORRIS, Mr. HOLT, and Mr. DREIER. For low-income urban and rural schools an Adjunct Teacher Corp. could offer a lifeline for these students. It is extremely unfortunate that there were not provisions within the amendment that would expand training requirements for these faculty members. We must ensure that our students not only have teachers with a strong background in their subject area, but also have the proper training to convey that knowledge to their students. While I agree, that it is imperative to get these teachers into the classroom as soon as possible, there needs to be specific training requirements and adequate monitoring of faculty. In addition, I continue to have serious reservations regarding the undercutting of collective bargaining laws within this amendment. Without clarification on these provisions, I unfortunately could not support this amendment.

I do however, applaud my colleagues for their efforts on this important issue, and would like to work with them in the future on efforts to provide high quality teachers in every classroom.

Miss McMORRIS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The question is on the amendment offered by the gentlewoman from Washington (Miss MCMORRIS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Miss MCMORRIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–399 offered by Mr. BURTON of Indiana:

At the end of title VI of the Amendment, add the following new section:

SEC.   . CONDITIONS ON PROGRAM GRANTS AND CONTRACTS.

Title VI of the Higher Education Act of 1965 (20 U.S.C. 1122) is amended by adding at the end the following new section:

"SEC. 632. GIFT REPORTS BY RECIPIENT INSTITUTIONS.

"(a) REPORTING BY INSTITUTIONS.—

"(1) REPORT REQUIRED.—The Secretary shall require, as part of the Integrated Postsecondary Education Data System (IPEDS) annual data collection, that each institution receiving funds under this title include the following data:

"(A) the total cost of establishing or operating a program or center assisted under this title;

"(B) the names and addresses of all State and private sector corporations, foundations, or any other entities or individuals that contribute cash or any other property for the institution, programs, or centers receiving funds under this title;

"(C) the amount of cash or the fair market value of the property that each contributor contributes to the institution, programs, or centers receiving funds under this title; and

"(D) the use made of each contribution by each such contributor.

"(2) DEADLINE.—Any report under paragraph (1) shall be made no later than such date as the Secretary shall require.

"(3) CONSEQUENCES OF FAILURE TO REPORT.—In the case of any institution from which a report is requested under paragraph (1), if the Secretary does not receive a report in accordance with the deadline established under paragraph (2), the Secretary shall—

"(A) make a determination that the institution of higher education has failed to make the report required by this paragraph;

"(B) transmit a notice of the determination to Congress; and

"(C) publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education for contracts and grants under this title.

"(b) REPORTS BY SECRETARY.—The Secretary shall annually prepare a report summarizing the information collected from institutions of higher education under subsection (a)(1), including all of the information required by subparagraphs (A) through (D) of such subsection. The Secretary of Education shall publish such report in the Federal Register and transmit a copy of such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(c) RETROSPECTIVE INFORMATION.—The data collected from institutions of higher education under subsection (a)(1) in the first submission after the date of enactment of this section, and the Secretary's first report under subsection (b), shall include the information required by subparagraphs (B), (C), and (D) of subsection (a)(1) regarding contributions made on or after September 11, 2001, and before the end of the first reporting period under such subsection.".

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the war on terror goes beyond just worrying about our borders and fighting in other parts of the world against known terrorists.

Money from the Middle East has been coming into our universities in large amounts to try to indoctrinate young American students into taking a different position than our government has taken in fighting the war against terrorists and terror around the world.

One of the things that I think is extremely important is that while we are protecting first amendment rights for people to assemble and express themselves, even if they do not agree with our government, we ought to know where this money is coming from.

Millions and millions of dollars have been coming from Middle Eastern interests into colleges and universities around this country, espousing Middle Eastern positions and Middle Eastern studies. While not all of these Middle Eastern study programs are a problem, some of them are advocating the destruction of Israel and taking an opposing view to the United States Government's in dealing with the war against terror.

I think it is extremely important, Mr. Chairman, that we have a reporting policy so that we know where this money is coming from. I do not believe we should cut off people's first amendment right to assemble and discuss governmental policy, but I think we ought to know where the money is coming from.

All this amendment does is, it says very clearly that if money comes in from Middle Eastern interests or other interests around the world, the colleges and universities need to put it on a reporting form. This reporting form is also required once a year so we are not adding any additional workload to the colleges and universities.

All we are saying is, if you are getting money from Middle Eastern interests or other interests around the world, you have to report it. That gives our government the ability to watch what is going on and where the money is coming from, and if it is coming from proterrorist organizations, we can track it. We think it is extremely important for the protection of the United States and the security of the United States.

It does not cost any money. This amendment costs no money. It imposes no additional workload, and it does not violate the first amendment rights of the people of this country.

What it does do is it says we are going to find out where the money is coming from.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, you said several times "Middle Eastern." The fact of the matter is that any money from any source would be reported; is that correct?

Mr. BURTON of Indiana. Yes.

Mr. GEORGE MILLER of California. We have read the amendment. We don't have a problem with it and we support its passage.

Mr. BURTON of Indiana. Mr. Chairman, I urge my colleagues to support this. I think it is a very important amendment.

Mr. NORWOOD. Mr. Chairman, I rise in strong support of the Burton amendment. This commonsense reform requires colleges and universities receiving Title VI funds to disclose contributions and gifts under a publicly searchable database known as the Integrated Postsecondary Education Data system.

I generally believe that institutions of higher learning ought to focus their time and energy on the business of educating young people, not complying with burdensome reporting requirements. However, this particular case demands as much sunlight as humanly possible.

Over the last several decades, American students and faculty members have been bombarded with a steady stream of rhetoric attacking American foreign policy in the Middle East and throughout the world. Many refer to this as the "Blame America First" philosophy that permeates throughout college campuses and takes root in small yet influential international studies programs.

And while the so-called "intellectuals" hired to staff these programs are well within their rights to engage in important foreign policy debates, it is important to note that much of this debate is bought and paid for by, foreign entities that do not have American interests in mind.

In fact, a wave of foreign money from oil-rich countries in the Middle East, including Saudi Arabia, is directly responsible for funding programs on college campuses that produce vicious rhetoric attacking American foreign policy in the Middle East and the War on Terrorism. These centers purportedly train teachers and professors, supply materials, and often preach a radical anti-democratic and anti-Semitic agenda in our classrooms at every level.

Allowing the American people to access information will help them discern fact from fiction in the field of "International Studies." The Burton amendment accomplishes this goal by giving average Americans the ability to connect the dots. After all, if an oil-rich sheikh funds a Middle East Studies program in the U.S. with millions of dollars, it stands to reason he might have an ulterior motive.

The American people deserve a right to know.

Mr. BURTON of Indiana. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. BOUSTANY

Mr. BOUSTANY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–399 offered by Mr. BOUSTANY:

At the end of part B of title IX add the following new section:

SEC. ____. STUDY OF RESIDENCY APPLICATIONS.

(a) GAO STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the decline, and any causes thereof, in the number of individuals who have been accepted into, or currently participate in, a graduate medical education program or fellowship (or both) to provide health care services that—

(1) requires more than 5 years of total graduate medical training; and

(2) has fewer United States medical school graduate applicants than total number of training and fellowship positions.

(b) DEADLINE.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report on the study required by subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and shall make the report widely available to the public. Additional reports may be periodically prepared and released as necessary.

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Louisiana (Mr. BOUSTANY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BOUSTANY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proposing an amendment to H.R. 609, the College Access and Opportunity Act of 2005, along with the gentleman from New Jersey (Mr. ANDREWS), my good friend.

The amendment that I am proposing would require a GAO study to evaluate and determine the reasons for the decline in the number of medical school graduates entering residency programs lasting more than 5 years.

This amendment complements a study currently in H.R. 609 that the gentleman from Georgia (Mr. PRICE) has already offered. The gentleman from Georgia's proposal looks at student indebtedness. My amendment looks beyond that, and I am interested in identifying other primary reasons that students pick certain medical specialties.

In my experience and conversations with medical students, I found that student loan debt is certainly an important consideration, but other factors that might include length of residency training, locations to obtain training, salary issues, shortages or surpluses in certain medical specialties also play a role.

The concern among many health professionals is that certain specialties or subspecialties will have shortages in health professionals in the coming years. This could create a significant health access crisis that could take years to overcome because of workforce shortage.

Mr. Chairman, I believe this study that I am proposing, along with my colleague from New Jersey, and with Representative PRICE's study will help provide evidence and alternatives for Congress to consider to ensure that we are taking steps to support education for critically needed health care professionals.

At this time, I also want to thank the Rules Committee and Chairman MCKEON for considering this amendment, and I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me the time. I thank him, Mr. KILDEE, Chairman MCKEON, and Chairman BOEHNER before him, for their help in bringing this legislation to the floor. It is a pleasure to work with my friend from Louisiana on this issue.

I think this issue addresses a poorly thought-up health care policy we have in this country, which is to say that we want to discourage people from going into certain aspects of health care professions because we have a mismatch between the amount of debt they need to earn their education in that area and the amount of money they are going to make to pursue that area. A lot of critical specialties in the health care field, in the physician field especially, are underserved because the students cannot make that mismatch work in their lives.

The choice between incurring six-figure debt, which is typical of medical students, and then spending 5 years or more in a residency program that thoroughly underpays you and thoroughly overworks you is a policy which is driving people out of some very important, needed specializations.

My friend and I bring this to the floor as a hypothesis. What we want the GAO to do is to test that hypothesis and to look at the reasons why people are underenrolling in long-term residency programs. Mr. Chairman, I would be very surprised if the finding was anything other than the fact that the amount of debt that students are incurring is a major factor in their decision to avoid these longer-term residencies.

This is particularly important at a time when pediatric health and geriatric health are such huge issues in this country. Many of these specialties overlap with the care of our very young, prenatal and pediatric patients, and our elderly who are dealing with increasing issues of Alzheimer's, dementia and other problems.

So at a time when we most need people in these areas of specialization and when their residency, by definition, must be extended so we can truly learn the field, we are driving young physicians out of these fields because of this mismatch between student debt and the relatively meager income.

I thank my friend from Louisiana for working with us on this measure. I look forward to the GAO finishing its work; and hopefully, Mr. Chairman, we can have a bipartisan effort down the road to make loan programs more robust and more reasonable from the point of view of students, so that we can proceed with that.

I thank my friend from California for the time.

Mr. BOUSTANY. Mr. Chairman, I yield myself such time as I may consume.

I thank my colleague again for bringing up some very important issues that will relate to access, particularly as we see an aging population who will require these specialty services, and certainly, we are going to have some projected shortages.

I believe this GAO study will play an instrumental role in helping to define why we are looking at some of these shortages over and beyond indebtedness, but also help us clarify what that degree of indebtedness would be.

Mr. Chairman. I am very pleased to yield 1 minute to my friend from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman. I thank the gentleman for yielding.

Two of the specialties that we are talking about, really, are neurosurgery and thoracic surgery. There certainly is a shortage of neurosurgeons in my area in central Florida, and that is a big deal for someone who is in a car crash, for example, and is taken to a trauma center and needs appropriate and immediate assistance from a neurosurgeon within the first key hour.

Now, why is it that we have fewer neurosurgeons? Is it that it is so expensive? Is it that the specialty is so difficult? Is it that the insurance premiums they pay are too high? I do not have the answers today, but I do know this is a problem worth studying, and so I strongly support Dr. BOUSTANY's amendment and urge my colleagues to also support it.

Mr. GEORGE MILLER of California. Mr. Chairman. I yield back the balance of my time.

Mr. BOUSTANY. Mr. Chairman, I yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. BOUSTANY

Mr. BOUSTANY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-399 offered by Mr. BOUSTANY:

Page 189, after line 12, insert the following new subparagraph (and redesignate the succeeding subparagraph accordingly):

"(I) MEDICAL SPECIALISTS.—An individual who—

"(i) has received his or her degree from an accredited medical school (as accredited by the Liaison Committee on Medical Education or as defined by this title IV); and

"(ii)(I) has been accepted to, or currently participates in, a graduate medical education training program or fellowship (or both) to provide health care services (as recognized by the Accreditation Council for Graduate Medical Education); or

"(II) has been accepted into, or currently participates in, a graduate medical education program or fellowship (or both) to provide health care services that—

"(aa) requires more than 5 years of total graduate medical training; and

"(bb) has fewer United States medical school graduate applicants than the total number of training and fellowship positions available in the programs specified in subclause (I) of this clause.

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Louisiana (Mr. BOUSTANY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BOUSTANY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment, along with the gentleman from New Jersey (Mr. ANDREWS), again to the bill H.R. 609, and this would add language to section 421, the Loan Forgiveness for Service in Areas of National Need.

Currently, this section makes eligible for student loan forgiveness workers in several important jobs and one health care-related field, nursing. My amendment would make eligible for loan forgiveness those medical residents that are entering a program lasting more than 5 years and are entering a field that is facing a shortfall in filling those residency positions.

This amendment will provide medical students with a reason to consider other medical specialties that require more training. Many medical specialties require 3 or 4 years of training. However, there are certain specialties and subspecialties that require more training after the initial program. For instance, in my case, as a thoracic surgeon, I trained 5 years in general surgery and then another 3 years in thoracic surgery to become a cardiothoracic surgeon.

Current law only provides loan deferment for 3 years. For certain medical specialties, that means while students are in the middle of their residency they are paying back student loans. For many medical students, this is a concern and a reason to not pursue certain medical careers.

In the case of cardiothoracic surgery, there are currently about 20 open slots in these residency programs this year, and as each year goes by, we see fewer and fewer of these positions being filled.

The situation is similar in other specialties, as mentioned earlier with neurosurgery and certain subspecialties of plastic surgery.

□ 1415

These are specialties that provide vital care to seniors, critically ill patients, and other vulnerable populations. If this trend continues, it will lead to a lack of health care access for seniors, critically ill patients and other vulnerable populations. These patients may see a doctor but not necessarily one that has the experience and adequate training to provide the latest and most effective care. My amendment aims to prevent this decline in health care access by providing a small incentive for medical students to enter these professions with a critical need.

Again, I want to thank the Rules Committee and Chairman MCKEON for considering this amendment. I urge my colleagues to support this, and I also want to thank my colleague from New Jersey who has offered his support as well.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time, but I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Thank you, Mr. MILLER. I appreciate your help. I appreciate your yielding the time, and I thank Mr. KILDEE, Chairman MCKEON, Chairman BOEHNER before him, and I thank my friend from Louisiana for offering this amendment.

This amendment recognizes that there is a public service value to the work of residents who go into a complex and long-term residency in the health care field. There is a recognition that these are individuals who are contributing to the public good in two very important ways: the first is the specialization with which they come out of school, which is incredibly important for the health of our population. The second is that in order to achieve those skills they are deferring their higher earning years for a very, very considerable period of time, in excess of 5 years.

These are people with families and household obligations who are working very long hours, working at a very intense occupation and specialization, and giving up a significant amount of wealth and economic opportunity to do so. This is a public service, and it is important to recognize the public benefit that comes from this.

So I think that Mr. BOUSTANY's idea, in which I heartily join, of requiring more than 5 years in the residency program in medical specialties that have shortages recognizes the public service that these men and women are providing and falls into the other categories of occupations that are already recognized in the existing section 421 of the law.

I believe that this amendment will result in more talented young men and women stepping forward and serving in critical and underserved areas of health care in the country. This will result in an increase in the quality of our health care in our system and a more moderate degree of fairness in terms of loan forgiveness for the young men and women who do so. These are folks who work very, very long hours and incur a huge amount of debt and are foregoing and giving up benefits that other families are receiving, and I think it is a worthy consideration for us to extend this modest loan forgiveness under the right circumstances to these men and women.

So I would urge a "yes" vote on this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. BOUSTANY. Again, I thank my friend and colleague for his comments. I just want to add some statistics with regard to cardiothoracic surgery, for the record.

Currently, we have 3,500 practicing cardiothoracic surgeons in the country. Last year, there were a total of 104 applicants for 139 residency positions. This year, as of this past Friday, there were only 76 applicants for these 139 positions. Current survey data indicates that over the next decade we will have a 50 percent reduction in the current cardiovascular surgery workforce as the workforce hits retirement age.

Again, as we hit this aging population, the demographic tidal wave that we are facing, we are not going to have heart surgeons that can back up cardiologists in these hospitals providing life-preserving care.

So, again, I believe this amendment is a very important addition to H.R. 609. I appreciate my colleagues on the other side of the aisle supporting this.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–399 offered by Mr. CASTLE:

Page 104, after line 2, insert the following new section (and redesignate the succeeding section accordingly):

SECTION 205. NATIONAL TEACHER CORPS.

Title II (20 U.S.C. 1021 et seq.), as amended by section 204 of this Act, is further amended by adding at the end the following:

"PART E—NATIONAL TEACHER CORPS

"SEC. 251. PURPOSES.

"The purposes of this part are—

"(1) to raise the number of highly accomplished recent college graduates teaching in underserved urban and rural communities in the United States;

"(2) to increase the number of school districts and communities served by a nationally recruited corps of outstanding new teachers; and

"(3) to build a broader pipeline of talented and experienced future leaders in public education and education reform.

"SEC. 252. DEFINITIONS.

"In this part:

"(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers, as determined by the Secretary.

"SEC. 253. GRANT PROGRAM AUTHORIZED.

"The Secretary is authorized to award a grant to a highly-selective national teacher corps to implement and expand its program of recruiting, selecting, training, and supporting new teachers. The grantee shall be a highly-selective national teacher corps that—

"(1) focuses a national recruitment effort on recent college graduates from all academic majors;

"(2) trains such graduates through intensive summer institutes;

"(3) places such graduates as teachers in public schools in school districts of high need local educational agencies in urban and rural communities across multiple States; and

"(4) supports and measures the progress of such teachers through intensive professional development.

"SEC. 254. GRANT REQUIREMENTS.

"In carrying out the grant program under this part, the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds—

"(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

"(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

"(3) to serve a substantial number and percentage of underserved students.

"SEC. 255. AUTHORIZED ACTIVITIES.

"Grant funds provided under this part shall be used by the grantee to carry out each of the following activities:

"(1) Recruiting and selecting teachers through a highly-selective national process.

"(2) Providing preservice training to selected teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

"(3) Placing selected teachers in schools and positions in high need local education agencies that serve a high percentage of low-income students.

"(4) Providing ongoing professional development activities for the selected teachers in the classroom, including regular classroom observations and feedback, and ongoing training and support.

"SEC. 256. EVALUATION.

"(a) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

"(1) data on the number and quality of the teachers provided to local educational agencies through the grant under this part;

"(2) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

"(3) comprehensive data on the background of the selected teachers, the training such teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

"(b) STUDY.—The Secretary shall provide for a study comparing the academic achievement of students taught by the teachers selected, trained, and placed under this part with the academic achievement of students taught by other teachers in the same schools and positions. The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple local education agencies. Each such study shall meet the peer-review standards of the education research community.

"SEC. 257. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $12,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.".

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I am offering my amendment today with the cosponsorship of Congressmen REGULA, OSBORNE, VAN HOLLEN, and FORD. I support H.R. 609, and I believe with passage today we will be making some good reforms for our institutions of higher learning, parents, and students.

This amendment is intended to build upon these reforms and extend them into our Nation's elementary and secondary schools. Specifically, our amendment would authorize funding to recruit, select, train and support a national corps of outstanding recent college graduates of all academic majors who commit to teach in low-income communities and who hopefully become lifelong leaders for education.

An example of a national teach corps that would be eligible for this funding would be Teach for America. This past summer I introduced legislation which authorizes Teach for America. Currently, funding for the program has been consistent but piecemeal. The purpose of the bill and amendment, should the organization be awarded a grant, would be to provide an efficient funding stream. Ultimately, this will help the organization grow from its current membership of 3,500 corps members in over 1,000 schools in 22 regions to 8,000 corps members teaching across 35 high-need communities.

The Teach for America legislation has the support of 145 cosponsors spanning the political spectrum. The Senate has also expressed support for the program and has included language in their reauthorization of the Higher Education Act. It is my hope that today the House will show our support by including this amendment to H.R. 609.

Support extends beyond Congress. This week I spent some time with Secretary Spellings who mentioned the importance of encouraging creative avenues to the classroom and specifically referenced Teach for America. The First Lady has also taught in a Teach for America classroom.

What we know to be true is that a highly qualified teacher is imperative to the achievement of our students. This amendment will help us to make that more possible across the country.

A study by Mathematica Policy Research showed that corps members effected greater gains than would typically be expected in a year, especially in math.

This year, 19,000 individuals applied to Teach for America, including, for example, 10 percent of the senior classes of Yale, Dartmouth, and Spellman, and 7 percent of the senior class of Caltech. A majority of these students then stay on in the classroom.

As we as a Nation continue to focus on closing the achievement gap, I see no better complement than a national teacher corps. I encourage all my colleagues to join me in supporting the Castle-Regula-Osborne-Van Hollen-Ford amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to claim the time, but I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. Van Hollen).

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague, the ranking member of the committee, and I am pleased to join with Mr. Castle and my other colleagues in supporting this amendment, and I want to commend the gentleman from Delaware for his leadership on this very, very important issue.

I think it is vital in our Nation that we encourage more and more young people graduating from college to go into the teaching profession, to teach throughout our communities, but also to encourage many of them to go into those communities where they are most needed, where you have many more at-risk youth than others. That is what this particular amendment does, and the Teach for America program is a great example of this idea in action. If you look at their history, you see it is one of making sure that we do do a better job of getting into communities with these young teachers.

By 2010, Teach for America will increase the number of highly accomplished recent college graduates teaching in underserved urban and rural communities in the United States from 3,500 to 8,000 reaching nearly 700,000 underserved kindergarten-12th grade students every day. It recruits at over 500 colleges and universities across the country, and this year 19,000 individuals of all academic majors applied for the Teach for America program. They come from colleges all over the country and are represented with the full geographic diversity of our Nation. I am personally proud to say that 138 seniors from the University of Maryland system applied for the Teach for America program.

And they do a great job of encouraging more people, as I said, to get into the classroom. If you take a survey, and they did, 10 percent of those who were accepted to the Teach for America program stated that they would not have considered a career in education if they had not participated in this program.

Currently, 60 percent of Teach for America's 10,000 alumni are working within education to effect fundamental change. Last year's 2005 National Teacher of the Year was a Teach for America alum and is still teaching math in the District of Columbia public school system, the same school system he began in 8 years ago. So we want to encourage these students as they graduate and become teachers to go into these communities and then stay in those communities.

So I think, Mr. Chairman, in closing, I just want to again commend my colleagues on both sides of the aisle for their efforts in this area. I think it is a very, very important initiative and one that I commend to all our colleagues in this House.

Mr. GEORGE MILLER of California. Reclaiming my time, Mr. Chairman, I want to thank my colleagues for this amendment. I have had wonderful experience with the Teach for America teachers in my congressional district.

This past week I was up in the Lakota Nation on the reservations of Rosebud and Pine Ridge, and met a number of Teach for America teachers there and the coordinators. And I think in that case, we always talk about them being for 2 years, I think almost 30 percent of the teachers are planning to extend themselves for another year on those reservations, in Indian and public schools on the Indian reservations, and they are doing a magnificent job.

So I would urge the passage of this amendment and thank Mr. Castle, Mr. Osborne, Mr. Ford, Mr. Regula and Mr. Van Hollen for offering this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Ohio (Mr. Regula), the chairman of the appropriations subcommittee on Labor, HHS, and Education.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to give great credit to Mr. Castle and the other sponsors of this amendment because this is an important program. I also want to mention Wendy Kopp. She was the person who had the vision to start Teach for America, and it has had a tremendous impact. I won't go over the same things you have heard already, but it is one of those things that is making a difference in classrooms across this Nation.

As chairman of the Labor, HHS and Education, I have visited classrooms with Teach for America teachers, and their enthusiasm, their involvement has been terrific. I think it will be a great asset to our Nation's education program to expand this and get more young people involved. I am just a totally strong supporter of the whole program.

Mr. Chairman, I rise in strong support of this amendment. I believe an investment in education is an investment in human capital.

Teachers are the heart and soul of education, and we must ensure that every classroom has a good teacher. This amendment would authorize funding to recruit, select, train and support a national corps of outstanding recent college graduates of all academic majors who commit two years to teach in low-income communities and become lifelong leaders of education reform. This year, 19,000 individuals applied to Teach for America and roughly 4,000 were selected to teach in schools.

As many of you know, America faces a growing shortage of qualified math and science teachers. In a recent international assessment of 15-year-olds' math problem skills, the United States had the smallest percentage of top performers and the largest percentage of low performers compared to the other participating countries.

I've long been a supporter of Teach for America and it is worth noting that a highly regarded study by Mathematica Policy Research showed that students taught by Teach for America corps made greater gains than those of veteran, fully certified teachers.

As the U.S. economy becomes even more reliant on workers with greater knowledge and technological expertise, it is incumbent upon us to prepare our students to meet the future demands of the workforce.

As a former teacher, I am very impressed by the Teach for America program and would urge strong support of my colleagues for this amendment.

Mr. CASTLE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Nebraska (Mr. Osborne), who in many ways has probably taught more students, more young people than any of us.

Mr. OSBORNE. Thank you, Mr. Chairman, and I too urge support of this important amendment.

As we have learned from implementation of No Child Left Behind, in many cases school districts with the greatest needs have the most trouble attracting highly qualified teachers to their communities. This is true particularly in the inner cities, urban areas, and then in a district like mine, which is almost entirely rural. So to have more teachers available, a larger pool, is critical.

As has been mentioned, Teach for America currently has 3,500 members. And the thing I do not think has been mentioned is that they are serving roughly 300,000 students around the country. So this is one program that enables us to capture some of our best and our brightest young people coming out of college.

This has been a tremendously successful program, and I am very pleased that the chairman and other members of the committee have chosen to offer this amendment. I also appreciate Mr. REGULA's support. That is also very important.

Mr. CASTLE. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding and, Mr. Chairman, I would simply like to rise in strong support of this amendment.

I believe that the whole concept of Teach for America, which is designed to incentivize the top men and women who are gaining their educations to get out and provide education in communities where it is desperately needed, is the right thing to do.

And I want to congratulate my good friend from California, Don Fisher, who has been a driving force behind this, and Wendy Kopp, who has been working very hard on it. I have met with her and a number of other people, and I believe this is the kind of model program that will help us deal with this challenge of ensuring that the United States of America maintains its competitive edge.

□ 1430

The Acting CHAIRMAN (Mr. DAVIS of Kentucky). The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109–399 offered by Mr. CUELLAR:

Page 272, after line 25, insert the following new section:

SEC. 497. REPORT TO CONGRESS ON COMPLIANCE WITH THE PAPERWORK REDUCTION ACT OF 1995.

Title IV is further amended by adding after section 499, as added by section 496 of this Act, the following new section:

"SEC. 499A. REPORT TO CONGRESS ON THE COMPLIANCE OF THE STUDENT AID APPLICATION PROCESS WITH THE REQUIREMENTS OF THE PAPERWORK REDUCTION ACT OF 1995.

"(a) STUDY AND REPORT.—The Secretary shall commission a nonpartisan, comprehensive study on the degree to which the student aid application process under title IV complies with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 101 note). Not later one year after the date of the enactment of the College Access and Opportunity Act of 2006, the Secretary shall report the results of such study to the Congress.

"(b) SCOPE.—The study and report to the Congress under subsection (a) shall thoroughly identify and address the following:

"(1) The impact of the technical and computer literacy of prospective college students on the existing electronic capabilities offered by the student aid application process under title IV, including the Free Application for Federal Student Aid System (FAFSA).

"(2) The effectiveness of the policies and requirements of the FAFSA system that are intended to reduce the need for paper and ease the application process.

"(3) Areas in which the electronic system can be improved to help facilitate a 'one-stop shopping' goal for students seeking financial assistance.".

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank Mr. KELLER and Mr. MILLER for the work they have been doing on this particular bill, H.R. 609.

My amendment is a very straightforward amendment that allows the student aid application process to be simple and straightforward and make sure that it complies with the Paperwork Reduction Act of 1995, to make sure that it meets the expectations of today's students.

We want to make sure that we reduce the paperwork, and when we talk about student aid, that we minimize the amount of paperwork involved; and especially when we work on trying to get the free application for Federal student aid paperwork and the other work to make sure that when a student is trying to get this information, we reduce the paperwork and make it as simple as possible.

The second part of the amendment calls for a one-stop center for finding financial aid for students. As Members know, in order to get this information, whether you are talking about students, parents, or counselors across the Nation, it is sometimes difficult to get this information. The more we can enhance the one-stop center so the information is in one place, this will make it easier on the students and make sure that we do one thing, and that is, make student aid opportunities as accessible and as simple as possible for the students, the parents and the counselors.

I believe this amendment is acceptable to both Mr. GEORGE MILLER and Mr. KELLER.

Mr. Chairman, I yield back the balance of my time.

Mr. KELLER. Madam Chairman, I claim the time in opposition, although I am not in opposition to the amendment.

The Acting CHAIRMAN (Mrs. MILLER of Michigan). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER. Madam Chairman, I yield myself such time as I may consume.

Simplifying the financial aid process and applying for Pell Grants is such a worthy objective, something we have been working on very closely, and we have made a lot of progress in this underlying legislation to simplify the process.

This amendment makes it an even better bill, and I wholeheartedly support the amendment and urge my colleagues to do so as well.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–399 offered by Mr. CUELLAR:

Page 125, line 25, insert "or a certification program" after "education".

Page 126, line 2, insert "or a certification program" after "education".

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chairman, I yield myself such time as I may consume.

Again, I thank Mr. KELLER and Mr. MILLER for allowing me to present this particular amendment. This amendment is very simple. It deals with the Pell Grant Plus. The Pell Grant Plus is an excellent program that allows extra financial aid to students that take the extra recommended courses or the college preparatory courses.

Studies show that students who take the college preparatory courses, two things are going to happen: one, their success rate in college increases, and the second part is that the probability or the possibility of those students going off to college will increase. So providing this incentive through Pell Grant Plus to make sure that they take the college preparatory courses is good for all students across the Nation.

This amendment, what it does is instead of just allowing the academic courses from universities, this allows students to take the certificates from universities or colleges across the Nation to be allowed to take this Pell Grant Plus and to be eligible to receive Federal student aid.

Examples of certificate programs from my district and across the United States, Palo Alto College provides certificate programs in accounting and electromechanical technology. Texas A&M International University in Laredo allows education certificates in early, middle school and high school education, and other universities also do this. This allows the students who take those certificate programs to be eligible for the Pell Grant Plus.

Again, the Pell Grant Plus is an excellent incentive, and what I am trying to do is make sure that students across the board take those college preparatory courses. This will be good for education in general.

Again, I believe this amendment is acceptable to Mr. KELLER and to Mr. MILLER also.

Madam Chairman, I yield back the balance of my time.

Mr. KELLER. Madam Chairman, I claim the time in opposition, although I am not in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. KELLER. Madam Chairman, I yield myself such time as I may consume.

I was proud to offer the Pell Grant Plus section that was included in the underlying legislation which is going to reward those high-achieving, low-income students with a few extra dollars to encourage them to continue their education.

I support this amendment to also allow those folks who are getting a certificate as part of their education because that would include, for example, people studying to be skilled nurses. We have a dramatic nursing shortage throughout the country, and particularly in my home State of Florida.

Again, this is a good amendment. I would urge my colleagues to support it.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. HART

Ms. HART. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109-399 offered by Ms. HART:

Page 317, line 16, strike "and" after the semicolon; on line 25, strike the period, close quotation marks, and following period and insert "; and"; and after line 25, insert the following new paragraph:

"(11) establishing and operating pregnant and parenting student services offices that—

"(A) will serve students who are pregnant or parenting, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; and

"(B) will help students with locating and utilizing child care, family housing, flexible academic scheduling such as telecommuting programs, parenting classes and programs, and post-partum counseling and support groups.".

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentlewoman from Pennsylvania (Ms. HART) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. HART. Madam Chairman, I yield myself such time as I may consume.

I rise in support of the amendment and ask that my colleagues support it as well, because this amendment would encourage institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and also students who are placing or who have placed their children up for adoption.

The student servicing center will help students with locating and utilizing child care, family housing, flexible academic scheduling such as telecommuting programs, parenting classes, and programs in postpartum counseling and support groups.

This language will be added as an additional authority under the Fund for the Improvement of Post-Secondary Education, the FIPSE, which was established to improve post-secondary education activities.

Madam Chair, 27 percent of all undergraduates are parents; 34 percent of all graduate students are parents; one-half of undergraduate students are single parents; and about a third of graduate students are single parents. This means that approximately 4.5 million undergraduate and graduate students are parents.

Forty-five percent of the women who have abortions are college-age women. Many, unfortunately, have them because they fear that they cannot complete their study. They fear they cannot support the child, and there are no resources to help them continue their education while having their child. They also lack the financial resources to afford child care. The amendment is an important step in providing much-needed services for these students so they will bear their children and also finish their education.

Right now there is a lack of campus necessary resources for pregnant and parenting students. This amendment will be an important first step in providing these students with these much-needed services, including family housing; affordable on-campus child care; babysitters; co-ops; telecommuting options; on-campus parking; maternity coverage in the student health plans; desks accessible to pregnant women; diaper decks in men's and women's restrooms; clean, comfortable places for women to breast feed in private if they choose to do so; and also financial aid, especially for women living independently from their parents.

This amendment is especially important because families are profoundly impacted by the education attainment level of the parents. No other single indicator has the same ability to predict social, economic and educational outcomes for the children and the families as the parental education. Education improves the quality of life for these families, providing increased financial security and socioeconomic mobility, as well as directly impacting the K-12 performance and post-secondary education attainment rates of their children.

If we want to move Americans forward, this is something we need to support. Higher education increases the workplace competitiveness of these parents in the increasingly complex job market that they face today and ensures a better educated and diverse workforce.

It also shows that we value our families and we also value meaningful workplace and school place policies. We believe that by empowering parents to go to college, we can directly impact the children and effect social change in families and the larger community in a positive way.

Student parents face enormous challenges in balancing the demands of school with family responsibilities. As a result, these parents suffer high dropout rates, particularly during the first year. In fact, the U.S. Department of Education studies indicate that when student parents are able to persevere through the first critical year of school, their chances of completion are similar to other student groups. These parents need specialized resources to help them succeed.

The programs that I have outlined are included in this amendment. For these reasons, I ask my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I ask unanimous consent to claim the time, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Madam Chairman, we support the amendment, and I yield back the balance of my time.

Ms. HART. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109–399 offered by Mrs. MUSGRAVE:

Page 165, line 4, strike "and"; on line 9, strike the period and insert "; and"; and after line 9, insert the following:

"(7) shall not develop a criteria that discriminates against a student based on the type of program in which the student completed his or her secondary education.

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Madam Chairman, I yield myself such time as I may consume.

My amendment ensures that all home school students will be considered as eligible applicants for the Robert C. Byrd Honors Scholarship Program. The Robert Byrd Honors Scholarship Program recognizes high school seniors who show the promise of continued excellence in post-secondary education.

Currently, only those students who were graduates of a public or private school are eligible for this prestigious scholarship. Students graduating from alternative programs such as home schools are ineligible for this scholarship. All graduates should be able to compete for this scholarship regardless of what type of secondary program the student has completed.

Studies show that home school students are excellent students. In recent independent studies, home-schooled students consistently scored, on average, in the 80th percentile on standard achievement tests. And yet these excellent students are regularly denied the opportunity to compete for the Byrd scholarship.

During Senate consideration of the higher education bill several months ago, this matter was brought to the attention of Senator BYRD from West Virginia. The Senate acted, with Senator BYRD's support, approving an amendment to the Byrd scholarship that would make home school graduates eligible to apply for this important scholarship program.

This amendment I offer today ensures that under the House's new Robert Byrd Scholarship proposal, managing agents may not discriminate against students based upon the type of program in which the student completed his or her secondary education, including a public school, private school or home school.

I urge my colleagues to support this amendment.

Mr. MCKEON. Madam Chairman, will the gentlewoman yield?

Mrs. MUSGRAVE. I yield to the gentleman from California.

Mr. MCKEON. Madam Chairman, I rise to thank the gentlewoman for her amendment.

One of my daughters has home schooled some of her children, and we have many friends who home school their children and do a fantastic job, and I am really happy that they will be able to participate in this scholarship. I think this improves the bill.

Mr. GEORGE MILLER of California. Madam Chairman, I ask unanimous consent to claim the time, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Madam Chairman, we support the amendment, and I yield back the balance of my time.

□ 1445

Mrs. MUSGRAVE. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. MILLER of Michigan). All time having expired, the question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in House Report 109–399 offered by Mr. SESSIONS:

Page 206, after line 11, insert the following new section:

SEC. 447. WORK ASSISTANCE FOR STUDENTS IN COMPREHENSIVE POSTSECONDARY PROGRAMS FOR STUDENTS WITH MENTAL RETARDATION.

(a) AMENDMENT.—Part C of title IV (42 U.S.C. 2751 et seq.) is further amended by adding at the end thereof the following new section:

"SEC. 449. WORK ASSISTANCE FOR STUDENTS IN COMPREHENSIVE POSTSECONDARY PROGRAMS FOR STUDENTS WITH MENTAL RETARDATION.

"(a) PURPOSE.—It is the purpose of this section to enable an institution participating under this part that offers a comprehensive postsecondary program for students with mental retardation to provide work assistance to such students enrolled in that program in order to assist these students with the costs of postsecondary education and improve their academic and personal skills, independence, and employability.

"(b) PROGRAM AUTHORITY.—(1) An institution of higher education participating under this part may, pursuant to a plan developed in accordance with subsection (c) and approved by the Secretary, transfer funds allocated under section 442 for use under this section to award work assistance to students with mental retardation who are enrolled and maintaining satisfactory progress in a comprehensive postsecondary program for students with mental retardation at that institution.

"(2)(A) Notwithstanding any other provisions of this Act, the following requirements do not apply to students seeking work assistance under this section:

"(i) Student eligibility requirements relating to enrollment in a program leading to a recognized education credential under section 484(a)(1).

"(ii) Satisfactory progress requirements under sections 484(a)(2) and (c).

"(iii) Student eligibility requirements relating to the satisfaction of secondary education standards under section 484(d).

"(iv) Determination of need in accordance with part F.

"(v) The common financial reporting form developed and processed pursuant to section 483, and any related aid processing, disbursement, and delivery requirements as the Secretary may specify.

"(vi) Any reporting requirements that the Secretary may specify.

"(B) Notwithstanding any other provisions of this Act, the requirement that a program lead to a degree or certificate, or meet the requirements of section 481(b), shall not apply to comprehensive postsecondary programs for students with mental retardation at institutions of higher education that are otherwise eligible to participate under this part.

"(c) AGREEMENT WITH THE SECRETARY.—An institution of higher education that wishes to provide work assistance under this section shall prepare, and submit to the Secretary for approval, a plan describing how work assistance will be awarded under this section to students with mental retardation who are enrolled in a comprehensive postsecondary program for students with mental retardation at that institution. That plan shall include—

"(1) a description of how the institution will determine which students in the program will receive work assistance, including what criteria will be used for determining the student's financial need for the assistance in lieu of a determination under part F;

"(2) a description of the types of jobs in which students in the program will be employed, at what rates of compensation, and the number of hours that a student may work;

"(3) the maximum dollar amount of assistance that the institution may award to a student in the program; and

"(4) a requirement that the Federal share of the compensation of a student in the program shall not exceed 75 percent.

"(d) DEFINITIONS.—For the purpose of this section:

"(1) COMPREHENSIVE POSTSECONDARY PROGRAM FOR STUDENTS WITH MENTAL RETARDATION.—The term 'comprehensive postsecondary program for students with mental retardation' means a degree, certificate, or nondegree program offered by an institution of higher education that—

"(A) is designed for students with mental retardation who seek to continue academic, vocational, and independent living instruction at the institution to prepare for gainful employment;

"(B) includes an advising and curriculum structure; and

"(C) includes enrollment by the student (through regular enrollment, auditing courses, participation in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than half-time enrollment, as defined by the institution.

"(2) STUDENT WITH MENTAL RETARDATION.—The term 'student with mental retardation' means a student with significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a student's educational performance.

"(3) SATISFACTORY PROGRESS.—A student with mental retardation enrolled in a comprehensive postsecondary program for students with mental retardation is maintaining satisfactory progress if—

"(A) the institution at which that student is enrolled reviews the progress of the student at the end of each academic year, or its equivalent, as determined by the institution; and

"(B) the institution determines that the student is meeting or exceeding the program requirements and adequately progressing toward program completion.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for academic year 2007–2008 and succeeding academic years.

The Acting CHAIRMAN. Pursuant to House Resolution 741, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Madam Chairman, I would like to, before I really begin my remarks, thank the gentleman, the chairman of the committee and his staff who have been very helpful not only in working with me on this amendment but being supportive of it. I would like to thank the gentleman from California.

Madam Chairman, I rise today to offer my amendment that would grant students with intellectual disabilities access to Federal work study funds for enrollment in comprehensive post-secondary educational programs. The reauthorization of the Individuals With Disabilities Education Act, known as IDEA, in 2004 helped ensure that students with intellectual disabilities are provided every resource necessary to address their elementary through high school education goals

However, education for people with disabilities should not end in high school, which is why this amendment is so important. My amendment provides these young adults with an opportunity to participate in post-secondary education programs along with their peers.

Madam Chairman, approximately 94 universities and colleges currently offer programs for students with intellectual disabilities, enabling these students to lead productive and independent lives. For example, Laura Lee, a student with Downs Syndrome, is a junior at George Mason University's LIFE program, or known as the Learning into the Future Environments program. She is one of the first students in this innovative post-secondary program for young adults with intellectual disabilities, providing these students with not only the experience of college life in a supportive environment, but also with important life and employment skills. Laura is taking courses in computers, banking, employment skills and other subjects that will help her to become as self-sufficient as possible and to use her future education for employment endeavors.

I am very proud of Laura's success in the LIFE program at George Mason University. While Laura is fortunate enough to have the financial resources to enroll in this program, many students with intellectual disabilities do not. These students are unable to assess Federal financial aid because these programs typically do not lead to a post-secondary degree, or the student may not have a traditional high school diploma. This amendment recognizes the unique nature of these programs and removes the barriers in current law from providing work study funds to each of these students.

My amendment would allow these students to assess work study funds without creating a new program and, therefore, adding no additional cost to the government.

This amendment provides flexibility to institutions, granting them the power to decide if it is appropriate to award work study funds to students with intellectual disabilities enrolled in comprehensive programs on their campus.

Madam Chairman, I have seen firsthand how IDEA has benefited my own son, Alex, who is a student at Lakewood Elementary School in Dallas, Texas. Alex, who is 12 years old, has Downs Syndrome, and he has made significant academic progress and has been provided with many of the same educational opportunities as his peers as a result of IDEA. I know that IDEA will serve as an incredible opportunity for Alex throughout his K–12 education.

However, I also realize that IDEA will not be there to serve his needs after high school. Therefore, I am very pleased to stand here today in recognition of those colleges and universities who are filling the post-IDEA void for so many young Americans. I am proud to offer this amendment that will provide many young adults with intellectual disabilities the ability to access the vital postsecondary programs that lead to a very fulfilling life.

Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. McKEON), the chairman of the committee.

Mr. McKEON. Madam Chairman, I thank the gentleman for yielding. And I want to thank him for his leadership on this issue. We have worked together on this issue before. I am getting toward the end of my life. I am a lot older than a lot of the people around here. But in my youth, I remember when families that had children with Downs Syndrome used to keep them out of sight. And we have made so much progress. And I have a nephew that has Downs Syndrome, and I see the love that he has brought into their family. He is 12 also. And to think that we have come so far and yet we have an opportunity to go further. And this amendment makes that possible. And I just want to thank the gentleman for his efforts in this, and on behalf of all children with Downs Syndrome to give them the opportunity to go as far as they can, because I think that is something that, again, improves and enhances the bill. And I appreciate the gentleman's efforts.

Mr. SESSIONS. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I ask unanimous consent to claim the time, but I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

I want to thank the gentleman for offering this amendment. I think it is an important addition to this legislation, and I urge my colleagues to support it.

Madam Chairman, I yield back the balance of my time.

Mr. SESSIONS. Madam Chairman, I yield myself such time as I may consume.

In addition to the chairman's remarks, I would like to add, if I could, that from time to time, my son, Alex, is on the floor of the House of Representatives, and I believe that Alex is a fine representation, as well as the Members of this body, who take time to recognize the individual and special talents that not only Alex possesses as a result of him being a young adult with Downs Syndrome, but also his love that he extends to people. And this body has always gone out of their way to express to Alex and make him feel like he was a part of this body also.

And I would thank the gentleman, both the gentlemen from California, not only for their agreement with this bill today, but also I think it extends the knowledge that this body has with the capacity to understand that thousands of other families that have their own Alex, that they, if their children have the ability to do something when they get out of high school, that there would be a program like this. And so I would like to thank the ranking member and the chairman of our committee.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

Mr. McKEON. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SESSIONS) having assumed the chair, Mrs. MILLER of Michigan, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

EXPRESSING SENSE OF THE HOUSE REGARDING RELIGIOUS PERSECUTION IN AFGHANISTAN

Mr. PENCE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 736) expressing the sense of the House of Representatives that legal action in Afghanistan against citizens who have already converted or plan to convert to other religions is deplorable and unjust.

The Clerk read as follows:

H. RES. 736

Whereas the United States, at great cost in blood and treasure, helped the people of Afghanistan liberate themselves from the tyranny of the Taliban and adopt free institutions and practices, including respect for rule of law and internationally recognized human rights;

Whereas the preamble of the Constitution of the Islamic Republic of Afghanistan affirms that the people of Afghanistan are "for creation of a civil society free of oppression, atrocity, discrimination, and violence and based on the rule of law, social justice, protection of human rights, and dignity, and ensuring the fundamental rights and freedoms of the people";

Whereas Article 7 of the Constitution of the Islamic Republic of Afghanistan provides that "the state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights," which includes the right to freedom of thought, conscience, and religion and the freedom to change one's religion or belief;

Whereas Article 18 of the International Covenant on Civil and Political Rights, to which Afghanistan has acceded, provides that "[e]veryone shall have the right to freedom of thought, conscience and religion . . . [t]his right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching": and

Whereas the President of the United States has expressed his concern about the Abdul Rahman apostasy case, stating that "[i]t is deeply troubling that a country we helped liberate would hold a person to account, because they chose a particular religion over another": Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns, in the strongest possible terms, the enforcement of laws against apostasy;

(2) requests the President to continue to work with the Government of Afghanistan to establish better protections for religious minorities, including converts to minority religions, and to enhance human rights protections in Afghanistan; and

(3) calls upon the Government of Afghanistan, and especially President Hamid Karzai, to continue to conform Afghan laws to Afghanistan's international human rights treaty obligations, thereby protecting Afghan citizens who have converted or plan to convert to other religions from prosecution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PENCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. PENCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we come into this Chamber fresh back to work from a March recess period where Members of Congress, like millions of Americans, reeled from a story emerging from our new cherished ally, Afghanistan. It was a story that was deeply disturbing to average Americans, and even using that phrase himself, to the President of the United States of America. It was the story of a man who was facing the death penalty merely for the reason that he had converted from Islam to Christianity, and he was facing prosecution and possible execution in a nation that the American soldiers and the American people had liberated and continue to liberate in Operation Enduring Freedom.

It is about this case that, while it is resolved, still raises profound and important questions that we gather here today and bring this resolution before the Congress.

Madam Speaker, I am also very humbled today by the support of the distinguished chairman of the International Relations Committee, who gave me the privilege of managing the time today on this resolution. There has been no stronger voice for human rights and religious liberty in the world in this Congress throughout his career than Chairman Henry Hyde, and I am honored to stand in his stead today.

I am also deeply humbled by the active participation, both in this debate today and in the development of this resolution, of the ranking member of the House International Relations Committee, a man I have come to deeply admire for his passion for human rights, human dignity and religious freedom and all of the Bill of Rights liberties that we cherish being manifest around the globe, Mr. LANTOS from California. The support of these two giants of this institution, along with the support of a number of our other cosponsors, highlights the importance of this debate that we undertake today. For while in the case of Abdul Rahman, this man has been freed under circumstances that still remain somewhat opaque to the American public at this hour, while Abdul Rahman has been freed, the freedom of religion is still behind bars in Afghanistan. And so today, Madam Speaker, in H. Res. 736, this Congress, through its Members, and the American people, will condemn in the strongest terms the enforcement of laws against apostasy.

☐ 1500

We will request the President to continue to work with the Government of Afghanistan to establish better protections for religious minorities, including converts to minority religions, and to enhance human rights protections in Afghanistan. And we also will respectfully call on the Government of Afghanistan and especially President Hamid Karzai to continue to conform all Afghan laws at every level to Afghanistan's international human rights treaty obligations, thereby protecting Afghan citizens who have converted or may plan to convert to other religions from prosecution.

This is an important moment. It is an important dialogue, and I am grateful to have played some small role in it.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. I would first like to thank my good friend and distinguished colleague, Congressman PENCE of Indiana, for introducing this critically important resolution. This is in line with his longstanding commitment to religious freedom and human rights across the globe.

I would also like to commend my friend and a champion for international religious freedom, HENRY HYDE, chairman of the House International Relations Committee, for joining us in support of this measure.

Madam Speaker, as we have turned on the evening news in recent weeks, we have been riveted by the shocking case of an Afghan citizen, Mr. Abdul Rahman, facing the death penalty for converting to Christianity. Along with my colleagues in Congress and leaders of several NATO countries, I expressed outrage that while soldiers from the

United States and other NATO allies are dying in defense of a free Afghanistan, that country's government would be seeking to prosecute an Afghan citizen for acting on his inalienable right as a free human being to choose his own religion. His case was made all the more absurd because he converted well before this new government even existed.

Madam Speaker, tolerance and freedom of worship are the sine qua non of democracy. They are key principles in the protection of human rights, which must be embraced by every democratic, pluralistic government, including the Government of Afghanistan. Indeed, Madam Speaker, the founding of our own Nation and the efforts to create a more free and open society began with members of oppressed religious minorities in Europe yearning to worship as they saw fit.

Afghan authorities resolved this case by claiming that Mr. Rahman was mentally unfit and therefore was unable to stand trial. Unfortunately, this approach is totally unacceptable because what we have here is a generic, long-term problem. It is reasonable to believe that there will be other religious converts in Afghanistan, and it would be unacceptable to assume that they are all mentally unfit and need special treatment.

Madam Speaker, earlier today in a testament to its commitment to international religious freedom, the Government of Italy agreed to grant asylum to Mr. Rahman, and I understand that he has now arrived in Italy. I applaud the Government of Italy for this humanitarian gesture and for their support of international human rights.

But while Mr. Rahman's case may have come to closure, the broader issue remains. Afghanistan must live up to its own constitution which provides for the protection of religious freedom, and it is the duty of the United States, our NATO allies, and the entire international community to help Afghanistan establish better protections for religious minorities, including converts, and to enhance human rights protections for all the citizens of Afghanistan.

The United States and our friends around the globe are not sacrificing hundreds of our soldiers and committing hundreds of billions of dollars of our resources so that Afghanistan could revert to the days of the Taliban.

As the lead Democratic sponsor of this resolution, I strongly urge all of my colleagues in both political parties to support this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. PENCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Congressman TOM LANTOS is a tough act to follow, and I am tempted sorely to say amen and yield back. But I will share a few brief observations on H. Res. 736.

I had the honor of traveling as an American Congressman to Afghanistan in December of 2004. Prior to my departure, I was eager to see this newly minted democracy, a democracy won by the bravery of the American soldier and coalition forces, and to meet the people of Afghanistan, to see the good work being done by their people in Kabul and beyond.

During that visit, I had the honor of meeting privately with President Hamid Karzai. He is an affable, approachable, and humble man whom I came to view, as many others have, as the indispensable man of this new, democratic Afghanistan. President Karzai proved his worth again when, as a direct result of his intervention, justice was brought to the case about which we gather today, when Abdul Rahman was released from prison. But while I am relieved that by virtue of President Karzai's personal engagement Abdul Rahman has been freed, religious freedom in Afghanistan is still behind bars.

The American people today have the luxury of looking upon recent events in Afghanistan through the eyes of people far removed from the volatile days of the beginning of our own Republic, and we must be careful what prism we look through when we seek to remove the speck from our neighbor's eye. We are far removed from the events unfolding over 3 years following ratification of the U.S. Constitution, the establishment of protections under our own Bill of Rights.

Unlike the American people today, President Karzai and the people of Afghanistan find themselves at the very beginning of a long and arduous journey of democracy, a democracy within which I fear the value of religious freedom is still suspect by many and the protections of religious freedom are still vague. And I want to acknowledge that and acknowledge that about which we speak today; we speak with charity to a fledgling democracy that we are anxious to support.

But, Madam Speaker, when the Loya Jirga in Afghanistan approved the constitution, they were explicit in stating, as Mr. LANTOS just observed, basic human rights protections. And as stated in this resolution, the constitution of Afghanistan "affirms that the people of Afghanistan are 'for creation of a civil society free of oppression, atrocity, discrimination, and violence and based on the rule of law, social justice, protection of human rights, and dignity, and ensuring the fundamental rights and freedoms of the people.'" So reads the constitution of Afghanistan.

Article 7 of that same constitution of the Islamic Republic of Afghanistan provides "the state shall observe the United Nations Charter, interstate agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights," which does, I might add, Madam Speaker, include the right to freedom of thought, conscience, and religion and even the freedom to change one's own religion or belief.

Like House Resolution 736 says, today the Congress will call upon the Government of Afghanistan, and especially President Karzai, to continue the good work of conforming Afghanistan's laws to Afghanistan's international human rights treaty obligations, thereby protecting their citizens who have made a decision of conscience, a decision of the heart as between one religion or another, to be free from prosecution.

Madam Speaker, I implore respectfully the people of Afghanistan to continue to work through this difficult issue. It is a process through which our Nation worked for 200 years before our Nation was founded; and our struggle toward a more perfect Union remains the ongoing American struggle. Vigorous debate is important within a democracy, but recognition of fundamental, inalienable rights, especially the right to freedom of conscience and freedom of thought, is the wellspring of every other liberty.

Like many Americans fearful of the dangerous chain of events a case like Abdul Rahman's could unfurl, I see religious freedom as a clear, inalienable right and a right that is key to their success and the successful relationship between our two countries.

Thomas Paine said it well, "That which we obtain too easily we esteem too lightly."

I do not believe that the people of Afghanistan attained democracy too easily, and I do not suggest in this resolution that they take it too lightly. I believe the Afghan people have fought long and hard and at extraordinary personal cost in decades of struggle for their own freedom and independence. This is why I strongly believe that they should fight even more fervently to protect the rights and freedoms that so many Afghanis have died before experiencing.

Madam Speaker, those who die in the cause of freedom never die in vain, for they light the flame of freedom and instill its care to generations that follow. This generation of the people of Afghanistan is a noble generation, a generation of opportunity, and they have a solemn duty of fanning the flame by protecting the fundamental rights of their country like the freedom to believe and practice a religion of one's own choosing.

Madam Speaker, in this resolution, it is my hope that we would not send a message of condemnation but a clear message that, despite the grave concerns the American people have raised, seeking protections for religious minorities, the American people still remain committed to working in partnership and solidarity with President

Karzai and the people of Afghanistan as they bring about a more perfect union for their people, a union that reflects the fundamental liberties for which the American soldier and coalition forces fought in tandem with freedom-loving people in Afghanistan to win. And it is in that spirit that we bring this resolution today.

Mr. SMITH of New Jersey. Madam Speaker, I commend President Bush, Secretary of State Condoleezza Rice and Afghan President Karzai for their quick and decisive action to save the life of Afghani Christian convert Abdul Rahman. I wish to extend my thanks to my fellow Congressmen, fellow Americans and other members of the world community who rose up to demand that the travesty of Abdul Rahman's trial and near certain death for apostasy be stopped. The actions, and the prayers, of millions helped save an innocent man and demonstrate that the world community will not tolerate such offenses against freedom of conscience.

We all dodged a bullet in Afghanistan. But the problem is not just Afghanistan, and the ultimate solution is not simply granting asylum for yet another refugee of conscience. The problem is the increased number, and increasing attempts to enforce, laws and statutes against conversion in many countries of the world, not just Afghanistan. This freedom of thought, conscience and belief is now threatened not only in places like Iran, Saudi Arabia, Egypt and Iraq. It is also threatened in countries such as Sri Lanka, India and Indonesia, where religious pluralism has long been established. It is threatened in countries like Russia and Belarus, where minority religions are denounced as "non-traditional" and suffer harassment and discrimination.

Freedom of religion is founded on the inherent dignity of every individual. It is a right that is not granted at the whim of governments. Freedom of religion does not mean permission for an individual to follow the religion of his ancestors, and no other. It does not mean that only established religions have the right to exist and be practiced freely. It means, rather, that:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

This is not an "American point of view." This is not a "Western point of view." This is the Universal Declaration of Human Rights. This is fully confirmed by the International Covenant on Civil and Political Rights, to which Afghanistan has acceded.

Today's resolution condemns the enforcement of laws against apostasy. I would go further: we must condemn not just the enforcement, but the very existence of such laws. Whether enforced or not, they are an ever present threat to all believers, an ever present reminder that those who believe differently are second class citizens. They are a continuing denial of the principal of individual human dignity and freedom.

And I call upon the President to work not just with the government of Afghanistan to enhance human rights protection and religious freedom, but also with Iraq. Last year I and my colleagues pointed out that the new Iraqi Constitution also contains language which endangers individual freedom, especially religious freedom and the rights of women. The Iraqi Parliament now must adopt crucial implementing legislation for the Constitution. We must ensure that such legislation effectively protects individual freedom and freedom of conscience. Otherwise we may see countless repetitions of the appalling drama that has just been completed in Afghanistan.

I also call upon the President to work with Sri Lanka, whose government has pandered to religious extremists by introducing anticonversion laws. Sri Lanka is a recipient of Millennium Challenge grants, which are premised on progress in democracy and rule of law, not regress.

Finally, I call upon my colleagues to support this important resolution.

Mr. SCHIFF. Madam Speaker, I rise in strong support of H. Res. 736, a resolution to Condemn Afghan Attempts to Prosecute Converts. I share my colleagues' deep concern regarding the case of Mr. Abdul Rahman and the questions it raises regarding Afghanistan's commitment to religious freedom and human rights. I have sent a letter to Afghan President Hamid Karzai, and I submit it for the RECORD.

DEAR PRESIDENT KARZAI: I am writing to you concerning the case of Abdul Rahman, whose conversion to Christianity could have cost him his life under traditional Sharia law.

Along with many in the U.S. as well as in Britain, Germany, Italy, and Australia, I am relieved that Mr. Rahman will not be tried for exercising a right that is guaranteed to him by national and international law. I recognize that you face strong domestic opposition to this decision, but I urge the Afghan government to stand by it and to use this opportunity to demonstrate your Government's commitment to tolerance, the rule of law, and the democratic ideals that are just beginning to take root in Afghanistan.

Afghanistan's Constitution stipulates that Afghanistan shall abide by the United Nations' Universal Declaration of Human Rights, which states that "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief." Additionally, although Afghanistan is an Islamic state, its Constitution expressly grants followers of other religions the right to freely exercise "their faith and perform their religious rites within the limits and the provisions of law." The case of Abdul Rahman highlights the need to define these limits.

Your steady and principled leadership during the uncertain post-war period earned you the admiration and trust of the citizens of Afghanistan, who chose you to defend their hard-won freedoms and rights as their first democratically-elected President. Similarly, the international community has supported your reform efforts and we congratulate you on the major social, political, economic and security improvements in Afghanistan since the defeat of the Taliban.

The strength and legitimacy of your democratically-elected Government will ultimately depend upon that government's ability and willingness to protect and promote the fundamental human rights of all Afghani citizens. While it may be permitted under Islamic Sharia law, the threatened execution of Mr. Rahman would have violated the U.N. Universal Declaration of Human Rights and the Afghan Constitution. We are grateful this man's life has been spared, and we hope that your government will take this opportunity to clarify the supremacy of Afghanistan's constitution within your country's legal framework.

Mr. PENCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Indiana (Mr. PENCE) that the House suspend the rules and agree to the resolution, H. Res. 736.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. RANGEL. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rangel moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to insist on the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals),

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and

(3) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. RANGEL) and a member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York.

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Mr. RANGEL. Madam Speaker, it is of great importance that we undertake changes to the tax law with a real understanding of the current budget crisis facing our Nation.

It is simply irresponsible to contemplate tax cuts that are skewed to the very richest in our country when Americans are facing the largest deficit we have ever seen.

The Congressional Budget Office projects a Federal deficit of approximately $337 billion for this fiscal year alone. That number does not reflect the approximately $181 billion that has been borrowed from the Social Security trust funds to pay for government programs.

Unmasked, the true deficit, counting what is being pulled out of the trust funds, is well over half a trillion dollars for this year alone. The administration has cited the large deficit as an excuse for massive reductions in education and health programs, and that is for the Nation's least well-off.

Pursuing additional tax breaks for the super-wealthy would further jeopardize the remaining safety net for children, the disabled, and other vulnerable individuals in the future.

Just 2 weeks ago, Republicans in Congress voted to increase the Nation's public debt limit again. Where did the money go? One need only connect the dots to see where the Republicans' priorities lie.

Madam Speaker, this administration and congressional leaders have hit bottom. It is irresponsible and it is immoral to direct current deficit spending to tax cuts that disproportionately benefit the wealthiest 1 percent of the country; yet this is the trajectory that has been pursued by many of the Republican conferees.

Further, these Republican conferees would be willing to mortgage the cost of this gift to the wealthiest taxpayers on the back of every man, woman and child in this country, and it is evident that most of the Republicans have these misplaced priorities.

Beyond the sheer irresponsibility of enacting these skewed tax cuts, the Republican leadership has underscored its stubborn and steadfast commitment to cutting taxes on investment income and handing the bill to middle-class families that are more and more falling prey to the growing reach of the alternative minimum tax.

Madam Speaker, I think it is very important that we take stock in what is going on here and what the ramifications are of any law coming out of this conference. I urge my colleagues on the other side of the aisle to return to our values and return to a commitment to fiscal responsibility.

Madam Speaker, my motion today would instruct the conferees on the tax cut reconciliation bill to focus the relief offered in the conference agreement on helping almost 17 million Americans to avoid painful and cumbersome tax increases by extending relief from the sprawling reach of the AMT. Without this relief, American families could see an increase in taxes as large as $3,640. This relief is certainly a priority that this Congress can and should not ignore.

My motion would also instruct the conferees to exclude from the conference report provisions to extend the tax cuts on the capital gain and dividend incomes in 2009 and 2010. These reduced rates do not expire for another 2 years. There is plenty of time to extend those benefits in the future if it is determined to be appropriate and affordable.

It seems misguided at the very least to allow the extension of this very skewed tax cut to take priority over tax relief that is vital to 17 million Americans.

And finally, my motion instructs conferees to not increase the burdens on our children and grandchildren in the future by insisting on a conference report that does not increase budget deficit, and does not decrease the public debt limit.

The increase passed 2 weeks ago was the fourth such increase in the public debt limit during the Bush administration. The President's own budget envisions the debt rising to $11.5 trillion by 2011.

For too long misguided Republican policies have funded a series of lopsided tax cuts for the wealthiest of Americans by jacking up the debt, a burden that our children and grandchildren must bear. It is simply unfair to mortgage these policies on the backs of future taxpayers.

Even in normal times the Republican fiscal policies would be shocking, but these are not normal times. We are facing a war in Iraq. We have enormous deficits. We have done nothing to ensure the solvency of Social Security and Medicare programs.

Madam Speaker, I urge Members to support my motion to instruct the conferees that perhaps we can work together to get the wheels back on this fiscal wagon.

Madam Speaker, I ask unanimous consent to transfer the balance of my time to the gentleman from California (Mr. BECERRA), a member of the Ways and Means Committee.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECERRA. Madam Speaker, I reserve the balance of our time.

Mr. CAMP of Michigan. Madam Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman is recognized for 30 minutes.

Mr. CAMP of Michigan. Madam Speaker, despite all of the respect that I have for the ranking member, I have to oppose the motion to instruct.

If looked at at face value, this motion to instruct adds to the deficit. Despite all of the tax increases in the Senate version, there are not enough tax increases to cover the cost of this motion to instruct.

Let me just say the motion to instruct seeks to include AMT relief in reconciliation, even though we have already in the House passed AMT relief. The House voted 414-4 to move the alternative minimum tax outside of reconciliation.

AMT relief cannot be passed within reconciliation without raising taxes or, as I said, violating the budget. Some AMT relief for middle-income taxpayers is inside, included in reconciliation. The bill does have a provision that allows families who claim personal tax credits targeted to lower- and middle-income families to use those credits to offset their AMT liability. The House extends both forms of AMT relief without raising taxes as the Senate did.

And let me just say, this motion to instruct excludes our effort to extend the lower rates on capital gains and dividends, which provides broad-based tax relief. The motion to instruct seeks to deny that broad-based tax relief by refusing to extend the lower rates on capital gains and dividends.

The AMT extension, which my friends on the other side are so in favor of, benefits a targeted class of people in a few States. Lower rates on capital gains and dividends benefits a much broader group of taxpayers. According to the Joint Committee on Taxation, the extension of the 2001 AMT provision affects only 14 million taxpayers. In contrast, capital gains are reported by more than 26 million taxpayers and dividends are earned by more than 35 million taxpayers. Many of these taxpayers would be adversely affected when lower rates expire in 2009.

Also, Joint Committee data shows that in 2005 95 percent of taxpayers hit by the AMT had incomes above $100,000. The AMT affected less than 5 percent of taxpayers with incomes below $100,000, only one-tenth of a percent had incomes below $50,000.

In contrast, nearly 60 percent of the taxpayers with incomes less than $100,000 had income from capital gains and dividends. One in five taxpayers with capital gains, and one in four taxpayers with dividends have incomes below $50,000.

Let me also just say that H.R. 4297 is within the current budget constraints. The congressionally approved budget allows for up to $70 billion in reconciliation tax relief, and H.R. 4297 complies with the budget.

The motion to instruct seems to indicate that my friends on the other side want no action on the tax reconciliation bill. They do nothing about the expiring provisions which would lapse, including several items many of my friends on the other side have talked about, including the R&D tax credit, Work Opportunity Tax Credit, and Qualified Zone Academy Bonds.

Also the motion implies that the conferees should accept tax increases proposed by the Senate. That would lead to raising taxes in a number of ways, which have drawn bipartisan concern.

So for these reasons, I oppose the motion to instruct.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield myself 2½ minutes.

Madam Speaker, the difficulty in this debate is that we are talking about one tax cut versus another tax cut. But what the American people should understand is that in one case, the tax cut would benefit principally the most rich in America, the 1 percent richest Americans.

And in the other case, the tax cut would benefit principally middle-class Americans, some 17 million Americans who would otherwise fall within the grasp of the alternative minimum tax.

This side of the aisle is saying, if we are going to do tax relief, let us target it towards those who need it most, and that is middle-class America. About 17 million Americans are going to fall prey to the alternative minimum tax if we do not do something this year and into the future as well. And every year there will be more and more Americans who creep up into the AMT unless we do a permanent fix.

The bill that is now being considered in conference would not take care of this problem and certainly not long term. Instead it focuses most of its money on the wealthiest Americans in this Nation. To what degree? Well, the average dividend and capital tax gains cut that would be received by a majority of Americans in this country are those folks with annual incomes below $40,000; and you are talking about 55 percent of American households below $40,000 in income.

How much would they receive in the capital gains and dividend tax cuts? About $7 this year. That would be their share of all of those billions of dollars of tax cuts. If you make $40,000 or less, get ready, you are going to get $7 back for the year, maybe enough for a couple of gallons of gas.

If you happen to be in the one-fifth of 1 percent richest Americans in this country, how much would you get back this year? On average about $32,0000. That represents about 45 percent of the entire tax cuts that would go to one-fifth of 1 percent.

Let me make sure it is clear so that no one thinks that I am making a mistake here. One-fifth of 1 percent would get 45 percent of the benefits of the dividend and capital gains tax cuts. It translates into about $32,000 per one of those households that makes over $1 million.

So that is to say this: sure, if you are supporting the capital gains and dividends tax cuts, you can say it goes to millions of Americans, but you are only giving them half the truth, because what you are not telling millions of Americans is that their share is $7 for the year, whereas the very wealthy in America will get $32,000 each.

What are our priorities? A lot of us believe that 17 million middle-class Americans should get definite relief from the AMT, the alternative minimum tax, before we go towards relieving the tax burdens on the wealthiest of Americans.

Madam Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Madam Speaker, you know, the question is straightforward. Why would anybody favor a tax cut, about half of which goes to people making $1 million a year over preventing a tax increase for 17 million Americans, most of whom are middle class? Why would anybody do this?

Well, my friend from Michigan (Mr. CAMP) says that it is broad-based, the capital gains and dividend provision, more so than AMT. But most of that broad base receives very little, while a small minority of that broad base receives very much. So the broad base is really poor rhetoric.

I guess the second answer is, we will do it later, the AMT. We will do it later. I wish you would get up and tell us how you pay for that right here and now, right here and now.

I will yield to you if you want to say.

Mr. CAMP of Michigan. Madam Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Michigan.

Mr. CAMP of Michigan. We have paid for our entire reconciliation.

Mr. LEVIN. How would you pay for AMT?

Mr. CAMP of Michigan. If the gentleman would let me finish, we have paid for our reconciliation bill, or extending our tax relief, in our budget. It is paid for in our budget. We take care of the middle-class AMT problem in our reconciliation bill.

□ 1530

Mr. LEVIN. So you are claiming that it would all be paid for through reconciliation?

Mr. CAMP of Michigan. Well, we provide for middle class taxpayers, AMT problems in reconciliation. This house voted 414 to 4 to move the entire AMT issue outside of reconciliation.

Mr. LEVIN. But you don't take care of the basic issue that we referred to here, and the answer is that you will pay for it by more deficit. That is what you are going to do.

The President's budget already projects a national debt of $11.5 trillion, it is hard to say that, $11.5 trillion. You are going to make things worse and worse and worse. Your fiscal irresponsibility sees no bounds. You come here today defending a tax cut years away from now, half of which more or less goes to people making $1 million, when 17 million people face this year a tax increase. You have blinders on. I think everybody who votes against this motion can expect this to be brought up these coming months as well as on the floor today.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, My friend from Michigan said, why would anyone want a tax cut? I will tell you why. The American economy, after tax relief in 2001 and 2003, is the envy of the industrialized world. Our unemployment rate is lower than that of Canada, France, Germany, Italy and the United Kingdom. Productivity is booming. The average annual growth rate of output per worker since 2001 is 3.1 percent, the best since the 1960s.

Prices are stable. Inflation measured by the price index for personal consumption expenditures grew at a low 2.9 percent in 2005. Americans are working. The unemployment rate is at 4.8 percent, almost a 5-year lull, while initial unemployment claims are near the lowest point since 1999.

Nest eggs are growing. Average home prices rose 13 percent in 2005, a huge increase for the 69 percent of Americans who own their homes. Consumers are confident. Consumer spending rose 9 percent in January, the largest increase in 12 months. Americans are richer. Aftertax income is up 5.4 percent in the last 12 months, and the economy is stronger. Real domestic product growth has averaged 3.2 percent in 2005. That is why Americans want tax cuts.

The motion to instruct assumes the tax increases that the Senate has passed, which the House has rejected. Now, those tax increases aren't enough to cover the cost of this motion to instruct, so I urge Members to oppose that motion to instruct.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, let me thank my friend from California for yielding me this time.

Let me respond to Mr. CAMP and invite him to visit communities in my State that talk with working families, where you see median income in America has not increased. Families in my State are concerned with how they are going to make their budget, how they are going to deal with increased costs of energy, because we don't have an energy policy, how we are going to deal with the increased cost of health care that is being put on their back because we have failed to deal with the health care crisis in this country, how they are going to deal with the cost of education. Your budget took away some of their funds from the Federal Government to help finance their costs of higher education and how they are going to be able to afford college education for their children.

In short, they are falling behind. They are falling behind every month under this administration's economic policies. This motion to instruct is pretty simple. It says to the maximum extent possible, within the scope of conference, and the conference report not increase the deficit or the public debt.

The families in my congressional district are worried about who is going to pay off this debt. They know that the budget deficit this year is unsustainable, and they don't want us to have tax cuts primarily for the wealthy and ask their children and grandchildren to pick up the tab. The deficit this year is projected to be $337 billion. When you add in the Social Security money that we are borrowing, that we shouldn't be borrowing, of another $181 billion, we have a right to be concerned.

Enough is enough. We are getting the money to pay our bills from banks owned by foreign countries that are buying our bonds, not because it is a good investment. They are buying our bonds in order to manipulate currencies that will send more product into America, taking more jobs away from Americans. Enough is enough.

These tax cuts unpaid for, unpaid for, are hurting our economy, hurting our future, and hurting the ability of the typical family in America to be able to deal with economic realities. The average family won't benefit from these tax cuts, but the average family would benefit from fiscal responsibility right here. I urge my colleagues to accept this motion, and let us work for the future of America's families.

Mr. CAMP of Michigan. Madam Speaker, I would just say that this is all provided for in our budget reconciliation.

Madam Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), the distinguished member of the Ways and Means Committee.

Ms. HART. Madam Speaker, I thank the gentleman for yielding me time. I rise in opposition to the motion to instruct. The motion would cause serious disruption to the economic growth that this country has experienced over the past several years. It would strip from law a key factor which resulted in that economic growth. Specifically, the gentleman wishes to increase the taxes that have been reduced for capital gains and dividends.

This rate reduction has been widely recognized as a key to that economic growth that we have seen over the past several years. Former Federal Reserve Chairman Alan Greenspan has repeatedly acknowledged the importance of these reduced tax rates in economic growth and opportunity.

Let us look at the real impact these lower rates for dividends and capital gains have had on our economy. In the last 10 quarters prior to the passage of these rates in 2003, the annual increases in GDP averaged just over 1.2 percent and never exceeded 2.9 percent. In the 10 quarters following that rate reduction, our GDP has averaged an increase of over 4 percent.

Finally, business investment had decreased for the nine consecutive quarters prior to this rate deduction and have increased in each quarter since that deduction. That business environment means new jobs. That is why since 2003 over 4 million jobs have been created and the unemployment rate in the United States, yes, has dropped, from 6.1 percent to 4.8 percent. In addition to the positive economic results I have cited, the changes in capital gains rates have begun to have a positive impact on the Treasury as well.

Contrary to the gentleman's assertions in January, the Congressional Budget Office released a report stating that capital gains realization had boosted Federal revenues and will continue to do so for the next several years. Capital gains grew by about 50 percent in 2004, and that is more than twice the 23 percent growth the CBO anticipated for the last round of budget forecasts.

Acting CBO Director David Marron said capital gains realization has been running higher recently than we originally anticipated. In fact, CBO estimated that the capital gains receipts totalled $75 billion in 2005.

In fact, the CBO estimated that capital gains receipts total $75 billion in 2005, the most since 2001. And the biggest annual percentage gain since 1997.

Why would we want to end a policy that is working?

There are a number of additional important tax provisions like the R&D tax credit included in this bill that need to be extended and it is time for us to complete our work.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Speaker, I thank the gentleman for yielding.

I have some information that the gentlewoman from Pennsylvania will be very interested in hearing. The capital gains rate, the dividend tax rate that she effuses about, well, they are secure in present law for 2006, for 2007, for 2008. And so the issue before the body is not at all whether this relief will continue as clearly implied. I can only believe that the speech she just gave is based on a profound misunderstanding of what we are talking about relative to these rates.

These rates are in present law through 2008 so no one is talking about these rates going away. What we are talking about is priorities. First things first. And first is we have got to do something about this alternative minimum tax. There will be people meeting their accountants this afternoon all across the country with April 15 coming closer, and they are going to have worked through their entire schedule, their deductions, their itemizations, and their accountant is going to tell them none of this matters because you fell under the alternative minimum tax. You are going to owe the Federal Government a higher income tax bill than you ever imagined. And as bad as this is this year, it is going to be worse next year and the year after that.

So in sharp contrast to this capital gains business that is not even before us until 2009, these alternative minimum tax rates are hitting now, and they are hitting at ever lower ranks of income coming fully into the middle class, and that is why on a first-needs-first basis we need to put this priority to the floor, and that is exactly what our motion does.

Now, our motion does something else. It says that we ought to take the savings from taking this fix they put in the outyears for 2009 and 2010 and put that to reducing the deficit now.

This afternoon is a very interesting litany of happy talk from the other side about this great economy, and it reminds me of that great commercial. This fellow, he is so self-content. He says, I have got a great car. I have got a great house. And then in a sober moment, he looks at the camera, and he says, I am in debt to my eyeballs. That is exactly the state of this country.

This is the same crowd that is presiding over the deepest deficit in the history of the country, and that is saying something because it was also record in 2003, 2004 and 2005. This is the crowd that passed the bill that increased the debt so that we can now borrow close to $9 trillion. These economy happy times they are talking about, they are paid for fair and square all right. They are paid for on debt that we are passing on to our children.

It is wrong, and I urge your support of the motion to instruct.

Mr. CAMP of Michigan. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. REYNOLDS), a distinguished member of the Ways and Means Committee.

Mr. REYNOLDS. Madam Speaker, I thank the chairman of the subcommittee, on which I am proud to serve on the Ways and Means Committee, for yielding me time.

Madam Speaker, as the lead sponsor of the House Middle Class AMT Relief bill, I rise in opposition to the Democratic motion to instruct offered by my home State colleague, Mr. RANGEL.

Madam Speaker, the Democratic motion presents a false choice between extending the lower rates on capital gains and dividends and the need to extend middle-class AMT relief. In my view, both of these are important priorities, and we need to address each of them at the earliest possible opportunity.

With regard to AMT, many in this Chamber will recall the House passed my stealth tax relief act last year, late in the year, by an overwhelming bipartisan vote of 414–4. That legislation would prevent the alternative minimum tax from sneaking up on millions of unsuspecting middle-class taxpayers by extending the temporary AMT relief for another additional year. Together we sent a strong, unmistakable signal to our colleagues across the Capitol that extending this temporary middle-class AMT relief is a crucial priority that cannot be ignored.

Madam Speaker, we passed the AMT relief as a stand-alone measure outside of reconciliation. We did that so we could comply with the budget rules of the other body without raising taxes. At the same time, we recognized that extending the lower rates for capital gains and dividends is important, not just to the ever-growing investor class that now includes millions of seniors and other middle-class Americans, but to our economy as a whole.

Thanks in large part to these lower rates on investments, tax revenues have been streaming into the Federal Treasury at a record pace.

□ 1545

These lower rates, which are particularly important to the economy of my home State of New York, have helped our Nation in keeping this economy strong and our domestic job base growing. That is why the House tax reconciliation bill included an extension of these lower tax rates on investments.

But what does today's motion to instruct do? Yes, it urges relief from the AMT, but it does so by crowding out the other important pro-growth tax policies that have helped keep our economy strong. Even worse, by insisting that we provide AMT relief within the reconciliation process, the Democrat motion would force conferees to raise taxes somewhere else.

I would remind my colleagues that AMT was never intended to hit the middle class. Protecting middle-class taxpayers against the stealth tax should not require a tax hike somewhere else as the price of admission.

Madam Speaker, I commend Chairman THOMAS and the other conferees for their ongoing hard work on both of these important issues.

I urge my colleagues to defeat this Democratic motion.

Mr. BECERRA. Madam Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Madam Speaker, I rise today in support of this motion to instruct.

The Republican priorities are backwards. See, the point is that we want to help middle-class America. They say they passed an AMT bill separate from the reconciliation, but the reality is, by doing that, they would push the deficit higher. We want this motion to instruct to pass because it will be much like the Senate bill that requires the AMT to be reduced.

Some of the tax cuts that will need to be extended in this conference are important to our economy: the R&D tax credit, the Work Opportunity Tax Credit, the Welfare-to-Work Tax Credit, the expensing of brownfields environmental remediation costs, and the New Markets Tax Credit.

I do not want anybody to think that Democrats do not like capital gains and dividends. We want people to have capital gains and dividends, and we want them to have a benefit, but right now, we are talking about the poor people, the middle-class, working people in this country who are not getting the benefit from capital gains and dividends.

I think the number is $7. Let us see, right now, perhaps you could buy 2½ gallons of gas; $7, perhaps you could buy two gallons of milk; $7, you cannot buy your baby a pair of shoes; $7, you cannot buy a blouse; $7, you cannot put a ham or a steak on the table. Give me a break.

These people, the middle-class, working people of this country, need the support that we can give them through this instruction about an AMT.

Now, we want you to know that we want capital gains and dividends to be extended. We understand the importance, but we do not have to deal with it now. It is not up till 2008. Right now, AMT, you can ask anybody on the street, I get letters and calls from my constituents, help me with the AMT. Most people right now cannot even get a dividend or a capital gains because they are in such financial straits that they are unable to handle it.

I will also tell you, I heard one of my colleagues talk about how many jobs have been created. You know how they determine how many jobs have been created? By looking at how many people have been back to the unemployment bureau to determine how many jobs have been created. The problem with that concept is, there are a lot of my constituents who have stood in line and stood in line looking for a job, cannot get a job.

The jobs that have been created are nothing like the jobs that we have lost. In Ohio, we have lost some 200,000 jobs since 2001. In the city of Cleveland, we have lost 60,000 jobs since 2001. These were jobs that were paying $20-some; the jobs they have been replaced with are $5.25-an-hour jobs where they do not get health care and they cannot raise a family on $5.25.

All we are asking in this instruction is for fairness for working-class folks. Take it back where everybody gets a benefit.

In that drug bill, we gave a benefit to the drug companies. In other bills, we did a benefit to the folks who are supposed to be helping us in Iraq and they are walking off with the money.

Take care of the people in America. Pass this bill.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

Our legislation does provide AMT relief for middle-income taxpayers inside of reconciliation.

Again, I go back to why would anyone want a tax cut? Obviously, lowering tax rates on capital gains and dividends helps contribute to the long-run economic growth and expansion of this country.

Sixty percent of the people who realize capital gains have incomes below $100,000. Twenty-five percent of the people with dividend income have incomes below $50,000. Capital gains tax receipts have been increasing since the 2003 tax cut, and over the past year 2 million jobs were created, and the unemployment rate is at its lowest level since July of 2001 at 4.8 percent.

Congress must continue to encourage investment and economic growth and, also, Congress must encourage Americans to plan for the long term. A 3-year tax provision does not allow for long-term financial planning, particularly for the 70 million baby boomers that are going into retirement in the near future.

So, again, I would urge Members to oppose this motion to instruct.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield myself 15 seconds.

What the gentleman from Michigan does not mention is that the fix they have in their legislation takes care of $2 billion worth of a $35 billion hole for alternative minimum tax. That is not a fix for most middle-class Americans.

Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, I rise in support of this motion to instruct conferees.

President Kennedy once said, "To govern is to choose," and this Congress made a choice. They cut child health care, 6 million children. They cut college tuition, the largest cut in the history of the country, $12 billion. They cut child nutrition programs, child support collection, child care, all to provide a tax cut for the wealthy.

The Republican Congress gives a whole new meaning to women and children first. They cut all those investments in our children, all to give a tax cut to the very few who are being very fortunate. And I believe those very few are as patriotic as every other American; they know we have critical needs and investments we have to make here in America.

Six million children losing their health care and a few getting a capital gains tax cut is not the choice President Kennedy thought about when he said, "To govern is to choose." Cutting child support collection by $9 billion for a single mom, all the while giving a tax cut to the very wealthy, was not the choice President Kennedy imagined when he thought about investing in America's future.

President Kennedy also said, "Leadership is a question of priorities."

I want to demystify all these numbers flying around for you. Nineteen million American families will get a tax increase if the Republican Congress has its way, straight. That is simple. It is not more complicated than that, 19 million families.

Just a few years ago, only 1 million middle-class families were hit by the AMT. Today, 19 million. In 4 or 5 years, that number will go up to 30 million American families making $100,000 who will be hit by the AMT.

What they have decided to do, rather than deal with that problem today, ensuring those middle-class families who work hard and play by the rules, rather than get a tax cut, you are going to get a tax increase. That simple. No camouflage, no rhetoric will cover it up.

What they are trying to do is say in 2008 the capital gains/dividend tax cut is going to expire; we have got to deal with that today. Yet, today, 19 million families are going to be hit by a tax increase, and it is time that we need new priorities, a change in direction for American middle-class families who are doing right by their children.

Mr. CAMP of Michigan. Madam Speaker, I do not have any speakers at this time, and I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK), a member of the Ways and Means Committee.

Mr. STARK. Madam Speaker, I ask unanimous consent to amend the motion to instruct, and my amendment would merely suggest that at any meeting of two or more conferees every conferee should be invited to attend that meeting.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair would entertain that request only from the proponent of the motion, who noticed the form of the motion yesterday and who has not yielded for an amendment.

Mr. STARK. Madam Speaker, I rise in strong support of Mr. RANGEL's motion to instruct.

Madam Speaker, it is of some interest that, as a conferee, this probably would be the only time I have to express my opinion on the conference, as we are usually, as Democrats, not invited to attend and discovering where the conferees meet is a conundrum that is not easily solved by this side of the aisle.

But if we were allowed to participate in a democratic fashion, which seems to elude my colleagues across the aisle, we would remind our conferee colleagues that we are going to add trillions to the national debt over the next 5 years as a result of the budget, and to extend tax breaks for millionaires, while we are mortgaging our children's future, seems to me to be immoral.

The Republicans voted to increase the debt limit a few weeks ago, and now they want to waste that increase on $50 billion in capital gain and dividend breaks for people making over $1 million a year. There are not many of those in this country, but those who do make over $1 million a year will benefit magnificently from this Republican tax bill and not many other people.

It was pointed out that we were given the erroneous assumption that they were doing something about the alternative minimum tax. It is certainly dealing with less than 10 percent of the alternative minimum tax problem. That hardly stands as a solution.

I urge support for the motion.

Mr. CAMP of Michigan. Madam Speaker, may I ask how much time remains.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 18 minutes remaining, and the gentleman from California (Mr. BECERRA) has 6¼ minutes remaining.

Mr. CAMP of Michigan. Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Madam Speaker, I rise in strong support of the Rangel motion to instruct conferees on the alternative minimum tax. It also calls upon this body not to increase the debt and the deficit of this country, which is a burden on our children and grandchildren and a growing burden.

The AMT was originally enacted to ensure that the truly rich pay their fair share, but now it has a very unintended effect, and it is hurting millions in the middle class. Twenty million taxpayers will be hit by the AMT this year, 17 million of whom are in the middle class, and these are the jobs that are growing this economy. It has jumped from 3 million in 2004 to over 20 million this year.

It is hurting the middle class. It is unfair. It should not be this way. Support the Rangel bill.

There is the deficit. The deficit is out of control. The Republicans have raised the debt ceiling four times. It is now over $8 trillion. This budget before us proposes to increase the total national debt from $8 trillion at the end of the last year to over $11 trillion in 2011. That is more than double what it was when this Republican administration came into power. This means that each man, woman and child in America owes over $30,000, and on the interest alone to the national debt, the interest alone will be over $247 billion. That is 50 percent of the discretionary spending in this country. It is a burden we cannot continue to carry.

I am just warming up on this issue because I am concerned about my children.

This administration is setting records, but they are the wrong kinds of records for the future stability of this country. We have a record debt, over $8 trillion and galloping forward. We have record deficits. We have a record trade deficit, the largest in the history of our country.

□ 1600

Both the debt, the trade deficit, and the deficit have hit historically high numbers. And what is truly troubling to me is that foreigners are buying our debt. About 80 percent of the deficit is financed by foreigners. This is not the right direction.

Vote for the Rangel motion to instruct.

Mr. CAMP of Michigan. Madam Speaker, again, I find it interesting that some of my friends on the other side say that nobody benefits from capital gains and dividends when in fact 35 million taxpayers have dividend income and 26 million taxpayers realize capital gains. I think that shows how little they know about employee ownership in America of so many companies where people work.

So to dismiss out of hand as if no one benefits from these provisions is absolutely false, and not to mention the effect of these investment tax reductions on our economy and what that means for peoples' individual lives and their prosperity.

I spent some time earlier going through a number of statistics about how we have record unemployment, record homeownership, record productivity, and so many indicators of strength in our national economy that are as a result of the 2003 tax relief.

Also, the potential tax hike in investment taxes could already potentially be weighing on people about to retire, the 70 million baby boomers who are about to retire, and could weigh on investors as they make their longer-term investment decisions. That is why it is so important that we continue the capital gains and dividend tax relief in reconciliation; that we don't have a tax hike on investment taxes, because that would hurt the economic growth that we have been able to achieve in recent years.

Let me just say that we have been able to do both in our legislation, both capital gains and middle-income AMT, and they have been done within the budget. The congressionally approved budget by this Congress allows up to $70 billion in reconciliation and tax relief. Within our budget we do both of them. We may not do it exactly the way the other side does, but we accomplish both goals in our legislation.

Again, I would urge a "no" vote on the motion to instruct.

Madam Speaker, I yield back the balance of my time.

Mr. BECERRA. Madam Speaker, this motion to instruct is not about a debate as to whether we should cut taxes for Americans; this motion to instruct talks about how we should cut taxes for Americans. In essence, what are our priorities in Congress and in the White House? Should we, on the one hand, provide relief for over 17 million middle-class American taxpaying households, as we propose; or should we, as the other side proposes, provide relief that benefits principally one-fifth of 1 percent of the wealthiest Americans in this country?

Federal budgeting is no different than family budgeting at the end of the day. Yet if you look at the actions of this Congress today and over the last several years, what this Congress is saying to American families is, do as I say not as I do. This year, the Federal Government will run a $518 billion deficit. We are running record deficits this year. That deficit is portrayed as being $337 billion, only $337 billion, because this Congress is taking $181 billion out of the Social Security trust fund to help cover the massive size of the Federal budget deficit.

The total national debt today stands at over $8 trillion, and President Bush, in his budget, admits that we will pay more than $247 billion next year in interest payments on the Federal debt alone. A quarter of $1 trillion to do nothing but pay the interest on the debt.

There was a joke I heard not too long ago about how you could know if 2006 would be a challenging year. The top three choices, to let you know, are: one, your twin sister forgets to congratulate you on your birthday; two, you see a "60 Minutes" crew waiting outside your office for you; and the number one way you can tell it is going to be a challenging year is you file your income tax statement and are expecting a refund, and what you get is a bounced check from the Federal Government.

Now, as funny as it may sound, there is some truth in that as we run massive deficits and increase the size of the national debt. President Bush has borrowed three times the amount that the first 39 Presidents in the Nation's first 191 years borrowed in all their time. We are spending about $6 billion a month in Iraq, and we are talking about cutting taxes for the wealthiest Americans. That is something that had never been done until this administration cut taxes for the wealthiest Americans at a time when we are running massive deficits and have men and women sacrificing their lives abroad.

It is time for us to have some fiscal sense, be responsible and recognize what every American family must: that you have got to figure out your books before you spend money. And that is what this motion to instruct says. Let us have priorities when it comes to tax cuts, let us target help towards middle-class America before we give tax cuts to the wealthiest Americans. If you have some left over after you help middle-class America, okay, fine. But don't cut $14 billion out of student loans for mostly middle-class families sending their kids to college. Don't cut $600 million out of foster care programs for some of our neediest children who are being abused. Don't take money out of the child enforcement program that helps make sure kids get money from their deadbeat dads.

If you can take care of all those things, fine, let's cut taxes for the wealthiest Americans. But today we are running massive deficits and we cannot do it. So vote for this motion to instruct. It says our priorities are middle-class Americans, and we will do the work the right way.

Mr. CAMP of Michigan. Madam Speaker, I would like to clarify a statement I made on the floor at one point during debate on a motion to instruct conferees on H.R. 4297. In quoting the statistics on the percentage of taxpayers with capital gain and dividend income that have incomes below $100,000; the correct statistic is that nearly 60 percent of taxpayers receiving capital gain or dividend income have incomes of $100,000 or less. Even though I did correctly state this statistic during the debate, the statistic was initially mischaracterized.

The correct statistic can be derived from a document provided by the nonpartisan Joint Committee on Taxation. This document can be found on their web site. It is document number JCX–50–05 titled "Present Law and Background Information on Certain Expiring Tax Provisions." The data on the income distribution of taxpayers who receive capital gain and dividend income can be found on pages 6 and 7.

Mr. BECERRA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. BECERRA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 5 o'clock and 45 minutes p.m.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 741 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 609.

☐ 1746

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, with Mr. DUNCAN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 13 printed in House Report 109–399 by the gentleman from Texas (Mr. SESSIONS) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 15 by Miss MCMORRIS of Washington.

Amendment No. 3 by Mr. BURTON of Indiana.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 15 OFFERED BY MISS MC MORRIS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington (Miss MCMORRIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 293, noes 134, not voting 5, as follows:

[Roll No. 71]

AYES—293

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boncher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Everett
Farr
Feeney
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hobson
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Otter
Oxley
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Schiff
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—134

Abercrombie
Ackerman
Baca
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (NY)
Bishop (UT)
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardin
Cardoza
Chandler
Clay
Conyers
Costello
Crowley
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doyle
Engel
English (PA)
Etheridge
Fattah
Ferguson
Filner
Flake
Frank (MA)
Garrett (NJ)
Gerlach
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hefley
Hinchey
Hinojosa
Hoekstra
Holden
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Maloney
Markey
Matheson
Matsui
McDermott
McGovern
McHugh
McKinney
McNulty
Melancon
Michaud
Miller (NC)
Mollohan
Moran (VA)
Nadler
Napolitano
Olver
Ortiz
Osborne
Owens
Pallone
Pastor
Payne
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Slaughter
Solis
Stark
Strickland
Stupak
Tancredo
Tanner
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Weiner
Woolsey

NOT VOTING—5

Davis (FL)
Evans
Ruppersberger
Sweeney
Wasserman Schultz

☐ 1817

Messrs. HEFLEY, PRICE of North Carolina, GENE GREEN of Texas, ORTIZ, SHAYS, GORDON, OWENS, SCOTT of Virginia, ROHRABACHER, BERRY, CROWLEY, FLAKE, CAPUANO, AL GREEN of Texas, McNULTY, SCHWARTZ of Pennsylvania, SERRANO, KIRK, WEINER, HINOJOSA, LEWIS of Georgia, TANNER, Ms. VELÁZQUEZ, Ms. BERKLEY, Mrs. NAPOLITANO, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, and Mrs. MALONEY changed their vote from "aye" to "no."

Messrs. AKIN, STEARNS, and Ms. ESHOO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. BURTON OF INDIANA

The Acting CHAIRMAN (Mr. DUNCAN). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BURTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 306, not voting 6, as follows:

[Roll No. 72]

AYES—120

Ackerman
Aderholt
Akin
Bachus
Barrett (SC)
Barrow
Barton (TX)
Berkley
Berman
Bishop (UT)
Blackburn
Blunt
Brown, Corrine
Burton (IN)
Buyer
Cantor
Carter
Chabot
Chandler
Chocola
Coble
Crenshaw
Crowley
Cubin
Culberson
Davis (TN)
Deal (GA)
Delahunt
DeLay
Doolittle
Duncan
Emanuel
Emerson
Engel
Feeney
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Graves
Green (WI)
Gutknecht
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Istook
Jenkins
Jones (NC)
Kennedy (MN)
King (IA)
King (NY)
Kingston
LaHood
Lantos
Linder
LoBiondo
Lowey
Lucas
Lynch
Mack
Maloney
McHenry
McNulty
Mica
Miller (FL)
Musgrave
Nadler
Neugebauer
Norwood
Otter
Oxley
Pearce
Pence
Pitts
Poe
Rehberg
Reichert
Renzi
Rogers (MI)
Rohrabacher
Rothman
Royce
Ryan (WI)
Saxton
Sensenbrenner
Shadegg
Shaw
Shays
Simmons
Smith (NJ)
Sodrel
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wolf
Young (AK)

NOES—306

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
English (PA)
Eshoo
Etheridge

Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lungren, Daniel E.
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Davis (FL)
Evans
Gohmert
Ruppersberger
Sweeney
Wasserman
Schultz

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. DUNCAN) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1826

Messrs. WEINER, ADERHOLT and FORBES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. No further amendments being in order, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KUHL of New York) having assumed the chair, Mr. DUNCAN, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, had come to no resolution thereon.

EXPRESSING SENSE OF THE HOUSE REGARDING RELIGIOUS PERSECUTION IN AFGHANISTAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 736.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PENCE) that the House suspend the rules and agree to the resolution, H. Res. 736, on which the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules on H. Res. 736 will be followed by a 5-minute vote on the motion to instruct on H.R. 4297.

The vote was taken by electronic device, and there were—yeas 427, nays 0, not voting 5, as follows:

[Roll No. 73]

YEAS—427

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh

Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Davis (FL)
Evans
Ruppersberger
Sweeney
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York) (during the vote). Members are reminded there are 2 minutes left in this vote.

☐ 1844

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from New York (Mr. RANGEL) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 192, nays 229, not voting 11, as follows:

[Roll No. 74]

YEAS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Davis (FL)
Evans
Hulshof
Kaptur
Oxley
Peterson (MN)
Ruppersberger
Scott (VA)
Sweeney
Wasserman Schultz
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1852

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. ISSA, California

APPOINTMENT AS MEMBER TO BOARD OF TRUSTEES OF AMERICAN FOLKLIFE CENTER

The SPEAKER pro tempore. Pursuant to 20 U.S.C 2103(b), the order of the House of December 18, 2005, and upon the recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following individual from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House for a term of 6 years, effective April 1, 2006:

Mr. William L. Kinney, South Carolina

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4881

Mr. POE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 4881.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEMOCRATS SECURITY PLAN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today we saw that Minority Leader PELOSI and the Democrats unveiled their plan for securing America. No big surprises. They slammed the President and demanded immediate withdrawal from the Middle East. And they called that immediate withdrawal "redeployment" to try and soften what is absolutely an awful policy.

We have to remember that many of the House Democrats are on record voting against funding for the troops in Afghanistan and Iraq. They are also acting like we have shortchanged funding for first responders when we have spent millions upon millions that we have never before dedicated to emergency response at the local level.

They claim we need to focus more on international cooperation, this in a world where some of the worst human rights abusers are routinely allowed to serve on the U.N. Human Rights Commission.

Mr. Speaker, Republicans in this majority have been serious about national security. We work on the issue every day, all year, not just when an election is approaching.

THE PASSING OF PAUL DANA

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I rise today to salute the life of Paul Dana. Paul Dana was a resident of my district, and he was down in Florida this past weekend and unfortunately met a very tragic, traumatic death in a race car exhibition in Miami.

Paul Dana was the one that brought me to supporting ethanol for cars, and he also had worked successfully to get all of the race cars in the 500-mile race to use ethanol in 2008, a tremendous victory for the hard work of a young 30-year-old man.

I want to rise and give him a special salute because he was a friend of mine, a wonderful individual. And I was very pained to see how that car was traumatically destroyed in that race.

Mr. Speaker, I would ask that the Members of the House join me in extending condolences and support to his family and to pray for them, because I know this is a very traumatic experience for them.

Mr. Speaker, I rise today to salute the life of Paul Dana. Paul was a man who saw life as goals, not obstacles. After graduating from Northwestern with a Journalism degree, he quickly determined that he would be happiest behind the wheel of a racecar and not in the stands writing about them. He actively pursued his goal and sought out possible sponsors who would provide him with the chance to achieve his dreams.

Paul Dana was passionate and dedicated to everything he committed himself to throughout his life. He worked on behalf of the cause of ethanol, an issue which we shared a deep interest in. He was dedicated to increasing the use of ethanol through his racing team sponsor. This new combination was the result of his hard work and successes on the track as well as his strong business and racing world skills.

He was proud to be racing on the same team with Danica Patrick and Buddy Rice. They created an amazing team along with team owners Bobby Rahal and David Letterman, and were all excited about the prospect of a great year. In the past Paul had finished 10th in his debut Indy car race at Miami-Homestead and had been looking forward to returning this season after suffering a broken back during a practice run at the Indianapolis Motor Speedway.

Paul Dana was an integral part of the community and served in many local organizations along side his wife Tonya Bergeson-Dana, a Researcher and Professor at IUPUI's Riley Hospital for Children. The relationship they had and the way they reached out to others have left imprints on many lives far beyond just racing.

A devoted husband, racer and American, Paul Dana should always be remembered for enjoying the challenges that were between him and his goals, never failing to live life to the fullest and always sharing in the happiness that we should all enjoy everyday. He met his fate prematurely on the racetrack last Saturday afternoon in Florida but he died while doing what he loved. We should all be as blessed.

THE SENATE NEEDS TO ACT ON IMMIGRATION REFORM

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, back in November, Homeland Security officials found and deported 85 illegal aliens from Mexico; 63 of the 85 had previously committed such crimes as burglary, drug possession, sexual assault and murder.

In September, 99 illegal aliens were arrested in a sting operation in my home State of Florida. All of them had violent criminal backgrounds. Back in July, officials arrested 29 illegal aliens from South Korea who were operating a sex trafficking business.

If these violent criminals could break through our borders, how do we know that terrorist groups have not also?

I call on my colleagues in the Senate to pass the bill that we have passed, H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

Mr. Speaker, we cannot leave our Nation's security to chance.

DEMOCRATS STAND FOR SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, quite to the contrary, Democrats today stood for real security. We stood for the transitioning of Iraq's security to the Iraqi Government, as has been promised by this administration.

We have stood for the equipping of our soldiers. We have stood for energy security. And today, of course, proudly we have stood for ensuring that our veterans were cared for. So, Mr. Speaker, I hope that America sees the direction that we want to take this country and join us.

Tomorrow, I will be unavoidably detained. I wanted to mention H.R. 609, the College Access and Opportunity Act of 2005. I had wished that we could have supported this legislation, but I think it is important for America's students to know that the average tuition and fees for 4-year public colleges has risen over 40 percent since 2001.

This bill does nothing to allow our students to afford college. I, however, will have an amendment as this bill goes to conference to increase the Pell Grant maximum to $7,000 from $6,000, and to provide support for our visually impaired students who need to have Braille textbooks to be able to survive.

Mr. Speaker, I hope that we will eventually be able to support legislation that will help our college students in the future.

WE USE TOO MUCH MIDDLE EAST OIL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, in 2003, the U.S. public spent $103 billion buying oil from nondemocratic countries such as Venezuela, Syria and Iran.

In fact, it is so bad that you could say that we are doubly funding the war on terrorism against us. We need to get off Middle East oil.

Congressman Eliot Engel and I have introduced H.R. 4409, which sets that goal of getting us off Middle East oil by the year 2025. We do it through existing technology. We accelerate the use of hybrids by doubling the tax credit for purchasing a hybrid.

We give automobile manufacturers a tax credit for making more lightweight vehicles that are more fuel efficient. We give truckers a tax credit for buying alternative power units so at night they do not have to burn diesel fuel while they are sitting in truck stops.

We adopt the Gil Gutknecht E-Line 10 by 10 language on ethanol.

This is a very good bill. I invite all of my colleagues to take a look at H.R. 4409 and consider being a cosponsor for national security.

□ 1900

GLOBAL WARMING

(Mr. INSLEE asked and was given permission to address the House for 1 minute.)

Mr. INSLEE. Mr. Speaker, I want to echo my friend Mr. KINGSTON's remarks and urge Members to take a look at his and Mr. ENGEL's bill for another reason besides national security, that is, it has the additional benefit of dealing with the climate change that the globe is now experiencing. This is kind of a two-fer, the bill that Mr. KINGSTON just described.

One, it can free us from our addiction to Middle Eastern oil or help in that direction; and, two, it can deal with a problem that you can read about in Time magazine. The cover story in Time magazine is about global warming. It says: be afraid, be very afraid.

I hate to think it is from fear. I like to think it is from hope. We ought to have the hope that we can free ourselves from our addiction to Middle Eastern oil, and we can stop global warming if we do some of the commonsense things that Mr. KINGSTON and Mr. ENGEL have proposed.

For those who have been paying attention to the science in the last month, we have learned that the Greenland glaciers are accelerating at a factor of two. The Arctic has lost 36 cubic miles of ice. Polar bears are drowning due to a lack of ice. It is time for some action. Take a look at this bill.

PLANO WEST GIRLS BASKETBALL WINS STATE CHAMPIONSHIP

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the Plano West Senior High School girls basketball team for being the first Plano ladies team to capture a State basketball championship. They are the Lady Wolves.

Earlier this month, the Lady Wolves of Plano West routed the Rockwall Yellowjackets. The girls in blue and black were trailing at half time 18–13. That all changed when they rallied in the second half to capture the lead and win. Not just win, but win big, 54–47. They are the girls basketball champions of Texas.

Congratulations, Lady Wolves. Your parents are proud of you. Plano is proud of you. America is proud of you, and I salute every one of you.

God bless each one of you and God bless America.

Mr. Speaker, the following are the names of the players and I would like to congratulate them one and all:

Becca Feagin, junior; Mary Rich, junior; Rachel Hester, senior; Alexis Morgan, senior; Lindsay Hughes, senior; Katie Makanani, sophomore; Taylor Shead, junior; Tawni Ichimura, senior; Kristen Nash, senior; Kathleen Nash, junior; and Micah Garoutte, junior.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA IS A NATION OF LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, it is often said that America is a nation of immigrants, but there is also another important point, not to be ignored. America is a nation of laws. We are increasing border security, and security is very important in this day and age, in this tough world that we live in. We are increasing border security by constructing fences, bolstering our border patrols and escalating our surveillance capabilities.

It is of first and most importance to our Nation that we step up and halt this mass influx of foreign trespassers known as illegal immigrants. To grant amnesty to these trespassers is to say: You crossed our border illegally, you broke our laws, and now we are rewarding you with U.S. citizenship. Congratulations.

That is absolutely the wrong way to go. A guest worker program is nothing more than amnesty wearing make-up. It is easier to look at, but it is still ugly underneath.

For legal immigrants, we must replace our outdated bureaucratic procedures with updated technology. The United States Citizenship and Immigration Services currently processes 7 million immigration applications in our country every year. They do it using Windows 95 and paper printouts. This system is obviously and absolutely flawed. We need to fix the process for immigrants to come here legally.

That is why I introduced the Comprehensive Immigration DATA Act, H.R. 4412, to modernize the immigration application process by creating a Federal, computerized database that more efficiently and effectively tracks immigrants applying for visas or for U.S. citizenship.

It is time that we step up in terms of our governmental policy, to make sure our government bureaucrats here in Washington are being responsive to our Nation's needs and to be accountable. The best way we can do that is by giving them the technology to do their jobs, and that is what I am trying to achieve with this bill. It is good in terms of policy for legal immigrants. It is the right thing to protect our borders, and it is good for our national security.

Mr. Speaker, it is progress that we need to make as a country.

FIREARMS CORRECTIONS AND IMPROVEMENTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, yesterday, the Judiciary Committee held a hearing on H.R. 5005, the Firearms Corrections and Improvement Act. But I don't want to let the name of this legislation fool you. This bill only serves to improve the chances of somebody getting away with a gun crime.

This bill proposes changes that will undermine Federal law and endanger public safety. These are not mere technical corrections, but a blatant attempt to restrict use of the ATF's National Trace Center's database. Previously, the NRA's friends in Congress have inserted language into appropriation bills to restrict access to some important ballistic information.

H.R. 5005 will make restriction access the law. The ATF's gun tracing program helps local police solve gun crimes by analyzing the unique marks made on bullets and cartridges and cases when guns are fired. The images of these markings can be compared with other images in more than 200 Federal, State and local law enforcement laboratories.

But H.R. 5005 would make it a crime for police departments to share information from the database of other departments. Say a police department in my district on Long Island obtains ballistic information from the ATF and a similar shooting occurs in New York City, the Long Island department wouldn't be able to share that information.

In fact, the officer who did share this information could be arrested. That is absolutely insane. Instead of cracking down on criminals using guns, this bill treats police officers like criminals.

Since 9/11, responders in New York and throughout the Nation have gone to great lengths to increase interoperability and information sharing, and now H.R. 5005 comes along and makes information sharing between police departments a crime. Again, some Members of this body put their allegiance to the NRA above common sense.

The tracing program provides law enforcement agencies with valuable information about gun trafficking that can prevent crimes from happening. Tracing helps the public identify gun dealers and traffickers who are supplying illegal guns in our communities, but this legislation would prevent the use of trace data as evidence in any State or Federal court or any non-ATF administrative proceedings.

This bill cuts local law enforcement out of the loop. Without this tracing data local law enforcement officers will not be able to pursue civil action on suppliers that have been implicated in crimes without the ATF's involvement. We all know the ATF doesn't get the resources to get involved in every civil issue regarding gun crimes, but H.R. 5005 does not stop at limiting access to tracing the database. The legislation also makes it more difficult for local police to receive reports of multiple gun purchases. Law enforcement can use these reports to discover whether straw purchasers or gun traffickers are replenishing their inventory. But if this bill becomes law, police will no longer be able to access this information.

The bill also prevents the ATF from maintaining a database of firearm purchase information. This provision would hurt investigations by local law enforcement to determine the point of sale origin of firearms that can help locate an assailant.

As New York City Mayor Bloomberg pointed out in his testimony yesterday, if police can crack down on taverns that serve under-aged drinkers, why can't they go after gun dealers who knowingly sell to criminals?

And since 1 percent of the gun dealers sell 57 percent of the guns used in crimes, this information is vital for police to conduct investigations and root out dishonest gun dealers. This bill is the latest in a long line of misguided legislation that puts protecting the gun industry before keeping guns out of the hands of criminals. No other industry in the country has this kind of protection.

The gun industry already has immunity from litigation resulting from its negligence over incompetence. The industry can now sell military assault weapons to the general public. But now this legislation would protect the 1 percent of dishonest gun dealers who are fueling gun violence throughout this country with their irresponsible business practices. This legislation does nothing to protect the second amendment rights. Nothing in this legislation makes it any easier to hunt or defend themselves using a firearm.

Simply put, H.R. 5005 does more to promote gun crimes than gun rights.

I hope yesterday's hearings showed the public what a bad bill H.R. 5005 really is. I would like to thank Mayor Bloomberg for his opposition to this legislation, and I would like to enter this testimony from yesterday into the Record.

I will work with Mayor Bloomberg and others from both parties to prevent the bill from becoming law. I wish I had had the time to read the mayor's full testimony, but I will say that I will use the last sentence. "On behalf of the members of the New York City Police Department, their families and all New Yorkers, I am urging you," and that is the Judiciary Committee, "in the strongest possible terms to reject this God-awful piece of legislation."

What we are doing here in Congress a little bit too often is taking away the rights of our police officers, taking away the rights of our criminal investigators to cut down on crimes. New York City has done an excellent job on cutting down on crime. We are actually one of the safest cities, and yet the guns that are coming from the outside of our city and being sold in our city that are totally illegal, we will be taking away that tool. That is wrong.

We as Americans should be protecting each other. Whether you live in a city, whether you live in a suburban area, whether you live in a suburban urban area, we have to do more. We need to change the rhetoric that is going on here. We need to protect people. And I will bring up over and over again what we can do to bring down gun crime in this country, certainly by saving people from dying but also reducing the health care costs that are in this Nation.

Mr. Speaker, the material I referred to previously is as follows:

The City of New York,
Office of the Mayor,
New York, NY, March 28, 2006.

Mayor Bloomberg Testifies Before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security

Mr. Chairman, Ranking Member Scott, Members of the Subcommittee, thank you for the opportunity to appear before you and give testimony on H.R. 5005—the misnamed Firearms Corrections and Improvements Act. My name is Michael Bloomberg, and I am the Mayor of the City of New York.

I want to be very clear that I am not here today to engage in an ideological debate. H.R. 5005 has nothing to do with the 2nd Amendment and the right to bear arms, but it has everything to do with illegal guns and the dangers they pose to our police officers and citizens.

That's why I am here—because the bill this Subcommittee is considering would explicitly impinge on our ability to fight illegal gun trafficking, and it would result in the shooting deaths of innocent people.

I urge you in the strongest possible terms to reject it—and I am submitting letters from mayors around the nation, as well as from the former Chief of the ATF's Crime Gun Analysis Branch, who join me in opposing this legislation.

Why do New Yorkers care about illegal gun sales in other states? It's true that New York is the safest big city in America, and I'm very proud that we have reduced major crime by nearly 25 percent compared to 5 years ago.

But the harsh reality is that far too many people continue to be killed with illegal guns—and nearly all of those guns are purchased outside of New York State. Last year, illegal guns were used to take the lives of more than 300 people in our city.

To protect all New Yorkers, we must not only root out and punish those who possess, use, and sell illegal weapons—and we are doing that more effectively than ever—we must also do everything in our power to keep guns out of the hands of those criminals in the first place. This requires us to look beyond our borders, because 82 percent of the guns used in crimes in New York City were purchased outside of New York State.

H.R. 5005 would make it immeasurably harder to stop the flow of illegal guns across our borders and into the hands of criminals by offering extraordinary protections to gun dealers who knowingly sell guns to criminals, and depriving local governments and their law enforcement agencies of the tools they need to hold dealers accountable.

Specifically, these obstacles would take the form of severe restrictions on our use of ATF trace data, which is perhaps the most effective tool we have in combating illegal gun trafficking.

Without question, the vast majority of gun dealers are law-abiding businesses—and we have no quarrel with them. Most dealers follow the law and take every precaution to ensure that their products do not fall into the hands of criminals.

But there is a very small group of bad apples—about 1 percent of all gun dealers—who account for almost 60 percent of all crime guns nationwide. That's an astounding statistic.

Imagine if 60 percent of all crimes in a city were committed on one block—would you pass a law that effectively prevented the police department from using every tool at its disposal to crack down on that block? Of course not! Yet H.R. 5005 would effectively prevent cities like ours from holding the 1 percent of bad gun dealers fully accountable for their actions. And that makes no sense.

When rogue gun dealers break the law, and their guns cause injury or death to innocent people, they should be compelled to answer for their conduct in a court of law—just as any other lawbreaker would. And when they hold licenses issued by state or local authorities, they should be called to account in administrative proceedings to revoke their licenses.

This is what happens to businesses in other industries when they act irresponsibly—think of a tavern that sells alcohol to teenagers and, as a result, loses its license. Why should an irresponsible firearms dealer—which poses a far greater threat to the overall safety of our citizens—be given special protections from state and local authorities?

In non-criminal proceedings to revoke a rogue gun dealer's license, trace data is the single most powerful way to demonstrate unmistakable patterns of illegal conduct. It's pretty simple: Gun dealers with inordinately large numbers of traces to crime guns are gun dealers that make it their practice to sell to straw purchasers. Yet H.R. 5005 would ensure that this devastating evidence never sees the light of day. Studies show that when dealers are subject to enforcement efforts, or even if they suspect enforcement efforts, the number of crime guns later traced to those dealers falls off sharply.

Yet by forbidding the use of trace data in civil and administrative proceedings, H.R. 5005 would make it far more difficult to bring civil suits against rogue gun dealers, and far more difficult to bring administrative actions to revoke their licenses.

And my question to you is—why? Why is this in the best interest of the American people? Why is this in the best interests of your constituents? Why would Congress protect the irresponsible gun dealers who help criminals get guns? Why is it good public policy to make cities fight the war against gun violence with one hand tied behind their backs?

Is it to benefit special interest groups? Or the one-in-a-million person who is prosecuted for a purchase that is negligent but not criminal? Is it for these few ideologues and extraordinarily unusual cases that you are willing to facilitate the shooting deaths of thousands of innocent Americans across this country every year?

I cannot believe so. Nor can I take those answers back to the parents of the slain members of the New York City Police Department, including the families of Detectives James Nemorin and Rodney Andrews, who were murdered three years ago this month during one of the hundreds of 'buy and busts' that the NYPD carries out every year to take illegal guns off our streets.

Finally, of the other retrograde provisions in H.R. 5005, the worst of all is the provision that would actually treat police officers like criminals.

Under the terms of H.R. 5005, a detective who shares ATF trace information with another state government for use in a license revocation hearing against a rogue dealer would be committing a federal felony—a crime punishable by up to five years in prison. In other words, if an NYPD Detective talks to a New Jersey State Trooper about a problem gun dealer problem, that Detective could go to jail.

I would not expect that I would need to remind Congress of the horrific consequences that this country, and particularly New York City, suffered as a result of the federal government's failure to share information among law enforcement agencies, and to work together to "connect the dots" in order to establish patterns of criminality and threats of danger.

Yet incredibly, instead of demanding that our law enforcement agencies share information, Congress is considering making it a crime. As absurd as it sounds, this bill would not only erect new barriers to information, it could send police officers to prison in order to prevent them from holding the worst gun dealers accountable for their potentially dangerous actions. How in the world would you explain that to the public?

Members of the Subcommittee, I have been to too many police officers' funerals to believe this bill actually has a prayer's chance in hell.

But if it does pass, the next time an officer is attacked by an illegal gun—and I say 'next time' because until Congress gets serious about illegal guns, more police officers and many more citizens will be murdered—there can be no denying that all who vote for this bill will bear some of the responsibility.

That may sound harsh to you, but I'm not going to sugarcoat my words when discussing a bill that coddles criminals and endangers police officers and citizens—not only in New York City, but across this nation.

On behalf of the members of the NYPD, their families, and all New Yorkers, I am urging you in the strongest possible terms to reject this God-awful piece of legislation.

Thank you very much, and I would be happy to answer any questions you may have.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Today I proudly rise to celebrate Greek Independence Day and the strong ties that bind the nations of Greece and the United States.

One hundred and eighty-five years ago, the people of Greece began a journey that would mark the symbolic birth of democracy in a land where those principles to human dignity were first espoused. This past Saturday, March 25, marked the 185th anniversary of the Greek struggle for independence. It was an historic day for all people who treasure freedom.

In 1821, after four centuries of Ottoman rule, Greeks rose up in arms, fought valiantly and finally achieved a dream centuries old, freedom from Turkish oppression. In setting their blood for liberty and winning their freedom, Greeks showed the world their deep and abiding commitment to democracy. This celebration also marks the beginning of one of America's most valued and rewarding friendships.

The flag of revolt was blessed by Bishop Germanos of Paleion Patron at the monastery of Aghia Lavra, and for 7 years, a handful of rebels in fierce fighting were able to contain the combined forces of the Sultan's Ottoman Empire. The confrontations at Valtetis, Dervenaia, as well as Missolognhi, where Lord Byron fought and died, rank among the most glorious and important pages of Greek history.

□ 1915

The exploits and victories of the Greek navy under Miaoulis, Kanaris, and Sachtouris, inspired the people of Europe, who finally brought pressure upon their governments to intervene in the fighting and compel the Sultan to recognize Greek independence.

On October 20, 1827, at the battle of Navarino, the Turkish fleet was finally defeated by the British, French and Russian navies which had joined in the effort, and by September 14, after many centuries of foreign rule, freedom for the Greeks was regained by the Treaty of Adrianople of 1829 and, later, by the London Protocol of 1830.

I commemorate Greek Independence Day, Mr. Speaker, each year for the same reasons we celebrate our Fourth of July. It proved that a united people, through sheer will and perseverance, can prevail against tyranny. Both our nations share an illustrious history in defense of this cherished ideal. Both countries have shared a common commitment to the principles of equality and freedom, and in many ways, the American experiment might not have been possible without the Greek experience. Indeed, as Thomas Jefferson noted, "To the ancient Greeks we are all indebted for the light which led ourselves, American colonists, out of Gothic darkness."

The ancient Greeks created the very notion of democracy, in which the ultimate power to govern was vested in the people. As Aristotle said, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike share in the government to the utmost."

It was this concept, Mr. Speaker, that the Founding Fathers of the United States of America drew heavily upon in forming our representative government.

Constitutionally, democracy has made the American way of life possible. For that contribution alone, we owe a heavy debt to the Greek people, but the contribution of democracy was not the only contribution made by Greek patriots to American society.

The ancient Greeks contributed a great deal both to our cultural heritage, as well as to European culture, in the areas of art, philosophy, science and law. In the preface to his poem "Hellas," poet Percy Shelly wrote, "Our laws, our literature, our religion, our arts have their roots in Greece."

Greece has also given another gift to America. Nearly 1 million Greeks came to America's shores and enriched this great country of ours. Greek Americans have followed the rich tradition of their ancestors. They have made their mark in many professions, including medicine, science, law and business, among others. Some of our most illustrious citizens claim Greek ancestry. The welfare and progress of the Greek community, both here and abroad, is of great importance to all of us.

Greek independence was a model for our new Nation and continues to be an inspiration for all those living in the darkness of oppression. Throughout history, Greece has represented an ideal in man's search for liberty. The principles of Greek democracy represent the greatest contribution a nation has ever made to society.

The democratic tradition that began in Greece and continues in the American experience is taking root in an increasing number of countries, and the implications for world peace, while still very uncertain, are nevertheless the most promising they have been in decades. Democracy and freedom are the guiding beliefs that give hope to millions around the world and fuel the democratic revolution that is today sweeping the planet.

Mr. Speaker, remembering the sacrifice of the brave Greeks who gave their lives for liberty helps us all realize how important it is to be an active participant in our own democracy, and that is why we honor those who secured independence for Greece so many years ago.

U.S. IN IRAQ UNTIL 2009

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for a President whose party controls both Houses of Congress, the Supreme Court and, of course, the White House bully pulpit itself, George W. Bush has certainly had an awful lot of explaining to do lately.

With all the power at his disposal, starting with a knee-jerk legislature all too ready to follow his lead, lock, stock and barrel, the President should not have to constantly redefine his mission and America's. That is exactly what he has done and what he is doing.

Before the war, he offered only a strained rationale as to why we needed to attack Iraq. First, it was getting rid of Iraq's weapons of mass destruction. Then the rationale was deposing a dictator who provided refuge to al Qaeda, and finally, it became spreading liberty throughout the Middle East.

Once things started to turn south, President Bush redefined what he meant when he declared "an end to major combat operations" only a year into the war. Now he is redefining what it means to be in a civil war.

Mr. Speaker, let us be perfectly clear. Iraq is not in danger of falling into a civil war. The country is in the very throes of a civil war conflict as we speak. Some people have this false notion that an Iraqi civil war would resemble two sides fighting and fighting it out with antiquated rifles in a field that looks kind of like Gettysburg.

Unfortunately, the sectarian violence that currently plagues Iraq is pretty similar in appearance and scope to the Lebanese civil war fought in the 1970s and 1980s. Then, like now, religion was manipulated to encourage fighting among different sects. Alliances shift rapidly so that no one ever really knows who is on their side and who is not; and worst of all, innocents are killed on a nearly daily basis as a result of the infighting.

As if the failure to acknowledge what is really happening in Iraq was not bad enough, only a week ago, the President attempted his most strained leap of logic yet. During a press conference, which, by the way, after 6 years in office he is finally conducting with regularity, the President stated that American military forces would remain in Iraq until 2009, at the earliest, that another President would have to end it.

After initially implying that the war would not cost much and would not take long to fight, the President needs to explain to the American people why the decision to bring our troops home from Iraq will, as he says, "be decided by future Presidents."

Mr. Speaker, given the current instability in Iraq, which 150,000 brave U.S. troops who have not been able to quell after more than 3 years of war, why in the world would we plan on American forces remaining in Iraq until 2009? It seems like the President is trying, yet again, to redefine the mission to his satisfaction.

Well, you cannot redefine the facts, Mr. Speaker. There is no way to paper over the hundreds of Iraqi civilians who are being brutally murdered in sectarian violence. There is no way to disguise the nearly 2,500 American troops who have lost their lives in this war or the over 15,000 who have been forever injured.

Yet, none of these tragic losses have made either the United States or Iraq safer from the threat of terrorism. The tragic irony is that the war has actually made Iraq a haven for international terrorism.

It is time for the President to stop trying to redefine reality. It is time to define something constructive for the American people. It is time we plan how we will bring our troops home.

HONORING BUCK, MAN'S BEST FRIEND AND WAR DOG AMBASSADOR

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that I might speak at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in sadness to note the recent passing of Buck, a beloved Siberian Husky who has brought awareness to the courage and loyalty of our Nation's heroic K-9 soldiers, the military working dogs. At the age of 15, Buck passed away at home in Lexington, South Carolina, on March 23, 2006.

Buck was the companion to Vietnam Scout Dog Handler Johnny Mayo, who served with the 39th Scout Dog Platoon, 173rd Airborne Brigade in Vietnam as a scout dog handler.

While traveling in my district last July, I had the opportunity to meet Johnny Mayo and his dog Buck. After having the pleasure of spending a few minutes petting Buck, I can honestly say that Buck was a sweet dog who will be missed dearly by those who knew him.

In Johnny Mayo's 2002 book titled, "Buck's Heroes: A Dog's Tale of Vietnam War Dogs," Buck accompanies his master to a reunion of former handlers and their families at the Vietnam Memorial in Washington, D.C. While gazing at the black granite memorial at his master's side, Buck begins hearing and seeing the ghosts of the dogs who participated in the Vietnam War. Among the scout dogs who speak to Buck are his master's war dogs Tiger and Kelly. The dogs tell Buck what life was like for them and the soldiers they served and protected.

By serving as the narrator and storyteller in Johnny Mayo's book, Buck educated thousands of readers about the invaluable service of military working dogs.

Buck served as a companion and aid to his owner by traveling thousands of miles with him to various war dog events, including three Vietnam Dog Handler National Reunions in Washington, D.C., St. Louis and Phoenix, Arizona.

Continuing the legacy of military working dogs who served our Nation during World War I, World War II and the Korean War, the war dogs who served in the jungles of Vietnam used their keen senses of smell, hearing and sight to detect dangers that threatened American lives.

Of the 4,000 war dogs that served in Vietnam, only 204 survived. Historians believe these trained dogs prevented more than 10,000 American casualties during their deployment from 1965 to 1972.

As both war dogs and their handlers risked their lives in combat, their bond solidified and grew into a relationship of enduring love and shared loyalty to their mission.

With Buck at his side, Johnny Mayo has had the courage to share the story of the loyal service of his war dogs Tiger and Kelly and the bond that develops between K-9 soldiers and their handlers.

To honor the loyalty, courage and sacrifice made by the teams of war dogs and their handlers, I will soon introduce legislation to designate land for the construction of a National War Dog Team Memorial in Washington, D.C.

The National War Dog Team Memorial Fund and its supporters have already begun to raise money for the project and are not asking the taxpayers or Congress for a single penny. The legislation will merely designate a plot of land for the memorial's construction.

The proposed memorial will commemorate all U.S. armed services and all wars, conflicts and peacekeeping operations where military working dogs have been used to support military ground operations since World War I.

As we join Johnny Mayo in mourning the loss of his Siberian Husky, Buck, let us seek to continue the legacy of educating American citizens about the history of our Nation's war dogs by commemorating the heroic service of K-9 soldiers and their handlers with a National War Dog Team Memorial.

With that, Mr. Speaker, I close by asking God to please bless our men and women in uniform and their families, and I ask God to continue to please bless America.

PBS: ARMENIAN GENOCIDE DENIALIST FORUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my extreme disappointment with the Public Broadcasting System's decision to give a forum to Armenian genocide denialists following the April 17 broadcast of Andrew Goldberg's documentary, "The Armenian Genocide."

PBS should be commended for deciding to run Goldberg's documentary. However, the documentary should stand on its own. I am troubled by the network's decision to conduct a panel discussion immediately after the documentary that focuses on Turkey's role in the death of Armenians during and after World War I.

The 25-minute panel discussion has generated an outcry because the panel will include two scholars who deny that 1.5 million Armenian civilians were killed in eastern Turkey from 1915 to 1923.

I urge PBS to reconsider the inclusion of the panel discussion. Despite the Turkish Government's continued concerted effort to deny and alter history, there is no serious academic historian willing to dispute the genocide, or extermination, of 1.5 million Armenians at the hands of the Ottoman Empire from 1915 to 1923. There are literally thousands of pages of documents in our national archive confirming the Armenian genocide.

Prominent citizens of the day, including America's ambassador to the Ottoman Empire, Henry Morgenthau, and Britain's Lord Bryce, reported on the massacres in great detail. Morgenthau was appalled at what he would later call the "sadistic orgies" of rape, torture and murder. Lord Bryce, a former British Ambassador to the United States, worked to raise awareness of and money for the victims of what he called "the most colossal crime in the history of the world."

☐ 1930

In October 1915, the Rockefeller Foundation contributed $30,000, a sum worth more than $.5 million today, to a relief fund for Armenia.

Mr. Speaker, it is important to note that despite overwhelming documentation and eyewitness proof of the Armenian genocide, Mr. Goldberg's documentary includes denialist views to present a comprehensive perspective. This completely alleviates the need to include PBS's panel discussion. It is exceptionally inappropriate for PBS to include these two nonobjective scholars on the public airwaves so they can spread their political propaganda.

And, Mr. Speaker, I would note that I would not feel any different about this issue if we were discussing Darfur, Rwanda or the Nazi Holocaust. Genocide deniers should not have a forum. The quest for fair and balanced information does not give a license to propagate false, misleading and offensive information about historical facts that relate to genocide.

It is said that PBS continues to defend its decision to provide air time to Armenian genocide deniers; however, it is encouraging to see a growing number of PBS affiliates refusing to air the panel. And I want to commend each of the 25 affiliates who have already announced their intentions to air the Armenian genocide documentary without the inclusion of the panel discussion.

Mr. Speaker, it is important that we urge PBS to maintain its commitment to public service, but no Member of Congress should accept PBS's decision to give credence to the denial of the deliberate murder of 1.5 million people, and I hope that PBS will reconsider its current position.

THE VOICE OF TEXAS

Mr. POE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, we call this body the people's House. In the last 24 hours, I have received numerous correspondence from people in Texas about illegal entry into America. Tonight, we will listen to some of those people.

Aaron in Houston writes: "I hope you intend to make certain that being illegal continues to mean breaking the law. I cannot understand why any elected official would want to reward any criminal with all the perks that go along with living in the greatest country in history. It makes no sense whatsoever."

Mac in Kingwood, Texas, writes: "Illegal immigration must be stopped and controlled immediately. We must control who and how many people come into this country. This is not a race issue, it is a national sovereignty issue. Illegal immigration reform must not include amnesty. This is rewarding those who willfully break our laws. Immigration must be reserved for those who come here legally and respect our laws. Giving illegals amnesty just encourages more illegal immigration. Why bother to immigrate here legally when you can be rewarded for doing it illegally? Drug smuggler, human trafficking, murder, identity theft, the forging of documents, driving without insurance and licenses, and potential terrorism are all the result of weak border control and terrible immigration policies. Law-abiding Americans are not going to stand by any longer while illegal immigrants thumb their noses at our laws and while the U.S. Government refuses to enforce the law."

Donald in Humble, Texas, says: "I find it oxymoronic to have a Department of Homeland Security and have not closed and controlled our borders. Without the security of our borders, there is no homeland security."

Donald in Kingwood writes: "I am writing you today to express my outrage over what I have been seeing on the news since this last weekend. I once raised my right hand and swore an oath to protect our country and constitution from foreign invaders. What I have witnessed recently has been citizens of a foreign country marching in the streets of our country waving foreign flags, carrying signs in a foreign language. The arrogance and total disregard for the sovereignty of America is infuriating. These illegal actions are being perpetrated by those who want no part of becoming an American. They simply want to come here and make money, take advantage of our social systems, and send most of that money they earn back to their 'home' country. I don't buy for a minute the administration's argument that they take jobs that Americans are unwilling to do. What has happened is they have taken all the jobs that were primarily taken by young people right out of high school. This is just one of the numerous negative effects this unchecked invasion is having an our society. All one has to do is turn on the 10 o'clock news in Houston to see the effects it has on crime in our area."

Erik in Kingwood writes: "Please continue to press for immigration reform. As a physician, I see and treat many Mexicans without citizenship. It is rare to receive any reimbursement of any kind. Please continue to consider the rights of Americans first."

Charles in Humble writes: "After yesterday's Senate Judiciary Committee action, I fear that some compromised watered-down immigration legislation will eventually be passed in order to placate interest groups, businesses and illegal immigrants."

Mary in Baytown e-mails: "Don't allow lawbreaking. Illegal means illegal. There are no distinctions in this word. You don't gain citizenship when you enter illegally. The Congress should be ashamed of even considering this idea. Okay? And no benefits. We don't even give all our hard-working people their entitled benefits, why should we give them to illegals? This is just a crime."

Louis from Houston says, "The key intellectual point is there are no jobs that Americans will not do if the free market is allowed to bid up on the wages. More illegals equal lower wages. That is the whole point for those who support illegal immigration."

John also puts it well: "In other words, the Senate thinks as follows: In order to halt illegal immigration, we must legalize it. And in order to enforce the law, we must reward those who have broken it."

Janet in Houston says: "America's legal system is clear: Abide by the laws or suffer the consequences. Why is it necessary to create new legislation to outlaw an already illegal act? In my opinion, enforcement of existing laws is the best use of our legislators' time and money."

And, finally, David in Kingwood, Texas, writes: "Please help our State and country. Uphold the law. You have done that all your professional life. Please don't make changes to allow the illegals to stay. They need to go through the process just like my grandfather and his parents did. Please stop this madness."

Mr. Speaker, this Congress must stop the unlawful invasion into our country. The American people have spoken and will continue to speak out on this issue. And Mr. Speaker, that's just the way it is.

WASHINGTON COUNTY, NORTH CAROLINA, SAYS NO TO NAVY LANDING FIELD IN WILDLIFE REFUGE

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, after I was elected to Congress more than 18 months ago, it became apparent to me that the decision of the United States Navy to site an outlying landing field in Washington County, North Carolina, was a decision with no rational basis. As a representative of the people of Washington County, I have spent countless hours trying to convince the Navy that this decision is extremely flawed.

The existing landing field at Naval Air Station Oceana in Virginia has become undesirable for a landing field. There are houses all around the field, and the landing field no longer simulates an aircraft carrier, not to mention the unbearable noise. And so the Navy is correct in its decision to construct an outlying landing field, but it needs to be in a different location. Our Navy pilots need and deserve a suitable landing field to practice their landings, but the decision to place this field in the middle of a wildlife refuge is ill conceived.

Mr. Speaker, the citizens of Washington County have challenged the Navy in the Federal courts, and they have won. The District Court and the U.S. Court of Appeals for the Fourth Circuit decided that environmental impact statements submitted by the Navy are flawed. They do not fully disclose the environmental or safety concerns about the 31,000 annual aircraft landings amid the 20,000 tundra swans and the 65,000 snow geese which winter nearby at the Pocosin Lakes National Wildlife Refuge.

The citizens of Washington County are determined to prevent this landing field from being constructed in their community. This site puts our navy pilots and our navy aircraft and the community at risk. There are better and safer alternatives, and it is the duty of the Navy to fully explore these possibilities.

Despite the Federal Court order, and despite the language in the 2006 Military Construction Appropriations bill directing the Navy to look at alternative sites, the Navy's Chief of Naval Operations recently admitted during a House Appropriations Subcommittee hearing that the Navy's focus is to make the preferred site work rather than considering other alternatives.

The Navy has failed to fulfill its obligation to engage in a clear, full, fair and objective process carried out in the light of day. This is a $186 million taxpayer funded project that seeks to remove about 30,000 acres of farmland from the private hands of about 75 families, and we are determined to continue to persuade the Navy to explore alternatives.

North Carolina, Mr. Speaker, has a long and proud history of supporting the Navy, and I certainly want to be a part of continuing that tradition. Our Governor, the Honorable Mike Easley, has diligently worked with the Navy in an effort to find an alternative site, and other Members of Congress from North Carolina have also offered to find a site. I trust that the U.S. Navy will respect the people of Washington County, respect the environment that we all treasure, and respect the rule of law. That landing field, Mr. Speaker, needs to be constructed at one of the alternative sites in eastern North Carolina and not in Washington County.

CONGRATULATIONS TO THE WINONA STATE UNIVERSITY WARRIORS

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to honor the Winona State University Warriors. They won the NCAA Division II Men's Basketball National Championship last weekend.

Winona State is famous for many things, but this historic win is the first major championship for Winona State and a milestone for WSU athletics. On behalf of basketball fans across southern Minnesota, I congratulate the players, coaches, fans and everyone who helped make this season so special.

Permit me to congratulate Coach Mike Leaf and his staff on an outstanding season. His squad finished with a record of 34–2, winning 22 consecutive games to close out the year. Coach Leaf was named the Northern Sun Intercollegiate Conference's Coach of the Year for his efforts.

The warriors, like all champions, won as a team, but they were led by a couple of outstanding players. David Zellman, a senior from Lewiston, Minnesota, ended his college career in style. He led the team in scoring with 26 points in the championship game, including seven three-point baskets. Sophomore John Smith of Johnsburg, Illinois, led the Warriors defensively and was named the NCAA Division II Elite Eight Tournament's Most Outstanding Player.

I congratulate family, friends, and fans of the team. Two busloads of Warrior supporters made the 22-hour trip to the championship game and cheered the team on to victory. They were joined by hundreds of other Warrior fans, alumni and family members of the Warrior athletes who made their own way to the game. And thousands, like myself and my wife, were watching on TV.

Some succeed, Mr. Speaker, because they are destined to. Most succeed because they are determined to. This team worked hard, played defense, shared the ball, and stuck together. They were rewarded with a well-deserved championship that all of us can be proud of.

ILLEGAL IMMIGRATION AND BORDER SECURITY

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Kansas (Mr. MORAN).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, you know, as we have heard on this floor tonight, Americans are paying attention to the illegal immigration issue and all of us here have received call after call after call from our constituents. And, you know, they are not asking much. They simply want us to enforce our border security. And, Mr. Speaker, I agree with this. This is not some earth-shattering policy change, it is a matter of enforcing the laws that are on our books.

Republicans passed legislation to strengthen the border late last year, and we did it with very little Democratic support. That has to change. An overwhelming majority of Americans believe the lawlessness and the disregard for our laws inherent in illegal immigration is damaging to our society and a serious, serious risk to our national security.

We have watched some try to equate legal immigration and legal immigrants with those whose first act, their very first act coming into this country is breaking a law.

□ 1945

It is breaking our law by running across the border. That is an insult to every individual who complied with our policies and followed the appropriate process to get here. For too long we have overlooked or even rewarded those who broke the law, and it is time for that to stop. It has to stop.

I want to share with you something one of my constituents asked me in a meeting while we were on our break. He said "Marsha, I hear that some of the people in Washington want to provide amnesty to those who are breaking our immigration laws, to those who are illegally entering our country." He said, if you are going to let people pick and choose and decide which laws they want to have amnesty from, then I want amnesty from the IRS. And he said that I have a friend who runs a small manufacturing plant, he wants to have amnesty from OSHA.

You know, you cannot disagree with comments like that.

Mr. Speaker, this debate is that simple. We are either going to be a nation of laws or we are not. Border security is a necessity. The Republican Party is the party pushing to strengthen those borders. Americans need to let those opposed to our efforts hear their voices. And I thank all of my constituents who are speaking out loud and clear on this issue.

AMERICA NEEDS TO GET TOUGH ON ILLEGAL IMMIGRATION

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to address the House at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I rise today to alert my colleagues to a tremendously destructive attack being carried out upon our country. This attack is gravely damaging working Americans, especially those in the middle and lower incomes; perhaps as many as 50 percent of America's population has suffered or is being injured by this attack.

My colleagues need to be alerted to the horrendous situation that many Americans are finding themselves in as their standard of living begins to decline and our way of life and the prosperity we all enjoyed as young people seems now a distant goal. They need to be alerted, my colleagues need to be alerted because the suffering that is affecting many Americans is disproportionate. Yes, those in the lower incomes are suffering, but in fact many upper-income Americans have actually benefited from the malady that now has been damaging so many of the less affluent Americans.

Of course, what I am referring to is the mind-boggling, out-of-control flow of illegal immigrants into our country in these last two decades. Throughout our country, but especially in the Southwest, America's education, health care, housing, and criminal justice infrastructure is breaking down. It is breaking down under the weight of 11 to 20 million illegal immigrants who have flooded into our country in these past two decades.

These 11 to 20 million illegals are by and large good and decent people, people who have come here to better their lives. But our job is not to watch out for all of the good and decent people who can come here from throughout the world in violation of our laws. Our job is supposed to be watching out for the interest of the American people.

These 11 to 20 million illegals are good people, but they have been bidding down the wages of lower-income Americans, thus hurting these Americans and their potential for having a decent living. They are destroying the social infrastructure that our fellow Americans of lower income depend upon. Whether it is health or education, their children are losing out because the limited money we have for education is being spent on people who are not here legally and their children that they bring with them in order to enjoy this benefit. And we would bring our children if we were foreigners as well because we care about our families.

It is not their fault; it is the fault of the policymakers in Washington that permit people to come here and consume the limited resources that should be going to our own people.

It is time for a tough, anti-illegal immigration bill that would deny all benefits to those who are in this country illegally. Just beefing up the borders is not enough. No, border security is not the goal. What we are talking about is dealing with a real issue, and it is called illegal immigration as well as the 11 to 20 million illegals that are already here.

It is a bit disturbing to hear the ongoing debate in Washington. What they must ask themselves is: Who is watching out for the American people? Well, they need to watch and listen very closely to their Representatives. In the next few weeks, they should be very aware of what their Representatives are doing. And if their Representatives are not watching out for their interest and the interest of their families, the interest of the American people, then the American voters should vote in a way to express their anger or how they feel about that.

Illegal immigrants may be good people. And, in fact, the kids on the streets of L.A., I come from southern California; there are tens of thousands of them out on the streets. They are basically good kids. Yes, they were waving Mexican flags, and I did not like that, but they are basically good and decent kids. But I will tell you it is not the job of the Government of the United States to spend our limited education dollars on people who are here illegally from Mexico or anywhere else. Our limited education dollars should be spent on our own young people to try to maximize their value so when they get older they can earn a decent living, and especially a living where their wages are not bid down by tens of millions of illegals who will do the job cheaper.

Our limited resources should go to America's seniors. Yes, there may be good and decent people who have come here illegally. I do not care if they are good people, we need to spend our limited resources on our own seniors and our own young people.

This is not a hateful or a malicious type of approach to the problem. You can have love in your hearts, Christian love for other people, or any other kind of love for that matter, and care for other people, but know that you are taking care of your family and your neighbors and other Americans first.

America is a land of every race and religion. In California, we are especially proud of our Mexican American heritage. But we are talking about Americans, people who are tied together. If we do not consider that American citizenship or legal residency in our country means anything, we are degrading that very issue of citizenship and legal procedures that one goes through with respect to the law by giving benefits to millions of people who have come here in total disregard for America's law.

What we need to do is make sure that any law that passes is a strong anti-illegal immigration law and not just a border control law. And do not let anyone tell you, oh, we need these people because there is work that Americans won't do. Americans will do any job as long as the price is high enough, and they have been bidding down the amount paid to laborers by having millions of illegals coming into this country willing to work for less money. Do not let the agricultural business or any other business tell you that they cannot find people to do that work.

Yes, we would have to be creative. For example, there is no reason why the millions of young Americans who are in their 20s and early 30s, who occupy our prisons throughout the United States, should not earn some money, earning their own way, perhaps giving restitution to their victims and perhaps having some money when they get out of prison to start a new life by picking fruits and vegetables. This can and should be done. Everybody is brushing that argument off.

If we do not have illegals in this country, we might have to accept creative approaches. That is why we need strong illegal immigration legislation to get down to the business of helping the American people.

MEDICARE'S PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, I am proud to be here this evening doing this special hour of the Republican majority talking about a great success story, and that is the implementation, after a 40-year wait, literally, of a benefit under Medicare that our seniors have been promised by other administrations, by other Congresses. And finally this President, this administration and this Congress, this Republican majority, has delivered on the promise to bring a prescription drug benefit to our needy seniors.

I will be joined this evening during this hour by a few of my colleagues on this side of the aisle, the gentleman from Minnesota (Mr. KLINE) and the gentleman from the great State of Texas (Mr. BURGESS), a fellow OB/GYN.

But I want to start out talking a little bit about this program and why I think it is so beneficial. My colleagues know that in my prior life, as recently as 4 years ago, in fact, before getting elected to the Congress, I practiced medicine for 30 years. I was there really at the infancy of the Medicare program. I was a freshman medical student in 1965 when an amendment to the Social Security Act that is the original Medicare was signed into law by Lyndon Baines Johnson.

Something that many people do not know about Medicare part A and part B, part B being the optional part, just as part D is, seniors were going to have to pay a monthly premium. The very person, the very first senior to exercise his option to sign up for part B was none other than President Harry S. Truman. If you go to my Web site, you can actually see the film clip in black and white.

I like black and white, which says something about my age and television and movies. It is very interesting.

When you look back at that program today, and we are talking about a 40-year history, I think most people would say Medicare has been a great, great benefit. I think all of my colleagues would agree with that, part A and part B, even the optional part B. And over the years, of course, that monthly premium has increased to $88.50 a month today, and I think it was something like $15 a month in 1965, but it is still a deal. It is a good deal because the seniors taking that money probably out of their Social Security check are only actually paying 25 percent of the true cost of part B; 75 percent of it is paid by the general taxpayer.

Again, it is an optional program, but I think today I am right in these statistics, 98 percent of seniors when they turn 65, on that other voluntary part, part B, the doctor part, the surgery part, the outpatient testing part and physical exams, have opted in and certainly not opted out.

So here we are now finally with a great addition to the Medicare benefit for our seniors. We passed it, we all remember. We have some complaints still from the other side of the aisle that we passed it in the middle of the night. Doing things in the middle of the night in my profession as an obstetrician is quite routine. You either admit patients in labor in the middle of the night and deliver them in the daytime; or your admit them in labor in the daytime and deliver them at night. I would like to feel as a Member of Congress that I am not immune to a 24-hour schedule.

But back in November of 2003 we did pass this. We had the transitional program, the Medicare prescription drug discount card that was so beneficial to our neediest seniors because it gave them a $600 credit per year for 2 years. It was actually a year and a half. They got $1,200 worth of credit for purchasing prescription drugs if they were low income, and many were.

Now that program has gone away and we are into the insurance program and getting very close to the end of the 6-month sign-up period. May 15 of this year, just a little less than 6 weeks from now.

I think my colleagues, I wish on both sides of the aisle, but certainly those of us on the majority, even though some of us for what we felt they felt were legitimate reasons to be in opposition to this, yes, somewhat expensive additional program, they are encouraging our seniors to take advantage of it.

I am, as I say, wanting to talk about this program tonight, and we will do that as we continue this hour. But I want to, at this time, yield the floor to my colleague from Minnesota who has a lot of interesting stories to tell about folks in Minnesota, his constituents and how they are saving money and eventually how we are saving lives.

At this time I yield to the gentleman from Minnesota (Mr. KLINE).

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Mr. KLINE. I thank the gentleman for yielding and for his bringing this issue to the floor tonight and certainly his leadership over these months.

I just wanted to touch on a couple of points. I think it is important, as the gentleman from Georgia said, that we recognize there was a spirited debate on this bill, and not everyone in this House voted for it. There are still people today who think that it was a mistake when we added the prescription drug benefit to Medicare.

But I think the point to my colleagues, and I know that my good friend Dr. GINGREY would agree with me, and I hope that senior citizens across the country understand that we need to set that debate aside right now. We have a law in place that provides a tremendous benefit for our senior citizens, particularly our lower-income senior citizens.

I think that chart that Dr. GINGREY showed that says a total of 27 million seniors, 27 million seniors now have coverage under Medicare Part D, says an awful lot about the acceptance of this program, regardless of the heat and the debate that took place when this bill was passed.

I know that we now have registered for the Medicare prescription drug plan in Minnesota, in the Second District, 65,000 senior citizens, and that is a very, very good thing. We found early on, and I think my colleague probably did, that as we moved from the discount cards, which I thought were a tremendous benefit themselves, I know that my mother, who lives on Social

Security and Medicare, has saved literally thousands of dollars with that interim program. When we moved from those cards to the sign up for Medicare Part D there was certainly confusion. Seniors were confused. Pharmacists were confused. Doctors were confused. It was not what we would call a smooth start.

Having said that, we have now moved past that rocky start, and seniors that have had the chance to look at this understand that it is really an important benefit for them.

We wanted to help, in my office, and I know many of my colleagues did this on both sides of the aisle. They held town hall meetings and workshops. We chose to have what we call sign-up workshops. We got some tremendous support from the Minnesota Board of Aging Senior Linkage Line provided volunteers to come and help us, help the senior citizens in Minnesota's Second District understand what their options were. We advertised the workshops. We had seniors call my office to make an appointment to come in for one-on-one counseling. And as these seniors came in and they sat down with experienced volunteers and members of my staff who have become quite expert on this, and they looked at the program that was offered in front of them and they looked at their list of medications that they are taking and that the options that were there, in case after case after case, they were able to make wise choices, and I don't know anyone who came to our workshops who didn't leave feeling that they had gotten the information they needed and were able to make a wise choice.

I have some quotes here that I just thought I would share with my colleagues here, and I know that Dr. GINGREY can empathize with this, and he experienced much of the same, I am sure, when he was working with the folks in Georgia. But just a couple of quotes. There is a man from Shakopee came to the workshop and he said, quote, "I got an honest comparison and found out the plan I was leaning toward would cost twice what I could get. Now I can save $2,000 on a different plan." That is quite a bit.

Lady from Eagan said: It was wonderful. I wouldn't have known what to do or where to begin without that session. The woman that worked with me was very knowledgeable and did all the computer work for me. She printed up the nine cheapest prescription drug coverages for me, and I can see already that I am going to save $100 a month. I was very, very pleased. And so forth.

Lady from Inver Grove Heights said: They were wonderful. They were extremely informative. In 45 minutes, they probably saved 8 hours of work and confusion.

These programs, if you just take the time to sit down with somebody who knows what they are doing, it is actually pretty easy to decide what plan is best for you. And we have seen that in case after case after case. And I very much regret that there are, in fact, some of our colleagues who are still perhaps upset over the bill itself and are not providing this kind of help and encouragement to the seniors in their district.

I know my mother, as I mentioned before, she was a beneficiary of the interim plan with the cards, and now we have got her signed up for this Medicare Part D and she is going to save thousands of dollars a year.

You can save a lot of money, and I hope that our colleagues will help the constituents in their districts, the senior citizens, understand the value of this program, set aside the bitterness of the debate that took place over the bill itself and recognize that this is a tremendous benefit, it can save their senior citizens hundreds and sometimes thousands of dollars, and help those seniors to sign up.

I don't know if the gentleman from Georgia is continuing with his workshops. I know we are. We have a couple more scheduled next month. We are looking at the schedule deadline. May 15 is the deadline for signing up for this prescription drug benefit, the Part D, without paying a penalty, suffering a penalty. So we are encouraging our seniors to sign up. We are scheduling some more of these workshops and encouraging them to come. The wonderful volunteers from Senior Linkage Line are going to be there to help us again. We hope that every senior will take a look at this option and decide whether it is for them or not. If they have any questions, we would love to help. I will yield back to the gentleman from Georgia here. I know that he has spent a lot of time helping seniors in his district in much the same way.

Mr. GINGREY. Well, if the gentleman would yield.

Mr. KLINE. I am happy to yield.

Mr. GINGREY. Actually, just for a question. And I wanted to ask the question, if he has had an experience really similar to what I have. We have been working on this program, like I say, for a year and half during the transitional phase, and Representative KLINE has held a lot of town hall meetings; I have certainly held a lot of town hall meetings. You sort of lose count after a while.

But what I wanted to ask Mr. KLINE, Colonel KLINE, is, in your experience, when you first started doing these programs, and there was so much angst and rhetoric and doom and gloom possibly from certain Members of the body, did you feel that what you heard then and what you are hearing now was a little bit different? Has that changed a little bit?

Mr. KLINE. If the gentleman would yield. I think it is fair to say so. We took a different approach in how we were going to reach out to the seniors. We sent them mail to alert them to what they were doing. We invited them to call our office and make appointments so they could get that one-on-one attention. But I am sure the gentleman will agree that back in January and early February, when there was a great deal of confusion, many seniors were afraid to get started. They didn't know where to start. And we found that by continually offering the opportunity for seniors to come in and get one-on-one help, that we moved through that. And I know that the gentleman from Georgia and most of my colleagues who have been working on this issue for some time have seen a change in the understanding and the attitude of not just seniors, but I think many of us who are at that stage in life where we are helping to take care of seniors.

You know, the gentleman from Georgia, I don't know if he has advertised what his age is. It is a matter of public record, as you know. But those of us that are in our 50s, many of us are in the position of having parents who are not as able to take care of themselves, and we are anxious to make sure that we are providing the best for them. And so I found that not just the seniors, but a lot of times, their children, I hesitate to think of myself as a child anymore, but those people who are responsible for the health care for their parents and elderly relatives have also come to understand that, with just a little bit of attention to this, it has proven to be a very good program that can save them hundreds and sometimes thousands of dollars. And I know that Dr. Gingrey knows that not only is it saving individuals money, but this whole process, the competition in this process, which was hotly debated and much discussed, has actually started to drive down the cost of those prescription drugs and the cost of the whole program to the taxpayer. So we are seeing competition work in the large scheme of things, a sort of macro economics. But we are also seeing a payoff in these examples that I read from constituents in my district of where it is helping the individual seniors, the elderly couple and those who are helping to take care of them. So a change in attitude, I think we are seeing everybody who has come to our workshop, whether they have signed up on the spot or just taken the information and gone home, has left very relieved that this is a program that can help them, and it is not nearly as scary as they thought a few months ago. And I will yield back to the gentleman.

Mr. GINGREY. I thank the gentleman. And that really is an experience, Mr. Speaker and my fellow colleagues, that I have had as well. Early on, we, almost every town hall meeting on the subject it seemed like there was someone there that was reading the talking points from the opposition in regard to oh, you know, you have done nothing but let the pharmaceutical industry write a bill, or this is just a giant giveaway to the drug companies. And you heard that kind of rhetoric almost every time. But what I am hearing, and I think Representative KLINE as well, that people now understand that in this process that we go through, nothing that we do, no bill, Mr. Speaker, is perfect. I wish that it were. But that the product that we delivered in November of 2003 is a very, very good product, and our seniors are beginning to understand that. They are seeing through a lot of this negative rhetoric, mostly from the other side of the aisle. And what is said is they are even in the last throes of the implementation of this program, we are down to the last 5 or 6 weeks, it is my understanding, and I know this because I have actually seen this, Members are holding town hall meetings and in some instances discouraging people, continuing to discourage them.

Mr. KLINE. If the gentleman would yield.

Mr. GINGREY. I will be happy to yield to the gentleman from Minnesota.

Mr. KLINE. I thank the gentleman for yielding. You know I find that absolutely remarkable. I was just thinking, I could not help but smile to myself when the gentleman was pointing out that there is no such thing as a perfect bill. And I would argue that many times there is a perfect bill. It is perfect to me, but it is not perfect to my colleagues on the other side of the aisle, or I dare say sometimes not even to the gentleman from Georgia and vice versa. So we work these things out. We try to do the very best we can. Every large bill is going to have a flaw in it from one of our perspectives. There are some flaws in this bill from my perspective and I am sure from the gentleman's and from our colleagues. But I think what is very important, that we all understand, that our constituents understand and that our colleagues here understand is that debate is for now behind us. What we have now is the opportunity, with a deadline of May 15, for our constituents to see what is available to them and see if it can't save them money. And we are seeing in case after case after case of the now hundreds of people in Minnesota's Second District that it can save them money. It is saving them money. And if you are discouraging one of your constituents from looking into this program because you are unhappy with the bill, I would argue that you are doing them a great disservice. And I would argue that you are not doing your job as their Member of Congress because that debate may come again another day. There will no doubt be changes in Medicare legislation as we go down the road. But for now, it is very important that we set that acrimony aside and make sure that our constituents know that they have a program here that can save them an awful lot of money. And I will be happy to yield back.

Mr. GINGREY. If the gentleman would yield. And the gentleman said, you know, doing your job, and that is exactly what we should be doing. In fact, I think what we are hearing from the other side as they continue to oppose everything that this majority has tried to do in the 109th Congress, and of course the rhetoric gets worse and worse as we approach November, and we all know it is an election year. But it is not only, I think, not doing your job for your constituents, but it is kind of like one of my favorite Garth Brooks songs, it's shameless. It is absolutely shameless to think that someone would hold a town hall meeting and discourage, as the gentleman from Minnesota said, seniors from signing up for something that is going to save everybody some money, but it is an absolute Godsend to those of our seniors who are low income, low assets, the very neediest in our society. And I think most of the legislation that we try to pass, and I think the attitude should be the same whether we are Republicans or Democrats, is to try to help those in the greatest need who really can't help themselves through no fault of their own.

☐ 2015

We need to put some wind beneath their wings to kind of uplift them.

And I know there may be a few in the gentleman from Minnesota's district and I know there are some in the 11th of Georgia who still need to get the message, and maybe they do not know and they do not realize. They have not gone to the Social Security Web site and found out that they qualify because their income is only $14,450, or if they are married, $19,250 a year; and they do not have assets worth more than $11,500 if they are single, or $23,000 if they are married.

We need to get them signed up, and I know the gentleman would agree with me on that.

Mr. KLINE. If the gentleman would yield, I think that is an excellent point. We sometimes forget that when we passed that bill, the one we have been discussing which was debated with some spirit, it was designed, it was designed to help seniors who are low income first; and I think that the implementation of this part D is showing that to be true. When we have low-income seniors come to one of our workshops and they are taking sometimes a passel of prescription drugs, they are saving thousands of dollars. That is what the bill was designed to do.

I remember a lot of the debate and discussion, and we talked about seniors who were forced into the terrible position of choosing whether to take a prescription drug or having the next meal or paying rent or perhaps arbitrarily choosing to cut their tablets in half. This part D for low-income seniors removes that. There is no low-income senior who should not be getting their prescription drugs with tremendous savings, virtually free in some cases, but saving lots and lots of money.

What we are finding very interesting is that there are thousands of middle-income seniors who, when they come to our workshop and look at the choices and they sit in front of that computer terminal where you can very quickly rate the different choices, they are seeing that they can save an awful lot of money and it is to their benefit.

If it is not to their benefit, certainly they can choose some other form. Perhaps they have private insurance or they have VA benefits or something. It may not be for them. But many are finding out that they can save money.

And so it goes back to the point the gentleman was making earlier. It is incumbent upon all of us, certainly the administration; some organizations like the AARP are working very hard to get this word out, and Members of Congress, our colleagues, to make sure that the citizens know that this is something that they ought to investigate.

And I know that we found early on and even last year when we were looking at the interim discount card that there are seniors who are not comfortable, frankly, sitting in front of a computer and going on line. Many are and I am always very heartened to see that. Some of them, in fact, are much more computer literate than I am. But in many cases they are intimidated, and that is why it is important that this help be offered to them, either in one of our workshops or yours, or there are other ways that you can get help.

Medicare, CMS itself, will be happy to provide help. Seniors can call 1–800–Medicare. There are ways that they can get help without having a computer and without having to sit down by themselves and try to figure this out.

So I encourage all of my colleagues to do everything they can to make sure that their constituents, their senior citizens, know that even if they are not low income, this is a program they ought to investigate.

Mr. GINGREY. I appreciate the gentleman's being with me tonight describing this program in greater detail.

I wanted to point out a couple of slides based on the information that he just gave us, and hopefully he can continue to be with us for a little while longer in this time. But Representative KLINE was talking about the fact that it is certainly not just beneficial to the low-income seniors. We know that they get the greatest benefit. But certainly a lot of middle-income seniors have no coverage under Medicare. They have part A and part B, but they have no prescription drug coverage. They may even have a Medigap policy that fills in the deductibles and the copay for part A and part B, but does not have a prescription drug part.

And I wanted to point out in this slide to my colleagues, Medicare part D helps working Americans. In fact, half of women on Medicare without drug coverage are middle income. That is represented here on the right, and these people are above 150 percent of the Federal poverty level. They are not going to qualify for any low-income supplement.

But this program, my mom is in this category, and on average we are talking almost a 50 percent savings on the cost of their prescription drugs. And so that is why it is important for people to understand that while the benefit for the lowest-income seniors is the greatest, and Representative KLINE mentioned that, in many of those instances the only payment is a little copay for a prescription drug, maybe $1 if it is generic or possibly up to $5 if it is a brand name.

If their doctor feels that they, for some particular reason, need to be on that brand name, or if there is no generic equivalent available, Medicare, the insurance program, the part D covers the deductible. It covers the monthly premium. It covers the copay of the first $22,050. And guess what. There is no doughnut hole. There is no lack of coverage at any point for those neediest seniors.

But it is important that our colleagues understand this and also understand that even the seniors who get no supplement because maybe their income is a little bit higher, as I say, my mom, Mr. Speaker, Helen Gannon Gingrey, 88 years old, she is going to be mad at me, Mr. Speaker, for telling her age, but if you could see her, you would never guess. She is young at heart and very energetic and yet was spending $4,000 or $5,000 a year out of pocket to purchase about five prescription drugs. And I was able to work with her and, as Congressman KLINE says, together we were able to go through the www.medicare.gov Web site, and Mom today is saving about $1,100 a year, and that really means a lot to her.

I wanted to also point out, Mr. Speaker, in this slide, this kind of gives a breakdown of how our seniors paid for prescription drugs before part D. We are talking about 41 million, about 41 million, and maybe 6 million of those are people under 65 that are on Medicare because of a disability, but this is the population we are talking about, and I think this slide is so instructive to show, before this program, what was happening.

Now, my mom, Helen Gingrey, was in this group of something like 40 percent of these 41 million seniors who were paying for prescription drugs out of their own pocket, and that is really the population that we are trying to address. And I would say a third of this group, a third of this 40 percent, are the low income, the ones for whom this program is an absolute Godsend.

Now, as we were talking earlier, some people in their Medigap policy also have prescription drug coverage, and that amounted to about 3 percent. Employment-based plans, 26 percent. Now, we are talking about retirees, people who have worked for a company, a big company, a small company, but a company that has not reneged on their promise, as a retirement benefit, to provide health care with prescription drug coverage. And as part of this program, we built in an incentive to those companies to encourage them to continue to provide health care for their retirees, in many cases who have worked for the company 30 or 40 years, who had earned this benefit, and to encourage them to continue it and continue the prescription drug coverage. So about 26 percent were in that category.

Medicaid, 12 percent; they will all now be covered under this Medicare part D.

State-based programs and other sources, 6 percent.

But this is pretty much how it breaks down. And as we get closer to that sign-up deadline without paying a penalty, Mr. Speaker, beyond May 15, we do not want that to happen, and I would hope our colleagues on the Democratic side would join us in the majority in the realization that to discourage is a dreadful thing, of course, for those who are going to literally get the benefit with minimal, if any, cost, but those who have to pay the monthly premium, which is quite a number, to discourage them and then have them get beyond that May 15 deadline, and then all of a sudden they realize that they have been fed a bill of goods and some bad information and then they hurriedly sign up, but they fall into that penalty phase. That is something that we do not want to happen. I do not think Members on either side of the aisle want that to happen, and I hope that we will work toward this goal.

I see, Mr. Speaker, that we have been joined by another of my colleagues. I mentioned him at the outset of the hour, and that is the gentleman from Texas, not only my colleague in this great body, the House of Representatives but also a fellow physician and a fellow OB/GYN specialist, Dr. MIKE BURGESS.

I would like to yield to him at this time.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding.

I am sure my colleagues have pointed out tonight we have less than 60 days left on the open enrollment period for the Medicare prescription drug enrollment plan, and we were informed this morning that they have currently signed up 28 million people on the Medicare prescription drug plans.

When this started last November 15, the target sign-up was 30 million. So, Mr. Speaker, it seems pretty likely that CMS is going to meet that target or likely exceed that target.

Just to carry on with numbers a little bit more, there are 42 million senior Americans enrolled in Medicare. Six million of those have coverage from other sources such as the VA or a private retiree plan. If 28 million are covered in the new Medicare prescription drug benefit, that leaves about 7 or 8 million left that is the target population that we really want to reach over the next 60 days. Half of those individuals are, in fact, low income who will receive a significant benefit from the Medicare prescription drug plan.

Well, a big question that has come up certainly on the floor of this House and in some of the newspaper articles you read is, is the benefit worthwhile? Well, the average Medicare recipient will see a 55 percent savings on their prescription drug bill or about $1,100 a year. That is the typical amount. For a senior who is low income, that savings may be more in line with $3,700 a year because of the extra help that someone who is low income will receive.

We have had a lot of negative publicity about the Medicare plan, but the fact of the matter is that as people investigate this plan and sign up for it, the number of problems markedly decrease. Those without coverage currently, the 7 to 8 million, are the target groups that we want to reach over the next 60 days.

There are going to be a number of events that I will be doing back in my district. In fact, I think the President is scheduled to do several events around the country over the next couple of weeks to help get people focused on this.

And one consideration for someone who has kind of been sitting on the sidelines and wondering whether or not to sign up, there was a lot of pressure on the sign-up right after the first of the year when a lot of people showed up to enroll in the Medicare prescription drug plan, and there was some confusion and there were some hurt feelings. But bear in mind there will be additional pressure as we get to that May 15 date.

So do yourself a favor. Do the work required to investigate what plan would be best for you and try to make that sign-up occur during the month of April and do not leave it until the last minute when there may be additional pressure on the system that will tax computer systems and tax phone lines. Do not put yourself in that position. Do not wait until the night before the test to start studying.

□ 2030

Early this year in August through my district, Secretary Leavitt and Administrator McClellan came to town in the Medicare bus. We had a big event at one of my hospitals. Some people came out, but it was hard to generate much interest or enthusiasm. But people were a little bit curious about what was going on.

During the fall we heard about the fact that the people were confused because there was too much choice associated with the plan, and I think that has now evolved into genuine enthusiasm for what this plan may provide the seniors of America.

Pharmacists are of special consideration, particularly the community pharmacists. There have been some issues that the pharmacists have had to deal with that perhaps weren't anticipated at that time, front end of Medicare. I think it is incumbent upon us, as Members of Congress, and the pharmacists, community pharmacists who are constituents, to help the Medicare plans realize that the distributive network that the community pharmacist provides for the Medicare beneficiary is extremely valuable; and they do need to work together so that those community pharmacists are able to continue to provide the benefit for Medicare recipients and Medicare beneficiaries.

Clearly, the community pharmacist has value added, particularly in rural communities, and I know this to be true in many areas of west Texas, just west of where I am from.

Mr. GINGREY. If the gentleman would yield.

Mr. BURGESS. Yes, sir.

Mr. GINGREY. Because I wanted to ask the gentleman on that point about the independent pharmacists, what we call the corner druggists back in Georgia and maybe also in Texas. I would love for the gentleman maybe to elaborate a little bit on some of the concerns that I know a lot of the Members have heard from the community. Independent pharmacists, not the big chain, but the moms and pops, if you will, God bless them, have some concerns and have had some concerns, and we have been talking about that.

In fact, as the gentleman knows, Mr. Speaker, just this morning, we had conversations with Secretary Leavitt and Dr. Mark McClellan, the director of CMS. They are aware of these concerns, and we may want to discuss that for a moment or two and how we plan to continue to work really closely with those corner druggists that a lot of our patients call, they call them "doctor"——

Mr. BURGESS. Yes.

Mr. GINGREY. Because of the work they do.

Mr. BURGESS. That is a good point. We had a hearing on the Energy and Commerce Committee about this issue just a couple of weeks ago. I asked the Secretary, I asked the Administrator to consider having a follow-up hearing in our community when we get to the first week of May. I hope there will be time to do that. This is an issue in which we need to be sensitive.

To be certain, no one person on this planet is irreplaceable. If the only place to get drugs turns out, the only place to get prescription drug benefit turns out to be the mail order, well, people will accommodate to that. We will lose value if we lose the corner pharmacist, we lose the corner druggist. They do provide so much in the way of expertise and guidance, even to the point of being concerned whether or not the patients are actually taking the medicine, which has been dispensed, always being certain that they get the right medication dispensed in the right dosage.

It does become difficult for these small businessmen to maintain their businesses when the accounts receivable stream has been disrupted a bit, as it was when we made the switch to the Medicare prescription drug benefit.

But as these problems work out, as the accounts receivable stream accommodates to that change, I am hopeful that a good many of these pharmacists, in fact, I have had phone calls from some who explain the difficulties they are encountering, but also always will end up with the comment that I feel like this is a good plan. If you give it time to work, and if you work with us and help us, this is going to be a good deal for our patients and for your constituents.

I did want to point out some of the things that were happening in Texas. I know Texas is not unique, but it is a big State, and there are a good number of Medicare beneficiaries, about 2.5 million out of the 43 million Medicare beneficiaries do live in Texas.

The standard benefit that we are all aware of here, that is provided for by law, the law that we passed 12 years ago, includes a $250 deductible, 75 percent coverage up to $2,250 annually, and catastrophic coverage, 95 percent, paid above $3,600 per year for out-of-pocket drug costs. That is not the end of the story.

One of the things that we were criticized for 2 weeks ago, or 2 years ago when we passed the bill was, no drug company is going to come in and sign up to provide this prescription drug benefit. It will, by default, become a Federal system. But the reality is, we have got 47 plans in Texas.

In those 47 plans, when you look at how much drugs cost, those that are just stand-alone prescription drug plans, there are 47 of them in Texas, on average the monthly premium is $37, 12 plans, only one-quarter cost less than $30 per month.

Of those prescription drug plans that are associated with a Medicare Advantage or a Medicare Plus Choice account, those beneficiaries may choose among 64 Medicare Advantage plans with prescription drug coverage. On average, the drug, the monthly drug premium is $19.44. Nineteen plans could not charge any additional premium for drug coverage for people who are receiving their Medicare on one of those Medicare Advantage plans.

To sum up, the average premium is $37 a month, but drops to $19 a month for patients on Medicare Advantage and prescription drug plans. Of those patients that are just on a prescription drug plan, if they take a plan with no deductible, their monthly out-of-pocket expense is going to be $40. If they have a $250 deductible, their average monthly out-of-pocket expense is under $30.

One of the things that I have stressed when I have done these events in my district, when people tell me that they have trouble making choices because there are too many choices, try to separate the plans and look at it from the standpoint of cost, coverage and convenience. Know the drugs that you are taking.

This is very important. Before anyone calls any of the Medicare hotlines or goes online to try to decide what drug coverage they need, they need to know what drugs they are on and the dosage and the dosage schedule. It doesn't do any good to purchase a Medicare prescription drug plan that doesn't cover the medicines that you are taking.

My colleague and I heard this morning from another Member that for a husband and wife who are both on prescription drugs, but not necessarily on the same prescription drugs, what is a good plan for the one spouse may not be a good plan for the other spouse. Each spouse needs to look at that individually. In this situation, it is not necessary nor sometimes even desirable for both to buy the same plan.

Mr. GINGREY. If the gentleman would yield.

Mr. BURGESS. Yes, be happy to yield, my friend.

Mr. GINGREY. I would point out that although a couple, for the reasons that you just so clearly explained, might have signed up for different prescription drug plans, they can get their medication filled at the same pharmacy.

Mr. BURGESS. That brings up the convenience part of that formula that I was talking about. If you wish to get your drugs through the mail order house, by all means make that selection. But if you wish to get a prescription at your chain drugstore, that decision can be made at the time you sign up.

If you wish to receive it from the corner druggist, from the community pharmacist, you can cost compare what would be the best deal or what would be the best price for that individual consumer. Again, it may be different for a husband and wife, if they are, indeed, on different medicines.

Also, look at the coverage, look at the lists of what medicines are covered under that drug plan. In Texas, for example, our first-tier plans cover, on average, 730 drugs on the first tier and 399 drugs on the second tier. That means, on average, the plans in Texas cover over 1,100 different drugs in the plans.

But look at the plan to be certain that the medicines that you are on are, in fact, covered, because that is going to create difficulties if your particular medicine is not covered on the drug plan that you select.

Finally, I do want people to remember that this is a little bit different from standard Medicare in that this plan, this prescription drug program, is not an entitlement. It is insurance. It is insurance with premium support. This is exactly what was recommended by the commission that was set up under President Clinton in the 1990s, premium price support and insurance coverage, rather than a pure entitlement. I have heard from some of my constituents, who are concerned that the cost will go up if they miss the deadline.

Well, that is true, but that would happen with regular insurance as well. Please approach this as insurance coverage and price it as insurance coverage and recognize that what the Federal Government is bringing to the table is price support for that premium. The premium will not be as high as it otherwise would be if Medicare were not a participant.

Well, the gentleman from Georgia has been very generous with his time. I am not sure what time remains with the hour. I will be happy to stay and participate if he would like me to, but I have pretty much concluded the remarks that I had prepared to say this evening.

Mr. GINGREY. I thank the gentleman. I hope he can stay. We may be able to engage in a little bit of a colloquy on some of these points. But in any regard, I thank the gentleman so much for his tireless insight and his understanding, of course, as a physician in making sure that our seniors get the right information so that they do get signed up.

He was talking a few minutes ago about the couple where the husband and the wife may have signed up, need to sign up, really, for a different prescription drug plan because they are on different drugs. But the fact that they can go to that same, same pharmacist, maybe it is a corner druggist in their neighborhood, right down the street, I mean, it could be Corley's Pharmacy in La Grange, Georgia. It could be Kim Curl's drugstore up in Hiram in Paulding County, or Steve Wilson's Carter drugstore in Smyrna, Georgia. All of these wonderful independent pharmacists are in my district, and I know the gentleman, Dr. BURGESS from Texas, has a similar situation.

You know, I think it is so important, as we do approach this deadline for signing up without a penalty, that our colleagues understand that. There was a lot of effort, I think, almost as much effort on the side of resistance as has been on the side of encouragement. I think the encouragement has won out, is continuing to win out over resistance and negativity. But we need to work toward achieving a goal of a full implementation of this program.

But here are the encouraging statistics, while the program, as Dr. BURGESS said, may have started out a little slow, as people were confused by all of the political rhetoric that was going on, as of last week, Mr. Speaker, as of last week 27 million seniors now have prescription drug coverage under Medicare.

Now, when you think about the fact that we are talking about a population of about 41 million, and 27 million now have this coverage under Medicare, and probably 8 million or so, 8 or 12 million, even of those that are not signed up, they already have something. They already have, if they are veterans, TRICARE, TRICARE For Life; if they are retired Federal employees, if they have a prescription drug coverage under the Federal health benefit plan; same thing with State retired teachers.

We are getting pretty darn close to 100 percent implementation. In fact, signing up 380,000 new beneficiaries each week, and 1.9 million additional beneficiaries have signed up for prescription drug coverage since mid-February. This represents a 25 percent increase over last month and the number of people who have selected a plan.

A lot of our opposition has said over and over, well, new people are not signing up, this is just automatic enrollment for the dual eligibles, the low-income seniors who have both Medicare and Medicaid. Well, that is absolutely not true.

□ 2045

Of the 27 million who have signed up, 7.2 million are folks that are not low income, and they had no prescription drug coverage so we are getting there. And as I say, we are going to continue to work right up until the last day, May 15, 2006.

Now, our colleagues on the other side of the aisle, Mr. Speaker, are trying to make political hay in saying that we ought to extend that deadline. We ought to push it out another 6 months, but in a way, that is just a cruel hoax because the longer we delay, the longer our needy seniors delay, the more they are either not going to get that supplemental help that they are eligible for, for if they are not eligible for supplemental help because of their income, they are going to continue to pay sticker price for their prescription drugs, more than anybody else in our population.

These younger people that are covered under an HMO or possibly an insurance company that has negotiated a low price, they get the discount; and that has been part of the problem, Mr. Speaker, why it is so important that we do this program. It is so unfair for our seniors to have to pay more than anybody else. So we want to encourage them, and I hope my colleagues on both sides of the aisle will continue to do that.

Mr. BURGESS. Mr. Speaker, one of the things that I find really exciting about the Medicare Advantage Plus Prescription Drug Coverage those plans, many of them do away with the so-called gap in coverage that occurs above expenditures of $2,250 up until you get to that upper limit of $3,600 whatever it is.

Obviously, as a clinician, and the gentleman from Georgia knows this, you don't want your patient stopping and starting their medication as the coverage becomes available and then perhaps they move into the interim period or the gap period where the coverage would not be available, and they just decide to not buy their medicine again. But many of the plans in Texas I have noted will eliminate that gap in coverage so long as the patient is willing to accept the issuance of a generic medication. And I think that is one of the really exciting things about this. It gives the patient an incentive to consider or try a generic medication which is going to cost the government less and the health plan less. It provides them their medicine throughout the year with no break in their medication, and that is what this program is all about when you get down to it.

Gone are the days where we just want to treat things where the crisis happens. Timely treatment of disease, access to prescription drugs, access to preventative therapy, this is the Medicare of the 21st century. Not in the hospital for the pneumonia, in the hospital for the surgery, in the hospital for the pancreatitis or the uncorrected elevated blood lipids or any of these things that would have caused problems in the past. Prevent those. Maintain to that person's health throughout the year, and it is going to cost us less.

In fact, we found some cost savings just with the competition part on the prescription drug plan. We will begin to see the cost savings from the timely treatment of disease and providing prescription drugs to prevent the catastrophic events of untreated chronic disease will begin to reap those benefits 2 years, 3 years, 4 years, 5 years from now. And I for one will be anxiously awaiting hearing about those savings.

Mr. GINGREY. Mr. Speaker, I thank him for bringing that up because it is so important. A lot of the concern over this Medicare part D addition was the cost. And some Members on our side of the aisle, fiscal conservatives, and I understand that, voted against the prescription drug part D because they did not think we could afford it. Some of our friends on the other side of the aisle voted against it because they did not think we were doing enough. And, of course, if we had done more and there was no doughnut hole, then it would have cost, who knows, $3 trillion maybe instead of the estimated $750 billion over 10 years.

But Dr. BURGESS brought up an excellent point, Mr. Speaker, and I think we need to elaborate on it a bit. Even if it does cost $750 billion or $75 billion a year over the next ten, what Dr. BURGESS is saying, Mr. Speaker, you are going to shift costs from part A and part B onto part D. So what we are saying is, let's pay for the prescription drugs so that we can keep people out of the emergency rooms, off the operating table, off of renal dialysis, out of the nursing homes, maybe in some instances because they have had a stroke. They did not have the medicine to treat the high blood pressure. Now we are paying, either on Medicare or Medicaid, 20 years of skilled nursing home care. What a false economy that is. It is a compassionate thing to do to shift some of that cost from part A to part B.

I know, Mr. Speaker, we are getting close to the end of the hour and I thought that what would be good maybe is to quote some stories. In fact, I have one patient from Texas and while the gentleman is still here I wanted to give this to our colleagues, this Medicare D success story.

Barbara L. from Kemp, Texas, and Kemp, Texas, is possibly in the gentleman's district, but in any regard, it is Texas. In 2005, Barbara spent $2,100 on prescription drugs. She enrolled in an AARP Part D plan. I know that the support of the AARP, that great senior organization, its 35 million members, gives a little angst and heartburn to our colleagues on the other side of the aisle that they are used to having blanket support from the AARP and all of the sudden this great senior organization that is supporting this program and that causes them a little discomfort.

Barbara signed up for a plan that they offered, and in 2006, she expects to pay not $2,100 but $360, a total savings of $1,740.

Listen to what Barbara said: "I found the drug plan confusing at first, but I called Medicare today." One of the organizations that is helping to explain on a contractual basis the plan. "I called Medicare today, got the information I needed, then I signed up. It is glorifying." Barbara says. "I'm beside myself with the drug cost savings."

Mr. Speaker, Barbara W. from El Mirage, Arizona, I want to give these testimonials from across this great country because it is not just Texas. It is not just Georgia. It is not just Minnesota. Barbara W. from El Mirage, Arizona, had no prescription drug coverage, like my mom, spent more than $2,600 a year on medications, wanted an inexpensive plan with a low premium. She enrolled in a part D plan where the monthly premium was only $6.14 on a monthly basis. In 2006, she will save $1,800. Nearly $200 a month. And that is Barbara from the great State of Arizona.

Here is another, Mr. Speaker. Thomas P. from Providence, Rhode Island. Thomas is 77 years old, spending more than $3,000 a year on prescription drugs. He probably is not low income, didn't have a Medigap coverage or not a veteran, and out of his pocket spending $3,000 a year. He found out from Social Security that he did qualify for extra help with his monthly premium. He did not know it but realized that he qualified. Now he expects to spend not $3,000 a year, but $400 a year on prescriptions. Do the math. That is a total savings of $2,700 a year, and that is not peanuts as they say in Georgia.

Thomas says, "It's worth the time to save all that money." Indeed.

I think we are getting close to the witching hour. I had one more that I wanted to point out, but, Mr. Speaker, we thank you for the opportunity to bring this hour from the majority to explain this program. I thank Dr. BURGESS. I thank Mr. KLINE. And I want to encourage my colleagues on both sides of the aisle. Let's support this program. Let's give our seniors what they really need. They deserve it, and they deserve our support.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 609, COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Mr. BISHOP of Utah (during the Special Order of Mr. GINGREY), from the Committee on Rules, submitted a privileged report (Rept. No. 109–401) on the resolution (H. Res. 742) providing for further consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Ms. SOLIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentlewoman from California?

There was no objection.

BUDGET CUTS HARM WOMEN AND CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. SOLIS) is recognized for 60 minutes as the designee of the minority leader.

Ms. SOLIS. Mr. Speaker, I rise tonight to highlight how the President's fiscal year 2007 budget will harm millions of women and children around the country. Tonight you are going to hear from some of my colleagues about those specific programs that have proven to be successful for all women but are currently being cut and in some cases eliminated altogether.

The President is proposing to cut programs that disproportionately help women, children, the elderly, and the increasing population of Americans living in poverty.

Earlier this month, I was part of a recent delegation of Members of Congress who traveled to the gulf coast and New Orleans where most communities are still struggling to clean up their homes and get back to some sense of normalcy after Hurricane Katrina. We need to be doing more to help those, those that lost everything to regain their lives. These communities must have quality health care, emergency care, and safe environmental conditions. But we cannot accomplish these goals and help the millions of women and children around the country who are living in poverty with the reckless and immoral budget that President Bush has proposed.

Key domestic programs that provide food and housing and support to women are vulnerable under this administration. In fact, the Bush administration is determined to protect tax cuts for the very wealthiest of Americans and provide health care for those who already have health care coverage and not include the 50 million uninsured people in our country today. The President wants to eliminate educational support for women, food assistance for seniors living in poverty, and he wants to significantly slash funding from important safety net programs like Medicaid and food stamps. In just 4 years, the cost of making these tax cuts permanent will exceed the amount that the Federal Government spends on education beginning in preschool through college.

Where is the economic recovery that the administration promised? Real wages as we know are down. The number of people living in poverty has increased. Job growth has been stagnant. And tonight I am glad that so many of our colleagues in our Congress, the Women's Democratic Congress, who serve here are coming together to speak out against the President's budget and how it is going in the wrong direction for women and their families.

I would like to begin by talking about education. But first I would like to begin by addressing the President's failure to address rising college costs. With increased funding for student financial aid programs like the PELL Grant program and the Perkins loan program. Before my election to public office, I worked for the California Student Opportunity and Access Program and helped many young people in my community obtain the ideal of going to college and receiving financial aid because there was no other means to go to college.

The President's budget currently continues to shortchange America's students who rely on financial aid to pursue their college education. Just one month after Congressional Republicans cut college aid by $12 billion, $12 billion, the President proposed a budget that eliminates, decreases and freezes funding for much needed programs that are vital to helping students of color, people from my own community.

Low interest Perkins loans are crucial resources as we know for college students who have demonstrated need. Two-thirds of the Perkins loan recipients are from families with annual incomes less than $40,000 a year. Yet, the Perkins loan program took a hit in the President's 2007 budget and would recall $664 million from the federal Perkins loan fund for nearly 1,800 colleges in the year 2007. And as a result 463,000 college students would lose a key part of their financial aid.

Despite the record tuition increases that we all know are going through in our States, Bush's budget breaks his promise yet again of making college more affordable and he actually freezes the maximum PELL grant in scholarships. Six years ago President Bush promised to increase the maximum PELL scholarship for all college freshmen at $5,100.

□ 2100

This budget is now the fourth time that the President has frozen the Pell Grant. Access to financial aid, as we know, is a huge factor for many students, particularly from low-income areas like my own.

Three out of four young Latino adults who do not attend college cite the fact that without having financial aid they cannot continue to have the American dream. About 40 percent of African American students and 30 percent of Hispanic students depend on Pell Grants, compared to 23 percent of all students.

Young women, just trying to improve their earning potential and get a better job also disproportionately rely on the Pell Grant program, and I have to tell you, when I was a student, that was my means of going on to college.

My parents could not afford to send me to college. They could not afford to give me a substantial amount of money to go to a university. So thank God that we had Federal financial aid programs available, work study programs and the National Student Loan Program, where I was able to attend a 4-year institution to have my full tuition paid for, including expenses; and I thank God that our government at that time stepped up to the plate.

I cannot say that now, under this administration, but for the last 4 years now we have seen an increase of 57 percent in costs to attend college, by this President. We need to reject the President's freezes and cuts to financial aid and help those students who want to go to college, but the high cost of tuition is just way out of line.

When these students get to college, we need to do more to encourage them to pursue fields that will encourage innovation and increase America's competitiveness and increase the number of women that seek access into the technical fields like science and math. While women account for more than half of the number of bachelor's and master's degrees awarded, they make up a small number in the fields that are crucial to spurring innovation and job creation, for example, in areas like engineering, computer science, physical sciences and math. Only 21 percent of master's degrees in engineering were awarded to women. For computer science and physical science, women only earn about 35 percent of the master's degrees in the country.

The statistics are far worse for women of color, like Latinas and African American women and even Asian Americans. Within the small number of women who earn an engineering master's degree, 11 percent are Asian American, a little over 4 percent are African American and less than 4 percent are Latinas.

We need to encourage women to be part of the technical and skilled workforce from school age all the way up to adulthood.

The President's budget also eliminates the Dropout Prevention Program and, therefore, ignores the big problem that we have currently in many of our communities where we see a number of our students dropping out of high school. For the past 4 years, the Bush administration has cut funding for dropout prevention, denying our most-needed students the opportunity to succeed, and in Los Angeles, by the way, only 29 percent of Latinos and 47 percent of African Americans actually graduate from high school.

This budget also freezes over $1 billion in current funding for ongoing programs, including the GEAR UP program, the TRIO and Upward Bound program, which are vital programs to many youngsters in our community. Many that attend and currently are enrolled in those programs are the first in their family to have the opportunity to be trained and have the motivation and support and mentoring that is needed to be successful in college. With the President saying that he wants to zero out these programs, he is sending the wrong message to my community and to communities across this country.

We need to be encouraging all of our young people to pursue higher education to keep America competitive and to increase our productivity and economy. With deep cuts to student aid proposed by the President, we are closing the doors to eager students instead of providing a helping hand to those who want to learn, who want to work and want to be a part of the society.

We must defeat this immoral budget to help our students achieve their goals and access all the opportunities that our Nation can provide.

I would like to briefly speak about women in the workforce. Once these young women who complete college graduate, they face challenges in the workforce. The wage gap among women and men continues to this day. Some of you may know that women earn on an average 76 cents to every dollar that a man earns. Instead of eliminating the wage gap and providing more opportunities for women to enter the workforce and earn good wages, the Bush budget continues to undercut and devalue women's contributions to the American labor force.

The Bush budget eliminates the women in apprenticeships and nontraditional occupational programs. This program, which only costs $1 million per year, provides grants to employers to help them recruit, train and retain women in nontraditional and well-paying jobs. Women who were a part of Women in Apprenticeship and Nontraditional Occupations projects were 47 percent more likely to enter higher-paying technical jobs than others.

The overwhelming lack of women in technical fields like science and math, as you know, is astounding. Even if women graduate with engineering and science and math degrees, they are still faced with low salaries.

On the average, women hold Ph.D.s in computer science and engineering, but still earn $9,000 less per year than their male counterparts. Latino engineers, both men and women, earn $10,000 less than the average salary for all engineers, and African American engineers earn $8,000 less.

We need to encourage women to be a part of the technical and skilled workforce from school age right up to adulthood.

Programs like Women in Apprenticeship and Nontraditional Occupations Act are a part of that effort, and I will work in Congress, along with my colleagues, to reject the elimination of this or any other programs that help women achieve their dreams and realize their potential to be an important component of the technical workforce.

From the wage gap to discrimination, we need to do more to help women succeed and support this vital and necessary part of the American workforce. I urge all of my colleagues here today and tonight to do everything possible to defeat the President's immoral and irresponsible budget that puts women and children's futures at risk.

I would now like to introduce one of my colleagues who has joined me tonight, who is also part of the Women's Issues Group here in the Congress, the distinguished former ambassador and Congresswoman, DIANE WATSON, who is going to also join me in discussion regarding this important topic with respect to the budget cuts towards women and their families.

Ms. WATSON. Mr. Speaker, I want to thank the gentlewoman from California for allowing me to join in this discussion on women and the budget.

This budget, as you have heard, would hurt working women and their families. It does not alleviate the real health disparities that exist throughout the Nation, and it does not do much to help young girls realize their potential, whether in the classroom or in the community.

I would like to use my 33rd District in Los Angeles, California, as an example to show what women want and the impact of the President's budget on my sisters.

Women want an environment where they and their families can live, work and play. They want to eliminate the community health disparities that leave some people with different standards of care, and they want to redirect youth away from violence and lives of crime and into a life of productive citizenship.

Women are integral to uncovering the solutions to these issues, yet this budget severely undermines women and the roles they play.

For example, the President's budget hurts working women and their families by freezing funding for child care in the Child Care and Development Block Grant, early childhood education in the Head Start programs, and necessary social services in the Social Services Block Grant.

The legislation we passed tells low-income women they have to work if they wish to qualify for aid from the government, but how can women work if they cannot afford a decent place to leave their children during the day? They have to have confidence that their children are getting the proper care. The President's budget does not provide an answer to that question.

Women need more assistance with their health care needs, not the same as last year, and certainly not less.

The budget reduces funding for title X family planning programs, the Maternal and Child Health Block Grants, and the Public Health Service's Office of Women's Health. The goals of these programs are to improve the health and the well-being of women and girls, and by reducing their funding, we show women and girls that their health care is less important.

This budget has failed economic policies and has contributed to the 1.2 million more Americans slipping into poverty. Communities of color are disproportionately living at risk. Approximately 25 percent of African Americans and 22 percent of Latinos are living in poverty. We should be doing more, not less, to help all Americans trying to make ends meet.

The President's budget cuts spending on food stamps by more than $650 million over the next 5 years by making it more difficult for low-income families receiving welfare to qualify for food stamps. Approximately 225,000 people will lose eligibility for food stamps. 40,000 of those are children who will also lose access to free school lunches, and subsequently, spending on child nutrition will be cut by $50 million over the next 5 years.

These cuts will hurt the low-income women who rely on the food stamps; and what is so tragic about this is that it is the women who shop for children's foods, and when we think of it, children will be going to school with empty stomachs, hungry. How can they concentrate on their classwork when they are hungry? Of the 21 million people who receive food stamps, nearly 70 percent are women.

The President's cuts will also affect Latinos across the country who are struggling to put food on their tables. We must end the irresponsible cuts to the food stamp program that pays for tax cuts for the wealthy, and we must oppose this President's budget.

The President's budget also eliminates the Commodity Supplemental Food Program which provides nutritious food packages, primarily to low-income seniors. Over 420,000 seniors are served by the Commodity Supplemental Food Program, as well as 50,000 mothers and children. Our seniors deserve better treatment than to cut these programs.

Over two-thirds of low-income elderly are women who also receive disproportionately less in other government benefits, and the programs are Social Security and others.

□ 2115

And these are people who have paid in to the Social Security System who deserve to have a dignified retirement. In February, 59,000 of these recipients were eliminated from this program and are no longer able to obtain their monthly supply of groceries. Shame on us.

Simply transferring these individuals to the Women, Infant, and Children Food Assistance program, known as WIC, or food stamps is not a workable solution for many elderly individuals. Cuts in the budget to food stamps will make it more difficult for seniors who will be transferred from this commodity supplemental food program if the President's budget is implemented. In addition, many elderly shifted to food stamps will not qualify for the same amount of groceries they currently receive from the commodity supplemental food program. Again, shame, shame on us.

The commodity supplemental food program is also a very unique program that helps seniors because the food is delivered where they live and eat, and it is important that we preserve this program for our distinguished seniors, all of whom are distinguished because they have lived long and worked most of their lives.

The President's budget also calls for cuts to WIC in the coming years. While the budget includes $5.2 billion for 2007 for the WIC program, funding declines to $5.0 billion in 2011. That is a 13.3 percent cut from the amount that would be necessary to maintain purchasing power at the current level. The President's cap on administrative costs in the budget will likely lead to reduced WIC clinic hours and other service cuts, making it more difficult for families to receive services such as nutrition education.

So the President's assault on the safety net services for the poor in favor of tax breaks for the wealthy has to come to a stop, and it is up to us here in Congress to say no to his ridiculous requests that put thousands of women, children and the elderly at risk. We must honor our old, and we must do for our children what America stands for.

Women need more assistance with their health care needs. Seniors need better assistance with their health care needs, and the budget reduces funding for many of these programs. Shame, shame on us if we allow such a detrimental budget to go forward.

So I would say, my colleague, my distinguished colleague, that our speaking tonight, I hope, will convince our colleagues that this is a detrimental budget that doesn't help. It only harms America's women and elderly and America's children.

Ms. SOLIS. Thank you, Honorable Congresswoman DIANE WATSON for your eloquent words. I know that there are thousands, millions of people out watching us tonight, and I know in my great State of California there is a lot of preoccupation in terms of what is occurring here in the House. It is very disappointing to go back home and tell folks that the policies this administration has leveled are outrageous and severely harmful to our most vulnerable populations, our children, our seniors, our working families.

And we don't have to look too far to be reminded what the President attempted to do just last year when he talked about privatizing Social Security. A failed policy. He tried to sell it. I think he had several town hall meetings. I know I did. And when we went out and spoke to our seniors in an open, unbiased setting, where no one was given pretickets and everyone was allowed to come in, where we had lay people, we had doctors, and we had folks in the health care industry but we had also the seniors there, they asked the very important questions: How is making this program, Social Security, which is the bedrock, our insurance plan for all Americans when they retire, how is it going to help to privatize it? Who is going to make the money off of that? And if I don't pay into it and put money aside, who is going to support me in my old age?

I heard this from widows and disabled people, and I heard an outpouring of negative support for the privatization of Social Security. In just about every forum that I held in my district, in east Los Angeles, in the San Gabriel Valley, we heard by an overwhelming margin that the people did not support that plan. Do not touch Social Security was the clear message that I got. And I know that many colleagues in the House on our side, in the Democratic Caucus, held several, if not thousands, close to a thousand, I believe, town hall meetings last year, and overwhelmingly there is a consensus that we can't afford to shortchange our seniors and people who have paid into the system. And to also neglect the disabled, because there are some very vulnerable populations that rely on that Social Security check.

Many people wrote me personally and said, Congresswoman SOLIS, please do not allow for further cuts in Social Security. We need to have an indexing system so that we can keep up with the cost of living. My rent is $400, but my check for that month is maybe $800. I have to pay for utilities. I have to pay for medicine, and it isn't enough to cover my medicine. So I have to cut my medicine in half and spread it out for the week or the month.

And still no one there to listen, to help. This administration has turned their backs on our most vulnerable population. Thank goodness that that proposal went nowhere. But I understand that there are current attempts to try to revive it again, and I know that our colleagues on the other side of the aisle have also heard very strongly that their constituents are not in agreement with privatizing Social Security.

That leads me to something else, because one of the things I think is most important for us tonight is to talk about Medicaid and its effect on women and the proposed cuts that this President would like to make. We can't allow it.

Here on this chart I would like to explain to the public and to my colleagues that this is the Republican budget, which fails to provide health care for women and families. And if you note, women account for over 56 percent of Medicare beneficiaries. The Republican budget slashes Medicare by $36 billion over 5 years. The majority of Medicaid beneficiaries are women and girls. The Republican budget cuts Medicaid by $42 billion over 5 years, and more than 20 million women do not have any form of health insurance.

The Republicans health savings account, which is much like the privatization of Social Security, would lead to higher out-of-pocket costs for most Americans. And once people hear about this, they will turn down the notion of health savings accounts.

In my district, you have to have money to be able to put away just to set up that account. We are talking about needy people, working class people, working families that are struggling. They can't afford to put $200 and $300 away per month just to provide for a premium to pay for that health care account. And then we are probably sure to hear that some of these providers that are going to get into these accounts are going to be very selective and cherry pick who their patients will be. They are not going to take the very ill, the very sick.

That is why it is important that the government step in and continue to fully fund Medicaid and not go in the wrong direction that this administration would like to go into.

I would like to go back to my comments here where the President's budget proposes new rounds of Medicaid cuts that would take another $14 billion out of Medicaid, as I said over the next 5 years. These cuts come just months after Republicans in Congress forced through an ill-conceived budget reconciliation bill which slashed $6.9 billion over the next 5 years in the Medicaid program.

Over 20 million women in our country lack any form of health care. Again, cuts to Medicaid, an already underfunded program, would have a devastating impact on women and their families. And more than 53 million people, including 14 percent of low-income Americans, currently have no access to health care. And it is even more important because more than one in every four children in the United States is covered by Medicaid. That is more than 25 million children in our country. More than 30 percent of children with disabilities rely on Medicaid for health coverage and services.

Medicaid provides essential care, such as family planning, breast and cervical cancer treatment, and care for disabled women to more than 16 million women, including approximately 10 million women of childbearing age. Nearly one in ten women in the U.S. receives health care coverage through Medicaid, and one-third of all poor women are covered by Medicaid, including 40 percent of single moms.

Medicaid is so important to Latinas, who have the highest rate, of uninsurance, 37 percent, of any racial and ethnic minority group. Approximately 12 percent of low-income Latinas rely on Medicaid for their health care coverage. Even Latinas who are legal immigrants, who are here legally, find barriers to health care access.

Since 1996, legal immigrants have been barred from receiving Medicaid coverage for the first 5 years of their residency unless the State they reside in specifically covers them through State funds. In our State of California, we have been able to do that. This is a 5-year period in which these women and men who legally emigrated to the United States are denied regular health care and screenings for diseases that plague communities of color, like cancer, diabetes, HIV and AIDS.

Without health insurance, many Latinas are forced to delay or forego their health care coverage all together. For example, approximately 25 percent of Latinas have not even visited a physician in the last year. Incredible. Almost one-third of Latinas do not have any health care provider at all. And Latinas do not access prenatal care or cervical and breast cancer screenings at the same rate as the regular population.

We need to do more to expand access to Medicaid for all women, all women of color. Women are twice as likely as men to qualify for Medicaid because they are poorer, in lower-paying jobs, and are less likely to be offered health care insurance. Women of reproductive age are especially vulnerable because they are more likely to lack health insurance.

Medicaid accounts for two-thirds, two-thirds of all Federal and State family planning funding nationwide. This is the largest source of public funding for family planning services and products. Low-income pregnant women can receive critical prenatal care when they need it without being turned away. Medicaid ensures that women receive a full spectrum of maternity coverage, including prenatal, labor, delivery and postpartum care.

Medicaid is also important for elderly women, as we spoke about earlier. It is the largest source of funding for women over the age of 80 living in nursing homes. The program covers high-cost nursing homes and long-term care services.

Medicaid also covers important health screenings for cervical and breast cancer as well as for sexually transmitted infections. Medicaid in California provides vital health services to low-income women of all ages who comprise 75 percent of the beneficiaries ages 19 and older.

In California, in our great State, 42 percent of all births in the State are paid for by Medicaid. There is no question or doubt in my mind that Medicaid is a significant health safety net program for women. The cuts in Medicaid that are being proposed would shut the neediest individuals out of the public health system and put the health care of millions of women and young women and girls at risk.

□ 2130

Proposing reductions without ensuring the preservation of coverage for those in need simply transfers the burden to States that are already over stretched, and Medicaid cuts would shift costs to the States and impose higher costs to beneficiaries and health care providers who are already strapped. States would be forced to reduce Medicaid coverage and benefits, increasing the number of low-income Americans who are uninsured or underinsured.

The proposed Bush budget that we are discussing tonight would cut billions from Medicaid while doing nothing to make health care more affordable. Democrats believe in strengthening and not undermining Medicaid. The Federal Government should fulfill its promise of being a reliable partner in Medicaid, and we must protect Medicaid and maintain the current Federal commitment to this fundamental public health insurance program.

I stand in strong opposition to the President's budget because I know it does not go far enough in protecting the health and wellbeing of our families and our children.

In his State of the Union address, the President touted the government's responsibility to provide health care for the poor and the elderly and he set forth a goal of confronting the rising costs for all Americans. Unfortunately, the President's budget fails to live up to that goal. Instead, his budget undercuts health care for women, children and the elderly. America cannot afford to go in that direction. In recent years, health care costs have risen by almost 60 percent, and the number of uninsured continues to grow and grow, including more than 13.7 million Latinos. Today, 22 million women, one in 5 adult women, rely on Medicare for basic health insurance protection. In fact, women comprise 56 percent of the Medicare population. By the time women are age 85 and older, they account for nearly three-quarters of all beneficiaries, and President Bush's fiscal year 2007 budget that is being debated tonight in the Committee on Rules goes way off the mark by cutting back good proposals that help many, many of our Americans in the Medicare and Medicaid programs by increasing the fees paid by our veterans, and by increasing Medicare premiums paid by our poor seniors. That includes $39.4 billion in cuts to Medicare over 5 years and $105 billion in cuts over 10 years.

With the shoddy implementation of the Medicare Part D prescription drug benefit program and the growing population of seniors who are living longer than ever, now is definitely not the time to cut back on Medicare. And women who are eligible for Medicare are going to be at greater risk if these cuts are implemented.

I have to tell you in my own district we had a series of these forums where we also talked with our seniors at various senior citizen sites about this very complicated program. Many said they refused to sign up. They refused to sign up because they could not go through the quagmire of 40 different programs that they were being told to select from. Many did not have access to appropriate linguistic information in Spanish and in Chinese. Some were not able to access a computer because there may be only one computer in their entire neighborhood. Our seniors cannot even afford a computer in their home, and are even less likely to be able to pay for an increased premium in the Medicare prescription drug program. It is a failure in my opinion.

Just this last week on Monday we had a forum, a press forum in front of a pharmacy in east Los Angeles, Mr. Ramirez's pharmacy, and we heard from some of our pharmacists as well as some of our seniors that those individuals who are dual eligible on Medicare and Medicaid had a very difficult time now going into the pharmacy to get their medicine. They did not know that all of a sudden Medicaid was just going to pay for the hospital service that they did not need at that time, but if they went in to get their medicine, they were going to be charged anywhere from $1 to $5 more for every prescription that needed to be filled. So if you needed to repeatedly get medicine to treat your diabetes, to treat your high blood pressure or heart disease, you would be paying anywhere from $100 to $200 more out of pocket. And these are the folks on a fixed income, so $5 and $10 is a hardship. It means no food, no electricity, no phone and could lead to death if they are not given the appropriate treatment. This continues to go on.

As Democrats, we are fighting to try to extend the deadline so people can go beyond the May 15 deadline that this administration said they would like to impose. If seniors do not sign up for this program by that time, they will be penalized, just further demonstrating how insensitive this administration is.

We have a bill as Democrats to extend that deadline to December 31, 2006. Why can't we get bipartisan support when the outcry has been so strong. I ask my colleagues to consider how we as Members of Congress can take care of ourselves, have the best health care programs for ourselves and our families and yet forget about our constituents in our districts. That is shameful and we need to address that immediately.

I know in our communities, especially senior women of color, they are more likely to be low income. That is the case in east Los Angeles and the San Gabriel Valley. Fifty-six percent of African American women and 58 percent of Latinas live on Medicare and their annual incomes are less than $10,000 a year compared to 24 percent for white women beneficiaries. Who in their right mind could survive on $10,000 a year, maybe a widow who has outlived her spouse who maybe live in an apartment, does not even own a car and has very little wealth, and yet we are expecting them to pick themselves up by their bootstraps after they have given so much to our country and paid in to the tax base and the economy of this great country. Shame on the Bush administration for doing that, for cutting health care funding for the elderly when we cannot even agree to negotiate with, for example, the pharmaceutical companies to lower the cost of prescription drugs. We do it for our veterans, why can't we do it for all seniors. Why can't we allow for low cost and generic drugs to come into our country and import from those countries that we work with already. It is beyond comprehension for me to understand why this administration continues to have this roadblock where they do not want to support and preserve the rights of our seniors and our elderly.

The President seeks Medicare savings through arbitrary reductions in provider payments, and we heard this at my press conference on Monday from our local pharmacy who said, "Congresswoman, I cannot even afford to give some of these medicines out because I am not getting an appropriate refund or rebate on the medicine that I am giving. It is costing me more to give out the medicine than what I am getting in in payments from the Federal Government."

There is something wrong with that scheme, and I know perhaps the President has not thoroughly spent enough time in communities like mine to understand the hardships that are going on throughout our country right now. Those are challenges that we have to face. We have to face those here in Congress and we must do everything we can to see that this administration minimizes any costs and hardships to our seniors.

Medicare costs in my opinion definitely need to go back. We do not need to move forward with this prescription drug program that was implemented, that was given to us in the dawn of night, 2,000 pages that Members could not even read, and three or four more hours where the clock was running and people could not decide on how to vote. It just blew my mind to see that there was such a callous understanding of what the implications of this bill would be.

Now we know the truth. The seniors know the truth, and they know that these programs are not working for them. That in fact this program, this facade of a program that was supposed to help seniors, actually helped the pharmaceutical companies. They are the ones that made millions. They are the ones that stand to make millions from the implementation of this program. That is wrong. That is not why we were sent here to this House. We were sent here to work on behalf of our constituents, and I refuse to vote for programs that will keep harming not only our seniors, our children, our women and also our veterans, which is happening here tonight in back of me in the Committee on Rules.

We must talk freely about what is happening here and ask for transparency on the part of our elected leaders, especially those that control the domain of this House. We need to stand up. I know my colleagues in the Women's Caucus, in the Women's Democratic Caucus, will do everything we can to go out in the next few months, to hold forums and to continue to educate the public about the atrocities that are occurring. They need to be aware that we are here to speak to them clearly as Democrats, that we will stand for them and that we will fight with every fierce bone in our bodies to make sure that these cuts against our families and our children no longer occur. I pray for that moment to come soon.

I thank my colleague, Ms. WATSON, for joining me tonight, and I thank the Honorable NANCY PELOSI and our leadership and all of the 46 members of our caucus, the Democratic Women's Caucus, who stand tall every single day, coming here to work and working in their districts to make sure that the public is aware of the transparency that our party would want it to be like here for all of us.

I want to thank also my staff and the staff of Leader PELOSI for helping us prepare for this one of many occasions we will come on the floor and speak the truth about these cuts that are being alleged and the harmful effects they will have to our communities, the senior community, the women's community, children's community and veterans' community.

I would ask individuals to please take note that this is the Democratic Women's Working Group fighting for America's women and our families. Visit our Website at http://democraticleader.house.gov/dwwg/ or e-mail us at democratic womensworking group@mail.house.gov.

Ms. SLAUGHTER. Mr. Speaker, the President's Fiscal Year 2007 proposed budget sells women in this country short. Whether we are talking education, housing, financial security or health—this budget fails women.

The President's budget will hurt elderly women by slashing Medicare once again. Congress just passed legislation cutting Medicare payments to health care providers to the tune of $22 billion over 10 years. Now, the President's FY07 budget will slash Medicare by yet another $105 billion over 10 years. These drastic cuts will disproportionately impact women throughout this country, as women account for over 56 percent of Medicare beneficiaries.

But the President's budget doesn't stop with Medicare. It also cuts Medicaid to the bone. I'm sure it is no surprise to anyone in this body that the majority of Medicaid beneficiaries are women and girls. With over 2 million women and girls having lost health insurance coverage since 2000, many have turned to Medicaid for needed health care. The President's budget cuts Medicaid by more than $42 billion over 10 years. These cuts will shift costs to the states, who are already drastically reducing health benefits due to current budget shortfalls.

This budget leaves behind women seeking reproductive health services. Title X clinics provide high-quality, low-cost family planning services. For more than 30 years, these clinics have enabled millions, and millions of women to plan their pregnancies, prevent unintended births, and receive desperately needed reproductive health care. Yet the President has proposed cutting funding for this program by millions and millions of dollars.

Women cannot afford for this valuable program to be short changed, especially if this administration is not willing to adequately fund maternal child health programs. Which apparently, it is not. The Healthy Start infant mortality initiative and the Maternal and Child Health Block Grant—both are placed on the chopping block in the President's budget.

How can we tell women—we won't help you access contraception, and we'll do our best to see that you can't get an abortion, and then you're on your own if you have a child?

Whether a senior needing Medicare, a young woman seeking reproductive health care or a mother in need of care for their child, this budget sells all women short.

The President's budget puts special interests first—and America's women last. It turns back the clock on programs that we have fought for so many years to adequately fund, and the consequences are disproportionately placed on the backs of those who can least withstand the impact.

I urge my colleagues to stand up for women and oppose the President's budget cuts.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I was disappointed to hear that once again the Women's Educational Equity Act is proposed for zero funding under the Fiscal Year 2007 budget. Since its inception in 1974, WEEA has proven an extremely effective in providing opportunities and support for young women.

The WEEA program is an essential part of eradicating sex discrimination in our schools. Through WEEA girls are exposed to career opportunities from which they have traditionally been excluded. In addition, WEEA funds programs that develop teaching strategies, educational materials and curriculum designed to reflect the experiences and achievement of women. WEEA also funds programs that combat sexual harassment.

We hear rhetoric that programs such as WEEA are no longer necessary because women have equal status. While women have made many strides, gender disparities still exist in many fields. Even though college enrollment of women continues to increase, there continues to be a gender disparity in the fields of science in technology. Women not only earn fewer degrees, but are under represented in advanced secondary math, science and computer science classes. Investment in collegiate athletic programs and athletic scholarship opportunities also continue to favor men.

Perhaps the most distressing aspect of this gender gap is the persistence of sexual harassment on college campuses. Recent studies show that nearly two-thirds of female college students experience sexual harassment at some point during college—causing immeasurable harm to these women's studies and future goals. WEEA programs provide vital resources in order to fight this type activity.

WEEA continues to be an essential component in ensuring that young women are not inhibited by their gender and can choose a career path based on their interests, aspirations, and abilities. I strongly urge my colleagues to support access, equality and opportunity for young women through continued funding of this program.

Ms. LEE. Mr. Speaker, tonight I join my colleagues in highlighting the detrimental effects the President's fiscal year 2007 budget will have on women.

From health and education, to the protection and development of women and girls internationally, this administration intends to cut funding in programs that are vital to women's well-being and development.

Worse still Mr. Speaker, many of the programs that the President intends to cut disproportionately impact minority women negatively.

For example, in the area of health, the fiscal year 2007 budget cuts $1 million out of the National Center on Minority Health and Health Disparities. This is a critical facility that directs money and technical assistance to organizations working with minorities on diseases that disproportionately kill women, such as heart disease, diabetes and obesity.

Additionally, the President's budget would cut funds from the minority HIV/AIDS initiative which actively seeks to address the prevention and treatment needs of minority communities heavily impacted by HIV/AIDS.

The budget cuts the Office of Minority Health by a staggering $11 million and the Office on Women's Health would receive a significant cut.

It's not just health that is slashed in the President's budget.

The President proposes cutting funding for education initiatives for homeless children and youth by $600,000 and cut Pell grants by a whopping $430 million—with an award cap of $4,050.

Furthermore, the President has proposed a $1 million decrease to fair housing assistance programs for our most needy.

Mr. Speaker, I could stand here all night and list the outrageous cuts in health, education, and housing programs the President's budget would inflict, but I would be remiss if I didn't also highlight the cuts to programs that guarantee the safety of women domestically and abroad.

One of the most successful programs to prevent violence against women while funding the prosecution of those who have committed those crimes, the Violence Against Women Act or VAWA, will face a potential $39.5 million cut.

Additionally, women's health is the President's proposed $2 million cut to the United Nations Development Fund and a $9 million cut to the United Nations Population Fund will jeopardize the health and safety of women around the world.

Mr. Speaker, our budget is a moral document. It reflects the values of our Nation. I'm sad to say these aren't the values that my sisters in Congress and across the country hold dear.

Mr. Speaker, I urge all of my colleagues to think about what a budget like the one the President has proposed means to each and everyone of their constituents. You can't tell me we can't do better.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, what a pleasure it is to come back to the floor tonight to discuss some issues of vital concern to Members of the House and all Americans.

I could not help but pick up on what the gentlewoman from California was saying just a moment ago about a number of issues. One of them was about Medicare Part D. We are going to talk about a lot of things tonight, but I want to start by talking about Medicare Part D.

I am a physician. I practiced orthopedic surgery for over 20 years in the Atlanta area. She mentioned there was a plan to delay or postpone the deadline for Medicare Part D which is the prescription drug formula for seniors. Nearly 28 million out of 42 million have already signed up. Many of them are finally getting medications for the first time.

She mentioned there was a plan to delay it and they could not get bipartisan support. I guess that is one of the things that brings me to this well almost night after night because what you hear down here just is not so. It is not the truth.

Mr. Speaker, I am one of those who also believes that there ought to be an extension of that deadline. In fact, we have had a bill on that for over a year and we could not get a soul, not a soul on the other side of the aisle to support that bill. The reason for that is what brought about the Official Truth Squad.

The Official Truth Squad began with a group of freshmen Republicans who came here after the 2004 election to be Members of Congress and came here with wonderful vision and enthusiasm and positive spirit. And what we were met with oftentimes from the other side was really vitriol, was personal attacks, was a distortion of the truth, misinformation, disinformation.

We had been meeting on a weekly basis as a group and so we got together and we said how can we counter that. Because when I go home, I know that is what concerns many of my constituents. I suspect that is what you hear, Mr. Speaker, back at home. People ask why the level of rancor and why the level of partisanship.

What we thought to do in an effort to try to raise the level of discourse and decrease the kind of partisanship that goes on is to talk about truth, talk about issues in an open and honest manner and in a way that sheds light on issues.

Tonight you have heard an awful lot already about various issues, Mr. Speaker, that frankly have not been treated with the light of the day, if you will.

□ 2145

And so we have adopted, the Official Truth Squad has adopted a saying or a quote from a wonderful former United States Senator, Daniel Patrick Moynihan from New York, and he kind of crystallized what our frustration was, and that is, everyone is entitled to their own opinion, but not their own facts. And so often around here, what happens is that people's opinion gets mistaken for facts. In fact, it has been said that if somebody says something three times in Washington, they think it is the truth, regardless of whether or not it has any bearing on the truth. And so I want to touch on a couple of things before we get into our other issue tonight, and I want to talk a little about student loans, student aid. We are now dealing this week on the Higher Education Reauthorization bill in the United States House of Representatives. It is a bill that has to be adopted in order to continue the programs that are so vitally important to millions, millions of young people across this country in order to go to college and university and to better themselves and make a better life for both them and their family. And what you always hear from the other side, what you always hear is, oh, they are going to cut this, and they are going to cut that, and they are going to slash this, and they are going to slash that. And that is what we have heard tonight, Mr. Speaker.

But the Official Truth Squad has as a mission to shed the light of day on it and to talk about the truth. And I am fond of charts and posters, because I think that they really describe much more than I am able to do in word. And this chart here, this poster here demonstrates the increases, Mr. Speaker, I said, increases, not cuts, not slashes. I said increases in Federal student aid over the last 10 years. And anybody can plainly see that the amount of Federal loans, the amount of Federal grants, the amount of education tax benefits, the amount of Federal work study, all of them, all of them, Mr. Speaker, over the last 10 years rising year after year after year, and appropriately so, so young people can have an opportunity to realize the American dream. That is the positive issue. That is the real message. That is the truth. These numbers, these numbers don't lie. And so when you hear people talk about cuts or slashes, Mr. Speaker, I am sorry to say that it just is really a fabrication. It is not the truth. It is not what is real. And you will hear them talk about Pell Grants. Pell Grants are the grants that the Federal Government provides for young people in order to go to colleges and universities, those young people who don't necessarily have the means to be able to afford it. It is a wonderful program, works extremely well, allows people to elevate themselves and really raise themselves up by their own boot straps. This is a telling graph, Mr. Speaker. This is a telling chart because it begins way back in 1986. And the yellow portion of this is when the Democrats were in control of the United States House of Representatives. And you will hear all about what they would do if they were able to control again. And I think it is important and instructive for the House of Representatives and for the American people to appreciate, well, don't tell me what you would do. Let us look at what you did. Let us look at the truth. And the truth, in fact, Mr. Speaker, is that Pell Grants provided for by the Federal Government for young individuals who are the most needy in our society in order to go to colleges and universities in fact were flat or decreased in the 10 years prior to 1996. And what has happened since then is an appropriate increase to be able to fund a program that allows young people, without means, to be able to go to colleges and universities. The red portion is what has happened under the Republican control of the United States House of Representatives. Mr. Speaker, those are not cuts. Those are not slashes. They are appropriate increases in a program that helps young people who are most in need.

This is another chart that demonstrates what would happen in the next fiscal year, what would happen with the overall Pell Grant funding. This is 2000, 2006. And with increased budgeting, the next graph, 2000 again, and Fiscal Year 2007 would increase from $4,050 per individual to $5,050, a significant remarkable increase. And on the end, the number of Pell Grants recipients, the number of students being helped, 3.9 million in 2000, fiscal year 2007, 5.3 million individuals. This is not a decrease. These are not cuts. These are not slashes. And for anybody to say otherwise is just, it is not true. It is not honest. It doesn't do a credit to the debate. It does a disservice to all Americans because it means that people aren't able to make appropriate decisions because they are not being given appropriate or accurate information.

And then, one final one on education that I just felt compelled to bring to the House this evening is the annual growth in education, Federal moneys for education over the last 5 years. Total education, remember, Mr. Speaker, what the mantra is out there is that there are being cuts and slashes in education programs all across this Nation. In fact, what has happened over the last 5 years, from 2000 to 2005, total education spending up an average of 9.1 percent. What we have done is required greater accountability. What we have done is said, if you are going to get Federal money, then you need to do a particular job and you need to make certain that you are doing it, and we need to make certain that you are doing that as well and having student accomplishment, that is what we have required. And so I think it is imperative that as we talk about issue after issue after issue here in Washington, and that when the American people listen and they pay attention to what we are doing, that they appreciate and understand and recognize that truth is important to the discussion, and that if we don't start with truth, we can't reach the right conclusion at all.

There are a number of other issues that have been talked about this evening and repeatedly over the past couple of months, one of them is the issue of Medicaid, something that is near and dear to my heart as a physician. I treated patients from all across the economic spectrum and understood that an individual's means didn't make a difference about how we cared for them. And so I take really a personal affront when individuals talk about slashing and cutting a program that is so vital to people who need to be able to access the health care system. And the Medicaid system is one of those that really irritates me when I hear people talk about it on the other side of the aisle, when they talk about these cuts and slashes that they describe, because it just is disingenuous and it does a disservice to the debate. And it does so because it is not the truth. It is not the truth. And these are the actual numbers, Mr. Speaker: 1995, $89 billion in Federal money being put out for Medicaid. And you can see the line, Mr. Speaker. It is a continual increase over the last 10 years. And it is an appropriate increase because we have covered more individuals. And it is an appropriate increase because it recognized that individuals in the Medicaid system needed to have access to the highest quality medical care. And so the average growth over the last 10 years, 7.4 percent per year. 7.4 percent per year. Mr. Speaker, it is not a cut. It is not a slash. That is an appropriate increase in a program that is caring for the most needy in our society, from $89 billion in 1995 to $181 billion in 2005.

We hear a lot of talk about what the quote cuts and slashes are going to do to our society. This is a difficult graph to tell the difference because this shows what the projected spending is over the next 5 years in the mandatory or automatic programs that we have which are Social Security, Medicare and Medicaid, three programs that the other side likes to talk about a lot because they talk about how the cuts in spending will wreak havoc in our society.

Mr. Speaker, I think it is imperative that folks look at this all across this House chamber and appreciate that the difference between the baseline, which is the green line, and the administration proposal, which is full of all these remarkable changes that the other side alleges, is a difference in a 5.3 percent growth that is projected, which is part of the plan that has been adopted or recognized over the past number of years, but when economic situations change, and when it is important to get a handle on the amount of Federal spending and be fiscally responsible, the change that has been recommended by the President is a 5.1 percent a year growth over the next 5 years. That is right, Mr. Speaker. You heard correctly. All of the demagoguery about these programs, all of the negative comments about these programs, all of the personal attacks about these programs that do a disservice to our entire Nation and are simply untrue are all about the difference between the green line and the red line, a difference between 5.3 percent growth annually over the next 5 years and 5.1 percent growth over the next 5 years. So I would suggest to our friends on the other side of the aisle that it would be much more helpful to be positive, to be open to collegial activity, to bring solutions to the table, to talk about how we can best help individuals to help themselves all across our society, and not be so negative and demagogue every single issue that makes it so it is incredibly difficult to tell exactly what the truth is and where we are going.

You oftentimes hear them talk about the tax cuts for the wealthy and how that will decrease the amount of money coming into the Federal Government and how it will make it so that we can't fund the kinds of programs that we need. Well, President Kennedy knew something very, very brilliant and President Reagan knew the same thing and President Bush learned well, and that is that tax cuts don't decrease revenue to the Federal Government. They increase revenue to the Federal Government. And I know that sounds kind of contradictory, or that it is kind of counterintuitive. But in fact, that is what happens, and this chart shows that extremely well. In 2000, this is the level of revenue coming into the Federal Government under previous administration policies. And what happened, and you see that the line is decreasing because of the recession that we are in, the dotcom bubble burst and 9/11 occurred. And by 2003, we were on a pretty steady slope down.

Now, what happened in 2003 with the vertical green dotted line there, what happened is that the tax decreases. The appropriate fair tax decreases of this administration and of the Republican Congress went into effect. And then what you see happen is the tax receipts to the Federal Government increase significantly. In fact, they increase so much that in 2005 they were significantly greater than in 2000. Tax revenue increasing because of tax cuts. And why is that? Well, it is because people have more of their own money in their pocket. And what do they do with that money? They save it so that it can be invested, or they spend it so that this increases the economy and the economy booms. And that is what has happened. So when you decrease taxes, appropriately, fairly, judiciously, the truth is that what the Federal Government receives is an increase in tax revenue. So when you hear these folks talk about their plan, their plan to save this or their plan to save that, and most often you won't have them tell you exactly what they are going to do. One of them slipped out yesterday. I was listening to him on the floor. And he said, quote, we will have to, quote, raise revenue somewhere else, unquote. Raise revenue somewhere else. Now, what does that mean? What does raising revenue somewhere else mean to folks on the other side? Well, you know what it means, Mr. Speaker. It means raising taxes. It means raising taxes. We have a wonderful opportunity in this Congress to make certain that the tax decreases, the fair tax decreases of this administration and the United States House of Representatives and Senate, that they adopted ought to be made permanent, especially the death tax, the inheritance tax which is so destructive to small businesses and to families all across this Nation. They ought to be made permanent.

And one final poster on revenue and on tax growth, because it projects out to 2011. And that is that as long as the tax decreases, the fair tax decreases are continued, what happens over the next 5 years is that the Federal revenue stream continues to increase. Now, again, I know that seems counterintuitive. That seems like it doesn't make sense. If you decrease fairly the tax liability of individuals all across this Nation, you might think, well, then the revenue coming into the Federal Government is not going to be as much. But in fact what happens is that the revenue to the Federal Government increases significantly. And it increases because when you put more money in the back pockets of men and women across this Nation, what happens is that they save it and they invest it and they spend it when they want to, and what that means is that you get significant economic growth.

Now, Mr. Speaker, I have gone a little longer than I had anticipated on the issue of the economy, but I think it is incredibly important because, as a Member of the Official Truth Squad, what we are interested in doing is bringing truth to issues, all issues, economic issues and an issue of national security that we are going to talk about tonight because when you think about it, the issue of truth and national security, probably nothing could be more important in terms of talking about truth when you are talking about national security.

□ 2200

I mentioned that I am a physician, and if I am taking care of a patient, if I do not have truthful information from that patient, I cannot reach the right diagnosis. I cannot make the right diagnosis. And if I cannot make the right diagnosis, then I cannot treat the right disease. And if I cannot treat the right disease, then the patient does not get well.

And the same is true for our national policy. If we are not talking truthfully about the issue, if we are not openly and honestly discussing the issue, then we cannot make the right diagnosis. We cannot figure out what the right problem is. And if we cannot figure out what the right problem is, then we cannot propose the right solution. And if we cannot propose the right solution, then never on the face of the Earth in this body will the right solution come about. It just does not happen by happenstance. So truth is so incredibly important when you talk about national security because the consequences of not talking about the truth in the area of national security are probably greater than anything else. Our obligation as Members of Congress and Federal representatives is to make certain that we protect our citizens, that we protect our Nation.

And so we would like to talk a little bit this evening, as the Official Truth Squad, about national security. One of those areas of national security is border security. It has gotten a lot of attention the past couple of weeks and certainly coming to a head this week as the Senate addresses the issue of illegal immigration. But I am one of those who join my colleagues in believing that if our border is not secure, then our Nation is not secure. And so I am pleased to be joined tonight by a number of colleagues.

First, I would like to welcome and introduce Congresswoman THELMA DRAKE from the great State of Virginia. Congresswoman DRAKE is a member of the Official Truth Squad and a member of the freshman class and just a great individual who recognizes and appreciates the importance of national security, who has done yeoman's work in the area of assisting our armed services, Armed Forces, and is going to talk a little bit tonight about border security.

So, Congresswoman DRAKE, I thank you so much for coming and look forward to your comments.

Mrs. DRAKE. I would certainly like to thank you for giving me the opportunity to join you this evening to talk about something that is so critical to our Nation.

And before I go into the issue of border security, I just want to comment a moment on what you started out with, and that is Medicare part D. First of all, you and I are freshmen; so we were not in Congress in 2003 when the very largest change to Medicare took place, but I know that both of us have been committed to making sure that citizens in our district understand what this new benefit is for them. And I think it is important just to tell America where we are today, that there are 42 million Americans who qualify for Medicare.

Remember, anyone who is eligible for Medicare and is receiving Medicare is eligible for this new benefit. As of today, 28 million of those have signed up for coverage. The expected figure by May 15 is 30 million people, and there are 6 million people that have been identified that will not need to sign up because they are military retirees, Federal retirees, State retirees, or have other programs. That is going to leave us on May 15 with 6 million Americans that we have not reached. So I think it is important to talk about it so that our seniors understand what a wonderful benefit this is.

What I have learned in my district is when I talk about Medicare part D as being a private sector insurance product with a reduced premium, then all the rest of it makes sense, that they have choices. It is a voluntary program and gives them, as you have already said, the ability to have prescription drug coverage, which many of them have not had in the past.

So I want to thank you for talking about Medicare part D, and I know the work that you have done in your district as well to make sure that our seniors know and they make the best decisions for them.

But what I wanted to talk about tonight is the Border Protection, Antiterrorism, and Illegal Immigration Control Act. That is the name of the bill that we passed in December of 2005 in this House.

Unfortunately, at that time there was not any press coverage about that bill. We really were not hearing about it until the Senate took the bill up about a week or so ago.

I know that you and I share the same belief, that the very first step in any debate about immigration reform is the very first debate which has to be secure our borders. We believe that our country must be open for trade, tourism, and legal immigration and closed to terrorists, drug dealers, and criminals. But the bill that passed in December, and I think it is important for America to know, a lot of the components that were in that bill, things such as an employment verification system where employers would be required to check Social Security numbers with Social Security and Department of Homeland Security, today that exists, but it is simply a voluntary program, and we all know the stories about fraudulent documents that are out there.

Increased penalties for alien smuggling, mandatory minimum sentences and increased penalties. A crackdown on alien, either legal or illegal, gang members. They would now be inadmissible and deportable, and our Attorney General can designate certain groups as gang members. It also bans benefits for alien gang members, stiffer penalties for aliens who enter after being removed. It bars aliens with aggravated felony convictions from receiving green cards.

There is now cooperation and reimbursement between our border sheriffs and our Federal law enforcement to reimburse them for the work that they are doing for us. Increased authority for the Department of Homeland Security to detain dangerous aliens. Our courts have prohibited this in the past, and the result is that dangerous aliens have been released. It also provides for the removal of these aliens. It bars terrorist aliens from naturalization. There is increased security for our borders with both military support and Department of Defense surveillance. It requires a comprehensive risk assessment of our ports and land and maritime borders and radiation detection devices. Increased inspectors, 1,000 over a 4-year period, and an additional 1,500 K-9 units over the next 5 years.

Physical barriers, state-of-the-art surveillance technology, including cameras, radar, satellites, and unmanned aerial vehicles. It eliminates the release, which is our current catch-and-release program, and requires that they must remain in custody, an illegal alien, until removed. Better communication and sharing of information with our law enforcement community and promotes international policies with Canada and Mexico and requires reports back to Congress.

So I think these are commonsense solutions that America expects Congress to put into place. But as you have mentioned our work is continuing, that the Senate is now having a very, very active debate. That debate will continue in the House. And I think that we all agree that we must revamp this process but starting with the very first component, which is securing our borders. But we also need to end the lottery that exists, get rid of senseless rules and endless litigation, and we must have a policy in our Nation of catch and return and not our current catch and release. And the goal, of course, would be to stop illegal crossings in the first place. And I think the American people deserve that. They deserve to know that that is what is taking place.

But as we continue with these discussions, one of the discussions that will take place, of course, is what about workforce, what about guest workers? How should that be crafted and what should that look like so we know who are the people who are here? Why are they here? What are they doing here? What is the purpose that they are here? But as a component of that, I also think it is critical that we deal with the issue of health care and that employers who want these workers in our Nation, and we know there is a tremendous need for them, would have to address that issue of health care right up front and not put that burden on the American people as it has done in the past.

So I thank you for the opportunity just to come and tell America what the House of Representatives did do and that as we continue the debate that they will understand that the first goal is secure our borders. We know this is a national security issue. We know the goal of our enemy is to destroy our Nation, to attack us at any possible turn.

I am grateful to our very brave military men and women who we know are taking out their leaders right now, shutting down their money, and keeping them busy over in Iraq and that they have not had the ability to attack our Nation again. And I think that we expect in Congress and the American people expect that we not allow these people to enter because of poor policies that we have in place; that our doors be open for tourism, for travel, for legal immigration, and closed to those who would do us harm.

And I thank you for arranging this meeting tonight and allowing me to join you in it.

Mr. PRICE of Georgia. Thank you, Congresswoman DRAKE, very much. You have just really clarified and crystalized the components of our immigration bill that we passed last December.

And I know that some of us have shared our frustration with the folks at home because there was really little attention paid to what the House did, very responsibly what the House did last December. Recognizing the incredible challenges that we have with immigration reform, working extremely hard to come up with a bill that addressed border security and interior enforcement. I guess if we were to be faulted for anything is that we did it during the Christmas holiday and it kind of got drowned out. But it is an important bill. It is an important bill. And I thank you for talking about the points in it that I think are vital and imperative as we move forward.

As we talk about the issue of border security and national security, the two are really closely linked, very closely linked, and it is a real challenge for America to move forward with immigration reform and border security. And one of the reasons that I believe it is such a challenge is that we essentially have had in our Nation over the last really 20 or 30 years a policy as it relates to illegal immigration of benign neglect. That is what our policy has been, and I am disappointed that that is the case. But as somebody once said, you play with the cards that you are dealt. And, in fact, the cards that we are dealt right now are a system that has been really neglected for a long, long period of time. So I am so pleased with the work that the House has done and will continue to do in trying to fashion the most responsible border security and immigration reform policy that we can.

Again, I think it is important that you make certain that we talk about truth. What is the truth? Where are we now that has put us in this challenging situation and in literally this crisis? And the issue is that we have between 12 and 20 million people here who are here illegally. And Congresswoman BLACKBURN has so often mentioned that she believes that it is not appropriate to call it illegal immigration, that it is illegal entry. She uses the wonderful analogy of if somebody were to enter your home illegally, you would not open your arms to welcome them. What you would do is take care of it. You would call on the authorities and ask them for help. And what has happened over the last 20 or 30 years is that when the States and localities have called on the authorities, the Federal Government, to come help, they have been left wanting. And that really is a shame. That is the benign neglect that I talk about. But comprehensive immigration reform has to, it must, begin with securing our borders. If you do anything else without securing the borders, it does not make any difference.

□ 2215

The porosity of our borders makes it so that is imperative, and the national security, as I mentioned, depends on border security. We need to know who is coming into the country. We need to know where they are from, and we need to know what they are doing here.

No immigration, no reform of the immigration system will be successful unless Congress makes the definitive commitment, has the willpower to make the commitment to ensure that the agencies that are responsible for stopping illegal immigrants have the resources that they need to get the job done. That just makes sense.

Without properly securing our borders, we remain vulnerable. I don't think anybody would deny that we remain vulnerable to those who may want to enter our country undetected and do us harm. We must ensure that our Border Patrol agents have the resources and the manpower and the technology to do their jobs.

I understand, and all of us understand, that America is a nation of immigrants. We are all here by virtue of somebody coming here from somewhere else at some point that allowed us the wonder and the glory and the good fortune and the blessing of being born or allowed to be a citizen of the United States of America.

We are also a nation of laws. We are a nation of laws, and I think it is extremely important that we appreciate that indeed America has been built on the hard work and the innovation of immigrants, without a doubt, and our country thrives on new ideas, and fresh energy that so many of our legal immigrant groups continue to bring. It is part of what makes our country great without a doubt.

We will remain a nation of immigrants, regardless of what we do in this legislation, because the number of legal immigrants that we welcome to our shores every year is significant. We invited over 1 million new permanent immigrants last year, much more than any other nation on the face of the earth. We accept over 6 million applications, 6 million applications, Mr. Speaker, for immigration and immigration benefits each year.

But America, again, has been founded on the principle and the respect for the rule of law. Those who enter our country illegally disrespect those laws, and they take advantage of a very generous immigration system and a very generous society.

We have got to find a comprehensive solution, a comprehensive solution that acknowledges the important contributions of legal immigrants and what they do to make our country great without rewarding illegal behavior. It is imperative that we remove that magnet of illegal employment and enable employers to be able to determine whether their workers are legal or illegal.

I think it is important when we talk about the employer verification aspect of the bill that we passed, and of any reform mechanism, that we make certain that we communicate to our employer community that we are not asking them to be policemen; and that the Federal Government's responsibility is to make certain that they are able to access real information in real time to be able to determine whether an employee that is coming to their place of work and asking to be hired, whether or not that individual is here legally. They need to be able to determine that then and now so that they can go ahead with the plan to either hire them or not based upon their qualifications, and not have to delay things because the Federal Government doesn't have accurate information.

I am pleased with the work that the House has done. This is a work in progress. The Senate is acting and will act, and then we will move forward with a conference committee, a group of the House and Members of the House and Members of the Senate to come up with a final product that hopefully we all can stand and be proud of and that will address a true crisis and a true challenge that we have in this Nation and end this policy of benign neglect that we have had for so many years.

Again, the issue we are talking about this evening on the Official Truth Squad is national security. I am pleased to be joined again tonight by Congresswoman VIRGINIA FOXX. Congresswoman FOXX is from the grand State of North Carolina, a dear friend and fellow member of the freshman class who is committed, committed, to making certain that truthful comments are made from the well, and that those things that are made, those comments that are made in the House that are not truthful are corrected.

I am pleased to have Congresswoman FOXX join me this evening to discuss the issue of national security. I welcome you, and I look forward to your comments this evening.

Ms. FOXX. Thank you so much, Congressman PRICE. It is very good to be on the Official Truth Squad with you and to bring facts out that need to be brought out. I heard your comments about illegal immigration, and I share those concerns with you. As we talked about homeland security, national security begins with border security. That is very important.

I think what we have to make sure that people understand all the time, the Federal Government was formed to provide for the defense of this Nation. It began by the States joining together to get our freedom from England, but we stay together for the defense of this Nation. Local government, State governments, cannot provide for the defense of this Nation.

We are the most free country in the world. We are, in my opinion, the greatest country in the world. We are not perfect. None of us who serve in Congress, none of us in the executive branch, are perfect people.

But the Republican party is focused on the issue of national security. We, as Republicans, understand that if we don't maintain our freedom, then nothing else matters. The way we maintain our freedom is to make sure that we have strong borders and that we protect against attacks like the ones that hit us on September 11, 2001. We are focused on that, and I think that the administration has done a great job of keeping us from being attacked again.

What are the Democrats doing in that respect? Today, they managed to release their so-called "national security agenda." We have been waiting for this plan that they say they are going to roll out where they say they can do things better.

One of the things their agenda calls for is improving border security. Now it is really curious that is what they say. They think they can tell the American people something that the American people will believe, and that we will ignore what they have done. Let me talk about what Republicans have done and what the Democrat reaction has been to that.

Last year, House Republicans passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act, as well as the REAL ID Act. How do these bills protect our border?

The Border Security Act increases penalties for illegal immigration and holds violators accountable to restore the integrity of our Nation's borders, reestablish respect for our laws, and help ensure that terrorists cannot enter the United States.

The REAL ID Act federally standardizes the requirements for applying and issuing State identification cards, because the 19 hijackers responsible for the 9/11 terrorist attacks carried between them 13 valid driver's licenses and 21 State-issued ID cards.

How do the Democrats vote on these issues? They are telling you now that they want to protect the border, and that is a part of their national security agenda. Well, 164 of the Democrats opposed the Border Security Act, and 152 opposed the REAL ID Act. So the Democrats now want to improve border security?

Here is a tip for them, Mr. Speaker. They need to start voting for legislation that does exactly that. They need to quit talking and start doing.

Today, when I was listening to them doing 1 minutes, something occurred to me, the motto of the State of North Carolinas is Esse Quam Videre, To Be Rather Than to Seem. I kept thinking that the Democrats never want to admit what they are, but rather they want people to think that they are something else. I think that they are the antithesis of the motto for North Carolina, To Be Rather Than to Seem, because they just want to seem to be something that they are not at all.

Earlier tonight, I heard somebody say, the Democrats will never agree to what their real agenda is, because it is so much opposed to the values of average Americans that if they admit to their real agenda, admit to their real values, they can't ever get elected again.

I think that it is very important that we continue to talk about border security and other things as it relates to national security.

The Democrats also voted against the creation of the Department of Homeland Security. The Department of Homeland Security helps prevent domestic terrorist attacks and assists the recovery and response efforts in the event of a terrorist attack. It passed the House 261–161. One hundred twenty Democrats opposed.

Last night we mentioned the PATRIOT Act conference report that strengthens our national security by giving law enforcement the tools they need to wage the war on terror and includes new oversight measures so that security and liberty remain balanced. It passed the House 251–174 with 157 Democrats opposing. The Democratic leader in the Senate bragged that they had killed the PATRIOT Act, and then when the PATRIOT Act came back, they short of sheepishly voted for it, wanting everybody to think that it was all okay and to forget about their bragging that they had killed the PATRIOT Act.

What about intelligence votes that weakened our national security before September 11? We might not have had September 11 if we had had an even stronger national security and if the Democrats had gotten on board with making sure that we could do all that we needed to do. In 1998, Representative PELOSI was one of only 31 Representatives who voted against authorizing appropriations for intelligence and intelligence-related activities of the U.S. Government for the CIA and related agencies. Several bills are outlined there.

In 1996, she and 153 House Democrats voted to reduce the total amount authorized by the fiscal year 1997 intelligence authorization by 4.9 percent. Even when PELOSI and the Democrats were in charge of the House of Representatives, they voted to cut intelligence authorization by $500 million.

We are going to present every chance we get the facts about what the Democrats have done. We are going to present the facts through the Official Truth Squad. We are not going to let them get by with seeming rather than being. And I think that that is very, very important.

I want to quote our Majority Leader BOEHNER today in a statement that he made:

"While Democrats have openly advocated cutting and running from our efforts to support democracy in Iraq, Republicans continue to build upon our strong record on national security by funding our troops fighting terror around the world and supporting Operation Iraqi Freedom and Operation Enduring Freedom.

"While Democrats seem more interested in protecting the rights of terrorists than the American people, Republicans passed the PATRIOT Act to give law enforcement the tools necessary to combat terrorism, protect our citizens and secure our communities.

"While Democrats focus more on protecting the rights of illegal immigrants than enforcing our immigration laws, Republicans have voted to secure our borders, give law enforcement new tools to enforce our immigration laws and help prevent terrorist and criminal aliens from moving freely throughout our society. When it comes to national security, their answer is the same as it is for everything else, "no." A media stunt will not eclipse their record of obfuscation and neglect on national and border security."

Those are the comments from Majority Leader BOEHNER today. I endorse what he has said. I think he has hit the nail right on the head. Someone else said that the Democrats say, "Do as we say, not as we do, on national security." That is another, I think, thing that we need to point out to the American people every chance that we get.

Again, we have to protect the freedom of this country. That is what allows us to do all the other great things that we do. Without national security, without freedom, we can't do any of the other good things. We are trying to bring freedom to other countries just as we have it here. It may take a little bit longer than it did in this country because of the very different cultural basis that we came from, but it is going to happen. We are going to help export freedom all over this world and that is going to help keep Americans free because that is what we have to do.

□ 2230

Representative PRICE, again, I want to thank you for the work that you are doing on helping us get out the facts and making sure that the Truth Squad presents the truth every night, and I would like to now turn my time back over to you.

Mr. PRICE of Georgia. Thank you so much, Representative FOXX. You are always so cogent and accurate in what you say. And you do the Official Truth Squad proud by bringing forward the information that is so important for citizens all across this country in order for them to be able to make appropriate decisions and realize what kind of work is being done here in Washington, positive work, positive work on behalf of the American people.

That is what the Official Truth Squad is all about. It is all about making certain that the accurate information, honest information for the entire Nation is being presented at some point on the floor of the House because oftentimes what we hear is not that kind of information. So I cannot thank you enough for coming and joining me this evening really, again, in a discussion about national security that is so extremely important; and it is important because nothing is more basic to our ability as a Nation and each of our ability as individuals to realize our own dream.

If we are not secure, if we cannot maintain our liberty and our freedom, then nothing else matters. Then what kind of job you have, where you work, what you want to do with your family, where you want to live, all those kind of wonderful things that all of us as Americans think about, dream about and work so hard for won't make any difference if we do not have the kind of security that we need.

I appreciate also you taking it in a little bit of a different direction because I think it is important that we talk about what the other side has proposed because it is important that they have stated they have given the talk, it is important to look at how they are walking and how they have walked. I also think it is important to shed light on the truth of where we stand as a Nation in this world and how grave and significant the enemy is because some people will tell you, well, there really is not an enemy out there. That if we just gather round and kind of huddle down that there will not be any problem with anybody else on the face of the Earth, that the people will just leave us alone.

Well, in fact, I think that if we truly and honestly look at the situation and if we reflect over the last 25 or so years we will appreciate that we have been in this war on terror for a much longer period of time than any of us might have admitted just a few short years ago. And in order to bring light to that, in order to provide some truth to that, I thought I would repeat something that I mentioned last evening. It is a very sobering list. It is a list of events that I think are extremely important to reflect upon because I think they put in perspective how we as a Nation are being challenged and that allows us to respond in a much more appropriate way.

So as a matter of truth I proposed, Mr. Speaker, to just kind of outline and list a number of events that have occurred over the last 25 years beginning as many of us will remember in November of 1979 when the embassy, our embassy in Tehran was seized and there began that 444-day long hostage crisis that I think was kind of the beginning of this litany of events that occurred.

In April 1983 there was the bombing of our embassy in Beirut, 63 Americans killed. In October of 1983, the bombing of our U.S. Marine Corps Headquarters in Beirut, 241 killed. In December 1983, a truck loaded with explosives driven into our embassy in Kuwait. In September 1984 another violation of our embassy in Beirut. In August 1985 the bombing of the United States Air Force Base in Rhein-Main, 22 killed. In October 1985, the *Achille Lauro* was highjacked and an American invalid in a wheelchair was killed. April 1986, Madrid bombing of a restaurant frequented by U.S. soldiers. April 1988, TWA flight 840 was bombed killing four. Again, in 1988 Pan Am flight 103 bombed over Lockerbie, Scotland, killing 259.

January 1993, two CIA agents shot and killed as they entered CIA headquarters in Langley, Virginia. February 1993, the first World Trade Center bombing killing six and injuring over a thousand. November 1995, car bomb explodes at a U.S. military complex in Riyadh, Saudi Arabia killing seven servicemen and women. June 1996, a truck bomb in Dhahran destroys the Khobar Towers, a United States Air Force barracks, killing 19 and injuring over 500. And then two coordinated attacks on U.S. embassies in Kenya and Tanzania killing 224. October 2000 the USS *Cole* was attacked in Yemen. And then on September 11, 2001 the second World Trade Center attack killing 3,000 of our fellow citizens, innocent all.

I think it is important to talk about that because that is the truth. That is the truth of where we sit as a Nation right now. And some will say, well, that was the end of it September 11, 2001. Well, the truth is that that was not the end and is not the end. And I cannot think of anything better to crystallize that and to explain that and to bring it to light than to quote an avowed enemy of the United States, Abu Musab al-Zarqawi, who said in January 2005, "We have declared a fierce war on this evil principal of democracy and those who follow this wrong ideology."

That is not anything we made up, Mr. Speaker. That is our enemy. That is an individual who designs day in and day out to do us harm, to hurt America and to hurt Americans. And so when we talk about things as grave and as important as that, I think it is incredibly important that we talk about what the plan is for each party, who is in charge, who is making the policy and what is the plan.

So as our friends on the other side on the aisle today unfolded their national security policy that they would propose, and it is an appropriate policy, the problem is that it reminds me of that wonderful country and western song that is out there right now, what we need is "A little less talk and a lot more action." And the talk that they have brought to the table is mostly appropriate; but the action that we have seen from our friends on the other side of the aisle just does not ring true. It does not ring true.

They call for eliminating terrorist breeding grounds, but in fact what they ignore is that Iraq is the central front in the war or terror and a breeding ground for terrorists. What do they say? Their security agenda supports our troops in Afghanistan. What do they do? When given the opportunity a majority of House Democrats voted against funding the troops in combat in Iraq and in Afghanistan. Their security agenda says they will stop the spread of terrorists. But what do they do? They oppose the terrorists surveillance program.

Another thing that they talk about is proposing an anti-terrorism plan that increases human intelligence capability, eliminates terrorist breeding grounds, secures loose nuclear materials and stops nuclear weapons development in Iran and North Korea. What do they do when given the opportunity? They voted repeatedly to slash funding for intelligence activities and they vote no on expressing support for those who work in the intelligence community.

Mr. Speaker, this is the truth. This is the truth. This is what happened. When given the opportunity to say we as a sense of Congress support the men and women who are risking their lives and working in the intelligence community to make sure that you and I are safe what do they do? They vote no. If anybody is interested in looking it up it is Roll Call number 293. The vote was on June 23, 2004.

That is what the Official Truth Squad is about to call people to task, to say this is what the truth is. You can say anything you like on the floor of the House of Representatives. We have certainly recognized that. But it is important that you are held to account that you are held responsible for your actions. You what do they say? They say it calls for a stronger homeland security by implementing all recommendations of the 9/11 Commission. What do they do? They vote against the REAL ID Act which makes it difficult for terrorists to travel freely throughout the United States, and they vote no on additional funds to respond to the attacks of September 11 and to bolster the homeland security efforts. Roll Call vote number 31 in February of last year. Roll Call vote number 206 in May of 2002.

Mr. Speaker, that is the truth. That is the truth. So you can talk the talk but you have got to be able to walk the walk. You can say one thing but you have got to be able to do it. And I think it is important for the House of Representatives to understand and appreciate and for the American people to understand and appreciate that there is a track record. There is a track record of a group of individuals who are in the leadership and forming the policy in the United States House of Representatives now that supports our intelligence community. It is vital work, incredibly important work.

Then there is a group of individuals who say that they support the intelligence community but when given the opportunity to provide the resources for them to work and when given the opportunity just to say we thank you and support what you are doing as a matter of principle they could not even do that.

What do they say? Again, they say they will support the recommendations and work for implementing the recommendations of the 9/11 Commission, a bipartisan commission. What do they do when they get the opportunity? They vote no on establishing the Department of Homeland Security. Roll Call number 367, July, 2002. They vote no on $21 billion in funding for strengthening the border protections. Roll Call number 373, July 2004.

Mr. Speaker, it is indeed an incredible privilege and an honor to serve in the United States House of Representatives. I am humbled every time I walk in this building. I get goose bumps looking up at the dome.

The men and women who have preceded us in this chamber and in this body have been many incredible men and women who have donated the better part of their lives toward making certain that we as a society and we as a Nation will survive. They did so by talking about real things, by talking about honest things, by talking about truthful things, by working together with other individuals all across this body. And I challenge Members on both sides on the aisle, Republicans and Democrats, to work together, to come together as a body and work for our national security and work positively.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUPPERSBERGER (AT THE REQUEST OF Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today after 12:30 p.m. on account of a family commitment.

Mr. SWEENEY (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. MCHENRY) to revise and extend their remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, March 30.

Mr. POE, for 5 minutes, March 30.

Mr. ROHRABACHER, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2116. An act to transfer jurisdiction of certain real property to the Supreme Court.

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Thursday, March 30, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6768. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Definition of "Client" of a Commodity Trading Advisor (RIN: 3038-AC20) received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6769. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Emerald Ash Borer; Quarantined Areas [Docket No. 05-067-2] received March 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6770. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV06-932-1FR] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6771. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Update and

Clarify a Shell Egg Grading Definition [Docket No. PY-05-003] (RIN: 0581-AC47) received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6772. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Amendments to the Potato Research and Promotion Plan [Doc. No. FV-05-702-IFR] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6773. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Avocados Grown in South Florida; Florida Avocado Maturity Requirements; Correction [Docket No. FV06-915-1 C] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6774. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—International Banking Operations [Regulation K; Docket No. R-1147] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6775. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions (RIN: 3064-AC46) received March 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6776. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Certification of Assumption of Deposits and Notification of Changes of Insured Status (RIN: 3064-AC93) received March 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6777. A letter from the Acting Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule—Occupational Exposure to Hexavalent Chromium [Docket No. H054A] (RIN: 1218-AB45) received March 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6778. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6779. A letter from the Environmental Protection Agency, transmitting the Agency's final rule—Protections for Subjects in Human Research [EPA-HQ-OPP-2003-0132; FRL-7759-8] (RIN: 2070-AD57) received March 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6780. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Cardiovascular Devices; Classification of Implantable Intra-Aneurysm Pressure Measurement System [Docket No. 2005N-0506] received February 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6781. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Notification of Post-Employment Restrictions (RIN: 3206-AK60) received March 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6782. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Definitions of "Solicit" and "Direct" [Notice 2006-6] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6783. A letter from the Acting Assistant Secretary, Land and Mineral Management, Department of the Interior, transmitting the Department's final rule—Application Procedures, Execution and Filing of Forms: Correction of State Office Address for Filings and Recordings, Proper Offices for Recording of Mining Claims [MT 980-0777-XG] (RIN: 1004-AB85) received March 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30477; Amdt. No. 459] received March 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30473; Amdt. No. 3148] received March 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6786. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Safety and Health—Alternate I to Major Breach of Safety or Security Clause (RIN: 2700-AD12) received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6787. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Import Restrictions Imposed on Certain Archaeological and Ethnological Materials from Columbia [CBP Dec. 06-09] (RIN: 1505-AB59) received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6788. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Taxation of Cross Licensing Arrangements [Notice 2006-34] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6789. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Revisions to Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Revisions of Information, Reporting Regulations [TD 9253] (RIN: 1545-AY92) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6790. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2006-32] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6791. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Agent for a Consolidated Group with Foreign Common Parent [TD 9255] (RIN: 1545-BF31) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6792. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1502; Suspension of Losses on Certain Stock Dispositions [TD 9254] (RIN: 1545-BB25) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6793. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Evidentiary Requirements for Making Findings About Medical Equivalence (RIN: 0960-AF19) received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3127. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; with an amendment (Rept. 109–392, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 742. Resolution providing for further consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965 (Rept. 109–401). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. BORDALLO (for herself and Mr. JONES of North Carolina):

H.R. 5036. A bill to amend the Lobbying Disclosure Act of 1995 to require the disclosure of the original source of funds made payable to a lobbyist who is subcontracted to engage in lobbying activities on behalf of a third person or entity, and the disclosure of the identity of that third person or entity; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Mr. BUYER, Mr. MILLER of Florida, Mr. REYES, Mr. NEY, Mr. CHOCOLA, Mr. KENNEDY of Minnesota, Mr. WELLER, Mr. KILDEE, Mr. SHIMKUS, Mr. SODREL, Mr. HAYWORTH, Mr. WALDEN of Oregon, Mr. SIMMONS, Ms. BORDALLO, Mr. KLINE, Mr. GERLACH, Mr. MCCOTTER, Mr. SCHWARZ of Michigan, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mr. DAVIS of Kentucky, Mr. BISHOP of Georgia, Mrs. MUSGRAVE, Mr. KNOLLENBERG, Mr. EVANS, Mr. CHABOT, Mrs. MILLER of Michigan, Mr. BERRY, Mr. PORTER, Mr. REICHERT, Ms. CORRINE BROWN of Florida, Mr. STRICKLAND, Mr. ORTIZ, Mr. PLATTS, Mr. EDWARDS, Mr. BILIRAKIS, Mr. FILNER, Mr. KING of Iowa, Mr. CHANDLER, Mr. TANNER, Mr. HEFLEY, and Mr. HOSTETTLER):

H.R. 5037. A bill to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself and Ms. BERKLEY):

H.R. 5038. A bill to amend title 38, United States Code, to extend and expand the application of the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries and to provide Government markers or memorial headstones for deceased dependent children of veterans whose remains are unavailable for burial; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Kentucky (for himself, Mr. FRANK of Massachusetts, Mr. NEY, Mr. DAVIS of Alabama, Mr. GARY G. MILLER of California, Mr. HINOJOSA, and Mr. RENZI):

H.R. 5039. A bill to establish a program to revitalize rural multifamily housing assisted under the Housing Act of 1949; to the Committee on Financial Services.

By Mr. GOHMERT:

H.R. 5040. A bill to modify the law with respect to the death penalty, and for other purposes; to the Committee on the Judiciary.

By Mr. RENZI (by request):

H.R. 5041. A bill to amend the McKinney Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Financial Services.

By Ms. CORRINE BROWN of Florida:

H.R. 5042. A bill to authorize a land conveyance at the former Department of Labor Job Corps Training Center, Jacksonville, Florida; to the Committee on Transportation and Infrastructure.

By Mr. CARDIN (for himself and Mr. LEVIN):

H.R. 5043. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5044. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that income tax overpayments be paid over for veterans' health benefits; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 5045. A bill to amend the Community Reinvestment Act of 1977 to allow community reinvestment credit for investments and other financial support to enable veterans to purchase residential homes or to assist organizations with the establishment of housing opportunities and assisted living facilities for veterans; to the Committee on Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 5046. A bill to promote youth financial education; to the Committee on Education and the Workforce.

By Ms. SOLIS (for herself, Mrs. CAPPS, Mr. GRIJALVA, Mr. KUCINICH, Ms. LEE, Mr. MCDERMOTT, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. SNYDER, Mr. TOWNS, Mr. WAXMAN, Mr. RANGEL, Mr. SCHIFF, Mr. CONYERS, Mr. GENE GREEN of Texas, Mrs. CHRISTENSEN, Ms. ZOE LOFGREN of California, Mr. REYES, Mr. BERMAN, Ms. DELAURO, Mr. MEEKS of New York, Mr. JEFFERSON, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. HONDA, Mr. SHERMAN, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. GUTIERREZ, Ms. BORDALLO, Mr. GONZALEZ, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, Mr. LANTOS, Mr. DOGGETT, Ms. MCCOLLUM of Minnesota, and Mr. BISHOP of New York):

H.R. 5047. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Resources.

By Mr. TANCREDO:

H.R. 5048. A bill to direct the Secretary of Energy to undertake a study of the need for and feasibility of establishing a strategic natural gas reserve; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself and Mr. PETRI):

H.R. 5049. A bill to establish a market-based system to regulate greenhouse gas emissions and to promote advanced energy research and technology development and deployment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, International Relations, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. DELAY, Mr. BOEHLERT, Mr. HALL, Mr. GORDON, Mr. SMITH of Texas, Mr. CULBERSON, Mr. FEENEY, Mr. CRAMER, Ms. JACKSON-LEE of Texas, Mr. ROHRABACHER, Mr. LIPINSKI, Mr. COSTELLO, Mr. EHLERS, Mr. COSTA, Mr. UDALL of Colorado, Mr. MCCAUL of Texas, Mr. WELDON of Florida, and Mr. ADERHOLT):

H. Con. Res. 366. Concurrent resolution to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12-14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America's space program for their accomplishments and their role in inspiring the American people; to the Committee on Science.

By Mr. COBLE (for himself, Mr. MILLER of North Carolina, and Mr. SKELTON):

H. Con. Res. 367. Concurrent resolution honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter; to the Committee on the Judiciary.

By Mr. GERLACH:

H. Con. Res. 368. Concurrent resolution expressing the sense of the Congress with respect to honoring the goals and ideals of Alex's Lemonade Stand Days, June 9 through 11, 2006; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE (for herself and Mr. TANCREDO):

H. Con. Res. 369. Concurrent resolution expressing the support of Congress for the "25 by 25 Initiative", which envisions that farm, forestry, and ranch lands in the United States will provide by 2025 at least 25 percent of the energy consumed in the United States, and, in furtherance of the "25 x 25 Initiative", promoting the increased production of renewable energy by the forestry and agricultural communities; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. CARDIN):

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia:

H. Res. 743. A resolution supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. GALLEGLY, Mr. WALSH, Mr. SMITH of New Jersey, Mr. KING of New York, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. MCCOTTER, Mrs. MCCARTHY, Mr. PAYNE, Mr. SWEENEY, Mr. HIGGINS, and Mr. ROTHMAN):

H. Res. 744. A resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process; to the Committee on International Relations.

By Mr. PLATTS:

H. Res. 745. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. HASTINGS of Florida.
H.R. 307: Ms. SLAUGHTER.
H.R. 475: Mr. MARKEY and Mr. DELAHUNT.
H.R. 552: Mr. WELLER and Mr. BILIRAKIS.
H.R. 583: Mr. WU, Ms. JACKSON-LEE of Texas, and Mr. SIMPSON.
H.R. 615: Mr. SWEENEY.
H.R. 652: Mr. BARTLETT of Maryland.
H.R. 653: Mr. COSTA.
H.R. 783: Mr. KUCINICH.
H.R. 788: Ms. DEGETTE.
H.R. 807: Mr. BOOZMAN.
H.R. 822: Mr. RAHALL.
H.R. 865: Mr. DAVIS of Alabama.
H.R. 874: Mr. BILIRAKIS.
H.R. 897: Mr. MCCOTTER.
H.R. 964: Mr. EMANUEL and Mr. MELANCON.
H.R. 968: Mr. WYNN and Mr. SANDERS.

H.R. 995: Mr. GORDON.

H.R. 998: Mr. SKELTON.

H.R. 1059: Mr. BOEHLERT.

H.R. 1105: Mr. MCGOVERN.

H.R. 1108: Mr. SNYDER.

H.R. 1175: Ms. HERSETH.

H.R. 1380: Mr. MICHAUD, Mr. MURPHY, and Mr. LATHAM.

H.R. 1425: Mr. TOWNS.

H.R. 1426: Mr. BUTTERFIELD, Mr. COSTELLO, Mr. NEY, and Mr. LEWIS of Kentucky.

H.R. 1462: Mr. GORDON.

H.R. 1494: Mr. SCHWARZ of Michigan.

H.R. 1554: Mr. HONDA.

H.R. 1558: Mr. SHERMAN.

H.R. 1578: Mr. RAHALL.

H.R. 1598: Mr. STRICKLAND.

H.R. 1603: Mr. MCCOTTER.

H.R. 1642: Mr. BARRETT of South Carolina.

H.R. 1663: Mr. RAMSTAD.

H.R. 1951: Mr. WALSH.

H.R. 2000: Ms. LEE and Ms. KAPTUR.

H.R. 2048: Mr. JEFFERSON, Mrs. LOWEY, and Mr. WELLER.

H.R. 2089: Mr. PORTER.

H.R. 2188: Ms. BERKLEY.

H.R. 2458: Mr. KLINE.

H.R. 2662: Mr. DOYLE and Mr. MARKEY.

H.R. 2683: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. RUSH, and Ms. KAPTUR.

H.R. 2804: Mr. GOODLATTE.

H.R. 2928: Ms. LEE and Mr. MCNULTY.

H.R. 3194: Mr. BACA and Mrs. MALONEY.

H.R. 3267: Mr. DELAHUNT, Mr. MOORE of Kansas, and Mr. CONYERS.

H.R. 3352: Mr. GORDON, Mrs. KELLY, and Mr. KILDEE.

H.R. 3361: Mr. ACKERMAN and Mr. LIPINSKI.

H.R. 3401: Mr. CARDOZA.

H.R. 3427: Mr. BAIRD.

H.R. 3509: Mr. GREEN of Wisconsin.

H.R. 3511: Ms. HERSETH.

H.R. 3553: Mr. WAMP, Mrs. MYRICK, Mr. CONAWAY, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. PITTS, Mr. CHABOT, Mrs. MUSGRAVE, Mr. GOHMERT, Mr. KINGSTON, Mr. WELDON of Florida, Mr. FEENEY, Mr. AKIN, and Mr. MARCHANT.

H.R. 3762: Mr. DOGGETT.

H.R. 3850: Mr. WYNN, Mr. JEFFERSON, Mr. WEXLER, and Mr. LYNCH.

H.R. 3949: Mr. GORDON.

H.R. 3954: Mr. MICHAUD and Mr. KUCINICH.

H.R. 3997: Mr. PRICE of Georgia, Mr. SCOTT of Georgia, Ms. BEAN, Mr. MCHUGH, and Mr. CLEAVER.

H.R. 4011: Mr. DEFAZIO, Mr. CHANDLER, and Mr. MORAN of Virginia.

H.R. 4059: Mr. RUPPERSBERGER and Mr. JEFFERSON.

H.R. 4140: Mr. GUTIERREZ.

H.R. 4186: Mr. SMITH of Washington.

H.R. 4202: Ms. LEE.

H.R. 4217: Mr. KING of Iowa and Mrs. BLACKBURN.

H.R. 4236: Mr. OSBORNE, Mr. NEUGEBAUER, and Mr. RAHALL.

H.R. 4259: Mr. GORDON.

H.R. 4272: Ms. WATSON.

H.R. 4303: Mr. BARROW.

H.R. 4341: Mr. LAHOOD, Mr. TIAHRT, Mrs. BONO, Mr. BOSWELL, and Mr. JENKINS.

H.R. 4371: Mr. BOUCHER.

H.R. 4384: Ms. SCHWARTZ of Pennsylvania.

H.R. 4409: Mr. SCHIFF, Mr. FORD, Mr. FORTUÑO, Mr. MCKEON, Mr. DUNCAN, and Mr. EVANS.

H.R. 4416: Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. RUPPERSBERGER, Mr. CLEAVER, Mr. GRIJALVA, Mrs. MCCARTHY, Mr. GORDON, Mr. PETERSON of Minnesota, Mr. MCGOVERN, Mr. TOWNS, Ms. WOOLSEY, Mrs. MALONEY, and Ms. CARSON.

H.R. 4534: Mr. SOUDER.

H.R. 4586: Mr. BASS, Mr. BOEHLERT, Mr. BOUSTANY, Mr. CANTOR, Ms. CARSON, Mr. DELAHUNT, Mr. DENT, Mr. DINGELL, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. FATTAH, Mr. FITZPATRICK of Pennsylvania, Mr. GERLACH, Mr. GILCHREST, Mr. HOLDEN, Ms. HOOLEY, Mrs. JOHNSON of Connecticut, Mr. KANJORSKI, Mrs. KELLY, Mr. KIRK, Mr. KUHL of New York, Mr. LAHOOD, Mr. LEACH, Mr. LOBIONDO, Mr. MARKEY, Mr. MCHUGH, Mr. MCKEON, Mr. NEAL of Massachusetts, Mr. OSBORNE, Mr. PAYNE, Mr. PETERSON of Pennsylvania, Mr. PLATTS, Mr. RAMSTAD, Mr. REGULA, Ms. SCHWARTZ of Pennsylvania, Mr. SCHWARZ of Michigan, Mr. SIMMONS, Mr. SOUDER, Mr. TIBERI, Mr. UPTON, Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. FRELINGHUYSEN, Ms. HART, Mr. KINGSTON, Mr. LYNCH, Mr. DOYLE, Mr. MURTHA, Mr. SHERWOOD, Mr. BRADY of Pennsylvania, Mr. ENGEL, and Mr. PITTS.

H.R. 4608: Mr. CRENSHAW and Mr. EHLERS.

H.R. 4625: Mr. CAMP of Michigan.

H.R. 4650: Mr. MCGOVERN.

H.R. 4668: Mrs. DRAKE.

H.R. 4737: Mr. GRIJALVA.

H.R. 4755: Mr. SPRATT, Mr. POMBO, Ms. KAPTUR, Mr. CARDOZA, and Mr. EVANS.

H.R. 4761: Mr. REHBERG, Mr. TOM DAVIS of Virginia, Mr. HALL, and Mr. PEARCE.

H.R. 4769: Mr. PUTNAM and Mr. GORDON.

H.R. 4796: Mr. STARK.

H.R. 4808: Mr. GRIJALVA.

H.R. 4813: Ms. JACKSON-LEE of Texas and Mr. STRICKLAND.

H.R. 4824: Mr. ANDREWS, Mr. SHIMKUS, Mr. DOYLE, Mr. FITZPATRICK of Pennsylvania, Mr. SAXTON, Mr. ENGLISH of Pennsylvania, and Mr. PLATTS.

H.R. 4834: Mr. FRANKS of Arizona.

H.R. 4840: Mr. CONYERS.

H.R. 4860: Mr. HOLDEN and Mr. PLATTS.

H.R. 4890: Mr. CAMP of Michigan and Mr. GILLMOR.

H.R. 4902: Mr. DEFAZIO, Mr. FILNER, Mr. FOSSELLA, Mr. LEWIS of California, Miss MCMORRIS, Mr. SHADEGG, Mr. WYNN, Mr. BROWN of Ohio, Mr. KOLBE, Mr. LANTOS, Mr. OWENS, Mr. POMBO, Ms. SCHAKOWSKY, and Mr. SIMPSON.

H.R. 4903: Mr. WU.

H.R. 4915: Mr. BROWN of Ohio and Mr. BERMAN.

H.R. 4922: Mr. NEY and Mr. BISHOP of Georgia.

H.R. 4924: Ms. MCCOLLUM of Minnesota, Mr. REHBERG, and Mr. GOHMERT.

H.R. 4932: Mr. MURPHY.

H.R. 4949: Mr. RENZI, Ms. CARSON, Mr. DAVIS of Tennessee, Mr. WYNN, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. LEWIS of Kentucky, Mr. MICHAUD, Mr. HINOJOSA, Mr. OBERSTAR, Mr. DAVIS of Alabama, Mr. REICHERT, Ms. GINNY BROWN-WAITE of Florida, Mr. CANNON, Mr. CASE, Mr. LEVIN, and Mr. MILLER of North Carolina.

H.R. 4954: Mr. LINDER, Mr. FOLEY, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, Mr. BACHUS, Mr. WELDON of Pennsylvania, Mrs. MYRICK, Mr. KLINE, Mr. CUMMINGS, Ms. BERKLEY, Mr. WEINER, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Virginia, Mr. CASE, Mrs. TAUSCHER, Mr. BAIRD, and Mr. SWEENEY.

H.R. 4956: Ms. WOOLSEY and Ms. JACKSON-LEE of Texas.

H.R. 4962: Mr. MCHUGH.

H.R. 4963: Mr. NADLER and Mr. DELAHUNT.

H.R. 4970: Mr. REHBERG.

H.R. 4981: Mr. MCGOVERN.

H.R. 4991: Mr. FRANK of Massachusetts and Mr. ABERCROMBIE.

H.R. 4992: Mr. BISHOP of Georgia.

H.R. 5000: Ms. WOOLSEY and Mr. PAYNE.

H.R. 5009: Mr. SHADEGG, Mr. GOHMERT, Mr. GOODE, Mr. TANCREDO, and Mr. FEENEY.

H.R. 5018: Mr. ORTIZ and Mr. BROWN of South Carolina.

H.R. 5024: Mr. CASTLE.

H.R. 5032: Mrs. BONO, Ms. BORDALLO, Mr. LATOURETTE, and Mr. GALLEGLY.

H.R. 5033: Mr. SHAYS.

H. Con. Res. 184: Mr. CARNAHAN.

H. Con. Res. 231: Mr. KUCINICH.

H. Con. Res. 302: Mr. GORDON.

H. Con. Res. 318: Mr. FILNER.

H. Con. Res. 336: Mr. MCDERMOTT.

H. Con. Res. 340: Ms. JACKSON-LEE of Texas and Ms. LEE.

H. Con. Res. 346: Mr. DELAY.

H. Con. Res. 357: Mr. BROWN of Ohio.

H. Res. 137: Mr. SCHWARZ of Michigan.

H. Res. 295: Mr. GERLACH and Mr. GORDON.

H. Res. 316: Ms. DEGETTE.

H. Res. 498: Mr. MCINTYRE and Mr. BRADLEY of New Hampshire.

H. Res. 555: Mr. GARRETT of New Jersey.

H. Res. 578: Mr. MCCOTTER, Mrs. MYRICK, and Mr. CLAY.

H. Res. 600: Mr. BERMAN.

H. Res. 605: Mr. PASCRELL and Mr. MCHUGH.

H. Res. 701: Ms. JACKSON-LEE of Texas.

H. Res. 707: Mr. FEENEY, Mr. MILLER of Florida, Mr. NORWOOD, Mr. KING of Iowa, and Mr. TOWNS.

H. Res. 731: Mr. GREEN of Wisconsin and Mr. STRICKLAND.

H. Res. 733: Mr. MCNULTY.

H. Res. 736: Mr. ADERHOLT, Mr. BAKER, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, and Mr. FRANKS of Arizona.

H. Res. 737: Mr. ORTIZ, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Ms. CARSON, Mr. SHERMAN, Mr. FORBES, Mr. CONYERS, and Mr. LEWIS of Kentucky.

DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. LEWIS of Georgia.

H.R. 4881: Mr. POE.

EXTENSIONS OF REMARKS

THE 2005 ETHIOPIAN ELECTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. SMITH of New Jersey. Mr. Speaker, Ethiopia, one of Africa's most populous and influential nations, has for centuries been the home to numerous diverse religious and ethnic populations. Last May, the East African nation held elections, which promised to be a big step forward for Ethiopia's democracy. The election process started out more open than previous elections, with the political opposition able to campaign more freely than ever before. Unfortunately, the window of opportunity presented for democracy closed in a wave of government harassment of opposition parties and ethnic hate speech on both sides.

Although there were other problems in the election process, the biggest issue was the delayed release of vote results. Preliminary results indicated that the opposition did much better than in past elections, increasing the number of parliamentary seats won from 12 to nearly 200. However, opposition party coalitions charged that fraud had been committed in many of the races they did not win. Because the government had failed to release results in the weeks after the election, suspicions rose that a victory by the opposition had been stolen.

The controversy surrounding the 2005 Ethiopian election is the result of a number of factors that created a "perfect storm" of political discontent that has created tragic conditions in Ethiopia.

The European Union election monitoring team reported serious irregularities, but its impartiality was questioned after the leak of a preliminary EU report which indicated that the opposition parties would win a majority in Parliament based largely on results in the capital city of Addis Ababa. Periodic statements released by the EU election team were then undercut by statements from EU diplomats, much as I experienced in my visit to Addis last August.

The Government of Ethiopia, by refusing to release all relevant information regarding the election in a timely fashion, created fear that the election had been stolen. International donors worked behind the scenes with the government to create a mechanism to resolve election disputes. However, that mechanism pitted the ruling party and the government-appointed National Election Board against the opposition parties. As a result, the opposition lost 90 percent of the challenges it filed, and the government missed its own July 8th deadline for release of election results, furthering the frustration and suspicion.

As for the political opposition, its leaders contributed to this crisis by failing to provide necessary evidence of election fraud in all too many cases. It isn't that this evidence may not have existed, but the parties appeared to be unprepared to effectively document what the problems were. Moreover, their refusal to take many of the seats won in the election prevented many issues from effectively being addressed in the Parliament, including the appointment of judges and guarantees of freedom of the press.

The suspicions regarding the election were exacerbated by the government's mass arrest of students in Addis in June. Protests were met with gunfire by government forces. It is estimated that as many as 40 persons identified as political activists were killed by government sharpshooters in the capital alone. Broadened arrests put tens of thousands in jail without charge or adequate contact with families or legal counsel. Further demonstrations in November resulted in at least another 40 persons killed by government forces—this time including those not connected with the political opposition.

The recently-released State Department human rights report on Ethiopia is scathing in its description of what is taking place in Ethiopia, stating that "the government's human rights record remained poor and worsened in some areas."

Among the human rights problems reported by the State Department were: limitation on citizens' right to change their government; unlawful killings, including alleged political killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and detention of thousands of persons; particularly those suspected of sympathizing with or being members of the opposition; detention of thousands without charge, and lengthy pretrial detention; government infringement on citizens' privacy rights, and frequent refusal to follow the law regarding search warrants; government restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the government; self-censorship by journalists; government restrictions on freedom of assembly including denial of permits, burdensome preconditions or refusal to provide assembly halls to opposition political groups, and at times use of excessive force to disperse demonstrations, and government limitations on freedom of association.

Approximately 16,000 people were released from jail earlier this year, but there is uncertainty about how many more prisoners remain behind bars without being charged or while awaiting a trial whose date is not yet set.

During my visit to Addis Ababa last August, I met with Prime Minister Meles Zenawi, and I asked him why he had not investigated the June shootings of demonstrators by agents of his government. His response was that the investigation might require the arrest of opposition leaders, and he didn't want to do that while by-elections were still scheduled. He went on to tell me that he had dossiers on all the opposition leaders and could arrest them for treason whenever he wanted. Thus, their arrests were all but certain even before the events that ostensibly led to their being incarcerated. Reportedly, the investigation of the government shootings of demonstrators is now belatedly underway.

The shootings by government forces and delayed investigation are reminiscent of an earlier incident: the massacre of Anuaks in southwestern Ethiopia beginning in December 2003 and continuing until May 2004.

The farming Anuak minority predominate the Gambella region of Ethiopia, but there have been periodic disputes with the highlanders, who are of the Tigrayan and Amharan ethnic groups. According to a Human Rights Watch report at the time, government forces joined with highlanders to kill at least 400 Anuaks in December 2003 alone and participated in the rape and torture of Anuaks. Genocide Watch and Survivors' Rights International confirmed the events described in the Human Rights Watch report.

The Government of Ethiopia announced last year that trials of government forces responsible for 13 of the Anuak killings had finally begun. However, there is no word yet on the result of these trials. While the government is engaged in such efforts, one hopes it also will investigate reports of the killing last year of 24 members and supporters of the Oromo National Congress and other allegedly politically-motivated killings by government forces in 2005.

Ethiopia has been an important ally of the United States in Africa, and the stability of one of Africa's most populous nations is critical to American policy, especially in the important Horn of Africa region. However, the violations detailed in the State Department human rights report and in other accounts of independent human rights organizations will only make this nation more vulnerable to civil war or a foreign-supported insurgency.

This past Monday, a series of explosions in Addis Ababa led to the death of one person and the wounding of three others in a blast on a crowded minibus. This was part of a wave of attacks that began in January and included three explosions earlier this month that wounded three persons at a restaurant, a market, and outside a school.

America's commitment to promote the respect for human rights around the world demands that we examine the current situation in Ethiopia and that we prevail upon our ally to live up to its international human rights commitments while this situation can still be salvaged. The discussions the Government of Ethiopia is conducting with its political opposition and with our government are good signs that some positive movement is possible. Other humanitarian gestures, for example, the eye operation the government reportedly authorized for opposition leader Hailu Shawal,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are also an important step in the right direction.

However, the current situation calls for more than small steps taken slowly. If a crisis in Ethiopia is to be averted, reforms, investigations, and trials must proceed with all deliberate speed. This is why we convened a hearing on the situation in Ethiopia yesterday and why I have introduced H.R. 4423—the Ethiopia Consolidation Act, which we intend to mark-up next week.

As I have said many times, "Friends don't let friends commit human rights abuses." This is a perfect example of why we must follow that dictum.

TRIBUTE TO ELDON POWELL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Mr. Eldon Powell. Mr. Powell served in the Army under General Patton with the 90th Infantry Division in Europe from 1944 to 1946. He has been awarded the Bronze Star Medal for distinguishing himself by heroic service.

To best honor Mr. Powell, I would like to share with the members of this distinguished House the poem written, entitled "By My Dad's Side" by his daughter, Sandra L. Moore.

Always I'll remember being by my Dad's side
Watching him slowly rise to his feet
To pay homage to His American Flag

The look on his face
His posture secure
His hand over his heart
His eyes set only upon "Her"

And without saying a word
And giving no thought to the crowd
My Dad once again would remember it all
As he would rise to his feet and pay homage to his call

His Call to his Country
His God given Word
To uphold and defend what was good, what was pure
To defend what was Holy
To defend what was True
To defend what God Himself values Precious and Pure

And so on every occasion, every ball game, parade
When His American Flag would so proudly wave
There would be my Dad with his eyes fixed and gazed
His hand holds his heart, for at times it does bleed
For all those he remembers whose lives bought Freedom for you and me
His hand holds his heart as it swells deep from Pride
Remembering with Honor those who survived
His hand holds his heart as he humbly cries
Giving thanks to His God that
Freedom is still Well and Alive
Yes, I'll always remember being by my Dad's side
Where I learned Honor, Respect, Sacrifice and Pride
Where Reverence & Allegiance were Values that grew
Where Love of God and Country and all Mankind rang True
Yes, I'll always remember being by my Dad's side
Watching and leaning with tears in my eyes
His reaffirming his Pledge
Re-pledging his Vows
Vowing again and again his Allegiance with Pride
Giving Honor and Thanks for "Our" American Flag
Just ask any veteran about American Pride
They all tell a story with tears in their eyes
A brotherhood bonded by the willing sacrifices of men
Who for God and Country would do it all over again
God Bless America

May God bless Eldon Powell and all our Veterans. They truly are American Heroes.

FREEDOM FOR LAMASIEL GUTIÉRREZ ROMERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Lamasiel Gutiérrez Romero, a political prisoner in totalitarian Cuba.

Mrs. Gutiérrez Romero is an independent journalist working so that the world can understand the grotesque reality of Castro's hideous oppression. Using the limited tools of independent journalism in a totalitarian state, Mrs. Gutiérrez Romero courageously wrote about the bleak, broken society that is the result of the tyrannical policies of the totalitarian dictatorship. Because of Mrs. Gutiérrez Romero's unrelenting commitment to illuminating the nightmare that is the Castro regime, she has been constantly harassed by the dictator's thugs.

According to Reporters Without Borders, Mrs. Gutiérrez Romero was sentenced to seven months of house arrest for her journalistic activities. Despite this order, Mrs. Gutiérrez Romero continued her independent journalism. Unwilling to be muzzled by the totalitarian regime, she bravely defied their orders and continued to disseminate the truth about Cuba. Because of her unrelenting courage in the face of horrific oppression, on October 24, 2005, she was thrown in totalitarian gulag.

It is unconscionable that brave men and women can be locked up in the inhuman quarters of Castro's gulag for their belief in truth, liberty, and democracy. Despite incessant repression, harassment, incarceration and abuse, she does not waiver in her commitment to report the truth and the facts. Mrs. Gutiérrez Romero is one of the many heroes of the peaceful Cuban democratic opposition who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba.

Mr. Speaker, it is unconscionable that journalists such as Mrs. Gutiérrez Romero are locked in dungeons for writing and publishing the facts about the nightmare that is the Castro regime. At the dawn of the 21st Century, it must no longer be acceptable for anyone in the world, anywhere in the world, to be locked in a gulag for writing the truth. It is repulsive to the ideal of freedom that independent journalists are locked in totalitarian gulags 90 miles from our shore. My Colleagues, we must demand the immediate and unconditional release of Lamasiel Gutiérrez Romero and every prisoner of conscience in totalitarian Cuba.

THE NORTHERN IRELAND PEACE PROCESS: POLICING ADVANCES AND REMAINING CHALLENGES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on March 16 I cochaired a hearing on the Northern Ireland peace process, on the advances in police performance and behavior, and on the remaining challenges the Police Service of Northern Ireland faces to its becoming fully accepted as a fair and impartial police service. The hearing was my 11th hearing on Northern Ireland in not quite 9 years, and I shall continue to follow the events on Northern Ireland closely and encourage reform for as long as necessary.

This hearing helped the U.S. Congress and the American people to better understand the current issues in the always complex situation in Northern Ireland. It provided guidance to our efforts as we continue to seek to assist in the realization of a durable peace and the guarantee of fundamental human rights in Northern Ireland. The establishment of peace, justice and prosperity in Northern Ireland, which we have all hoped, worked and prayed for, is still not a reality. There are many encouraging signs, but also disturbing ones, and we are still not there yet.

One of the most encouraging developments is, of course, the IRA's renunciation of armed struggle, and the decommissioning of its weapons—a remarkable step in the path to peace. The IRA must follow through on its proclamations and cease all criminal activities as well. The most disturbing factor, however, is the alienation of the unionist community. The large majority of decent people on the unionist side, who hope for peace as ardently as nationalists, are skeptical of IRA promises. They are also terrorized by their own paramilitaries. Those paramilitaries need to follow the IRA example, and disarm, and cease their criminal activities. They are right now one of the greatest dangers to peace and stability.

The Government of the United Kingdom has begun all party negotiations to restore the Northern Ireland Assembly and the power sharing executive. It is also preparing legislation to devolve the administration of justice and policing to a restored Northern Irish executive. Mitchell Reiss, President Bush's Special Envoy to the Northern Ireland peace process briefed us on the current prospects and challenges facing the restoration of self-government in Northern Ireland.

There has been some progress in the continuing reform of Northern Ireland's police force. Nearly 7 years ago I chaired a hearing on policing in Northern Ireland. Chris Patten, who had just released the famous report that bears his name, testified before us. Now we shall have a chance to hear about the progress that has been made in implementing the 175 recommendations made by the Patten Report. There is a new police force, the Policing Service of Northern Ireland, PSNI; there is a vigorous and fiercely independent Police Ombudsman's Office, whose chief, Nuala O'Loane, has been a catalyst for reform. The Police Ombudsman's office has been recognized as an effective mechanism for holding the police in Northern Ireland accountable and helping people develop some confidence in a policing service that has faced credible charges of collusion in crime and assassination. In fact a poll conducted in March of last year showed that public confidence in the ombudsman's objectivity was high, with 78 percent of respondents saying they were confident that complaints were dealt with impartially.

There is now a Policing Board in Northern Ireland, composed of independent and party representatives, designed to provide civilian control and fair, nonsectarian, policing. There are district police partnerships, to guarantee that both the police and the communities they guard understand that the role of the police is to protect the community, not to impose some form of political control. The Patten Commission also envisioned a police force more representative of the whole community. Although Northern Ireland is nearly 45 percent Catholic, the old police force, the Royal Ulster Constabulary, RUC, was over 90 percent Protestant, and often seemed to function more as an auxiliary to loyalist paramilitaries than the upholder of law and order. Today, recruits to PSNI are supposed to be 50 percent Catholic, so that in time the police will hopefully be representative of the people they are supposed to protect. Now only 20 percent of the police force is Catholic. It's an improvement, but only a start. In the disturbing riots last fall and summer by unionists, the police vigorously enforced the law instead of standing aside as they often did before. This again is a hopeful sign.

But questions remain about "bad apples" who may still remain somewhere in the ranks of Northern Ireland's police and about Special Branch members. The U.S. Congress has long understood the importance of supporting police reform and community reconciliation in Northern Ireland. As the author of the Foreign Relations Authorization Act for FY 2000–2001—H.R. 3427; Public Law 106–113—I have been particularly interested in training and or exchange programs conducted by the Federal Bureau of Investigation or other Federal law enforcement agencies for the RUC, now PSNI. In fact it was my legislation that suspended all FBI–RUC training until 2001, when President Bush certified that the human rights and vetting standards established by my legislation were implemented in the program.

In this year's State Department Authorization Bill, which I sponsored and which passed the House overwhelmingly, 351–78, I included funds to provide specialized investigative training for personnel in the office of the Police Ombudsman to ensure that policing in Northern Ireland is carried out in compliance with internationally recognized human rights standards. We also amended the authorization for the International Fund for Ireland, IFI, to provide up to $7 million for programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, enhance peaceful mediation in neighborhoods of continued conflict, promote training programs to enhance the new district partnership police boards, and assist in the transition of former British military installations and prisons into sites for peaceful, community-supported activities, such as housing, retail, and commercial development. We hope the Senate will act soon on this important legislation. The Foreign Operations Appropriations Bill—now Public Law 109–102—specifically allows the IFI to use the U.S. contribution to be used for training police to promote human rights and rule of law, and to foster improved relations between police and the communities they serve.

But one remaining area of great concern are the more than 3,000 unsolved murders between 1969 and the signing of the Good Friday agreement in 1998. Punishment of the guilty in many cases may not be possible, because of previous amnesties which have been granted to promote peace in Northern Ireland. But true peace and true democracy cannot be founded on lies and cover-ups. An integral part of police reform is investigation of police and government collusion in past criminal acts. Only the truth can guarantee that Northern Ireland's new police force is established on a sound basis of respect for law and justice, something the previous force, the RUC could never claim. Only the truth can guarantee that the people of Northern Ireland accept their police as legitimate.

The government has recently instituted the Historical Enquiries Team to investigate and resolve these cases. This has the potential—if operated with transparency and openness—to be a critical, helpful step. Time will tell. Meanwhile, there are several cases which require special attention. The British and Irish Governments in 2001 jointly appointed Judge Peter Cory, a preeminent retired justice of the Supreme Court of Canada to determine whether independent commissions should investigate possible state sponsored collusion in six notorious and horrific murders. They also pledged to abide by his recommendations. Two years ago Judge Cory issued his report and called for five of the six murders to be investigated independently. Yet the British Government has still not appointed an inquiry commission into the murder of the human rights attorney Patrick Finucane, who was gunned down in his home, in front of his wife and three small children, in 1989. Every 1 of the past 10 hearings I have chaired on human rights and police reform in Northern Ireland has dealt with Patrick Finucane's murder. Yet still nothing has been done. The Government of the UK must find a way to institute a credible inquiry which will be accepted by all, especially the Finucane family. The British Government has finally begun its inquiry commission, as demanded by Judge Cory, into police misconduct in the murder of Rosemary Nelson, another heroic human rights lawyer, and mother of three, who fell victim to a car bomb in March 1999. Rosemary, 6 months earlier had testified before my committee about the harassment, intimidation and threats made against her by the RUC. No one has ever been charged in her murder. That inquiry was finally begun on April 19 but has made little progress so far, and serious questions remain as to whether the investigation is being conducted properly. If the population of Northern Ireland is to cease relying on paramilitaries for protection, and transfer its trust to the police, it must have confidence that the police and the authorities deserve trust. These inquiries need to be done, and done well, as soon as possible.

Finally, although political reform and police reform are absolute preconditions for all progress, only economic development can finally end the terrible poverty, among both Catholics and Protestants, nationalists and unionists, which helps breed the violence. Fully employed, prosperous and prospering people, who can see tomorrow as better than today, rarely attack their neighbors. The Catholic and nationalist community, although worried, looks on the fulfillment of the Good Friday agreements with great hope. Too many in the unionist community, unfortunately, have been exploited by extremists to look upon all gains by Catholics as setbacks for themselves, that all jobs that Catholics get, as jobs that they lose. Only economic development can provide the jobs, the housing, the public services that all the people of Northern Ireland, in both communities, need for a better life. We have continued our support—$13.5 million in 2006—for the International Fund for Ireland for both 2006 and 2007, not only to promote police reform, as I mentioned above, but also to promote economic development which is critical to achieving a just and lasting peace. Now that we are nearer to success, this is no time to falter in our efforts.

The IFI has played a vital role in economic progress in Northern Ireland. The U.S. has contributed over half of the total fund, about $400 million in the past 20 years. And it has helped. In the 1990's Northern Ireland's unemployment fell by 40 percent. The fund has created nearly 38,000 jobs. But the IFI does not only fund material progress, and its greatest achievements are not material: It has also developed a series of community building programs, promoting greater dialogue and understanding between Catholic and Protestant, including leadership programs designed to develop a new generation of leaders in Northern Ireland to bring about a more peaceful and prosperous future in the region. Young people are the key to the future everywhere, but in Northern Ireland they are absolutely crucial to breaking the cycle of discrimination and sectarian violence once and for all. For this reason our authorization bill continues support for "Project Children," to bring together Catholic and Protestant participants from the Republic of Ireland, the United Kingdom, and the United States, to help build peace in Northern Ireland through its children and young people.

Besides Mitchell Reiss, we heard testimony from the Right Honorable Sir Desmond Rea, chairman, Northern Ireland Policing Board; Mr.

Denis Bradley, vice chairman, Northern Ireland Policing Board; Ms. Maggie Beirne, director, Committee for the Administration of Justice; Ms. Jane Winter, director, British Irish Rights Watch; Ms. Archana Pyati, senior associate, Human Rights Defenders Program, Human Rights First.

TRIBUTE TO MR. FRANKLIN E. FORD

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Mr. Franklin "Frank" Ford recognizing his recently revealed contributions to the U.S.-led allied victory in World War II as designer and superintendent for The Dow Chemical Company's ethylene plant.

During Word War II, Imperial Japan blocked shipments of natural rubber to the U.S. As necessity is the mother of invention, the U.S. was forced to develop synthetic rubber to relieve the U.S. military of its dependence on imported rubber.

Mr. Ford and a team of dedicated engineers at The Dow Chemical Company in Midland, Michigan, developed and pioneered domestic ethylene production, which as the precursor to synthetic rubber, was used to supply the U.S. with critical resources necessary to win the war, Ethylene continues to have practical, widespread applications today in plastic bags, paints, antifreeze and car components.

Until recently Mr. Ford's family was unaware of his impact on Dow and his important role in developing ethylene. He is being honored today at the Herbert D. Doan Historical Museum in Midland and finally getting the recognition he and others deserve.

Like so many in Mr. Ford's generation, he never asked for any credit, recognition or accolades for his work or the work of his team during the war. He did not ask for a blue ribbon or a tickertape parade. He is among the many anonymous Americans who quietly, selflessly did his job on the home front to win the war overseas.

That is why more than 60 years after World War II it is a privilege for me to publicly recognize Mr. Ford and his team at The Dow Chemical Company as unsung heroes and acknowledge their contributions to the U.S. during a time of world war.

WELL DONE!—ATLANTA GAS LIGHT

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PRICE of Georgia. Mr. Speaker, on February 16th of this year, Atlanta Gas Light celebrated 150 years of quality and continued service to the people of Georgia. What a privilege it is to take this opportunity to thank Atlanta Gas Light for being a leader in innovation and economic development.

Natural gas is a cornerstone of the energy supply for Georgia residents and businesses. From cooking food and heating our homes to lighting our streets, natural gas has helped make Atlanta the commercial leader of the Southeast.

Atlanta Gas Light has become a community leader as well volunteering time and money and giving back to the citizens of Georgia. In addition to their own accomplishments, Atlanta Gas Light recognizes other community leaders in Georgia with its Shining Light Award. Since 1963, recipients of the Shining Light Award have been recognized by gas lamps erected throughout the city in their honor. This is just one of the many ways Atlanta Gas Light continues to give back to the City of Atlanta and the State of Georgia.

I applaud Atlanta Gas Light on their first 150 years as a business and community leader. Without a doubt, their continued leadership will help Atlanta grow and remain the center of the Southeast for the 21st Century.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. ORTIZ. Mr. Speaker, due to inclement weather, I was unable to vote during the following rollcall vote. Had I been present, I would have voted as indicated below.

Rollcall No. 68: yea.

MONITORING RESPECT FOR HUMAN RIGHTS AROUND THE WORLD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on March 16, 2006, I chaired a hearing to review the State Department's Country Reports on Human Rights Practices for 2005 and, in the context of those reports, to examine the state of respect for human rights around the world.

Human rights are not a concession or benefit conferred by the state. They are the entitlement of every human person on the basis of that person's inherent dignity and worth. Thus the Universal Declaration for Human Rights and subsequent international human rights treaties did not establish human rights—they recognized those rights. Therefore, human rights cannot be abrogated or otherwise removed by any government. They are entitlements pre-existing and superseding the prerogatives of the government, and as such are either respected or violated.

Certain human rights are fundamental, and are the basis for the recognition and enjoyment of all other human rights. Foremost of these rights is the right to life. If a human being is denied or threatened with the denial of life, the existence of other rights is meaningless. And attempts to exclude any category of human beings from the inviolable right to life at the whim of expediency or the more powerful undermines and threatens the respect of life for all peoples. A determination to take the life of one human being easily translates into taking the life of another, limited only by the relative power of the aggressor and the vulnerability of the one whose life is threatened. It is for these reasons that the life of every human being, from conception to natural death, is of such critical, overriding importance.

As affirmed by the Universal Declaration for Human Rights, liberty, justice and peace in the world are built on the foundation of the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family. Human rights are central to United States foreign policy not only because they are a moral imperative but also because they are central to any effort to establish and maintain a democratic, peaceful, stable society. Those who ignore or repudiate human rights are sowing the seeds of instability, rebellion and violence.

It is therefore disturbing that human rights concerns are often subordinated to other concerns, such as trade, cooperation on terrorism, immigration control, or selling military equipment, in the name of maintaining relations with countries of high importance to U.S. strategic goals. This misses the point. The most important U.S. interest is the promotion of freedom and democracy and long-term stability. We are strong enough, and we are prosperous enough that we have no need to accept blood money or to send refugees back to persecution or to seek our alliances among regimes that murder and torture their own people.

The Country Reports are among the most important tasks undertaken by the Department of State. These reports allow the United States an opportunity to bear witness, to reassert fundamental principles, and also to examine its own conscience about whether its foreign policy comports with these principles. Other annual reports, such as the Trafficking in Persons report and the report on International Religious Freedom, also shine the spotlight on specific human rights areas which bear closer examination.

Although the human rights mechanism of the United Nations is not directly germane to the release of the Country Reports, the importance of the recent adoption by the General Assembly of the resolution establishing the new Human Rights Council is of such importance that I included it in the discussions of the hearing. I personally am deeply disappointed and dismayed that the United Nations adopted such a weak and deeply flawed replacement for the discredited Human Rights Commission.

Furthermore, the new Council's anticipated promotion of the goals and commitments "emanating" from UN conferences and summits, measures not intended by negotiating member states to be on a par with human rights treaties, will dilute and trivialize the solemn importance rightly attributed to fundamental human rights. Many of us in Congress will be watching the development of the new Council closely, and we strongly encourage the Administration to work assiduously to not only ensure that this new council promotes and defends human rights but also that it does not distort the established and accepted framework of fundamental human rights.

The 2005 Country Reports document several important steps forward taken by governments around the world to respect and protect the fundamental human rights of their citizens. Burundi concluded a four-year transitional process and large numbers of displaced persons were encouraged to return home. The election of President Ellen Johnson Sirleaf in Liberia marked "a significant milestone" in that country's efforts to achieve democracy and peace. Afghanistan experienced its first parliamentary elections in almost 30 years, with women enthusiastically participating. And in Ukraine, the Orange Revolution resulted in a democratically elected government and a notable improvement in respect for human rights.

Unfortunately, the news is not all good. The Country Reports also serve to confirm and document what we knew already, that the last year has not been a good one for the state of human rights in the world. The Zimbabwean government's Operation Restore Order led to the demolition of houses and businesses and displaced or destroyed the livelihoods of more than 700,000 people. The government of Belarus President Lukashenko detained, fined, and imprisoned pro-democracy activists, including opposition politicians, students and newspaper editors, for criticizing him and his regime. And the people of Nepal continued to suffer many serious human rights abuses, both during and after the February–April state of emergency that suspended all fundamental rights except for habeas corpus—and even habeas corpus orders issued by the court were not respected.

The totalitarian governments of China, North Korea, Vietnam and Cuba all continued their persecution of political and religious dissidents. The Chinese government and security forces, in particular, are cited by the 2005 Reports as having increased their harassment, detention and imprisonment of those perceived to be a threat to government authority. The government considers the number of death sentences to be a state secret, but foreign experts estimated that between 5,000 and 10,000 persons are executed each year. There were claims that 20 public protesters were killed last year during one demonstration, and the state-run media reported that in general 460 persons were killed through abuse or dereliction of duty. The UN Special Rapporteur on Torture Manfred Nowak reported after his November visit that torture in China remains widespread.

One of the most egregious human rights abuses that is receiving grossly insufficient global attention is the one-child per family policy enforced in China since 1979. The policy says that if a woman happens to become pregnant with a second child, despite the government's best efforts to assure that this does not happen, then the parent must pay a heavy penalty or unborn child must be aborted. Heavy fines are imposed upon couples who have an "unapproved" child. These so-called "social compensation fees" can be up to ten times a person's annual salary, compelling them to abort the baby.

The Chinese government goes to appalling lengths to enforce its one-child limit, abusing the rights of Chinese women, in particular, to a degree that is unique in both kind and degree. For example, Government Family Planning Bureaus conduct periodic pregnancy tests on married women, and give them unspecified "follow-up" services. Fines for failing to undergo these tests can be as high as $60 US. It should therefore not be surprising that approximately 500 women in China commit suicide each day—more than five times the global rate. Possible reasons given for this tragic statistic include that country's birth limitation policies and the traditional preference for male children.

Officials who help individuals to evade the birth limitations are legally subject to significant and detailed sanctions. On the other hand, those who meet the population goals established by their administrative region are rewarded. Thus, it is no wonder that local officials violated individual's rights in attempting to reduce the number of births in their region. The 2005 Reports state that in just one province, 130,000 people were detained to force them or their relatives to submit to abortion or sterilization procedures. Several late-term abortions were documented, and at least 7,000 people were forcibly sterilized. Local officials profited personally from the fees charged for attendance at the "population schools." One legal activist was placed under house arrest for exposing these abuses. Other instances of forced sterilizations and abortions, committed in pursuance of these harsh birth limitation policies, were again documented.

The combined effect of the birth limitation policies and the traditional preference for male children resulted in the disproportionate abortion of female fetuses at a rate of 116.9 to 100 overall, and a shocking 151.9 to 100 for second pregnancies. As a direct result of these ongoing crimes against humanity, China today is missing millions of girls, girls who were murdered in the womb simply because they are girls. A couple of years ago, the State Department suggested that as many as 100 million girls of all ages are missing—that is to say, they should be alive and well and are not, a direct consequence of the government's one-child policy. This gendercide constitutes one of humanity's worst blights, and a far greater peril to peace and security than is being credited at this time.

Elsewhere in the world, dictatorships in Belarus and Burma were unsurprisingly similar in their oppressive methods of control to maintain power. Security forces in both countries arbitrarily arrested and detained citizens for political reasons. Police abuse and torture of prisoners continued in Belarus, and in Burma, abuses also included rape, beatings, forcible relocation of populations, and conscription of child soldiers.

In Africa, human rights abuses continued to be widespread throughout the continent. In Ethiopia, the refusal of the opposition parties to accept the announced results of the May elections resulted in serious human rights abuses. Authorities arbitrarily detained, beat and killed opposition members and freedom of the press and freedom of assembly were severely curtailed. In addition to the forced displacement mentioned earlier, Zimbabwe once again went through the charade of elections that in fact were marked by fraud and the improper participation of security forces in the tabulation of ballots, irregularities in voter registration, and continued restrictions on speech, press and assembly.

The world is all too aware of the continuing tragic situation in Sudan. According to the World Health Organization, the conflict in Darfur has resulted in the deaths of at least 70,000 civilians, the internal-displacement of more than 1.9 million civilians, and the flight of an estimated 210,000 refugees to neighboring Chad. When confronted with such numbers, one must also take into account the attending human rights violations, including the abuse of children, extensive trafficking in persons, and the acts of torture and violence against women.

The human rights record of Iran also worsened this past year, with numerous troubling violations reported. The government executed many political dissidents following trials that lacked due process. Dissent was criminalized and the death penalty applied to such offenses as apostasy, "attempts against the security of the State, outrage against high-ranking officials and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." A report released during the past year stated that at least 8 evangelical Christians have been killed in Iran and another 15 to 23 reported missing or "disappeared" over the past 15 years.

Also alarming were the reports of serious human rights violations by governments with which the United States enjoys a close relationship. The 2005 Reports give no indication that Saudi Arabia is correcting its traditional disregard for religious freedom. Officially sanctioned discrimination against the Shi'a Muslim minority continued, and Christians still faced arrest and detention for practicing their faith, even in the privacy of their own homes. One newspaper reported that 40 Pakistani citizens, including one Muslim, were arrested after holding Christian services in an apartment. Other human rights abuses took place in Saudi Arabia as well, including abuse of prisoners by security forces, arbitrary arrests, and legal and societal discrimination against women.

Finally, I continue to be deeply troubled by the lack of respect for human rights and religious freedom in Vietnam. Vietnam is a one-party state run by the Communists which oppressively controls the ordinary lives of its citizens, rigidly represses political rights, and denies its people the exercise of their religious freedom. The Country Report on Vietnam documents that the government subjected religious leaders to administrative detention, "pagoda arrest," and varying degrees of informal detention in their residences. Citizens who tried to exercise their rights to practice their religion, assembly, or expression also were detained at times for several days by security forces. Such conduct should not be ignored when a country is seeking stronger economic relations with the United States.

In conclusion, the biggest challenge with the Country Reports is not the reporting itself, but the uses to which this human rights reporting will be put to achieve universal respect for human rights and thus greater peace and stability in our world. Human rights can not be the work of one political officer in the Embassy who prepares the annual report once a year and then turns to other tasks. Rather, it must be the foundation on which our bilateral relationships are based.

The cornerstone of U.S. foreign policy must be the promotion of American values, which include the protection and advancement of fundamental human rights of people around the world. The moral character and depth of soul of any society will be measured not by its military might, technological prowess, athletic excellence or GDP, but by the respect it accords to the inherent dignity and worth of every person who lives within its borders.

DEFINING PROTECTIONISM DOWN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most disturbing trends that we have seen recently is that of those who would adopt rules abolishing any restrictions on the untrammelled flow of capital around the world, taking away from countries their sovereign rights to impose restrictions that serve legitimate national interests. This applies both to direct foreign investment, and even more to the notion that short-term purely financial investments must be allowed under any circumstances whatsoever. As Daniel Davies notes in a British newspaper, the Guardian, while it is true that the general rule should be to allow cross-border purchases of companies, "there are, quite feasibly, a lot of uncommon but not impossible situations in which a democratic government might want to pass a law about the operations of a company, and not want to find itself being taken to a WTO tribunal for doing so." He correctly says in closing, "Of course, there is not really all that much to be said for local ownership restrictions in most cases . . . But on the other hand, nor is it 'protectionism.' The case for capital market openness is very much weaker than the case for goods market openness and we should all resist the attempt to define down protectionism."

[From the Guardian, Mar. 20, 2006]

DEFINING PROTECTIONISM DOWN

(By Daniel Davies)

Economic "protectionism" is back in the news with a vengeance, with France objecting to takeovers in the steel sector, Spain putting together national champion utilities and the USA crying blue murder over Dubai Ports World's proposed acquisition of P&O. James Surowiecki had an article in the Saturday Guardian painstakingly setting out the conventional wisdom on this subject (ie, that it's very bad). Trouble is, this isn't really what "protectionism" means.

Basically and historically, "protectionism" (and "mercantilism" and related terms) always used to refer to tariff policy, with respect to goods markets and trade between buyers and sellers. The use of the terms to refer to policies about capital markets and ownership of companies is a new one; I spotted it beginning to arise in the FT and Economist around the beginning of the 1990s and have been writing Mr Angry letters on the subject ever since. Because capital markets "protectionism" is much less bad than the goods market type and might not even be bad at all.

It's easy to explain why tariffs are bad. They're a tax on a particular economic activity—trade. Because of this, they cause people to do things that they wouldn't otherwise do in order to avoid the tariff, or not to do things they otherwise would do because the cost of the tariff means it isn't worth their while. There is a deadweight loss associated with this, and empirically it turns out that this deadweight cost is substantial. That's why tariffs are bad, and why we have a WTO dedicated to removing them.

On the other hand, ownership of a company isn't an economic activity at all (because "ownership" isn't an activity, it's something you can do while sleeping, in a coma or even dead). So it is much harder to see how any deadweight loss can be created by placing taxes or other kinds of barriers on overseas investment in domestic companies. The very fact that James Surowiecki in his article has to appeal to "the discipline of the takeover market on inefficient managements" ought to raise eyebrows here. If there is one thing we do know about the discipline of the stock market, it's that it's a very weak force for good indeed, if it's a force for good at all. And the empirical evidence bears this out as well; while the gains from goods markets liberalisation are big and definitely there, the gains from capital account liberalisation are small and frustratingly difficult to detect, no matter what econometric techniques you bring to bear.

Set against this, there are on occasion quite legitimate reasons why one might want to put curbs on the foreign ownership of domestic industries. Most particularly, you might want to be absolutely sure that you can govern them via domestic national laws. There is a lot of ill-founded paranoia about "multinationals", but it is true that a company with multinational operations has a lot more wriggle room when it comes to regulations it doesn't like. Furthermore, you can keep a lot more control over the tax base, and over things like shipping records and accounts which are usually stored in head office. Even the Thatcher governments recognised this, which is why the government used to have a "golden share" in a lot of privatisation companies. There are, quite feasibly, a lot of uncommon but not impossible situations in which a democratic government might want to pass a law about the operations of a company, and not want to find itself being taken to a WTO tribunal for doing so.

And this is what the root of the problem is, I think. The rise of cross-border ownership of companies has gone hand in hand with the rise of a lot of bogus WTO cases trumped up by multinational companies which don't like the way in which they are being regulated in one of their countries of operation, and have managed to convince someone that it is a restraint of international trade. At about the time that the new usage of the word "protectionism" was being popularised, the international civil service was trying to negotiate something called the Multilateral Agreement on Investment (MAI). If it had been passed, this would have more or less guaranteed to foreign investors in any country that they would be able to carry out business in the same way in which they did in their own country. The fact that this would lead to a lowest-common-denominator effect pretty quickly was, of course, not an unintended consequence—this was the grand high era of neoliberalism, after all. However, more or less for this reason, the MAI was incredibly unpopular (particularly in the USA, where there are all sorts of local regulations and industry sweetheart deals which everyone wanted to preserve) and it died the death of a thousand committees.

Ever since the death of the MAI, global civil servants at places like the EU and the WTO have been trying to resurrect it. They've been doing this, as far as I can see, by attempting to blur the distinction between goods market and capital market protection. I've mentioned that the WTO is chock full of bogus cases where regulations on a local subsidiary of a large company have been portrayed as a restraint of trade, but the EU is if anything worse; the office of Charlie McCreevy and the Single Market Directorate Generale of the EU have a really nasty habit of claiming that the "right of establishment" of the Treaty of Rome gives them the power to force through any cross-border merger in Europe in the face of government opposition. So the linguistic confusion between "protectionism" in the sense of tariffs and "protectionism" in the sense of local ownership restrictions is not really all that innocent.

Of course, there is not really all that much to be said for local ownership restrictions in most cases. If someone wants to buy shares in a company, the fact that he comes from overseas is usually not a very good reason to stop him. But on the other hand, nor is it "protectionism". Even Adam Smith had very different opinions on free trade in goods markets, versus international investment. The case for capital market openness is very much weaker than the case for goods market openness and we should all resist the attempt to define down protectionism.

CONGRATULATING CLIFFORD AND RUTH MELBERGER AS THEY RECEIVE THE DISTINGUISHED COMMUNITY SERVICE AWARD FROM THE ANTI-DEFAMATION LEAGUE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Clifford and Ruth Melberger, of West Pittston, PA. This year, the Anti Defamation League of Eastern Pennsylvania has selected them to be the recipients of the Distinguished Community Service Award.

Both Ruth and Clifford have been long time champions of the greater Wyoming Valley, the community in which they were both born and raised. They have consistently committed themselves to their family, educational programs and the growth of the region for current and future generations.

Since her days as an art teacher in West Pittston and East Pennsboro High Schools, Ruth has worked with many community associations. She is presently on the board of directors of the Scranton Cultural Center, the West Pittston Cemetery Association, the West Pittston Historical Society and she has been a volunteer for the Meals on Wheels program for 14 years. She is also an elder in her church.

Ruth also served on the President's Council of Wilkes University, the boards of directors of the Pittston YMCA and the Scranton Council for Literacy Advance. She also headed the West Pittston Shade Tree Commission for 15 years.

Ruth and Clifford founded Diversified Information Technologies, an information management company of which Clifford serves as president and chief executive officer.

Clifford is currently on the board of trustees of Wilkes University, the steering committee of the Great Valley Technology Alliance, board of directors of the State of PA Business Roundtable and he is an elder in his church.

Clifford was a member of the board of trustees of Bucknell University as president of their National Alumni Association. He was also a member of the board of Team Pennsylvania, the Greater Scranton Chamber of Commerce, Scranton Tomorrow, the Downtown Wilkes-Barre Touchdown Club and the Bison Athletic Club of Bucknell University.

Clifford received the Arthritis Foundation's 1998 Community Leader of the Year Award for Northeastern Pennsylvania, the Wilkes-Barre Chamber of Commerce National/International Business of the Year Award, the Ben Franklin Partnership Award for Excellence of Innovation, Bucknell University's Bison Club Award for outstanding contributions to the University's athletic program and a member of the Wyoming Area High School and Bucknell University Athletic Halls of Fame.

Clifford is also the namesake for the "Melberger Award," an annual award presented to the most valuable Division III college football player in the nation.

Ruth and Clifford are committed to educational causes as both attended college on scholarships. They have established the Ruth Boorom Melberger scholarship at Wilkes University, a Player of the Game scholarship at Wilkes University and Bucknell University for each home football game and named scholarships in honor and memory of family members at Bucknell University.

Ruth earned a bachelor's degree in art education with minors in English and social studies from Wilkes University and Clifford earned a bachelors degree in business administration and a masters degree in education from Bucknell University.

They have two children and six grandchildren.

Mr. Speaker, please join me in congratulating the Melbergers. Their commitment to community service is exemplary and it is fitting that the Anti Defamation League should honor them in this way. Clearly, the Melbergers have improved the quality of life in the greater Wyoming Valley.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on March 28, 2006 during rollcall votes No. 68 and No. 69 during the second session of the 109th Congress. The first vote was for H.R. 4882—the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act—and the second was S. 2120—the Milk Regulatory Equity Act of 2005.

If present, I would have voted "yes" on these rollcall votes.

PERSONAL EXPLANATION

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. SCOTT of Virginia. Mr. Chairman, on the afternoon of March 16, 2006, I was at the White House for a meeting with the President and was unavoidably detained, thereby causing me to miss five rollcall votes. I would like to submit this statement for the record to reflect how I would have voted had I been present.

On rollcall No. 55, had I been present, I would have voted "nay"; on rollcall No. 56, had I been present, I would have voted "aye"; on rollcall No. 57, had I been present, I would have voted "nay"; on rollcall No. 58, had I been present, I would have voted "aye"; on rollcall No. 59, had I been present, I would have voted "nay."

VETERANS' MEMORIAL MARKER ACT OF 2006

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. MILLER of Florida. Mr. Speaker, as chairman of the Subcommittee on Disability Assistance and Memorial Affairs of the Veterans' Affairs Committee, I am proud to introduce H.R. 5038, the Veterans' Memorial Marker Act of 2006. The Subcommittee's Ranking Member, SHELLEY BERKLEY, joins me as an original cosponsor of this bill.

H.R. 5038 would extend for 1 year the Department of Veterans Affairs' authority to provide a government marker for the marked grave of a veteran buried in a private cemetery. Under current law, this authority will expire on December 31, 2006. In addition, the bill would extend eligibility of this benefit to include deaths occurring on or after November 1, 1990. Currently, this benefit is only available for deaths occurring on or after September 11, 2001.

This bill would also authorize the VA to provide a government marker or memorial headstone for eligible deceased dependent children whose remains are unavailable for burial. Today, the VA is only authorized to provide a marker or memorial headstone to commemorate a veteran or spouse whose remains are unavailable for burial.

Mr. Speaker, the Nation owes a debt of gratitude to the men and women who served in the armed forces of the United States. This is but one way we can commemorate and memorialize their service and sacrifice.

I urge my colleagues to support this bill.

KEEP AMERICA COMPETITIVE GLOBAL WARMING POLICY ACT OF 2006

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Keep America Competitive global Warming Policy Act of 2006. I am pleased to be joined in introducing this bill by my colleague from Wisconsin, the Honorable Tom Petri.

We introduce this legislation in the face of a rapidly strengthening scientific consensus that the Earth is warming faster over the last few decades than at any time ever in the geologic record. Ten of the last 15 years have been the hottest years since we began recording global temperatures. There are prolonged droughts across the United States, such as in my home state of New Mexico. Other parts of the country have seen record precipitation and floods. In Representative Petri's home state of Wisconsin, average winter temperatures are increasing, leading to thinner ice and earlier melts on as much as 80% of the state's lakes. Dramatic melting has been seen in icecaps, glaciers, and sea ice on both poles and high mountain regions around the world. And, as we all know, the North Atlantic saw a record number of deadly hurricanes in 2005. The increase in the frequency of severe storms has been directly linked to an increase in sea surface temperatures. It is also very worrisome that sea surface temperatures are already above normal this year.

Scientists are in almost unanimous agreement that most of the global warming and the resultant extreme weather events are directly related to the build-up in the atmosphere of carbon dioxide released from the burning of fossil fuels. To date, the United States has done nothing to address the most serious environmental issue any of us will ever encounter. We must begin, and we must begin now. However, any emissions reduction policy we enact must minimize economic harm and dislocation.

That is why we are introducing this legislation today. Our bill will help America curb our emissions but is designed to avoid an economically devastating price run-up that will cause harm and dislocation to American businesses and workers. The Keep America Competitive Global Warming Policy Act will spur innovation and keep America in the technological lead. In addition, by engaging the developing world in efforts to combat global warming, our bill makes certain that the United States will not be placed at a competitive disadvantage to other countries. Our bill also acknowledges that technology is the long-term solution to global warming. Thus, an integral part of our legislation will devote substantial resources exclusively to the research and development of low and no-carbon technologies.

The bill is an economy-wide, upstream, cap-and-trade policy that covers all greenhouse gas emissions. However, to ensure that the cost is both modest and certain, the bill provides for an unlimited number of additional "safety valve" allowances. These allowances will be sold by the Treasury Department at a fixed and reasonable price, which will escalate over time. Also, to bring about the participation of developing countries on addressing global warming, we tie the safety valve escalator to the emissions-control activities of the five largest developing country greenhouse gas emitters. This ensures that America will not be put at a competitive disadvantage if the developing countries do not join the effort.

We know that there may be less emissions reduction with a safety valve than without one. However, the cost certainty and the modest starting cost of the safety valve allowances provide assurance that there will not be economic harm from the adoption of this global warming policy. We believe it is better to have a policy that works slowly yet surely rather than one that might prove unworkable. Many companies have expressed the need for a safety valve in any mandatory greenhouse emissions control legislation, including the largest utility in my home state of New Mexico. Every day here in Congress, we debate the trade-offs between cost and effectiveness. We expect that the debate on how to best address carbon emissions and global warming will continue for some time. But the most important thing is that the House of Representatives actually begin that debate.

Taking into account the potential for some economic harm as the economy adjusts to this policy, our legislation allocates allowances to those people, entities, and localities that may incur dislocations because of this legislation. Additional allowances will be used to ensure that the legislation is revenue-neutral.

Our legislation also builds upon the 2005 recommendation of the National Academy of Sciences in its "Rising Above the Gathering Storm" report recommending the creation of an organization within the Department of Energy modeled on the Defense Department's Advanced Research Projects Agency, also known as DARPA. The goal of this E–ARPA is to explore the truly out-of-the-box, high-risk, high-payoff research that will be necessary if we are to get to a low or no-carbon dioxide and greenhouse gas world.

Mr. Speaker, this bill is modest, certain, and efficient. It begins the process of committing America to reducing its greenhouse gas emissions and addressing the global warming issue by having emitters internalize the costs of the problems associated with global warming. This monumental step of putting a price on carbon and other greenhouse gases will stabilize greenhouse gas emissions and eventually reduce them, finally putting the United States on the road toward curbing the effects of global warming.

I urge my colleagues in the House to cosponsor this comprehensive and economically rational legislation and help break the stalemate that exists on the global warming issue.

TRIBUTE TO HERB SWARZMAN

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor Herb Swarzman, a leader in Florida's gulf coast community. This past weekend, Herb was honored by the Tampa Committee of AIPAC for his years of service to the organization and to Israel.

Since his first trip to Israel in 1978, Herb has been a tireless advocate for the Israeli people and the Israeli-American partnership. Herb has served as a liaison between leaders in the two governments, including working with Florida leaders like Representatives MICHAEL BILIRAKIS and Senator Connie Mack.

I have gotten to personally know Herb and his lovely wife Joyce over the years, and I can tell you that Herb is a great credit to our community.

In addition to his work strengthening ties between America and Israel, Herb has taken a leadership role serving his fellow Florida citizens. Whether it is helping to raise funds for the Retired Enlisted Association, Dartmouth's alumni association or getting involved in local veterans' advocacy organizations, Herb's energy and commitment to the region is unmatched.

Herb has also established himself as a leader in Israeli-American relations over the past 30 years. He currently serves as chairman of the AIPAC Tampa Bay Committee, a member of the AIPAC Executive Committee, chairman of the Florida Institute, and a board member and executive committee member of the Tampa Jewish Federation.

Mr. Speaker, it is because of Herb's dedication to the Israeli-American partnership that he was honored by the Tampa Committee for AIPAC. Herb is not just a dedicated family man, but also a proud and productive American and a walking tribute to the Israeli spirit and to AIPAC's goal of education.

TRIBUTE TO DAVID W. HIGUERA

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. SALAZAR. Mr. Speaker, I rise today to pay tribute to David W. Higuera, the police chief of Parachute, CO. He is retiring in April after 22 years of service to our community.

Chief Higuera and his wife, Willa, have raised three children in Parachute—Jeff, Jenny, and Jake. He has been actively involved in Parachute and has contributed greatly in a variety of ways. As a member of the Parachute Police Department, he has played a key role in ensuring that the safety and well being of the citizens of the community are paramount, and that they are protected in their homes, businesses, and schools. While his years of service have resulted in a number of achievements, the accomplishment for which he is probably the proudest has been the creation of a resource officer position at the Grand Valley High School.

While his work in law enforcement has been critical to the community, he has also made significant contributions in other ways. He remains active with the St. John Middle School football program and for many years was the assistant coach for the Grand Valley High School baseball team. He has also served as a director for the Garfield 16 school board and the local park and recreation district.

I commend Chief Higuera for his years of service and dedication to the town of Parachute. It is people like him that make our communities safe and pleasant places to live and work. We owe him a debt of gratitude and wish him well in his retirement.

SUPPORT FOR THE VANADIUM TECHNOLOGY PARTNERSHIP

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today in strong support of the Vanadium Technology Partnership, a program of great importance to both my constituents in Northwest Pennsylvania and the men and women serving in the United States military at home and overseas. The Vanadium Technology Partnership, or VTP, is a cooperative relationship between the vanadium microalloyed steel industry and the U.S. Army. The partnership is working to apply high-performance steels in military applications.

The military uses some quantity of vanadium in virtually every application where steel products are employed. As the chairman of the Congressional Steel Caucus, I recognize the crucial benefits that VTP offers to domestic steel industry as well as the U.S. armed services. I have worked extensively on behalf of VTP, including Bear Metallurgical Company, a key vanadium producer in my district and member of the partnership. Since VTP's inception in 2003, the steel industry and the military have employed vanadium in their daily operations to a much larger degree. Vanadium is currently being used to increase armor strength and reduce the weight of current combat vehicles, tactical vehicles, tactical bridges, material handling equipment, aircraft, watercraft and rail. Further, case studies looking at ways to expand vanadium's uses have been completed and are now in the process of deployment, including a vanadium steel rebar program, long span structures, trailer weight reduction, and vanadium spiral-welded pipe.

I would also like to offer my sincere gratitude to Dr. John Beatty with the Army Research Lab for his support and oversight of VTP since its inception. I was particularly pleased to learn that the Army has agreed to support the use of VTP funding to undertake critical health and safety research. This research will help ensure the safe and continued use of vanadium for industry and the military.

In closing, I am grateful to both my colleagues and the military for recognizing the crucial benefits of the Vanadium Technology Partnership. I have made the advancement of this technology a top priority and encourage its continuation. With the Army's commitment to the VTP, the many uses of vanadium will continue to benefit our servicemen and women serving at home and overseas.

PRESIDENT HU JINTAO—PRESIDENT OF CHINA

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. BUTTERFIELD. Mr. Speaker, it is with great importance we have the opportunity to discuss Chinese President Hu Jintao's upcoming visit to Washington this April. During his visit, a number of issues will be discussed with President Bush, especially the issue of Taiwan.

We welcome President Hu Jintao and we hope his visit will help reduce mounting tensions in the Taiwan Strait.

As President Hu Jintao visits Washington, we urge the administration and the international community to help China accept the universal values of democracy, freedom and human rights and to renounce the use of force to resolve the Taiwan issue.

Mr. Speaker, I welcome President Hu Jintao to the United States and hope that he has productive meetings with the administration on a wide range of issues, especially the issue of Taiwan.

THE ELLA J. GILMORE STREET DESIGNATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, on behalf of Congressional District Three, the Central Florida community, and the City of Apopka, it is my sincere pleasure to congratulate Ella J. Gilmore for this historic street name designation.

Your numerous noteworthy accomplishments and leadership in the Central Florida community includes work in the early 1970's in obtaining street paving and lighting for West 14th Street residents. You coordinated and provided leadership for the Orange County's South Apopka Targeted Initiative Pilot Project in 1991, which included community improvement projects, street lighting and paving, public facilities and youth programs in the South Apopka community.

It has often been said, "To whom much is given, much is required." This statement is exhibited by the work you have done and continues to be done in your position as Deputy Director of the Orange County Health and Family Services Department.

Continue to let your light shine as God directs your path in your mission to impact this and other Central Florida communities. Your unending involvement helps to improve the quality of many, many individual lives. Your community involvement will never go unnoticed.

Again, I say "Congratulations." It is an honor to say you are truly a "Phenomenal Woman."

TRIBUTE TO COMMUNITY LEADER PAULA WHITNEY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. WEINER. Mr. Speaker, I rise today in recognition of a great civic and community leader, Paula Whitney, upon her retirement as President of the Mill Basin Civic Association. Paula Whitney is a lifetime resident of the Mill Basin community and can trace her roots back to one of the first families to establish a residence in the area. She has a deep love for this close knit Brooklyn community and has dedicated a large part of her time and energy to ensuring the opportunities provided to her and her family over the years are preserved and fortified for future community residents.

Paula Whitney joined the Mill Basin Civic Association in 1979 and held several offices before being elected president in 1989. As president, Paula Whitney has spearheaded many campaigns to improve the Mill Basin community and keep it family friendly. She has brought many problems that otherwise might be swept under a rug into the light of day and had an uncanny ability to demand the proper amount of attention and respect from elected officials, our local police precinct and our local schools. Thanks in large part to Paula Whitney's persistence and hard work, no issue raised at her meetings ever went unanswered.

Paula Whitney taught civic responsibility by example, and her two children, Michael Francis and Jeanne Marie, learned it well. Jeanne serves on the civics' Board of Directors. Paula is married to Allan Whitney, a civic leader in his own right, who serves as the Third Vice President.

Paula's dedication to our community runs deeper than devoting herself to just one organization. She has represented her Mill Basin community at School Board meetings, served as a former Board Member of the Mill Bergen Chemical People Task Force, as a member of the Flatlands Volunteer Ambulance Corps, and as a member of Community Board 18, where she is chairperson of the Libraries Committee.

Therefore, on behalf of the United States House of Representatives, I congratulate Paula Whitney upon the completion of her service as president of the Mill Basin Civic Association and thank her for her many years of hard work on behalf of my constituents and the City of New York.

TRIBUTE TO DIANNE REEVES

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. DEGETTE. Mr. Speaker, I would like to recognize the extraordinary accomplishments of a remarkable woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize Dianne Reeves for her preeminent artistic achievement and her excellence in numerous creative endeavors.

Dianne Reeves has used her talent, skill and energy to create an inimitable musical and artistic presence for which she has received international acclaim. She came to our community from Detroit, Michigan where she and her sister Sharon were raised by their grandmother. Dianne inherited a love of music from her parents and as a child, took piano lessons and sang at every opportunity. While singing with the George Washington High School big band, she was spotted by jazz trumpeter Clark Terry at the National Association of Jazz Educators Conference in Chicago where the band took first place in the 1974 jazz festival. She studied music at the University of Denver before moving to Los Angeles in 1976. Dianne experimented with various musical genres including Latin American music and toured with Eduardo Del Barrio's group "Caldera." She sang with the Billie Child's "Night Flights" jazz band and later toured with both Sergio Mendez and Harry Belafonte as his lead singer.

In 1987, Reeves was the first vocalist signed to the reactivated Blue Note/EMI label. Reeves has recorded with Daniel Barenboin and the Chicago Symphony Orchestra, with Sir Simon Rattle and the Berlin Philharmonic and she has also recorded and performed extensively with Wynton Marsalis and the Lincoln Center Jazz Orchestra. Over the course of numerous recordings and hundreds of live performances, Dianne Reeves has burnished a reputation as a versatile and vivacious singer who has been compared to such masters of jazz as Ella Fitzgerald, Dinah Washington, Carmen McRae and Sarah Vaughn.

Dianne Reeves is in a class by herself. She won her fourth Best Jazz Vocal Grammy Award for the soundtrack to the critically acclaimed Good Night, And Good Luck, which chronicles Edward R. Murrow's confrontation with Senator Joseph McCarthy. Dianne is the only artist to have three consecutive recordings win in the jazz vocal category—A Little Moonlight, The Calling: A Tribute to Sarah Vaughn and In the Moment, She is an Ella Fitzgerald Award recipient and was awarded the Denver Mayor's Award for Excellence in the Arts. She was the first Creative Chair for Jazz of the Los Angeles Philharmonic Orchestra and has performed throughout Europe and Asia. Reeves is the first internationally renowned jazz artist to perform in Qatar and recently, she was the featured performer at UNICEF's Annual Gala in New York City.

We are indeed fortunate to have an artist of such consummate reputation and international acclaim in our community. She has mastered a wide range of styles and interpretation, all of which reflect both a perceptive and unique artistic ability and skill. Her artistic sensibilities are set apart by a fidelity to the spirit of various compositions and renderings of notable artists; by an intimate expression of mood and emotion and a style of singular elegance, sophistication and grace.

We owe much to our artists as they have the unique ability to distill our cultural essence from our collective experience. Please join me in commending Dianne Reeves, a distinguished artist. Her gifts enhance our culture and her contributions have enriched the American Experience.

PAYING TRIBUTE TO JOHN TARTAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor John Tartan and his career as a teacher, coach, counselor, administrator. He is recognized today at the formal dedication of John Tartan Elementary School, which is named in his honor.

John was born November 6, 1924, in Ruth, Nevada. His parents were immigrants from Yugoslavia. In 1925, the family moved to McGill, Nevada, where John attended McGill Grade School and later White Pine High School in Ely. John graduated in 1943, and he enlisted in the Army-Air Corps. After the war, John won a spot on the "Ogden Reds" baseball team, a farm team for the Cincinnati Reds. There he earned the nickname "Buck" because he could run like a buck deer. That experience helped secure a baseball scholarship to Utah State University, where he earned his Bachelor of Science Degree in 1952.

John was hired by White Pine High School to teach, before he was recalled into the U.S. Air Force during the Korean War. John coached and played for the Walker AFB in Roswell, New Mexico. He deployed to Mendel, England. He was discharged from the armed services in July 1953.

One month later, he accepted a position at Basic High School in Henderson, teaching general science and biology. He also became head baseball coach and assistant football coach. Under John's direction, Basic won two State Championships in baseball. Basic won the Tri-State championship and then competed in the C.I.F. tournament in Southern California. This was a first for a Nevada school. In 1955 John was named the "Helms Athletic Coach of the Year." John also introduced the slogan "Home of the Basic Wolves" on the school scoreboard. In addition to the scoreboard, John was the first coach to dress in team uniform, along with the bat-boy. This started a precedent at all the high schools in the Las Vegas valley.

In 1957, John left Basic to pursue a Master's Degree at Arizona State University. He returned to Las Vegas and Rancho High School. John led the Rancho Baseball Teams to Three State Championships in a row.

John moved out of the classroom and into administration. As a counselor at Rancho, John made it a point to help every student secure a scholarship. He handled all the senior class for twelve years. At Rancho High School, John served as Head of Counselors, and eventually as Assistant Principal.

In 1976, John transferred to Valley High School as Assistant Principal and in 1978, he requested to be transferred to Las Vegas High School, because it was so similar to his own Alma Mater. He retired from Las Vegas High School in 1980.

John is married to Judy Breeding Tartan for forty-two years. He has three children, five grandchildren and two great grandchildren.

Mr. Speaker, I am honored to pay tribute to John Tartan on the floor of the House today. I thank him for his service.

IN HONOR OF TOM DUFFY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Tom Duffy, a tireless advocate for children in the State of Delaware. Since March of 2000, Tom has served as a court appointed special advocate in Delaware's Family Court. He has represented over 20 children from numerous families and works diligently to protect their best interests.

Tom goes above and beyond the call of duty by paying close attention to all aspects of a child's life, monitoring everything from safety to education. His top priorities are always happiness and safety for the child.

In a legal system often overwhelming to the children it serves, Tom is able to explain complicated situations in a gentle manner. His dedication and skill has eased the fears of many children over his years of service.

Tom has been recognized locally as a finalist for the Delaware Jefferson Award, an honor awarded annually by the American Institute of Public Service commending outstanding public service leaders within the community. He is one of five very admirable nominees, all making exceptional contributions to the State of Delaware. No matter who is chosen as the recipient of this award, they are each deserving candidates who demonstrate that one person can truly make a monumental difference.

I congratulate and thank Tom Duffy for all of his contributions to the State of Delaware. Many families are grateful and I am pleased to be able to vocalize their appreciation. He is an exemplary citizen and a proud American. Thank you, Tom, for all you have done and continue to do for the families of our State.

RECOGNIZING THE PASSING OF VICE ADMIRAL JOHN H. "JACK" FETTERMAN, JR., UNITED STATES NAVY, RETIRED

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness and honor that I rise today to recognize a true patriot, Vice Admiral Jack Fetterman, United States Navy, retired. Admiral Fetterman left us Friday night, March 24th. He was 73 years old. Vicki and I were saddened to learn of his passing and our thoughts and prayers are with his wife Nancy Glenn Austin and their two sons, John and Kevin.

The Pensacola News Journal called him "a tireless civic leader who dreamed big, never stopped working for Pensacola and always was thinking of how to make it a better place to live" and I would add that few people have shown the perseverance, dedication and commitment to our community that he has shown.

Admiral Fetterman was born in Ashland, Pennsylvania on 4 August 1932. He began college at Susquehana University, graduating from Albright College in 1954. He was commissioned an Ensign in the United States Navy in 1955 and was designated a naval aviator in 1956.

Vice Admiral Fetterman's first operational tour was with Attack Squadron 105 at Cecil Field, Florida. Flying A–IH Skyraiders from the deck of the aircraft carrier USS *Essex* (CVA–) in the Sixth and Seventh Fleets, he participated in both the Lebanon and Formosa crises in 1958. In October 1959, he reported to Fleet Airborne Electronics Training Unit Atlantic and served as Light Attack Nuclear Weapons Training Instructor.

Following this tour, he reported to Attack Squadron 44 for A–4 Skyhawk replacement pilot training prior to joining the staff of the Commander Attack Carrier Air Wing 8 aboard the aircraft carrier USS *Forestall* (CVA–59). After tours at the Naval War College and Attack Squadron 44, Vice Admiral Fetterman reported to Attack Squadron 81 aboard the aircraft carrier *Shangri-La* (CV–38) where he served as maintenance officer during two Mediterranean deployments. A tour in Attack Squadron 174, where he served as Operations Officer, was followed by orders to Attack Squadron 87 as executive officer.

In March 1972, while deployed in the Mediterranean aboard the aircraft carrier USS *Franklin D. Roosevelt* (CVA–4), Vice Admiral Fetterman assumed command of Attack Squadron EIGHTY-SEVEN's "Golden Warriors." During this command tour, he was selected as team leader of a joint U.S. Navy and Air Force air-to-ground weapons team, which represented the United States in NATO competition in Greece. In March 1973, Vice Admiral Fetterman reported to the Office of Legislative Affairs, Washington, D.C., where he served for two years as assistant director for the Navy Senate Liaison Office. In July 1975, he assumed command of Carrier Air Wing EIGHT aboard the aircraft carrier USS *Nimitz* (CVN–68) and made deployments to the Caribbean, North Atlantic and Mediterranean.

In January 1977, Vice Admiral Fetterman assumed command of the command ship USS *La Salle* (AGF03), flagship of Commander, Middle East Forces. In March 1978, he reported to the Office of the Chief of Naval Operations where he served as Special Projects Manager of the Royal Saudi Naval Forces Expansion Program. In February 1979, Vice Admiral Fetterman assumed command of U.S. Naval Base, Naval Station, and Naval Air Station, Guantanamo Bay, Cuba. He was selected for Rear Admiral in February 1981, and, in July, assumed duties as the Commander of Tactical Wings, Atlantic. In July 1983, he reported as Commander, Training Command, U.S. Atlantic Fleet. From May to December 1985, he served on the staff of Commander in Chief, U.S. Atlantic Command and U.S. Atlantic Fleet as Deputy Chief of Staff for Readiness and Resources. In December 1985, he assumed his duties as Naval Inspector General. On 1 September 1987, he was promoted to the rank of Vice Admiral and in August assumed the duties as Commander, Naval Air Force, U.S. Pacific Fleet. On 1 February 1991, he assumed the duties as Chief of Naval Education and Training. Vice Admiral Fetterman retired from active duty on 1 March 1993.

His personal awards include the Distinguished Service Medal, Defense Superior

Service Medal, the Legion of Merit (five awards), the Meritorious Service Medal, the Navy Achievement Medal, and the Meritorious Unit commendation in addition to various campaign and service awards. During his naval career, Vice Admiral Fetterman accumulated 7,000 hours of flight time in 20 different aircraft and recorded 960 carrier landings.

In November 1993, Vice Admiral Fetterman assumed his most recent position as President and Chief Executive Officer of the Naval Aviation Museum Foundation. He served as Chairman of the Mayor's Community Core Values Board; the Board of Directors, EAA; Past Chairman of the Pensacola Area Chamber of Commerce and Vice Chairman of Chamber Military Affairs; past Chairman of the USS Mitscher, USS *Bonhomme Richard* and USS *Iwo Jima* Commissioning Committees.

While his Navy career was long and distinguished, Admiral Fetterman's post-Navy accomplishments and contributions to Northwest Florida were just as significant. He had the exceptional vision to look at the city of Pensacola and not see what it was, or what it is, rather, he saw what it could be.

Mr. Speaker, Admiral Fetterman was a man of unquestionable character, unwavering resolve and unmatched determination. He represented everything that is great about Pensacola, our Nation and the United States Navy. His presence will be deeply missed, but his example will always be with us.

IN REMEMBRANCE OF ROBERT JONES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to pay tribute to Attorney Robert E. Jones, who passed away on January 28 of this year, at the age of 93.

Robert was a resident of Las Vegas for 39 years and a resident of Salt Lake City the last 22 years of his life. While living in Las Vegas, from 1947 to 1951, he served as the Clark County District Attorney. He also was the general counsel for the Clark County Housing Authority for 37 years, held a similar post at the Las Vegas Convention and Visitors Authority for 14 years and was the first attorney for the Colorado River Commission. He became the Convention Authority's first attorney in 1958 when the agency was known as the Clark County Fair and Recreation Board. There, Robert was credited with putting together 6 bond questions, 4 of which passed, that helped shape the powerful Convention Authority during its formative years.

Before moving to Las Vegas Robert served as an FBI Special Agent in Savannah, Georgia, and Birmingham, Alabama, from 1940 to 1945. Robert is the father of U.S. District Judge Robert E. Jones, and the Clark County Housing Authority's Jones Gardens was opened and named in his son's honor in 1985.

Mr. Speaker, It is an honor to recognize and pay tribute to Robert Jones today, on the floor of the House. He was a great American and he will be remembered as a philosophical man whose kindness and involvement in the community stands as an example to all of us.

IN HONOR OF VINCENZA CARRIERI-RUSSO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Vincenza Carrieri-Russo, for her tireless dedication to eradicate our community of illiteracy. Vincenza has accomplished amazing things in a very short amount of time. As a high school senior, she co-founded Success Won't Wait, a statewide effort to improve literacy.

The program places children's books in everyday places such as doctor's offices, dance studios, auto repair shops, and hair salons. The idea is that when equipped with the proper books, these common waiting areas transform into environments where parents and children can share in the enjoyment of reading.

Since its inception, Success Won't Wait has continued to expand its mission with new projects. While continuing to place children's books in offices at no charge, the organization plans to expand existing libraries and their children's book collections as well as creating more "Independent Libraries" like the recent installation of over 1,000 books at the Bayard House in Wilmington.

Vincenza has been recognized locally as a finalist for the Delaware Jefferson Award, an honor awarded annually by the American Institute of Public Service commending outstanding public service leaders within the community. She is one of five very admirable nominees, all making exceptional contributions to the State of Delaware. No matter who is chosen as the recipient of this award, they are each deserving candidates who demonstrate that one person can truly make a monumental difference.

I congratulate and thank Vincenza Carrieri-Russo for all she has contributed to the State of Delaware. Thousands of children are grateful and I am pleased to vocalize their appreciation. She is an exemplary citizen and a proud American. Thank you, Vincenza, for all you have done and continue to do for the children of our State.

IN HONOR OF INTERFAITH OLDER ADULT PROGRAMS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today in recognition of Interfaith Older Adult Programs as they celebrate their 30th anniversary. Over the past three decades, Interfaith Older Adult Programs has contributed greatly to enriching the lives of older adults and their caregivers in Wisconsin's Fourth Congressional District, advocating for the needs of senior citizens while also providing them with concrete ways to participate in and enhance their communities.

Interfaith Older Adult Programs grew out of an effort by several faith congregations to reach out to isolated older adults on Milwaukee's east side. From that humble beginning in 1973, Interfaith Older Adult Programs has grown to a comprehensive countywide program. With the mission of linking older adults to a caring community, Interfaith Older Adult Programs has worked to find innovative and concrete ways to engage local residents in the work of caring for older adults, while ensuring that they have meaningful opportunities to continue contributing to their communities.

Interfaith Older Adult Programs provide the crucial support needed to enable older adults to continue living in their homes, while building a safety network that assists them with specific challenges. The Neighborhood Outreach Program, for example, provides transportation to medical appointments and grocery shopping as well as companionship to frail and isolated elders. Other programs match seniors with neighborhood volunteers who provide help with snow removal and other outside chores or provide a daily telephone check-in.

Interfaith has also been a primary conduit for enabling senior citizens to serve their communities. Key programs link seniors to volunteer opportunities with local nonprofit organizations throughout Milwaukee County, and connect them with foster children who need tutoring, mentoring, nurturing and counseling. Participating in these programs ensures the wisdom and expertise of our older adults is not lost, providing support for the community while also energizing older volunteers.

I am delighted to recognize Interfaith Older Adult Programs for their efforts on behalf of the older adults in the Fourth Congressional District. I thank them for their compassion, their vision, and their commitment to serving our elders, and I wish them another 30 years of success.

PAYING TRIBUTE TO TONI AND VICTOR CHALTIEL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Toni and Victor Chaltiel, who will be recognized this Sunday at the Milton I. Schwartz Hebrew Academy Annual Gala in Las Vegas, by receiving the First Dr. Miriam & Sheldon G. Adelson In Pursuit of Excellence Award.

Longtime philanthropists and community volunteers, Toni and Victor Chaltiel are enormously active in Nevada's education, art and community outreach programs.

Founder, chairman and CEO of Health Dad Insights, Inc., Mr. Chaltiel has 35 years of experience as an executive in the health care industry including 10 years as chairman and CEO of NASDAQ and NYSE publicly listed companies. He also currently serves as founder and chairman of RedHills Ventures LLC, a venture capital group focusing in claims integrity and market-driven health care. Born in

Tunis, Tunisia, Mr. Chaltiel is a graduate of the Ecole Superieure Des Sciences Economiques et Commercials in Paris, France, and the Harvard Business School and actively supports the United Way, AIPAC, and ADL; he also serves as a member of the Board of Directors of the Nevada Ballet Theater and as chairman of the Board of Trustees of the Milton I. Schwartz Hebrew Academy.

Mrs. Chaltiel is the cofounder and manager of RedHills Ventures LLC and was president of Total Insurance and Planning Corporation in Torrance, CA. A native of Dublin, Ireland, Mrs. Chaltiel graduated from Dublin City University and the Institute of Personnel Management in Dublin. She is active in several community and not-for-profit organizations, including the United Way, and serves on the Board of Directors of both the Nevada Ballet Theatre and the Jewish Community Center of Southern Nevada. The Chaltiels have three children, Oscar, Maxime, and Sarah, all of whom attend the Milton I. Schwartz Hebrew Academy.

Mr. Speaker, I am honored to recognize Toni and Victor Chaltiel. I commend them for their services to Southern Nevada.

IN HONOR OF BRIAN HARTMAN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Brian Hartman, a tireless advocate for people with disabilities in the State of Delaware.

Brian has devoted himself, both professionally and personally, to improving every facet of life for disabled individuals. In addition to his work as project director for the Disabilities Law Program, Brian is also committed to other volunteer programs working with families and children in difficult situations.

Brian is deeply involved in each of his cases, one mother who was a client of Brian's recalls that, "from the date of [the] hearing forward . . . we could call Brian day or evening and he would respond." The Disabilities Law Program of Delaware is lucky to have such a dedicated individual serving as its director.

Brian has been recognized locally as a finalist for the Delaware Jefferson Award, an honor awarded annually by the American Institute of Public Service commending outstanding public service leaders within the community. He is one of five very admirable nominees, all making exceptional contributions to the State of Delaware. No matter who is chosen as the recipient of this award, they are each deserving candidates who demonstrate that one person can truly make a monumental difference.

I congratulate and thank Brian Hartman for all he has contributed to the State of Delaware. Many disabled Delawareans and their families are grateful and I am pleased to be able to vocalize their appreciation. He is an exemplary citizen and a proud American. Thank you, Brian, for all you have contributed to the families of our State.

TRIBUTE TO THE PEACE CORPS' 45TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the 45th anniversary of the establishment of the Peace Corps.

On the heels of his historic Inaugural Address, President Kennedy signed an Executive Order on March 1, 1961 to establish the Peace Corps in order to promote world peace and friendship.

Over the past 45 years, the Peace Corps has deployed over 182,000 volunteers to more than 138 nations to work on various important issues. At the beginning of the 21st century, the Peace Corps' mission remains as relevant as ever with 7,810 volunteers working in 75 countries to address some of the globe's most pressing challenges, such as the HIV/AIDS pandemic. In addition, the Peace Corps has swiftly responded to recent natural disasters.

I recently visited East Timor—the world's newest democracy and one of the poorest nations in Asia—as part of my work on the House Democracy Assistance Commission. While we were there, we met several Peace Corps volunteers and learned about the wonderful work they were doing to improve the lives of the people of that new nation. I could not have been more impressed with their dedication, compassion, and commitment to service.

I would like to recognize past and present Peace Corps volunteers who have made invaluable contributions in all corners of the globe over the past 45 years. I am proud to say that 12 of my constituents are currently serving overseas as Peace Corps volunteers. They are: Khaled Alquaddoomi, Wendy Chien, Jennifer Chow, Nicole Gabriel, Kelly Golden, Karen Hamilton, Ibrahim Kalla, Alice Luck, Keenton Luong, Kristina Ortiz, Lassana Toure, and Katherine Wang. Let us commend these dedicated young Americans—and all of those who have served—for their efforts in such a noble task, defined by President Kennedy as "bringing to man that decent way of life which is the foundation of freedom and a condition of peace."

PAYING TRIBUTE TO REVEREND ROBERT MILLER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Rev. Robert Miller. Reverend Miller, a 4-year resident of Las Vegas, is a Vietnam veteran who works tirelessly to serve homeless veterans with a unique need, that need being that they need someone to give them a proper burial.

Reverend Miller's interest in helping homeless veterans started about 23 years ago, when he was living in Detroit. He was shopping at a produce market when a homeless man asked him for 50 cents. When he gave the man some money he looked strangely familiar. The two realized that they had served together in Vietnam. Reverend Miller bought the man breakfast and quickly became involved with feeding homeless veterans through various organizations in Michigan. When he moved to Las Vegas he continued this work.

About 2 years ago Reverend Miller started volunteering his time to conduct services for homeless and indigent veterans who are buried at the Southern Nevada Memorial Veterans Cemetery. He believes that all homeless veterans deserve to be laid to rest with respect and with the same honors that other veterans receive. About 1,650 veterans a year are buried at the cemetery. Most of the time, the service includes grieving families mourning their loss. But each year, about 120 homeless veterans are also buried there, and rarely does a family member attend. Reverend Miller, the chaplain for the Vietnam Veterans of America, Chapter 17, conducts services, and an honor guard is provided by the appropriate service branch.

At the age of 57, Reverend Miller is not the only one to provide this greatly needed final farewell. But when he started handling the services 2 years ago, he was one of the most frequent unpaid volunteers conducting services. He drives 60 miles round trip from his home to the cemetery and often performs services for more than one veteran a day. On January 31st, he held services for six homeless veterans, only one of which had any family there to attend.

Mr. Speaker, it is a privilege to honor Rev. Robert Miller on the floor of the House, today. He stands as an example to all of us by helping those who cannot help themselves. I commend him for his selfless acts of service.

IN HONOR OF J. RANDALL WARD JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to J. Randall Ward Jr., for his years of service to the United Cerebral Palsy of Delaware (UCP) organization.

Randall has dedicated over 40 years of service to the United Cerebral Palsy of Delaware organization. Before Randall's efforts, the UCP's summer camp used an inaccessible swimming pool for more than 100 children and all camp activities were held in outdoor tents with portable bathrooms as the only restroom facility. Camp Manito now boasts a new campus, with a larger more handicapped accessible swimming pool. The tents have been replaced with a beautiful building equipped with many amenities, including air-conditioning and accommodations for 4 full-time staff members.

Randall has been recognized locally as a finalist for the Delaware Jefferson Award, an honor awarded annually by the American Institute of Public Service commending outstanding public service leaders within the community. He is one of 5 very admirable nominees, all making exceptional contributions to the State of Delaware. No matter who is chosen as the recipient of this award, they are each deserving candidates who demonstrate that one person can truly make a monumental difference.

I congratulate and thank Randall Ward for all he has contributed to the State of Delaware. Many children are grateful and I am pleased to be able to vocalize their appreciation. He is an exemplary citizen and a proud American. Thank you, Randall, for all you have done and continue to do for our State and our country.

TRIBUTE IN RECOGNITION OF GREEK INDEPENDENCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to celebrate the 185th anniversary of Greece's declaration of independence from the Ottoman Empire. Against incredibly difficult odds, the Greeks defeated one of the most powerful empires in history to gain their independence.

Following 400 years of Ottoman rule, in March 1821 Bishop Germanos of Patras raised the traditional Greek flag at the monastery of Agia Lavras, inciting his countrymen to rise against the Ottoman army. The bishop timed this act of revolution to coincide with the Greek Orthodox holiday celebrating the archangel Gabriel's announcement that the Virgin Mary was pregnant with the divine child. Bishop Germanos's message to his people was clear: A new spirit was about to be born in Greece. The following year, the Treaty of Constantinople established full independence for Greece.

Greek Independence Day is an appropriate time to reflect upon the strong ties between Greece and the United States and the strong commitment to democracy shared by both nations. The Greeks of 1821 fought for independence from the Ottoman Empire while drawing inspiration from the ideals and institutions of the fledgling United States. During their war of independence, the Greeks also received support from many Americans, including Presidents James Madison and James Monroe and Representatives Daniel Webster and Henry Clay, each of whom gave memorable speeches in Congress in support of the Greek revolutionaries. Just as our defeat of the British army was remarkable, so too was the Greek triumph over the Ottoman Army, a momentous achievement in world history.

New York City is home to the largest Hellenic population outside Greece and Cyprus. Western Queens, which I have the honor of representing, is often called Little Athens because of the large Hellenic population in that neighborhood.

New Yorkers celebrate Greek Independence Day with a parade on Fifth Avenue in Manhattan, along with many cultural events and private gatherings. These events, hosted by the Federation of Hellenic Societies and other Hellenic and Philhellenic organizations and friends, remind us of the Hellenic-American community's many contributions to our Nation's history and culture.

On April 2, the president of the Federation of Hellenic Societies, Nikos Diamontidis, along with the organization's officers and board members, will join Parade Committee Chairman Dinos Rallis and Secretary Petros Galatoulas in reminding New Yorkers of the glory of Greece and the hope of freedom and human rights for all. The grand marshals of this year's parade are Mayor Michael Bloomberg, Andrew Athens, Paul Stapholopoulos, and John Rangos.

Relations between the United States and Greece remain strong with a shared commitment to ensuring stability in southeastern Europe. I hope permanent solutions can be found for ending the division of Cyprus and finding a mutually agreeable name for the former Yugoslav Republic of Macedonia.

Greece continues to be the home of wonderful artistic achievements including the annual Eurovision song contest, which this year will be held in Athens. I also am pleased to note that Greece hopes to open its Acropolis Museum by the end of next year. This museum will give visitors the opportunity to experience and learn about the Acropolis in a new and exciting way. I hope that the Elgin Marbles, which have been on view in the British Museum, will soon be returned to their home.

As a founder and cochair of the Hellenic Caucus in Congress, I ask the Nation to join me in celebrating Greece's independence. Additionally, it is my sincere pleasure to pay tribute to New York's Hellenic-American community for its many contributions to our city and Nation.

Zeto E Eleftheria. Long Live Freedom.

PAYING TRIBUTE TO REV. PATRICIA SPEARMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Rev. Patricia Spearman for an exemplary life dedicated to God and community.

Patricia was born in Indianapolis, and spent much of her childhood traveling throughout the Midwest and South with her evangelist mother. They spent a week or so at a time at different churches and between her eighth grade year and second semester of her junior year she attended over 200 schools. Traveling so much fostered in her a curiosity of people and the roads they travel and gave her a healthy respect for human diversity. After 16 years, Patricia was tired of traveling and decided to finish high school in Kansas City, MO. She supported herself with after-school jobs and later, took her first pastorate in a small Kansas City church.

After graduation, Patricia attended college in Dallas on a band scholarship for 1 year, and then transferred to Norfolk State University in Virginia on an academic scholarship. She majored in political science, planning on a career as a minister and attorney. Then, during her freshman year, Patricia enrolled in Reserve Officers Training Corps to fulfill a physical education requirement. She did so well, that during her sophomore year she committed to serving 2 years' active duty in the Army after college, followed by 4 more years in the Army Reserves. She served with the military police in South Korea, advancing through the ranks until leaving active duty in 1983 as a lieutenant colonel. Since then, as a reservist, Patricia has been recalled to active duty several times, and last fall completed a 30-month deployment working in counterterrorism at the Pentagon.

From the days of that first posting in South Korea, Patricia continued working in ministry, sometimes unofficially, often under the auspices of overworked but grateful chaplains. Now she brings to Las Vegas skills learned during a lifetime of serving churches, working in campus ministry at the University of Louisville in Kentucky and serving as school board president in Texas. Last November, Rev. Patricia Spearman was named pastor of the Las Vegas's Covenant United Methodist Fellowship. While she has traveled extensively in her lifetime, she arrives in Las Vegas with the conviction that this is exactly where she's supposed to be. At the age of 50 she uses her experience to segue seamlessly from a story about everyday life into a Bible story. And in a time when many people segregate to worship Patricia holds firm to the idea that diversity is also one of God's creations and it must be celebrated. Anyone and everyone is welcome to attend her sermons and the average crowd that gathers to hear her words attests to Patricia's love of diversity.

Mr. Speaker, I am honored to recognize Rev. Patricia Spearman on the floor of the House today.

IN HONOR OF JOHN LAROCK

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to John Larock, whose work has been invaluable in forming and maintaining Miracle Workerz, a nationally recognized science and engineering mentoring program focusing on an international robotics competition.

In 1993, John began a DuPont sponsored Explorer Post which grew in 2000, to become a team. This team is affiliated with the international robotics competition, FIRST (For Inspiration and Recognition of Science and Technology). Each year, John recruits adult volunteers who reach out in the community and inspire young students to pursue the fields of science, technology and engineering. His success is a direct result of making learning fun.

John is also known for being a leader who encourages others to participate in community service. His positive outlook, tremendous vision, and unlimited energy create an environment where people want to contribute to the achievement of others.

John has been recognized locally as a finalist for the Delaware Jefferson Award, an honor awarded annually by the American Institute of Public Service commending outstanding public service leaders within the community. He is one of five very admirable nominees, all making exceptional contributions to the State of Delaware. No matter who is chosen as the recipient of this award, they are each deserving candidates who demonstrate that one person can truly make a monumental difference.

I congratulate and thank John Larock for all he has contributed to the State of Delaware. Hundreds of young people are grateful and I am pleased to be able to vocalize their appreciation. He is an exemplary citizen and a proud American. Thank you, John, for all you have done and continue to do for the children of our State.

IRAN: THREATS, CHALLENGES AND PROSPECTS FOR CHANGE

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CLAY. Mr. Speaker, on Wednesday February 15, 2006, a briefing was conducted in the Canon Caucus room of the U.S. House of Representatives. Entitled: Iran: Threats, Challenges and Prospects For Change, the briefing was sponsored by bipartisan group of Members of Congress. During this event speakers assessed the current situation in Iran, the Iranian nuclear threat and the status of the Iranian opposition group, the MEK. I would like to take this opportunity to share with all of my colleagues my opening statement and some of the highlights from the remarks of the panelists:

> I would like to begin by thanking all of the Iranian Americans who have traveled to Capitol Hill today to hear the views of our expert panelists. I also want to thank my fellow members of Congress who are here with us in support of this event. Let me start by recognizing TOM TANCREDO of Colorado, thank you for being here, and also Congressman BOOZMAN of Arkansas. Can we give them both a hand for their participation [applause]. I also want to thank our distinguished panelists for taking the time to share their insights and understanding of current events in Iran. It is critically important that all Americans understand the true nature of the grave threat posed by the radical extremists, anti American regime in Tehran. We're facing a very dangerous crisis with Iran today. The Iranian government is sponsoring terrorism, developing nuclear weapons, meddling in the future of Iraq and violating the fundamental human rights of their own people. The world community cannot afford to allow the Iranian mullahs to continue to be a regional threat or to grow into a nuclear threat. For too many years we have done nothing to help the Iranian people—inside and outside of Iran—in their struggle for democracy. For too many years we have tolerated terrorism and violence from Iranian extremists. It is time to take action. If we fail to take action against the mullahs meddling in Iraq we risk the future of the Iraqi people and we may find that the Iranian regime and not the Iraqi people were the real winners of the Iraq war.
>
> U.S. policies toward Iran have failed to achieve our goals. While many advocate more dialogue with Tehran our time is running short. We must seize the opportunity to aid the people of Iran and it is time to give support to the Iranian people who have longed for democracy for more than a quarter of a century. I am troubled by the strategy of our government and the insistence that the Iranian government and the Iranian opposition, the MEK are equal threats to peace and freedom. There is no logic in this reasoning and it is undermining our foreign policies. The U.S. must exercise a genuine commitment to helping the Iranian people overcome the oppressive regime that despises democratic principles and denies fundamental human rights.
>
> I commend all who are working today for the sake of human rights, peace and democracy in the Middle East. I share your vision of a free and peaceful Iranian nation.

The first panelist to address the briefing was Professor Raymond Tanter the former member of the National Security Agency and the President of Iran Policy Committee. His statement began:

> Please allow me to cut to the chase and begin with my conclusions: Coercive diplomacy, military action, and regime change for Iran are three options for the international community. Rather than sliding into military action as coercive diplomacy also fails, it is time to consider regime change for Iran. Because the only possibility to carry out regime change is via the groups feared by the regime in Tehran, the United States should remove their terrorist designation. Coercive diplomacy combines threat of force with promise of diplomacy. For several years, the European Union pursued a policy of promise without threat, ostensibly in order to bolster the fortunes of moderates like former President Mohammad Khatami relative to the likes of the Supreme Leader and President of Iran, Mahmoud Ahmadinejad. Rather than reinforcing the moderates, however, there has been a consolidation of power under the Supreme Leader and his selected President Ahmadinejad. Professor Tanter went on to say: President Bush should issue a Finding or Presidential Directive authorizing all appropriate measures to effect regime change in Iran

The next panelist to address the conference was Ms. Lynn Derbyshire who is a representative of victims of terrorism in Beirut She recently testified in the U.S. Congress against the Mullah's regime support of terrorism. She started her remarks with the story of her brother who was killed in Beirut by the Iranian regime. Ms. Derbyshire then explained that placing the Iranian Resistance in the terrorist list was a present to the clerical regime in Iran. She said: "Ahmadinejad, not Iranian Resistance, is a terrorist." She continued on saying that "Iranian and American people basically want the same thing. They all want to put a stop on terrorism."

Lt. General Tom McInerney (USAF, ret.), former Assistant Vice Chief of Staff of the Air Force, and an IPC Co-Chair, also addressed the briefing. He examined the military option toward Iran: and said:

> The United States has the ability to target the known nuclear sites of Iran and delay its nuclear weapons program. With such capability in hand and in the context of failing diplomacy, we should leave the military option on the table. General McInerney added: However, military alternatives have risks, which suggest that choosing the military option should be a last resort. Prior to taking military action, it is important to begin a regime change clock. McInerney concluded: Regime change begins when the Great Powers remove Iranian opposition groups from so-called terrorist lists. I favor removing of the Mujahedeen-e Khalq from such lists; empowering the Iranian people by recognizing their main opposition groups; building an Arab political coalition to support these opposition groups; and eroding the legitimacy of Tehran regime to point where it collapses in face of determined efforts of the Iranian people working through dissidents and exiles.

The next speaker to address the briefing was Mr. Bruce McColm, President, Institute for Democratic Strategies, a non-profit organization committed to strengthening democratic processes abroad. In his remarks he asked:

> Can we imagine one day saying that Iran is an island of democratic stability in a turbulent region? We can if we help the Iranian people stand up and demand a greater say in their government and in their own lives.

He continued:

> Since the days of the Iranian Revolution, we in the West have viewed the Iranian people as victims of a repressive regime. Some thought the period of the Khatami Presidency could usher in much-needed reforms, a little more respect for basic human rights, and possibly the day when a democracy could be established and the Iranian people could take their rightful place in the world community. The election—I mean, selection—of Mahmoud Ahmadinejad as President should dispel this illusion once and for all.

He stated:

> Now is the time when we should stop looking at Iranians as victims and use our considerable resources to empower this talented civilization so it can create the free, prosperous society their considerable talents are capable of.

McColm also said:

> If we are serious about regime change in Iran, what can be done?

He talked about the bills passed in the Congress that are necessary first steps to send the proper signal to Tehran that there is a new day dawning and their day is ending. He explained:

> Attempts by the United States and the European Union to placate the leadership of Iran by placing the MEK on the proscribed list of terrorist organizations should end. It is way past time to take back Iran's lone diplomatic victory over the past fifteen years. De-List the MEK and the NCRI now. It is the right thing to do.

He also said:

> Before his recent execution, MEK activist, 30-year old Hojjat Zamani wrote Kofi Annan a letter to encourage the United Nations investigation of the status of the families of political prisoners in Iran. He was too aware that the Iranian regime has been adroit in blackmailing families of those involved in activities considered contrary to the regime. This practice continues to this day. The international community should create a fund in Zamani's name to subsidize the families of political prisoners so as to alleviate their financial suffering.

The last speaker was Mr. Nasser Rashidi who showed a picture of the Mojahedin member, Hojjat Zamani and announced his execution by the Iranian regime which took place on February 7th. He highly praised all the political prisoners and said that the people of Iran are determined to bring freedom and democracy back to their homeland no matter what price they have to pay. Mr. Rashidi said that the people of Iran have already sacrificed 120,000 of their best children who have been executed to bring freedom to their country and they will pay even more. He continued as saying:

> It is a mistake to believe that only one individual in the ruling elite is aiming to wipe another country off the map. The colossal mistake is to name the enemy as the individual called Ahmadinejad and not the ideology. The rulers of Iran are representing an ideology that is called "Islamic Fundamentalism", or sometimes is called "Islamic Extremism." He said that many members of both chambers have expressed their opposition to the designation of MEK as an FTO. He thanked the many congressional advisors and staff present at the meeting for supporting the Iranian people and their resistance. He then pointed out the latest news conference held by Mrs. Maryam Rajavi in Auver-sur-Oise, France where she said:
>
> If the West stops giving concessions to the mullahs, petro-dollars do not fill the mullahs' coffers, silence and inaction vis-a-vis the systematic human rights abuses and terrorist crimes are ended, and the terrorist list as well as other unjust restrictions on the Resistance are removed, change would be within reach.

At the conclusion of the three hour briefing reporters interviewed the panelists about the Iranian threat.

PAYING TRIBUTE TO THE BOULDER DAM HOTEL ASSOCIATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Boulder Dam Hotel Association for their work in preserving the Boulder Dam Hotel.

The Boulder Dam Hotel is an historic building constructed in 1933 located in Boulder City, Nevada. The building is listed on the National Register of Historic Places and stands in the center of the nationally registered historic district of Boulder City. By 1934 the hotel was accommodating a steady clientele which included Hollywood celebrities, politicians, European aristocrats and Far Eastern royalty. The hotel gained a worldwide reputation, and as a result there were not enough rooms to accommodate all who wished to stay. In the summer of 1934 a southeast wing with 18 rooms was added, and in the fall of 1935 the hotel was expanded a final time with the addition of a dining room and 30 bedrooms. Since that time the only changes have been the addition of a sun room off the dining room, and an elevator and swimming pool in the early 1980's.

Throughout the 1930's and into the 1940's the Boulder Dam Hotel was maintained as southern Nevada's finest inn. As is often the case with historic structures, subsequent years were not as kind to the building and it went through a succession of owners. One of them was Senator Cliff McCorkle who attempted to restore it to its former glory. Though a significant amount of work was done, that effort was not successful and in later years it fell into disrepair and was largely unprofitable.

A number of Boulder City citizens became concerned that the community might lose this beautiful structure, so they formed a group called Friends of the Hotel and investigated the feasibility of taking the building into public ownership. On December 15, 1993, 60 years to the date after the first opening of the Hotel, a newly formed organization, the Boulder Dam Hotel Association, Inc., formally took possession of the hotel. The Association is comprised of the city of Boulder City, the Boulder City Chamber of Commerce, the Boulder City Arts Council, and the Boulder City Museum and Historical Association. It has a 12-member board composed of 2 members appointed by each of the owners and 4 additional members who were selected from the community at large by the initial 8 members.

Mr. Speaker, for more than a decade the Boulder Dam Hotel Association has worked to preserve and restore this beautiful and important part of southern Nevada's history. I am honored to recognize them on the floor of the House today.

TRIBUTE TO WOMEN'S HISTORY MONTH

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks.

This week we conclude the celebration of Women's History Month; a month during which we acknowledged and honored those women who struggled and fought for suffrage and equal rights. As we do so, I would like to bring special attention to an often over-looked message espoused by the early heroines of our country: a message of preborn women's rights.

Susan B. Anthony, a well-known pioneer of the women's movement, was a staunch defender of the rights of the unborn. She believed that abortion violated the rights of women and children, by exploiting women and by denying unborn children the most precious of rights—the right to life. Alice Paul, author of the Equal Rights amendment, agreed and said that, "Abortion is the ultimate exploitation of women."

As we reflect upon the life and achievements of the early suffragettes during Women's History Month, let us also recognize the need to protect and value all human life.

TRIBUTE TO CHARLES W. BOWSER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a great Philadelphian, Charles W. Bowser.

A respected attorney, civil rights advocate and humanitarian, Mr. Bowser has made an indelible imprint on Philadelphia's civic and political landscape. Understanding that freedom is not free, for nearly 50 years Mr. Bowser has advanced the cause of freedom and justice. His path-clearing campaigns for mayor of Philadelphia in 1975 and 1979 launched a movement that ultimately helped to elect W. Wilson Goode, the city's first Black mayor.

A man of action, Mr. Bowser utilized his legal acumen and his journalistic skills to lead the fight for justice and inclusion but also to articulate the dreams and rights of the politically unempowered. Equally comfortable in a neighborhood community meeting, the board room of his legal firm or a mayor's cabinet meeting, Charles Bowser has had the same steady and strident voice raised against injustice.

In celebration of his 70th birthday he wrote, "My generation of African Americans was guided by the belief that we had to be united to oppose racial injustice. Racial injustice was our enemy and we knew that the great hope of freedom could only begin with the end of injustice. Our unity began in our churches, in our homes, in our schools and in our dreams. We believed that ensuring the great hope of freedom was our personal responsibility."

Throughout his career Mr. Bowser has led by example and we all have benefited from his leadership, intellect and integrity. Because he understood that freedom is not free, he has consistently demonstrated his willingness to contribute his share of the price of the hope of freedom, and we are indebted and it is for these reasons that I ask that you and my other distinguished colleagues rise to honor him.

PAYING TRIBUTE TO CHARLES "DOC" BROADUS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Charles "Doc" Broadus for his contributions to the sport of boxing and to helping the youth of his community.

At the age of 86, Las Vegas resident Doc Broadus is still active as a boxing trainer, spending his days at the Las Vegas Boxing Center. Although he is driven by his love of boxing, Doc strives to use the sport as an avenue for keeping kids out of trouble. He heads Doc Broadus Sports & Entertainment, a nonprofit organization, which aims to improve the quality of life for local children by giving them the opportunity to compete and perform.

One famous example of Doc's work is the 1968 Mexico City Olympic Gold Medalist, George Foreman. Doc met the young boxer in 1965 at a Job Corps center in Pleasanton, CA. George was headed to California State Prison for getting into a fight and Doc thought his punching ability could be better used in the ring. After effectively getting George out of his sentence by agreeing to work with him, Doc became a father figure of sorts.

What followed were 30 years of training and some of the greatest fights of the 20th century. George became a legend and helped to further unite the Nation, when he won gold in

Mexico after he chose to fight instead of caving in to the demands of a small radical group. Doc was in George's corner in the 1974 Rumble in the Jungle versus Muhammad Ali, in Jamaica a year earlier for the upset of Joe Frazier and still present in 1994 at the age of 74, when George defeated Michael Moorer to become the oldest heavy-weight champion in the history of the sport.

Doc's goal is to have 12 kids win 12 gold medals. Although he may never reach this lofty goal, on the way there he will continue to have many successes of a greater value.

Mr. Speaker, it is an honor to recognize Charles "Doc" Broadus today. I commend him for a life of dedication to the sport of boxing and to serving the youth of Southern Nevada.

CELEBRATING THE BIRTH OF JOHN GOODWIN FELDER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Beth and Ted Felder of Beaufort, SC, on the birth of their new baby boy. John Goodwin Felder was born in Beaufort on March 29, 2006, at 9:20 a.m., weighing 6 pounds and 3 ounces. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future.

His father Ted Felder serves as deputy district director for the Lowcountry in the Office of Second Congressional District of South Carolina. He is extremely knowledgeable about the Lowcountry and works tirelessly to help citizens throughout South Carolina. Today, I am pleased to congratulate the Felder family on John's birth.

SWEARING IN OF PORTIA SIMPSON-MILLER AS NEW PRIME MINISTER OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate Jamaicans on the commencement of a new era. This week, Ms. Portia Simpson-Miller will be sworn in as the new Prime Minister of the great nation of Jamaica as she leads the People's National Party.

Simpson-Miller has been a passionate, longtime voice for the oppressed. Her career in politics has spanned three and a half decades most recently as vice president of the PNP since 1978 and president of the PNP Women's Movement since 1983. Her previous assignments also include several Cabinet portfolios—serving as a Minister of Labour, Welfare and Sport and a Minister of Local Government, Community Development and Sport. By serving her people diligently, she has earned the right to succeed Mr. P.J. Patterson, the island's longest serving Prime Minister.

Simpson-Miller is part of a new generation of leaders representing the vanguard of women succeeding in politics throughout Latin America and the Caribbean. Not only is her dedication to her people reflected in her experience and length of tenure serving in Jamaican politics, but also in the throngs of supporters who will rejoice in her inauguration. During her election, she was the people's candidate. Now she will become the people's Prime Minister—with Jamaicans both on the island and abroad, even in the great 15th Congressional District of New York hailing her victory.

Simpson-Miller is a Jamaican success story; an iconic figure who has become a metaphor for the hopes and aspirations of poor, underprivileged black people, particularly black women. She is a woman of faith, conviction and of the people—traits that will surely be needed to effectively address the problems of entrenched poverty and crime and enhance employment opportunities for youth.

Mr. Speaker, please join me in congratulating Prime Minister Designate Simpson-Miller in assuming her new position this week and in holding steadfast to her proven commitment to Jamaicans.

[From the CaribNews, Mar. 14, 2006]

CARIB WOMAN—JAMAICA'S NEW PRIME MINISTER-DESIGNATE

Born on December 12, 1945 at Wood Hall, St. Catherine Age. Hon. Portia Simpson Miller was educated at St. Martin's High School; Union Institute and University of Miami, Florida (BA Public Administration); Jamaica Institute of Management/University of California, Berkeley (certificate in Advanced Management); and completed Harvard (Executive Program for Leaders in Development at the John F. Kennedy School of Government).

Simpson Miller was awarded an shonorary doctorate by Union Institute and University for her 'enduring efforts to improve the quality of life for all Jamaican citizens regardless of race, class, color or creed'. She is married to businessman, Errald Miller, a former telecoms executive with Cable & Wireless Jamaica; she enjoys reading, music, boxing and horseback riding.

Her career in politics has spanned three and a half decades; debuting as KSAC councilor in the early 1970s; then Member of Parliament for South West St. Andrew since 1976; vice president of the PNP since 1978; and president, PNP Women's Movement since 1983.

Simpson Miller has consistently topped opinion polls as Jamaica's most beloved political personality for many years but has had to beat back detractors inside and outside her party who claim she lacks the requisite intellectual and social credits to lead the country.

Her career in government has included several Cabinet portfolios. As Minister of Labor, Welfare and Sport, she developed a new Overseas Recruitment Center, created the National Insurance Fund, established a chair in Labor Studies at the University of the West Indies, presided over long periods of harmonious relations between employers, workers and trade unions and established the National Council on the Aged. As Minister of Tourism and Sport and Minister of Local Government, Community Development and Sport, she has taken steps to establish a sports medicine and treatment facility for injured athletes. She also has had responsibility for the Women's portfolio.

Hon. Portia Simpson Miller has undertaken international assignments on local government for the Organization of American States (OAS) and is chair of the Caribbean Forum of Ministers Responsible for Decentralization, Local Government, Community Development and Citizen Participation as well as board member of the Commonwealth Local Government Forum.

Her campaign focused on themes of empowerment for the marginalized, especially the poor, and uniting all classes to tackle deep-rooted problems of crime and economic underdevelopment.

CONGRATULATING CHICAGO OLYMPIC SPEED SKATER SHANI DAVIS FOR HIS HISTORIC PERFORMANCE AT THE 2006 OLYMPIC WINTER GAMES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I am proud to pay tribute to Chicago Olympic speed skater Shani Davis for his triumphant performance at the 2006 Winter Olympics in Torino, Italy. Shani Davis has achieved excellence at the world's highest level and in doing so he has blazed a new trail in Olympic and speed skating history.

The Olympic Games are a celebration of the sporting spirit that unites all athletes of the world. No performance at the 2006 Winter Olympics was more demonstrative of this spirit than that of Chicago's Shani Davis. On February 18, 2006 he became the first African-American to win an individual gold medal in Winter Olympics history by finishing the 1,000 meter competition in 1 minute 8.89 seconds. Three days later he added to this amazing accomplishment by winning the silver medal in the 1,500 meter event.

On March 19, 2006, with the Olympic flame still burning brightly in his heart, Shani Davis set a new world record in the men's 1,500-meter event at the International Skating Union all-around speed skating world championships in Calgary, Canada. Davis finished in 1:42.68 lowering the previous world record by 0.1 second (1:42.78).

These remarkable accomplishments are a testament to Shani Davis' courage and reflect his many years of hard work, dedication, and sacrifice. I am particularly proud to know that Shani Davis' journey to sports greatness has deep roots in the 9th Congressional District of Illinois. Shani Davis lived in the Rogers Park neighborhood of Chicago and began his speed skating experience at the tender age of six under the tutelage of Sanders Hicks at the Robert Crown Ice Rink in Evanston. Shani Davis trained and enhanced his skills as a member of the Speed Skating Club at Robert Crown.

Even though he has already established an outstanding speed skating career, I believe that the future will be even richer and brighter for Shani Davis. I have witnessed his interactions with young people and I know his experiences have helped spark their imaginations and inspired them to achieve greatness in their own lives. The lessons of setting high goals, being persistent and believing in yourself are lessons that all children need to learn, lessons that are abundantly evident in the power of Shani Davis' example.

Shani Davis' world record and outstanding contributions to the legacy of the Olympics will forever serve as a source of pride and inspiration for the people of Evanston, Chicago, and all Americans. In honor of his remarkable achievements, I offer Shani Davis this United States flag as a symbol of appreciation, esteem and good wishes. This flag was flown over the United States Capital building in Washington, DC and is a fitting gift for a patriot and champion.

On behalf of the people of the 9th Congressional District of Illinois, I offer Shani Davis my heartfelt congratulations and best wishes for his continued excellence.

CHALLENGES FACING CARIBBEAN REGION AS IT FACES INTEGRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. RANGEL. Mr. Speaker, I rise again to strongly support the words spoken by the Prime Minister of Jamaica, the Honorable P.J. Patterson, in an effort to bring to light challenges facing the region and his proposals for what actions need to take place to secure a brighter future for the Caribbean nations. I would also like to enter into the RECORD the second portion of his speech delivered March 9 to the Protocolary Session of the Permanent Council of the Organization of American States on the theme of "Caribbean Integration In Emerging Hemispheric Relations".

DEMOCRACY, SECURITY AND DEVELOPMENT

I am convinced that unless we focus in a meaningful way on the intrinsic link between democracy, good governance and international security on the one hand, and development on the other, our goals for peace, stability and political and economic security will always remain elusive. We must therefore address the development agenda with the same energy and commitment as we have sought to strengthen the democratic agenda, giving each equal dedication, in order that the benefits of democracy can be widely felt to improve the quality of life for our peoples.

When Heads of Government of the Hemisphere met during the 4th Summit of the Americas in Mar del Plata, Argentina last November, we jointly committed ourselves to the task of Creating Jobs to Fight Poverty and Strengthen Democratic Governance in the Hemisphere. Our Declaration, issued at the end of the meeting, was a clarion call for sustained, long term and equitable economic growth that creates jobs, reduces poverty, eliminates hunger and raises the standard of living for the most vulnerable sectors and social groups in our diverse societies. We also stressed the need to expand trade, as a means of boosting growth and our capacity to generate more, higher quality, and better-paying jobs.

As small open economies, CARICOM countries are highly dependent on trade as the primary driver of economic and social growth, and by extension the stability and democracy of the region.

In 1994, when we launched the Summit of the Americas process, Jamaica and the rest of CARICOM readily put our efforts and scarce human, financial and technical resources into ensuring that our collective vision of prosperity in the Americas would become a reality. Four years later, we formally launched the FTAA negotiations, fully cognizant of the contribution that economic integration and trade liberalization in the Americas could make to create jobs, fight poverty and strengthen democratic governance in our Hemisphere.

It is with disappointment that on the eve of my departure from office as Prime Minister of Jamaica and Chairman of the Prime Ministerial Sub-Committee on External Negotiations of CARICOM, the FTAA is faltering on the rock of political will.

CARICOM is fully committed to the goal and objectives of the Summit of the Americas generally. If the FTAA has no future, we must be realistic and begin to explore new alternatives. Given the slow progress to date in the Doha Development Round of multilateral negotiations, we need to find a hemispheric impetus for advancing discussions on key issues in the WTO.

For example, the Work Programme for Small Economies in the DDA as well as the recent Aid For Trade initiative could build on the initiatives and acceptance by Hemispheric Heads at our Fourth Summit, that smaller economies should be recognised as a special category of countries. Special and differential treatment in favour of smaller economies have to be an accepted fundamental principle of whatever negotiations we pursue.

Our collective vision of growth, economic prosperity and stability for the Hemisphere must not be confined to the narrow territorial boundaries of the hemisphere. Let us broaden the boundaries of our collaboration beyond the OAS and the United Nations. It is high time for the Caribbean and Latin American countries to pool our collective bargaining resources in the WTO, where we also have common goals and concerns.

Every effort must be made to bring Haiti into full participating in the various trade negotiations in the hemisphere and the WTO. In this case, there can be no question about the need for special and differential treatment and technical assistance.

Let me place on record the appreciation of CARICOM for the contribution of OAS and CIDA to technical assistance and capacity building. As we contemplate the multiple trade agendas facing our region, there will be need for sustained assistance to ensure our adjustment and implementation of these new obligations.

How can we then ensure that actions taken at the hemispheric level dovetail automatically into the regional development agenda, the two processes working simultaneously towards a united objective? I will return to my own thoughts on this later in my presentation.

INTEGRATION—A RESPONSE TO GLOBALISATION

The emergence of various economic blocs across the globe is not mere coincidence, but a natural progression towards strengthening the ability of individual countries to use their collectivity to face the new era of international economic relations.

Smaller units operating on their own can no longer be viable counterweights in this rapidly changing world. Based on this recognition, we in this hemisphere have not shied away from the inevitable and we see the integration movement as our best response to the challenges we face. The establishment of CARICOM, MERCOSUR, THE Andean Group et al, are therefore regional "lifelines" cast upon the turbulent waters of globalisation.

Let me share briefly with you, some of the challenges we face in the Caribbean. We have been seriously affected by the EU's stipulation as it relates to bananas and sugar.

In the case of the former, we have expressed the importance of the higher tariff of Euro 275/t to ensure adequate protection is in place for our farmers.

For sugar, the proposed cut of some 39% is a grave concern for us, as is the proposed timetable for implementation over a four-year period.

In 2004 damage from Hurricane Dennis totalled some US$40million. The impact was much greater in 2005, with more hurricanes affecting the agricultural and tourism sectors, and even more horrible damage to our infrastructure.

Through these illustrations, which in some cases may be magnified based on the country in the region you choose, I proffer today, that our solutions for the various sub-regions we represent and by extension, the hemisphere, cannot be simple, unilateral or implemented overnight.

CARICOM formally launched the Single Market just over a month ago and we hope to move towards the Single Economy by 2008, as we had envisaged in the Grand Anse Declaration of 1989 in Grenada.

We have, through the methodical, comprehensive and measured approach, taken the necessary steps to ensure that our modus operandi, carries with it the philosophy, that no country will be left behind. For this reason, we in CARICOM have been careful to elaborate plans for a Regional Development Fund to assist in the adjustment period. We also fervently believe that at the hemispheric level, no country should be left behind.

Over the years and even now, we have put in place a number of other institutional arrangements that seek to ensure a structured operation through which we hope any future transition can be seamless and effective. CARICOM Heads entertain no misconceptions of the challenges we face. If we are to effectively deliver on the objectives in our revised Treaty of Chaguaramas, we must take some bold steps and remain unswerving in the commitment to achieve the targets.

The moment has arrived for us to now seek solid bipartisan commitment to national and regional goals, which will then translate into full integration into other institutional arrangements. The strength of governance will only be enhanced when we are able to replace the retracing of steps by different administrations, with a brisk walk forward towards our common goals.

Education must be an engine driving growth and pushing development. The technology-driven world we live in today demands knowledge, skills, research and solutions, and a thirst for answers by our youth. We must facilitate that process at all levels to ensure that progression from one level to the other, from one discipline to the next, takes place consistently. If we are to achieve these objectives as outlined in the Millennium Development Goals, the Charters of the Organization and the Strategic Plan, we must act now on this other pillar of development.

Justice and the rule of law in all its forms, at all levels, must exist without compromise or prejudice. We have to exercise the will to maintain law and order, not merely through the imposition of penalties but through the encouragement of a sense of just, law-abiding and ordered behaviour by all our citizens.

Too much of our resources are being spent on managing conflict and security and therefore preventing us from providing more, as opposed to securing less, as we do now.

Sometimes when we seek to solve larger problems, such as the challenges to globalisation, we over-think and over-analyse them and by-pass the adherence to the fundamentals. We must always be mindful of the basic elements, the smallest cogs in the wheels, the importance of measurements.

Let me now address an issue which is very close to my heart. The conduct of international and institutional relations can only be improved when we allow principle, integrity, honour and justice to prevail. The people we lead and the interests we serve are looking to us to provide enlightened and inspired leadership. That expectation becomes magnified with every decision we are called upon to take, because we are more interdependent than we have ever been before.

Security, health and environment issues remind us daily of our own vulnerability as individuals and countries and behove us to be mindful of these concerns at all levels. The recent outrage in the Muslim world recalls for us the far-reaching effect of our actions and by extension our own intolerances. We must guard against these inclinations.

Inclusion and inclusiveness must be one of the principles which we use to dovetail our own actions and create what I would call concentric circles of goodwill. The old adage holds true today that "we will reap what we sow". Let us be mindful of the seeds we put down today, to avoid reaping bitter fruits in the future.

Sixty years after its creation, the OAS is summoned to face bold new challenges which confront our entire Hemisphere. In order to adequately respond, the modality by which it operates must change. It must avoid sterile debate and become an instrument of positive change.

This requires that it become an effective Institution for decision-making at the highest political and economic levels. This must be your quest for the decade ahead.

Your Excellencies, Ladies and Gentlemen,

It has indeed been a pleasure for me to address you today; to share my thoughts and to issue a charge and a challenge to you all. As life and experience have taught me, the process of learning never ends. As we learn we must impart, for in the words of Khalil Gibran—"to withhold is to die". We have a tremendous responsibility to make the world safer and better, for those who have placed their confidence in us. We have many opportunities to do so everyday by our own conduct and leadership. Let us not deny ourselves a Hemisphere of social justice where peace, prosperity and harmony will prevail.

CONGRATULATIONS TO MAIN TOWNSHIP HIGH SCHOOL'S WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION PROGRAM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. SCHAKOWSKY. Mr. Speaker, from April 29–May 1, 2006, approximately 1,200 students from across the country will visit Washington, D.C., to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. The We the People program is administered by the Center for Civic Education and funded by the U.S. Department of Education by act of Congress.

I am proud to announce that a team from Maine Township High School, located in my Congressional district, will represent the State of Illinois in this prestigious national event. These outstanding students, through their knowledge of the Constitution, won their statewide competition and earned the chance to come to our nation's capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues.

We the People students display great political tolerance and commitment to the principles and values of the Constitution and Bill of Rights. With many reports and surveys indicating the lack of civic knowledge and civic participation, I am pleased to support such a superb program that is producing an engaged citizenry.

Mr. Speaker, the names of the outstanding students from Maine Township who will be participating in the national finals are:

Lauren Allegretti, Cailin Bake, Katy Bratko, J.P. Carolan, Liz Chao, Rebecca Christopher, George Gianakakos, Melissa Hansen, Katherine Hapeman, Andrew Juiris, Natalie Kociubinski, David Krone, Chris Lenzini, Matt Lenzini, Meghan Machon, Meghan McKelvey, Christine Recsetar, Pat Rhine, Mike Ross, Janelle Santos, Christina Solari, Amanda Swanson, Bill Warnock, and Mary Yu.

I also wish to commend their teacher, Andrew Trenkle, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Patton Feichter, the state coordinator, and John Heuman, the district coordinator, who are among those responsible for implementing the We the People program in my district.

I wish these students much success as they prepare to compete at the We the People national finals, and I applaud their outstanding achievement.

IN TRIBUTE TO GREEK INDEPENDENCE DAY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. ROTHMAN. Mr. Speaker, I rise in celebration of the 185th Anniversary of Greek Independence Day and in doing so, join millions of my fellow Americans in commemorating the rebellion of the Greek people against the Ottoman Empire and celebrate their declaration of independence on March 25, 1821.

The strong and invaluable friendship between the United States and Greece leads me to recognize Greek Independence Day, a day in which we celebrate the Hellenic people's long, but heroic revolt against 400 years of oppressive rule by the Ottomans. Their struggle for independence demonstrates the strong commitment of the Greek people to achieving freedom from tyranny and oppression. We can see this through Greece's steadfast support of the United States in every major struggle for freedom and democracy, including our global fight against terror. The strength of our great friendship with and the contributions to our nation made by the Hellenic community make me proud to honor such an important day in Greek history.

Our two nations are committed to the shared values of democracy, justice and freedom. Greek ideals of democracy and freedom inspired our nation's founders and helped shape the very fabric of our democratic government. Greek immigrants have been welcomed to the shores of America for generations, and we are grateful for how they have enhanced our collective culture and contributed to our country. I stand proudly with the many Hellenic-Americans in the 9th District of New Jersey and salute them and their ancestors' struggle for freedom on the anniversary of Greek Independence Day.

I welcome this opportunity to celebrate the 185th Greek Independence Day with the Hellenic community. On this day let us remember more than just Greece's independence, but also celebrate Greece as an invaluable ally and longstanding friend of all freedom-loving peoples.

TRIBUTE TO HARRIET TUBMAN AND THE 2006 HARRIET TUBMAN SPIRIT AWARD RECIPIENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. RANGEL. Mr. Speaker, I rise today to recognize the significance of the Harriet Tubman Spirit Awards, created to honor women of New York State who have perpetuated Tubman's legacy and her humanitarian accomplishments and to praise the 15 women chosen to be recipients of such a prestigious honor. Harriet Ross Tubman was a great liberator who was a monument to courage and determination in the fight for freedom and human rights for slaves in bondage.

Harriet Tubman was called the "Moses" of her people. She was born on a plantation in Maryland, in or around 1820, and escaped from slavery in 1849. Upon gaining her freedom, Harriet Tubman settled in Philadelphia where she met William Still, the Philadelphia "Stationmaster" of the "Underground Railroad." In 1850, Harriet Tubman became a "conductor" on the Underground Railroad and eventually became the most influential of all the "conductors" by returning to the South 19 times through the Underground Railroad, freeing 300 slaves.

In the mid-1850's, Harriet Tubman made the acquaintance of United States Senator, Secretary of State and former New York State Governor William H. Seward and his wife, Frances, in Auburn, New York. In 1857, the Sewards provided a home for Harriet Tubman in Auburn, which she later purchased and used as new headquarters for the Underground Railroad. Since 1995, New York State has assisted with efforts to recognize Harriet Tubman's legacy. In 1999, the State Office of Parks, Recreation and Historic Preservation (OPRHP) helped to document and list Tubman's historic brick home, her church and her gravesite in the Fort Hill Cemetery to the State and National Registers of Historic Places.

In February 2001, Governor Pataki announced the creation of a $1.4 million Underground Railroad Heritage Trail Grant Program to enhance heritage tourism and support site improvements at historic sites and interpretive centers commemorating the Underground Railroad across New York State. In addition, the Governor committed more than $280,000 in Bond Act funds to restore Harriet Tubman's home in Auburn. An additional $100,000 was provided in 2002 to help restore the Harriet Tubman Memorial African Methodist Episcopal Zion Church, also in Auburn, New York.

In 2003, Governor George E. Pataki proclaimed March 10th as "Harriet Tubman Day". He then officially signed into law a bill designating the day as a day of commemoration in New York State for the life and heroic contributions of Harriet Ross Tubman. Governor Pataki chose March 10th because it is the day Harriet Tubman died in 1913 at the age of 93. As part of the State's tribute, the second annual New York State Governor's Harriet Tubman Spirit Awards were presented to 15 women, whose accomplishments strongly embraced the spirit of Harriet Tubman,

The 15 honorees have shown through their tireless efforts significant contributions to the culture and well being of New York and have paved the way for future leaders in the ongoing fight for human rights. All of these women, like Harriet Tubman, possess a pioneering spirit of excellence.

The 2006 Harriet Tubman Spirit Award recipients were: Zenaida Chape', NYC Humanitarian and Community Advocate; Sarah Curry-Cobb, Pioneer and Civil Rights Advocate from Albany: Dr. Joan O. Dawson, NYC Educator and Youth Advocate; Patricia A. Devine, Youth Advocate from Albany; Maria Ginter, Diversity and Community Advocate from Albany; Mona Golub, Pioneer and Cultural Arts Advocate from Schenectady; Alvania Hill, Educator from Albany; Sharon Jordan Holley, Educator and Historian from Buffalo; Reverend Carolyn Peterson-Vaccaro, Women and Family Advocate from Albany; Frances Ethel Powell Pratt, Civil Rights Advocate from Nyack; Ruth Russell, Health and Community Advocate from Rensselaer; Dr. Cecilia Sanz, Children and Family Advocate from Albany; Rose Stuart, Pioneer and Family Advocate from Albany; Meilin Tan, NYC Humanitarian and Entrepreneur and Benita Zahn, Health and Media Advocate from Albany.

Mr. Speaker, please join me in recognizing this stellar award and the very deserving recipients during the 2nd anniversary month of the New York State Governor's Harriet Tubman Spirit Awards.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that on rollcall vote No. 69, I would like the RECORD to reflect that I inadvertently voted "nay." I would like the RECORD to reflect that I intended to vote "yea."

TOM McDANIEL: A HARD-WORKING PUBLIC SERVANT WHO WILL BE MISSED

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. CARTER. Mr. Speaker, on February 28, 2006, Williamson County lost a hard working friend of the community with the untimely passing of Williamson County Commissioner S. Thomas McDaniel. Tom was an effective, grassroots politician. A close friend and advisor, I had the honor of swearing Tom into office as Williamson County Commissioner for Precinct 3 on November 2, 2004.

Well-respected by his colleagues, Tom brought a new perspective to Williamson County politics. In some areas he probably stepped on a few toes and in other areas he was a breath of fresh air. Commissioner McDaniel was a steward of the communities in Williamson County's Third Precinct, continually working to improve the region's infrastructure. He continually encouraged efficient, effective operations at the county level. During his service as Commissioner, construction began on the City of Georgetown Public Library and the Williamson County Courthouse Restoration began, among other successes.

Born in Terrell, Texas, on April 1, 1944, Tom is a third generation Texan. Tom is survived by his lovely wife of 32 years, Linda, and his son, Ryan.

Tom was a really fine man, and I am going to miss him terribly. He will be missed by me, my family, and all of Williamson County.

TRIBUTE TO COMMANDER CHARLES L. STUPPARD

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to congratulate Commander Charles L. Stuppard, United States Navy, for his outstanding and brilliant performance as Commanding Officer of the United States Ship *Arleigh Burke* (DDG 51) from March 5, 2004 to April 3, 2006. USS *Arleigh Burke* was commissioned in Norfolk, Virginia on July 4, 1991. She is the first of the most powerful and survivable class of destroyers ever put to sea. She possesses the AEGIS weapons systems with multifunction radar, capable of detecting and tracking hundreds of targets simultaneously while conducting multiple engagements.

On March 5, 2004, in Norfolk, Virginia, Commander Stuppard's took command of this powerful Navy vessel. Commander Stuppard graduated from Cornell University in 1982 with a bachelor of science degree in mechanical and aerospace engineering. He worked for 3 years as a design and test engineer in the A–10A, T–46 and SF–340 aircraft programs for Fairchild Republic Corporation in Long Island, New York. In 1985 he joined the Navy as an aviation officer candidate. After commissioning and flight training Commander Stuppard switched to Surface Warfare. In 1998 Commander Stuppard obtained his master's degree in national security and strategic studies at the Naval War College in Newport, Rhode Island.

During Commander Stuppard's flawless and noteworthy tour of duty as "Captain," he masterfully led his ship, the *Arleigh Burke* with 300 sailors, through an extensive and demanding training phase followed by a major fleet inspection. He then took the ship through a rigorous intermediate and advanced training cycle, which included two Joint Maritime Course exercises off the coast of the United Kingdom, particularly in Scotland and a Submarine Commander's Course off the islands of the Bahamas. With his crew fully prepared and ready, he deployed to the Mediterranean Sea as the sole United States member of the Standing NATO Maritime Group Two from November 2005 to May 2006 in support of Operation ACTIVE ENDEAVOR and NATO operations with a primary mission to prevent terrorists from using the high seas for their misdeeds.

Under his sterling leadership USS *Arleigh Burke* maintained an impeccable record of outstanding achievements. His attention to detail, keen foresight and dedication to duty resulted in 100 percent operational and combat readiness and a very successful 6 months deployment in southern Europe. On April 3, 2006, Commander Stuppard will have his change of command ceremony while on his European deployment in Valletta, Malta. His tour of command was nothing short of magnificent. His next duty station will be at the Command Leadership School in Newport, Rhode Island where he will be an instructor to all naval prospective commanding officers over the next 3 years. His experience and leadership will positively affect a whole generation of future naval commanding officers. I am looking forward to pay him a visit there.

Commander Stuppard's excellent reputation and commitment to duty will become an indelible mark on the crew of this legendary Navy vessel, the USS *Arleigh Burke*. Commander Stuppard consistently projects the Navy core values of "Honor, Courage and Commitment" and will always be remembered by every *Arleigh Burke* officer, chief and sailor known as "team 51" who served under his command. Commander Stuppard immensely and effectively touched the life of so many of our men and women in uniform. The following five words are the motto by which Commander Stuppard led his brave and valiant crew: "Be Good—Do Good Work".

Commander Stuppard's accomplishments and achievements are truly outstanding and serve as an example to all citizens throughout our country, the United States of America. Commander Stuppard is a true gentleman and an outstanding American. I congratulate Commander Charles L. Stuppard and the crew of the *Arleigh Burke* for a job well done.

HOMELESS ASSISTANCE CONSOLIDATION ACT OF 2006

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. RENZI. Mr. Speaker. This afternoon I am introducing legislation, by request of the Bush Administration, designed to combat homelessness nationwide.

The Homeless Assistance Consolidation Act of 2006 would consolidate three competitive homeless assistance programs within the Department of Housing and Urban Development—Supportive Housing, Shelter Plus Care, and Section 8 Single Room Occupancy—into a single program aimed at alleviating homelessness in this country.

Consolidation of these programs would provide more flexibility to localities, fund prevention of homelessness, and dramatically reduce the time required to distribute grant funds to groups combating homelessness.

The legislation would streamline the three programs into one competitive program with a single set of eligibility requirements and would provide incentives for communities to carry out permanent housing activities with supportive services for the homeless.

I believe that this legislation is a good starting point for the House of Representatives in crafting a bill that would help achieve the goal of alleviating homelessness in my home state of Arizona, and the country.

I look forward to working with my colleagues in the House, the Senate, the Administration, and most importantly, individuals and groups throughout the country who have dedicated themselves to fight homelessness, to craft legislation in the coming months which will authorize the funding and provide the tools needed by advocates of the homeless.

In the past, Congress has provided HUD significant funding over the years to distribute to groups to fight homelessness. Millions of individuals and families are, or have in the past, faced homelessness. They deserve our help, and I am committed to fighting on behalf of the homeless, and I am hopeful that this legislation will further this most important effort.

IN RESPONSE TO RECENT ISRAELI ELECTIONS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I congratulate the State of Israel for once again serving as a model to the Middle East region of what a successful democracy should be. With the threat of severe violence from their neighbors, Israelis proudly went to the polls to take part in the single most important part of any government—expressing one's voice through the vote.

I offer my congratulations to all who were successful in yesterday's elections. You have the will of the people, and more importantly, the responsibility to protect and defend both the land and the people of Israel.

In the coming months and years, you will have many important decisions relating to security and defense that you will need to make. I urge you to resist external political pressures and do what needs to be done to maintain the physical integrity of Israel and uphold the security of your people.

As a Congressman, I vow to continue to do what I can to work with the State of Israel and help one of America's closest allies and I look forward to working with the new Israeli government.

INTRODUCTORY REMARKS FOR CESAR ESTRADA CHAVEZ STUDY ACT

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. SOLIS. Mr. Speaker, today I rise to introduce the Cesar Estrada Chavez Study Act. This legislation authorizes the Department of Interior to conduct a special resources study to examine the areas that Cesar Estrada Chavez lived for potential incorporation into the National Park Service.

Cesar Estrada Chavez was a humble man who knew the importance of hard work and sacrifice. Raised during the Great Depression, Chavez's family lost everything and he was forced to wander the southwestern United States with thousands of other farmworker families. As a migrant farmworker he learned the value of community and family. Farmworkers were united as they fought to survive in the often harsh working and living conditions of the migrant life.

Chavez eventually left the fields in 1952 and began to campaign peacefully against racial and economic discrimination. In 1962, Chavez returned to help farmworker families and started the National Farmworkers Association. Today we know this organization as the United Farm Workers of America. Through non-violent action, the United Farm Workers have fought for fair wages, health care coverage, pension benefits, housing improvements, pesticide and health regulations and countless other protections for the health and wellbeing of the farmworker and their family.

Despite the work of Chavez as a civil rights and labor leader, religious and spiritual figure, community servant and social entrepreneur, there are no historical, geographical or cultural designations in the National Park Service to honor him or his spirit which lives on today. I encourage my colleagues to support this legislation, so the stories of Chavez's struggles and triumphs need to be communicated and preserved for all Americans.

A TRIBUTE TO CARTER GILMORE FOR 50 YEARS OF COMMUNITY SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to a public servant extraordinaire, Carter Gilmore of Oakland California. Mr. Gilmore's friends and colleagues are honoring him on April 20, 2006, for his 50 years of dedicated and tireless community service.

He arrived in California from Houston, Texas, shortly after his marriage to Lizzie Mae Hampton in 1948. They are the proud parents of 6 children, 14 grandchildren and 7 great grandchildren. Mr. Gilmore served in the U.S. Navy during World War II and is a retired plant manager of Granny Goose Foods in Oakland.

The brutal death of an African American youth, Emmett Till, in Mississippi in 1955 mobilized the civil rights movement and prompted Carter Gilmore to begin his years of service to civil rights and community service. He joined the Alameda Branch of the NAACP. He became an active member and later became a forceful president of this branch during the civil rights movement. He wrote in the monthly newsletter about the quest for equal rights and his letter was placed in the CONGRESSIONAL RECORD in 1985.

When the NAACP lost is leader, Medger Evers, in Mississippi, Mr. Gilmore was willing to relocate and take his place but realized that his community service was needed in California. Mr. Gilmore's dedication and commitment to civil rights moved him upward through the ranks of the NAACP in California and he became the Northern California Area President.

Mr. Gilmore's leadership was not limited to his dedicated efforts within the NAACP. He was also involved in a host of activities that garnered him honors for his community leadership.

In 1977, Mr. Gilmore was elected to the Oakland City Council. He was reelected in 1981 and 1985 unchallenged. He served as the Vice Mayor from 1979 to 1981.

Mr. Gilmore has served on numerous boards, which include the East Oakland Youth Center, Alameda County Fair, League of California Cities, Goodwill Industries, Bay Area Committee on Hypertension and the Martin Luther King, Jr. Freedom Center of Oakland.

He is an active member of many community-based organizations where he continues his dedicated leadership helping seniors, youth, and veterans.

Carter Gilmore has proven time and again that one person can make a difference. His 50 years of service has touched many lives and his contributions have been felt in numerous ways. I join his friends and admirers in expressing admiration for his accomplishments and heartfelt appreciation for all his efforts. He has earned the well deserved title public servant extraordinaire.

THE PASSING OF MRS. ERMA BYRD, WIFE OF SENATOR ROBERT C. BYRD

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Mr. RAHALL. Mr. Speaker, we have lost a great daughter of West Virginia. A coal miner's daughter, Erma Byrd was born and raised in the hills of southern West Virginia. More than 68 years ago she married a young man named ROBERT C. BYRD and for the past decades they have enjoyed a wonderful life together working for the people of West Virginia and all Americans.

One of my life's greatest privileges was to know Mrs. Byrd. Always wearing a warm smile, encouraging with a kind word, reassuring with a gentle hand, Mrs. Byrd lived a life for others, clearing a path for each of us.

Her life full of compassion towards others garnered her much respect and admiration throughout my home state of West Virginia. Generations of West Virginians were touched by the life of Erma Byrd. The unfortunate news of her passing will bring sadness to all West Virginians, as even those who did not have the opportunity to meet Mrs. Byrd stand in admiration of Erma and everything for which she stands.

Scripture tells us that faith hope and love abide. The spirit of Mrs. Byrd always abided with these virtues and now always will through those whom her life so graciously touched.

It was a wonderful waltz that lasted over 68 years for Senator and Mrs. Byrd. My family's thoughts and prayers for the Senator and his family join those of countless West Virginians and fellow Americans as we honor and remember the remarkable life of Erma Byrd.

INTRODUCTION OF THE FULL DISCLOSURE IN LOBBYING ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to introduce legislation that would strengthen third-party lobbying disclosure requirements contained in the Lobbying Disclosure Act, P.L. 104–65. Specifically, the legislation I have introduced today would amend Section 5(b) of the Lobbying Disclosure Act of 1995, 2 U.S.C. 1604(b), by first making a series of technical corrections and then by adding new language to require that specific information be disclosed when a registrant is retained to engage in lobbying activities on behalf of a third party. This legislation would require that the identity of, the contact information for, and the amounts paid by that third party for the registrant's services be disclosed on the registrant's semiannual financial disclosure reports filed with the Clerk of the House and the Secretary of the Senate pursuant to Section 5 of the Lobbying Disclosure Act. The intent of this legislation is to enhance current law by making the practice of third-party lobbying activities more transparent.

Section 4 of the Lobbying Disclosure Act requires that a lobbyist list the name, address, and principal place of business of any organization, other than the client, that contributes more than $10,000 toward the registrant's lobbying activities in a semiannual period, or and in whole or in major part plans, supervises, or controls such lobbying activities. The changes to the Lobbying Disclosure Act proposed by my legislation would reinforce existing Section 4 disclosure provisions. These changes would require the reporting of a third, or subsequent degree, contractual relationship between a lobbyist and a client pursuant to Section 5 of the Lobbying Disclosure Act.

The authors of the Lobbying Disclosure Act understood that accurate reporting of the identity of participants in third-party lobbying activities is important to transparency. In fact, the Committee on the Judiciary expressed its views on Section 4(b)(3) in House Report 104–339, describing that current law "is intended to preclude evasion of the disclosure requirements of the Act through the creation of ad hoc lobbying coalitions behind which real parties in interest can hide." Recent media reports reveal that third-party lobbying activities have been arranged to evade the Lobbying Disclosure Act.

The registration and financial disclosure reports required by Sections 4 and 5 of the Lobbying Disclosure Act should both capture the contractual lobbying relationships entered into by registrants and their clients. Current law requires that registrants declare third-party contractual lobbying relationships on their Section 4 registration reports. However, Section 5 of the Lobbying Disclosure Act does not specifically require the disclosure of the details of third-party contractual lobbying activities. The legislation I have introduced today would close this loophole. This legislation enhances current law and will bring further transparency and accountability to lobbying activities.

I urge my colleagues to support the Full Disclosure in Lobbying Act. It is my hope that this legislation will be enacted, and its merits will be reviewed as the House considers lobbying reform legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 30, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 31

9:30 a.m.
Judiciary
To hold hearings to examine the call to censure the President.
SD–226

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Uttam Dhillon, of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security, and Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Rate Commission.
SD–342

APRIL 3

9:30 a.m.
Judiciary
To hold hearings to examine immigration.
SD–226

APRIL 4

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine how Congress might go about creating a program to control U.S. greenhouse gas emissions.
SD–G50

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Federal Aviation Administration funding options.
SD–562

Banking, Housing, and Urban Affairs
To hold hearings to examine a current assessment of money laundering and terrorist financing threats and countermeasures.
SD–538

Finance
To hold hearings to examine the cost of tax preparation.
SD–215

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine missile defense programs in review of the defense authorization request for fiscal year 2007.
SD–138

2:30 p.m.
Energy and Natural Resources
To continue hearings to examine how Congress might go about creating a program to control U.S. greenhouse gas emissions.
SD–G50

Foreign Relations
To hold hearings to examine the current situation in Iraq.
SD–106

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine reform of FHA's Title I Manufactured Housing Loan Programs.
SD–538

Armed Services
Personnel Subcommittee
To resume hearings to examine health benefits and programs in review of the

defense authorization request for fiscal year 2007.
SR–232A

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

3:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine the posture of the U.S. Transportation Command in review of the defense authorization request for fiscal year 2007 and the future years defense program.
SR–222

APRIL 5

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.
SR–222

Environment and Public Works
To hold hearings to examine the nominations of Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, and James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances, and William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator, both of the Environmental Protection Agency.
SD–628

Foreign Relations
To hold hearings to examine the Indian separation plan and the administration's related legislative proposal, relating to U.S.-India atomic energy cooperation.
SH–216

Indian Affairs
To hold hearings to examine the problem of methamphetamine in Indian country.
SR–485

10 a.m.
Health, Education, Labor, and Pensions
Bioterrorism and Public Health Preparedness Subcommittee
To hold hearings to examine all hazards medical response.
SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine S. 2459, to improve cargo security.
SD–342

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Sergeant at Arms and U.S. Capitol Police Board.
SD–138

2 p.m.
Appropriations
Commerce, Justice, Science and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Justice.
SD–192

2:30 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine Islamist extremism in Europe.
SD–419

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine museums and Federal funding, focusing on the various avenues of Federal funding for museums including authorized programs, grantmaking agencies and earmarks.
SD–342

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the 2005 wildfire season and the Federal land management agencies' preparations for the 2006 wildfire season.
SD–366

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.
SR–222

APRIL 6

10 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers.
SD–562

2:30 p.m
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1510, to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado, S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, S. 1957, to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 2034 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, S. 2252, to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States, and S. 2403, to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision.
SD–366

Intelligence
To receive a closed briefing regarding certain intelligence matters.
SH–219

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine military space programs in review of the defense authorization request for fiscal year 2007.
SR–222

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.
Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

HOUSE OF REPRESENTATIVES—*Thursday, March 30, 2006*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Beauty and Everlasting Lord of all, cherry blossoms in Washington are a true sign of the new life of spring. They bring tourists from across the Nation and from around the world to marvel at fragile beauty and seek lasting promise here in the Nation's capital of these United States.

Lord, bless the work of Congress during these days of grace. May the freshness of new ideas and bold undertakings bolster the vigor of the Nation while the hard work of all Americans, the steadfast perseverance of military forces and the stability of family life sustain a climate of creativity and prosperity for all Your people.

While the hidden roots of faith penetrate the landscape upon which we walk and the far reaching branches of charity draw strength from the sky above, it is You who produce blossoms of hope in human hearts, living in an anxious yet cold world, and you do this here, now, and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Nevada (Ms. BERKLEY) come forward and lead the House in the Pledge of Allegiance.

Ms. BERKLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

LONE STAR VOICE: GARY SPURGER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Gary Spurger of Humble, Texas has written me about unlawful entry into the United States. He says:

"I am writing you as I sit here and listen to the news and watch on TV the protests against immigration policy reform. I am tired of seeing those protesters walking the streets that we taxpayers pay for, using our school buses and resources and then waving Mexican flags and chanting 'Mexico, Mexico.'

"Please do not be blinded by the protests supporting illegal immigrants. If we don't take care of us then we will not have the ability to help others less fortunate. Allowing illegal immigrants to siphon off resources that they provide no compensation to will in the end be the fall of our society.

"We need to take heed of the lessons of history such as Rome. It fell from the inside by allowing fractured and discordant groups to maintain their own unique identity to the extent that it caused Rome to no longer be Rome but nothing more than a bunch of little other countries. Recent history is teaching us just by looking at France, it is no longer French but so inclusive to the point that France is nothing more than a hodgepodge of other cultures, not French."

Mr. Speaker, people that come to the United States must do so legally and they must expect to assimilate into this country and become Americans.

And that's just the way it is.

YUCCA MOUNTAIN AND NUCLEAR WASTE

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, just when I think the Department of Energy couldn't become more incompetent or dangerous, they do something that proves me wrong.

You will find this cartoon character on a taxpayer-funded Web site run by the Department of Energy. His job, Yucca Mountain Johnny, is to convince kids in Nevada that nuclear waste is okay and that the State of Nevada is a safe place to store nuclear waste.

What really bothers me is the message that Yucca Mountain Johnny is giving to our school children. This is akin to Joe Camel telling our school kids that smoking is healthy.

The Department of Energy ought to dump Yucca Johnny and his slanted, one-sided view of how our Nation should address the issue of nuclear waste disposal. We should stop using taxpayers' money to spread this message. It is despicable.

The Las Vegas Sun wrote in an editorial on March 25, "Children don't need a cartoon character to tell them what is easily understood by most people: nuclear waste is dangerous. Don't let anyone bury it in your backyard."

Save the people of the State of Nevada, the school children, and get rid of Yucca Mountain Johnny. It is disgusting.

IMMIGRATION REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, as Members of the House of Representatives, we are aware of the awesome power that we have to make laws under which we all are governed, but we are also uniquely acquainted with our own limitations. Polls may indeed show that a majority of our constituents today would simply like to see our current immigration laws enforced, but we are in a position to know that such is unreasonable.

Deciding whether our role is to lead or to follow is not a new conundrum. During the Constitutional Convention in 1787, George Washington counseled: "If to please the people we do what we ourselves disprove, how can we afterwards defend our work?" It might be comfortable in an election year to warm ourselves by the populist fire that we ourselves have stoked, but it is not leadership.

Leaders appeal to the better angels of our nature rather than bow to the manifestations of our baser instincts. The standard bearer of the modern conservative movement, Ronald Reagan, understood this very well when he talked about the shining city on the hill. In his farewell address he described this, "a city with free ports that hummed with commerce and creativity, and if there had to be city walls," he said, "the walls had doors and the doors were open to anyone with the will to enter."

I hope that that is how we see it today.

DEMOCRATS UNVEIL PLAN FOR REAL SECURITY

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, yesterday the Democrats in the House, the

Senate and our Governors unveiled the Democratic plan for real security. This plan reveals the difference between the Democrats and the Republicans and the Bush administration in protecting our country.

Among the differences, the greatest danger we face is that al Qaeda gets nuclear weapons. The problem with getting nuclear weapons is how to find fissionable material. There is enough fissionable material lying around not properly guarded in the former Soviet Union for thousands of bombs. The Bush administration wants to get it out of there—in 30 years. Democrats say, Get it now, all of it, by 2010 before it is smuggled to al Qaeda to make nuclear weapons to use against American citizens.

We are rightly concerned about the Dubai Ports deal, who controls our ports, but more important is what comes into our ports. Eleven million shipping containers a year, 40-foot boxes, come into American ports. The Republicans, the Bush administration, inspects 5 percent of them. Democrats say, no shipping container, not one, should be put on a ship bound to an American port till it is electronically scanned and inspected by the United States in the foreign port so that no atomic bomb gets put in there and we know about it before it gets on the ship, not after.

If we want to make our country safe, we better elect some Democrats.

CONGRATULATING OHIO GIRLS' STATE HIGH SCHOOL BASKETBALL CHAMPION MOUNT NOTRE DAME COUGARS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, while I was at home last week in Ohio's First Congressional District, I had the honor of attending a pep rally at Mount Notre Dame High School. The school spirit in that gym was really something to behold. Of course there was cause for celebration, since the Cougars captured their second Ohio girls' State basketball championship in the last 3 years with an overall record of 25–3. The Cougars faced a difficult road to the championship, including a regional final victory over a tough Oak Hills Lady Scots team, which also happens to be in my congressional district.

Mount Notre Dame basketball has become synonymous with success throughout the State of Ohio. Not only have they appeared in the State finals 3 years in a row, but this victory made the Cougars the first Cincinnati girls' basketball program to capture two State titles. It is also important to note that Mount Notre Dame excels in academics.

It is a great honor for me to recognize the success and achievements of these outstanding young women, their head coach Scott Rogers, his staff and the entire student body. Their hard work and dedication makes all Cincinnatians proud.

Go Cougars.

LOBBYING REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, it is time for a spring clean at both ends of Pennsylvania Avenue. In the wake of the Jack Abramoff scandal, public approval for this Congress is at an all-time low and voters are demanding new priorities for America. But rather than working to restore the public's trust, some are more interested in protecting the culture of business as usual. They are perfectly happy with their cozy relationships where highly paid lobbyists serve as their "back office," writing legislation, providing jobs to Members and relatives, and lavishing them with expensive dinners and trips.

Yesterday, for instance, the Senate missed an opportunity for real reform when it rejected new restrictions on lobbyist-sponsored travel, presidential libraries, and, most importantly, an independent office of public integrity.

Think about it. You can't take a ham sandwich from a lobbyist but you can get on their private plane with a ham sandwich. That is what they are allowed to do. You could drive a truck through those types of reforms. The House Ethics Committee hasn't even met in more than a year when one Member here has pled guilty and three others are under investigation.

Mr. Speaker, the American people won't accept the continuation of business as usual under the guise of real reform. When that gavel comes down, it is intended to open the people's House, not the auction house.

It is time for new priorities in America.

HIGHER EDUCATION REAUTHORIZATION

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today to give the American people some straight talk on higher education. The Higher Education Act before Congress today will strengthen the Pell Grant program, expand Perkins student loans, and increase access to college for millions of worthy American students.

The Democrat substitute is called, quote, reverse the raid on student aid. Don't believe the hype. Not one student in America will receive less financial aid under our bill. Not one.

The heart of our bill is the Pell Grant program. Let's look at this chart to show the history of Pell Grant funding over 20 years. The yellow represents when the Democrats were in control of Congress. The red represents when Republicans were in control of Congress. Does that look like we have raided student aid to you? The last 3 years Democrats were in control of Congress, they had a Democrat House and a Democrat President and they cut Pell Grants every single year in a row.

Mr. Speaker, the American people are sick and tired of partisan slogans and election-year double talk. This is a good bill. I urge my colleagues to vote "yes" on H.R. 609.

DEMOCRATIC REAL SECURITY PLAN: REAL SECURITY STARTS AT HOME

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, yesterday congressional Democrats unveiled our detailed agenda to fully secure our Nation. Since 9/11, we have worked to make America safer, and we have attempted to work in a nonpartisan way, the record will show. Immediately after 9/11, myself and some Democrats were given the assignment to structure ways of improving our intelligence, aiding our first responders, and securing our infrastructure.

And really it is unconscionable that some Republicans, some, have said that this party had to wait till yesterday to provide an agenda. I don't know where they have been for the last 4 years. This is absolutely unacceptable. We pushed for a Homeland Security Department. We wanted a secretary to sit at the table and be part of the Cabinet. The independent 9/11 Commission gave President Bush failing grades on America's preparedness. Dirty bombs and other deadly materials are still able to enter the United States through unsecured ports and airports. The administration has failed to meet the basic needs.

Democrats have a plan. We will implement all of the 9/11 Commission recommendations. We will improve border security; invest in mass transit security; fully man, train and equip first responders; and we will screen 100 percent of the containers before they come into this country.

Mr. Speaker, we will make America safer.

□ 1015

WAR PLANS LEAKED TO SADDAM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week a disturbing report was released showing evidence of a security breach at U.S. Central Command in Doha, Qatar.

According to the report, Iraqi documents now in our possession show that Russian officials provided Saddam Hussein with intelligence on U.S. strategic planning during the lead-up to the war in Iraq. The documents say Russians provided the intelligence through "their sources inside the American Central Command in Doha," specific details 2 weeks before our troops entered Iraq.

Mr. Speaker, this is not a small matter. U.S. CENTCOM in Qatar is the nerve center of our operations in Iraq. That's why it is absolutely vital that we have full confidence in the security of our operations there. With troops on the ground and in harm's way, it is essential that we seek to find out how this information was leaked and whether or not such leaks could still be happening.

While military officials have been slow to investigate, Congress should not be. Getting to the bottom of this should be a top priority of the House and Senate Intelligence and Armed Services Committees. Nothing less than the security of our troops is at stake.

ATTACK ON STUDENT AID

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, student aid is under serious attack. As I look at the 100 amendments that were blocked from being considered later on today, we saw amendments that would have extended the Pell Grant to qualifying prisoners. That is an attack on student aid; an amendment that would have provided forgiveness for teachers who go into rural communities, that is an attack on student aid; amendments that would have restored $12 billion to the student aid pool.

If those are not attacks on student aid, then I need to be educated.

CONGRATULATING KRISTINA SLATER

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, it is a privilege for me to bring to the attention of the U.S. House a wonderful recognition of one of my constituents, Kristina Slater, and what she has just received. Just yesterday she was honored at the Pentagon with the Decoration for Exceptional Civilian Service Award at the Secretary of the Army's annual awards ceremony.

This award stands for more than a certificate or a pin. It stands for superior commitment to excellence. It stands for dedication. It stands for remarkable pride in doing one's job day in and day out.

Kristina Slater's work exemplifies this. She was instrumental in helping transition various information, technology functions, finances, and manpower to meet current and future needs of the Army. The results of this are being met with strong operational success, vital to everyone involved.

We are all extremely proud of Kristina Slater and congratulate her on this wonderful honor. As the highest honorary award bestowed upon a civilian employee by the Army, this worthy achievement is a testament to Ms. Slater's diligent and loyal service to our Nation.

I know the House joins me in thanking Kristina Slater on this award and her selfless service and dedication to our Nation.

DEMOCRATIC PLANS FOR ENERGY INDEPENDENCE

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute.)

Ms. MILLENDER-McDONALD. Mr. Speaker, yesterday the Democrats rolled out a plan for emergency and energy independence by 2020.

Mr. Speaker, as the spring arrives, gas prices are once again on the rise. America's dependence on foreign oil is up to 60 percent. Dependence on foreign sources of energy compromises our national security and makes families and businesses less secure because of high energy costs.

To free America from dependence on foreign oil, Democrats pledge to achieve energy independence for America by 2020 by eliminating reliance on oil from the Middle East and other unstable regions of the world. We will increase production of alternative fuels from America's heartland, including bio-fuels, clean oil, geothermal and fuel cells. We will also promote hybrid technology and enhance efficiency and conservation incentives.

During consideration of an energy bill last year, the Republican majority rejected many of these proposals when they were offered by Democrats. Under a Democratic majority, energy independence would finally become a reality. That is what people want.

TIP FOR DEMOCRATS ON IMMIGRATION REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, after many months, the Democrats have managed to release their so-called national security agenda; and one of the things their agenda calls for is improving border security.

Last year, House Republicans passed the Border Protection, Anti-Terrorism and Illegal Immigration Control Act as well as the REAL ID Act. How do these bills protect our borders?

First, the Border Security Act increases penalties for illegal immigration and holds violators accountable to restore the integrity of our Nation's borders, reestablishes respect for our laws, and helps ensure that terrorists cannot enter the United States.

Second, the REAL ID Act federally standardizes the requirements for applying and issuing State identification cards because the 19 hijackers responsible for the 9/11 terrorist attacks carried between them 13 valid driver's licenses and 21 State-issued ID cards.

How did the Democrats vote on these issues? 164 of them opposed the Border Security Act and 152 opposed the REAL ID Act. So Democrats now want to improve border security? Here is a tip for them: start voting for legislation that does exactly that.

SEAL OUR BORDERS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the issue is not hard to understand. The American people understand this issue and we are getting lots of calls into our offices.

We have the immigration debate. As we talk about illegal immigration, as we discuss the problem of illegal entry into this country, we all know that you have to begin with the very first step. It has to be a priority and that priority is seal our borders.

We all learned in kindergarten that the beginning is a very good place to start. As we have this debate on illegal immigration and illegal entry into this country, let's begin at the very beginning by sealing the borders to this great Nation.

DEMOCRATS WILL NOT PROTECT AMERICA

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, yesterday congressional Democrats outlined their agenda to better secure America. I must say I was a bit surprised by what they had to say. Even though America has not been attacked on our soil since September 11, 2001, even though the vast majority of the leadership of the al Qaeda has been killed or captured, even though we have toppled two dictatorships and brought freedom to 50 million people in Iraq and Afghanistan, even though funding has been dramatically increased to aid first responders, the Democrats are trying to peddle the idea that President Bush has failed to secure our Nation.

Even though it was the Democrats who gloated that they "killed the PATRIOT Act." Even though it was the Democrats under the Clinton administration who gutted our intelligence operations. Even though it was leading Democrats who voted against giving our troops the funding and support they need to win the war on terror. Even though it was the Democrats who advocated a defeat and retreat strategy for Iraq.

I hope the American people will take a good look at the Democrats' plan and who is offering it, because they will see once again that it is the Republican Party that is the one that will fight to the ends of the Earth to protect America.

MEDICARE PRESCRIPTION DRUG COVERAGE REMINDER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I greatly appreciate pharmacists, social workers and other caregivers who are working to help American seniors realize they have only 6 weeks to take advantage of an opportunity to save hundreds of dollars in the coming year.

Although over 27 million Americans have registered for the Medicare prescription drug program, additional seniors throughout our Nation are still eligible to sign up for this positive plan. I am glad that independent reports indicate that those who have registered say the total cost of all of their drugs is often less than the amount they were paying for just one prescription benefit in the past. Additionally, seniors who have consulted Medicare experts and insurance counselors are usually quite happy with their coverage.

As the May 15 registration deadlines draws near, I encourage American seniors to take advantage of this opportunity to significantly decrease their drug expenses. Simply call 1–800–MEDICARE.

In conclusion, God bless our troops, and we will never forget September 11.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 609, COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 742

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965. No further general debate shall be in order. Notwithstanding clause 11 of rule XVIII, no further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 742 provides for a structured rule and continued debate on several additional amendments to H.R. 609, the College Access and Opportunity Act of 2005.

This second rule for H.R. 609 allows for the consideration of the Democratic substitute bill offered by the ranking Democratic member of the Education and Workforce Committee, Mr. MILLER of California, and allows for 30 minutes of debate on that measure alone so the House will be able to debate and discuss the substitute's vision of whether it is appropriate to support the creation of at least eight new Federal education spending programs which are contained in that language.

Mr. Speaker, it seems like only yesterday we were discussing this bill. And with apologies for using baseball analogies; but it is spring training season and for a Cubs fan, hope looms always eternal. But to quote the great philosopher and relief pitcher for the Kansas City Royals, Dan Quisenberry: "I have seen the future. It is just like today, only longer."

When we are talking today about how we help kids to fulfill their dreams of a college education, I think he is going to prove not only visionary but prophetic. What we talk about today I think will be the future, just longer.

This rule today allows eight important additional amendments to be brought forth, and they will be debated on the floor.

I think it is significant of the 117 amendments that were filed on this bill for the Rules Committee, 15 were made in order yesterday, another eight today. Half of yesterday's and half of today's will be either Democrat or bipartisan amendments.

☐ 1030

This does not even begin to count the number of issues which were already worked out between the minority and the Education and Workforce staff and chairman in the base text of the bill over the past several months, or those items for Democratic Members which were included in the manager's amendment which was passed by a voice vote yesterday.

I also want to statistically note that 44 of the amendments that were filed were in violation of our germaneness rule, including mandatory spending on new programs or invoking jurisdiction of other committees, including Judiciary and Ways and Means.

Twenty-five of the amendments were filed past the Rules Committee deadline.

Members are always advised to be sure of the procedure and the time deadlines for submitting amendments, and once again, we said yesterday, having the additional time before part two would give Members a chance to work out with the Parliamentarian's Office the details of their particular amendments.

Eight amendments were withdrawn. Three were duplicative. Four were taken care of in the manager's amendment from yesterday.

The underlying bill, H.R. 609, still strikes a very good balance between reauthorizing important and existing higher education assistance programs, while steering clear of social engineering mandates and massive new spending programs. At the same time, it returns the emphasis to the original intent of the 1965 Higher Education Assistance Act, to give students a hand up in helping them to earn their own higher education.

Once again, the goal of this bill is still simply to help more kids achieve their dream of a college education and not to try and funnel the money that can be used for them into other kinds of projects and programs. This is still a good bill and, more importantly, a fair rule, and it allows the minority to offer its comprehensive vision of the future with regard to these issues in the Miller substitute.

In conclusion, I ask that all Members support and to vote in favor of this rule so that we can complete our work on this important legislation and move closer to ensuring that more individuals and students than ever wanting a college education can indeed receive the help they need to do that.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Utah for yielding me this time as we continue into part two.

Today, we are considering a second rule to make in order amendments to the Republican majority's version of the higher education reauthorization. I had hoped we would have had the opportunity to continue a meaningful debate about how to best assist families and students across this Nation trying to pursue the college dream because a college education plays such a critical part in our lives.

As children, we all play at grown-up roles, dreaming of what we may be when we grow up, a teacher, an astronaut, a doctor, a scientist, an underwater adventurer or perhaps even a Member of Congress. Well, an education is what turns those dreams into reality, and with the reauthorization of the Higher Education Act, we could have had an opportunity to play a role in encouraging these children's futures.

But to do that, we need to be looking at a reauthorization that reinforces our Nation's longstanding commitment to providing educational opportunities for all Americans, but alas, at the start of this year, my colleagues across the aisle pushed through the budget reconciliation package that cuts student loan programs by $12 billion, the single largest cut to the Nation's Federal student aid programs ever.

Middle-income families are hard-pressed to keep up with rising tuition costs. Due to record high financial barriers, high school graduates who are fully prepared to attend a 4-year college are unable to do so.

While college tuition has continued to rise far faster than the cost of living, the maximum Pell Grant level has remained virtually constant, thus forcing many qualified students to postpone or cancel their dreams of a college degree or to incur significant debt in the form of loans.

Clearly, this bill has room for improvement. We could be debating a number of thoughtful amendments that would help substantially increase our investment in student loan programs, recruit teachers and develop a high-skilled workforce. However, fewer than one in five amendments was made in order.

Take, for example, the amendment offered by Representative INSLEE to recruit Head Start teachers. I remember visiting the Nedra Court and Whispering Pines Head Start program in my district. The 60 students at each site definitely kept those teachers busy. This is a challenging job for which the $20,000 salary really is not much of an incentive.

Yet, last year, the House passed H.R. 2123, the School Readiness Act, to reauthorize the Head Start program. Contained in that legislation was an unfunded mandate requiring Head Start teachers to obtain a bachelor's degree.

Representative INSLEE offered a straightforward amendment to increase student loan forgiveness programs to $17,500, which is the same level allowed for other targeted forgiveness programs for high-need professions. However, we will not be allowed to debate this amendment because the Republican majority are limiting the democratic process.

And those $12 billion in cuts from the Deficit Reduction Act, Representative EMANUEL had an amendment that would restore the $12 billion to student aid programs cut in the Deficit Reduction Act. I think I hear about the negative impacts of these student aid cuts at least every other day, whether I am home in Sacramento or here in Washington, D.C. I find it hard to believe every other Member is not hearing this as well. But that amendment was not made in order.

Nor was the bipartisan Student Aid Reward amendment. At no additional cost to taxpayers, the STAR amendment would generate more than $12 billion in additional college scholarship aid.

Representatives HOLT and KIND also crafted an exceptional amendment to promote students to study and enter into careers focused on math, science, engineering and technology. At a time of increasing concern about America's competitiveness in the world, these are fields we must promote to develop an engaged workforce.

I recently toured the UC Davis Center for Biophotonics in my district. This center explores how light and lasers can be applied to medical procedures, making for less invasive treatments and better diagnoses of cancer. The center has dozens of math and science graduate students assisting with research alongside the Nation's leading biophotonics experts.

Unfortunately, today we are sending a mixed message to students: We need you to pursue math and sciences, but we will not ensure that you can afford the education to enter these fields.

Today, the economic, social and civic importance of a college education has never been more important. Yet, college enrollment rates in the United States are stagnant. As more and more baby boomers begin to retire, we will be facing a crisis in the employment market if we cannot develop a highly skilled and trained workforce. This must be a national priority, but apparently not for this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I want to thank my colleague for the time.

I had concerns about this bill as well. As Republicans, we are not in favor of increasing government but decreasing the amount of restrictions that additional bureaucracy creates, and I saw part of this that created additional bureaucracy by allowing States to start accrediting.

But before I say anything else, there has been a great deal of misinformation about what the Deficit Reduction Act did. Having two children in college right now myself and another about to start next year, I have been particularly sensitive about this issue. I have had bankers and other educators saying, we understood you cut $12 billion in the Deficit Reduction Act for money that was available for students, and that is not right.

What occurred was there was a reduction by about $12 billion of subsidies that were going to banks for making the student loans, but the fact is there was around $9.5 billion increased in the amount available for student loans and grants and funding. So we increased, not decreased, by about $9.5 billion the amount available for students.

So it was a good thing, and we recognize the importance of education, and we are trying to help them. So that addresses that comment from my colleague.

But with regard to the bill, I have grave concerns about it, especially to allow the States to start accrediting. Governments have done enough damage to education in K–12 over the last 30 years. I was very concerned about that, but I appreciate Chairman MCKEON working with me, and I appreciate his staff working with us.

They have agreed to support an amendment which strikes out the provision that allows States to apply to the Federal Government which creates more Federal Government, to allow them to start accrediting, and that provision, under my amendment, will be struck. There will be no additional State agencies accrediting universities and colleges, and I am hopeful that that will be passed with the chairman's support of that.

Also, we share a very strong concern about the increases in college tuition and fees. They have dramatically gone up over the last 30 years. In fact, I was asking, when I went to law school, if it was still $500 a semester for tuition, and they said, yeah, that much an hour now, but anyway, over a 30-year time, things have just gone up dramatically.

In balancing the difficulty of not increasing government, which naturally requires an increasing cost to universities but at the same time requiring some accountability, I think the chairman's bill, if my two provisions are passed, that this is a good bill because it balances those things.

The task force that is created in the top five most abusive colleges in raising tuition over a 3-year period and costs of the college, they will have to set up their own task force to figure out why their institution has gotten so abusive in its costs. So it will be its own people looking at its own institution. It will not set up more bureaucracy. It will not set up more government, and this will push and provide pressure on institutions and have some accountability, even though it is by people in their own community, as the bill sets out, as amended, if my amendment is allowed to pass.

So I applaud the bill if my amendment, those two provisions, pass. I think it will be helpful in controlling costs without increasing bureaucracies in government, and I appreciate very much Mr. BISHOP and the chairman and his staff in working with us on this.

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from California for yielding.

Mr. Speaker, I rise in strong opposition to the rule and in strong opposition to H.R. 609, the underlying bill.

As a matter of fact, I had hoped when we started the process that we were going to see a bipartisan effort because all of us talk about how great and how important education is, and I do not think that there is a single person in this House who would not agree with that. But oftentimes I am afraid that our conversations are different than our actions.

When I look at this restrictive rule, it prevents us from discussing and debating at least 100 amendments, 100 ideas, perhaps even 100 programs at different ways to look at and try to improve access to college education for thousands and thousands of individuals in our country who will be left out and left behind, with no, or virtually no, hope of ever reaching mainstream society because they would not have had the chance.

Yet, philosophically, when we think of education, I was thinking of something that Abraham Lincoln was supposed to have said at one time, and that is, that education makes a man easy to lead but difficult to drive, easy to govern but impossible to enslave.

So we should have been trying to provide the highest level of opportunity for every individual in our country to grasp for that great opportunity.

□ 1045

I had two amendments that I consider to be very minor, meager amendments that I had hoped to have made in order. One of them would have restored Pell Grants to thousands of individuals who are currently incarcerated with little skill, little training, and little possibility without the additional education. And yet that amendment, and we are the most incarcerated Nation on the face of the Earth, with more than 2 million people languishing in jails and prisons, knowing full well that most of them will return within a short period of time if they do not acquire some of this great opportunity that we call education, that amendment, unfortunately, was shot down.

The second one would have provided a modest sum of money, only $25 million, for predominantly black student-serving institutions that are serving a low-income population, most of them being the first in their family to have a chance to go to college. The schools they attend do not qualify as part of the historically black college and university network, and yet they will not be allowed to get the little additional resources.

I do want to thank Mr. PICKERING for his cosponsorship of this amendment. Hopefully, if it didn't make it this round, of course we will be back and hopefully, eventually, it will happen.

I did have one amendment, and I am grateful to the majority for including that idea in the manager's amendment, to have the Secretary of Education take a hard look at why there is such a heavy disparity between African American males, for example, who are attending colleges and universities and other parts of the American population.

When we look at the bill in every way that we can, and I know that I have heard my colleagues come to the floor and say that this is not a raid on student aid; that this is expanding opportunity; that this is making education more affordable, I know that they believe what they are saying. I just can't figure out which playbook they are reading from when you take a government that takes away money and gives back tax dollars to the wealthy.

Education is so vitally important that we do ourselves and we do this Nation a disservice when we prevent any individual from having an opportunity to acquire it.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, it is with great disappointment today that I rise to voice my opposition to the rule and the underlying bill. Higher education has become more important than ever in ensuring America's economic prosperity, national security, and health. A quality college degree is the cornerstone of the American Dream, opening the doors of opportunity and professional fulfillment.

For decades, the Federal Government has been a partner with States and colleges in creating opportunity and access to college, especially for middle- and lower-income students. But today, just 2 months after the Republicans voted to raid Federal student aid by $12 billion, a vote which passed by only two votes, Republicans once again are pushing through a higher education bill that does not help American families pay for college. Why? Well, it is because the Republican Party is apparently more interested in tax cuts for corporations and for oil companies.

Traditionally, the Higher Education Act has enjoyed widespread bipartisan support. But today, instead of meaningful debate about the future of our students and our country, a debate that would provide accountability and access and opportunity, we find that debate has been blocked by the Republican majority.

The Higher Education Act should be about creating access to vocational training and college for millions of America's students and adults who find themselves having to get reeducated in this tough economy. The reauthorization law should serve as an opportunity to improve the current law and make college more accessible.

Unfortunately, the underlying bill does nothing to make college more affordable, and in fact it raids student aid. And it does this at a time when tuition is rising faster than the rate of inflation; at a time when financial aid for America's families is not keeping up with the rising cost of a college education; and at a time when this Congress will be voting for tax giveaways for the Nation's wealthiest. In other words, as a former teacher, I give this higher education bill a failing grade. And it gets a failing grade because it misses the opportunity to promote students' abilities to afford college and to make America more economically secure.

This dramatic rise in tuition that I spoke about earlier over the past decade can only be explained by our lack of participating and making college more affordable at a Federal level, but also many of our States also get a failing grade for their participation in making higher education affordable for all students. When we put the dream of a college education out of reach for Americans, America suffers. When we put the dream of being able to afford a college education out of reach for Americans, our students suffer.

In the Rules Committee, I offered an amendment, along with Mr. TIERNEY, that would have presented a real solution to the college affordability issue, offering an achievable goal for the Federal Government to work in partnership with States to have accountability, to provide the opportunity for the American Dream for millions more families. Unfortunately, this opportunity was missed when our amendment was ruled out of order. We would have ensured that students and colleges in my district and districts all over this country would have invested in a competitive fashion in order to make our students and our country more able to compete in the future.

Why has Congress backed away from their future? Well, the answer is simple. Congress backed away because they wanted to take $12 billion that could have been put back into the higher education bill. They raided that $12 billion and gave it to corporations.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding.

Mr. Speaker and Members of the House, later today this House will have an opportunity to reverse one of the more egregious things that we have done, or those who voted for it have done, against the interest of America's economy, of America's institutions of higher education, for the students who are attending them, and the families that are supporting them. And that was when earlier this year in the budget reconciliation bill, this Congress, under Republican leadership, cut $12 billion out of the student aid accounts and foisted a higher cost onto students and their families at the exact time when the increased cost of college education is outstripping the ability of those families to afford that education.

We are starting to see an increasing number of young people who are fully qualified, who would fully benefit from a college education who are now deciding maybe they can't do it because they can't afford it. The exact purpose of the Federal Government's involvement in helping to finance higher education for America's students is to make sure that no qualified student is turned away from that opportunity because of cost.

So today, in our substitute, we will have the opportunity to make a down payment on reversing those costs for those families and those students most in need. And what we will do is we will cut the new interest rate that is going to go into place in July at 6.8 percent on these loans. We would reduce that to 3.4 percent, and this would be a down payment for 1 year. We obviously hope that the Congress would follow on and continue that effort so that these students can afford that education.

It is just incredible what was done in that budget reconciliation. Over 70 percent of the net savings that comes from excessive fees that we identify, and excessive interest rates that are charged to families and to students, rather than return what are identified as excessive rates to those families so they can help pay for their college education, we took those, the Congress took those, the Republicans took those and gave them in tax cuts to the wealthiest people in the country.

So these people will continue to pay excessive interest rates, but they will not get it returned to them. It will go to pay for the tax cuts. They want to say it is for deficit reduction. It wasn't for deficit reduction. It was to pay for the tax cuts, either the tax cuts for the oil companies or the tax cuts for the wealthiest people in this country.

So it is very important that all Members give very serious consideration to this substitute. It will be offered by myself and Mr. KILDEE, Mr. BOBBY SCOTT, DANNY DAVIS, and Mr. GRIJALVA as a way of doing this. It also provides for establishing a new predominantly black-serving institutions program to boost college preparation rates among low-income black students, and it also provides for increasing the tribal college minimum grants. It stabilizes tribal college construction to ensure that the funds for construction under the Higher Education Act are guaranteed.

It takes a number of the provisions that are in the underlying bill that help Hispanic teaching institutions and gets rid of the single-lender rule so that people can have an option about where they go to refinance and renegotiate their college loans.

But it is a very important substitute. It is, in fact, a down payment on behalf of American students, on behalf of America's families, and on behalf of America's economy. It is about economic and national security because it ensures that young Americans with a lot of talent will not be shut out of college because of the increased cost imposed upon them by the Republicans' actions earlier this year in the Budget Reconciliation Act.

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the subcommittee chairman.

Mr. KELLER. I thank the gentleman for yielding.

The Higher Education Act that will be reauthorized today by this House is a good bill because it strengthens the Pell Grant program, it expands Perkins loans, and it increases access to college for millions of people.

Now, we have just heard from the other side that they have a substitute that is better, called Reverse the Raid on Financial Aid. Now, let's just take a look at whether this is an actual true statement, whether the Republican Party has been raiding financial aid.

I have here a chart that shows the history of Pell Grants for the past 20 years. And of course Pell Grants are the heart of this higher education reauthorization bill. Shown here in yellow are the Pell Grant funding levels when the Democrats were in control of the Congress. Shown here in red are when Republicans have been in control in Congress.

Looking at this over the past 20 years, does it really look like Republicans have raided financial aid? Are you kidding me? You can easily see from these figures that under a Republican Congress financial aid has increased dramatically.

□ 1100

In fact, if you look at the last 3 years when Democrats were the majority in Congress, you see something pretty interesting. You see, in 1992, they had funded Pell Grants at $2,400, and then they got a Democrat President in the White House, Bill Clinton. And with a Democrat President and a Democrat House of Representatives, what happened next? They cut Pell Grants 3 years in a row.

And then they come before us today with this partisan slogan and election-year double talk saying we have raided financial aid. Don't believe the hype. Not one student in America will receive less financial aid under this bill, not one.

They say, well, tell you what, instead of the 6.8 percent that all of the Democrats agreed to back in 2002 as part of a bipartisan compromise that fixes the interest rate, let's now for the first time in the interest of election year politics say we will give students a 3.4 percent interest rate which will cost $2.7 billion for 1 year. How do they pay for it? They don't tell us. They don't have any way to pay for it. Why not just say zero percent? That sounds even better, but it is irresponsible, and it breaks an agreement they made that was bipartisan and was in compliance with what student groups said.

Now, let me show how we have fared with the Pell Grant program since President Bush has been in office. Actually, I need another chart, if I can have it. While they are pulling that chart, I will just tell Members what it is.

In the year 2000, when I was elected and President Bush was elected, we funded Pell Grants at $7.6 billion. This past year, we funded Pell Grants at $13 billion, a 71 percent increase in Pell Grant funding. Yet what slogan do we hear from the other side? Reverse the raid on financial aid. It is crazy.

The next figure, I will show, if my chart were here, that, in 2000, the maximum award was worth $3,300 per student. This year, it is $4,050, and under this bill, we provide an additional $1,000 taking up to $5,050 for those high achieving, low-income students.

Finally, since 2000, we have seen a 36 percent increase in the number of students able to get Pell Grants. In 2000, we had 3.9 million students. This year, we have 5.3 million students. So not only have we dramatically increased the funding for Pell Grants, we have been able to do it despite the dramatic increase in the number of students.

For Members to appreciate how big a jump this is to go from $3,300 to $4,050, let me explain it. Every $100 that we increase the maximum Pell Grant award costs us $420 million. We have made the most historic and largest increases in the history of the Pell Grant program; and the other side has nothing to say except "reverse the raid on financial aid."

Mr. Speaker, this is a darn good bill. It increases funding for Pell Grants. It expands the Perkins Student Loan Program, and it is going to help millions of students go to college who otherwise would not have the opportunity. I urge my colleagues to vote "yes" on this fair rule and vote "yes" on this excellent bill.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are here this morning to continue debate on a bill that forms the backbone of the opportunities our Nation's students may have at our Nation's colleges and universities. We must get it right which is precisely why this House must reject the rule before us.

As I reminded my colleagues yesterday, the House reauthorized the Higher Education Act in 1992 and in 1998 in a very different way than we have seen in the 109th Congress. Historically, any amendment to the Higher Education Act that was printed in the CONGRESSIONAL RECORD ahead of time could be offered on the floor.

The broad consideration those rules provided yielded reauthorization measures with broad support in the House. Each of those years, the rules, the bills and the conference reports passed either by voice vote or by overwhelming margins.

So my colleagues will forgive me when I place the historical record on reauthorization next to this year's bill and ask: What happened?

Instead of a bipartisan bill, we see the Higher Education Act torn in two by the majority, solely so some of its provisions could be used to cut more than $12 billion from student aid partially to finance the majority's tax cuts. Instead of careful floor consideration of several different policy approaches, we saw 118 amendments submitted to the Committee on Rules but only 23 amendments were made in order.

Mr. Speaker, I include for the RECORD a list of all of the amendments to H.R. 609 submitted to the Committee on Rules but not made in order under either of the two rules.

Andrews (NJ)—No. 97—(Late) Requires institutes of higher education to request emergency contact information on enrollment forms.

Andrews (NJ)—No. 98—(Late) Allows students, whose parents refuse to provide financial information on FAFSA forms, to receive unsubsidized loans.

Andrews (NJ)—No. 99—(Late) Provides right of action for students to sue IREs for violations of privacy rights.

Andrews (NJ)—No. 100—(Late) Provides that federal aid be given without regard to university aid, which could then be given on top.

Andrews (NJ)—No. 101—(Late) Requires personal computers that are disposed of by IHEs be fully scrubbed of all personal information.

Andrews (NJ)/Price (GA)—No. 105—(Late) Requires IHEs to distribute materials on meningitis to new students along with the other general disclosures they are required to provide.

Andrews (NJ)—No. 106—(Late) Protects the award levels of institutions that report at least at 75% of their students come from families with incomes that are within 150% of the poverty line.

Andrews (NJ)/Price (GA)—No. 117—(Late) Requires IHEs to distribute materials on meningitis to new students along with the other general disclosures they are required to provide.

Berman (CA)/Bono (CA)/Goodlatte (VA)/Hoyer (MD)—No. 61—Requires colleges and universities to report whether they are taking steps to prevent illegal downloading of copyrighted material on their campus information technology systems.

Bishop (UT)—No. 32—(Withdrawn) Ensures that state and local education officials, as well as private schools and parents of home schooled students, retain control over secondary school curriculum for purposes of eligibility under the new Academic Competitiveness Pell Grants program. Potential control over this curriculum was improperly given in-part to the Secretary of Education by the portion of the Deficit Reduction Act of 2005 which created this program.

Bishop (NY)—No. 34—Increases oversight on the administration of the ability to benefit test.

Bishop (NY)—No. 36—Blocks any Department of Education funds from being used to recall Perkins loan funds.

Bishop (NY)—No. 37—Extends the Tuition Deduction for Higher Education through 12/31/2011.

Cole (OK)/Payne (NJ)—No. 2—(Withdrawn) Strikes Section 402(c) from the bill to eliminate the 10 percent set aside for novice TRIO applicants.'

Davis (IL)/Owens (NY)/Pickering (MS)—No. 80—Includes predominantly black institutions into existing higher education efforts to strengthen the ability of minority-serving institutions to attract, retain, and graduate low-income students.

Davis (IL)—No. 81—Re-extends Pell eligibility to individuals in prison in an effort to increase successful transitions into the community and reduce recidivism.

Davis (IL)—No. 82—(Withdrawn) Revises the study on minority graduation rates that was included in H.R. 609 as reported by Committee to be consistent with recommendations made by the Department of Education and the National Center for Education Statistics.

Davis (CA)—No. 14—Prevents contributions made by military service members to the Montgomery GI Bill (MGJB) program from causing any reductions to a veteran student's eligibility for federal student financial aid.

Emanuel (IL)—No. 16—Provides grants to states and local education agencies seeking to create teacher preparation activities. In order to qualify, agencies must have a written agreement with a local college or university where the teaching residents will enroll and complete a Masters Degree in teaching; teaching residents will spend no less that 10 months in a classroom with an experienced mentor teacher; and teaching residents must sign a written agreement with the local education agency agreeing to teach in that district for a minimum of five years.

Emanuel (IL)—No. 17—Instructs the Secretary of Education to reduce the number of questions on the Free Application for Federal Student Aid (FAFSA) form by 50 percent within 5 years.

Emanuel (IL)—No. 18—Simplifies the application process for the neediest students with automatic qualification for the maximum aid awards through federal means tested programs (such as Free and Reduced Price School lunches). Raises the automatic zero income threshold to $25,000 (from $20,000) and adjusts the threshold annually according to the Consumer Price Index. Also eliminates certain nontaxable income data elements from the FAFSA form.

Emanuel (IL)—No. 19—Restores the $12 billion to student aid programs that the Deficit Reduction Act cut.

Engell (NY)—No. 88—(Late) Expresses the sense of the House of Representatives that, in an effort to raise awareness about sexual assault, all colleges and universities should provide a training course to incoming students to educate them on sexual assault.

Etheridge (NC)—No. 47—Adds Fayetteville State University to the list of schools eligible for funding under Title III B of HEA.

Fattah (PA)—No. 107—(Late) Establishes a new and distinct Dual Emollment Section as an addendum to the current GEAR UP program. This section is essentially an additional programmatic element that would specifically target resources and services towards the promotion of dual enrollment among low income students participating in GEAR UP programs throughout the country. The language was drafted in a manner that adds a new section to GEAR UP, and attaches a separate appropriation for this section, $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of the succeeding five years. In short, dual/concurrent enrollment is defined as the practice by which high school students may enroll in college courses while still enrolled in high school. Students receive college credits but are not required to apply for admission to the college in order to participate.

Fattah (PA)—No. 108—(Late) Adjusts the minimum scholarship amount in which grantees are required by law to distribute in accordance with the requirements of the program from the maximum Federal Pell Grant to the minimum Federal Pell grant awarded.

Fattah (PA)—No. 109—(Late) Creates legislative action to take precedence over current agency regulations which prevent new funds appropriated under new authorizing legislation to be used to provide services under old authorizing legislation. With this amendment, funds will be permitted for use with current GEAR UP students who have not yet graduated from high school.

Gingrey (GA)—No. 104—(Withdrawn) Ensures economically eligible students enrolled in a full-time, university level, academically gifted program, but are of traditional high school age, qualify for Pell Grants. Students affected by the amendment are full time university students who reside on campus as a requirement of the gifted program. The students do not attend high school courses, nor will they return to a high school classroom as a student.

Grijalva (AZ)—No. 58—Offers loan forgiveness for teachers who work in schools located on Native American reservations or in Indian Country who complete five years of service.

Grijalva (AZ)—No. 59—Offers loan forgiveness for educators working at high poverty

(Title I eligible) and large free-and-reduced lunch population Border Schools within the 100 mile region of the U.S.-Mexico border who complete 5 years of service. Seeks to reduce the burden of student debt for Americans who dedicate their careers to service in areas of national need along the border.

Grijalva (AZ)—No. 60—Offers loan forgiveness for teachers who work in rural schools located in low-income communities who complete five years of service.

Holt (NJ)/Bishop (NY)—No. 33—Rebates students who lost Pell Grant eligibility due to changes in the state tax tables, and replaces the tax tables with the highest income protection allowance.

Holt (NJ)—No. 50—Authorizes $15 million in grants to institutions of higher education to establish programs that encourage students to develop foreign language proficiency as well as science and technological knowledge. Eligible institutions will develop programs in which students take courses in science, math and technology taught in a foreign language. Funds will also support immersion programs for students to take science and math courses in a non-English speaking country.

Holt (NJ)—No. 51—Creates the opportunity for school systems to complete a Needs Assessment in science, mathematics, and foreign languages to guide teacher professional development and classroom improvement. The Needs Assessment will include as many education stakeholders as possible, including teachers, administrators, parents, school boards, businesses, institutions of higher education, professional associations, and others as determined by the community. The purpose of the Needs Assessment is to properly direct funds and energy to necessary and ambitious teacher professional development and classroom improvement.

Holt (NJ)—No. 52—Creates year-round professional development for mathematics, science, vocational education, and technical course teachers inspired by reports like the NAS' "Rising Above the Gathering Storm" and the Glenn Commission's "Before Its Too Late". The process begins with a two week summer institute at an institution of higher education targeted to improve content knowledge of, grade level teaching of, and the use of technology in the disciplines in which they teach. The professional development continues with meetings to discuss new scientific, industrial, and academic research and how to incorporate it into classroom practice. Additionally, an online community is created to further foster a collaborative learning community amongst teachers that exceeds the limits of a once a month gathering.

Hooley (OR)—No. 46—Creates a Technology Education State Stimulus Scholarship Program, that will allow the Secretary of Education to award grants to States to provide supplementary scholarships to students for study at the postsecondary level in science, math, engineering, or a related field.

Inslee (WA)—No. 25—Seeks to retain Head Start and Early Head Start teachers by increasing the level of discretionary loan forgiveness from $5,000 to $17,500 (the level for math and science teachers). Seeks to address the unfunded mandate passed in School Readiness Act (H.R. 2123) requiring 50 percent of Head Start and Early Head Start teachers to obtain a bachelor's degree in early education by 2011.

Inslee (WA)/Wu (OR)—No. 26—Instructs the Advisory Committee on Student Financial Assistance (ACSFA) to assess the increasing cost of college textbooks and the effect on access to higher education, and to recommend strategies for reducing the costs. Currently, ACSFA operates within the Department of Education to advise and counsel Congress and the secretary of education on student financial policy, focusing only on financial aid. Allows the ACSFA to consider total costs, including textbooks, that may affect overall costs and access to postsecondary education.

Israel (NY)—No. 66—Requires the Department of Education to study and report on methods of encouraging centers of higher education, and their students, to study topics and regions important to our nation's national security, such as Islamic studies and China studies.

Israel (NY)—No. 67—Directs the Secretary of Education to match, on a 1:1 basis, any funding set aside by National Security Education Trust Fund (NSETF) for the National Security Education Program, thereby doubling the funding of this program.

Israel (NY)—No. 68—Directs the Secretary of Education to make grants to eligible members of the Armed Services to pay tuition and other authorized fees to an educational institution in which the service member is enrolled. The funds made available for these grants shall match, on a 1:1 basis, funding set aside by the Secretaries of the military departments.

Israel (NY)—No. 20—(Withdrawn) Requires the Department of Education to study and report on methods of encouraging centers of higher education, and their students, to study topics and regions important to our nation's national security, such as Islamic studies and China studies.

Jackson-Lee (TX)—No. 73—Expresses the Sense of Congress encouraging publishers, professors, and universities to ensure accessibility of braille textbooks for blind or vision-impaired students.

Jackson-Lee (TX)—No. 74—Commissions a study of students in higher education with learning disabilities.

Jackson-Lee (TX)—No. 55—Increases the maximum Pell grant from $6,000 to $7,350.

Jefferson (LA)—No. 38—Seeks to provide an additional semester of Pell Grant eligibility to college students who (1) attended school in an "area affected by the Gulf hurricane disaster"; (2) were dependents whose parents lived and were employed in the area; or (3) whose education was interrupted by the disaster. Also directs the Secretary of Education to increase the annual loan limits by $3,500 for affected students; eligible students may elect to apply the loan increase to either the 2005-2006 or 2006-2007 school years.

Jefferson (LA)—No. 110—(Late) Establishes a low-cost relief loan program to make available low-cost, long-term, guaranteed loans to eligible institutions of higher education for expenses relating to the losses incurred during and after the gulf coast hurricane disasters including: construction and rehabilitation, faculty salaries and benefits and to supplement the institution's operations. The loan should be repayable over 50 years and the Secretary will determine the loan amount.

Johnson, Eddie Bernice (TX)—No. 64—Expands anti-discrimination measures to preclude institutions of higher education from using Federal financial assistance to perform any study or fulfill any contract that prohibits persons of a particular color, ethnicity, religion, gender, gender identity, sexual orientation or national origin from performing that study or executing that contract. Institutions are not prevented from conducting objective studies pertaining to discrimination or including the subject of discrimination' in its curriculum.

Johnson, Eddie Bernice (TX)—No. 65—Expands Pell grant eligibility to children who lost a parent or guardian as a result of the conflicts in Iraq or Afghanistan. These children will be eligible for the maximum amount of Pell grant assistance.

Johnson, Eddie Bernice (TX)—No. 62—Changes eligibility standards for Academic Competitiveness Grants by requiring recipients to also be Pell recipients, as opposed to the current requirement of Pell eligible. Academic Competitiveness Grants are not to exceed that of a student's Pell grant, with first year awards adjusted from $750 to $1,000, and second year awards adjusted from $1,300 to $1,050. Academic Competitiveness Grant recipients will be given top priority for SMART Grants.

Johnson, Eddie Bernice (TX)—No. 63—Expands Pell grant eligibility to children who lost a parent or guardian as a result of Hurricanes Katrina or Rita. These children would be eligible for the maximum amount of Pell grant assistance.

Kind (WI)/Van Hollen (MD)—No. 30—Reinstates the eligibility of undergraduates in Section 602(b), Foreign Language Area Studies (FLAS) fellowships, for advanced level training in foreign language, world area, and other international studies. It also clarifies that undergraduates may use the fellowships while studying abroad.

Kind (WI)/Holt (NJ)—No. 31—Provides institutions of higher education with grants to institute creative and innovative ways of encouraging students to study and enter into careers focused on math, science, engineering, and technology.

Lantos (CA)—No. 24—Makes a technical correction to the Graduate Assistance in Areas of National Need (GAANN) program to clarify Congressional intent that a Masters Degree level institution or program is eligible to be the lead recipient of a grant under the GAANN program.

Lee (CA)—No. 15—Makes school counselors, school social workers and school psychologists eligible for student loan forgiveness program and identifies them as an "in need" profession in our elementary and secondary schools.

Lewis (KY)—No. 49—(Withdrawn) Strikes a provision from the legislation to allow states to become accreditors of independent colleges and universities. Regional accrediting entities now assure that colleges and universities are meeting standards. Prohibits state intervention into private and independent colleges and universities.

McCarthy (NY)—No. 21—Requires teacher preparation programs to publicly report on the number and type of teachers they are preparing.

McCarthy (NY)/Andrews (NJ)—No. 22—Includes nursing schools in Section 102, "Institutions Outside the United States".

McCarthy (NY)—No. 23—Creates a pilot program to increase the number of graduate educated nurse faculty to meet the future need for qualified nurses.

McCollum (MN)—No. 75—Requires colleges that participate in Federal financial aid programs to disclose information to students and the Department of Education about the college's compliance with U.S. regulations that prohibit bonuses to admissions counselors for their recruitment efforts.

McCollum (MN)—No. 96—(Late) Strikes Section 204 and related sections. This amendment strikes the Teacher Incentive Fund provisions and requires the Secretary of Education to direct any funds appropriated for the Teacher Incentive Fund to financial assistance to higher education institutions located in areas affected by Hurricanes Rita and Katrina.

Millender-McDonald (CA)—No. 4—Makes mentoring a component of the community services programs under work-study. The program can be coordinated between the eligible institution and the public and private organizations and entities that will participate in providing mentoring for children in foster care (such as faith-based organizations, foster care/adoption agencies, children's groups, State Departments of Social Services, public school systems).

Millender-McDonald (CA)—No. 3—Directs the Secretary of Education to advocate for and support the addition of foster-care mentoring programs as part of the independent study requirements if such independent study requirements are required for graduation in the following areas of Education, Sociology, and Psychology at 4-year or 2-year intuitions. The duration of the program would be as outlined by academic requirements for graduation.

Millender-McDonald (CA)—No. 6—Clarifies the due process owed to educational institutions throughout the accreditation process. The amendment would: (1) provide express Congressional definition of minimum due process for educational institutions; and (2) require key accreditation decision making to be made in public and after an opportunity for public comment.

Miller (NC)/Bishop (NY)—No. 89—(Late) Establishes a pre-competitive innovation investment grant program that will assist colleges and universities in establishing precompetitive technology transfer centers.

Miller (CA)/McCarthy (NY)—No. 91—(Late) Offers up-front tuition assistance to undergraduates committed to a teaching career, and seeks to establish teachers infields like math and science. Establishes grants with which local districts can provide competitive salaries to their best teachers in the most high-need areas.

Norton (DC)—No. 93—(Late) Amends title III of the Higher Education Act of 1965 to include the University of the District of Columbia as an eligible institution in Section 326 to receive funding for its qualified graduate programs.

Norton (DC)—No. 95—(Late) Amends Section 496 to clarify the current statutory due process requirements, require cited institutions to receive notice of the deficiencies and be provided the opportunity to respond, grant cited institutions the right to assistance of counsel, and change the final appeals procedure to provide an alternative dispute resolution component.

Petri (WI)/Miller (CA)—No. 27—Inserts at the end of part G of title IV of the bill, the provisions of HR 1425, the Student Aid Reward Program.

Ryan (OH)—No. 8—Requires the Education Secretary to award grants of not more than $25,000 each on a competitive basis to not more than 20 institutions of higher education to enable those schools to determine the feasibility of operating a course material rental program on their campuses. The feasibility studies would determine the effectiveness and cost of a program which expands the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

Ryan (OH)—No. 7—Requires institutions of higher education to waive academic progress requirements for interruptions of study caused by active military service.

Sanchez, Loretta (CA)—No. 111—(Late) Adds language so that paragraph 4 of section 513 enables students receiving financial assistance to receive some sufficient to cover elevated costs of living that exist in some regions.

Sanchez, Loretta (CA)—No. 112—(Late) Adds language so that SECTION 131(b)(1) will require the website to provide, along with other data elements of importance, information which will be useful to minority student populations. For example, by including Hispanic Serving Institutions as a search criterion in the website's college search, students will be able to target the universities which may provide scholarships or areas of study of their preference.

Sanchez, Loretta (CA)—No. 113—(Late) Adds language so that SECTION 131(b)(3)(B) reads as follows: "includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families; in both English and Spanish". This amendment will require all the information in the website to be presented in both English and Spanish.

Sanchez, Loretta (CA)—No. 114—(Late) Adds a new paragraph so that the new SECTION 131(c)(2) requires the schools in the website to present a list of scholarships they offer. This will help students who are eligible for specific scholarships to identify institutions who offer that specific type of scholarship.

Sanchez, Loretta (CA)—No. 115—(Late) Adds language so that SECTION 131(d) will require the information under this section to be in both English and Spanish.

Sanchez, Loretta (CA)—No. 116—(Late) Adds language so that SECTION 401A(a)(1) will oblige recipients of federal student aid to receive some instruction in financial literacy and responsibility to better manage their financial aid.

Scott (GA)/Drake (VA)/Weiner (NY)—No. 69—Establishes a student loan repayment program within the Department of Education for borrowers who agree to remain employed, for at least three years, as public attorneys who are: (1) State or local criminal prosecutors; or (2) State, Local, or Federal public defenders in criminal cases. The repayment under this program will be limited to $6000 per calendar year and $40,000 total.

Scott (VA)—No. 83—Requires degree granting institutions to collect hate crimes data using the same crime categories that the FBI is required to use under the Hate Crime Statistics Act of 1991.

Strickland (OH)—No. 70—Requires that the maximum authorized Pell grant award increases every year by a percentage equal to the percent increase in the cost of higher education, according to the Price Indexes for Personal Consumption Expenditures by Type of Product of the Bureau of Economic Analysis of the Department of Commerce.

Strickland (OH)—No. 71—Defines and sets minimum standards for "educational organizations" eligible for teacher education partnership grants under Title II of the bill.

Strickland (OH)—No. 53—Expands the loan forgiveness program for FFEL and DL borrowers to all teachers working in low-income schools who became first-time borrowers on or after October 1, 1990.

Stupak (MI)—No. 78—Provides Federal student loan relief to borrowers who go into school administration in low-income school districts. Applies to any borrower who has been employed as a full-time school superintendent, principal, or other administrator for five consecutive complete school years in a school district in a low-income area.

Tierney (MA)/Kind (WI)—No. 76—Prohibits the campus-based aid funding formula changes from taking place until the Secretary of Education certifies that sufficient funding has been appropriated so that no school loses money.

Tierney (MA)/McCollum (MN)—No. 40—Provides incentives to make tuition affordable. Provides that any institution of higher education that keeps its net tuition price increase below the Higher Education Price Index receives a 25 percent increase to the Pell Grant award of its Pell Grant recipients and any institution that guarantees net tuition price increases below the Higher Education Price Index for five years receives a 10 percent increase to the Pell Grant award of its Pell Grant recipients. Institutions that raise net tuition price by more than the Higher Education Price Index shall submit a report explaining the causes of such an increase and detailing a plan for preventing such increases in the future.

Tierney (MA)/McCollum (MN)—No. 41—Commissions the National Research Council to conduct a national study to determine the viability of developing and implementing standards in environmental, health, and safety areas to provide for differential regulation of industrial laboratories and facilities, on the one hand, and research and teaching laboratories on the other. The National Research Council shall make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

Tierney (MA)/McCollum (MN)—No. 42—Creates an articulation agreement demonstration program, monitored by the Department of Education, to encourage institutions of higher education to enter into articulation agreements or consortia groups, as a means to lower tuition prices to students.

Tierney (MA)/McCollum (MN)—No. 43—Renews states' commitment to affordable college education by ensuring that they maintain their own level of college financing. Gives students and families access to accurate information about the cost of college and steps individual schools are taking to offer affordable rates of tuition.

Tierney (MA)—No. 44—Commissions a study by the Advisory Committee on Student Financial Assistance to examine the adequacy of current financial aid programs and the extent to which every qualified eligible student receives a sufficient comprehensive financial aid package from all sources, induding aid from Federal financial aid programs under this title, state financial aid programs, institutional financial aid programs, and privately-funded grant aid programs.

Tierney (MA)/McCollum (MN)—No. 45—Commissions a GAO Study on college costs and the relationship between state, Federal and institutional support for higher education and college costs.

Waters (CA)—No. 118—(Late) Seeks to condition the eligibility of private, post-secondary institutions as "institutions of higher education" for purpose of funding under the Act on the obtainment of at least 10 percent of its total funding from sources other than Title IV.

Waters (CA)—No. 56—Extends eligibility for Centers of Excellence program funds to states in which a major disaster has occurred under Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for a period of two years following the date of Presidential declaration.

Wu (OR)/Simmons (CT)—No. 9—Allows student loan borrowers to refinance their student loans. Upon reconsolidation, the borrower would get a variable rate with a cap of 6.8 prcent.

Wu (OR)/McGovern (MA)—No. 10—Increases the Pell Grant award to $8,000 through the use of mandatory funds over a period of 5 years.

Mr. Speaker, I ask my friends on the other side of the aisle, why doesn't Mr. INSLEE deserve a floor vote on his proposal on Head Start teacher loan forgiveness? Why prevent public discussion of Mr. MCGOVERN's and Mr. WU's proposal that we increase Pell Grant awards? Or the amendment from Mr. MILLER and Mr. PETRI that would provide $12 billion in student aid without costing the taxpayers a dime?

Clearly, their ideas would have at least made it to the floor for the debate in 1992 and 1998. So have these Members simply shown up to the wrong section of Congress, or does the majority feel that these amendments might be sound policy and pass?

Members on both sides of the aisle decry the lack of bipartisanship in the House every day, but what are we doing to really embrace bipartisanship? We should be able to agree that every Member of this body deserves time to offer his or her suggestions on something as fundamental as our Nation's education policy. Sadly, that is not the case this morning.

Mr. Speaker, I urge all Members to reject the second rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

As we have seen today, Dan Quisenberry was right: The future is much like the past, only longer.

Yesterday the debate on the underlying bill provided ample discussion, and we realize that the underlying bill is one that has the one goal, the most important goal, to expand the number of kids who have the opportunity of fulfilling their college dream, with a special emphasis on new students coming into the system and those who accelerate their study programs in some particular way.

If I can speak for the chairman of the committee, I believe at that point that part of the discussion was done in a very bipartisan manner in the committee.

Mr. MILLER, the ranking member, will give a comprehensive alternative program and have 30 minutes of debate, and he can include anything he wishes to include in that. We are offering plenty of debate on this particular bill.

I would like to say something simply about the rule itself and the process of the rule. If we extend the logic of some who are saying everything should be an open rule, realizing we have four times the number that are in the Senate, we move ourselves into a structural system where we start to emulate the Senate process which should strike fear in the hearts of Members just on that concept.

Prior to the War of 1812, we had always had committee work done in the House. It was Speaker Clay who instituted standing committees and formulated a structural policy that the House has used since that time to try to use committees in a different way than our sister body on the other side of this Capitol to try to put a greater emphasis on committees so that Members would become specialists in areas. They would have expertise. In committee, you can have expert testimony in the hearing to assist, and in the committee with expertise in that area, Members could sit down and work through bills before they actually came to the House.

There was for this particular bill 79 amendments discussed in the committee, half as many of those amendments in the subcommittee on this particular bill with endless discussion. It was a thoroughly vetted and discussed bill. I would add, of the 117 amendments that then came to the Committee on Rules for further discussion here on the floor, 68 of those were from members of the committee who already supposedly discussed that. Multiple amendments were either withdrawn, were duplicative, or had jurisdictional problems. And more important, many of those amendments presented in the Rules Committee had been discussed and defeated in the committee of jurisdiction.

As I look at some of the amendments that were proposed: No. 97 was defeated on a rollcall vote; No. 98 was withdrawn in committee; No. 100 defeated on a voice vote; No. 101 was defeated in a rollcall vote; No. 80 was defeated on rollcall vote; No. 27 defeated on a rollcall vote; No. 83 defeated on a voice vote; No. 43 defeated on a rollcall vote; and No. 45 was actually incorporated into the bill. Amendment No. 9 was defeated twice, once in the subcommittee and once in the committee and then, once again, presented on the floor.

What the Rules Committee is trying to do is cull through the process in the committees where this discussion should take place with people who have expertise and people who have developed competence in that particular area, not replicating the entire thing on the floor, which is why if you look at the rules for both yesterday and today, they are both rules which reward bipartisanship for indeed half of the amendments made in order were either Democrat or bipartisan amendments at that particular time.

One of the greatest managers of all time, Casey Stengel, once talking about who I still think is the best second baseman in the history of the Yankees' organization, Bobby Richardson, said he was amazed because the guy doesn't drink, he doesn't smoke, he doesn't stay out late, and he still can't hit .250. That is a wonderful non sequitur. Not staying out late, not drinking, not smoking makes you healthy and perhaps play longer but it has nothing to do with the ability of hitting a curve ball.

Oftentimes when we come here with amendments on the floor, we bypass the concept of the bill with some amendments or processes that I think are non sequitur.

Talking about the various kinds of teachers in various disciplines that we can enhance is good, is worthwhile and wonderful, but this bill is about how kids can have better access to a college education.

Talking about increasing the potential of lender profits is great for the lenders, but this bill is about how you expand the number of kids who can get a college education.

Having an amendment that deals with National Resource Council to have an environmental health and safety study is a wonderful concept and a worthwhile goal, but it is not the purpose and the function of this bill.

I hope as we go through this process we recognize what the Rules Committee tried to do is focus in on what the purpose of this bill is. The purpose of this bill is to try to help more kids get a college education. In that regard, I think this rule moves us in that direction and the underlying bill supports that.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 20, as follows:

[Roll No. 75]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier

Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Cardoza
Clay
Davis (FL)
Evans
Gilchrest
Issa
Jackson-Lee (TX)
Marshall
McKinney
Meeks (NY)
Miller (FL)
Owens
Oxley
Rangel
Ruppersbe·ger
Schakowsky
Sweeney
Waters
Watson
Whitfield

□ 1144

Messrs. STUPAK, BUTTERFIELD, DOGGETT, and CUELLAR changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1145

PRIVILEGES OF THE HOUSE—PRIVILEGED RESOLUTION REQUIRING ETHICS INVESTIGATION OF MEMBERS OF CONGRESS BRIBED BY REPUBLICAN LOBBYIST JACK ABRAMOFF

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas, it has been two years since credible reports of misconduct by Mr. Jack Abramoff and Members of Congress began appearing regularly in the public record, including reports closely linking Republican Members of Congress with the documented misconduct of Mr. Abramoff;

Whereas, in the first session of the 109th Congress, for the first time in the history of the House of Representatives, the rules of procedure of the Committee on Standards of Official Conduct were changed on a partisan basis, the Chairman of the Committee and two of his Republican Colleagues were dismissed from the Committee, the newly appointed Chairman of the Committee improperly and unilaterally fired non-partisan staff, and the Chairman attempted to appoint supervisory staff without a vote of the Committee in direct contravention of the intent of the bi-partisan procedures adopted in 1997;

Whereas, because of these actions, the Committee on Standards of Official Conduct conducted no investigative activities in the first session of the 109th Congress and has not yet conducted such activities;

Whereas, the Senate Committee on Indian Affairs and the Senate Committee on Finance have both undertaken investigations of Mr. Jack Abramoff's activities, yet no House Committee has begun any such investigation;

Whereas, on March 29th, 2006, Mr. Jack Abramoff was sentenced to 5 years and 10 months in prison after pleading guilty to conspiracy and wire fraud;

Whereas, a Justice Department press release reported that Mr. Jack Abramoff "corruptly provid[ed] things of value to public officials . . . including, but not limited to, a lavish trip to Scotland to play golf on world famous courses, tickets to sporting events and other entertainment, regular meals at Abramoff's upscale restaurant, and campaign contributions for [a] Representative, his political action committee, his campaign committee, and other political committees on behalf of [that] Representative." (Department of Justice press release, January 3, 2006);

Whereas, Mr. Jack Abramoff's plea agreement states that he and his colleagues "provided things of value to public officials in exchange for a series of official acts and influence . . . including agreements to support and pass legislation (and) agreements to place statements in the Congressional Record." (Abramoff Plea Agreement);

Whereas, on November 5, 2005, in the United States District Court for the District of Columbia, a former Congressional staff member and business partner of Mr. Jack Abramoff pled guilty to conspiracy to violate Federal laws and admitted that, beginning in January, 2000, he offered and provided things of value to public officials, including Members of Congress and staff, in exchange for a series of official acts;

Resolved, That the Committee on Standards of Official Conduct shall immediately initiate an investigation of the misconduct by Members of Congress and their staff implicated in the scandals associated with Mr. Jack Abramoff's criminal activity.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 193, answered "present" 7, not voting 16, as follows:

[Roll No. 76]

AYES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—7

Doyle
Green, Gene
Jones (NC)
Jones (OH)
Mollohan
Paul
Roybal-Allard

NOT VOTING—16

Brady (TX)
Cardoza
Clay
Davis (FL)
Evans
Gilchrest
Issa
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Obey
Oxley
Rangel
Ruppersberger
Sweeney
Watson

☐ 1208

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SOUDER. Mr. Speaker, earlier today, I mistakenly cast my vote against tabling the privileged motion offered by Minority Leader Nancy Pelosi. In fact, I intended to vote in favor of tabling the motion and would like my intentions to be reflected in the Record.

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 609.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from California?

There was no objection.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 742 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 609.

☐ 1209

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, with Mr. Chocola (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 29, 2006, amendment No. 3 printed in House Report 109-399 by the gentleman from Indiana (Mr. Burton) had been disposed of and proceedings pursuant to House Resolution 741 had been completed.

Pursuant to House Resolution 742, no further general debate shall be in order.

Pursuant to House Resolution 742, no further amendment is in order except those printed in House Report 109–401. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–401 offered by Mrs. Biggert:

Page 230, after line 10, insert the following new subsection:

(d) Homeless Youth.—Section 480(d) is further amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

"(A) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

"(B) a director of a homeless shelter, transitional shelter, or independent living program; or

"(C) a financial aid administrator;".

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I rise to introduce an amendment that would make the dream of a college education more accessible to youth who are homeless and on their own.

While many young people experience homelessness as part of a family, so many youth in homeless situations are on their own. These children are unaccompanied for reasons that are extremely diverse and usually heartbreaking. In many cases they have run away to escape physical or sexual abuse. Others have been abandoned by their parents.

Due to their severe poverty, these homeless students are extremely unlikely to be able to access post-secondary education without Federal student aid. But in order to determine student eligibility for aid, the FAFSA requires them to provide financial information and a signature from their parent or guardian.

While these requirements are logical for most applicants, they create insurmountable barriers for unaccompanied homeless youth. So the very children who are most in need of financial assistance are the least likely to receive it.

My amendment removes these barriers by allowing unaccompanied homeless youth to be considered independent students. To ensure that there is no fraud or abuse, the living situation of the student must be verified by one of the following individuals: a McKinney-Vento Act school district liaison, a shelter director, or a financial aid administrator.

This independent student status will ensure that unaccompanied homeless youth are not required to provide their parental income information and parental signature, information they simply do not have and cannot get. The amendment thus opens the doors of higher education to some of our Nation's most vulnerable youth.

I should add, Mr. Chairman, that this amendment was scored by the CBO as having no budgetary impact.

Mr. MCKEON. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from California.

Mr. MCKEON. Mr. Chairman, I want to thank the gentlewoman, a good member of her committee, for her work. I think this makes the bill better, and I hope all of our Members can support this amendment.

Mrs. BIGGERT. Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I claim the time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I, too, want to thank the gentlewoman for offering this amendment, and I would ask everybody to support it. I thank her for all the work she does on behalf of homeless youth. We appreciate it, and I am sure they do too.

Mr. KILDEE. Mr. Chairman, this amendment is certainly thoughtful, realistic and sensitive, and I urge everyone to support it.

Mr. Chairman, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume. Thank you all. I would like to thank in particular Chairman MCKEON and the ranking member, Mr. MILLER of California, for their support for homeless education. Whether we are talking about the No Child Left Behind Act or this legislation today, the Education and Workforce Committee members and staff have worked in a bipartisan way to address problems related to the education of homeless children, and I believe that we have made significant progress.

Mr. Chairman, I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-401 offered by Mr. GOHMERT:

Page 31, beginning on line 20, strike subsection (f) and insert the following:

(f) OUTCOMES AND ACTIONS.—

(1) RESPONSE FROM INSTITUTION.—Effective on June 30, 2010, an institution that has a college affordability index that exceeds 2.0 for any 3-year interval ending on or after that date shall provide a report to the Secretary, in such a form, at such time, and containing such information as the Secretary may require. Such report shall include—

(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

(2) QUALITY-EFFICIENCY TASK FORCES.—

(A) REQUIRED.—Each institution subject to paragraph (1) that has a college affordability index that is in the highest 5 percent of such indexes of all institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the operations of such institution.

(B) MEMBERSHIP.—Such task force shall include administrators and business and civic leaders and may include faculty, students, trustees, parents of students, and alumni of such institution.

(C) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the class of institutions. Such analysis should identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas should then be targeted for in-depth analysis for cost reduction opportunities.

(D) REPORT.—The results of the analysis by a quality-efficiency task force under this paragraph shall be included in the report to the Secretary under paragraph (1).

(3) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that the institution has failed to reduce the college affordability index below 2.0 for such 2 academic years, the Secretary shall place the institution on an affordability alert status and shall make the information regarding the institution's failure available in accordance with subsection (d).

(4) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(A) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

(5) EXEMPTIONS.—

(A) RELATIVE PRICE EXEMPTION.—The Secretary shall, for any 3-year interval for which college affordability indexes are computed under paragraph (1), determine and publish the dollar amount that, for each class of institution described in paragraph (6) represents the maximum tuition and fees charged for a full-time undergraduate student in the least costly quartile of institutions within each such class during the last year of such 3-year interval. An institution that has a college affordability index computed under paragraph (1) that exceeds 2.0 for any such 3-year interval, but that, on average during such 3-year interval, charges less than such maximum tuition and fees shall not be subject to the actions required by paragraph (3), unless such institution, for a subsequent 3-year interval, charges more than such maximum tuition and fees.

(B) DOLLAR INCREASE EXEMPTION.—An institution that has a college affordability index computed under paragraph (1) that exceeds 2.0 for any 3-year interval, but that exceeds such 2.0 by a dollar amount that is less than $500, shall not be subject to the actions required by paragraph (3), unless such institution has a college affordability index for a subsequent 3-year interval that exceeds 2.0 by more than such dollar amount.

(6) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and

whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

(7) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

Page 37, after line 2, insert the following new subsection (and redesignate the succeeding subsections accordingly):

"(g) INFORMATION TO THE PUBLIC.—Upon receipt of an institution's report required under subsection (f), the Secretary shall make the information in the report available to the public in accordance with subsection (d) on the COOL website under subsection (b).

Page 262, beginning on line 19, strike paragraph (1) and redesignate the succeeding paragraphs accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 1215

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

This amendment seeks to cut down on Federal meddling with our colleges and universities. As Republicans, we have made a promise to the American people that we stand for less government, not more. Our preeminent system of higher education is the last thing that needs extensive Federal oversight. We have seen what happened to K-12 as the Federal Government started meddling too much 30 years ago in it, and we are only now starting to recover from Federal meddling 30 years ago.

I do support the overall bill, and I would like to thank Chairman MCKEON for working with me on the amendment. He and his staff have been wonderful to work with, and I thank them for being so gracious.

But this amendment would strike certain reporting requirements for colleges and universities within section 131(f). Cutting down on some red tape will allow these schools to focus on educating their students first.

This amendment also strikes section 495(a)(1) that would allow States to apply to the Secretary of Education to become recognized accreditors. It just looked like that created more Federal bureaucracy, more State bureaucracy, and we have the best university system in the world. It is too expensive. It has gotten expensive so fast, and with two kids in college, I certainly am very sensitive to that.

So I applaud the chairman's efforts in his bill to assist in bringing those down, but I have concerns about some of these other provisions.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT), my friend.

Mr. DENT. Mr. Chairman, I, too, applaud Representative GOHMERT for this amendment. This amendment does recognize that the American system of higher education is truly the envy of the world, and just as importantly, it recognizes the role our independent colleges and universities play in that overall system.

Specifically, this amendment addresses the primary concerns of so many of the private and independent colleges about what they have seen as a genuine threat to their independence and their ability to fulfill their diverse missions.

I, like many others in this chamber, have spoken with a number of the presidents in my district and understand how deeply they feel about undertaking their responsibilities to their students without excessive and inappropriate Federal or State interference.

And for this reason, I offer my support for the Gohmert amendment which removes Federal intervention mechanisms while pushing schools to voluntarily rein in costs, and that is all included in this legislation. It also further eliminates the authority for States to become accreditors.

The other good thing about this amendment is disclosures are still in the bill, but the price controls essentially are out.

In terms of States as accreditors, the concern would be that any State higher education bureaucracy that wants to control the State's private and independent colleges can simply require State accreditation, giving the State control over its curriculum and mission. Although the intent of the provision is to offer more options to the institutions, the opposite may well occur. There is no way to anticipate all the ways in which a State might seek to control private institutions using its accreditation powers as leverage.

For all those reasons, I strongly support Mr. GOHMERT's amendment and thank Chairman MCKEON for his willingness to work with us on this matter.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Pennsylvania for those kind comments. At this time, I would like to thank the chairman for reaching out to me, and I also want to thank all of the institutions of higher learning in the districts. We have heard from so many of them. They have been so helpful, and I just appreciate that that is what makes for better government.

I do applaud the chairman's efforts to stem the tide of vast increases over the last 30 years in the cost of education, and this amendment and the provisions that it deals with, I think it does create a bill that will be a significant help to America in higher education.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON) my chairman.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding, and I want to thank Mr. GOHMERT from Texas for the great work that he has done on improving this bill.

It is very important that this amendment passes and Mr. SOUDER's amendment later today. I have a letter here from NAICU, the National Association of Independent Colleges and Universities, who have been vigorously opposing the bill, and because of your amendment and Mr. SOUDER's amendment, they have written us today that they are withdrawing their opposition to the bill on the House floor and I appreciate that, and I appreciate all the work that Mr. GOHMERT has done on this bill.

Mr. KILDEE. Mr. Chairman, I would like to claim the time in opposition, although I do not oppose it.

The Acting CHAIRMAN (Mr. CHOCOLA). Without objection, the gentleman is recognized.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Texas for offering this amendment. It is a step in the right direction on some of the provisions that I expressed concern over yesterday, and I have no objection to its adoption, urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GOHMERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-401 offered by Mr. KENNEDY of Rhode Island:

Page 189, line 13, redesignate subparagraph (I) as subparagraph (J), and before such subparagraph insert the following new subparagraph:

"(I) CHILD OR ADOLESCENT MENTAL HEALTH PROFESSIONALS.—An individual who is employed as child or adolescent mental health professional and is currently providing a majority of their clinical services to children or adolescents.

Page 194, after line 14, insert the following new paragraphs:

"(8) CHILD OR ADOLESCENT MENTAL HEALTH PROFESSIONAL.—The term 'child or adolescent mental health professional' means an individual who is employed as a psychiatrist, psychologist, school psychologist, psychiatric nurse, social worker, school social worker, marriage and family therapist, school counselor, or professional counselor and holds an advanced degree in one of the above areas with specialized training in child or adolescent mental health.

"(9) SPECIALIZED TRAINING IN CHILD OR ADOLESCENT MENTAL HEALTH.—The term 'specialized training in child or adolescent mental health' means training that

"(A) is part of or occurs after completion of an accredited graduate program in the United States for training mental health service professionals;

"(B) consists of at least 500 hours of training or clinical experience in treating children or adolescents; and

"(C) is comprehensive, coordinated, developmentally appropriate, and of high quality to address the unique ethnic and cultural diversity of the United States population.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Rhode Island (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield 5 minutes to myself.

Mr. Chairman, Marley Prunty-Lara is here today in the gallery. She is an articulate young woman living with bipolar disorder, and she is a suicide attempt survivor.

She is in town because she was here to testify yesterday about her struggle with bipolar disorder, being forced to drop out of school and ultimately attempting to take her own life.

Marley's family attempted to find a psychiatrist in South Dakota to treat her, but they were told that they would have to wait over 4 months to get an initial appointment. Because her mother's insurance would not cover residential treatment and they were so desperate to find care, they took out a second mortgage on their house, and they drove over 350 miles to another State to get Marley the life-saving care that she needed.

Mr. Chairman, Marley's story is all too common. There are just not enough trained professionals to treat the mental health needs of our children. Surgeon General Carmona has said so. The President's New Freedom Commission has said so.

For the past three Congresses, my good friend from Florida Ms. ROS-LEHTINEN and I have introduced legislation aimed at alleviating the shortage of child and adolescent mental health providers in this country.

While this amendment does not cover everything included in the previous three bills, it is a start.

Within the College Access and Opportunity Act of 2005, there is a section that provides student loan forgiveness for service in areas of national need. Mr. Speaker, this is an area of national need.

For many families in this Nation, as Marley can readily attest, there is no higher need than the need for urgent mental health care for our children.

Our amendment would simply add child and adolescent mental health professionals to the list of high need professionals eligible for loan forgiveness.

Millions of American families need hope. Millions of them need help. The number of suicides are twice the rate of homicides in this country; 36,000 people take their lives every year successfully. Every day in this country, 1,385 people attempt suicide. It is the third leading cause of death for young people.

Mr. Speaker, this is a problem that needs addressing, and we need the number of providers out there to make sure it gets the attention it deserves.

This year alone, 1,400 college students will successfully take their lives. Mr. Speaker, we need to make sure that we have adequate personnel to make sure that the services are delivered, and the services will never be delivered unless there are enough people to deliver them.

That is why this legislation is in order. That is why I would ask my colleagues to support it, and I thank you for the time in consideration of this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for offering this amendment. He and Ms. ROS-LEHTINEN address some very, very important problems of making sure we have adequate providers within the community for people with mental illness, and I would hope that everybody would support this amendment.

Mr. KENNEDY of Rhode Island. Reclaiming my time, I would just like to point out to the gentleman from California, there may be questions, what is this going to cost? The question is, what is it going to cost us not to do this?

Let me give you some statistics. Two-thirds of those in juvenile detention facilities are being held there simply because they cannot get a mental health appointment because there is no one to provide an assessment of them, two-thirds. Any of my colleagues that are interested, I encourage them to go out to Oak Hill here in the District of Columbia and see for yourself 11- and 12-year-olds behind bars because their parents cannot handle their mental illness. They have no other choice but to call the police and get their children held in detention because there is nothing else for them to do.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would further yield, they could go to their own districts. This is common across the country. Young people are being held in locked detention because of the simple fact that we cannot get a diagnosis. We cannot put together a treatment plan because they are on a waiting list for the services. They do not get services. In many cases, those services have been ordered, but they do not get them. They get a waiting list, and you are right, then we pay this exorbitant cost to keep them in there, but more importantly, denying them the treatment that they need.

So, increasing the number of providers so that we can address these concerns and these problems that young people have is just absolutely important.

The idea of making these providers eligible for loan forgiveness is a service to our community, and I am sure that the House will support this amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman, and I thank Marley for her courage and her witness here today.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind Members that it is not in order to refer to the presence of persons in the gallery.

Who seeks time in opposition?

Mr. MCKEON. Mr. Chairman, I will claim the time in opposition; although I do not intend to oppose the bill.

I want to thank the gentleman from Rhode Island and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their efforts on this amendment, and again, I think it strengthens the bill, and I thank them for this and encourage support of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I demand a recorded vote to demonstrate this House's support for mental health services in this country.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-401 offered by Mr. KING of Iowa:

At the end of part B of title IX of the Amendment add the following new section:

SEC. . RACIAL AND ETHNIC PREFERENCES.

(a) FINDINGS.—The Congress finds the following:

(1) Title VI of the Civil Rights Act of 1964 forbids discrimination on the basis of race,

color, or national origin by Federally-funded institutions, which includes nearly all colleges and universities.

(2) The United States Supreme Court has recently set out limitations on such considerations of race, color, and national origin.

(3) In order to ensure that these limitations are followed, schools must make public their use of race, color, and national origin, for admissions decisions so that Federal and State enforcement agencies and interested persons can monitor the schools.

(4) Citizens and taxpayers have a right to know whether Federally-funded institutions of higher education are treating student applications differently depending on the student's race, color, or national origin, and, if so, the way in which these factors are weighted and the consequences to students and prospective students of these decisions.

(b) REPORTS ON ADMISSIONS PROCESS REQUIRED.—

(1) REPORT REQUIRED.—Every academic year, each institution of higher education that receives funds from the Federal Government shall provide to the Office for Civil Rights of the Department of Education a report regarding its students admissions process, and the report shall be made publicly available.

(2) DISCLOSURE OF CONSIDERATION OF RACE, COLOR, OR NATIONAL ORIGIN.—

(A) DISCLOSURE.—The report required by this section shall begin with a statement of whether race, color, or national origin is given any weight in the student admissions process.

(B) DEPARTMENTAL DISCLOSURES.—If different departments within the institution have separate admission processes and any of those departments give any weight to race, color, and national origin, then the report shall provide the information required by subparagraph (A) of this paragraph and paragraph (3) for each department separately.

(3) ADDITIONAL DISCLOSURES.—If the disclosure required by paragraph (2) states that race, color, or national origin is given weight in the student admission process, then the report under this section shall also provide the following information:

(A) The racial, color, and national origin groups for which membership is considered a plus factor or a minus factor and, in addition, how membership in a group is determined for individual students.

(B) A description of how group membership is considered, including the weight given to such consideration and whether targets, goals, or quotas are used.

(C) A statement of why group membership is given weight, including the determination of the desired level claimed and, with respect to the diversity rationale, its relationship to the particular institution's educational mission.

(D) A description of the consideration that has been given to racially neutral alternatives as a means for achieving the same goals for which group membership is considered.

(E) A description of how frequently the need to give weight to group membership is reassessed and how that reassessment is conducted.

(F) A statement of the factors other than race, color, or national origin that are collected in the admissions process. Where those factors include grades or class rank in high school, scores on standardized tests (including the ACT and SAT), legacy status, sex, State residency, economic status, or other quantifiable criteria, then all raw admissions data for applicants regarding these factors, along with each individual applicant's race, color, and national origin and the admissions decision made by the school regarding that applicant, shall accompany the report in computer-readable form, with the name of the individual student redacted but with appropriate links, so that it is possible for the Office for Civil Rights or other interested persons to determine through statistical analysis the weight being given to race, color, and national origin, relative to other factors.

(G) An analysis, and also the underlying data needed to perform an analysis, of whether there is a correlation—

(i) between membership in a group favored on account of race, color, or national origin and the likelihood of enrollment in a remediation program, relative to membership in other groups;

(ii) between such membership and graduation rates, relative to membership in other groups; and

(iii) between such membership and the likelihood of defaulting on education loans, relative to membership in other groups.

(4) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow or permit preference or discrimination on the basis of race, color, or national origin.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Iowa (Mr. KING) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

While the Supreme Court has ruled that using racial and ethnic preferences in higher education admission policies are sometimes permissible under present law, it has also established limits for such policies. For example, Court decisions have asserted that admissions policies using racial preferences must be narrowly tailored to further a compelling interest and that these policies cannot involve the use of quotas.

The Court's also ruled that schools using racial preferences in admissions must consider race neutral alternatives and to limit it in time. for example, Justice O'Connor's remarks to revisit the decision in Michigan cases in perhaps 25 years.

My amendment would require all institutions of higher education who receive Federal funding to fully disclose details regarding their admissions policies. This information would be reported annually to the Department of Education's Office of Civil Rights.

It has several reasons why we should pass this amendment, Mr. Chairman, and the first one is to ensure lawful admission policies are complied with by our institutes of higher learning who are receiving the Federal funds and that there are informed choices out there for the students as they apply to the various students, and as there are students who are beneficiaries of affirmative action programs, they need to have some sense of the performance expectations of those who have gone before them and benefited from affirmative action programs.

So what my amendment does is requires each institute of higher learning who uses Federal funds to report their policy. If they do not use preferences, they simply write a letter that says we do not use preferences. If they do use preferences, then they need to list a number of things, such as, are the preferences weighted? Did they use target goals or quotas? What was the purpose of their policies? And could they evaluate a racially neutral policy effectiveness as to opposed to one that is not racially neutral, a list of factors other than race, color or national origin that they might use such as test scores, sex, legacy status, residency, et cetera, Mr. Chairman?

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And, in conclusion, an analysis of their respective progress of appointments under these programs?

So this gets the information back to Congress so we can better evaluate, and it also helps the institutions of higher learning comply with the Supreme Court decision. So I urge support for this.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman and Members of the House, I oppose this amendment and I hope most of the Members of the House will also oppose this amendment. The issues that are called into question in this amendment, the use of, the gentleman said preferences, but of any data, any factors in deciding the makeup of a university student body has already been decided by the Supreme Court.

The fact of the matter is that quotas are unlawful, but universities have a right to a diverse student population, and they are allowed to use a diverse range of factors in compiling that university. I believe that the King amendment goes beyond that decision, and the amendment also does not provide for the protection of student privacy. In fact, it does just the opposite of that.

The fact of the matter is this information is already available to those parties who are interested. They can get it through the Freedom of Information Act or the universities, obviously. At least in our State, they are continuously discussing operating and changing and reviewing their admissions policy because they are in constant determination of trying to provide diverse opportunities to a diverse population of qualified students.

I would hope that we would reject this amendment. It is interesting that we just had an amendment we adopted to reduce paperwork, and now we are going to put on a whole new set of requirements of annual reports and different kinds of data and how it has to be collected and weighed and all the rest of it, with no showing that it has been improperly done or anything wrong has happened. We are just going to load down the universities.

Mr. MCKEON has an effort where he is trying to reduce the cost of higher education by making sure universities are not engaged in those practices that are not necessary and that drive up the cost. And this comes along, outside of the Supreme Court decisions, outside the current practices of universities and suggests that somehow they should just continue to develop this information with no showing or grievance.

If a person has a grievance or showing, or people are interested from an academic point of view, from a social policy point of view, or from any point of view, the fact of the matter is that the information is currently available. I would hope that we would reject this amendment when it comes to a vote in the House.

Mr. Chairman, I yield to Mr. KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I really think this would lead to a violation of privacy and have a chilling effect upon that which the Supreme Court has permitted in the case against Bollinger from the University of Michigan where I attended.

It was a very narrow decision of the Supreme Court. I and my two sons attended the University of Michigan; and we, as members of the majority, benefited from a very sensitive, sensitivity to minorities. We benefited from that because we had a larger universe in which to study. So we gained from the fact that we were broadened out by the fact that there was a certain sensitivity towards minorities, very narrowly construed now by the Supreme Court.

So I think it is a win-win situation. We should leave it alone. The Supreme Court has made its decision. It is very clear that colleges are following this, and I think to have all this reporting serves no useful purpose and would also, I think, lead to a violation of privacy and would, because of the reporting, even have a chilling effect upon the use of this.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN (Mr. CHOCOLA) The gentleman has 2½ minutes remaining.

Mr. KING of Iowa. Thank you, Mr. Chairman.

It seems to be the core of the rebuttal argument we heard here is that this is a violation of student privacy and that we would be somehow looking into records that are confidential. I would direct the gentlemen who made those statements to page 4 of my amendment, lines 18 and 19, where it says with the name of the individual student redacted but with appropriate links so it is possible for the Office of Civil Rights to determine the overall statistical data, but not have any individual student data. It is specifically redacted in my bill.

I think it is appropriate and necessary for this Congress to review where our money is being spent and to see what kind of results we are getting from all of our institutions, and also to ensure that they are complying with the Supreme Court decision.

I have laid this out as three points that are important: lawful, conforming with the Supreme Court decisions that are on the two Michigan cases; and informed choices for students so that they can evaluate when they go to an institution.

This information is not available, Mr. Chairman. I don't know how any student would ever have access. And looking at how difficult it was to get some empirical data just out of Michigan on the way to the Supreme Court, there is no way a high school junior or senior could ever have enough access to make an informed decision without these kinds of reports.

Then, of course, if a student is going to be the beneficiary of an affirmative action program, wouldn't they want to know what kind of results there were for those who have gone before them? Do they have a prospect of graduating? Do they have a prospect of a job afterwards? What is the future for them, or should they maybe take a path that is not quite so difficult? All of this is reasonable and it is logical.

And the paperwork, if a university is not using an affirmative action preference program, they simply send a letter that says we don't do that. But if they do use the information, if they do use it as criteria for admissions, then they simply file a report. Any institution should know this information as a matter of their professionalism. Sharing it with Congress is not a burden.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say it is an interesting academic study, and I am sure some of the information would be of interest to people, but why don't you just have the Department of Education periodically sort of select some universities and test it, rather than putting the burden on every university, whether large or small, rich or poor, private or public that has to submit this information on an annual basis where in fact there may not have been any complaints or there is support for that policy, if it has been publicly reviewed or however they handle it.

The suggestion here that every university would have to go through this process is just kind of a mindless Federal Government approach to imposing these burdens on people without consideration of the cost, the need, the results, or any of the rest of it. I thought we were getting away from that policy. Talk about one-size-fits-all; here is one-size-fits-all. And when they say, well, we don't do that, who is going to check that that is really true? Yet you start this whole process.

And I would say, by the way, that the names aren't redacted. The Social Security numbers are not redacted.

Mr. KING of Iowa. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN. The gentleman has 30 seconds remaining.

Mr. KING of Iowa. Thank you, Mr. Chairman.

I would point out, again, this information is information that any institution of higher learning should be interested in compiling to determine the effectiveness of their policy. We help them along with this process and ask to share in that process with them.

Additionally, Justice O'Connor's decision said perhaps we should revisit this in 25 years. If we can compile this data for 25 years, perhaps the Supreme Court can make an informed decision on affirmative action preference admission programs within our institutions of higher learning, and I urge support for my amendment.

Mr. SCOTT of Virginia. Mr. Chairman, the Supreme Court has repeatedly recognized that the primary academic freedom enjoyed by a university is the freedom to choose whom to admit. Most recently, this principle was reaffirmed in the 2003 decisions in Grutter v. Bollinger and Gratz v. Bollinger. The Supreme Court has also recognized that, in exercising this academic freedom, universities may constitutionally consider race and ethnicity, among other factors, to promote the educational benefits of a diverse student body. At the same time, universities must regularly review their admissions policies to ensure that they consider individual admissions factors only as needed to promote their institutional mission.

The King amendment tramples academic freedom and chills universities' willingness to consider diversity factors even in the narrowly tailored manner that the Supreme Court has upheld. It creates a burdensome reporting requirement that acts as a disincentive for universities to exercise their academic freedom as permitted by the Court. Furthermore, over reliance on admissions criteria such as standardized tests, which have been found to be culturally biased, may also get caught up in the King amendment.

The King amendment also jeopardizes the privacy and confidentiality of individual student applicants. Educational institutions are prohibited by law from disclosing personally identifiable information from students' education records without consent. In fact, even release of information for educational research purposes is permitted only if the information is released in such a way that student identities are not traceable. The King amendment would, in contradiction of this law, require release of raw admissions data for applicants in a manner that would not ensure applicant confidentiality.

The King amendment incorrectly assumes that there is a weight given to each admissions factor by universities. However, as the Supreme Court explained in Gratz and Grutter, admissions factors must be considered in an individualized holistic manner and therefore weight will necessarily vary from one application to the next.

Finally, the King amendment is opposed by the National Association for College Admission Counseling, the American Federation of Teachers, the National Education Association and the American Council on Education.

Mr. Chairman, Congress should not trample on the rights of universities to exercise academic freedom. Nor should we pass an amendment that would violate student privacy rights. I urge my colleagues to oppose this amendment.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment proposed by Mr. KING of Iowa. In my state of Michigan, we are currently fighting a deceptive ballot initiative that would undermine the progress which has been made to attain educational equality. Like that ballot measure, I believe that the King amendment is yet another deceptive attack on affirmative action.

While the amendment looks like a mere reporting requirement, its true purpose is to chill the willingness of universities to consider diversity factors—including not only race and ethnicity, but also gender—even in the narrowly tailored manner that was upheld by the Supreme Court in the University of Michigan cases.

In Gratz and Grutter, the Court explicitly found that universities may constitutionally consider race and ethnicity, among other factors, to promote the educational benefits of a diverse student body. However, even with this ruling by the Court, the chilling factor on legally permissible policies and programs is very real. This month, the New York Times reported that hundreds of universities had modified or given up programs created to promote educational opportunity for minorities in the face of pressure from Washington and further litigation. As one Dean commented in the story, the question was how far these programs could be stretched by these pressures before gains were put at risk.

The chilling effect on university policy is made even worse by the fact that the amendment completely misapprehends the role that diversity factors play in the admission process. The proposed amendment would require universities annually to report the weight given to each factor—including race, ethnicity, national origin, gender, grades, high school class rank, standardized test scores, and so forth—considered in the admissions process.

As the Supreme Court explained in Grutter and Gratz, however, admissions factor must be considered in an individualized, holistic manner and the weight given to each factor will necessarily vary across applications. Consequently, a factor that was important (or even perhaps decisive) with respect to one application may have little weight with respect to another application.

As a result, it is impossible for a university to state definitively and universally the weight given to race or to any particular admissions factor. In fact, to do so would violate the Court's rulings, which expressly require flexibility in any governmental consideration of race or ethnicity.

Moreover, the proposed amendment contemplates only quantifiable admissions factors, and neglects the role of essays, personal statements, counsel recommendations, and other qualitative factors in the admissions process.

When amendments like this come forward, I believe that we should reflect on the path to equality. It was only 40 years ago that the Federal Government had to send troops into Little Rock to permit African-American children to attend Central High School. The Supreme Court took this into account in reaching its Grutter and Gratz conclusions and made its rulings. It's now time for Washington to step back and let our universities focus on education, instead of litigation and regulation.

I urge a strong "no" vote.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. LARSEN OF WASHINGTON

Mr. LARSEN of Washington. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–401 offered by Mr. LARSEN of Washington:

At the end of section 601 add the following new subsection:

(k) SENSE OF THE CONGRESS.—It is the sense of the Congress that due to the diplomatic, economic, and military importance of China and the Middle East, international exchange and foreign language education programs under the Higher Education Act of 1965 should focus on the learning of Chinese and Arabic language and culture.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Washington (Mr. LARSEN), as the designee of the gentleman from Illinois (Mr. KIRK), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume, and I rise today to offer the Kirk-Larsen amendment to articulate our Nation's need to promote Chinese and Arabic cultural exchange and language education. I want to thank my fellow co-chair of the U.S.-China Working Group, Mr. KIRK of Illinois, on his work in drafting this important amendment.

Today's global landscape is increasingly interconnected. China and the Middle East play critical roles towards international peace and security. Our ability to effectively engage China and the Arab world rests on shared economic and political interests and mutual understanding.

From 1998 to 2002, foreign language enrollment in United States colleges and universities increased by 20 percent for Chinese and 92.3 percent for Arabic. By comparison, the learning of more traditional languages, such as French and German, grew by under 3 percent.

Our schools and universities are already leading the movement towards Chinese and Arabic language. Congress must build on this infrastructure and support the education of future diplomats, business professionals, and teachers who are proficient in Arabic and Chinese. We must answer the call for an increased American competitiveness and national security, and in today's world we cannot answer that call just in English.

So I urge my colleagues to vote "yes" on this amendment, which is merely a sense of Congress amendment to promote language education in Arabic and Chinese.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone seek time in opposition?

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, but I don't plan to oppose the amendment. I just want to thank the gentleman from Washington and Mr. KIRK from Illinois for their work on this project.

I had the opportunity to lead a congressional delegation to China last year, and I think it is very important that we stress the importance of learning other languages so that we can communicate and do a better job of competing around the world, and so I encourage support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank my partner, co-chair of the U.S.-China Working Group, on this amendment.

I had the honor of serving on the Paul Simon Exchange Commission for the United States to look at his vision of having a million Americans study abroad. That is a very important goal, very worthwhile because of America's position in the world.

But, quite frankly, I think there are two language groups vital to the future security, to the economy, and to the diplomacy of the United States, and that is Arabic and Chinese. This amendment highlights that priority for the United States, for our future.

Obviously, we know with the global war on terror the importance of the command of the Arabic language. But we also see China rising and projected by the IMF on 19th Street here in Washington, D.C. to be the second largest economy on Earth. And it makes sense for the United States to place its highest diplomatic priority on relations with the number two economy of the 21st century, which is China.

Currently, we have reports that there are over 200 million people in China who are or have studied English, but in the United States the total number of Americans who are studying or have studied Chinese number just 28,000. We need to redress that balance to make sure that we have a full engagement with China, with her rising economy, with her very important diplomacy with regard to North Korea, Iran, et cetera, and obviously with military developments there.

So I thank the chairman for his support, and I commend my co-chair of the U.S.-China Working Group, because I think in the necessary funding of exchanges we should place a priority on these two language groups.

Mr. LARSEN of Washington. Mr. Chairman, I also want to thank the chairman and the ranking member of the committee for their help and support on this.

Mr. WOLF. Mr. Chairman, I rise today in support of the amendment offered by my colleagues Representatives KIRK and LARSEN. They are to be commended for drawing attention to the importance of student exchange and language education programs, particularly related to Chinese and Arabic. In the 21st century world, China and the Middle East are critically important.

I share their support for language and culture education programs to help equip today's young people for the global marketplace. I was pleased to be able to help bring Japanese and Chinese language programs to the Fairfax County Public School system in northern Virginia. During the early 1980s Japan was the primary United States competitor. In an effort to understand how to help United States businesses remain competitive in an expanding global economy, especially with Japan, I wrote to the top 500 U.S. companies asking for their feedback.

The overwhelming response was that U.S. businesses were having difficulty finding qualified people who spoke Japanese and understood that culture. It became clear that the younger generation of Americans who would be the business leaders of tomorrow needed the training to compete with Japan. To help enlarge the pool of fluent Japanese speakers and broaden understanding of the Japanese culture, I worked with the U.S. Department of Education to establish language immersion programs in northern Virginia in 1988.

As a result, Floris, Fox Mill and Great Falls Elementary schools, all in the Fairfax County Public School system, began offering Japanese immersion programs. In these programs, students spend half the school day in their subjects learning to converse in Japanese and the other half in English. I insert for the RECORD excerpts from my congressional newsletters from 1988 announcing the launch of the Japanese language immersion program.

Today, the United States' main global competitor is no longer Japan. China has assumed that position. As we did in the 1980s with Japanese language immersion, we need to replicate today with the Chinese language. The Chinese program will expand and build upon the success of the Japanese immersion program, which helped America counter the serious competition it faced from Japan. In addition to having the opportunity to improve academic performance, students also will have the chance to learn a language that will equip them to compete in the global economy. With one-quarter of the world's population living in China, it is imperative that America's rising business leaders learn the Chinese language and culture.

Studies have shown that students who participate in language immersion programs do well academically. This amendment highlights a critical area in preparing our young people—as Tom Friedman so aptly put it in his best-selling book "The World is Flat"—to develop language skills to help our country meet the challenge being posed by China and India.

I urge my colleagues to join me in supporting the Kirk/Larsen amendment and thank the gentlemen for their good work on highlighting this important issue.

FOREIGN LANGUAGE STUDY KEY TO COMPETITIVENESS

Our national trade deficit has caused deserved concern. We must not only make sure that American companies are on a level playing field with their foreign competitors, but also provide that American companies are equipped to compete in the international marketplace. The key to this is the education and training of our young people.

We must educate our young people in the languages and cultures of other nations, so that in the future American businesses are able to market products abroad and negotiate with foreign counterparts.

I have been pleased to work with our local school systems to expand the foreign language courses offered. The language of Japan, which has the largest trade surplus with the United States of any of our trading partners, is now offered at many of our area high schools. In addition, if a recently submitted grant application to the Department of Education is approved, Japanese, Spanish, and French may soon be taught to kindergarten students in some local schools.

These youngsters who are able to study the languages and cultures of other peoples of the world will be the business leaders of tomorrow, negotiating and devising strategies to sell American products all over the world.

EDUCATION GRANT FOCUSES ON FUTURE LEADERS

The U.S. Department of Education recently awarded a $175,000 grant to George Mason University to begin a foreign language immersion program in Fairfax and Arlington counties public elementary schools.

I was pleased to have worked with local school and GMU officials in support of this program which would be one of the first of its kind in the country to focus on kindergarten students for intensive training in Japanese, Spanish and French.

Under the program, six kindergarten teachers and six first grade teachers would be trained in language instruction and assigned to selected classes in participating schools.

Students participating in the program would spend up to one half of each school day being taught the target language.

I sought funding for this program because of my concern about U.S. competitiveness abroad and the need to prepare our future business leaders on how to deal with an increasingly international marketplace.

I have corresponded with leaders in the U.S. business community including the chief executive officers of many of the top U.S. companies doing business in Japan and business school deans. Most agree that American students must be exposed to the language and culture of other countries from the earliest possible age in order to remain competitive in the international marketplace.

In addition, training in foreign languages helps students to improve their verbal and intellectual capacities and encourages interest in other cultures.

While Fairfax and Arlington counties schools have expressed interest in implementing this innovative effort, a firm commitment has not been made as yet. I am hopeful, however, that the local schools will take advantage of this opportunity to assist our area's young people.

Mr. LARSEN of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. LARSEN).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-401 offered by Mr. SOUDER:

Page 267, beginning on line 14, strike paragraph (8) and insert the following:

"(8) confirms as a part of its review for accreditation or reaccreditation that the institution has transfer policies that are publicly disclosed and specifically state whether the institution denies a transfer of credit based solely on the accreditation of the institution at which the credit was earned;

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

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Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Today I am offering an amendment with the gentleman from New York (Mr. BISHOP) that will ensure students have greater access to information about a university's transfer-of-credit policies without placing new burdensome mandates on the institutions themselves.

I would like to thank the chairman of the Education and Workforce Committee, Chairman MCKEON, for working with me and Mr. BISHOP over the last day on a compromise that I believe accomplishes our shared goal of greater transparency with regard to an institution's transfer of credit policies. If a student plans on transferring from a community college to a 4-year institution or from a proprietary school to a community college, they should know before they apply which of their credits will transfer.

The Souder-Bishop amendment will strengthen language in the underlying bill to ensure that all institutions of higher education publicly disclosed whether or not they deny credits based on the accreditation of the institution where the credits were earned.

We do not mandate the kind of policy a school must have; we just require greater transparency.

On principle, I believe it is not the role of the Federal Government to dictate what kind of transfer or credit policy an institution must have. In the interest of academic integrity, every college and university should be able to ensure that every graduate receiving a diploma from their institution has completed all of the required courses for a particular program at the level of rigor expected by that university.

If a university decides that the best way it can ensure an appropriate level of academic rigor is to only accept credits from certain kinds of institutions, it should be that school's prerogative to do so. The alternative for many schools would be costly and time-intensive, requiring admissions counselors and professors to evaluate each of a transfer student's credits based on the quality of the sending institution, its professors, curricula, textbooks, materials, et cetera.

I want to make it clear that this amendment is meant in no way to diminish the value of any particular kind of institution. All institutions have their appropriate place in the higher education community. I am supportive of all types of institutions and want to encourage their growth because it will mean more individuals will be empowered to be productive workers in our growing economy. They are a critical part of my district in particular because of its manufacturing, engineering and business background, and without the proprietary schools and community college specialized courses, we could not function. But it is my hope that as an alternative to Federal mandates, more colleges and universities will work out voluntary articulation agreements between schools to ensure a more seamless transition between institutions.

This can be done quite effectively within a State or region where institutions can come together to agree upon which credits from one school are the equivalent of courses at another school.

In my own home district in Northeast Indiana, Indiana University, Purdue University Fort Wayne (IPFW) and Ivy Tech Community College have worked out an agreement for students to be able to transfer credits from a specified list of over 150 courses. Several years ago, this was not possible. Now it is, and many more institutions in Indiana are following suit. I hope this kind of voluntary agreement multiply across the country.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I rise in strong support of the Souder-Bishop amendment. This bipartisan amendment is the culmination of several months of debate and compromise among Members on both sides of the aisle, the Education and the Workforce Committee, and the college community.

I want to thank Mr. SOUDER for offering this important amendment with me, and I would also like to thank Chairman MCKEON for his work on this issue.

Our amendment would simply require that, as part of its review for accreditation, colleges must publicly disclose their transfer of credit policies and specifically state whether the institution denies transfer of credit based solely on the accreditation of the sending institution. This language is, in our view, much improved from the original form and intent, and I proudly support it.

The original language in H.R. 609 included a provision that would have imposed a new transfer of credit mandate on colleges that would have created costly new bureaucratic headaches for students and institutions. In our view, we should not be dictating how colleges evaluate the coursework of transferring students as the earlier language would have required. Transfer credit decisions are academic decisions, not administrative decisions, and in principle, Congress should not be interfering in the academic decisions made on college campuses. Colleges and universities are fully capable of developing and implementing fair and appropriate transfer-of-credit policies on their own; and most important, it is in the best interest of students to have these judgments made by those most qualified to make them, and that would be the faculty and staff of the institution they attend.

The amendment we are offering today strikes the correct balance between academic autonomy and transparency for students. I urge all of my colleagues to vote for the Souder-Bishop amendment.

Mr. SOUDER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise in support of the Souder-Bishop amendment, and I want to associate myself with their comments just made.

This amendment by Mr. SOUDER would revise the transfer-of-credit provisions in this bill. The transfer-of-credit provisions in this bill have been made less onerous since the reauthorization bill was first introduced. The Federal Government as a matter of policy should not be involved in decisions about the awarding of credit which is an institution's essential product.

The Souder-Bishop amendment really takes an important step towards alleviating these concerns, relying instead on additional disclosures to help students better understand an institution's transfer policies.

Once again, I strongly support this amendment and urge its adoption.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment. In fact, the amendment is critical to final passage of the bill.

I want to thank Mr. SOUDER and Mr. BISHOP, both good members of the committee, for their efforts in working together to strengthen the bill through this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CHOCOLA). The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 7 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the Nature of a Substitute No. 7 printed in House Report 109–401 offered by Mr. GEORGE MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reverse the Raid on Student Aid Act of 2006".

SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

SEC. 3. CENTERS OF EXCELLENCE.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are—

"(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

"(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"(b) DEFINITIONS.—As used in this part:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

"(i) a part B institution (as defined in section 322);

"(ii) a Hispanic-serving institution (as defined in section 502);

"(iii) a Tribal College or University (as defined in section 316);

"(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

"(v) a Native Hawaiian-serving institution (as defined in section 317(b));

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

"(2) HIGHLY QUALIFIED.—The term 'highly qualified' when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

"(A) teacher or principal mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

"(6) Activities authorized under sections 202, 203, and 204.

"(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

"(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 4. TITLE III GRANTS FOR AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) ELIGIBLE INSTITUTIONS.—Subsection (b) of section 316 (20 U.S.C. 1059c(b)) is amended to read as follows:

"(b) DEFINITIONS.—

"(1) ELIGIBLE INSTITUTIONS.—For purposes of this section, Tribal Colleges and Universities are the following:

"(A) any of the following institutions that qualify for funding under the Tribally Controlled College or University Assistance Act of 1978 or is listed in Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note): Bay Mills Community College; Blackfeet Community College; Cankdeska Cikana Community College; Chief Dull Knife College; College of Menominee Nation; Crownpoint Institute of Technology; Dine College; D-Q University; Fond du Lac Tribal and Community College; Fort Belknap College; Fort Berthold Community College; Fort Peck Community College; Haskell Indian Nations University; Institute of American Indian and Alaska Native Culture and Arts Development; Lac Courte Oreilles Ojibwa Community College; Leech Lake Tribal College; Little Big Horn College; Little Priest Tribal College; Nebraska Indian Community College; Northwest Indian College; Oglala Lakota College; Saginaw Chippewa Tribal College; Salish Kootenai College; Si Tanka University—Eagle Butte Campus; Sinte Gleska University; Sisseton Wahpeton Community College; Sitting Bull College; Southwestern Indian Polytechnic Institute; Stone Child College; Tohono O'Odham Community College; Turtle Mountain Community College; United Tribes Technical College; and White Earth Tribal and Community College; and

"(B) any other institution that meets the definition of tribally controlled college or university in section 2 of the Tribally Controlled College or University Assistance Act of 1978, and meets all other requirements of this section.

"(2) INDIAN.—The term 'Indian' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978.".

(b) DISTANCE LEARNING.—Subsection (c)(2) of such section is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;";

(2) in subparagraph (C), by inserting before the semicolon at the end the following: ", or advanced degrees in tribal governance or tribal public policy";

(3) in subparagraph (D), by inserting before the semicolon at the end the following: ", in tribal governance, or tribal public policy";

(4) by striking "and" at the end of subparagraph (K);

(5) by redesignating subparagraph (L) as subparagraph (M); and

(6) by inserting after subparagraph (K) the following new subparagraph:

"(L) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and".

(c) APPLICATION AND ALLOTMENT.—Subsection (d) of such section is amended to read as follows:

"(d) APPLICATION AND ALLOTMENT.—

"(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

"(2) APPLICATION.—Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

"(3) MINIMUM GRANT.—The amount allotted to each institution under this section shall not be less than $500,000.

"(4) SPECIAL RULES.—

"(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.".

(d) CONSTRUCTION GRANTS.—After subsection (d) of section 316 (20 U.S.C. 1059c(d)), as amended by subsection (c) of this section, add the following new subsections:

"(e) CONSTRUCTION GRANTS.—

"(1) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent of such amount for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

"(2) PREFERENCE.—In providing grants under paragraph (1), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

"(f) ALLOTMENT OF REMAINING FUNDS.—The Secretary shall distribute any funds appropriated to carry out this section for any fiscal year that remain available after the Secretary has awarded grants under subsection (e), to each eligible institution as follows:

"(1) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

"(2) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities. ".

SEC. 5. PREDOMINANTLY BLACK INSTITUTIONS.

(a) PREDOMINANTLY BLACK INSTITUTIONS.—Part A of title III is amended by inserting after section 317 (20 U.S.C. 1059d) the following new section:

"SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—The Congress finds that—

"(A) although Black Americans have made significant progress in closing the 'gap' between black and white enrollment in higher education—

"(i) Black Americans continue to trail whites in the percentage of the college-age cohort who enroll and graduate from college;

"(ii) the college participation rate of whites was 46 percent from 2000–2002, while that for blacks was only 39 percent; and

"(iii) the gap between white and black baccalaureate degree attainment rates also remains high, continuing to exceed 10 percent;

"(B) a growing number of Black American students are participating in higher education and are enrolled at a growing number of urban and rural Predominantly Black Institutions that have included in their mission the provision of academic training and education for both traditional and non-traditional minority students;

"(C) the overwhelming majority of students attending Predominantly Black Institutions come from low- and middle-income families and qualify for participation in the Federal student assistance programs or other need-based Federal programs; and recent data from the National Postsecondary Student Aid Study indicate that 47 percent of Pell grant recipients were black compared to only 21 percent of whites;

"(D) many of these students are also 'first generation' college students who lack the appropriate academic preparation for success in college and whose parents lack the ordinary knowledge and information regarding financing a college education;

"(E) there is a particular national need to aid institutions of higher education that have become Predominantly Black Institutions by virtue of the fact that they have expanded opportunities for Black American and other minority students;

"(F) Predominantly Black Institutions fulfill a unique mission and represent a vital component of the American higher education landscape, far beyond that which was initially envisioned;

"(G) Predominantly Black Institutions serve the cultural and social advancement of low-income, Black American and other minority students and are a significant access point for these students to higher education and the opportunities offered by American society;

"(H) the concentration of these students in a limited number of two-year and four-year Predominantly Black Institutions and their desire to secure a degree to prepare them for a successful career places special burdens on those institutions who attract, retain, and graduate these students; and

"(I) financial assistance to establish or strengthen the physical plants, financial management, academic resources, and endowments of the Predominantly Black Institutions are appropriate methods to enhance these institutions and facilitate a decrease in reliance on governmental financial support and to encourage reliance on endowments and private sources.

"(2) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education—

"(A) that is an eligible institution (as defined in paragraph (5)(A) of this subsection) with a minimum of 1,000 undergraduate students;

"(B) at which at least 50 percent of the undergraduate students enrolled at the institution are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

"(C) at which at least 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located.

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

"(3) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

"(4) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(5) OTHER DEFINITIONS.—For purposes of this section, the terms defined by section 312 have the meanings provided by that section, except as follows:

"(A) ELIGIBLE INSTITUTION.—

"(i) The term 'eligible institution' means an institution of higher education that—

"(I) has an enrollment of needy undergraduate students as required and defined by subparagraph (B);

"(II) except as provided in section 392(b), the average educational and general expenditure of which are low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction;

"(III) has an enrollment of undergraduate students that is at least 40 percent Black American students;

"(IV) is legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelors degree, or in the case of a junior or community college, an associate's degree; and

"(V) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

"(ii) For purposes of the determination of whether an institution is an eligible institution under this subparagraph, the factor described under clause (i)(I) shall be given twice the weight of the factor described under clause (i)(III).

"(B) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which at least 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

"(i) in the second fiscal year preceding the fiscal year for which the determination is made, were Pell Grant recipients in such year;

"(ii) come from families that receive benefits under a means-tested Federal benefits program (as defined in subsection (b)(3));

"(iii) attended a public or nonprofit private secondary school which is in the school district of a local educational agency which was eligible for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965 in any year during which the student attended that secondary school, and which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school; or

"(iv) are 'first-generation college students' as that term is defined in section 402A(g), and a majority of such first-generation college students are low-income individuals.

"(c) AUTHORIZED ACTIVITIES.—

"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded pursuant to subsection (d) shall be used by Predominantly Black Institutions—

"(A) to assist the institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

"(B) to expand higher education opportunities for title IV eligible students by encouraging college preparation and student persistence in secondary and postsecondary education; and

"(C) to strengthen the institution's financial ability to serve the academic needs of the students described in subparagraphs (A) and (B).

"(2) AUTHORIZED ACTIVITIES.—Grants made to an institution under subsection (d) shall be used for one or more of the following activities:

"(A) The activities described in section 311(a)(1) through (11).

"(B) Academic instruction in disciplines in which Black Americans are underrepresented.

"(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as part of such program, preparation for teacher certification.

"(D) Establishing community outreach programs which will encourage elementary and secondary students to develop the academic skills and the interest to pursue postsecondary education.

"(E) Other activities proposed in the application submitted pursuant to subsection (e) that—

"(i) contribute to carrying out the purposes of this section; and "(ii) are approved by the Secretary as part of the review and acceptance of such application.

"(3) ENDOWMENT FUND.—

"(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

"(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), the Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

"(C) COMPARABILITY.—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

"(4) LIMITATION.—Not more than 50 percent of the allotment of any Predominantly Black Institution may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

"(d) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

"(1) ALLOTMENT: PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution a sum which bears the same ratio to one-half that amount as the number of Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all institutions eligible under this section.

"(2) ALLOTMENT: GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution a sum which bears the same ratio to one-fourth that amount as the number of graduates for such school year at such institution bears to the total number of graduates for such school year at all intuitions eligible under this section.

"(3) ALLOTMENT: GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution a sum which bears the same ratio to one-fourth of that amount as the percentage of graduates per institution who are admitted to and in attendance at, within 2 years of graduation with an associates degree or a baccalaureate degree, either a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates per institution for all eligible institutions.

"(4) MINIMUM ALLOTMENT.—(A) Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

"(B) If the amount appropriated pursuant to section 399 for any fiscal year is not sufficient to pay the minimum allotment, the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocation shall be increased on the same basis as it was reduced until the amount allotted equals the minimum allotment required by subparagraph (A).

"(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year, which the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary deems appropriate.

"(e) APPLICATIONS.—No Predominantly Black Institution shall be entitled to its allotment of Federal funds for any grant under subsection (d) for any period unless the institution submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(f) APPLICATION REVIEW PROCESS.—Section 393 shall not apply to applications under this section.

"(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under this part or part B of this title.

"(h) DURATION AND CARRYOVER.—Any funds paid to a Predominantly Black Institution under this section and not expended or used for the purposes for which the funds were paid within 10 years following the date of the grant awarded to such institution under this section shall be repaid to the Treasury of the United States.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 399(a)(1) (20 U.S.C. 1068h(a)(1)) is amended by adding at the end the following new subparagraph:

"(D) There are authorized to be appropriated to carry out section 318, $25,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 6. GRANTS TO PART B INSTITUTIONS.

(a) USE OF FUNDS.—

(1) FACILITIES AND EQUIPMENT.—

(A) UNDERGRADUATE INSTITUTIONS.—Paragraph (2) of section 323(a) (20 U.S.C. 1062(a)) is amended to read as follows:

"(2) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities.".

(B) GRADUATE AND PROFESSIONAL SCHOOLS.—Paragraph (2) of section 326(c) is amended to read as follows:

"(2) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;".

(2) OUTREACH AND COLLABORATION.—Paragraph (11) of section 323(a) is amended to read as follows:

"(11) Establishing community outreach programs and collaborative partnerships between part B institutions and local elementary or secondary schools. Such partnerships may include mentoring, tutoring, or other instructional opportunities that will boost student academic achievement and assist elementary and secondary school students in developing the academic skills and the interest to pursue postsecondary education.".

(b) TECHNICAL ASSISTANCE.—Section 323 (20 U.S.C. 1062) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—An institution may not use more than 2 percent of the grant funds provided under this part to secure technical assistance services.

"(2) TECHNICAL ASSISTANCE SERVICES.—Technical assistance services may include assistance with enrollment management, financial management, and strategic planning.

"(3) REPORT.—The institution shall report to the Secretary on an annual basis, in such form as the Secretary requires, on the use of funds under this subsection.".

(c) DISTANCE LEARNING.—Section 323(a)(2) (20 U.S.C. 1062(a)(2)) (as amended by subsection (a)(1)(A)) is further amended by inserting "development or improvement of facilities for Internet use or other distance learning academic instruction capabilities and" after "including".

(d) MINIMUM GRANTS.—Section 324(d)(1) (20 U.S.C. 1063(d)(1)) is amended by inserting before the period at the end the following: ", except that, if the amount appropriated to carry out this part for any fiscal year exceeds the amount required to provide to each institution an amount equal to the total amount received by such institution under subsections (a), (b), and (c) for the preceding fiscal year, then the amount of such excess appropriation shall first be applied to increase the minimum allotment under this subsection to $750,000".

(e) ELIGIBLE GRADUATE OR PROFESSIONAL SCHOOLS.—

(1) GENERAL AUTHORITY.—Section 326(a)(1) (20 U.S.C. 1063b(a)(1)) is amended—

(A) by inserting "(A)" after "subsection (e) that";

(B) by inserting before the period at the end the following: ", (B) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, and (C) according to such an agency or association, is in good standing".

(2) ELIGIBLE INSTITUTIONS.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—

(A) by striking "and" at the end of subparagraph (Q);

(B) by striking the period at the end of subparagraph (R) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(S) Alabama State University qualified graduate program;

"(T) Prairie View A &amp; M University qualified graduate program;

"(U) Coppin State University qualified graduate program; and

"(V) Delaware State University qualified graduate program.".

(3) CONFORMING AMENDMENT.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

(A) by striking "1998" and inserting "2005"; and

(B) by striking "(Q) and (R)" and inserting "(S), (T), (U), and (V)".

(f) PROFESSIONAL OR GRADUATE INSTITUTIONS.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(1) in paragraph (1)—

(A) by striking "$26,600,000" and inserting "$54,500,000"; and

(B) by striking "(P)" and inserting "(R)";

(2) in paragraph (2)—

(A) by striking "$26,600,000, but not in excess of $28,600,000" and inserting "$54,500,000, but not in excess of $58,500,000"; and

(B) by striking "subparagraphs (Q) and (R)" and inserting "subparagraphs (S), (T), (U), and (V)"; and

(3) in paragraph (3)—

(A) by striking "$28,600,000" and inserting "$58,500,000"; and

(B) by striking "(R)" and inserting "(V)".

(g) Hold Harmless.—Section 326(g) (20 U.S.C. 1063b(g)) is amended by striking "1998" each place it appears and inserting "2005".

SEC. 7. PELL GRANTS.

(a) Tuition Sensitivity.—Section 401(b) is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) Multiple Grants.—Paragraph (5) of section 401(b) (as redesignated by subsection (a)(2)) is amended to read as follows:

"(5) Year-round pell grants.—

"(A) In general.—The Secretary shall, for students enrolled full time in a baccalaureate or associate's degree program of study at an eligible institution, award such students two Pell grants during a single award year to permit such students to accelerate progress toward their degree objectives by enrolling in academic programs for 12 months rather than 9 months.

"(B) Limitation.—The Secretary shall limit the awarding of additional Pell grants under this paragraph in a single award year to students attending—

"(i) baccalaureate degree granting institutions that have a graduation rate as reported by the Integrated Postsecondary Education Data System for the 4 preceding academic years of at least 30 percent; or

"(ii) two-year institutions that have a graduation rate as reported by the Integrated Postsecondary Education Data Systems, in at least one of the last 3 years for which data is available, that is above the average for the applicable year for the institution's type and control.

"(C) Evaluation.—The Secretary shall conduct an evaluation of the program under this paragraph and submit to the Congress an evaluation report no later than October 1, 2011.

"(D) Regulations required.—The Secretary shall promulgate regulations implementing this paragraph.".

SEC. 8. INTEREST RATE REDUCTIONS.

(a) FFEL Interest Rates.—Section 427A(*l*)(1) of the Higher Education Act of 1965 (20 U.S.C. 1077a(*l*)(1)) is amended—

(1) by striking "6.8 percent" and inserting "3.4 percent"; and

(2) by inserting before the period at the end the following: ", except that for any loan made pursuant to section 428H for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan".

(b) Direct Loans.—Section 455(b)(7)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)(A)) is amended—

(1) by striking "and Federal Direct Unsubsidized Stafford Loans";

(2) by striking "6.8 percent" and inserting "3.4 percent"; and

(3) by inserting before the period at the end the following: ", and for any Federal Direct Unsubsidized Loan made for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan".

(c) Effective Date.—The amendments made by this section shall be effective for loans made on or after July 1, 2006 and before July 1, 2007.

SEC. 9. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078-11) is amended to read as follows:

"SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

"(a) Purposes.—The purposes of this section are—

"(1) to encourage highly trained individuals to enter and continue in service in areas of national need; and

"(2) to reduce the burden of student debt for Americans who dedicate their careers to service in areas of national need.

"(b) Program Authorized.—

"(1) In general.—The Secretary is authorized to carry out a program of assuming the obligation to repay, pursuant to paragraphs (2) of subsection (c) and subsection (d), a qualified loan amount for a loan made, insured, or guaranteed under this part or part D (other than loans made under section 428B and 428C and comparable loans made under part D), for any new borrower after the date of enactment of the Reverse the Raid on Student Aid Act of 2006, who—

"(A) has been employed full-time for at least 5 consecutive complete school, academic, or calendar years, as appropriate, in an area of national need described in subsection (c); and

"(B) is not in default on a loan for which the borrower seeks forgiveness.

"(2) Award basis.—Loan repayment under this section shall be on a first-come, first-served basis pursuant to the designation under subsection (c) and subject to the availability of appropriations.

"(3) Regulations.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(c) Areas of National Need.—

"(1) Statutory categories.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full time and is any of the following:

"(A) Early childhood educators.—An individual who is employed as an early childhood educator in an eligible preschool program or child care facility in a low-income community, and who is involved directly in the care, development and education of infants, toddlers, or young children through age five.

"(B) Nurses.—An individual who is employed—

"(i) as a nurse in a clinical setting; or

"(ii) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(C) Foreign language specialists.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

"(i) in an elementary or secondary school as a teacher of a critical foreign language; or

"(ii) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

"(D) Librarians.—An individual who is employed full-time as a libarian in—

"(i) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

"(ii) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(E) Highly qualified teachers: bilingual education and low-income communities.—An individual who—

"(i) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(ii)(I) is employed as a full-time teacher of bilingual education; or

"(II) is employed as a teacher for service in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

"(F) First responders in low-income communities.—An individual who—

"(i) is employed as a firefighter, police officer, or emergency medical technician; and

"(ii) serves as such in a low-income community.

"(G) Child welfare workers.—An individual who—

"(i) has obtained a degree in social work or a related field with a focus on serving children and families; and

"(ii) is employed in public or private child welfare services.

"(H) Speech-language pathologists.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

"(I) Additional areas of national need.—An individual who is employed in an area designated by the Secretary under paragraph (2) and has completed a baccalaureate or advanced degree related to such area.

"(2) Designation of areas of national need.—After consultation with appropriate Federal, State, and community-based agencies and organizations, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into account the extent to which—

"(A) the national interest in the area is compelling;

"(B) the area suffers from a critical lack of qualified personnel; and

"(C) other Federal programs support the area concerned.

"(d) Qualified Loan Amount.—The Secretary shall repay not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth consecutive school, academic, or calendar year, as appropriate, described in subsection (b)(1).

"(e) Construction.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under section 428 or 428H.

"(f) Ineligibility of National Service Award Recipients.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(g) Ineligibility for Double Benefits.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

"(h) Definitions.—In this section

"(1) Child care facility.—The term 'child care facility' means a facility, including a home, that—

"(A) provides for the education and care of children from birth through age 5; and

"(B) meets any applicable State or local government licensing, certification, approval, or registration requirements.

"(2) Critical foreign language.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

"(3) Early childhood educator.—The term 'early childhood educator' means an early childhood educator employed in an eligible preschool program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

"(4) Eligible preschool program.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children through age 5, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

"(A) a public or private school that may be supported, sponsored, supervised, or administered by a local educational agency;

"(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) a nonprofit or community based organization; or

"(D) a child care program, including a home.

"(5) Low-income community.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

"(6) Nurse.—The term 'nurse' means a nurse who meets all of the following:

"(A) The nurse graduated from—

"(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

"(ii) a nursing center; or

"(iii) an academic health center that provides nurse training.

"(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

"(C) The nurse holds one or more of the following:

"(i) A graduate degree in nursing, or an equivalent degree.

"(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(7) Speech-language pathologist.—The term 'speech-language pathologist' means a speech-language pathologist who meets all of the following:

"(A) the speech-language pathologist has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

"(B) the speech-language pathologist meets or exceeds the qualifications as defined in section 1861(ll) of the Social Security Act (42 U.S.C. 1395x).

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 10. ADDITIONAL CONSOLIDATION LOAN CHANGES.

(a) Additional Amendments.—Section 428C(b)(1) (20 U.S.C. 1078-3(b)(1)) is amended—

(1) by striking everything after "under this section" the first place it appears in subparagraph (A);

(2) by striking "(i) which" and all that follows through "and (ii)" in subparagraph (C);

(3) by striking "and" at the end of subparagraph (E);

(4) by redesignating subparagraph (F) as subparagraph (G); and

(5) by inserting after subparagraph (E) the following new subparagraph:

"(F) that the lender of the consolidation loan shall, upon application for such loan, provide the borrower with a clear and conspicuous notice of at least the following information:

"(i) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(ii) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, deferment, and reduced interest rates on those underlying loans;

"(iii) the ability of the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans;

"(iv) that borrower benefit programs may vary among different loan holders, and a description of how the borrower benefits may vary among different loan holders;

"(v) the tax benefits for which borrowers may be eligible;

"(vi) the consequences of default; and

"(vii) that by making the application the applicant is not obligated to agree to take the consolidation loan; and".

(b) Effective Date for Single Holder Amendment.—The amendment made by subsection (a)(1) shall apply with respect to any loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078-3) for which the application is received by an eligible lender on or after July 1, 2006.

SEC. 11. SIGNIFICANTLY SIMPLIFYING THE STUDENT AID APPLICATION PROCESS.

(a) Improvements to Paper and Electronic Forms.—

(1) Common financial aid form development and processing.—Section 483(a) (20 U.S.C. 1090(a)) is amended—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively;

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

"(1) In general.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA'.

"(2) Early estimates.—

"(A) In general.—The Secretary shall permit applicants to complete such forms as described in this subsection in the 4 years prior to enrollment in order to obtain a non-binding estimate of the family contribution, as defined in section 473. The estimate shall clearly and conspicuously indicate that it is only an estimate of family contribution, and may not reflect the actual family contribution of the applicant that shall be used to determine the grant, loan, or work assistance that the applicant may receive under this title when enrolled in a program of postsecondary education. Such applicants shall be permitted to update information submitted on forms described in this subsection using the process required under paragraph (5)(A).

"(B) Evaluation.—Two years after the early estimates are implemented under this paragraph and from data gathered from the early estimates, the Secretary shall evaluate the differences between initial, non-binding early estimates and the final financial aid award made available under this title.

"(C) Report.—The Secretary shall provide a report to the authorizing committees on the results of the evaluation.

"(3) Paper format.—

"(A) In general.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

"(B) EZ fafsa.—

"(i) In general.—The Secretary shall develop and use a simplified paper application form, to be known as the 'EZ FAFSA', to be used for applicants meeting the requirements of section 479(c).

"(ii) Reduced data requirements.—The form under this subparagraph shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(c).

"(iii) State data.—The Secretary shall include on the form under this subparagraph such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the form under this subparagraph.

"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the form under this subparagraph, and the data collected by means of the form under this subparagraph shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the form under this subparagraph.

"(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

"(i) IN GENERAL.—The Secretary shall make an effort to encourage applicants to utilize the electronic forms described in paragraph (4).

"(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that is downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

"(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and phase out the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: dependent students, independent students without dependents, and independent students with dependents other than a spouse.

"(4) ELECTRONIC FORMAT.—

"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

"(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be submitted from the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

"(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsection (c) of section 479 and an additional, separate simplified electronic application form to be used by applicants meeting the requirements under subsection (b) of section 479.

"(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

"(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award state financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

"(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

"(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

"(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

"(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant.

"(5) STREAMLINING.—

"(A) STREAMLINED REAPPLICATION PROCESS.—

"(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title—

"(I) in the academic year succeeding the year in which such applicant first applied for financial assistance under this title; or

"(II) in any succeeding academic years.

"(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.

"(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

"(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

"(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

"(B) REDUCTION OF DATA ELEMENTS.—

"(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the Reverse the Raid on Student Aid Act of 2006 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements following the date of enactment. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards the reduction referred to in this paragraph unless those data elements are reduced for all applicants.

"(ii) REPORT.—The Secretary shall annually report to the House of Representatives and the Senate on the progress made of reducing data elements.

"(6) STATE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for State need-based financial aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form on October 7, 1998, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based financial aid.

"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and data items the States require to award State need-based financial aid and other application requirements that the States may impose.

"(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

"(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

"(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

"(ii) of the State-specific data that the State agency requires for delivery of State need-based financial aid.

"(E) STATE NOTIFICATION TO THE SECRETARY.—

"(i) IN GENERAL.—Each State agency shall notify the Secretary—

"(I) whether the State permits an applicant to file a form described in paragraph

(3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid; and

"(II) the State-specific data that the State agency requires for delivery of State need-based financial aid.

"(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid—

"(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

"(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection.

"(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

"(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection; and

"(II) not require any resident of that State to complete any data previously required by that State under this section.

"(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

"(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ-FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form for which a fee is charged shall be used to complete the FAFSA.

"(B) NOTICE.—Any entity that provides to students or parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

"(i) the FAFSA is a free Federal student aid application;

"(ii) the FAFSA can be completed without professional assistance; and

"(iii) includes the current Internet address for the FAFSA on the Department's web site.

"(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to January 1 of the student's planned year of enrollment.".

(2) MASTER CALENDAR.—Section 482(a)(1)(B) (20 U.S.C. 1089) is amended to read as follows:

"(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478, 479(c)(2)(C), and 483(a)(6) published in the Federal Register;".

(b) INCREASING ACCESS TO TECHNOLOGY.—Section 483 (20 U.S.C. 1090) is further amended by adding at the end the following:

"(f) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(c).".

(c) EXPANDING THE DEFINITION OF AN INDEPENDENT STUDENT.—Section 480(d) (20 U.S.C.1087vv(d)) is amended by striking paragraph (2) and inserting the following:

"(2) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;".

SEC. 12. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by striking "(a) IN GENERAL.—" and inserting the following:

"(a) AUTHORITY TO MAKE ADJUSTMENTS.—

"(1) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—";

(2) by inserting before "Special circumstances may" the following:

"(2) SPECIAL CIRCUMSTANCES DEFINED.—";

(3) by inserting "a student's status as a ward of the court at any time prior to attaining 18 years of age, a student's status as an individual who was adopted at or after age 13, a student's status as a homeless or unaccompanied youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act)," after "487,";

(4) by inserting before "Adequate documentation" the following:

"(3) DOCUMENTATION AND USE OF SUPPLEMENTARY INFORMATION.—"; and

(5) by inserting before "No student" the following:

"(4) FEES FOR SUPPLEMENTARY INFORMATION PROHIBITED.—".

SEC. 13. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. PURPOSES.

"The purposes of this part are—

"(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

"(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

"SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

"(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is an eligible institution under section 502(a)(2); and

"(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 513. AUTHORIZED ACTIVITIES.

"Grants awarded under this part shall be used for one or more of the following activities:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

"(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 514 that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 514. APPLICATION AND DURATION.

"(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities in programs and professions in which Hispanic Americans are underrepresented.

"(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) LIMITATION.—The Secretary shall not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.".

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a)) is amended by inserting "and section 513" after "section 503".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are authorized to be appropriated to carry out part A and part C of this title $96,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title $59,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 14. CANCELLATION OF STUDENT LOAN INDEBTEDNESS FOR SURVIVORS OF VICTIMS OF THE SEPTEMBER 11, 2001, ATTACKS.

(a) Definitions.—For purposes of this section:

(1) Eligible public servant.—The term "eligible public sesrvant" means an individual who, as determined in accordance with regulations of the Secretary—

(A) served as a police officer, firefighter, other safety or rescue personnel, or as a member of the Armed Forces; and

(B) died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

(2) Eligible victim.—The term "eligible victim" means an individual who, as determined in accordance with regulations of the Secretary, died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

(3) Eligible parent.—The term "eligible parent" means the parent of an eligible victim if—

(A) the parent owes a Federal student loan that is a consolidation loan that was used to repay a PLUS loan incurred on behalf of such eligible victim; or

(B) the parent owes a Federal student loan that is a PLUS loan incurred on behalf of an eligible victim.

(4) Secretary.—The term "Secretary" means the Secretary of Education.

(5) Federal student loan.—The term "Federal student loan" means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(b) Relief From Indebtedness.—

(1) In general.—The Secretary shall provide for the discharge or cancellation of—

(A) the Federal student loan indebtedness of the spouse of an eligible public servant, as determined in accordance with regulations of the Secretary, including any consolidation loan that was used jointly by the eligible public servant and his or her spouse to repay the Federal student loans of the spouse and the eligible public servant;

(B) the portion incurred on behalf of the eligible victim (other than an eligible public servant), of a Federal student loan that is a consolidation loan that was used jointly by the eligible victim and his or her spouse, as determined in accordance with regulations of the Secretary, to repay the Federal student loans of the eligible victim and his or her spouse;

(C) the portion of the consolidation loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim; and

(D) the PLUS loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim.

(2) Method of discharge or cancellation.—A loan required to be discharged or canceled under paragraph (1) shall be discharged or canceled by the method used under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), whichever is applicable to such loan.

(c) Facilitation of Claims.—The Secretary shall—

(1) establish procedures for the filing of applications for discharge or cancellation under this section by regulations that shall be prescribed and published within 90 days after the date of enactment of this Act and without regard to the requirements of section 553 of title 5, United States Code; and

(2) take such actions as may be necessary to publicize the availability of discharge or cancellation of Federal student loan indebtedness under this section.

(d) Availability of Funds for Payments.—Funds available for the purposes of making payments to lenders in accordance with section 437(a) for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments under section 437(a) to lenders of loans as required by this section.

(e) Applicable to Outstanding Debt.—The provisions of this section shall be applied to discharge or cancel only Federal student loans (including consolidation loans) on which amounts were owed on September 11, 2001. Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

SEC. 15. GENERAL EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) Extension of Duration.—Except as otherwise provided in this Act, the authorization of appropriations for, and the duration of, each program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be extended through July 1, 2012.

(b) Performance of Required and Authorized Functions.—If the Secretary of Education, a State, an institution of higher education, a guaranty agency, a lender, or another person or entity—

(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section; or

(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section.

(c) Extension at Current Levels.—Unless the amount authorized to be appropriated for a program described in subsection (a) is otherwise amended by another section of this Act, the amount authorized to be appropriated for such a program during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. Except as provided in any amendment to the Higher Education Act of 1965 enacted during fiscal year 2005 or 2006, the amount of any payment required or authorized under subsection (b) in or for the period of the extension under this section shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

(d) Advisory Committees and Other Entities Continued.—Any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function for the period of the extension under this section.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from California (Mr. George Miller) and the gentleman from California (Mr. McKeon) each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 5 minutes.

The Democratic substitute has been made in order to address some critical shortcomings in the underlying bill. My cosponsors, Mr. Kildee, Mr. Scott of Virginia, Mr. Davis of Illinois, and Mr. Grijalva, join me in offering this substitute.

First and foremost, this substitute will make a downpayment on the first year's effort to reduce college costs to those students most in need by cutting the interest rate, the new fixed rate interest rate, in half from 6.8 percent to 3.4 percent in July of this year. This will be the first effort to reverse the most egregious action that this Republican-led Congress did to America's families and to the students and children who are trying to pursue a college education when they took $12.5 billion out of the student aid accounts, took it and whisked it away to tax cuts for the oil companies, tax cuts for the wealthiest people in this country, and raised the cost of education to America's families and students at a time when the cost of education is outstripping the ability of those families to pay for it.

This amendment would also establish a new predominantly black-serving institutions programs to boost college participation rates for low-income black students, including students in rural areas who attend 2-year colleges. It creates a new graduate Hispanic-serving institution program and significantly simplifies the student aid application process by creating a simplified and short application, repeals the anti-consumer single lender rule so that borrowers can choose with which lender they want to consolidate their loans, and does a number of other things in the underlying bill.

But the critical point here is to reverse the rate on student aid, to reverse the largest cuts in the history of the program. Why do we say that is necessary? Because here is the situation. This is the trend line on the percentage of the college education that a maximum Pell Grant will cover. In 2000, it was about 41 percent. Now what we see is it is drifting down to 30 percent, and it is headed down to 27 percent because of that.

In this legislation, the Republicans will tell you that they have authorized an additional $200 on the Pell Grant. That will barely have any effect on this graph. But more importantly, last night, their Budget Committee did not report out a budget that has that money in it. So it is interesting rhetoric, but it does not have any money for these same low-income students that are losing their ability to cover the cost of an education.

It used to be, this year and last year, if this student worked full time during the summer, if this student worked part time during school, they could cover this gap. That is no longer true. This year, they are not going to be able to cover it with the jobs that most students have during the school year, and that gap is getting worse and it is widening.

That is why it is essential that we vote for the substitute amendment to make a downpayment on reversing the new costs that are imposed on these families and these students who are struggling to purchase an education. That raid on student aid last year was the most expensive raid to families in the history of this program.

They can talk all they want about the additional money going to Pell Grant, it is an entitlement program, but the fact of the matter is the money that students are getting is covering a lower percentage of the cost that they encounter when they go to school.

This is a fundamental determination. Pick your side, folks. You can be on the side of tax cuts for the oil companies, or you can decide you are going to help families and students that are struggling to get what is now absolutely essential to their future participation in America's economy.

As we saw from 1995 to 2000, the questions employers were asking was not your race, not your ethnicity, not your religion, they wanted to know if you had the skills and talents to do the job. Most often today, those skills and that talent requires a higher education. A college education is going to have to become as common as a high school education.

But if families can cannot meet this gap, if they cannot provide that money, if the government will not help, you are talking about millions of students who are not going to be able to participate. That is not good for those students, it is not good for those families, it is not good for the economy, and it is not good for America.

This is a chance to reverse that action. This is a chance to make a downpayment on reducing the cost, increasing the affordability. All of the studies tell us that the increasing costs are outrunning the ability of families and students to pay for that education.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

This is an interesting debate we have had to this point. This is a bill we have been working on now for 3 years. Up until 2 days ago, it was totally a bipartisan effort. As you can see in their substitute, they include many of the things that we have in the underlying bill. We have a basic difference of opinion that the gentleman has pointed out.

I look at it a little differently than he does. I feel it is not totally the Federal Government's responsibility to provide for all of higher education. When I introduced a bill a few years ago to try to keep the cost of higher education down, because it has been going up for the last 20 years at four times the ability of people to pay, I said it is important that the Federal Government, the State government, the schools, the lending institutions, the parents, the students all come together to solve this problem, and I still feel that way. I feel it is important for all of us to come together to solve this problem, not simply the Federal Government to pick up whatever the difference is. As schools continue to increase their fees and tuition, the Federal Government should not have the responsibility of picking up all of the difference.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the chairman of the Subcommittee on Higher Education to let him further go into some of the differences and some of the things that we have done in the past and some of the things that we do in the underlying bill for the importance of higher education for our students of this country.

Mr. KELLER. Mr. Chairman, I believe the American people are entitled to some straight talk when it comes to higher education funding. This bill strengthens Pell Grants. It expands Perkins student loans and increases access to college for millions of students.

Now Mr. MILLER has a substitute that he would like us to vote for, but it has three critical flaws. The first flaw is the name itself, "Reverse the Raid on Student Aid." Don't believe the hype. Not one student in America will receive less financial aid under our bill. Not one.

The heart of our bill is Pell Grants, the heart of all financial aid on the Federal level.

Now let's look at the history of Pell Grant funding over the 20 years, and see if Republicans are in fact making, quote, "a raid on student aid." The yellow here shows the time period of 10 years when Democrats were in control of Congress, and the red shows when Republicans were in control of Congress. You see a dramatic increase in the maximum Pell Grant award. Does this look like a raid on student aid to you? You have got to be kidding me.

In fact, what is really instructive is, if you look at the last 3 years when the Democrats were in control, they had a Democrat House and a Democrat President, Bill Clinton, and they actually cut Pell Grant funding 3 years in a row. It went from $2,400 down to $2,300.

The second critical flaw with the Miller substitute is this amendment does not retain the $6,000 maximum Pell Grant award that our legislation has. In fact, they stay with the same old $5,800 maximum award. So this substitute legislation, Reverse the Raid on Student Aid, provides less for Pell Grants.

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Instead of $6,000, $5,800—how could that possibly be that we have a Democrat substitute that actually calls for less awards of Pell Grants? Well, don't call it a comeback. We have been here for years. It happened before. Their last 3 years in power cut Pell Grants. Here we have another attempt to do the same thing.

It has a third flaw. It says that we are going to have a 3.4 percent interest rate for 1 year that is going to cost $2.7 billion, but it has no offsets whatsoever. How do they pay for it? They don't tell us. Well, if it is just a gimmick to have a lower rate without any way to pay for it, why make it 3.4 percent? Why not 2 percent? Why not 1 percent? Why not interest-free loans? It is crazy. The truth of the matter is in 2002 Republicans and Democrats and student groups all got together and decided in a bipartisan manner what would be a fair fixed interest rate. They decided on 6.8 percent. They voted in favor of this in 2002, the Democrats who offer this motion. In fact, in December of this last year when we supposedly cut all this money, it was going to be the interest rates were going to remain at 6.8 percent. That is the existing law. And, in fact, in July they would go to 6.8 percent. How much is the interest rate in our bill? 6.8 percent. No increase whatsoever. And so now they are opposing something that they all thought was a good idea.

So, Mr. Chairman, I would argue that we have a pretty darn good bill that we can be proud of, a bill that increases Pell Grants, a bill that expands Perkins loans, a bill that is going to make it possible for young people all across America to go to college. I urge my colleagues to vote "no" on the Miller substitute and vote "yes" on the underlying bill.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, as I said yesterday, I would like to be down here on the floor to say that H.R. 609 is a genuine bipartisan reauthorization of the Higher Education Act. That is really not the case. Two months after the $12 billion heist on student aid, we are considering another bill that is a missed opportunity. I am proud to join Ranking Member MILLER, along with Representatives BOBBY SCOTT, DANNY DAVIS, and RAUL GRIJALVA in offering a higher education bill that is in touch with the needs of everyday Americans.

Instead of missing another opportunity to expand college access, this substitute seizes this opportunity to make college more affordable by slashing interest rates in half for the next year. This is a down payment on reversing the raid on student aid. Additionally, it will expand college participation rates for minority students by establishing a graduate Hispanic-serving institution program and a predominantly black institution program and by providing additional assistance for tribal colleges.

Instead of supporting the Missed College Opportunity Act. I ask my colleagues to seize this opportunity to act in the interest of students and families. America's students and families deserve better. Vote "no" on H.R. 609. Vote "yes" on the Democratic substitute.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, let me, first of all, thank the gentleman from California for yielding.

You know, I have listened to this debate for the last several days, and even several weeks. And how you can take $12 billion out of the pot and then tell us that you are going to expand and increase student aid, I just can't reconcile that. I just don't know how to reconcile that kind of language.

But I do stand in strong support of the Miller-Kildee-Scott-Davis-Grijalva substitute because it cuts interest rates in half for the borrowers, for the students, those who need the money the most. It would make college affordable for large numbers of individuals who otherwise will never see the light of day. But it also would establish programs for individuals who are missing out already.

There is nothing more important than the opportunity to achieve some form of higher education, and, Mr. Chairman, I just had hoped that I was going to be able to vote for a bill that expanded opportunities. Unfortunately, this bill will not expand opportunities. Therefore, I will have to vote against it and urge that we vote in favor of the Miller substitute.

Mr. McKEON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Chairman, there are a couple of interesting things about this substitute. One is that, as we just heard from Subcommittee Chairman KELLER, it is apparently a guideline of the House that when the Democrats do cuts, and they are real cuts in education, it is not a cut. But when the Republicans actually increase, it is somehow a cut. And apparently the reason is because they are pro-education and we are anti-education. So if we increase the money, it is still a cut. But if when they were in power they cut the money, it is not a cut. And it becomes very confusing to the American people because they thought the way you measure a cut is if the spending goes down like it did under Democrat control. And they thought the way you measure an increase is when the spending goes up, not just based on a claim that you are more pro-education or anti-education.

Another interesting thing here is that when the Republicans float out things for 1 year, as 1-year proposals, we hear it is a gimmick, it is a gimmick, they are merely trying to posture for the election. But when the Democrats roll out a 1-year rollback, apparently that is not posturing for an election. That is real serious policy trying to benefit the students of America because there is a terrible raid on the student loan system. But a 1-year moratorium from the other side couldn't possibly be a gimmick because Democrats don't do gimmicks. Only Republicans do gimmicks. Democrats don't do cuts in education because only Republicans do cuts in education.

Now, fundamentally, we have had a lot of misinformation and struggling about this student loan question. At least we aren't hearing about the failed policies of direct lending. We are now arguing how you do this in the domestic market because, in fact, the private sector market showed you could more efficiently do student loans and you could manage student loans better and have fewer bad debts and get the rates down for students. And that is why we are not arguing direct lending today; we are arguing, in fact, a process of what happened in the budgetary accounting of when we went to a fixed rate versus a variable rate. In fact, the rate for student loans is higher right now than it is in the bill, 6.8. But because of the variable rate that was left in the previous bill, it was scored differently.

Now, in fact, the government has to pick up the difference. If the rate goes higher, we fix the students at 6.8. Now, if there is a criticism to be made of the Republicans, it is that the alleged savings may not be real if the interest rates go up. But there is no cut to student loans to students. It is cheaper for students, and we have guaranteed now a fixed rate so they don't have this bubble that hits. And just because there is a lot of confusion, because of the accounting of how you do student lending doesn't mean that you can come to the House floor and demagogue like we have cut student loans, that we have taken the money out.

Furthermore, there is no offset to this. To the degree that we are going to give them a 1-year gimmick loan, how are we going to pay for it?

My friend and colleague who I have known for many years and I know he is very passionately in favor of education, the only thing he mentioned as an offset are tax cuts for the rich, which apparently we have different definitions of rich, but apparently this means, as we have battled on this House floor, increasing the taxes again on families who have the child credit, because that is what we are trying to extend and which is being blocked. And you can't give a 1-year bonus to a family by subsidizing at the Federal level the student loan and then take it back by taking away their child credit. What does that do? That is more than the loan. And it is not 1 year; it is for multiple years.

Furthermore, they favor taking away the dividend and capital gains credits. Well, how do people get jobs? So if you don't grow jobs in Indiana and the rest of the country and then you say good luck getting a student loan, to work where? If we don't keep the economy growing, if we tax the economy to fund a temporary 1-year gimmick in the student loan and kill the economy, why do we need to go to college?

Now, we all know that, as Mr. MILLER said, everybody is going to need a college degree if you are going to compete in the world economy; and a graduate degree is going to be like the old days of the college degree. And we have to tackle this spending question. Every time we reduce student loans, tuition goes up. And quite frankly, in Indiana and elsewhere, we have increased money dramatically in Washington. Where are the States?

Individuals have a responsibility too. It isn't just the Federal Government that has to meet this challenge in funding it; but the States need to, endowments need to, and the private sector needs to. We have a share of that. We are guaranteeing most of these loans. We have increased the Pell Grants. We have increased the pool. We have made a stable interest rate now. We have lowered the cost of education and increased the Federal funding. And I urge a strong "no" to this Democrat substitute amendment.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA), a member of the committee.

Mr. GRIJALVA. Mr. Chairman, I rise today in support of the Democratic substitute. I was proud to put my name on that substitute because I believe that it does more for students than the underlying bill in front of us today, and because, quite frankly, I want our children and our grandchildren to be able to afford to go to college.

H.R. 609, coupled with the $12 billion Congress cut from student aid and the President's zero funding of key student loan programs, is setting us back, not forward. I remember when the Federal Government actually helped students go to college, when a Pell Grant covered almost all of tuition expenses in a public university. Today, a maximum Pell Grant barely covers a third.

I oppose 609 because it includes many provisions that hurt students in the long run and omits many others that would have helped them.

If the Rules Committee would have allowed the amendment to prevent the Department of Education from carrying out the $664 million recall of the Federal Perkins loan fund, a recall mandated by the President's 2007 budget, that is potentially 463,000 lower-class and middle-class students and their families who will lose out on a key part of financial aid. We did nothing about that.

Another example is the single definition of an institution of higher learning I think poses a dangerous threat. It opens the door to potential future abuse of Federal aid by for-profit institutions. We should be protecting our students from fraud, not welcoming it through the door.

H.R. 609 falls short again on funding Pell Grants. A $200 increase through the year 2013 barely covers the real costs, and the President has frozen the maximum grant at 4,050 for 4 consecutive years.

I think the substitute does provide for the real value of Federal aid in helping students realize their dream and helping their families realize the dreams of their kids going to college.

But I think what the substitute says, above all, is that we can and we must do better. In December, the House Republicans voted to cut $12 billion from the Federal student aid program. Democrats came out in force and not one of us voted in favor of that bill. I ask my colleagues to join me again in opposing H.R. 609 because it is not enough, and support the Democratic alternative and then vote "no" on the final passage of the Missed College Opportunity Act.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, and Members of the committee, we have come to the end of this debate, and we must address a fundamental distinction between these bills.

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One of these bills recognizes the affordability gap, if you will, between the cost of a college education and the struggles of American families and students to purchase that education. I appreciate all the discussion by the previous speakers as to how they have authorized an increase in the cap and they have done all this. The fact of the matter is, there is no money for that authorization. The President promised that he was going to raise it to $5,100, no money has been forthcoming. In fact, if you look over the last 5 years, there is $16 billion in additional spending for education that is over and above what the Republicans have reported out of the appropriations cycle over those last 5 years. So this promise of additional money some time in the future if you vote for this authorization is brought to you by the very same people who, over the last 5 years, have been cutting education over and over and over. And that is why you see this gap, this gap between the cost of an education and the ability of a family to pay for it and what a full-time Pell grant means to these students, that we are down now to about 30 percent of the real cost of that education.

What does that mean? That means that these students are struggling and in many instances fully qualified students are not able to take advantage of going to college. That is just unacceptable in this country.

They said that they did not do more of this because they did not think it was totally the responsibility of the Federal Government to pay for an education. Well, let me explain to them, students are deeper in debt. Families are deeper in debt. They are borrowing more money than ever. You have raised the limits on how much they can borrow because they have to borrow. More students are working more hours to try to make up for the money that they cannot borrow, the money that they do not get in grants. And what we are suggesting is for the students and the families in the most need, in the most need, that we roll back the increased cost that you are going to saddle them with in July and go to a 3.4 percent interest rate rather than a 6.8 percent interest rate.

There is no way to suggest that somehow this would make it totally the responsibility of the Federal Government. That is laughable around every kitchen table in America. As families are sitting down with their young people and trying to put their aid packages together, the loans, the grants, the borrowing, the family contribution, the work of their students, to see whether or not they can acquire a 2-year or 4-year education, they would laugh in your face if you said, well, this is all the responsibility of the Federal Government. No. The Federal Government made a decision after World War II that we thought that people should not be turned away from college because they cannot afford it. And that is the people that we are trying to help, and that is the people, those most in need, that we are trying to help with this substitute, with Mr. GRIJALVA, Mr. SCOTT, Mr. DAVIS, Mr. KILDEE, and myself, because those are the people who tragically and unfortunately and unnecessarily are making a decision.

The other charge was that the only thing I could suggest where you could pay for this was tax cuts to the wealthy. I will give you another one. How about the tax cuts to the oil companies that you did in the energy bill? Maybe you can take those oil companies that have world record-breaking profits and maybe you could ask them to give back some of the tax cuts you gave to them last month or the month before and use that to help pay for the education of those families and children most in need.

So this legislation just shows two real differences between the parties: The party that continues to cut education almost $16 billion more than what Congress finally reported out because the Democrats took them dragging and screaming, and the party that is going to decide that we are going to help these families. And we are either going to roll back that raid on student aid with this down payment or you are going to neglect the needs of these families and students. And I hope that people will vote for the substitute and against the bill.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been an interesting debate. I hope those who have followed it have followed it closely. I think if you have listened to most of what the other side has talked about, they are complaining about what we did a couple of months ago in the Deficit Reduction Act to try to bring some controls to the budget. There have not been many challenges to the bill, and you can see the substitute that they are putting in now, most of what they have in the substitute we have in our bill.

The new graduate Hispanic-serving institutions program, very important. Year-round Pell Grants. These are things we have in the bill.

As you can see this chart shows how public 4-year institutions' and private 4-year institutions' costs, tuition and fees, have been going up in the last 10 years. If we carried it back further, you can see it is even worse. For over 20 years, the cost of college university higher education has gone up at four times people's ability to pay. We are very concerned about that. That is why it is important that we do the things that we are doing in this bill to bring more affordability, more accessibility, more accountability to higher education.

In the bill, we strengthen Pell Grants. We provide students and parents with more information, and we shine a spotlight on excessive tuition rates. And we enhance American competitiveness. All very important things that we are dealing with at the current time.

One of the other things they have in their substitute is they lower student loan interest rates. Now, interest rates are really an interesting thing. I remember back about 30 years ago when Mr. Carter was President, interest rates got up to 19, 20, 21 percent, and that just seemed to be the norm. It looked like it was going to go on forever. When we passed the reauthorization of the Higher Education Act in 1998, we lowered interest rates, and we have been living with lower interest rates for students even though their loans have gone up from $8,000 average to $18,000 average. They are still paying about the same amount of interest in repayment. That was due to the work that Mr. KILDEE, myself and the Congress did in 1998. That was a good thing for students. Now they are talking about how bad the interest rate of 6.8 percent is. The Fed increased the interest rate this last week. Interest rates are going up. Who knows what they are going to be like in the future?

Let me read what Mr. MILLER said when we worked together in 2002 to set the interest rate: "Over the last several months, PIRG has worked closely with other student advocates and the lending community to develop a compromise that will deliver low-cost loans to student borrowers and maintain the stability of the guaranteed student loan program. We're confident that S. 1762 does this, and we applaud the passage of the provision."

What that did was set interest rates at 6.8 percent.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. McKEON. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. That was a 6.8 cap with a variable rate underneath.

Mr. McKEON. You were not alone, Mr. MILLER. The Student Association said: "The advocates say they arrived at the proposed 6.8 percent by determining the average rate that borrowers would pay over the next 10 years, as projected by the Congressional Budget Office, if the formula change were to take effect. 'Financially we believe that this would be a very good deal for students,' said Corye Barbour, legislative director for the United States Student Association. 'We also think this would add much needed simplicity to the student loan program,'" 6.8 percent, what this law that we are asking you to support puts into effect.

We really need to come together, the Federal Government, State government, schools, lenders, parents, students, to solve this problem. The bill that we have before us today, H.R. 609, goes a long way to making that happen. I encourage my colleagues to vote against the substitute; vote for the underlying bill.

Mr. SCOTT of Virginia. Mr. Chairman, yesterday the Republican leadership brought their higher education bill to the floor. Their claim was that it would strengthen and improve the nation's higher education system by expanding college access for low- and middle-income students. But in reality it fails to provide urgently needed assistance for millions of low- and middle-class families that are trying to figure out how to pay for their children to go to college.

This past December House Republicans voted to cut the student loan programs by $12 billion and these cuts included many significant changes to the Higher Education Act, none of which expand access to college or make college more affordable for students and their families. The bill put forward by the majority does nothing to make up for these draconian cuts.

Today Mr. Chairman, we offer our substitute in an attempt to make students whole again. Our substitute offers real financial assistance to needy families. It cuts interest rates in half for borrowers in most need by lowering the cost of college by $2.4 billion for students and their families. It lowers the cost of student loan interest rates for middle and low-income families. Specifically, we offer a 3.4 percent fixed interest rate to students who take out subsidized loans between July 1, 2006 and June 30, 2007.

Our Substitute also helps boost college participation rates for minority students. It establishes a graduate Hispanic Serving Institution program. It establishes a Predominantly Black Institution program that would boost college opportunities for low-income and first-generation Black college students. Our substitute also increases the tribal college minimum grant and stabilizes tribal college construction by ensuring that funds for used for construction under HEA are guaranteed.

Mr. Chairman, the cost of tuition should not stand between a qualified student and a college education. Congress should not miss an opportunity to help American families pay for college. Our bill offers families a real solution to the problem of rising tuition costs. We make good on our promise to put a college education within the reach of American students and families. I urge my colleagues to support this substitute.

Mr. CUMMINGS. Mr. Chairman, I rise today to oppose the College Access and Opportunity Act of 2005, H.R. 609, and in support of the Democratic Substitute.

Helping millions of Americans reach the fullness of their potential is the 40 year legacy of the Higher Education Act that we are called to honor in the reauthorization bill before us today. Unfortunately, H.R. 609 falls short of fully embracing this legacy, for it fails to ensure that those who wish to better themselves through a postsecondary education are able to realize that goal unrestrained by the shackles of financial disadvantage.

Make no mistake, in today's global economy characterized by competition and transformation, a postsecondary education has never been so vital to so many. The Bureau of Labor Statistics recognized this when it concluded that a postsecondary education will be necessary for 42 percent of the jobs created in this decade.

The U.S. Census Bureau acknowledged this fact when it reported that those with a bachelor's degree earn on average $1 million more over their lifetime than those with only a high school diploma. The fruits of a postsecondary education also frequently include improved access to high-quality healthcare, housing, childcare, and a host of other social benefits that typify the fulfillment of the American dream.

With limited Federal resources, dramatic tuition increases, and our nation's continuing shift to a knowledge-based economy, the need to ensure that the programs authorized under the Higher Education Act are effective and efficient has never been greater.

Unfortunately, the bill before us would be more aptly named the "Missed College Opportunities Bill." To begin, H.R. 609 represents a wasted opportunity to deal with the $12 billion that was eviscerated in student aid programs under the recently passed reconciliation bill.

At a time when we should be using the reauthorization of the HEA to right the wrongs of reconciliation by redirecting those funds to expand and strengthen grants and low-interest loans, H.R. 609 simply does too little, too well.

More specifically, I am deeply troubled that H.R. 609 does not include a mandatory increase in the Pell Grant, the cornerstone program of federal financial aid.

The maximum Pell Grant award for the last three years has been frozen at $4,050 and its purchasing power has withered away to cover just 30 percent of the average cost of attendance at a four-year public college.

Yet H.R. 609 authorizes only a paltry increase of $200 in the Pell Grant. Moreover, the bill does not comprehensively lessen the college loan burden at a time when the average college graduate now owes $17,500.

The bill also continues to encourage the waste of billions of tax payer funds by not encouraging the utilization of the Direct Loan program, which a large body of evidence has shown to be the more cost effective Federal loan program.

Surprisingly, just months after the President acknowledged in his State of the Union address that we need to expand our commitment in the fields of math, science, and engineering to maintain our economic preeminence, H.R. 609 fails to address this National crisis in any comprehensive manner.

The Democratic Substitute would correct these inadequacies, cutting in half interest rates on loans for low- and middle-income students most in need of help—from 6.8 percent to 3.4 percent—starting in July 2006. The Substitute also establishes a Predominantly Black Institution program; a graduate Hispanic Serving Institution program; and, provides additional assistance for tribal colleges.

On balance, there are some features in the base bill that I support. I am encouraged by: (1) the inclusion of Coppin State University as a qualified graduate program, in my district; (2) the authorization of year-round Pell Grants; (3) the creation of new loan forgiveness provisions in areas of national need; and (4) the change in the needs analysis that permits early estimates to help students and families anticipate financial aid eligibility. But these changes are not enough to overcome the bill's shortcomings.

Mr. Chairman, the measure of our commitment to postsecondary education is found not in the quality of our towering words, but by the quality of our actions that help needy students and families afford a first-rate higher education that is relevant in the 21th Century.

By providing students in our Nation with such an education, we help save our children from the clutches of poverty, crime, drugs, and hopelessness, and we help safeguard our Nation's prosperity for generations yet unborn.

If the Democratic substitute to H.R. 609 is not adopted, I encourage my colleagues to vote against H.R. 609 on final passage.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of the Democratic alternative to H.R. 609, the College Access and Opportunity Act that would help more students and families pay for higher education.

With millions of American families struggling to pay for college, it is critical that Congress act to make college more affordable. Unfortunately, H.R. 609 does little to increase the access and affordability of higher education and actually cuts $8.7 billion from student aid programs. This bill would, among other things, freeze the authorized level of maximum Pell Grant scholarships $200 above the current level through 2013. With the cost of tuition rising more than 6 percent every year, a flat-lined $200 increase provides no relief for the 37,500 students in my home state of Connecticut that receive Pell Grants.

According to the College Board, the typical student who borrows to finance a bachelor's degree at a public college or university graduates with $15,500 of debt and at private non-profit institutions graduates with $19,400 debt. To assist students and families struggling with this debt, Congress passed legislation in 2002 that lowered the interest rate cap on student loans to 6.8 percent starting in July of 2006. However, the bill on the floor today would raise the interest rate cap to 8.25 percent. As a result, the typical student borrower, with $17,500 in debt, would be forced to pay as much as $2,600 more in interest on those loans.

In contrast, the Democratic alternative would cut interest rates in half for students with subsidized loans—from 6.8 percent to 3.4 percent—which means $2.5 billion in interest rate relief for middle and low income families. The Democratic substitute would also create a pilot program for year round Pell Grants, simplify the student loan application process, and provide loan forgiveness for nurses, highly-qualified teachers in bi-lingual and low-income communities, librarians, first responders and other public servants.

As a nation, we must invest in higher education if we are going to boost America's economic competitiveness and continued prosperity. Hardworking families and students deserve better. I urge my colleagues to join me in rejecting the underlying bill and supporting the Democratic alternative that would truly make college more accessible and affordable to more Americans.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. Chocola). The question is on the amendment offered by the gentleman from California (Mr. George Miller).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–401.

Mr. McKEON. Mr. Chairman, I have a pro forma amendment made in order under the rule.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from California (Mr. McKeon) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, I yield myself 1½ minutes.

I yield to the gentlewoman from Ohio.

Ms. PRYCE of Ohio. Mr. Chairman, I rise for the purpose of a colloquy with the chairman.

Mr. Chairman, I want to compliment you on the great job you have done with this bill and let you know how heartily I support it.

There is a national program that you are aware of, Project GRAD, which has proven highly effective in increasing the number of low-income students who graduate from high school and enroll in college by reaching out to students beginning in kindergarten and staying with them through college. Project GRAD has four sites in my home State and several theater schools.

Mr. Chairman, is it the intention of the committee that this bill will allow funding for this type of program?

Mr. McKEON. Yes. H.R. 609 incorporates a new use of funds under the Fund for the Improvement of Postsecondary Education for integrated education reform services in order to improve college access and opportunity. Under this allowable use, Project GRAD will be able to compete for Federal funding.

I recently had the opportunity, at your urging, to visit a Project GRAD program in my home State of California, and they are doing a wonderful job and generating very impressive results. I am grateful to you and Mr. Tiberi and Mrs. McCarthy for your diligent efforts in this.

Ms. PRYCE of Ohio. I thank the chairman so very much for his willingness to include this language in the bill and for his efforts to support this valuable program.

I would like now to yield to the gentlewoman from New York, who has been a tireless advocate for Project GRAD and a leader on this issue.

Mrs. McCARTHY. I thank my colleague for yielding.

I too would like to thank the chairman for his comments and support. We are fortunate to have a Project GRAD program in my district on Long Island. It is making a critical difference in the lives of many of the students. I appreciate all the help. I hope we can eventually get funding for these programs.

Ms. PRYCE of Ohio. I thank the gentlewoman for her comments, and I also would like to acknowledge the hard work of Congressman Tiberi on this issue as well and thank him for his efforts and, once again, thank the chairman.

Mr. McKEON. Mr. Chairman, I yield myself 2 minutes, and I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I too want to congratulate you for the hard work that you have put into this legislation and thank you for that.

I know that you agree that peer to peer piracy is a serious challenge on college and university campuses. This activity is not only theft but also exposes college and university information technology infrastructures to security risks from spyware. There is bipartisan agreement that these institutions should have effective policies and punishments in place to deter this illegal activity, and I am asking if you would commit to working with me to combat peer to peer piracy on college and university campuses.

Mr. McKEON. I certainly understand and share the gentleman's belief that illegal downloading of copyrighted material on college campuses is a serious matter. I strongly believe that policymakers, institutions of higher education, and those in the recording and motion picture industries have to make a renewed commitment to address the important issue of piracy on college campuses. You have my commitment to work with you on this issue.

I now yield to the gentleman from California for his comments.

Mr. BERMAN. I thank the chairman for yielding. I congratulate him on his new position.

The gentleman from Virginia, the gentleman from Maryland, the gentlewoman from California, myself, and a number of other Members of the House are driven by our concerns related to the lack of information available from the university community about their antipiracy efforts. A Judiciary subcommittee, chaired by Mr. Smith of Texas, has issued a request to the Government Accountability Office to gather data on whether schools have adopted strong acceptable use policies, enforcement mechanisms, in addition to whether they are taking action on DMCA notices, and monitoring local agency networks where much of this piracy is taking place. This information is important so that the extent of the problem can be assessed.

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Mr. McKEON. Mr. Chairman, I thank the gentleman for his work on this issue. I am aware that there has been resistance to efforts to gather this information. I hope it is clear to the university community that Congress will continue to monitor such efforts.

I now yield to the gentlewoman from California (Mrs. Bono).

Mrs. BONO. I thank the chairman for your willingness to address the issue, and I also want to congratulate you.

The Acting CHAIRMAN (Mr. Chocola). The gentleman's time has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, do I have 5 minutes?

The Acting CHAIRMAN. The gentleman from California has 5 minutes.

Mr. GEORGE MILLER of California. I would be happy to yield 2 minutes to the chairman for the purpose of these colloquies.

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding, and I yield to the gentlewoman from California.

Mrs. BONO. What perfect timing, Mr. Chairman. I can thank you again and congratulate you again on your position and also thank the ranking member for his generosity.

I want to join my colleagues to remind everybody that in college, plagiarism can be an expellable offense. Colleges play a key role in teaching us that stealing someone else's work by plagiarism is just not acceptable.

Just imagine the positive contributions colleges and universities could lend our economy and way of life if they took the lead in teaching students the value of intellectual property.

Therefore, Mr. Chairman, I hope that you will work with me and my colleagues to create such a new environment, including possibly holding a hearing before the House Education and the Workforce Committee. I look forward to doing so with you and with your leadership.

I yield to you for your comments.

Mr. McKEON. Mr. Chairman, I thank the gentlewoman for her leadership on this issue and share her concerns. We will work on that.

Mr. Chairman, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the distinguished chairman. The gentlewoman from California and I have cochaired a caucus on copyrights. We have worked very closely with Mr. Goodlatte, and my good friend, Mr. Berman.

I do want to acknowledge that the education community and the entertainment community have been working cooperatively, Mr. Chairman, for more than 2 years to develop ways to reduce illegal file sharing and develop legal alternatives.

Some universities are true leaders, in fact, in combating piracy on campus. But we have no data, Mr. Chairman, that ensures that all institutions are aggressive in their efforts to educate students on piracy and in deterring this activity. I thank the gentleman for agreeing to work with us on this critically important issue, and I yield back to the gentleman from California.

Mr. McKEON. Mr. Chairman, I thank the gentleman from Maryland for his work on this issue. As this bill moves through the process, I will work with the gentlewoman, with my good friend from the State of California (Mr. Berman), my good friend from Virginia (Mr. Goodlatte), my friend from Maryland (Mr. Hoyer); you can see this is a coast-to-coast issue; and others to ensure that we have additional compliance from the higher education community on the illegal downloading of copyrighted material, including working on report language during the conference committee to ensure that colleges and universities take seriously their obligation to aggressively tackle this problem.

Schools should have policies in place accompanied by strong punishments to notify students that unauthorized downloading and sharing is illegal. I thank the gentleman for his strong leadership on this issue and for bringing attention to this issue.

Mr. Chairman, I reserve the balance of my time.

How much time do I have remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. McKEON. And the gentleman from California has?

The Acting CHAIRMAN. The gentleman from California (Mr. Miller) has 3 minutes remaining.

Mr. McKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for entering into these colloquies, especially the colloquy on the question of intellectual properties and the protection of intellectual properties.

Mr. Chairman and Members of the House, I would simply say that I think with the substitute that we will be voting on here in a few minutes and the other votes, and finally the vote on final passage, that we will have a clear choice in this House.

I would hope that Members of the House would join a very broad array of education organizations across the country, from the American Federation of State and Municipal Employees, to the American Federation of Teachers, the American Medical Students Association, the Council of Christian Colleges and Universities, Lutheran Educational Conference, Minnesota's Private Colleges, the National Association of College Admission Counselors, the National Association of Independent Colleges and Universities, the National Education Association, the Service Employees Union, State Public Interest Research Group, St. Mary's College in California, my father's alma mater, as a matter of fact, the United States Students Association, the University of Michigan Women's College Coalition, to vote "no" on this legislation, and joining the organizations like NAICU that say that they will not support this legislation, but like myself and others, they want to continue to work with the chairman as this legislation moves forward into a conference committee, hopefully soon with the Senate.

But I think the correct vote here at this time for America's families who are struggling to pay for the cost of college, for the students who are struggling to pay for the cost of college, and for the contribution that these students, should they successfully complete their college education, the contribution that they will make to our society and to our economy, it is most important that we take this step provided in the substitute to make a down payment on reversing that raid on student aid and making a down payment on the future of these students, their families, our communities and this country.

There is no other way to do it, because with the current aid that we are providing, and the increases in the costs that will come on line on July 1, because of the actions this Congress took just a couple of months ago, I know they want to divorce these two bills, but they are both parts of the Higher Education Act in this Congress.

Because of the actions they took, these families, unless you vote for the substitute, they will be saddled with higher interest costs. Those families are being put on notice now as they are seeking out the loans necessary to pay for that education.

Mr. Chairman, I think we should send them some good news as they gather around that kitchen table to try to determine whether or not they will be able to take the opportunity available to them in this country for a college education, an opportunity that should never, ever be foreclosed, simply because somebody cannot afford to take advantage of it.

Mr. Chairman, I urge my colleagues to vote yes on the substitute, and to vote no on the bill on final passage, and as I say, to join a very wide array of educational organizations, private, public, small, large, all across this country that have very serious problems with this legislation. Let's not turn it into the missed opportunity that we believe it is.

Mr. McKEON. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, we have had a good debate. I want my colleagues to understand we urge a "no" vote on the substitute. We urge an "aye" vote on final passage.

Before I conclude I would like to thank all who helped to make this bill possible. I do want to thank Ranking Member Miller, Ranking Member Kildee, Subcommittee Chairman Keller and all of those who have worked on this bill.

I want to thank Ellen Bammon for the good work she did, and the members of the staff on the other side of the aisle. I want to thank Amy Raaf on our committee, who has been working night and day to get us to this point.

I want to thank Krisann Pearce, who will be departing from the committee, who has done yeoman's work. I mentioned yesterday Sally Lovejoy, who has been with the committee for 25 years, who is leaving.

I want to thank Heath Weems from my personal staff; Bob Cochran, my chief of staff, who have all done great work on this.

I want to thank Kathleen Smith and Alison Griffin, who have been working on this project for years and have since left the committee.

Mr. HIGGINS. Mr. Chairman, I rise in opposition to H.R. 609, the Higher Education Reauthorization Bill. Today the House of Representatives wasted an opportunity to help millions of American students achieve a higher education and a more secure future. Just 2 months after Republicans cut student aid by $12 billion in the budget reconciliation bill to, the largest cut in history, they are again making higher education less affordable by placing the burden of financing tax cuts for the wealthy on the backs of students and their families.

It is ironic that this bill is entitled the College Access and Opportunity Act, because in reality it restricts access and denies opportunity. This bill breaks a promise to lower interest rates to 6.8 percent for student borrowers. The bill could reduce the number of doctors by making it overly cost prohibitive for students to study medicine by further restricting their ability to consolidate debt or to receive a lower rate. Additionally, the bill freezes the maximum Pell grant award and the Federal Work Study Program for the next 6 years; so much for access and opportunity.

I voted against H.R. 609 because there is a better option—the Democratic substitute. The substitute would have re-directed Federal dollars recently cut from student aid to low interest loans or grants to help students. But that better option was voted down by the Republican majority. The substitute would have cut interest rates for students with subsidized loans in half, providing $2.5 billion in interest relief for America's middle and low income families. The substitute would also have established a new Black Serving Institution Program and a new graduate Hispanic Serving Institution Program to boost college participation rates of low-income, black, and Hispanic students and to encourage minority students on campus. Sadly, Republicans rejected the amendment.

Congress has a responsibility to help hard-working young men and women realize their potential through educational opportunities so that they can achieve the American dream. At a time when college costs are rising faster than inflation, we should not be restricting student financial aid, we should be encouraging young men and women to continue their education, so that they can compete in the 21st century global marketplace.

I am saddened that this Congress passed up the opportunity to create real access and real opportunity for the men and women of my district in western New York, but I want them to know that I will keep fighting on their behalf.

Ms. LEE. Mr. Chairman, I rise today in opposition to H.R. 609.

I ask you, when will the raid on student aid stop?

H.R. 609 continues to deepen the wound already inflicted by the Republican tax reconciliation bill that cut $12 billion in student loans, an continues the damage in President's proposed budget.

Mr. Chairman, today's students are taking out more loans, working longer hours, and graduating with record amounts of debt, yet this bill does nothing to increase the Pell grant.

The goal should be to make college affordable and accessible for all. Yet again, with this bill the Republican leadership's rhetoric is out of step with its actions. Attempts to make this misguided bill better have been stifled.

Mr. Chairman, for example, I offered an amendment with the purpose of helping those who help our students.

Unfortunately, my amendment hasn't been made in order.

My amendment would include those who work as school counselors, school social workers, and school psychologists in the student loan forgiveness program.

Currently, the U.S. national average student-to-counselor ratio is 488: 1. In contrast, the maximum recommended student-to-counselor ratio is 250: 1. Sadly, some schools don't even have one full-time counselor.

Mr. Chairman, my home State of California ranks last in student-to-counselor ratios, at the astounding rate of 945 students for every 1 counselor.

School counselors provide valuable skills and coping strategies for dealing with issues as diverse as home issues, career counseling, college placement and academic issues, conflict resolution, and drug and alcohol issues.

Congress intended loan forgiveness to encourage education professionals to serve in needy areas of the country.

Counselors do a great deal to help improve students' readiness to learn, their quality of life at school, and their consequent educational achievement.

Mr. Chairman, let's make sure we are making our future the priority, and stop this ongoing raid on student aid.

Ms. KILPATRICK of Michigan. Mr. Chairman, the Republican higher education bill, the College Access and Opportunity Act, H.R. 609, represents a missed opportunity to make college more affordable, boost America's economic competitiveness, and invest in America's future.

At its core, the Higher Education Act, HEA, historically has sought to improve access to a college education for our Nation's most needy students. The current reauthorization bill does little to fulfill this premise and has the potential to greatly detract from that important goal. The goal of Congress and this bill should be to expand higher education opportunities, not restrict them.

Despite Republican leadership's claims, H.R. 609, the "Missed College Opportunities Act," does little to help the students it claims to help. Just a month after cutting student aid by $12 billion, Republicans continue to be out of touch with the needs of American students and families.

H.R. 609 fails to provide a real increase in student aid.

H.R. 609 fails to lower college loan interest rates.

H.R. 609 freezes the authorized level of the maximum Pell Grant scholarship—at just $200 above current levels—through 2013 and it does not include any mandatory increase in Pell.

The Democratic substitute, which was not adopted, would have cut interest rates in half for the borrowers, from a fixed rate of 6.8 percent to a low fixed rate of 3.4 percent. As a result the costs of college would be lowered by $2.4 billion for low- and middle-income students.

In addition to making college more affordable, the Democratic legislation would have boosted college opportunities for minority students by:

Establishing a new Predominantly Black Serving Institutions program to increase college participation rates of low-income black students;

Creating a new Graduate Hispanic Serving Institutions program; and

Creating a pilot program for year round Pell grants.

Traditionally, higher education legislation has enjoyed widespread bipartisan participation and support but today I will vote against this higher education bill. American students and families are struggling to pay for college. Congress should pass legislation to control tuition costs and increase student aid and not miss this opportunity to help American families.

I strongly support the Democratic substitute. I will vote against the underlying bill, H.R. 609, because it does not make college more affordable for American students and families.

Mr. HOLT. Mr. Chairman, America's economic prosperity, security, and health are more dependent than ever on students' access to higher education opportunities. Unfortunately, the rising importance of college for individuals and our society has corresponded with skyrocketing tuition costs, causing students to take on massive amounts of loan debt—$17,000 on average; to work long hours that interfere with academic success; or to forgo college altogether.

H.R. 609 contains some positive provisions. I am pleased that the bill includes year round Pell grants for all colleges, including community colleges at least on a provisional basis. I am pleased that the bill includes up to $5,000 of student loan forgiveness if you are an elementary or secondary school teacher of a critical foreign language or a government employee who a critical foreign languages. The bill also authorizes Mathematics and Science Honors Scholarships to students pursuing a baccalaureate, masters, or doctoral degree, or a combination thereof, in physical, life, or computer sciences, mathematics, and engineering. The bill also creates Mathematics and Science Education Coordinating Councils, composed of education, business, and community leaders, which will implement State-based reform agendas that improve mathematics and science education; and support services that lead to better teacher recruitment and training, increased student academic achievement, and reduced need for remediation at all levels.

Unfortunately, H.R. 609 comes on the heels of the budget reconciliation bill, which cut $12.76 billion in Federal student financial aid by increasing interest rates, charging students more fees on their loans, and reducing subsidies to lenders. This was the largest cut in the history of Federal student financial assistance. The result will be nearly $8 billion in new charges that will raise the cost of college loans for millions of American students and families who borrow to pay for college. For the typical student borrower, already saddled with $17,000 in debt, these new fees and higher interest charges could cost up to $5,800. New Jersey students and families were hit hard—over 125,000 college students in New Jersey will be affected. H.R. 609 fails to reverse this raid on student aid.

Congress' recent policies with regard to student aid have abrogated the responsibility that the Federal Government accepted with the Higher Education Act. Supporting students and families who take out college loans is an investment in the American economy and our society at large. Congress should lower interest rates and provide additional benefits for student borrowers to encourage responsible repayment and support this educational borrowing. Instead, H.R. 609 fails to make loans more affordable. Rather than increasing opportunity, H.R. 609 freezes the authorized level of the maximum Pell grant scholarship—at just $200 above current levels—through 2013 well below the historic value of Pell grants.

H.R. 609 should be doing more to provide access to college. Pell grants should be doubled, not frozen at a level that will mean a reduction in value over time. Perkins loans should be increased, and work study should be increased. As currently written, H.R. 609 will not help us maintain our competitive edge in the global community.

Together we can do better.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise today in opposition of the single holder rule, and in support of Americans pursuing secondary education.

As the law currently stands, student loan borrowers attempting to refinance and consolidate their loans face unfair restrictions from the so-called "single holder rule." This rule limits the search of these students to their current lender for a Consolidation Loan, if the current lender is the holder of all of the Federal Family Education Loans (FFEL) they wish to consolidate.

Mr. Chairman, with tuition prices on the rise, it should be the role of the Federal Government to help those Americans pursuing higher education, not impede them. Competition amongst the lender industry for these Consolidation loans would help lower interest rates for these loans, lowering the cost of secondary education for countless Americans. At a time when the dream of higher education has become farther out of reach for many families, it would be irresponsible for this Congress to stand in the way of the elimination of these restrictive provisions.

Furthermore, we have learned a great deal in recent months of increased competition from overseas in the areas of math and science. In order for our Nation to remain a leader in innovation, and maintain our status in the international economy, we must make educating the next generation of Americans a priority. The single holder rule serves only as a barrier to this critical education.

I do not stand alone in my support of the elimination of the single holder rule. Rather, I am lending my voice to a bipartisan chorus. The Conference Report on the 2003 Omnibus Appropriations Act urged the authorizing committees to repeal the single holder rule to "ensure borrowers have the best options available to them in order to manage their student loan obligations."

Mr. Chairman, I am pleased to see that both the House and Senate versions of the reauthorization of the Higher Education Act to pass out of conference would finally repeal the single holder rule. This rule does nothing more than pander to the student loan industry special interests at the expense of America's students. While I will not be lending my support to H.R. 609 today for other reasons, I applaud the efforts of both Republicans and Democrats to eliminate this harmful rule.

Mr. LEVIN. Mr. Chairman, we stand here today with a historic opportunity to improve higher education in this country. The average tuition and fees for four-year public colleges have risen over 40 percent since 2001. The average student now leaves school with $17,500 in debt. Above anything else, it is absolutely essentially that any legislation reauthorizing the Higher Education Act help make a college education more affordable, so that we can expand this great opportunity to more young people across the country. I know this issue is immensely important to many of my constituents in Michigan.

Unfortunately, the misnamed "College Access and Opportunity Act of 2005" does absolutely nothing to reduce the costs of a college education. When Pell Grants were first enacted to help low-income families, it covered 72 percent of the average cost of a four-year public college, today it pays for only 30 percent. This bill would increase the maximum amount a Pell Grant could cover by a pathetic $200 while the President's proposed budget continues to flat fund this vital program.

It is now just two months after this Republican Congress voted to cut Federal student aid by $12 billion—the largest cut in the history of the program. Most of the cuts in mandatory spending in that bill were generated by cutting back on excessive lender fees on student loans. Yet instead of investing this additional revenue into scholarships and reductions in student loan fees, Republicans chose to put this money towards tax cuts for the super wealthy.

At a time when we are faced with fierce global competition from countries like India and China, it is absolutely essential that we invest in higher education. Last year China graduated more English-speaking engineers than we graduated here the United States. I wonder how it is that the majority would have us believe that an investment in tax cuts for the very rich would help us to remain an economic superpower.

A report by Michigan's Lt. Governor John Cherry's Commission on Higher Education and Economic Growth spelled out how Michigan's economic future is directly linked to our ability to accelerate the completion of degrees of higher education. Two-thirds of the jobs created in the next decade will require post-secondary education and training. I wonder how it is that the majority believes that cutting student loans will make it easier for the thousands affected by the manufacturing jobs crisis in Michigan.

Republicans here in Congress would have us believe that $12 billion in cuts to the student loan program and reauthorizing the Higher Education Act are unrelated. I say they couldn't be more out of touch.

Democrats have offered an alternative. This substitute would begin to reverse the damaging cuts made to student aid by cutting interest rates on loans for low and middle income students in half starting in July of 2006. This would lower the cost of college by $2.4 billion for students and their families. This measure is a down payment on the future of our Nation's students who are, after all, the key to the success of our Nation in the days that come. I will vote against this harmful legislation today, and in favor of the Democratic substitute.

Mr. STARK. Mr. Chairman, I rise in opposition to the so-called College Access and Opportunity Act of 2005 (H.R. 609). This Republican bill represents a significant missed opportunity to rollback the raid on student aid and make higher education more affordable and accessible for America's students.

When it comes to helping families pay for college, Republicans never miss an opportunity to miss an opportunity. But when their campaign contributors say jump, Republicans always ask how high.

In December, The Chronicle of Higher Education reported that while Chairman of the House Education and Workforce Committee, Representative BOEHNER assured nervous private lenders—who in 2003–2004 contributed more than $250,000 to his campaign—that they would gain rather than lose under the Deficit Reduction Act. "Relax. Stay calm," BOEHNER told the Consumer Bankers Association. "At the end of the day, I believe you'll be at least satisfied, or even perhaps happy. Know that I have all of you in my two trusted hands."

Instead of reducing lender subsidies as was originally proposed, Congressional Republicans subsequently raised interest rates on parent borrowers and required student borrowers to continue paying excessive, above-market interest rates. In total, Republicans cut $12 billion from student loan programs—the largest cut in our nation's history.

Today, Representative BOEHNER is back to his old tricks, protecting the bottom lines of private lenders rather than the pocketbooks of hard-working students. H.R. 609 does nothing to restore the much-needed student loan subsidies cut under the Deficit Reduction Act. Rather, this legislation keeps student loan interest rates for low- and middle-income Americans at an unnecessarily high 6.8 percent, guaranteeing private lenders a profit and students mountains of debt after graduation.

Further, H.R. 609 continues to underfund the Pell Grant program, even as the program's purchasing power declines on annual basis. The bill freezes through 2013 the authorized maximum for a Pell Grant scholarship—at just $200 above current levels. Even as the cost of education rises, the purchasing power of Pell Grant loans declines.

It is past time that we had a higher education bill that makes college more affordable, boosts America's economic competitiveness, and invests in America's continued prosperity. This legislation does none of the above. I urge my colleagues to join me in voting against H.R. 609 so we can bring forth a bill that actually does what's needed for higher education.

Mr. BLUMENAUER. Mr. Chairman, at a time when the global economy demands a highly trained, educated workforce, Congress is making it more difficult for our students to succeed. The Higher Education Reauthorization Act represents a missed opportunity at a critical time for improving education.

All across America, communities are struggling to deal with education funding for preschools through high schools. Many of these communities are recovering from difficult economic times and have financially stressed the local education systems. Many states have responded to budget crunches by reducing their support for postsecondary education at a time when we need to be desperately training students for their own as well as the country's future. It is expected by 2020, the U.S. will experience a shortage of up to 12 million college-educated workers. We are providing less support as a percentage of overall educational costs than ever before.

In part, it is because of a tragic decision of the Republican majority to sacrifice education for $70 billion in tax benefits for America's wealthiest individuals. This has made the funding problem even worse than it needs to be. There are opportunities to simplify financial aide forms, to increase access to higher education and to improve higher education, but instead that focus is lost. Had a truly bipartisan approach been taken by Congress a much better bill would have been possible.

Tuition and fees have already climbed by 46 percent at four-year public colleges since 2001, nearly six times faster than Pell Grant Scholarships. Students are taking on record high loan debt and working longer hours in order to attend college. There are over 90,000 Oregonians borrowing money to attend college. While costs are going up and burdens on families are greater, there is less federal support.

Many of the higher education professionals that I have worked with suggests they would rather have another extension of the current law than this reauthorization, quite an indictment and a signal of what we should be doing. I am hopeful that as this bill works its way through the legislative process that logic and the needs of students, families and our society for a well educated citizenry will prevail. Although, I am pleased the bill includes the bipartisan Blumenauer-Ehlers-Wu amendment to convene a summit of higher education experts working in the area of sustainable operations and programs, we can make this bill better and until that happens I cannot support it.

Mr. DINGELL. Mr. Chairman, I rise today to voice my opposition to legislation on the floor, H.R. 609, the College Access and Opportunity Act of 2005. Many of my colleagues have renamed this bill "the Missed College Opportunities Act" for good reason.

Two months ago my colleagues on the other side of the aisle voted for a budget reconciliation bill that slashed funding for student aid programs by $12.7 billion—the single largest cut to the Federal student aid program in its 40-year history. This "raid on student aid" could not have come at a worse time for American families, as the cost of a college education today continues to rise while more and more working families fall into poverty. At a time when our government should be increasing access to higher education, this bill is taking away this opportunity for many young students.

The ultimate goal behind the Higher Education Act has always been to improve access to college education for those in greatest need. Today's students are increasingly taking on higher loan debts, working longer hours or, in some cases, forgoing college altogether. Increasing access to higher education is critical to the development of a highly skilled workforce, which will ensure that America remains competitive in the global marketplace. Today's economy demands that workers are better educated and this bill does little to make college more affordable. As it is now, the average student owes $17,500 when he or she graduates.

Not only is this legislation troublesome for our students, it is also troublesome for our colleges and universities. The bill in its current form includes provisions that undermine the autonomy of colleges and universities by creating intrusive new reporting requirements. In particular H.R. 609 imposes price controls on colleges through the new "College Affordability Index" which would compare tuition increases to the Consumer Price Index without taking into consideration what individual institutions have done to offset tuition increases. Cost increases can be attributed to a combination of different factors, all of which vary between different institutions, making the College Affordability Index a poor measure of the affordability of an individual college or university.

Furthermore, a proposed amendment to this legislation would create an unnecessary burden on our universities' admission policies by requiring institutions that receive any Federal funding, including grants and scholarships, to submit to the Department of Education an annual report stating whether race, color, or national origin is considered in the student admissions process.

This amendment is unnecessary and redundant because universities already publicly disclose their admission policies, as required by the Supreme Court in Grutter v. Bollinger and Gratz v. Bollinger. The amendment will only burden university staff members with unnecessary and extensive paperwork. Additionally, the amendment jeopardizes individual applicants' privacy and confidentiality in violation of the Family Educational Rights and Privacy Act, FERPA, which generally prohibits educational institutions from disclosing personally identifiable information from students' education records without consent.

The proposed amendment, by contrast, would require universities to submit to the U.S. Department of Education's Office for Civil Rights, OCR—and from OCR to the public—"all raw admissions data for applicants" on each quantifiable factor considered in admissions except for the name of the applicant. Publication of raw data in this form—without any corresponding safeguards on use of the raw data—will almost certainly permit OCR and others to ascertain the identities of individual applicants. In so doing, it will be possible to determine individual applicants' test scores, high school grades, and so forth—all in violation of FERPA.

Mr. Chairman, I strongly agree that more should be done so that all deserving students have the opportunity to receive a higher education, which is why I support the Miller-Kildee-Scott-Davis-Grijalva alternative. The Democratic alternative would cut interest rates in half for the borrowers in most need—lowering the cost of college by $2.4 billion for students and their families. It would also create a pilot program for year round Pell grants to allow students to accelerate their degree. We must never let a student's economic situation hinder his or her ability to obtain access to a college or postgraduate degree.

Mr. Chairman, I ask that my colleagues join me in reversing the Republican raid on student aid by opposing H.R. 609 and supporting the Democratic alternative.

Mr. PAUL. Mr. Chairman, anyone in need of proof that Federal control follows Federal funding need only examine H.R. 609, the College Access and Opportunity Act. H.R. 609 imposes several new mandates on colleges, and extends numerous mandates imposed on that previous Congress imposed on colleges. H.R. 609 proves the prophetic soundness of people who warned that Federal higher education programs would lead to Federal control of higher education.

Opponents of increasing Federal control over higher education should be especially concerned about H.R. 609's "Academic Bill of Rights." This provision takes a step toward complete Federal control of college curriculum, grading, and teaching practices. While this provision is worded as a "sense of Congress," the clear intent of the "bill of rights" is to intimidate college administrators into ensuring professors' lectures and lesson plans meet with Federal approval.

The Academic Bill of Rights is a response to concerns that federally funded institutions of higher learning are refusing to allow students to express, or even be exposed to, points of view that differ from those held by their professors. Ironically, the proliferation of "political correctness" on college campuses is largely a direct result of increased government funding of colleges and universities. Federal funding has isolated institutions of higher education from market discipline, thus freeing professors to promulgate their "politically correct" views regardless of whether this type of instruction benefits their students—who are, after all, the professors' customers. Now, in a perfect illustration of how politicians use the problems created by previous interventions in the market as a justification for further interventions, Congress proposes to use the problem of "political correctness" to justify more Federal control over college classrooms.

Instead of fostering open dialog and wide-ranging intellectual inquiry, the main effect of the Academic Bill of Rights will be to further stifle debate about controversial topics. This is because many administrators will order their professors not to discuss contentious and divisive subjects in order to avoid a possible confrontation with the Federal Government. Those who doubt this should remember that many

TV and radio stations minimized political programming in the 60s and 70s in order to avoid running afoul of the Federal "fairness doctrine."

I am convinced that some promoters of the Academic Bill of Rights would be unhappy if, instead of fostering greater debate, this bill silences discussion of certain topics. Scan the websites of some of the organizations promoting the Academic Bill of Rights and you will also find calls for silencing critics of the Iraq war and other aspects of American foreign policy.

Mr. Chairman, H.R. 609 expands Federal control over higher education; in particular through an Academic Bill of Rights which could further stifle debate and inquiry on America's college campuses. Therefore, I urge my colleagues to reject this bill.

Mr. ETHERIDGE. Mr. Chairman, I rise in reluctant opposition to H.R. 609, the Republican higher education bill.

I am reluctant to oppose H.R. 609 because it contains my amendment to add Fayetteville State University, in my congressional district, to the list of eligible schools under title III B for Historically Black Graduate Institutions. Fayetteville State University holds the distinction of being one the Nation's most racially diverse educational institutions. Receiving funding under title III would enable the university both to enhance its existing graduate programs and to develop additional graduate programs in disciplines in which African-Americans are underrepresented in the Nation.

I am grateful to the committee chairman for adding the Etheridge amendment to H.R. 609 to include this outstanding institution of higher learning among its expanded lists of participants in title III B to enhance its historic mission of expanding opportunity in America. Unfortunately, the underlying bill is fundamentally flawed. H.R. 609 represents a major missed opportunity to make college more affordable and accessible, to boost America's economic competitiveness, and to invest in America's continued prosperity. Just 2 months after Republicans in Congress voted to raid $12 billion from Federal student aid, this bill does very little to help American students and families to pay for college.

H.R. 609 fails to reverse the Republican raid on student aid. H.R. 609 fails to make college loans more affordable. H.R. 609 freezes the authorized level of the maximum Pell grant scholarship through 2013 and it does not contain any mandatory increase in Pell. I support the Miller substitute to H.R. 609 that would cut interest rates for borrowers in most need and lower the cost of college by $2.4 billion for students and their families. In addition to making college more affordable, the Miller substitute would boost college participation for minority students by establishing a predominantly black institution program and establishing a graduate Hispanic serving institution program.

I hope as this legislation moves forward, the shortcomings can be corrected, and I can support the conference report on this important bill.

Mr. PRICE of North Carolina. Mr. Chairman, as we consider H.R. 609, the College Access and Opportunity Act, I want to highlight the teacher recruitment and retention provisions that have been included in this legislation.

In order to keep pace with anticipated teacher retirements and the growing student population, local school districts will need to hire an estimated 2.5 million teachers over the next 10 years. And not just any warm body will do. Under the No Child Left Behind Act, every teacher must be "highly-qualified" by the current 2005–2006 school year, a goal I suspect has not yet been achieved. In order to meet these challenges, we must embark on an unprecedented teacher recruitment and retention effort.

Fortunately, we already have evidence of what works. In 1986, the North Carolina General Assembly established the Teaching Fellows program, which currently produces 500 highly qualified and enthusiastic new teachers each year. I believe it offers a model for national emulation, and that is why I reintroduced the Teaching Fellows Act as H.R. 1801 early in the current Congress.

In the 108th Congress, I was pleased that the bipartisan committee leadership worked with me and former Congressman Cass Ballenger to enhance the teacher recruitment provisions of the Ready to Teach Act in accordance with the Teaching Fellows Act—H.R. 1805, 108th Congress. Much as we envisioned in the Teaching Fellows Act, the Ready to Teach Act would authorize State scholarship programs to attract the best students to the teaching profession, and provide support and mentoring programs that will help teachers make a long-term commitment to the field.

Those provisions have again been included in the comprehensive higher education legislation we are considering today. I want to commend Representatives MCKEON and KILDEE and other committee members for their willingness to work with me on this particularly important component of the bill.

With provisions added from the Teaching Fellows Act, H.R. 609 would establish scholarships for those coming out of high school or in their sophomore year of college, when students would perhaps be better prepared to make a mature choice about committing to a teaching career.

In addition, through partnerships with community colleges, H.R. 609 would offer fellowships to students, particularly those being trained as teaching assistants, to go on and obtain a bachelor's degree and full teaching certification. Students attending community colleges are often deeply rooted in their local communities, including rural and inner-city areas where the need for well qualified teachers is the greatest. So identifying and training a cadre of "homegrown" teachers is a promising strategy for meeting our most pressing teacher recruitment challenges.

These programs do not merely throw money at individual students but seek, through rich extracurricular programs, to promote esprit de corps and collaborative learning, to strengthen professional identity, and to provide a support system as students first enter the classroom as teachers. Students would participate in various community and school-based internships and experiences that go well beyond normal teacher preparation. These enrichment programs could feature a variety of components ranging from school system orientations and educational seminars to Outward Bound programs and international travel.

In exchange, scholarship recipients would be required to teach in a public school for a minimum of 1 year plus a period of time equivalent to the length of their scholarship. The idea of reciprocal obligation and community service are essential to the success of these programs.

Although I am pleased with these teacher recruitment and retention components of the bill, H.R. 609 is, in my view, lacking in serious ways. First, it seeks to make college affordable by squeezing colleges and universities. The bill's College Affordability Index would insert the Federal Government into the decision processes of institutions of higher education regarding tuition-setting, essentially establishing price controls. Secondly, it seeks to make college accessible by squeezing students and families. The bill would provide a very modest increase of $200 in the maximum Pell grant through 2013.

I am also concerned about the bill's provision to create a Title VI International Higher Education Advisory Board that would have an inappropriate and unnecessary role in curriculum decisions at colleges and universities.

We desperately need to enact a long-term reauthorization of higher education programs, and I hope we can make improvements to this bill in conference and achieve that goal prior to adjournment. I look forward to working with Members from both sides of the aisle to encourage our best and brightest students to enter and remain in the field of teaching.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today because I believe my Republican colleagues are sending a mixed message by offering this legislation.

This bill increases the authorization for the maximum Pell grant to $6,000, reauthorizes funding for Hispanic-serving institutions and historically Black colleges and universities.

From the looks of this authorization bill, you would think the majority leadership in this Congress cared about getting low- and middle-income students through college.

However, this authorization bill does not fund these programs. Just 2 months ago, my colleagues on the other side of the aisle voted to cut student aid by $12 billion by passing the budget reconciliation bill.

I don't understand why my Republican colleagues care more about giving tax breaks to the wealthy than helping low- and middle-income families send their children to college.

The budget reconciliation bill raised interest rates on parent student loans, raised loan consolidation fees, and required that student and parent borrowers pay a 1 percent insurance fee on college loans.

We need to do something to help people get through college, not charge them a 1 percent insurance fee and make their education even more expensive than it is now.

Since 2001, college tuition in this country has increased 40 percent. Students are graduating with over $17,000 of debt. And what has Congress done?

We've consistently flat-funded Pell and raised the maximum Pell award by small amounts that don't keep up with rising tuition rates, including this increase.

When Pell first started, it covered over 70 percent of the average cost of a 4-year education. Now, it pays for 30 percent of the cost of a college education.

While I appreciate the effort of the bill sponsors to increase the Pell maximum grant, it is still not enough to truly help low-income families send their children to college.

I hope in the future appropriators will enable us to show a true commitment to higher education by bringing us an appropriations bill that reflects the priorities outlined in H.R. 609.

Working families need more than the numbers offered in this bill, they need to see real dollars put into these programs.

My Republican colleagues have not adequately funded the very programs they are on the floor supporting today.

I hope that in the future, we fund the programs that are so important to us today.

Ms. DELAURO. Mr. Chairman, only 2 months after Congress cut $12 billion in student loan assistance, this Republican majority wants the American people to understand how much they appreciate the vital connection between higher education and solving the most pressing problems of our communities and the country.

But let me be clear—they don't. If this majority understood the extent to which access to a quality education is inseparable from our economic prosperity, national security, and civic health, they would not be failing to make college loans more affordable with this bill. If this misguided majority believed that a quality college degree were the cornerstone of the American dream, opening the door to job opportunity and professional fulfillment, they would not be freezing the authorized level of the maximum Pell Grant at just $200 above current levels through 2013. As if the cost of college will only rise by $200 in the next 7 years—over the next two decades, the cost of a public university is expected to rise to $50,000 for a public university and more than a quarter million dollars for a private school.

When this historic law was first passed in 1965, President Johnson promised that, "a high school senior anywhere in this great land of ours can apply to any college or any university in any of the 50 states and not be turned away because his family is poor." This legislation turns its back on that commitment, Mr. Chairman.

And so, the American people should see this legislation for what it is—not only a missed opportunity but also an assault on America's middle-class and a grave threat to our global competitiveness. Indeed, one recent international test involving mathematical understanding found that American students finished in 27th place among the nations participating. This as low-wage employers are creating the bulk of our new jobs—in one recent period, Wal-Mart and McDonald's created 44 percent of all new jobs.

If the Republican majority in this Congress was serious about strengthening our higher education system, this legislation would have adopted some of the recommendations of the National Academy of Sciences report, Rising Above the Gathering Storm—one of the central recommendations of which was to make American universities the most attractive setting in which to study and get a degree.

In contrast to this legislation, the Democratic substitute would cut interest rates in half for the borrowers most in need—effectively lowering the cost of college by $2.4 billion for students and their families. Our substitute would offer the 3.4 percent fixed interest rate to students who take out subsidized loans this year. And it would incentivize service in the fields of nursing, for three teachers in bilingual and low-income communities, librarians, and first responders.

Mr. Chairman, the critical role colleges and universities played in the last century's economy will pale in comparison to the role they will play in this century's. And this legislation should recognize that—not turn back the clock on access and affordability.

Ms. SCHAKOWSKY. Mr. Chairman, as a former teacher, mother, and grandmother, I rise in opposition to H.R. 609, the so-called College Access and Opportunity Act. H.R. 609 represents a major missed opportunity to make college more affordable and accessible, to boost America's economic competitiveness, and to invest in America's future.

The Republican majority is bringing this bill to the floor just 2 months after they passed the Budget Reconciliation Act, which slashed federal student aid programs by $12 billion. H.R. 609 does nothing to reverse this raid on student aid, nor does it do anything to make college loans more affordable. In fact, this bill freezes the authorized level of the maximum Pell grant scholarship. If this bill is passed, Pell grants would be frozen at just $200 above the current level until 2013. This would mean less money to help students go to school.

With millions of American families struggling to pay for college, it is critical that Congress act to make college more affordable. I would like to share with my colleagues part of a letter that a constituent from Des Plaines, Illinois, recently wrote to me:

> My son who is out of college for 2 years, makes about $30,000. His major was public relations, but could not get a job in that field since he had no experience. So he finally got a job in sales. Since he went to school in Iowa, we consolidated his loans with an Iowa firm. His loans were over $100,000. His monthly payment was about $500 [in addition] he has the federal loans [amounting to] over $100. As of Feb. 6th he will pay over $700 a month for his private loan plus his federal loans which will bring him over $850 a month. This is for the next 20 years . . . I would like for someone to tell me how does the government expect kids to be able to make a life for themselves when the interest rates keep going up on school loans? Why can't students have a lower fixed rate?
>
> I also understand that when kids get out of college you are figuring that you will be making enough money to pay their loans. But what about the kids that aren't engineers, doctors, or lawyers? What about those average kids who go to college because they know in order to get a job these days you need that degree but do not make large salaries and barely make enough money to live. My kids are used to hard work, for example, working two jobs. I guess I figured that once you have that degree, it would be a little easier to get a job. Obviously, that is not the case.

This is just one of thousands of such stories. The members of the majority must be hearing them too. However, H.R. 609 contains little assistance for the millions of low- and middle-income families who continue to struggle to pay for college. Instead the majority chose to make tax breaks for the wealthy a priority over helping the next generation of Americans go to college.

That is why I encourage all of my colleagues to support the Democratic alternative. The Democratic alternative would cut in half the student loan interest rate for borrowers who are most in need. The substitute also establishes a new Predominantly Black Serving Institution program, a new graduate Hispanic Serving Institution program and Minority Teaching Centers for Excellence to increase the number of highly qualified teachers, including minority teachers. The substitute provides for year-round Pell grants. It establishes a minimum grant of $500,000 for tribal colleges. It repeals the single lender rule, which requires student borrowers to consolidate their loans with their existing lender. Under the substitute, the borrower could choose which lender he or she wishes to use to consolidate loans.

At a time when the United States needs to invest in innovation and education in order to compete in the 21st century, H.R. 609 leads us in the wrong direction. It will force many students to forgo college altogether. For many students, financial barriers are the principal factor that determines whether they will successfully complete college or not. American students need and deserve more affordable college opportunities, not additional barriers to achievement and opportunity. I literally shake my head in wonder at these counterproductive cuts. We should be increasing opportunities for Americans to further their education. The Republican majority has instead given us a shameful sham of a bill.

I urge all of my colleagues to adopt the Democratic alternative and to oppose H.R. 609, the "Republican Missed College Opportunities" bill.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise today to support H.R. 609, the College Access and Opportunity Act. While this bill to reauthorize the Higher Education Act is by no means perfect, the bill represents an expanded opportunity and a chance to succeed for the hundreds of thousands of minority students who dream of obtaining a college degree. That is why I plan to vote for the bill today.

College degrees open many doors to the future. Students that obtain bachelor degrees have on average higher earning potentials, more competitive jobs, and higher standards of living. But many minority students are unable to obtain a college degree because they lack the necessary resources to do so, and as a result the doors to opportunity often remain closed. Data from 2000 shows that only 13 percent of Hispanics and 15 percent of Blacks in California earned a bachelor's degree, compared to 31 percent for Caucasians.

Despite its flaws, H.R. 609 contains key provisions that will help Hispanics and other minorities succeed academically from the day they enter Kindergarten to the day they receive their college diploma and beyond.

The bill supports minorities in elementary and secondary education by recruiting minorities to the teaching profession and focusing on the needs of Limited English Proficient students.

In addition, the bill creates new "Centers for Excellence" programs that will prepare teachers, including minority teachers, to become "Highly Qualified" in K–12 classrooms.

Beyond high school, the bill reauthorizes the High School Equivalency Program (HEP) that assists low-income migrant and seasonal farmworkers to obtain a high school diploma or certificate, and it reauthorizes the College Assistance Migrant Program (CAMP) that provides tutoring and counseling to migrant students in their first year of college.

The bill also supports Hispanic-Serving Institutions (HSIs) by establishing a new HSI grant for graduate degrees and by eliminating the two-year wait between grant applications.

In closing let me highlight some of my concerns, which I hope will be addressed as the bill moves through the process to passage. In particular, I am concerned that the bill does not invest in critical student aid programs on a high enough level. The most telling example is that of Pell Grants, which help many disadvantaged children to go to college. This bill would set maximum Pell Grants at the abysmally low amount of $6,000. I was especially disappointed that Democrats were not allowed to offer an amendment to authorize higher funding levels for Pell Grants and other student aid and support programs.

Nevertheless, this bill does provide a much needed single definition of higher education and reauthorizes successful programs such as GEAR UP, TRIO, grants for alcohol and drug abuse prevention, and the Perkins Loan. These efforts to strengthen existing programs and provide benefits for Hispanic and other minority students who dream of a college education led me to vote for H.R. 609 today.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of Rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. GOHMERT of Texas.

Amendment No. 3 by Mr. KENNEDY of Rhode Island.

Amendment No. 4 by Mr. KING of Iowa.

Amendment No. 7 by Mr. GEORGE MILLER of California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GOHMERT) on which further proceedings were postponed and on which the "ayes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 2, not voting 12, as follows:

[Roll No. 77]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Edwards
Musgrave

NOT VOTING—12

Beauprez
Clay
Davis (FL)
Evans
Franks (AZ)
Gilchrest
Issa
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

☐ 1402

Messrs. JACKSON of Illinois, DELAY, MANZULLO, MARCHANT, DAVIS of Illinois, CHANDLER and ANDREWS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EDWARDS. Mr. Chairman, on rollcall vote No. 77, I unintentionally voted "no". I would like the RECORD to show that it was my intention to vote "aye" on rollcall No. 77.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF RHODE ISLAND

The Acting CHAIRMAN (Mr. BASS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 380, noes 38, not voting 14, as follows:

[Roll No. 78]

AYES—380

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—38

Akin
Bishop (UT)
Brady (TX)
Campbell (CA)
Cannon
Carter
Culberson
DeLay
Doolittle
Duncan
Ehlers
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Hefley
Hensarling
Hostettler
Hunter
Johnson, Sam
King (IA)
Kingston
Manzullo
McCrery
McHenry
Miller (MI)
Neugebauer
Pence
Petri
Pitts
Putnam
Radanovich
Rohrabacher
Royce
Shadegg
Souder
Stearns
Wamp

NOT VOTING—14

Brown-Waite, Ginny
Cantor
Clay
Conyers
Davis (FL)
Evans
Gilchrest
Issa
Istook
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

☐ 1410

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 337, not voting 12, as follows:

[Roll No. 79]

AYES—83

Aderholt
Bachus
Barrett (SC)
Bartlett (MD)
Blackburn
Boehner
Bonner
Bono
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
DeLay
Doolittle
Dreier
Duncan
Feeney
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Graves
Gutknecht
Hall
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Knollenberg
Lungren, Daniel E.
Mack
McHenry
McMorris
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Pearce
Pence
Petri
Pitts
Poe
Putnam
Radanovich
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shuster
Souder
Stearns
Sullivan
Tancredo
Tiahrt
Weldon (FL)
Wicker
Young (AK)

NOES—337

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Bonilla
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gonzalez
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)

Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—12

Clay
Davis (FL)
Evans
Gilchrest
Gohmert
Issa
Jackson-Lee (TX)
Johnson (CT)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

□ 1419

Mr. MORAN of Kansas and Mr. INGLIS of South Carolina changed their vote from "aye" to "no."

Mr. RADANOVICH and Mr. NEUGEBAUER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 79 I was inadvertently detained. Had I been present, I would have voted "no."

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 7 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIRMAN (Mr. BASS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 220, not voting 12, as follows:

[Roll No. 80]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Millender-McDonald
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Clay
Cole (OK)
Davis (CA)
Davis (FL)
Evans
Gilchrest
Issa
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

□ 1427

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Chairman, on rollcall No. 80, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall 80, my intent was to vote "yes" on this, as opposed to "nay" on it.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOOZMAN) having assumed the chair, Mr. BASS, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, pursuant to House Resolution 742, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 199, not voting 12, as follows:

[Roll No. 81]

AYES—221

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Campbell (CA)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Flake
Ford
Frank (MA)
Garrett (NJ)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hensarling
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Ross
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Bachus
Clay
Davis (FL)
Evans
Gilchrest
Issa
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Ruppersberger
Tiahrt
Watson

□ 1446

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, I inadvertently missed rollcall vote 81, final passage of H.R. 609, the College Access and Opportunity Act. Please record that I would have voted "aye."

Mr. ISSA. Mr. Speaker, I was not present for rollcall vote No. 81 because I was on official travel. Had I been present, I would have voted in favor of H.R. 609, the College Access and Opportunity Act of 2005.

Mr. BACHUS. Mr. Speaker, earlier today I was inadvertently detained during rollcall vote No. 81. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reasons I missed rollcall votes Nos. 75–81 on March 30, 2006. I was down in my district on official business and unfortunately could not make it back in time for votes.

If present, I would have voted:

Rollcall vote No. 75, A motion to adopt the rule for H.R. 609, the College Access and Opportunity Act, "aye";

Rollcall vote No. 76, A motion to table the Pelosi Privileged Resolution, "aye";

Rollcall vote No. 77, Gohmert's Amendment to H.R. 609, to strike certain reporting requirements for colleges and universities within Sec. 131(f). The amendment also strikes Sec. 495(a)(1) that would allow States to apply to the Secretary of Education to become recognized accreditors, "aye";

Rollcall vote No. 78, Patrick Kennedy Amendment to H.R. 609, to make child and adolescent mental health professionals eligible for loan forgiveness for high need professions "nay";

Rollcall vote No. 79, Steve King Amendment to H.R. 609, require institutions that receive any Federal funding whatsoever (including grants and scholarships) to submit to the U.S. Department of Education an annual report answering two questions. First, the report must state whether race, color, or national origin is considered in the student admissions process. If race, color, or national origin is considered in the student admissions process, then the report must contain a subsequent analysis of how these factors are considered in the process, "aye";

Rollcall vote No. 80, G. Miller Amendment in the Nature of a Substitute for H.R. 609, to lower student loan interest rates; establish a new Predominantly Black Serving Institution program to boost college participation rates of low-income, black students; establish a new graduate Hispanic Serving Institution program; provide for year-round Pell grants; and repeal the Single Lender rule, "nay";

Rollcall vote No. 81, Final Passage of H.R. 609, the College Access and Opportunity Act, "aye".

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2349. An act to provide greater transparency in the legislative process.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4755

Mr. BARRETT of South Carolina. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4755.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my good friend, the majority leader (Mr. BOEHNER), for the purpose of inquiring about the schedule for the week to come.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene Tuesday at 12:30 for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week, and any votes called on these measures will be rolled until 6:30 on Tuesday evening.

On Wednesday and the balance of the week, the House will consider the 527 reform bill, which was reported from the Committee on House Administration. The House will also consider the concurrent resolution on the budget. The Budget Committee completed its work last night.

We are scheduled to work through Friday next week. I can tell my colleague that if we were to get our work finished before that, the House would then adjourn for the district work period.

Mr. HOYER. I thank the gentleman for that information. Reclaiming my time, the gentleman indicates that we will be considering the 527 reform bill. My understanding is that is a freestanding bill. We expected it might be in the lobbying reform bill, but am I correct that the lobbying reform bill will come later and the 527 bill deals only with 527s?

Mr. BOEHNER. Only with 527s.

Mr. HOYER. I thank the gentleman. Can he tell me when he expects to move lobbying reform legislation.

Mr. BOEHNER. Next week the five committees that are involved in putting together the lobby and ethics reform bills, all of those committees will be marking up their relative portion of that bill. Once they have completed their work next week, there has been no decision made on how to proceed from there in terms of the consideration of those issues here on the floor.

Mr. HOYER. So, in any event, it would not occur until after the Easter break.

Mr. BOEHNER. I would expect that the first week or two back it is likely that we will see those issues on the floor in some manner.

Mr. HOYER. I thank the majority leader for that information. The concurrent resolution on the budget, you indicate Thursday and Friday. Is there a possibility we might start it on Wednesday and then complete it on Thursday, or do you expect to have it on the floor and hopefully completed on Thursday itself from the comments that you made?

Mr. BOEHNER. If the gentleman will yield, really, there are no decisions yet on just what the timing of these bills are next week. There just hasn't been a decision on what bill will come when. But I would hope that the 527 bill would be up Wednesday. Maybe we could start the budget debate on Wednesday. I think it is too early to tell.

Mr. HOYER. Reclaiming my time, would I be correct in advising my colleagues that the probability is, and that the plan is, as it has been in years past, to allow such substitutes that are offered: the Black Caucus usually has a substitute, the Progressive Caucus has a substitute. Mr. SPRATT obviously we think will have a substitute. I don't know if there are others. In the past, of course, they have been made in order. Is it your expectation we would follow that same practice?

I yield to my friend.

Mr. BOEHNER. It is.

Mr. HOYER. I thank the gentleman for that. That will facilitate a fuller consideration of the budget issues.

Mr. Leader, the tax reconciliation and pension conferences have been in meetings, I presume, or at least have been authorized for some period of time now. Can you bring us up to date on, if you know, the status of both the tax reconciliation conference and the pension conference. I know there was some concern on your side of the aisle and on ours, I think, to get the pension conference done prior to April 15. It appears that that might not happen at this point in time. Can you bring us up to date?

I yield to my friend.

Mr. BOEHNER. Both of those bills are, in fact, in conference. There have been informal conversations and, for that matter, formal conference meetings on both of those bills. The pension conference, on which I sit, has made some progress, but there is an awful lot of work to do, and I think the members of the conference are concerned about making sure that this bill is right and there are no unintended consequences. And it seems unlikely to me at this point that that conference could conclude by the end of next week.

Closely related would be the tax conference. I don't sit on the conference, and I don't have as good a feel as what the timing might be.

Mr. HOYER. Reclaiming my time, Mr. Leader, not since you have been leader, but in times past, as you know, our side of the aisle has been very concerned about the way conferences have proceeded. Senator ENZI, who is one of the Chairs of the, I guess, the pension conference, has indicated he wanted to see a bipartisan conference, a full conference, a conference, frankly, as I historically remember them.

My understanding, frankly, is from both now, the two ranking Democrats of the relevant committees, particularly the ranking Democrat of the Ways and Means Committee, but also the ranking Democrat, I guess, of the Education and Labor Committee, there is a concern that the conference is now proceeding essentially in a partisan fashion, that is to say, Democrats are not being included in the discussions. In fact, we believe that Mr. THOMAS is negotiating the tax and pension provision with Republicans as if the two conferences were one.

I want to tell you, Mr. Leader, obviously, we have some substantial concerns about that, as we have had in the past in terms of our ability to participate in putting our views forth in the conferences themselves. I don't know whether you have any comment on that, but I would be certainly very interested to hear it so I could relate to my colleagues what they might expect.

I yield to my friend, the majority leader.

Mr. BOEHNER. I thank my colleague for yielding. I have talked to Democrats here in the House. I have talked to Democrats in the Senate about the pension provisions in conference. And everyone should know that at this point there have been some conversations amongst the majority party in each Chamber in order to try to put some framework together. But no one should have any anticipation that we are rapidly moving without our Democrat colleagues in the room. Senator ENZI and I had a conversation about this particular issue, on the involvement of our friends across the aisle, just yesterday; and so I understand the gentleman's concerns.

I do believe that there are times when discussions have to occur amongst the principals before you bring the rest of the members into the conference, and I expect it will happen with these two bills as well.

Mr. HOYER. Reclaiming my time, I appreciate the sentiments of the majority leader. I know the majority leader has a history in dealing with his bills of pursuing them in that fashion, and we have appreciated it, as the gentleman knows. I have expressed that to him in the past. It has not always been our experience. Clearly, these bills are of extraordinary consequence to working men and women in this country, particularly as it relates to the pension bill as well as the tax reconciliation.

Without trying to catch you up on your words, but if I could just somewhat, perhaps humorously, I hope, but you said that you are not moving ahead rapidly, but you will let us know, and you will not do so until the Democrats are in the room. Frankly, Mr. Leader, our concern is, and the concern of Democrats has been, that once the Democrats get back in the room it moves exceedingly rapidly, without really an opportunity for Democrats to make substantive contributions, whether they win or lose in the conference.

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

Now, as the gentleman is well aware, I believe that all of us were elected by our constituents, regardless of what side of the aisle we are on, and we all have a constitutional right and duty to participate in this legislative process; and the gentleman is well aware that there were a lot of conferences that I and members of my party never saw before they were completed. And as the gentleman is well aware, there are times when having the right people in the room is important. And every bill is different.

So on the pension bill particularly, as I said, I have talked to Members on your side of the aisle, I have talked to Democrats in the Senate as well, and I would hope that sometime soon you will see Members, more Members, brought into the room to try to help move this process along.

Mr. HOYER. I appreciate the comments of the majority leader, and I have confidence that he will work towards that end, and we look forward to it. I thank the gentleman for both his information and for his concerns about doing it in that fashion.

ADJOURNMENT TO MONDAY, APRIL 3, 2006, AND HOUR OF MEETING ON TUESDAY, APRIL 4, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 4, 2006 for morning hour debate.

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

Mrs. CAPITO. Mr. Speaker, the Committee on Rules may meet the week of April 3 to grant a rule which could limit the amendment process for floor consideration of the concurrent resolution on the budget for the fiscal year 2007. The Committee on the Budget ordered the concurrent resolution reported late last night.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in Room H–312 of the Capitol by 2 p.m. on Tuesday, April 4, 2006. Members are advised that the text of the concurrent resolution should be made available on the Budget and the Rules Committees Web sites no later than March 31, Friday. As in past years, the Rules Committee intends to give priority to amendments offered as complete substitutes.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

APPOINTMENT OF MEMBER TO CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Congressional Award Board:

Mr. CHOCOLA, Indiana

☐ 1500

WELCOME HOME, RANDAL McCLOY

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. Mr. Speaker, I rise today to welcome Randal McCloy back to his home in Simpson, West Virginia. Randal was one of the 13 miners trapped in the Sago mine on January 2 and was the lone survivor. He suffered severe injuries to his heart, lungs, and kidneys and was in a coma for several weeks due to a lack of oxygen during the 40 hours he was trapped below the surface.

With all of the sadness West Virginians have experienced in the coal fields this year, today we can rejoice that Randal has recovered enough to leave the rehabilitative hospital and return home to his family and friends.

West Virginians have come together over the past 3 months to offer prayers and support for the families of those who have lost loved ones. The families of the Sago miners have made our State proud, advocating for increased mine safety tools to help ensure other families do not experience the tragedy they have endured.

But today is the McCloys' day. We continue to support Randal McCloy; his wife, Anna; and their children as their family's road to recovery continues, and we will always remember the sacrifice made by his 12 co-workers.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ AND A COMMONSENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, with this Congress blindly passing each and every one of the President's requests for more money for the war in Iraq, which is soon to exceed $300 billion in total costs, the time is long overdue for a little common sense about how we spend the American people's money.

Earlier this month I introduced new legislation, the Common Sense Budget Act of 2006, legislation that puts some sanity back into the Nation's fiscal policy. This bill already has the support of more than 35 cosponsors.

It is beyond dispute that this administration, in tandem with the Republican Congress, has been, to put it mildly, less than fiscally responsible. And are they spending on the neediest Americans, those who need a hand up quite often just to make it from one day to the next? No, of course not. Instead, they fattened up the Pentagon and lavished wealthy special interests with subsidies and tax breaks.

Last fall's budget debate actually exposed the staggering hypocrisy of it all because the very same congressional majority that is responsible for the fiscal decadence of the last several years suddenly started lecturing about thrift and responsibility. They were shocked, shocked, that spending had been going on around here.

Federal money for Katrina reconstruction, they decided, had to be offset by budget cuts. Deficit spending is okay, apparently, when it comes to upper-bracket tax cuts, but not for poor people whose homes are under water.

Well, guess what they chose to cut. The social safety net: Medicaid, food stamps, public housing, students loans, and on and on. Just the kinds of programs that saved my life and my children's lives when I was a single mom on welfare 35 years ago. To help people on the gulf coast who lost everything, they took from the people who have virtually nothing. That is your Republican fiscal policy in a nutshell.

Well, enough of that. It is time we invested more in our people and less in our defense contractors. My Common-Sense Budget Act would trim $60 billion in waste from the Pentagon budget and put it to work on behalf of the people and the programs that truly strengthen America. The money would be distributed as follows: $5 billion a year for homeland security to make up for funding shortfalls in emergency preparedness, infrastructure upgrades, and grants for first responders; $10 billion each year for energy independence, to kick the imported oil habit that we have in this Nation by investing in efficient, renewable energy sources: $5 billion devoted to putting a dent in the $8.2 trillion national debt; and for children's health care, $10 billion annually to provide health care coverage for the millions of uninsured American children; $10 billion over 12 years to rebuild and modernize every public K–12 school in this country; $5 billion a year to retrain 250,000 Americans who have lost their jobs because of foreign trade; medical research, $2 billion a year to restore recent cuts to the National Institutes of Health budget; and $13 billion a year in humanitarian assistance that allows poor nations to feed 6 million children who are at risk of dying from starvation every year, to end global hunger.

The money is there to make an extraordinary difference in people's lives. We just need to challenge the entrenched interests and take on the sacred cows.

General Larry Korb worked with the Progressive Caucus and me to draft this model alternative, and Ben Cohen from Ben & Jerry's Ice Cream and the organization Business Leaders for Sensible Priorities also helped make the introduction of this bill possible.

There are models of good corporate citizenship, you see, businesses that understand that the return on these investments will benefit the entire society: a skilled workforce, healthy children, modern schools, fewer fossil fuels, better fire departments, scientific progress, less debt. These socially responsible businesses understand what makes America strong and safe, and it is not a bloated Pentagon budget that continues to invest in Cold War.

GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, gas prices are rising and someone is to blame.

The root cause of the rising gasoline prices, as an editorial in this week's Wall Street Journal rightly states, is the incredible shrinking of supply of a gasoline additive called MTBE. The production of MTBE has been for 15 years the direct result of a Federal mandate that such oxygenates be included in the Nation's gas supply. It was mandated by a Democrat Congress seeking to help clean the environment.

Now, that mandate is expiring in May, in large part owed to the discovery of MTBE in some water supplies, a discovery that has trial lawyers salivating as they count down the days. And the main culprit for its seeping into water supplies is faulty, unrepaired, leaking underground storage tanks.

But the producers of those do not have the deep pockets of MTBE producers. Thus, when MTBE producers' liability protection expires in May, as the editorial states: "Producers and refiners will face far greater liability, which has set off a race to exit the market" because, as history has shown, the vultures in the lawsuit-happy trial bar will pounce on those with the deepest pockets.

In other words, the Federal Government mandated the production and addition of MTBE as a clean air additive to the Nation's fuel. But now the government says that mandate, while good for clean air, turns out actually to have been bad for groundwater. Now the government wants to let trial lawyers hold the industry accountable for environmental problems the government itself created with its original mandate. Meanwhile, the Nation's ethanol producers, who must now fill the additive void created by the widespread and predictable MTBE pullout, have already admitted they cannot meet the new market demand.

No MTBE and not enough ethanol will mean less gasoline on the market, less gasoline that can be prepared for the market, creating a shortage of supply and thus higher prices. In other words, come Memorial Day, gas prices, which are already higher than they have been since the early days after Hurricane Katrina, stand to spike even higher.

All of this economic analysis in the Journal's editorial, regrettably, is true. What is not true is the editorial's insinuation that congressional Republicans are to blame for it.

On the contrary, Mr. Speaker, House Republicans fought for years to include MTBE-liability protection in the energy bill. The bill was shelved in 2003 when a Democrat-led filibuster, joined by liberal Republicans, succeeded in killing it, an outcome brought about, the then-Democrat leader said, by "the House Republican leadership's insistence on inclusion of retroactive liability protections for MTBE."

So in 2004 the energy bill effectively died when the Senate Energy and Natural Resources chairman unilaterally pulled the MTBE provisions from the Senate version of the legislation. So, finally, in 2005 the MTBE-protection provision was described by the House minority leader as a "disgraceful . . . giveaway." Enough Senate Republicans agreed with this false assessment to ensure that the energy bill was finally passed, after 4 years of effort, without the desperately needed MTBE provisions that House Republicans advocated for so long.

The result: the ethanol-MTBE fiasco, as the Journal puts it, is not the fault of Republicans on Capitol Hill, broadly speaking, but only about seven of them, all Senators. Senators who joined obstructionist Democrats and eco-extremists to punish an innocent industry.

House Republicans warned all along about the MTBE pullout, the ethanol shortfall, and the resulting spike in gas prices just in time for the 2006 summer traveling season, and we were right.

MTBE liability protection is the only thing standing between the American people and $3-a-gallon gas this summer. And the only thing standing between MTBE-liability and the President's signature is a collection of Senators, the long-term effects of whose shortsighted grandstanding are only now starting to be felt.

So, Americans, when it hits $3 a gallon, call the Senate.

Hopefully, yesterday's editorial will give MTBE-protection new life in Congress. And if not, drivers, especially in those States of Senators from New Mexico, Arizona, Maine, Vermont, Iowa, Illinois, North Dakota, South Dakota, Nebraska, and New Hampshire, will know who to thank.

□ 1515

THE ECONOMY IS NOT AS ROSY AS REPUBLICANS CLAIM

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, if you look at the headline economic numbers and listen to the Bush Administration's talking points, you could get the impression that the economy is in pretty good shape.

But when we talk to our constituents, we get a very different picture. We hear anxiety about the economy, and a feeling that things are not going very well for the typical American family. The White House seems puzzled by this discrepancy, but it is very simple.

The benefits of the economic recovery from the 2001 recession have not been going to ordinary Americans. President Bush likes to cite statistics on how fast the economy is growing and how much productivity has increased.

But what he does not mention is that, on his watch, the economy went through the most protracted job slump in decades. There is still considerable evidence of hidden unemployment and that the benefits of productivity growth have been showing up in the profits of companies rather than in the paychecks of ordinary American workers.

Yes, workers have become more productive. They produce more and more in each hour that they work, but they have not been getting this reward in their own paycheck for their productivity. Average hourly earnings have not keep up with inflation for the past 2 years, and they barely kept even the year before that.

Median family income has failed to keep up with inflation every year under President Bush. Mr. Speaker, even more disturbing than the general stagnation in wages and incomes is the growing gap between the "haves" and the "have-nots" in this country, as income earnings disparities have widened.

This is an extremely troubling trend for everyone in our country. Those who are already well-to-do are indeed doing very well in the Bush economy. But the typical American family is struggling to make ends meet in the face of high costs for energy, health care and college education for their children.

This chart illustrates the problem very clearly. The red bars show the growth in the inflation adjusted usual weekly earnings of full-time wage and salary workers under President Bush at different points in the earnings distribution.

You have to be in the upper half of the distribution to have seen any gain. Earnings at the top have grown fastest relative to inflation, and earnings at the bottom have fallen farthest behind inflation.

I would note the contrast with the last 5 years of the Clinton Administration, which is illustrated with the blue bars when earnings and gains were strong and spread throughout the earnings distribution.

Mr. Speaker, the economic policies of the Bush Administration are not benefitting ordinary American families. The Bush economy and Bush economic policies have produced a widening gap between the "haves" and the "have-nots," and they have produced a legacy of deficits and debt that leaves us unprepared to deal with the budget challenges posed by the retirement of the baby-boom generation.

And that weakens the future standard of living of our children and grandchildren. We need to do better. We can do better if we focus on policies that address the economic challenges facing the ordinary American worker.

PROBLEMS WITH MEDICARE PRESCRIPTION DRUG PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, the countdown to the Bush drug tax, 44 days before May 15. May 15.

Last week, during the break, I held six town hall meetings throughout my district on the new Medicare Part D prescription drug program. And I would encourage all of my colleagues to do the same. Not only did it give my constituents a chance to get the help that they needed and answered their questions, it gave me an opportunity to really find out how the new program is working or, should I say, not working.

Unfortunately, I heard a lot of horror stories from a lot of people. Not only is picking a plan extremely complicated, but the arbitrary date of May 15 makes absolutely no sense. I have been an elected official for over 25 years. And this is the first time I have seen people who are going to be penalized for the rest of their lives if they do not sign up by a certain date, May 15.

Not only having them to set a ridiculous short time to sign up for this complicated plan, but the next time seniors can sign up will be November 15 through December 31, that includes both Thanksgiving and Christmas holidays. So it is very complicated for seniors.

The Republican leadership wrote a bill that prevents the Secretary of Health and Human Services from negotiating the price of the drug, even though both the Secretary of Veterans Affairs and the Secretary of DOT are negotiating these prices right now.

Can you imagine what would happen if Wal-Mart, if we told Wal-Mart they could not get a reduction price on bulk buying? Every Republican in this House would be on this floor screaming bloody murder. But when it is the needs of our seniors, there is a deaf ear; you do not hear them.

This bill allows the private plans to take drugs off of their approved lists and even charge more for drugs during that year. They can charge more, while seniors are locked in and cannot change plans until the next year.

It also turns seniors into criminals. Yes, criminals. What do I mean? If they buy drugs that are cheaper, let us say in Mexico or Canada, they will be criminals.

And one of the most troubling aspects of this bill, and the one that most people talk about is the doughnut. What do you mean doughnut? Well, no coverage is provided after you spend $2,250 until your cost reaches $5,001. That is $3,000 out-of-pocket.

Lastly, I want to talk about the independent pharmacists. This bill is killing your small town pharmacists who have been in business for years. They still know their customers by name. They are the only pharmacists who are still delivering medicine to seniors who cannot come out of the house or after hours when someone needs an emergency prescription.

This Congress needs to do the right thing for our parents and grandparents and extend this silly deadline date of May 15, allow the Secretary to negotiate bulk prices, and should make the appropriate changes that will save America's local pharmacies from extinction.

Again, I encourage my colleagues to hold their meetings and talk to their seniors and pharmacies about the drug plan. And seniors, for God's sake, please look at this: May 15, you need to sign up. But if you have questions, call Medicare counselors at 1-800-Medicare, that is, 1-800-633-4227. That is May 15. That is the drop-dead date. Thank you.

AMERICA'S POLICIES IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I just returned from Iraq on a congressional delegation trip with Senator MCCAIN. And I wanted to report to my constituents.

The first thing that I have concluded in looking at the situation there and in visiting there is that we need a special envoy sent by the President of the United States to move forward with a national unity government.

Things on the ground are not going well. Things are deadlocked. There has been no government since 3 months after the election. We have a lame duck government, and we have a crucial international situation going on.

The current government is riddled by corruption and inertia. So, Mr. President, we need to send a special envoy.

Secondly, I visited the troops in Iraq, some New Mexicans and many others from across the country. And when I think of what they have done since the invasion over 3 years ago, it makes me very proud. Saddam Hussein and his sons are out of commission. We have held three elections, and the Iraqis have adopted a constitution.

We have trained over 224,000 troops to the highest levels of training, more than 100,000 police and security personnel. We have spent billions of dollars in reconstruction.

The Iraqis have made progress, and I do not know what more we can ask of our troops. But overall this visit solidified my belief that it is time for the Iraqi people to step forward and take control of the situation in their country.

Our troops are caught in the middle of religious and ethnic disputes. Sectarian violence is rampant in many areas. Iraqis must step up to the plate and resolve these disputes themselves.

As President Kennedy said of South Vietnam in the summer of 1961, "In the end, it is their country, and they are going to have to fight for it."

Therefore, we need a change of course in our foreign policy. Staying the course is no longer acceptable. We need to take two actions: One is announce a phased redeployment of our troops outside of Iraq. This redeployment should be complete by the end of this year, by 2006. Number two, we need to put the Iraqis on notice that they must assume responsibility. Of course, as we phase this redeployment, we need to assist them and train them and do everything we can during that period to make sure they have the best chance of success.

But this is their fight at this point.

YUCCA MOUNTAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, earlier this morning, I came to the floor of the House and stood in the well to tell the American people about a cartoon character by the name of Yucca Mountain Johnny that the Department of Energy has created which has been funded by the taxpayers of the United States of America.

The purpose of creating this cartoon character is to help convince the children of the State of Nevada that storing radioactive toxic nuclear waste at Yucca Mountain, Nevada, is okay for them. It is bad enough that the Department of Energy has been trying to convince the people of the State of Nevada and the United States of America that shipping 77,000 tons of toxic nuclear waste across 43 States to be buried in a hole in the middle of the Nevada desert where we have got groundwater problems, seismic activity, volcanic activity, is good for the health and well being of this Nation.

It is not. And Yucca Mountain Johnny has got to be dumped before there is a nuclear dump at Yucca Mountain. But the latest thing that has just occurred that I want to share with the American people, through you, Mr. Speaker, is it makes Yucca Mountain Johnny pale in comparison.

□ 1530

Let me read to you what came over the wire today that I read: "The U.S. military plans to detonate a 700-ton explosive charge that will send a mushroom cloud over Las Vegas. 'I don't want to sound glib,' says the head of the Defense Threat Reduction Agency, 'but it is the first time in Nevada that you will see a mushroom cloud over Las Vegas since we stopped testing nuclear weapons.' "

Well, it isn't glib to me, Mr. Speaker. It is a very serious thing when I have an administration official, the head of an agency, stating that he is going to detonate a 700-ton bomb that is going to send a mushroom cloud over the community that I represent, where my parents live, my children live, and 700,000 Nevadans live as well. So I called this gentleman, and I asked him to please explain this quote.

Glib? He is going to send a mushroom cloud, detonate a mushroom cloud over Las Vegas, Nevada. Well, he said, it was a poor choice of words, but that is what we are going to do. So I asked him, When is it going to take place? It is going to take place in June. I said, Is it really going to be a mushroom cloud over the State of Nevada. Isn't that a tad insensitive given the fact that we had nuclear experiments and weapons detonated at the Nevada test sites in the fifties and the sixties? He said, Well, it might have been a little insensitive, but that's what we are doing.

So I said, Well, is it going to be over Las Vegas? Well, not really Las Vegas. I misspoke. It is going to be at the Nevada test site. I said, Well, will we be able to see it from Las Vegas? Yes, you're going to be able to see it from Las Vegas. Well, how big is it going to be? Well, we don't know yet how big it is going to be. I said, Well, where at the Nevada test site is it going to be detonated? He said, Well, we are doing studies, and it is going to be detonated in a place that is safe.

I said, Well, how can it be safe when there were over 900 nuclear detonations in the fifties and sixties and that land is very toxic and very radioactive? He said, Well, we are going to do it in a place that isn't radioactive, although he couldn't tell me where, he couldn't tell me how.

If I can continue reading this, he says: "We also have," are you ready for this, this man doesn't realize how serious what he is proposing is, "we also have," are you ready for this, "a 700-ton explosively formed charge that we're going to be putting in a tunnel in Nevada."

So I said to him, Well, if it's in a tunnel, how come we are going to get a mushroom cloud? Oh, well, I wasn't quite right about that either. It's not really in a tunnel. It's going to be above ground. I said, Well, how can it be above ground at the Nevada test site and not disturb the dirt that is radioactive? He said, Well, we're taking care of that too. I said, What happens if there's wind? Is the wind going to be blowing this mushroom cloud to Las Vegas? Is it going to Utah? He couldn't tell me that either.

This is a serious issue for the people of the State of Nevada. It's bad enough that we didn't get prior notice, and obviously the congressional delegation wasn't briefed; but the people of the State of Nevada haven't been briefed either. But if you look further at this press release that has been sent out, it says the Russians, the Russians have been notified of this test. So we have notified the Russians. We just neglected to notify the Americans?

I think this is a bad idea. We need more information. And before you start detonating 700-ton explosive devices at Nevada test site, we'd better do a thorough study of the environmental impact. Because if you are going to be disturbing that dirt that is radioactive and having a mushroom cloud out of Las Vegas, the people of Las Vegas, the people of the State of Nevada better know about it, and we better stop this madness if that is what is going to happen.

So I call upon this Defense Threat Reduction Agency to work with my office, work with the congressional delegation from Nevada, and let's figure out if we can maybe put this explosive detonation some place else where there aren't 1.6 million southern Nevadans and hundreds of thousands of tourists in the Las Vegas area at the time.

REFORM LIBERAL LUNACY

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, today I rise to speak about 527s. 527s are groups, shadowy groups, that work outside of campaign finance disclosure laws. They work outside of our campaign finance reforms that we passed just a few years ago. They are groups that do not disclose their donors in the way that other traditional campaign groups do. They are groups that have unlimited contributions. They are groups that come in and perhaps target members in different races or candidates in different races, yet they do not actually say who they are.

So today I want to say that as a conservative and as a Member of this House what I am fighting for is openness and full disclosure and allowing sunshine on this political process that we as Americans grow to trust.

Look, in 527s last year, in the 2004 campaign cycle, there is $370 million. $370 million, Mr. Speaker, that flowed through these groups outside of campaign disclosure. These groups can come in and do all sorts of campaigning, but yet they do not have to disclose like a campaign would. So the voters do not know who is working, who is out there putting this information out. $370 million, Mr. Speaker, flowed through 527s. That is more than both the Kerry and Bush campaigns combined spent on the Presidential election. This was done outside of campaign disclosure.

Over one-fifth of the $370 million funded through 527s came from four individuals: one-fifth of the $370 million, four individuals. So much for taking big money out of politics, which is what my colleagues on the left wanted to do through campaign finance reform and many active in politics wanted to do. So much for taking big money out.

We created a loophole that 527s are allowed to use, or have taken advantage of, I should say. Over 80 percent of 527 donors gave at least a quarter of a million dollars. Think about that. That is truly big money in politics, Mr. Speaker. Forty-six individuals gave at least a million dollars to 527 groups. That is even bigger money. So we have created a two-tier system in campaign finance: one where people have to disclose: another where they shadow a group's act.

Look, the biggest big daddy of them all for 527s was a billionaire, what I like to call the Daddy Warbucks of the Democrat Party, George Soros, the Daddy Warbucks of the Democrat Party. He is pumping wads of cash into 527s to influence elections for his left wing agenda. Soros is one of the richest men in the world. He spent $18 million on campaign finance reform to root out big money in politics. How hypocritical is that? He spent all that money for campaign finance reform, yet once campaign finance reform is passed, what does he do? He pumps wads of cash, millions, tens of millions of dollars to those shadowy 527 groups.

Fortune Magazine called him the world's angriest billionaire. He is without a doubt the most powerful Democrat in the country right now. He has a far left agenda and you cannot move any farther left to him until you go down south to Havana, to be honest with you.

Soros is an example of liberal lunacy, and it goes to the heart of what my colleagues on the left have been articulating, which is a culture of hypocrisy. A culture of hypocrisy, Mr. Speaker, that we need to take on as the majority in the House. As a Republican and as a conservative, I am going to point out the culture of hypocrisy that the 527 groups that the left wing in this body are taking advantage of.

That is why I think we need to come forward with true campaign finance reform, make the 527 groups accountable and disclose to the American people who their donors are and abide by the same rules and regulations that all campaign groups must abide by.

The original intent from the Democrats was to root out big money in politics. They said not just a few years ago, not but just a few years ago, ". . . money that threatens to drown out the voice of the average voter of average means, money that creates the appearance that a wealthy few have a disproportionate say over public policy." Yet today, Mr. Speaker, the Democrats and the left in this body are more beholden than ever to big money politics and 527 groups and we will reform this liberal lunacy.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is once again an honor to come before the House. As you know, those of us that are in the 30-Something Working Group, we come to the floor to share not only with the Members but the American people about what is happening under the Capitol dome here, or what is not happening.

We want to thank the Democratic leadership for allowing us to come to the floor again: Leader PELOSI and Mr. STENY HOYER, our whip, and also the chairman, Mr. JIM CLYBURN, and our vice chairman in assisting us in moving towards a stronger message to the American people.

I am so glad to be here with my good friend and colleague in the struggle for the truth and to make sure that we move America forward in many areas, even though we are serving in the minority here in the Congress. I think our constituents and also the American people, Mr. Speaker, look for us to use every avenue possible to be able to make their lives more secure, to be able to make sure we stand up on behalf of their health care, that we make sure that future generations have a better environment than what they have right now.

So with that, Mr. RYAN, it is so good to come back to the floor with you again, sir. We usually come to the floor and it is dark outside. It happens the sun is out; and as you know, the Congress is recessed for the week, but we are still here working, sir.

Mr. RYAN of Ohio. Thank you, my friend. One quick piece of business that has been mentioned several times here today is the countdown to the Bush prescription drug tax.

Now, for those Members who do not remember, the Republican Congress voted this boondoggle a few months back, told us it was $400 billion before we cast a vote on it, and it ended up being $700 billion. The real number was actually hidden from Members of the United States Congress before they voted.

What happens is through this bill seniors have until May 15 to sign up for the prescription drug plan, and if they do not sign up by May 15, they are going to be penalized with the Bush prescription drug tax, which means that there will be an increase in monthly premiums by 1 percent for every month they do not sign up. So if they do not sign up by May 15, they will not be eligible to sign up, I think, until January of 2007 to begin again. That means there will be a 7 percent increase if seniors do not sign up by May 15.

This is a complex plan, a complicated plan; and we are rushing and forcing our seniors to make a decision. So we just want to put a little X here on Thursday, March 30, a couple days before the Final Four begins, so our seniors know that the countdown is on and they have several weeks before this President will levy a tax on them.

Mr. MEEK of Florida. Thank you, Mr. RYAN.

Yesterday, Mr. Speaker, many Members of the House had an opportunity to witness a strong message again of commitment towards security; and those of us that are in the minority party have been working very, very hard to increase security here in the United States, especially homeland security. We are going to talk a little bit about that today. And I think when we were here, I know when we were here the night before last, we talked about the fact that just because the majority side says that we have security does not really mean we have security.

□ 1545

The majority side has said that we are going to make sure that we are fiscally responsible, but we found out later and we know now that the Republican majority has put us into record-breaking deficits.

If I can, just to start this off, Mr. Speaker, because I like to use visual aids and I know we are going to talk about security, but I think it is important because folks just feel we may come to the floor, the 30-Something Working Group comes to the floor, we go in the back room, we just dream up things to say, and this is not the case because, Mr. Speaker, unfortunately, there is so much bad news overwhelming the good news as it relates to future generations and this generation on how we are going to function as Americans and as a country.

No other time, I must add, before I bring this chart up, has the country been in the fiscal situation that it is in right now as it relates to foreign countries owning our debt.

Now I want to put this up, and I think it is important. You have seen this chart before. We have said that this chart may very well be in the National Archives one day because it will document that there were Members on the floor identifying to other Members on the majority side because they voted for this to happen. No other time in the history of the country have we borrowed $1.05 trillion from foreign Nations in just 4 years. Matter of fact, we were not able to do it in 224 years. Mr. Speaker. We were not able to do it in 224 years; $1.05 trillion just for President Bush and the Republican Congress, it says right here below this picture because we cannot leave the Congress out because he could not do it all by himself. You have 42 Presidents here going back to the First Continental Congress, 224 years, and there they were only able to borrow $1.01 trillion.

Well, folks may say, well, Congressman, we are at war; Congress, 9/11. Guess what, these 42 other Presidents had the Great Depression, World War I, World War II, a number of other wars in between. They had all of these issues that were challenging America, but they never sold America off to foreign nations.

Let us talk about who those foreign nations are, and I think it is important again. This chart here has nothing to do with the weather. It is a silhouette, Mr. Speaker, as you can see of the United States of America. Who are we selling our debt off to? Who are we indebted to now? Because before this President and this Republican majority took over, we were talking about surpluses.

I am speaking here as a Democrat from the party that, guess what, we balanced the budget. We told folks that we would balance the budget and that we would cut down on spending, and guess what, we did it. But, you know, once again you have the other side, the Republican majority, saying: Trust us, we are fiscally responsible. Some folks may say the folks on the Democratic side, they like to spend money. Well, who is spending now?

China, Red China, many people in your district in Ohio are training people to go to China to do their jobs. Meanwhile, they are trying to make ends meet, and they are a part of the millions of Americans without health care, and Red China, we owe them $249.8 billion. They bought our debt to that point, and we owe them.

Japan, the little small island of Japan. They own $680.8 billion of our debt. Those are the big numbers.

UK, they own $223.2 billion of our debt.

This is not by the Democrats now I must add, and I challenge any Republican that wants to come down here right here, right now. This is not the WWF cage match. I want them to come here right now and explain to us, how is this positive for Americans in the future and right now?

Korea, $66.5 billion that they own of the American apple pie.

Canada, $53.8 billion of the American apple pie.

Germany, some of our veterans, $65.7 trillion.

Taiwan, the small island of Taiwan, $71.3 billion.

And OPEC nations, now Mr. Speaker, this is very interesting because OPEC nations, we are talking about Saudi Arabia, we are talking about Iraq, we are talking about Iran, who we have real issues with, OPEC Nations, they are a part of the American apple pie; $67.8 billion of our debt we owe them.

Now, anyone, Mr. Speaker, who has been in a financial situation before and has made youthful indiscretions on spending knows when a creditor calls you and they call in the tab for this payment, they disrespect you from the beginning. They do not call up and say, Mr. RYAN, I am calling from whoever the lender may be, when do you think that you can return payment? No, they call you TIM, because they disrespect you from the beginning.

I am concerned, Mr. Speaker, that we are going to find ourselves in a situation where these countries are going to start disrespecting the United States of America, not because of something they did. It is because we have had a Republican Congress that has been the rubber stamp Congress for the President of the United States and not doing what they should be doing in Article I, section 1 of the Constitution, and that is a fact. They have been rubber stamping everything that the President has wanted.

Mr. RYAN of Ohio. This is President Bush's Congress.

Mr. MEEK of Florida. This is President Bush's Congress.

Mr. RYAN of Ohio. This is his Congress. They toe his line.

Mr. MEEK of Florida. And the bottom line is, it is like having, Mr. Speaker, a board of directors of a bunch of people like bobble heads going up and down like this: What do you want, Mr. President? You want to make tax cuts permanent for millionaires and billionaires? We are with you. You want to give subsidies to oil companies that are making record profits while the American people are paying through the nose for oil and for gas prices? We are with you all the way. All the way, Mr. President, you can count on this Republican Congress because we are going to do it.

Hey, guess what, we are going to put it on the credit card. And folks used to say future generations. This is dealing with right now, and so just because you see a majority stands up there and they have this big chart behind them saying fiscal responsibility, we want to cut the budget in half, the deficit in half; that is not true.

So that is the reason why we are here on this floor today. That is the reason why we are sharing with the American people, and I can tell you, Mr. Speaker, I would be concerned if I was a Republican Member of Congress because I can tell you right now, as a Democrat who represents Republicans, Democrats, Independents, I represent Americans. They are all coming to me. They are not coming up to me and saying, hey, I am a Republican and I have got to stick with Republicans because I am Republican. No, they are saying I am an American and I am concerned about what is happening in Washington, D.C.; I am concerned about the fact that I am going to have to pay more for my grandchild's education because we have not done what we are supposed to do in the fiscal way to make sure that we are there; we do not cut student opportunities so they can train themselves for the next generation. I am concerned, Congressman, that the Congress is not investing in innovation so that we can have engineers, we can have scientists, so that we do not have to raise the visa rate to be able to bring folks in from another country to take U.S. jobs because we have CEOs that are begging us for the opportunity to have an educated and ready-to-go workforce, and we cannot provide it because these kids cannot get into schools, but meanwhile, we are standing up for the billionaires in this country, and we are standing up for bad policy in this country.

No one is questioning the whole issue as it relates to Iraq. You heard one of our Members just got back, said this is what we need on the ground in Iraq. We go to Iraq. We fought for our troops to get them what they need. The bottom line is we have to govern, and the reason why you see all of these scandals and all of the wasted money, Mr.

Speaker, is that the Congress is over here doing this.

Mr. RYAN of Ohio. Bobble heads.

Mr. MEEK of Florida. Bobble heads on the other side of the aisle saying, we are with you all the way.

So when they say we stand up to the President every now and then, that is not what the Constitution says, Mr. Speaker. The Constitution says that we are the House that represents the people of the United States of America. If they are in a wheelchair, walking upright, if they are white, they are black, Hispanic, whatever the case may be, we are charged to represent them, and when we are making history in all the wrong areas, borrowing from foreign nations in 4 years more than in the 224 years of 42 Presidents, and folks are not alarmed? We are far beyond politics right now, Mr. Speaker. We are in a situation to where either we have some folks on this floor that are willing to lead on behalf of the American people, no longer sell our debt off to foreign nations that we have issues with, or we are just going to continue to go down this fiscal track, slippery slope, until we get to a situation to where we are not going to be the superpower that we have been in the past of the work that these the other Presidents and other Congresses have done.

I will be doggone if I am a Member of a Congress where we are not trying to bring about the paradigm shift to get us back on the fiscal track and make sure that we do the things the way the American people elected us to do it when we come up here.

Mr. RYAN of Ohio. You are exactly right. Article I, section 1, of the United States Constitution creates this House of Representatives. It does not say we are going to have a king. It does not say we are going to have a President. That all comes later. Article I, section 1, of the Constitution creates this body, and when things get so turned around that this body is rubber stamping everything, this is President Bush's Congress. They have done every single thing that he has asked and everything that is supposed to be up is down statistically, and everything that is supposed to be down is up.

Now, since President Bush has been in and President Bush's Congress, they have raised the debt limit by $3 trillion. Basically what happens is the CEO, the President, the Treasury Secretary, they come to Congress; they come to the board of directors and say, hey, we need to go out and borrow more money for the business. So the Congress time and time and time again says, sure, keep going, we will not even ask any questions as to where you are spending it.

They raised the debt in June of 2002 by $450 billion; May of 2003 by $984 billion; November of 2004, $800 billion; and just 2 weeks ago, we did it again by several hundreds of billions of dollars. Almost $9 trillion is the limit the United States can go and borrow.

As the gentleman from Florida said, we are borrowing it from the Chinese, the Japanese, OPEC countries. Can you imagine, we are going to the oil producing countries to borrow money? Are they not getting enough of our money right now? I think they get plenty of our money, Mr. Speaker.

Now, what did the Democrats try to do to stop the insanity? We have a little provision here that was implemented in the early 1990s, and it basically said if you want to spend money, you have got to go find it somewhere. You have either got to raise revenue or you have got to cut spending from another program in order to bring it into balance. It is called pay-as-you-go, just kind of like you do at home.

Mr. MEEK of Florida. If a family had this kind of situation where they had debt and they were trying to catch up on that debt, the first thing when you get out of that or you get a second mortgage or you get some sort of loan to consolidate your debt, the first thing that lending officer says is, to do what? Cut your credit cards up.

Mr. RYAN of Ohio. Right.

Mr. MEEK of Florida. Because from this point on, you can only buy what you can afford, not just continue to put it on the credit card because you are going to continue to go into the hole.

Mr. RYAN of Ohio. That is a great point, and I thank the gentleman.

So, in this Congress, the Democrats have tried to reimplement this pay-as-you-go system because Bush's Congress, Bush's House, Bush's Senate, President Bush, they got rid of the PAYGO requirements. They said we did not need them anymore, and the Democrats, time and time, you know, we hear a lot about, well, what is the Democrats' plan? This is the Democratic plan: We want to implement PAYGO rules back into the United States Congress to rein in this spending. JOHN SPRATT from South Carolina, our ranking Democratic member on the Budget Committee, tried to put a substitute amendment in on the 2006 budget resolution, and that amendment failed. Zero Republicans voted to reimplement the PAYGO rules.

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We tried again with another Spratt substitute amendment, H. Con. Res. 393. I am not making this up. This happened. It is in the CONGRESSIONAL RECORD, Mr. Speaker. The Members can go and look and check it out. It failed 194-232. Zero Republicans voted to reimplement the PAYGO rules.

Mr. THOMPSON from California tried: Mr. Stenholm, a former Member from Texas, he tried. Mr. MOORE from Kansas, he tried. We have been trying to implement fiscal restraint on Bush's Congress, and they refuse to accept it time and time again.

Now, the funny part about it, and not really funny ha-ha, just funny peculiar, is that this is the same outfit that campaigned in 1994, Mr. Speaker, that they were going to pass a balanced budget amendment to the United States Constitution. They wanted to enshrine balanced budgets into the U.S. Constitution and make a constitutional amendment. Now, 12 years later, they are the most fiscally irresponsible group that has run the show in the United States Congress.

Time and time again, when Democrats have tried to rein in spending, we keep butting our heads up against the Republican majority. President Bush's bobblehead Congress that just continues to say "yes" to every single thing that they do.

I remember, too, my good friend from Florida, time and time again we heard about how government needs to be run like a business. And you know what, put me in. Sign me up. I agree. I think it should be run like a business. But when you apply this scenario to a business model, we are the board of directors, the United States Congress, and the majority in particular. The President is the CEO. So if the CEO keeps going back to the board to say, hey, we want to go borrow more money, the board should at least ask some questions, like, Where are you spending it?

And when you hear where they are spending it, in Iraq a $1.5 billion a week, and then Halliburton, who is getting the contracts in Iraq, is inflating prices and has been fined already for inflating prices, basically bilking the taxpayer, Mr. Speaker, is what that is called in laymen's terms; yet there is no oversight. Where is the $9 billion dollars in Iraq. Where is it? You got it. No, I don't. You don't have it? He's got it. Wait a minute, I don't have it. Nobody knows where it is. $9 billion.

This is not an operation that is being run like a business, especially in Iraq. Then we look at what happened when Katrina hit. That operation, FEMA, was certainly not run like a business, because you don't put a horse lawyer in charge of an emergency management operation. That is the bottom line. You put people in who will respect the operation and respect what needs to be done.

So if all this is happening, we've got to make some changes. And if it is General Motors, the American people do not have a vote as to who is on the board or who is the CEO of the company. But, fortunately, my friend, in the United States of America, the American people have the opportunity to pick a new board, and in November of 2006 the American people are going to have an opportunity to pick a new board.

Mr. MEEK of Florida. Mr. RYAN, when you start talking about our stakeholders here, and who is a stockholder in the United States of America or a stakeholder that has stock, you know, I am a Member of Congress and I guess I put on a suit and a tie this morning and a shirt, and I am wearing a decent pair of shoes here today, but that doesn't make me a stockholder in America, just the way I dress. This voter registration card here does. That is the bottom line.

Anyone that is carrying one of these, Mr. Speaker, are the folks that will be able to speak to us in a way versus another person who is not registered to vote. And the real issue comes down to this: Are we going to be accountable to the American people? That is one question. Are we going to be accountable to those that are not old enough to vote yet and carry one of these voter registration cards? That is another question. Are we going to be accountable to those Americans that do have a voter registration card and know what it means to have a responsible government?

People want governance, Mr. RYAN. They could care less about the Republicans did this and the Democrats did that. They want governance, they want security, they want to make sure their children are educated and they want to be sure we are responsible, being the overseers of the Government of the United States of America. And the bottom line is this: we have some folks that have gotten confused, Mr. Speaker, on the majority side.

There are some votes that have taken place on this floor, this education bill that just passed today that did very little to address the issues of innovation in education, even though the majority side says we are for innovation; even though we are for education, just a little tiny increase here and there, and this is the best bill since bills have been passed.

And, Mr. Speaker, I think it is important for us to just step back for a minute and say the reason why we are here. We are not appointed here in this House of Representatives. In the other body across the Hall, in the Senate, if a Senator was to say, hey, you know, I can't do this any more, I am gone. That is it. Hey, it was great serving for 20-something years, or even 5 years in some cases, but I am not going to do this any more. I have to go take care of my grandkids, my mother is ill, or whatever case, and they go on. In that particular case, a Governor can appoint a U.S. Senator.

But if a Member of the House, as we all know, Mr. Speaker, says, you know, family issues, personal issues, I can no longer come back to Washington every week to represent my district, I am gone, there has to be a special election set. And that is what holds us to a higher power as it relates to representing the people of the United States of America.

It is important that Members realize that folks early one Tuesday morning in some given community woke up one day and stood in line to vote for some representation. And I can tell you right now, the bills that are passing on this floor that are benefiting folks that are very powerful in this capital city, that I feel are not really benefiting the folks back home, I am concerned about. I know my card happens to say Democrat, but there are some cards that say Independent, and there are some voting cards that say Republican, and there are some voting cards that say Green Party and other parties. And guess what, they feel the way we feel.

I share with some Members sometimes that we have to act as though it was our first night being elected, all the things we wanted to do before we hit Washington, D.C., until someone started telling us how we should vote and how we shouldn't vote. We should have those feelings of representing the group of people that have sent us up here. And by the fact they have sent us here, Mr. Speaker, many times we have to look on behalf of the greater country. We have been federalized once we have been sent here to serve in this body.

So, Mr. RYAN, when we talk about stakeholders and stockholders, the stakeholders and stockholders in the United States of America are the people we serve. And folks are getting confused about that, or we wouldn't see this out-of-control borrowing and spending.

Folks are coming before the people of the United States of America and saying, you know, the President is asked, what about Iraq? Well, we are going to be there as long as we have to be there. That is not an answer.

Mr. RYAN of Ohio. It is the next President's issue.

Mr. MEEK of Florida. Yes, that is the next President's issue.

Mr. Speaker, we talked about the other night, Mr. RYAN and I were talking, and the next thing you know, it is like Mr. RYAN or my constituents walking up to me in Miami and saying, hey, Congressman, you really need to do something about economic development. Well, that is for the next Member of Congress. It is not for me.

So the real issue is this: Do we want to represent the people that have fought that are veterans, and the American people that are paying taxes for us to be able to salute one flag here today? Or do we want to represent someone that is publicly on the stock market that has an issue that wants to use the U.S. taxpayer dollar to carry on their business when they are making record profits, when they are doing very little as it relates to investment?

So we have to make sure that the rubber hits the road and that everyone understands. Because we know there is going to be a big marketing campaign going on later on this year about who is doing the best job up here in Congress. And what I am seeing of the polling numbers and what people are saying and how they are concerned, the party has nothing to do with it. It has everything to do with governance.

And, Mr. RYAN, if they want accountability in Iraq, and if they want accountability as it relates to paying as we go, and if they want accountability as it relates to us following up and saying what we are going to do, and we have all these scandals going on under this situation, what will happen? And what would happen if we had real oversight? If we had oversight, would Halliburton be able to get a blank check?

Mr. RYAN of Ohio. Here is the choice, my friend. The American people will have a decision to make. We can either go and keep following President Bush down this unknown path, that I don't even know sometimes if the President knows where we are going as a country, or we can change course and we can go in a different direction than President Bush's direction. Because that direction, as you have seen, has led to more borrowing from foreign interests than the previous 42 Presidents.

We are not making this up. That is from the United States Department of the Treasury. And when you look at the interest payments that we have to pay just on the interest, and here is a great example, Mr. Speaker: for the 2007 budget, we will spend about $230 billion just paying the interest on the money that we owe all these other countries.

So if China loans us money, they loan us the money and then we send them the interest. So China takes the interest and invests it back into their state-owned companies and wipes out the manufacturing base in the United States. That doesn't seem too smart. That is President Bush's direction. The Democrats want to take the country in another direction.

So $230 billion out of the 2007 budget is going to go just for interest. Wasted money. Flush it right down the toilet, 'cause it is done. Then what are we going to spend on education? Fifty billion. We have $230 billion on the interest and $50 billion on education. You know, 10 or 15 on homeland security, and a pittance, just a little more than that, on veterans.

You know, President Kennedy said: "To govern is to choose," and this is the choice that this President makes. The Bush Congress continues to reaffirm with their rubber stamp time and time and time again. So all we are saying is what we want to do is we want to change direction.

I personally would like to stop following the President, because I have seen his track record, and I don't want to follow him. It is just like any leader. You are with them, you want to be with them, but over time they build a record, and this Republican Congress refuses to break free from what the President is doing here. And this is President Bush's Congress, my friend.

Mr. MEEK of Florida. Mr. RYAN, I just want to also share the fact that we both serve on the Armed Services Committee, and we feel very passionate about what our men and women are doing. And we know that in Iraq, Mr. Speaker, you watch the Secretary of Defense and you watch the press conference with the President and you would think that it is another beautiful day in Iraq, and it is not.

First question: Is there a civil war in Iraq? That answer usually comes back "no." There is a civil war going on right now. As sure as today is Thursday, there is a civil war going on in Iraq right now. Will it get worse? It probably will get worse. Is the coalition getting bigger or smaller? Well, you know, we are talking to people, and the indicators of the indicators are saying. And they are not making any sense whatsoever.

And the reason they get away with this, Mr. Speaker, is we are not nailing them down as a Congress on the tough questions so they can answer in a truthful way and guide them in the right direction. It is not the Congress's responsibility for the day-to-day operations of war. The President would say it is not his responsibility either, that it is the commanders on the ground.

Well, we found from past commanders and some present that have slipped and said a few things every now and then that we did not have all that we needed to go into Iraq; that we did not have the body armor and equipment and a mission and a plan; we did not have a real coalition when we went into Iraq. We had a number of main countries, but when you look at it, you had the U.S., you had contractors, and then the Brits. And that was a huge deficit as it relates to numbers.

The Brits have said they are leaving this year, and a number of the other countries that were sending 50 to 100 troops there, or technical advisers that were part of our so-called coalition are leaving. Because they are willing to take the training wheels off the Iraqi Government. They are willing not to get into a situation, Mr. Speaker, of a continued borrowing from other countries. You know why they are doing it? Because they know they cannot weaken their country.

The U.K., I am going to snatch them off this map here, $223.2 billion of our debt. I mean, they have it so good they can buy our debt and still operate their country and continue to do what they are doing.

☐ 1615

But they have better sense to know they have to take care of home first.

The President can boldly say, because he has the bobble-head Republican majority here that says whatever you say, Mr. President, we are with you.

For a minute there, I was concerned that maybe we could move in a bipartisan way. But, of course, when it came down to the whole Dubai Ports World issue, we had folks that said we stopped that from happening. But the environment was set up for it to happen, that the under secretaries in each department could make a unilateral decision that we will sell our ports off to a foreign nation. Somebody objected, and all of a sudden it became a situation where we had to do something about this after the whole country was in an uproar over the issue.

The Democrats, we were the first ones on the floor saying, what do we need 45 days for? What is there to think about, that we are going to outsource our ports to a foreign nation that there is a question mark concerning where the financing for the 9/11 attack came from. We are going to give them six of our ports on the east coast? What is to think about? 45 days for what? What does the President of the United States say? "We gave them a handshake. We have to move on with this. You can have your 45 days, I am still going to do what I want to do."

The Republican Congress was pushed with their back against the wall. But does the Republican Congress have to be pushed to the wall before they stand up and say, excuse me, Mr. President, we don't agree with you, and we are not going to do it.

The same thing happened, Mr. RYAN, when we came to this floor night after night, in some instances 2 hours a day on this floor, talking about the President's Social Security plan. He was going to privatize Social Security. Many of the Members on the majority side were with him. Ho-hum, private accounts, big press conference.

It took the American people to rise up in over 1,000 town hall meetings on this side of the aisle to bring to the attention of the American people that they were going to lose under private accounts, and then the President finally said okay. He flew all over the country and burned all kinds of jet fuel at taxpayers' expense and kind of did the Potomac two-step kind of thing.

Why can't we, as a bipartisan body, because people want leadership, and we are here sharing with the American people that we are ready to lead. We have plans to lead. We have led before in the past, be it war, be it making sure, and I want you to talk about Bosnia a little bit, be it planning to move into an area. I think it is important because yesterday we not only unveiled but said for a second time in many cases our security plan, our real security plan that people can get. They can read it online. They can get it on HouseDemocrats.gov. They can get a copy of this plan.

Mr. RYAN of Ohio. Mr. Speaker, you have to be tough, there is no doubt about it, but you have to be smart. What we are doing now is not smart. We talked earlier about the debt and deficit and everything else we have now. In 1993, a Democratic House, Democratic Senate and a Democratic President balanced the budget in the United States. It led to the creation of 20 million new jobs. The Democrats know how to govern.

We had an incident in the late 1990s with Bosnia. General Clarke, a Democrat; Madeleine Albright, a Democrat; President Clinton, a Democrat; we went into Bosnia with a coalition of countries around the world to help us stop basically what we said was happening in Iraq. We went in there, and we did not lose one American soldier. The Democrats know how to administer governments, and the Republicans, quite frankly, do not because the numbers do not bear it out. The budget is ballooning. They have raised the debt ceiling by $3 trillion. They are borrowing money from Japan, China and the OPEC countries, and whoever else will loan them money. The deficit next year is projected to be about $500 billion. Tuition costs have doubled in the past 4 or 5 years. The gap between the wealthiest people in our society and the poorest people in our society has grown to a point we have not seen since pre-World War II, and Iraq is a mess. $1.5 billion a week. We are losing soldiers every day, and there is absolutely no end in sight. We did not go in with enough troops, and whether you supported the war or not, you want to make sure that you succeed, for God's sake.

Mr. Speaker, we have not seen the rebuilding effort in Iraq that we need to see in order to get out of there.

Mr. MEEK of Florida. Mr. Speaker, Mr. RYAN and I were both in Iraq. We were in Iraq together. We were in these meetings with the commanders and the troops. You ask a question, sometimes folks lose eye contact with you because they are trying to do what the commander in chief said that we need to do. And there are a lot of stump speeches going on, and the President is flying and folks are standing behind him and clapping and all. And we are all supportive of the commander in chief, but when you are riding down the railroad tracks and you are saying, is that the light at the end of the tunnel or is that the train? Is that a train or is that the sun? When you start getting indicators, when you hear a horn and the rails start shaking on the train track, I think you start saying, I think that is a train.

Tough talk: The President throws out statements, talking about folks, we are going to get them and track them down and all this kind of stuff, it makes things even worse. So when we talk to these commanders, and some of them lose eye contact because they know we do not have what we need.

And as long as this Republican majority is here bobble heading with the President saying, Mr. President, we are with you. And they have special breakfasts over at the White House. And, of course, Mr. RYAN, we are not invited because we may say something to the President he does not want to hear. We all know that the President does not take good to those who disagree with him, and I guess that rule applies to some of our Republican friends on the other side of the aisle because, obviously, we do not have the kind of uprising we need in the majority to be able to say, Mr. President, we are really going to have to start talking about this Iraq thing. We have to do something about it.

The Iraqi government, you go over there and you have some of the Members of their government, be it elected or appointed, they are sitting up there like they have 10 years to do whatever they have to do, they have 20 years to do whatever they have to do. And guess what, it is at the U.S. taxpayers' expense.

Meanwhile, Mr. RYAN, we have schools that do not have what they need. Meanwhile, we are here on this floor talking about cutting lunches for poor children just because they so happened to be born into a poor family. I have mayors coming to me saying, Congressman, these unfunded mandates for homeland security, I am having to spend all of this money. I have to take money out of parks and rec and decrease the quality of life in my city. The Federal Government just cut the COPS program, but meanwhile, we are building schools and roads and water treatment plants and the President said we were not going to be into nation-building over in Iraq.

Mr. Speaker, we want to be able to mold the clay and to be able to let the American people know if you are walking down a tunnel, which they know, it is just commonsense, if you are walking down a tunnel and you are walking on some train tracks and you are stepping on those wood slates and you are saying, is that the sunlight or a train, and then you hear a horn and the tracks are shaking, I do not think that is the sun, I know it is a train.

What this majority has to do, and if the American people want us to be able to bring this President into accountability and bring the Department of Defense back into accountability and oversight, you are going to have to have a Congress, in this case a Democratic Congress, that asks the tough questions.

When you sit down for a job interview, you have to have a good resume. You cannot say, in my last job, I agreed with everything that the other guy who was sitting next to me said because I was told to say yes. No. People elected us to lead. People elected us to have plans. People elected us to have plans in all areas to make sure we have accountability for our government. People do not care if it is a "D" or "R" behind the name; they want leadership. We talk about real security. Real security is making sure that we protect America before something happens.

I do not want a 9/11 or an 8/11 or a 7/11, I do not want those dates to come up and say, oh well, now an event has happened and let's legislate to make sure that we move from 5 percent container checks at ports to 100 percent. Why do we need an event for that to happen?

The reason it is not happening, to be brutally honest, is we have the bobblehead Republican majority Congress that is saying "yes" to the President at every turn. Not all Republicans because I do not want to generalize, but enough to allow the President to continue doing what he is doing. And the only way we switch and have the change that you are talking about, Mr. RYAN, is if we have a Congress that is dedicated and bonded, ready to work in a bipartisan way, unlike what we have today, and bringing in the very few Republicans on the other side of the aisle that think the way we do, and say we are willing to represent. We do not care what your party affiliation is, we are willing to represent on behalf of the American people.

We are willing to tell the special interests that we notice you have issues, but we have something at hand. We have other issues such as innovation, such as homeland security, such as making sure that our troops have a clear plan in Iraq. The tough questions need to be asked, and we need to act on them. Some of them are being asked in some places, but they are not being acted upon.

Mr. RYAN of Ohio. From a security perspective, we need to be tough; we need to be smart. We need to have our act together, and we have a comprehensive plan. You know, these bumper-sticker solutions to complex world problems do not work. They just do not work. They have gotten us into the situation we are in now.

If you look at the plan that the Democrats have, we talk about 100 percent of the ports. Right now, we are only inspecting 5 percent of the ports here. The Democrats have tried. Let us get those charts out about all of the amendments we have offered to try to increase funding for port security.

We only check 5 percent of the cargo coming into the United States ports. That means 95 percent is not checked at all because of the failed leadership on behalf of President Bush's Congress.

What have the Democrats tried to do? Some people ask: What are the Democrats doing? Here is what we are doing.

In June of 2004, Mr. OBEY tried to put on an amendment right here in Congress to increase port and container security by $400 million; Republicans refused to even allow a vote. That was for $400 million, and we need $6 billion worth to actually do the job. That is what the Coast Guard says we need. We only asked for $400 million, and could not even get a vote on it.

October 7 of 2004, another amendment by Mr. OBEY, Mr. SABO and Senator BYRD to increase funding by $150 million. That was shot down.

We kept trying, we kept going. On September 29, 2005, Mr. OBEY, Mr. SABO, increase funding for port and container security by $300 million. The House conferees defeated this amendment along party lines. Democrats for, Republicans against.

Again, March of 2006, Republicans blocked an effort by the Democrats to bring the King-Thompson port deal bill to the floor.

□ 1630

Again, Republicans voted against the bill. Time and time and time again, the Democratic minority tried to get President Bush's Congress to support these deals, to support increases in funding so we can get it from 5 percent to 100 percent. We should check all of the cargo that comes into the country. So that is one issue. We need to check the ports. Okay? But there is not one little bumper sticker we could say we are going to have, we are going to put it on all our cars, then the problem is going to be solved. That is just one component.

We believe, in the Democratic Party, that if we do not have a long-term alternative energy proposal where we are going to reduce our dependence on foreign oil, we will continue to be in these squabbles and these entanglements in the Middle East, time and time and time again. So the Democrats want to fund the ports. We have made efforts to do that. We want an alternative energy program. We need to get the oil man out of the White House in order to do that. And not only are we trying to take on the oil companies, the Republican majority in the energy bill gave the, check this out, gave the oil companies $12 billion in corporate welfare. So not only are your gas prices going up; your public tax dollars that you send to Washington, D.C., the Republican majority is also giving that to the oil companies on top of what you are already giving them.

The first day we take over, next January, we will implement the 9/11 Commission's report, make sure we put that thing front and center and we do what the bipartisan commission has told this country that we need to do.

The COPS program that you mentioned, our first responders, that program is gone. It is gone. President Clinton had a goal of putting 100,000 cops on the street. And the Republican Congress has almost nearly eliminated that program, if it is not all gone already.

So what we are saying is, real security is an opportunity for all of us to have a comprehensive plan, implement the 9/11 Commission's report, make sure that we secure the ports and fund the funding level that the Coast Guard recommends, not KENDRICK MEEK and TIM RYAN, what the Coast Guard recommends. Let's develop an alternative energy policy in this country so that we are not reliant on oil from the Middle East that gets us entangled in all of this stuff. And let's make sure we fund our police and fire and our first responders, the first line of defense here.

So be tough, but be smart and make proper investments that are going to yield value and protect the country, not where did the $9 billion go that we are spending in Iraq that no one knows where it is.

Be happy to yield.

Mr. MEEK of Florida. Well, you know, Mr. RYAN, I believe that America is protected best and freedom is protected in advance. We look at homeland security.

Mr. RYAN of Ohio. Prevention.

Mr. MEEK of Florida. Prevention. When you talk about prevention, you are talking about before. When you are talking about reactionary, we are talking about after.

So dealing with this container thing, I don't want the Members to take it lightly, Mr. Speaker. You may say, well, you know, I am in the middle of America. I live in Sioux City, Iowa, and we don't have ports so I don't need to worry; that is not my issue. Well, it is your issue because those containers that are coming in from overseas and from countries that are in question, some may say suspect as it relates to their commitment to the United States of America, they get on those little trucks and trains that I was talking about a little earlier, and they go right down into your community. And if there is a dirty bomb or some sort of substance that will hurt your community and your family, now it is your problem. And I think it is important that we point that out, because I don't want folks to get confused and say, well, I am not from a coastal area; Members who say, you know, well that is not my issue.

Mr. RYAN of Ohio. Just like you get your food, just like you get the toys that shipped to the local store that you are going to buy, same thing. Those all come in through the ports.

Now, here is what is interesting, Mr. Speaker. And I think this is something that really makes your ears perk up when you hear about this. On March 28, just a day or so ago, Senators said that a report, this is from Bloomberg News, Senators said a report that investigators smuggled enough radioactive material to build two dirty bombs into the United States called into question the Bush administration's efforts to secure the borders.

Now, check this out. A sting operation that was described in one of three Government Accountability Office reports, now this is the GAO, this is not a partisan deal, said, they released a report. The report accused the Bush administration of being slow to deploy equipment that would detect radioactive materials, and they say corrupt foreign border officials and poor maintenance of detection devices have left the U.S. vulnerable to terror plots.

Enough material for two dirty bombs to go off in the United States was snuck in by, you know, through a sting operation that we were trying to figure out what is going on. We are not doing enough.

Now, third-party validator, which the 30-somethings like to promote. We don't want this to be all our opinion here. This is from a retired Coast Guard commander who is now a senior fellow at the Council on Foreign Relations. He says: "Both the opportunity for terrorists to target legitimate global supply chains remain plentiful, and the motivation for doing so is only growing. We are living on borrowed time."

We are not here to scare anybody, but the reality is, when you only check 5 percent of the cargo coming into the country, and your own folks are sneaking in enough nuclear material to set off two dirty bombs, and we are giving tax cuts to billionaires and not funding port security, when we are giving $12 billion in corporate welfare to the oil companies, when we are giving billions in corporate welfare to the health care industry, and we are not funding our national security priorities, when we are spending a billion and a half in Iraq a week, and $9 billion of it no one can find, and we have these kinds of situations, we have an obligation. When we come here the first part of every second year and we swear our allegiance to the United States and the Constitution and everything else, we have an obligation to oversee what is going on. So we have an obligation to come down here and be critical of things like this and provide solutions, which we have time and time again.

Now, President Bush's Congress has not taken any of our recommendations, and they are up for a job review in November; and I hope that the American people, Mr. Speaker, take a good look at what has happened over the past 4 or 5 years and hope that our plan on real security, which you can find on our Web page, housedemocrats.gov, you can get the whole deal and you can see our comprehensive plan to try to do this.

You can also check out our plan on innovation, how to get the country moving economically again. Periodically, we will have unveilings of different ideas that we have. But we have tried on port security. We have tried on PAYGO. We have tried on school funding and we continue to get shot down by President Bush's Congress. So we have got the plan; we just need the opportunity to implement it. For Members who are in their offices and would like to send us e-mails or anyone else, www.housedemocrats.gov/30something. All the charts that were here that we used will all be on the Web site so you can go back and reference them all.

Yield to my friend.

Mr. MEEK of Florida. Thank you, Mr. RYAN. I just want to let you know that it was a pleasure coming down to the floor with you again. We got out a lot of good information.

Mr. RYAN of Ohio. Before we go, I know you have a Florida team in the Final Four this weekend, and I want to wish you the best of luck.

Mr. MEEK of Florida. Well, we need it.

Mr. RYAN of Ohio. I hope you guys pull it off. Since there is no Ohio team, with a good conscience I can root for Florida.

Mr. MEEK of Florida. Thank you. With that we want to thank the Democratic leader. We want to also encourage everyone to go to our Web site, housedemocrats.gov. We want the majority to go on our Web site, housedemocrats.gov.

These are our plans. As it stands right now, in the state of homeland security is the majority's plan. It is already there, already being carried out. We have a plan to make things better, more secure here in the United States of America, not only here in the House but also in the Senate.

With that, Mr. Speaker, it was an honor addressing the House once again. I yield back the balance of my time.

COMMUNICATION FROM THE CONGRESSIONAL AIDE OF HON. WILLIAM JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania) laid before the House the following communication from Joyce G. Davis, Congressional Aide of the Hon. WILLIAM J. JEFFERSON:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC

DEAR MR. SPEAKER: this is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOYCE G. DAVIS,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Loretta Mahony, Congressional Aide of the Hon. WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
LORETTA MAHONY,
Congressional Aide.

COMMUNICATION FROM DISTRICT MANAGER OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Stephanie Butler, District Manager of the Hon. WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
STEPHANIE BUTLER,
District Manager.

COMMUNICATION FROM LEGISLATIVE ASSISTANT OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Angelle Kwemo, Legislative Assistant of the Hon. WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
ANGELLE KWEMO,
Legislative Assistant.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Julius Feltus, Congressional Aide of the Hon. WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
JULIUS FELTUS,
Congressional Aide.

COMMUNICATION FROM DISTRICT MANAGER OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Stephanie Butler, District Manager of the Hon. WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 22, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
STEPHANIE BUTLER,
District Manager.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ericka Edwards, Congressional Aide of the Hon. WILLIAM J. JEFFERSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
ERICKA EDWARDS,
Congressional Aide.

RECOGNIZING THE CAREER OF MAJOR GENERAL MICHAEL TAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I rise today to recognize and celebrate the career of Major General Michael Taylor. All citizens of the United States owe General Taylor a debt of gratitude for devoting his life to freedom and all the ideals that make this country so great. Not only did he serve his country valiantly for 37 years, but he also attended Texas A&M University, an institution of higher learning famed for its rich tradition, its honor; and it also happens to be my alma matter as well.

General Taylor began his military career in 1970, upon graduation from Texas A&M. Commissioned as an armor officer, he served as a platoon leader in Vietnam with the 2nd Squadron, 11th Armored Cavalry Regiment. Serving in various roles throughout his career, including deputy commander of the 71st Troop Command, General Taylor assumed command of the 36th Infantry Division, Texas Army National Guard, Camp Mabry, Austin, Texas in May of 2004.

Of the many major awards and decorations he has received over the course of his accomplished career, time limits me to name just a few. Some of the most notable are a Legion of Merit with two Oak Leaf Clusters, Bronze Star Medal of Valor with one Oak Leaf Cluster, Purple Heart, not for some scratch on him either. He has a Meritorious Service Medal with four Oak Leaf Clusters, Army Commendation Medal with one Oak Leaf Cluster and the Army Achievement Medal.

General Michael Taylor is a man of honor. He is a man with a sense of duty. He is a man with a love for God and his country. He served this country and he served his fellow man with wisdom, with discretion, with courage, with valor, and with clarity. His career of service to our Nation should be admired by every citizen who enjoys living free, and I am proud to honor him on the House floor today as a great American. He is a powerful patriot, and he is a personal friend of mine. He is an example for young people today who desire to be an intellectual servant and a defender of freedom.

May God bless General Mike Taylor because he has certainly blessed America with his service.

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank the conference and leadership for allowing me to come before the House during this hour today and to present a number of different issues with my colleagues in the House of Representatives.

□ 1645

We are going to bring another edition of the Official Truth Squad today. And folks ask, what is the Official Truth Squad? And I guess the simplest way to explain it is that it is a group of individuals in the House of Representatives who are interested in making sure that the American people have the truth presented to them so that they can make appropriate decisions. And it grew out of the group of freshmen Members of Congress who were elected for the first time to Congress in 2004, and after a number of months here, we would meet on a regular basis, met about once a week, and when we would talk to each other, we would get the same kind of sense about what was happening on the floor of the House. We were, frankly, disgusted with all of the personal attacks, the lack of cooperation, the leveling of charges, and, frankly, so many times, comments that were made that simply were not true. And so we said, what on Earth can we do? So we created what we call the Official Truth Squad. And we try to come here as often as possible, almost every day that we are in session, and talk about issues that are of importance to the American people and present the facts.

We have got a quote that we are so fond of and it comes from Senator Daniel Patrick Moynihan. Senator Moynihan said, "Everyone is entitled to their own opinion, but they are not entitled to their own facts." And here in Washington, we hear something repeated over and over and over again, so often that you think it is a fact, that you think it is the truth, but, in fact, it is not. And we have just been treated to an hour from some of our friends on the other side of the aisle with many, many issues that were remarkably distorted. Some of them outright untrue. And so our concern is that the American people, in order to make correct decisions about what direction this country ought to go, they need the facts. They need the truth.

I have told folks oftentimes, Mr. Speaker, I am a physician. Before I came to Congress, I was a medical doctor. And when I would see a patient, I could not get to the right diagnosis unless I was given the true information, either in a lab test or talking with the patient or whatever it was. And the same is true in public policy. Unless you get the truth, unless you get real honest information, you just cannot get to the right solution because you do not have all of the information that you need. So everyone is entitled to their own opinion, and there are a lot of opinions here in Washington, Mr. Speaker, but they are not entitled to their own facts.

And just by way of clarification of a number of things that folks have heard today and oftentimes, but most recently within the last hour, I was sitting here in the House, and I had to write down one of the comments that was made because it was just so outrageous, and it was, "Everything that is supposed to be up is down and everything that is supposed to be down is up." And I guess I am supposed to take the gentleman at his word, and if that is the case, then I would like to point to a few things that are either up or down and are moving in the right direction, frankly, Mr. Speaker. And one of them is the number of jobs that have been created in this Nation over the last 3 or 4 years.

A chart says it so much better than I can, but this is a chart that shows the number of new jobs, these are new jobs in America, since January of 2002 until January of this year. And what you see for the first 2 years is a significant decrease in jobs and then on about the end of 2003 or the beginning of 2004, it began to tick up, and now we have, month after month after month, over 30 months of new job creation in the hundreds of thousands, almost 5 million new jobs created in the last 2 to 3 years. So that is something that is up that I guess the gentleman wants to go down; is that right, Mr. Speaker? This chart does not even include the month of February, which was 243,000 new jobs across this Nation.

Here is another chart that shows the direction of job growth. And again, the axis down here is January of 2002 through January of 2006, and you see what happens to job growth is that on or about the first part of 2003, it begins to tick up, and it is ticking up month after month after month after month and the unemployment rate ticking down. The unemployment rate last month, Mr. Speaker, 4.8 percent across this Nation. That is lower than the average for the 1970s and the 1980s and the 1990s. I guess that is something that the gentleman wants to go up instead of down; is that right, Mr. Speaker? These are good numbers. This is good news, economic news, across this Nation. And saying that it is something different, confusing people, distorting things, telling things that are, frankly, not true does a complete disservice to everybody in our Nation because if you are given misinformation, you cannot make correct decisions. So what the Official Truth Squad is interested in is real information, honest information, the real numbers, and then we are confident that people will make the right decision.

Here is another number that I guess the gentleman wants to see go in a different direction. This is Federal revenues. This is tax revenue. And up until 2003, it was ticking down. And then what happened in 2003 is that there was a tax cut. There was a tax decrease, and what happened was that Federal revenue increased after that and continues to increase. In fact, we are now at a rate of Federal revenue increase over where it was at the beginning of 2000. And it is kind of counterintuitive, but what happens when you decrease taxes is that you give people more of their money back, and they are able to spend more or save more or invest more, and it spurs the economy. So, Mr. Speaker, those are numbers that are moving in the right direction, not the wrong direction.

A couple other items that are very specific that were mentioned within the last hour, and the record just has to be corrected because, again, truthfulness is imperative if we are to make correct decisions here. This is the issue of port security funding, and what you heard recently was, frankly, a remarkable distortion of the truth. Port security funding in 2001, it was about $30 million. Port security funding last year, over $3 billion. Port security funding request for this year, nearly $4 billion.

Mr. Speaker, you can argue about whether or not there ought to be that amount of money or more or less, but what you ought not do is distort the truth to people and tell them that that is not what is occurring, that there are not resources going into port security. It is just wrong. It is not fair to the American people. It is not fair to the discourse here. And, frankly, it creates a greater cynicism for politics than there ought to be. We need to be working together here.

The challenge of port security is not a Republican challenge. It is not a Democrat challenge. It is an American challenge. And an American challenge requires that Americans work together. We solve problems best when we work together. So I encourage my friends on the other side who oftentimes fondly distort things to work with us.

You hear them talk about their national security agenda. Well, I think it is important that we look at the truth. It is important to look at the record. What they have said is that one of their recommendations is to follow the recommendations of the 9/11 Commission. But on a roll call vote here in the United States House of Representatives, they voted "no" on establishing the Department of Homeland Security, rollcall 367, July, 2002.

On a rollcall vote in July 2004, they voted "no" on $21 billion in funding to strengthen border protections.

Now, that is the truth, Mr. Speaker. That is the truth. And it is important that people all across this Nation know that.

One more item as it relates to national security and then we will move on to a different topic that I think is important for the American people to know the truth about as well. And this is what they have said in their national security plan, the folks on the other side, and they talk about the need to increase human intelligence capabilities, eliminate terrorist breeding grounds, secure loose nuclear materials, stop nuclear weapons from development in Iran and North Korea. It all sounds wonderful. But what do they do? Rollcall vote 393, Democrats voted repeatedly to slash funding for intelligence activities.

One of the ones that astounds me so, is that recently, June of 2004, rollcall vote 293 on the floor of the United States House of Representatives, there was a resolution that said we support the work of the intelligence community. We support the men and women who are working so hard to make certain that you and I are safe, Mr. Speaker. And what happened? They vote "no." They cannot even stand up here in the House of Representatives and say, we support the men and women who are trying to keep us safe.

So I think it is imperative, it is imperative that we talk about truthfulness here on the floor of the House. And, again, if we do not talk about the truth, if we did not present all the information accurately and appropriately, then the American people really cannot make an appropriate decision.

Now, today we are going to talk about 527s, and I have been joined by a number of folks who are members of our Republican conference, and I am pleased to have them join us today. I want to put up a poster about 527s.

And you say, Mr. Speaker, what is a 527? Well, a 527 is something that folks across this Nation may not have heard about but they probably heard from them. And it is called a 527 organization because it is a political organization whose taxation is defined in the section 527 of the Federal tax code. And we are here to talk today about 527s because we believe fundamentally that they were formed because of a loophole in the law and that they are fundamentally unfair and that they do not result in any transparency or accountability as it comes to elections.

I want to just highlight a couple of things and then look forward to comments from my colleagues.

Five hundred twenty-seven groups really result in no transparency and no accountability. And it is not unfair to Republicans or Democrats; it is unfair to the American people. Information that is not filed for a 527 or posted with Federal Elections Commission, so there is no way to get accountability. You do not know who is donating to these groups. There is a lack of proper disclosure requirements for filing and donors and disbursements. Where do they spend their money? There is no way to tell. Filled out forms are often incomplete and disclosure is imperfect, again making it so that it is unfair to the American people because they will not know, they cannot know because the information is not available, who is funding certain ads or activities.

They fall under the guidelines of the IRS. And as such, as you and I know, Mr. Speaker, the IRS is a huge, giant entity that, frankly, cannot figure out who is coming or going, and they certainly cannot with these organizations. And funding is dominated by a few wealthy donors, and I know that we will talk specifically about that. Unlimited giving, remarkable unlimited giving, is alive and well in the political environment. We believe that that ought to change.

And I am so pleased to be joined by some of my colleagues, initially Congressman PATRICK McHENRY, who is an official member of the Official Truth Squad, a member of the freshmen class, from North Carolina. He has just great experience with political activity and also great experience with the importance of truthfulness and fairness in the public arena.

And I am pleased to yield to my friend from North Carolina.

□ 1700

Mr. McHENRY. Thank you, Congressman PRICE, and thank you for your leadership in the Official Truth Squad. I think it is important that we come to the House floor and articulate our views and our agenda for the American people as Republicans, as conservatives, and as Members of Congress. Today I think it is important that we bring up a pressing issue dealing with 527 groups. My colleague from Georgia has done a very good job of outlining what 527 groups are, what they do, how they operate.

The one thing he points out in his chart there is that funding is dominated by a few wealthy donors, unlimited giving is alive and well. Let's just go back a few years. Our colleagues on the left, the Democrat Party, said that big money is a corrupting influence in politics. And so you had men like George Soros, one of the richest men in the world, a multibillionaire, George Soros, who I like to call the Daddy Warbucks of the Democrat Party, he spent $18 million to root out big money in politics. Think about that. That is liberal lunacy at its worst, or I guess I should say at its best.

He wanted to root out the corrupting influence of very large donors. That is what he was quoted as saying, to root out issue advocacy phone calls, TV ads, radio ads. This last election cycle, he spent $27 million, wrote a check for $27 million to different 527 groups to do exactly what he wanted to ban through campaign finance reform. Liberal lunacy, hypocrisy. It is a culture of hypocrisy that we are fighting on the left.

Let's look at the facts and figures. $370 million flowed through 527 groups. $370 million. That is more than President Bush and Senator KERRY spent on the presidential election. This flowed through unregulated, undisclosed means. So voters didn't have the opportunity to know who these 527 groups are, who their donors are, what their true agenda is. And so it is important that we bring out and bring to light the need for 527 reform so that we can have accountability and transparency, two things that my colleague from Georgia has been talking about extensively.

We are going to point out the culture of hypocrisy on the left. Really at the heart of it is their reliance on a few billionaires to spend money through unregulated means to go out and influence elections. It is very deceptive to the voters. I think it is very unbecoming of who we are as a democracy. But I also want to say, Congressman PRICE, that I think our philosophy is similar. We believe that freedom works and that free and full disclosure is important to the nature of campaign financing. That is what we are trying to push with 527 reform.

Mr. PRICE of Georgia. You mentioned one person, George Soros. I just happen to have prepared a poster here, because you talk about big money in politics, and the stated goal by some was to get big money out of politics. In fact, that is exactly what has not occurred. The problem with what we have right now, as you well know, is that there is no way for folks to get this information easily or to know what this money is being spent on. George Soros spent $27 million, as you have said. And then there are others here as well that I would love to have you highlight. I know that you have got information about that.

Mr. McHENRY. Absolutely. I appreciate you putting up something visible for people to see. George Soros. What is his agenda? He is one of the greatest leftists this side of Havana and he is trying to influence elections for his left-wing agenda. I think it is important for the American people to be engaged in elections. But you should not allow billionaires to go in and buy elections. You shouldn't allow billionaires to go in, through undisclosed means, and influence elections. You see Peter Lewis. You see Herbert and Marian Sandler. You see Stephen Bing, a huge Hollywood producer. You have Hollywood money flowing through undisclosed means to influence elections.

My agenda, Congressman PRICE, just like yours, is full disclosure. I think that is important. My version of campaign finance reform is maybe akin to what yours would be, Congressman PRICE, and that is to allow full, open, public transparency of campaigns and allow them to be financed so that the American people can see who is financing them. We shouldn't limit that financing. Until we have that in America, through honesty in Federal elections law, we must level the playing field until we get to that point.

Mr. PRICE of Georgia. I appreciate those comments, because they are right on where we need to get to. The problem is that politics is the art of the possible so what we have got working here in this Chamber is the possibility of appropriate reform right now. The accountability and disclosure that you mentioned, I think it is important to mention these numbers, Mr. Speaker, because they are staggering. The American people need to know that. George Soros, we have talked about, $27 million. Peter Lewis, $23.9 million. This is personal money coming into campaigns that the American people don't know anything about. There is no way for them to get that information. Herbert and Marian Sandler, $14 million. Stephen Bing you mentioned, but you didn't mention the number. The number is $13.9 million. That is money, Mr. Speaker, that is being used to influence elections and nobody knows about it.

When you and I, Congressman MCHENRY, have our elections, what do we do? We put on everything that we have got, Paid for by Price for Congress, or Paid for by McHenry for Congress. We have to disclose that. And that is appropriate. What happens when they spend nearly $80 million? Nobody knows.

I would like to yield now to a good friend and colleague who is not a freshman, who has been around here for a little while, but he is a good friend and he has excellent insight into this and so many other issues and is truly interested, Mr. Speaker, in making certain that the American people have the information that they need in order to make appropriate decisions. Chief Deputy Whip ERIC CANTOR from the great State of Virginia. I welcome you and look forward to your comments.

Mr. CANTOR. I thank the gentleman and I commend him on really a tremendous job in heading up the Official Truth Squad of House Republicans, because it is about transparency. You have done a great job at laying out the record here in the House of who votes for what and sort of comparing that to the rhetoric that often swirls around this place, certainly in the press and in other corners. I would also like to commend the gentleman from North Carolina for his leadership on this and many other issues. But I would like to, as the gentleman from Georgia indicated, talk just a minute about the issue of transparency in elections. See, I come from the Commonwealth of Virginia. In Virginia, we have an election law that allows for open and often disclosure. We have a campaign finance regime that allows for pretty much anyone to step up and exercise his or her first amendment right without any restriction so far as there is full and quick disclosure. That is really what we are all about, I think, here in this country, is we are about ventilating what goes on in this body, what goes on in elections. And so when this body passed the McCain-Feingold legislation, when it passed what we otherwise now call BCRA, somehow the Federal Election Commission in its promulgation of regulations created a loophole that was unintended, because again I think the primary goal of any campaign finance reform should be transparency. We should trust the voters and trust the citizens of this country to be able to make decisions for themselves as long as they have full disclosure of the information. Well, McCain-Feingold produced this loophole and the loophole was the 527 entities that were created, or really that flourished, after the passage of the McCain-Feingold legislation. As both gentlemen have pointed out, this loophole allows the super-rich to impact elections and it allows them to impact elections with very little to no accountability to the voters.

As was said earlier, when any Federal candidate runs for office, they are required to disclose their contributions, their expenditures to the FEC, all of it done now electronically and online for their constituents and for the entire country to see. That is the difference here with 527s. They simply are not disclosing who their donors are in a timely fashion and are not disclosing what type of expenditures they are making. In fact, the Center For Public Integrity reported that section 527 political organizations raised approximately $535 million during the last Federal election cycle in 2004. That was up from the prior cycle of $268 million that was raised then. Reports that were released by public interest groups and various media sources during 2004 indicated that these 527 groups were not reporting all their contributions and expenditures to the IRS. In fact, the IRS did a study. In that study, it was estimated that 527 political organizations received nearly $27 million in contributions prior to filing the necessary disclosure forms, and consequently may be subject to over $17 million in unpaid taxes and penalties. So it almost seems as if 527s may be averting the law to get away with hidden contributions, hidden activities, shady activities.

We all know and we have read the reports about the type of activities that these organizations have engaged in. For instance, one of these 527s hired dozens of felons as voter canvassers in Missouri, Ohio and Florida, including people convicted of crimes such as burglary, forgery, drug dealing, assault and sex offenses. Again, if there were not this loophole that instead would require 527s to abide by the same kind of disclosure laws that any Federal office or any Federal campaign committee was required to comply with, we would have known about that. In fact, these organizations, my contention would be, would not have hired felons and would have been much more careful in their activities.

But the list goes on about the type of activities that these entities are engaged in across the country. That is what we are here today to talk about and that the Truth Squad has come to deliberate upon because frankly the American people expect better. The American people do expect that those who engage in political activity do so in the sunshine, do so with the ability for voters to access information and for the political process frankly not be commandeered by these groups that operate in the dark.

I appreciate the manner in which the gentlemen from Georgia and North Carolina approach this subject and look forward to continuing to debate and discuss these important issues that face Americans frankly this election cycle.

Mr. PRICE of Georgia. I appreciate you really clarifying that issue so very well. I think it is important that we talk today about what kinds of things these 527s do, because people say, "I don't know what a 527 is. How am I supposed to know? They would never interact with me." That is what people think. But I am stunned at the number of folks that I know who have gotten phone calls from 527s. They are what are called push calls, so that they are trying to push an individual in a particular direction to believe something that may often not be true about an individual candidate or an individual person.

Mr. MCHENRY. Congressman PRICE, I know you mentioned the telephone calls. Some of us get annoyed by these answer machine messages. Some people get annoyed by these recorded messages. Even when telemarketers are at the other end of the line. I for one agree with my constituents on that. But it is important at the end of that telephone call to actually know where it is coming from and who paid for it. Under section 527 of the IRS code, these groups don't even disclose that. They don't have to. They don't have to say who is paying for these phone calls. They have to say who they are from. As a Member of Congress, I have an obligation to communicate with my constituents. So when I make phone calls to them, I disclose that it is coming from the Congressman PATRICK MCHENRY office and if they have a problem they can call me back at this number if they want to be taken off the list or they don't want to be contacted. You can't do that with 527s.

I don't know, Congressman PRICE, if you recall reading about, or Congressman CANTOR, I don't know if you recall reading about a 527 group in one State who hired felons, known felons, folks with criminal records, to go out and knock on doors to campaign. It is absolutely frightening when you see these shady groups hiring shady people to be out in our communities. It is very frightening and the power that you see with $80 million coming from just four people to influence elections. At the very least we want to know what their agenda is, what they are arguing for. What we should be engaged in is more disclosure.

□ 1715

Mr. CANTOR. The gentleman is exactly right. I think the three of us and probably most of our colleagues would adhere to a philosophy that allows for free and open participation in the political process, but again, with the stipulation that that participation brings an obligation for full disclosure; and that is in fact what we are about here in 527 reform.

I anticipate and look forward to the debate on this House floor next week on the issue of 527 reform. We have got to allow the average American the same ability to get involved in the political process that, frankly, the super-rich have. As we see in the gentleman from Georgia's charts, over $78 million, nearly $79 million was contributed and put into the political process by four super-wealthy donors. Now, I know that most, if not all, of our constituents do not have the ability to participate in that manner, to participate in these 527s.

The gentleman from Georgia mentioned what is a 527. And Congressman MCHENRY, you indicated, well, they are the ones that are paying for these calls that may be interrupting your dinner at home, that may be coming and knocking on your door inquiring about your allegiance, inquiring about your political affiliation. 527 groups are groups that have involved themselves in the political process. They have become omnipresent in many places in this country because they can get involved in a political campaign really under the radar screen, unbeknownst to a candidate, unbeknownst to perhaps both candidates in a race. They do so because they are not properly disclosing who their donors are.

Frankly, we do not have the proper enforcement mechanisms in place. Mechanisms that should be in place belong at the FEC just like they are for any other election campaign.

Mr. PRICE of Georgia. Accountability really is what it is all about. It is so important for people to appreciate that when we make a phone call or when we put an ad on the television or when we send something out, we have got to say who it is coming from. We have got to say it is coming from our campaign. When people get their information from other sources, when they get it from the newspaper, they know who is giving them information. You can see who wrote the article. You know where the editorial is coming from by looking at the editorial boards.

When you watch the evening news, you know where you are getting your information from. When even PACs, political action committees, which have often times gotten a bad name, but even PACs have to disclose what they are doing, that they are paying for this so Americans across the Nation can understand and appreciate who is paying for it, who is pushing that discussion point or that argument; and then they are able to respond. But what happens with 527s is that nobody knows, nobody knows.

I have got an actual phone call that went out and this was a 527 that was put together to attack the Medicare part D program. Now, I do not want to talk about the merits of the program, but I want to talk about the importance of Americans knowing who is contacting them. This phone call went something like this:

Hello. I am calling from Working America. You and your family must be having trouble with the Medicare prescription drug plan. Ask Congressman So and So. Congressman So and So received so much in contributions from big drug companies and HMOs. Congressman So and So voted for the drug program and has drug companies and the HMOs laughing all the way to the bank and the rest of us scratching our heads. You should call Congressman So and So's number and tell him and her to stop working for drug companies.

Now, whether you believe that message or not, I do not happen to believe that, whether you believe that or not, you ought to know who is paying for it. That is the importance of the issue that we are talking about today.

Mr. MCHENRY. Congressman PRICE, do they leave a telephone number?

Mr. PRICE of Georgia. There is no way to know who is paying for it, and there is no way to contact them. You are absolutely right.

Mr. MCHENRY. What group do they say they are with?

Mr. PRICE of Georgia. These groups all have wonderful names. This one is Working America. It is a great name, but can you find them? There is no way to find them.

Mr. MCHENRY. This goes right to my point. Somebody calls you and says they are with Working America or they say they are with Mom and Apple Pie, and yet this other person is very hateful. That is their message. It is always a negative message. There is nothing inspiring about it. It does not talk to the greater good. It talks to really the base elements of our society and of human beings.

Look, what I am for is allowing groups to participate who are honest and straightforward. I know, I know, Mr. Speaker, I know that is a laughable thing in politics. Honest, forthright, openness. Oh, goodness. I guess just as a new Member of Congress I still want to embrace those things, somebody who is not so focused on Washington. I am focused on my constituents. I want to make sure they get the information they need, that they have the ability to discern for themselves what is right and what is wrong and where we should go as a country.

Congressman PRICE, I appreciate you using a specific example because that allows the American people to hear, to hear what is happening all across America with this big interest liberal left wing money flowing into politics through unregulated, undisclosable means outside of our Federal election laws. That is wrong. And so what we need to get back to is openness and full disclosure and to make all groups abide by the same laws, that we do not have a two-tier system.

I do not think it is right in any form in our society to have two groups, lower-class citizens, upper-class citizens, big money billionaires who play by different rules than you or I as average Americans. And so it is important that we have a unified system for Federal election laws that say you must disclose, you must be honest. And that is why as Congressman CANTOR, our chief deputy whip, said, who is a great leader on this issue, we will bring a bill to the floor next week and it will bring all these rogue 527 groups like the Daddy Warbucks of the Democratic Party, George Soros, who is funding left and right, left and right, we are going to bring this bill to the floor and say that these groups must abide by our Federal election laws. We cannot have rogue groups in this country.

Mr. PRICE of Georgia. I appreciate you so much pointing out one of the stock and trades of the 527s, which is what I call "the politics of division." And it is so often used because it pits one group against another. And it is cynical and it is not an honest debate at all. It is calling somebody up and saying, Isn't Joe Schmoe a bum and don't you think you ought to do something about it? You have no idea who is calling, no idea who is paying for it.

Accountability and transparency, that is what we are after. And people all across this Nation are being affected by 527s, and they may not even know it. They are active in over 30 States, countless congressional districts in the Nation, and they are affecting people's opinions even though the folks do not know that they are there and they are paying for this message.

We have been joined by Congresswoman BLACKBURN of Tennessee who is a wonderful leader, an honorary member of the Official Truth Squad. We welcome you today, and I look forward to your comments.

Mrs. BLACKBURN. Thank you so much. I appreciate the gentleman from Georgia and his work on the issues and for continuing to work on the Truth Squad to get the message out, and the gentleman from Virginia, our chief deputy whip, Mr. CANTOR, who has been leading on this and working with us to be certain that we educate our constituents on exactly what a 527 is.

I love the poster that you have there. It is a PAC by another name. One of the problems with this, as we were just hearing from the gentleman from North Carolina and you reiterated, people do not know where the money is coming from. People do not know who is behind this group. And time and again in town hall meetings people will come before us and say, I got this call or I got this mailer. Who is this group? And then they find out that it is a group that nobody knows who is giving them the money. Nobody knows really what they are about. They are kind of a shadow organization.

I think it is time and it is appropriate that we put the emphasis on three things, which is what our bill will do next week: disclosure so that we know where the money is coming from; transparency so that our constituents when they get a piece of mail, they know who it is by. When they get a mailer from our campaigns, it says that. When they see an ad from our campaigns, it tells them. And we know that they are aware of who they are receiving that from. And that type of transparency is needed in this system.

The other thing is about fairness, and it is about fairness for the system because addressing these issues, disclosure, transparency, fairness, will enable our constituents to know that our focus is on being certain that they know that they can trust the electoral process, that they can trust that there is some truth in the material that they are getting with knowing where it is coming from, and that they know that we are working to be certain to restore the trust and integrity that they expect from this body and from the electoral system.

This is something that we have needed to address. We have watched the process and the 527s kind of get out of control with the 2004 elections. And I appreciate what you said about it being the politics of division. All too often these groups focus on the politics of personal destruction. No one is well served. No one is well served when we travel that path.

Our political process is to be about ideas and bringing forth ideas, in bringing forth issues that are focused on how we preserve freedom. How do we preserve hope and opportunity for future generations? How do we make certain that this Nation stays a free, a productive society? And being certain that we have an open and trustworthy process that is accountable is a way that we will do that.

So I thank the gentleman from Georgia for bringing the issue to the floor today. I thank the gentleman from Virginia for his interest in the issue and for being a leader on the issue as we address the problem that the advent of 527s have caused in the political process.

Mr. PRICE of Georgia. I thank the gentlewoman so much for her participation and her leadership and for joining us on this issue today because the items that you mention are so important: disclosure, transparency, fairness.

As I mentioned before, this isn't fairness for Republicans or fairness for Democrats. This is fairness for Americans. It is fairness for the system. We talked about 527s being a PAC by any other name so they ought to follow the same rules. That is what ought to occur in the House next week.

Mr. Speaker, I yield to the gentleman from Virginia to talk about the solution, where do we go from here and how do we solve this problem.

Mr. CANTOR. I thank the gentleman. I thank the gentlewoman from Tennessee who has joined us, and I appreciate her dedication to this issue and so many others that reflect her desire to achieve transparency in so much of what we do here in this body and on behalf of the constituents that we represent.

The gentleman is right, next week will be the opportunity for all of us to set partisanship aside, to speak up for the American people, and to essentially allow all Americans the access to the political process that right now only the super-wealthy have through their use of 527s.

So we will look forward to hopefully having a bipartisan vote next week in closing the loophole, in upholding the principles of McCain-Feingold, which were to get soft money out of politics.

We have often heard that that is what McCain-Feingold was about. This is what we were trying to do was to get rid of this so-called "dirty soft money."

□ 1730

Well, it would seem to me that anyone who voted for McCain-Feingold several years ago, in order to be consistent, should vote for the measure that will be on the floor next week because, otherwise, I would think an individual would open themselves up to allegations of hypocrisy, because, in fact, it was the aftermath of McCain-Feingold, the regulation process at the FEC, that produced the flourishing of the 527s; and as the gentleman, gentlewoman and also the congressman from North Carolina has shown, this is nothing but a ruse on the American people.

There is an awfully powerful voice out there in many, many areas of the country involved in electioneering, a voice that no one knows who really is speaking, and that really is not what this country was about. That is not what the voters expect of us.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for laying out what the plan is, a positive plan, a plan to level the playing field and to make the system fair.

I wonder if Mr. McHENRY has some comments about where we go from here. What is the positive solution from here?

Mr. McHENRY. Mr. Speaker, I thank you for yielding. I will tell you what we are trying to do is reform reform. Unintended consequences of laws are something that we as Americans deal with all the time, and the Federal election code has numerous unintended consequences as Congressman CANTOR mentioned, and what we are trying to do is make fairness reign within the Federal Election Code.

There was a glaring omission with 527s, and what we are saying is, do not exempt these groups from Federal election laws. It is very simple, very basic, 527 fairness. We want to allow 527s to participate just like PACs participate, but they should disclose like PACs and like campaigns and abide by the same laws, rules and regulations.

I am so happy that we are going to come forward with legislation that does that, that ensures fairness and a level playing field for all Americans and all the people that want to participate in elections and make their views and their voices heard.

Because as I said before, Big Daddy Warbucks of the Democrat party, George Soros, he certainly does not abide by the rules and regulations that all average Americans have to abide by when it comes to funding elections. So let us make sure that the Daddy Warbucks George Soros, the Big Daddy Warbucks of the Democrat party, of the leftist agenda, has to abide by the same rules and regulations that all Americans do. It is a matter of fairness and good government and reform.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate your comments, and I think it is so important to focus on the issue of fixing and reforming the system because that is what our constituents send us here to do, to fix and to reform the system. This system is broken, allowing more individuals, some individuals to have a greater influence than they otherwise might be able to have, and it is not fair. It is not a level playing field.

I just have a few more moments left, but I wonder if the gentlewoman from Tennessee might have some closing comments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia, and one of the things, as we talk about fairness, again, going back to the politics of division and the politics of personal destruction, I have got before me a list of some of the shady acts that were committed by 527s when it comes to people that were hired to be voter canvassers and the way that they filled out faulty registrations and absentee ballots. That is the type of activity that my constituents repeatedly tell me they feel like should not be a part of the electoral process, that individuals should be held accountable for that.

One of the things that we have found is that many of these activities were carried out by 527 groups, and that is something that is causing our process to not function as it was set up. It is not fair to our voters. It destroys the "one man, one vote" principle, and I think that it is important that we address the activity.

I am so pleased that our focus is on disclosure, transparency and fairness, and I look forward to working with the Members of this body next week to be certain that our focus stays on trusting integrity in our electoral process.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman so much and appreciate your participation today and leadership on this issue, along with my good friends from North Carolina and Virginia.

The issue of 527 groups is really about the issue of fairness, as has been mentioned, and the truth of the situation that we currently have right now is that there is a loophole in the current law. There is no transparency, and there is no accountability, which means that Americans can get information from people that they do not know. They do not know who is sending it to them. They do not know what their agenda is, and there is no way to find out. That is not a system that any of us would devise.

To cut to the bottom line, which is the bottom line, funding is dominated by a few wealthy donors, and we have a lot of talk about soft money. What is soft money? Soft money is unlimited money, and in this case you have got a number of individuals giving tens of millions of dollars to affect the political process with no transparency, no accountability and no fairness.

So what we stand here today to talk about and to present to the American people is the truth of the situation, a proposal for a solution that is fair to all Americans. The current is a system, as I mentioned, that is not unfair to Republicans or unfair to Democrats. It is unfair to Americans.

So what we are here to talk about and to present to the American people is a system and a solution that will fix and reform the system in a way that is fair.

I urge all of my colleagues, both sides of the aisle, Republican, Democrat, to come together next week and to work for a positive solution to a real challenge that we have in America, that would bring about a positive solution for all Americans and a better system of electoral process that we have in our Nation and allow each individual American a better opportunity to decide.

With that, Mr. Speaker, I am pleased once again and want to thank the leadership for allowing us to participate. I thank my colleagues from Tennessee and North Carolina and Virginia for participating today.

HEALTH CARE

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I wanted to take this time tonight to talk to the House about the subject of health care, something that I have been involved with for the last 30 years of my adult life, taking in that time that I spent in residency and private practice.

I think the single most important issue that we need to keep foremost in our minds as we talk about issues surrounding health care in this body over the next year and, indeed, over the foreseeable future is the overall affordability of health care. If we do not keep health care within the affordable grasp of the average American, we not only keep people away from care that they need, but we also put the overall prosperity of our country in peril, and in fact, the overall system that has been created, the health care system that has been created in the United States over the last 227 years will itself be in peril.

Right now, the Federal Government pays about half of the health care bills in this country. It is a big chunk. About 16 or 17 percent of the gross domestic product of this country is spent on health care, and of that, the Federal Government picks up about half the cost through Medicare, Medicaid, VA, Federal Prison System, Indian Health Service. All the various federally qualified health centers, all of the various groups gathered together all make up an expenditure that is just shy of 50 percent.

Well within that money that is spent by the United States Congress, we need to be sure that that money is spent wisely. We need to be sure we get value for our dollars. So I want to spend some time this evening and talk about where we are in health care, where we are in fact going, always keeping in mind that affordability has to be first and foremost in our mind.

We have got to discuss, we have got to come up with some solutions for the uninsured. Federally qualified health centers, the President has mentioned them in every State of the Union address that I have heard since I arrived in this body 3 years ago. Federally qualified health centers have been mentioned by the President, how he wants to see a federally qualified health center literally in every poor county in this country.

There is no question that liability reform is going to be part of the picture of the overall reform of the health care system that deals with affordability. We have to find some relief for our providers. We historically underpaid or cross-subsidized our providers, doctors and hospitals alike, by underfunding government systems that pay for health care, and the result is we now have people dropping out of the system at a time when we, in fact, need more people coming into the system.

The information technology that is available to health care systems in some ways is old, is past its prime. In some areas, it was never, in fact, developed at all. So we are going to have to pay some attention. There is going to be some expense borne with recreating and creating information technology that our health care system, in fact, requires.

Then, finally, as we have seen so many times over the past 3 years, preparedness is going to be part of not just the overall security of the country but the overall security of our health care system.

When I talk about affordability of health care, I think back to a time when, just a few years ago, I was, of course, in private practice in medicine, but I went back to school and went back to graduate school at the University of Texas at Dallas and studied for a Masters Degree in medical management at their school of management there. Their graduate school of management is a very good school, and one of our professors one day, Dr. John Burns, came and talked to our class and said, Within medicine you will always want to focus on affordability, access and quality.

Now the dilemma facing us is we have only been able to deliver on two out of those three. Mr. Speaker, I do not want to identify the one that I am prepared to leave out so I am just going to talk about affordability.

I do think that the American medical system will always provide us quality, and I believe if we can improve affordability, we are, in fact, going to improve access.

With the amount of money that the Federal Government spends on health care, you have to ask yourself, would it be better if the government just picked up the whole charge, if the government just picked up the whole tab? In fact, that was discussed in this very House some 10 or 12 years ago. I did not think it was a good idea then. I do not think it is a good idea now, but that is going to be part of the discussion.

Certainly, you look to our neighbor to the north, and the Canadian health care system is oftentimes held out to us as something to which the Americans ought to aspire. In the interest of full disclosure, my dad was a doctor in Canada and fled to this country because he did not like the Canadian health care system, and as a consequence, I was born while he was doing his residency in this country.

But he never went back because the system there was too onerous, the waiting lists were too long, and even the Canadian Supreme Court, about a year and a half ago, ruled that access to a waiting list is not the same as access to care. I would submit to you that the resident in Toronto, Canada, who suffers a heart attack may be just as likely to get their angioplasty or coronary artery bypass graft done at Henry Ford Hospital in Detroit as Toronto, Canada, because the length of time spent on the waiting list is just far too long.

Can we, in fact, keep the private sector involved in health care? It is a question that we are going to have to ask, and we are going to have to be able to answer it. I believe that it can. I believe that it can, and I believe Congress can and should have a part in promoting policies that do help keep the private sector in the health care marketplace.

Look at, if you would, the history of medical savings accounts. Medical savings accounts were basically born 10 years ago in the Kennedy-Kassebaum bill that came through the House and the Senate. That is the same bill that gave us HIPAA unfortunately, but it also did give us what is called a medical savings account, this old Archer MSA. I very happily bought one when they became available in 1977, made one available for everyone in my practice of medicine. Some people took it, most did not because not much was known about medical savings accounts at the time, but think of what a medical savings account does.

Instead of the power of medical decision-making being in the hands of some distant medical director or somebody somewhere or even in the hands of the government bureaucrat, the medical decision-making power was in my hands, and that was the most important part about having a medical savings account.

To be sure, I was issued a high deductible policy, and I was able to put money away to cover that deductible year over year in what was called then a medical IRA, a tax-free contribution to a medical savings account year after year. The interest in that was not taxed, and even though I gave up my medical savings account when I came to Congress in 2003, that money remains in that medical savings account, continuing to draw interest, and will be available to my wife and I when I do retire, however many more years I have at this job.

But the medical savings account is an important tool because it does give the power back to the consumer, and it makes a consumer an involved participant in health care decisions.

A lot of concern on some people's part is, well, people delay getting medical care if they are going to have to spend their own money. They will spend someone else's money, but they do not want to spend their own.

□ 1745

Well, in fact, the National Center for Policy Analysis, a think tank that is located in Dallas, Texas, not too far from my home, had a study done around the time the medical savings accounts first came out in the 1990s looking at other countries that had allowed medical savings accounts to compete head to head with private indemnity insurance. And, in fact, what was found in a comparison of medication usage in one of those countries was that drugs such as Ritalin that might be regarded as a life-style drug, the usage of Ritalin was in fact decreased. But the usage of a drug such as Fossomax, that is a drug that is given to individuals who are thought to be at high risk for osteoporosis, to prevent calcium loss from the bone and prevent osteoporotic fractures in the future, a drug like Fossomax to prevent osteoporosis, that usage increased. So life-style drugs perhaps had some diminution, but drugs that are really there to prevent problems in the future, the usage of those drugs was not curtailed at all. In fact, it was somewhat increased.

I look back to the experience that I had as an individual back in the mid-1990s, in 1994, trying to get health insurance for a family member who didn't have it and the difficulties, the intractable difficulties involved with finding an insurance policy, a single insurance policy for a single individual. It just was not available, not at any price. I was prepared to pay top dollar. I knew I would have to pay top dollar for such a policy. But no such policy was available.

Well, contrast that with now, where perhaps a young person just getting out of college, no longer on their parents' health insurance plan, wants to start their own business rather than working for a company. One of the big obstacles to that is, well, no health insurance. But today, that person can go on the Internet, go to their favorite search engine and type in health savings account, hit search, and they will be returned a vast number of choices of high-deductible health insurance plans that are available to them.

In fact, the most recent time I did this, there are some insurance companies to be sure that I didn't recognize the name, and I would always be certain to check out the company before entering into a policy with them, but a well-known insurance company name, a high-deductible PPO-type policy, $50 a month for a male in Texas, age range 20 to 30. Well, this is a pretty powerful tool that people have at their disposal. And prior to our passage of the Medicare Modernization Act in November of 2003, this tool was in fact not available. But it is now and many more people have insurance because of the availability of these high-deductible plans that can then be rolled into a health savings account.

I think from the first year, January 2005, the first year the figures were available, a million people had sought that type of insurance. By January of 2006, that was up to 3 million people. Over half of those individuals were over the age of 40. So it wasn't just the young that were looking at those types of policies; it was people in the prime of life as well, and perhaps most importantly, 40 percent of that number had previously not had health insurance. That is nearly a million people that were taken off the rolls of the uninsured and put into a health savings account.

Now, I recognize that as we make a move to enhance so-called consumer-directed plans, and that is what a health savings account is, a consumer-directed type of health care, as we make the move to consumer-directed health care, we are going to have to give people the ability to evaluate not just their insurance policy but their health care providers and their hospitals. They are going to have to have the ability to evaluate health care on the basis of price, cost, and quality. It is unreasonable to ask someone to make those types of decisions while that information remains obscure.

That is a concept, the concept of transparency, that I believe that this body should investigate. We have had one hearing in our Energy and Commerce Committee. I trust we will have more, and I trust we will see some type of transparency-related legislation before the end of the year, either as a stand-alone bill or coupled with some other process. But that is going to be one of the keys to really furthering the cause for consumer-directed health care.

Now, transparency doesn't exist just because it is inconvenient to remove it. Transparency, or opacity, in the health care pricing system exists because there is some value to it. There is some protective value to it. So it is not without some pain that transparency is going to be provided.

Again, I go back to the issues of cross-subsidization of hospital costs and doctor costs, Medicare and Medicaid. We don't pay the full freight as far as provider fees, so hospitals and doctors do need to cross-subsidize with the more traditional indemnity plans. Removing transparency or removing opacity from the system is going to expose that, and in some cases it won't be especially attractive or pretty what we find. But to get to the ultimate goal of having transparency within the system, where health care consumers can make proper decisions for themselves and their families, I do believe that we are going to have to provide that. And I may speak a bit more about transparency a little later as time permits.

One of the other concepts that has been introduced as legislation for the past several years, though we have never really taken it up and done so in a serious way, is the concept of a prefundable tax credit, sort of an EITC, if you would, for people of low-income levels for the purchase of an insurance policy: a prefundable tax credit that occurs at the beginning of the year rather than a refund at the end of the year; money exclusively earmarked for the purchase of health insurance. Several proposals have been put forth in the past. I know my neighbor down in Texas, Ms. GRANGER, has had a bill about tax credits for the uninsured for several years, allowing $1,000 for individuals as a tax credit, or $3,000 for a family.

Again, you might look at that and say, in today's market that is not going to buy much insurance. But if you couple that with a high-deductible policy that costs $50 a month for an individual, you can, in fact, price policies that would be easily within someone's reach by providing such a tax credit. And if the individual were able to bring a little bit of the money to the table themselves, they would find the availability of a health savings account with an account that would grow over time and eventually would have significant capital within their reach that they could use for medical expenditures should they happen later in life.

Well, Mr. Speaker, all of this is great discussion. We do have to consider the job, the very big job ahead of us in this Congress, and probably many Congresses to come, on how to deal with the problem of the uninsured. The Census Bureau will give us figures from time to time on that. Whether that number is 42 million more or less, we can argue the actual number. This is not something that has happened overnight. I remember when President Clinton was running for office in 1992 on a platform of health care reform, he talked about the number of uninsured in the country being at 37 million during his run for office.

No question the number has increased. No question that the recent recession this country went through was in fact responsible for some of that. The good news is that jobs are on the rebound, and more people are receiving insurance as a consequence of their employment, so the number hasn't gone up in the past year or two as fast as it might otherwise have been projected. And also, as I alluded to earlier, some people are buying health savings accounts that previously were uninsured. But the number continues to grow.

The true number people will put anywhere between 9 to 10 million to in excess of 45 million, so I will have to acknowledge that there is a good deal of opacity here as well as the number of uninsured. But that doesn't prevent us from working on a solution to the problem.

Now, the President has talked about a number of solutions during his State of the Union addresses. He has of course talked about consumer-directed health care with health savings accounts, which we have already covered. He has talked about association health plans. And I was very relieved to see Senator ENZI and his committee finally making some movement on an association health plan bill over in the Senate earlier this month. We have passed an association health plan bill here in this House every year that I have been here, so that is at least over the past 3 years.

Association health plans and achieving that goal is not going to suddenly deflate the number of uninsured in this country, but it is certainly going to help arrest the growth curve as the number of uninsureds increase, because employer costs increase for providing that insurance.

What an association health plan does is allow small businesses, the backbone of business in this country, association health plans allow small businesses of a similar business nature, it allows them the ability to band together and attain the purchasing power of much larger companies, even going across State lines if necessary to get the power of that large group to negotiate with an insurance company. So that means that a group of Realtors, for example; a group of employees of your local chamber of commerce, for example; a group of doctors' offices, or a group of dentists' offices might ban together to be able to grab that purchasing power and get a better deal on insurance, a deal such as a much larger corporation might be able to command.

Federally qualified health centers are a reasonable way of providing health care to people who otherwise would not have that health care available and would not have health insurance available. Federally qualified health centers are present in a number of areas in the country. Unfortunately, my congressional district does not contain a federally qualified health center. States that border the Mississippi River and those east have a number of such facilities available. Western States on the coast have a number of such facilities available. But we do have some fairly big gaps in the presence of federally qualified health centers throughout the middle part of the United States.

One of the things that I think is so powerful about a federally qualified health center is that it gives a person a medical home. It gives them a place where they can go to receive their care. There is some measure of continuity of care, of seeing the same person on an ongoing basis, and overall reduces the cost of care for the uninsured in that community because that person is no longer dependent upon an emergency room for their hospital care. They in fact have a health center nearer their home. And because it is nearer their home, it is not just a question of access; sometimes it is a question of utilization. Utilization isn't always what it should be, but by placing these centers close to a person's home, it does increase not only the access but utilization as well.

One of the things that I think this body needs to consider is why are there so many people uninsured. Well, of course, one of the reasons is the cost of health insurance has gone up so much over the past 10 years' time. And one of the reasons that health insurance has gone up over the past 10 years' time, surely there is advancing complexity of what we are able to do, so health care just simply costs more. To some degree it is that cross-subsidization with Medicare and Medicaid and picking up the tab for the uninsureds in the community hospitals.

But another reason that the cost of care increases, or the cost of insurance increases, which is different from the cost of care, is that in some places States mandate that certain procedures or certain diseases require special coverage or additional coverage. So placing a number of mandates on a State insurance policy can certainly drive the price of that insurance policy ever higher and make it more unavailable to more people in the population who cannot afford that degree of health coverage.

We have talked in our committee about some of the solutions for that. In fact, association health plans will provide some relief for that problem. But the issue, Mr. Speaker, is no one wants to take away from people what they really need. And if a procedure or if a type of coverage is truly basic to human need, no, of course it shouldn't be withdrawn from an insurance policy. We have the ability in front of us to identify those procedures, those things that should be required in an insurance policy. We have already agreed on that list, and that list are the procedures, the diseases that are covered through a federally qualified health center.

□ 1800

If we were to work off of that list, if we were to decide what are the can't-haves, what are the can't-live-withouts on that list and develop a template for an insurance policy that could be sold from one State to the other to allow someone at a lower income level to be able to afford an insurance policy, it is absolutely ludicrous to think that a family of four with a yearly insurance tab of $9,000 where the principal wage earner earns a over little twice that, that they are going to be able to be in the market for health insurance. It is just not going to happen.

But if we can make a product affordable and within their reach, my belief is that most families want to have insurance coverage if a child gets sick or if a principal wage earner is involved in an accident and needs a prolonged hospitalization.

I have been involved in numerous situations in the hospital where an injured person does not have insurance. It is an uncomfortable feeling for the family. Forget how the hospital feels about it or any of the doctors feels about it, but someone who is in a hospital knowing they are running up a big bill and knowing they have no means at their disposal to cover that bill, it is terribly uncomfortable and adds to the discomfort of any accident or disease process that brought them to the hospital.

Mr. Speaker, I believe most people want to have that type of coverage for their family. And in fact, we are denying it. We are denying it by allowing insurance policies to be sold that no one could afford.

My belief is that some of the larger insurance companies would look at that number of 42 million uninsured as potential market share if they simply had a product that was priced in a range where people could afford it. I think this body ought to look at the procedures outlined in the federally qualified health center legislation and make available to people a basic policy of benefits. Again, we have already identified what those would be, make a basic policy of benefits available to people, a policy without all of the bells and whistles that ends up costing patients and constituents so much in the way of out-of-pocket money.

The country is looking to us to provide this type of leadership. They are tired of the tennis match between our side and their side and who has the better ideas. We have already agreed on what that basic package of benefits should be. Why not have a federally qualified health center without walls that is a basic insurance policy that a husband and wife can buy for their family and have that peace of mind and knowing if that child gets sick, has an asthma attack, develops diabetes, they are going to be covered.

There could not be any discussion of health care reform in this body that did not cover liability reform.

We need a national solution. We have several States that have done a good job at correcting the problem at home. My State of Texas certainly is one of those, but that protection that is now provided by the State of Texas has only been there since 2003. It is under attack during every legislative session.

We need to step up and do this job. In fact, we are always looking for places in our budget where there might be some savings, where we might get a savings of a billion dollars here or a billion dollars there. And as famous Senator Dirkson said, pretty soon you are talking about real money.

We passed a bill called H.R. 5 in 2003. H.R. 5 was the Medical Liability Reform Act. At that time, 3 years ago, the Congressional Budget Office scored that bill not with a cost but with a savings of $15 billion over 5 years. That is $3 billion a year. In fact, the amount is probably higher today. If we were to take that same bill back to the CBO and ask them to score it again, I suspect it would be a higher figure. I do not think the number of dollars spent on medical liability and defensive medicine have come down in the last 3 years.

We are wasting money. We are wasting the country's money by not pushing for national medical liability reform. In my mind, those are precious health care dollars, and it is unconscionable that we continue to waste that money.

Mr. Speaker, when I was a very new Member of Congress just a few short years ago, in my first August recess, we had a field hearing in northern Alaska up where the ANWR oil fields are proposed to be. On the way home, we stopped in Nome, Alaska. And Nome is still a fairly small town so you can imagine, a military plane with several Congresspersons on board landing at their airport caused quite a stir. In fact, their whole Chamber of Commerce turned out and had a nice lunch for us. When it turned out that one of the people from the Chamber of Commerce was also a physician, every member of their medical staff, all 19 of their medical staff showed up for that lunch and were eager to ask me questions.

The man sitting next to me at lunch said, I hope you are going to be able to do something about medical liability this year. Do you think you will?

I said, I do not know. It is a tough problem.

He said, We really need some help in Nome, Alaska. We cannot afford an anesthesiologist at our hospital because we cannot afford the liability policy.

Well, that certainly limits your ability to deliver services. I said, What type of medicine do you practice?

He said, I am an OB–GYN doctor, just like you.

I said, wait a minute, an OB–GYN doctor without an anesthesiologist at your hospital. Forget about pain relief during labor, what do you do if someone needs a C-section? He said, We get them on an airplane and send them to Anchorage. Well, that is an hour and a half away by air. I think there are probably a lot of days with probably pretty bad weather in Nome, Alaska, where air travel is not possible. So I do not know how we are furthering the cause of patient safety by not providing medical liability reform. I do not see how we can tell ourselves that this is unimportant when we have a hospital in Nome, Alaska, that has to put a pregnant woman in labor on a plane and send her to Anchorage, Alaska, to have her C-section under anesthesia and not feel every portion of the operation.

Mr. Speaker, another time I had an opportunity to have dinner with a woman who is head of one of the residency programs at one of the larger hospitals in New York. I trained at Parkland, and I know it is the best residency program in the country, but they have some good residency programs in New York as well.

I asked her how the liability issue is affecting her residency program. She related that they are taking people into their residency program that 5 years ago they wouldn't even have interviewed. The applicant pool has fallen off so much because of fears of young medical students getting out of school with a lot of debt because it took a lot of work to get through medical school and they had to get student loans. Now they are getting out of medical school and looking at what they want to do with their lives and practice, and they say I cannot afford to go into OB–GYN. There is no way I can do 4 years of training in OB–GYN and then go out and buy the kind of liability policy that I will have to have to set up in private practice, and also deal with all of these educational loans.

So the best and brightest are no longer going to this hospital in New York for the residency program in OB–GYN. These are our children's doctors. These are the doctors that are going to be delivering our children and great grandchildren. How can we say we are furthering patient safety and patient rights by continuing to allow this to happen? And coupled with that, the money that is spent in the practice of defensive medicine because of the liability situation in this country, it is unconscionable that we do not change this. I hope we can. I honestly think the way we are actually going to have to go about doing that may be during the budgetary process, perhaps during reconciliation. But this issue is too important to wait for the 110th or the 111th or the 112th Congress.

In Texas, we passed a Statewide medical liability reform bill in 2002. It required a change in the State constitution to allow the bill to actually take effect. The bill was passed at the end of

May or the first of June during the beginning of the 2003 legislative session, and then a constitutional amendment was called for an election that happened on September 12 or September 13 of that year. That constitutional amendment passed, not by much, but it did pass. What a difference it has made in Texas.

When I was first campaigning for office, we were in a situation where we had gone from 17 liability carriers down to two. That meant that there were a lot of doctors in the State of Texas who could no longer get medical liability insurance or they were paying top dollar for that insurance. In fact, I ran into a young woman one night during the campaign at an event for Senator CORNYN. This young woman said, I hope you can get something done about liability. I can't get insurance. It is not that I have had any lawsuits, but my company went out of state and I can't get anyone to cover me.

So here was a woman in her mid-forties, trained at State institutions. Taxpayers had subsidized her education, and she is now a stay-at-home mom and not practicing her specialty of radiology because of the medical liability issue.

The good news is that after Texas passed that law and passed that constitutional amendment, we went up from two liability carriers back up to 14 today. The liability reform that we passed in Texas was kind of unique. It was a cap on noneconomic damages, the same as the one that we talked about here in the House. We bifurcated that cap so that part was borne by the doctors and part was borne by the hospitals. It was in some ways different from the bill that we passed in the House but not substantially different. It is perhaps a template that we might follow here in the House of Representatives to see if we can't get something done on this issue because I will tell you, Mr. Speaker, the country is ready for us to take action on this.

People said, well, and certainly we heard this on the debate in H.R. 5 in 2003, the insurance companies are not going to reduce their rates. If you get this cap on noneconomic damages, it will not bring rates down. Well Texas Medical Liability Trust, my last insurer of record when I was in practice in 2002, my insurer has lowered rates by a total of 20 percent and provided dividends to their plan holders so that there has been between 20 and 25 percent savings to providers in Texas. Clearly, the people who said that the insurance companies would not provide relief to doctors were mistaken in that assumption.

One of the other things that we talk about a lot in this body is the concept of pay for performance, reform of health information technology and how these two things taken together will return so much money to the medical system that our expenditures on medical care can in fact be met. I do not know that is something that I completely buy into at this point, but I do know this. We have been paying physicians under a formula called the sustainable growth rate since 1997 or 1998. This formula, the so-called sustainable growth rate, and bear in mind hospitals are reimbursed under a different formula which is the medical market basket formula. The sustainable growth rate has gone down every year for the last 5 years.

During the month of December when we were working so hard on the Deficit Reduction Act, one of the reasons we were working hard on that was because the Deficit Reduction Act did contain language that would prevent that negative 4.4 percent update that physicians were to take January 1 if we did not pass the act. Passage of the act did not bring doctors any more money, it just held them at zero. And of course we all know, here in Washington, D.C., if you do not increase something year over year, you are in fact cutting it. Well, basically, we cut doctor's pay in January. Even holding them at a zero level negative update, we were cutting their pay. But even worse, we passed the Deficit Reduction Act but then because of a technical glitch it didn't get passed, it didn't get signed and doctors did get hit with a negative 4.4 percent update.

January 4 in my district office in Texas, my fax machine was about to run out of ink because of the number of doctors sending me letters stating that they wanted me to see the letter that they were sending out to their patients: "I will no longer be able to see Medicare patients in my practice. The cost of seeing the patients is far greater than the amount of reimbursement. We just got our pay cut by Congress, and I cannot afford to continue to see you."

□ 1815

And this is really a tragedy. In fact, when I did my first series of town halls, my first year I was in office, I did 65 town halls around in my district. And I heard people talk to me about the difficulty with purchase of prescription drugs. This came up time and again.

But what I heard without question in every town hall that I did, someone would come up to me afterwards and say, how come when you turn 65 you have got to change your doctor? And the reason, of course, is because the doctor they were seeing before now is no longer taking Medicare. Now this was 3 years ago. It is getting worse year over year. What is happening is we are driving doctors out of the business of seeing Medicare patients. Doctors who in all likelihood are at the peak of their careers, doctors who have the best diagnostic ability, doctors who have the best technical skill, whose operations take the least amount of time, whose infection rates are best, we are driving these doctors out of the practice of taking care of our most vulnerable citizens, our senior citizens, individuals who will typically have multisymptom disease and chronic ailments for which they need the best care.

But we are taking the best doctors out of the system. I submit that by doing so, if we then try to loop back and say, well, we are going to pay for performance, we may be paying for performance not with the first tier of doctors in this country, but with the second or third group. And it is going to cost more to pay for that performance.

I submit the time to take care of this is now. We don't necessarily need to tie reform of the sustainable growth rate formula, which is not working, to some pay-for-performance formula, which quite honestly is not ready for prime time yet. But we do need to give providers some measure of relief and some degree of stability in the pricing of the procedures that they perform for us. It is difficult to make decisions about, well, how, am I going to expand my office, am I going to hire another partner, am I going to hire another nurse, am I going to offer this new procedure, when we here in Congress every year are threatening them with a 4.5 percent pay cut year over year until we reach a total of 26 percent, which, to me is unconscionable. We are driving the best doctors out of business; and then we expect to say, but we only want to pay for quality out of the doctors that are left.

You know, the same could be true for the investment in information technology. If we drive our best doctors out of practice, then paying for information technology, but we don't have the best providers there anymore, so we are going to end up paying more for the technology, or paying more for the training for that technology. We, in fact, are harming ourselves by postponing this decision for another year or another two years.

I submit this is the year to get this done. Reform that formula, place it on the Medicare economic index, which has been recommended by MedCap, which is the group that we tasked with dealing with this program and providing us a solution to the problem. Just like the hospitals who get a positive update year over year, we need to provide the same for physicians. Then we can get on the business about investigating the pay-for-performance issues and the information technology issues.

I will just have to tell you, Mr. Speaker, my own experience with information technology, with an electronic prescribing unit that a company placed in my office for beta testing. They wanted our group of five physicians to try this out and see how it worked for them, to see if they could make it work better. But the problem was that it added 1 to 2 minutes to every patient encounter. Well, when you are having to see 45 patients during the course of an average day in order to pay the light bills, pay the help, pay the rent and take a little bit home at the end of the day, if you have got to see 45 patients in order to do all of that and you add 1 or 2 minutes to each patient's encounter, you are adding 1 or 2 hours to that practitioner's day.

And who pays for that additional 1 or 2 hours? Well, in the situation that we found ourselves in, that question just simply went unanswered. And what happened was the technology, for the most part, went unused. I will admit that I did use it because I like technology and I like fooling around with things like that. But my other partners were absolutely uninterested in anything that would slow them down or make them less productive.

When we get to the point that we are willing to spend vast amounts of dollars for bringing this information technology to, say, a hospital or a doctor's office, we are going to have to be prepared to compensate individuals, doctors and nurses, nurse practitioners. We are going to have to be prepared to compensate them for the time involved in learning that process.

Mr. Speaker, I was in a hearing in our Committee on Energy and Commerce just the other day where we talked about this. I will have to tell you, two of my worst days as a practicing physician: one was the day that this body passed the Stark laws, and one was the day this body passed the HIPAA laws. It certainly did not make my practice life any easier, and, in fact, made life a lot harder and, as a consequence, made the overall cost of delivering that care go up.

I couldn't help but think that, as we were talking about crafting legislation to require doctors and hospitals to use advanced information technology, that that may well go down as the third worst day in the practice of medicine. We have to be very careful about how we structure this. In fact, the Stark laws right now prevent a hospital from providing that equipment or that infrastructure to a private doctor's office because that would be an unjust inducement to put patients in that particular hospital.

We need to look at these 1980s health care laws and look at them in light of the 21st century. We are far past the point of punishing every doctor and every hospital for imagined transgressions by this body. We have to look at reforming those restrictions and those regulations so we can, in fact, allow doctors' offices and hospitals to come into the 21st century.

Mr. Speaker, any discussion of medical care would not be complete without talking a little bit about what is going on in the gulf coast in this country. Now, Hurricane Katrina, in Louisiana and Mississippi, Hurricane Rita in my State of Texas and our neighbor, Louisiana, did tremendous damage to all sectors of the infrastructure in those States. But especially hard hit was the health care infrastructure. And of course in the State of Louisiana, in the city of New Orleans, where, unfortunately, poverty was so prevalent, these storms did vast damage to the health care infrastructure that was at some days before the storms only tenuous at best.

And it continues to be a problem, despite all of the dollars. Just last week, we did that supplemental bill, and all of the dollars that we have appropriated from this Congress, but you go down on the ground in New Orleans, Louisiana, and it doesn't look like we have done a darn thing for the folks down there, particularly in the realm of health care. Same with Beaumont, Port Arthur area in my State of Texas.

I can remember watching those hurricanes, both of them, on the Weather Channel the nights that they were drawing their bead on the various towns in the gulf, and you just knew they were so big and so powerful that nothing good is going to come of this.

My two trips to New Orleans this past year certainly have showed me what devastation those storms were capable of inflicting upon those areas. The city of New Orleans itself, of course, a virtual ghost town. You go into the lower Ninth Ward and you just cannot imagine the destruction if you haven't seen it.

And furthermore, the task ahead, it has not even been decided yet whether rebuilding is something we should do in those areas. Certainly they continue to be flood-prone because of the number of feet they are below mean sea level. When you are standing in the street and you look up and you see a boat traveling by in the canal, that just gives you a graphic of how far down those communities are. And in a hurricane-prone area, to repopulate, it is a question that we are going to have to ask.

But when you go into the health care facilities there in New Orleans, LSU Hospital, Charity Hospital, one of the venerable teaching institutions in this country, my professors at Parkland Hospital in the 1970s, many of them trained at Charity Hospital in the 1950s and 1960s. It is truly an icon as far as medical care in this country.

But when you walk through that facility, you realize that it quite likely will never be, ever again, what it was before. And it is a sad state. There is equipment that is relatively new equipment, but it has been ruined by water, ruined by mold, not likely to be salvageable under any circumstances.

One bit of good news that I do need to share with Congress is that across the street at Tulane Medical School, the hospital there, under private ownership, has come a long way since the storm hit and since the forced evacuation of that hospital. We toured the facilities there at Tulane, at the HCA hospital. New paint on the walls, new sheet rock where sheet rock had to be replaced. The emergency room, the day we were there was about a week before Mardi Gras. It was not open that day, but they were going to open for Mardi Gras; and I believe that is, in fact, what they were able to do. It was a stark contrast to what was going on across the street.

Now, the difference was that from a corporate level, that hospital, that private hospital had made the decision that no matter where the disaster happened anywhere in the country, they were going to be ready and they were going to respond. As a consequence, insurance money and new investment, new capital invested in that hospital brought it back much more quickly than any of the other facilities that I toured down there.

But even with that hospital coming back, the service available to the residents who have come back to New Orleans, the medical care available, has been decimated. Doctors in private practice, when I visited the first time in October, would tell me, I have got no mail for 2 months. My accounts receivable, I have no idea. No money is coming in across the counter because everyone I am seeing, and the schedule is full, no one has any money, no one has any insurance. No one even knows if the company that they are working for is still in business. Things were so disrupted by that storm that day.

Doctors are leaving the area. The hospitals that remained open may not be able to stay open because of the vast debts that they are incurring. Again, they are busy, patients are coming in, but nobody has any visible means of paying them. It has been a slow, slow process getting our Federal agencies to provide the reimbursement for seeing those patients that should be there. And it just continues to be a sad tale.

There is no question that State involvement, as well, their response has been weak to nonexistent in several of those areas.

Now, we saw a number of people that fled from the storm path in Katrina came to my area of north Texas. Some great stories there about how people opened their hearts and their homes to people who had been displaced by the hurricane. One of the great stories is, of course, from the Dallas County Medical Society. When they heard that 17,000 people who had previously been in the Super Dome were going to come to a similar facility in downtown Dallas, even though it was on a Labor Day weekend, the doctors in Dallas, through the Dallas County Medical Society, sent out a blast fax to all of their members, and out of a 3,600-member medical society, 800 showed up on the steps of Reunion Arena to help those people and make certain that they had medical care.

But we need to learn our lessons from this crisis. There are areas where our medical system performed valiantly. But there are areas within our medical system and particularly in our Federal agencies where the response was weaker than it should have been. And the reason to be concerned about that is we also hear discussion of an illness called the avian flu that, while fortunately not in this hemisphere yet, may be here before we get back from our August recess because of the distribution of the distributive path along the migratory flyways of birds.

A lot of doctors showed up when they were asked to come down to Reunion Arena to receive the people from the hurricane. But what is going to happen if, instead of a natural disaster like a hurricane, the disaster is a communicable disease like the bird flu?

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Can we expect first responders to show up for that when they, in fact, themselves may be placed in peril by doing so?

Well, fortunately, the President and the Department of Health and Human Services and the NIH have worked very hard to come up with an Institute of Preparedness plan. We have provided some of the funding for that right at the end of December in the Department of Defense appropriation bill. There is still more money that we are likely having to put forth for that. And it is one of those things that it may turn out to be another Y2K. It may never materialize. But if it does materialize, it could be so severe and so harsh on our country that not being in a state of preparedness really makes no sense.

Mr. Speaker, the House has been very kind with its time tonight. It has given us an opportunity to talk about what I see are a number of issues ahead for us in health care.

I want to stress again that affordability of health care is a thing that we need to keep first and foremost in our minds. Every bill that we introduce, every vote that we take, every committee hearing that we hold, we need to keep affordability of health care uppermost in our minds. We need to work on the problem with the uninsured. We need to make insurance products available so that people can afford them. We need to expand and perhaps embellish federally qualified health centers. There is no question that we are going to need some type of liability reform in this country, and there is no question that we need some type of provider relief and to keep the best doctors involved and to continue to be involved in the practice of medicine, particularly where it is concerning our seniors.

Information technology will be something that we talk about now and for several years to come, but we need to be extremely careful how we implement that.

And then, finally, every hour that we spend thinking about preparedness, every dollar that we spend on preparedness is going to be money well spent. We can ill afford to have a poor response to the next crisis when it happens to this country. Unfortunately, the events of the last 5 years, I think, have shown us that bad things do happen to good people.

Mr. Speaker, the House has been very generous with its time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Sweeney (at the request of Mr. Boehner) for today until 1 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. Woolsey) to revise and extend their remarks and include extraneous material:)

Ms. Woolsey, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Mr. Emanuel, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. Butterfield, for 5 minutes, today.

Mrs. Maloney, for 5 minutes, today.

Mr. Cummings, for 5 minutes, today.

Mr. Schiff, for 5 minutes, today.

Mr. Van Hollen, for 5 minutes, today.

Mr. Udall of New Mexico, for 5 minutes, today.

Mr. Holt, for 5 minutes, today.

Ms. Corrine Brown of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. DeLay) to revise and extend their remarks and include extraneous material:)

Mr. DeLay, for 5 minutes, today.

Ms. Foxx, for 5 minutes, today.

Mr. Gohmert, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, April 4, 5, and 6.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. Berkley, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1259. An act to award a congressional gold medal on behalf of the Tuskogee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

H.R. 4911. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, April 3, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6794. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Spinal Cord Injury Model Systems Centers (SCIMS Centers) and Disability Rehabilitation Research Projects (DRRPs) — received March 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6795. A letter from the Chief Financial Officer, Department of Energy, transmitting the Department's report entitled, "Report on Carryover Balances," pursuant to Public Law 102-486; to the Committee on Energy and Commerce.

6796. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Discretionary Activities: Community Economic Development Program (CEDP) Projects Funded During Fiscal Year 2001; to the Committee on Energy and Commerce.

6797. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of the Department's vehicle fleet report on alternative fueled vehicles for Fiscal Year 2005, pursuant to Public Law 106-419; to the Committee on Energy and Commerce.

6798. A letter from the Administrator, Environmental Protection Agency, transmitting the Superfund Five-Year Review Report to Congress-FY 2004, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

6799. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the text of ILO Recommendation No. 195 Concerning Human Resources Development: Education, Training and Lifelong Learning, adopted by the International Labor Conference at its 92nd Session, at Geneva, June 17, 2004, pursuant to Art. 19 of the Constitution of the International Labor Organization; to the Committee on International Relations.

6800. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act (AECA), describing and analyzing services performed during FY 2005 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on International Relations.

6801. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2005 status of loans and guarantees issued under Section 25(a)(11) of the Arms Export Control Act; to the Committee on International Relations.

6802. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the quarterly report of obligations and outlays of FY2004 and FY2005 funds under the Emergency Plan for AIDS Relief through September 30, 2005 pursuant to Division D, Pub. L. 108–199; to the Committee on International Relations.

6803. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's criteria used to determine appropriate adjustments in post differentials and danger pay allowances, pursuant to 5 U.S.C. 5925(a) and 5928 Public Law 109–140, section 4(d); to the Committee on International Relations.

6804. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled "Country Reports on Human Rights Practices for 2005," pursuant to (90 Stat. 748); to the Committee on International Relations.

6805. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendments to the International Traffic in Arms Regulations: Office Names, Corrected Cross-Referencing, Reference to Wassenaar Arrangement, and other Corrections/Administrative Changes — received March 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6806. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6807. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's annual report for fiscal years 2000 through 2004, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Government Reform.

6808. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting in accordance with Section 647 of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Department's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

6809. A letter from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting a copy of the inventories of commercial and inherently governmental positions in the Department of Transportation, as required by the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

6810. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's annual report on the Government in the Sunshine Act for Calendar Year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6811. A letter from the Secretary, Department of the Interior, transmitting a copy of a draft bill titled, the "Reclamation Water Management Improvement Act"; to the Committee on Resources.

6812. A letter from the Acting Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan pursuant to the Indian Tribal Judgement Funds Act for the White Mountain Apache Tribe in Docket No. 99-148L, pursuant to 25 U.S.C. 1401; to the Committee on Resources.

6813. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2005, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6814. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of the Office of Victims of Crime (OVC) International Terrorism Victim Expense Reimbursement (ITVERP) Report to Congress 2005; to the Committee on the Judiciary.

6815. A letter from the Secretary, Department of Transportation, transmitting the Twenty-First Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year 2004; to the Committee on Transportation and Infrastructure.

6816. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of the Administration's Fiscal Year 2007 Leasing Program report, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

6817. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's ceritification that the level of screening services and protection provided at the Jackson Hole Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

6818. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Sioux Falls Regional Airport will be equal to or greater than the level that would be provided at the aiport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD:

H.R. 5050. A bill to amend title 10, United States Code, to authorize coverage for anesthesia and other costs related to dental care for children and certain other patients; to the Committee on Armed Services.

By Mr. GILCHREST (for himself, Mr. Bartlett of Maryland, Mr. Farr, Mr. Ehlers, Mr. Shays, Mr. Leach, and Mr. Castle):

H.R. 5051. A bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2007 through 2012, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. Hinchey, Mr. McGovern, Mr. Sanders, Mr. Ackerman, Ms. Schakowsky, Mr. Kucinich, Mr. Waxman, Mr. Wexler, Mrs. Capps, Mr. Grijalva, Mr. Crowley, and Ms. Woolsey):

H.R. 5052. A bill to direct the Federal Trade Commission to prescribe rules prohibiting fraudulent advertising of abortion services; to the Committee on Energy and Commerce.

By Ms. HART:

H.R. 5053. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes; to the Committee on Resources.

By Mr. LATOURETTE (for himself and Mr. Kucinich):

H.R. 5054. A bill to fund capital projects of State and local governments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. Delahunt, Mr. Coble, and Mr. Wexler):

H.R. 5055. A bill to amend title 17, United States Code, to provide protection for fashion design; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself, Mr. Gerlach, Mr. Simmons, and Mr. Blumenauer):

H.R. 5056. A bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions of real property for conservation purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. Clyburn, Mr. Brown of South Carolina, Mr. Inglis of South Carolina, Mr. Spratt, and Mr. Barrett of South Carolina):

H.R. 5057. A bill to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; to the Committee on Resources.

By Mr. ALLEN:

H.R. 5058. A bill to provide support for small business concerns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Small Business, the Judiciary, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS (for himself and Mr. Bradley of New Hampshire):

H.R. 5059. A bill to designate the Wild River Wilderness in the White Mountain National Forest in the State of New Hampshire, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUNT (for himself and Mr. Tom Davis of Virginia):

H.R. 5060. A bill to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form; to the Committee on Government Reform.

By Mr. BOUCHER (for himself and Mr. Goode):

H.R. 5061. A bill to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia; to the Committee on Resources.

By Mr. BRADLEY of New Hampshire (for himself and Mr. Bass):

H.R. 5062. A bill to designate as wilderness certain National Forest System land in the State of New Hampshire; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS:

H.R. 5063. A bill to amend the Internal Revenue Code of 1986 to prohibit tax return preparers from requesting taxpayer consent to disclose or use return information; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 5064. A bill to amend title XVIII of the Social Security Act to eliminate the MA Regional Plan Stabilization Fund and to extend health status adjustment; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Ms. Jackson-Lee of Texas, Mrs. Maloney, Ms. DeLauro, Ms. Solis, Mrs. Jones of Ohio, Ms. Wasserman Schultz, Ms. Millender-McDonald, Ms. Pelosi, Ms. Lee, Ms. Corrine Brown of Florida, Ms. Waters, Ms. Norton, Ms. Moore of Wisconsin, Ms. Berkley, Mr. Case, Mr. Rehberg, and Mr. Owens):

H.R. 5065. A bill to provide for the issuance of a semipostal in order to afford a convenient means by which members of the public may contribute towards the acquisition of works of art to honor female pioneers in Government service; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. Markey, and Mr. Grijalva):

H.R. 5066. A bill to provide for a "gold standard" for the security of nuclear materials worldwide, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 5067. A bill to establish operational control over the international land and maritime borders of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. Oxley, Mr. Frank of Massachusetts, Mrs. Maloney, Mr. Manzullo, Mrs. Biggert, and Ms. Velázquez):

H.R. 5068. A bill to reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank, and for other purposes; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 5069. A bill to require the Secretary of Homeland Security to hire additional full-time non-supervisory import specialists of the Bureau of Customs and Border Protection, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. McDermott, and Mr. Jefferson):

H.R. 5070. A bill to extend certain trade preference programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 5071. A bill to establish a pilot project for the remediation of abandoned and inactive hardrock mines in the Upper Animas River basin in southwestern Colorado; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself and Mr. Boucher):

H.R. 5072. A bill to reform the universal service provisions of the Communications Act of 1934, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Minnesota (for himself, Mr. Kline, Ms. McCollum of Minnesota, Mr. Ramstad, Mr. Gutknecht, Mr. Sabo, and Mr. Oberstar):

H. Con. Res. 371. Concurrent resolution honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. Petri, Mr. DeFazio, Mr. Boehlert, Mr. Rahall, Mr. Coble, Mr. Costello, Mr. Duncan, Ms. Norton, Mr. Gilchrest, Mr. Nadler, Mr. Mica, Ms. Corrine Brown of Florida, Mr. Hoekstra, Mr. Filner, Mr. Ehlers, Ms. Eddie Bernice Johnson of Texas, Mr. Bachus, Mr. Taylor of Mississippi, Mr. LaTourette, Ms. Millender-McDonald, Mrs. Kelly, Mr. Cummings, Mr. Baker, Mr. Blumenauer, Mr. Ney, Mrs. Tauscher, Mr. LoBiondo, Mr. Pascrell, Mr. Moran of Kansas, Mr. Boswell, Mr. Gary G. Miller of California, Mr. Holden, Mr. Hayes, Mr. Baird, Mr. Simmons, Ms. Berkley, Mr. Brown of South Carolina, Mr. Matheson, Mr. Johnson of Illinois, Mr. Honda, Mr. Platts, Mr. Larsen of Washington, Mr. Graves, Mr. Capuano, Mr. Kennedy of Minnesota, Mr. Weiner, Mr. Shuster, Ms. Carson, Mr. Boozman, Mr. Bishop of New York, Mr. Gerlach, Mr. Davis of Tennessee, Mr. Mario Diaz-Balart of Florida, Mr. Chandler, Mr. Porter, Mr. Higgins, Mr. Osborne, Mr. Carnahan, Mr. Marchant, Ms. Schwartz of Pennsylvania, Mr. Sodrel, Mr. Salazar, Mr. Dent, Mr. Barrow, Mr. Poe, Mr. Reichert, Mr. Mack, Mr. Kuhl of New York, Mr. Fortuño, Mr. Westmoreland, Mr. Boustany, and Mrs. Schmidt):

H. Con. Res. 372. Concurrent resolution recognizing the 50th Anniversary of the Interstate Highway System; to the Committee on Transportation and Infrastructure.

By Mr. HENSARLING (for himself, Mr. Akin, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mrs. Blackburn, Mr. Burton of Indiana, Mr. Campbell of California, Mr. Cantor, Mr. Chocola, Mr. Cole of Oklahoma, Mr. Inglis of South Carolina, Mr. Feeney, Mr. Flake, Ms. Foxx, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gingrey, Mr. Gohmert, Mr. Gutknecht, Mr. Istook, Mr. Sam Johnson of Texas, Mr. King of Iowa, Mr. Marchant, Mr. McHenry, Mrs. Musgrave, Mrs. Myrick, Mr. Pearce, Mr. Pence, Mr. Pitts, Mr. Poe, Mr. Price of Georgia, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Sessions, Mr. Shadegg, Mr. Tiahrt, Mr. Westmoreland, and Mr. Wilson of South Carolina):

H. Con. Res. 373. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011; to the Committee on the Budget.

By Mr. WAMP:

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania:

H. Con. Res. 375. Concurrent resolution expressing the sense of Congress to support the decision of the United States Court of Federal Claims to award public safety officer death benefits to the family of Christopher Nicholas Kangas, a 14-year old volunteer apprentice firefighter who died as a result of serious injuries sustained en route to assist in fighting a fire; to the Committee on the Judiciary.

By Ms. PELOSI:

H. Res. 746. A resolution raising a question of the privileges of the House.

By Mr. BUYER:

H. Res. 747. A resolution amending the Rules of the House of Representatives to require that all members of the Permanent Select Committee on Intelligence and all members of the Subcommittee on Defense of the Committee on Appropriations have security clearances; to the Committee on Rules.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Cantor, Mr. Scott of Virginia, Mr. Wolf, Mr. Goode, Mr. Boucher, Mrs. Drake, Mr. Goodlatte, Mr. Moran of Virginia, Mr. Tom Davis of Virginia, and Mr. Forbes):

H. Res. 748. A resolution recognizing the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Ms. Watson, Mr. Dingell, Mr. Burton of Indiana, Mr. Holt, and Ms. Baldwin):

H. Res. 749. A resolution recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist on the occasion of the 65th anniversary of his death; to the Committee on International Relations.

By Ms. ZOE LOFGREN of California (for herself, Ms. PELOSI, Mr. LEWIS of California, Mr. BACA, Mr. BECERRA, Mrs. CAPPS, Mr. COSTA, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Ms. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. DOOLITTLE, Mr. THOMAS, Mr. ROYCE, Mr. DREIER, Ms. LORETTA SANCHEZ of California, Mr. BERMAN, Mr. SCHIFF, Mrs. TAUSCHER, Mr. CAMPBELL of California, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. SHERMAN, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. RADANOVICH, Mr. CALVERT, Mrs. DAVIS of California, and Mr. WAXMAN):

H. Res. 750. A resolution honoring the life and achievements of Alfred Ernest Alquist and expressing sorrow on his death; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. REYNOLDS, Mr. SHAYS, and Ms. SLAUGHTER):

H. Res. 751. A resolution recognizing the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as "America's National Ballet Company"; to the Committee on Education and the Workforce.

By Mr. WAXMAN (for himself, Mr. LANTOS, Mr. OWENS, Mrs. MALONEY, Mr. CUMMINGS, Mr. KUCINICH, Ms. NORTON, Mr. SANDERS, Mr. VAN HOLLEN, Ms. WATSON, and Mr. CLAY):

H. Res. 752. A resolution requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution documents in the possession of the President relating to the receipt and consideration by the Executive Office of the President of any information concerning the variation between the version of S. 1932, the Deficit Reduction Act of 2005, that the House of Representatives passed on February 1, 2006, and the version of the bill that the President signed on February 8, 2006; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 354: Mr. EVANS and Mr. KENNEDY of Minnesota.

H.R. 356: Mr. DELAY.

H.R. 376: Mr. RENZI and Mr. SPRATT.

H.R. 594: Ms. KAPTUR.

H.R. 663: Mr. HASTINGS of Florida, Mr. SABO, Mr. BOYD, Ms. LEE, Ms. CORRINE BROWN of Florida, and Mr. TOWNS.

H.R. 697: Mr. OSBORNE.

H.R. 699: Mr. CAMP of Michigan.

H.R. 713: Mr. LATHAM.

H.R. 752: Ms. MOORE of Wisconsin, Mr. CHANDLER, and Mr. DICKS.

H.R. 808: Mr. DAVIS of Alabama, Mr. BONNER, and Mr. CONYERS.

H.R. 817: Mr. ISRAEL and Mr. BUTTERFIELD.

H.R. 884: Ms. ESHOO and Mrs. NAPOLITANO.

H.R. 903: Ms. BEAN.

H.R. 966: Mr. PAYNE.

H.R. 1124: Mr. DAVIS of Tennessee and Mr. OBERSTAR.

H.R. 1175: Mr. HAYWORTH.

H.R. 1227: Mr. PORTER and Mr. HONDA.

H.R. 1246: Mr. MEEHAN, Mr. CASTLE, Mr. REICHERT, Mr. ROSS, Mr. OBERSTAR, Mrs. TAUSCHER, Mr. CALVERT, and Mr. KLINE.

H.R. 1264: Mr. SHAYS, Mr. KUCINICH, Mr. FATTAH, and Mr. ANDREWS.

H.R. 1288: Ms. PRYCE of Ohio.

H.R. 1338: Mr. CARNAHAN.

H.R. 1425: Ms. MATSUI.

H.R. 1545: Mr. PICKERING.

H.R. 1578: Mr. MCCAUL of Texas.

H.R. 1603: Mr. ROSS.

H.R. 1849: Mr. ROGERS of Alabama.

H.R. 1902: Mr. PRICE of North Carolina.

H.R. 1951: Mr. MCNULTY, Mr. HINCHEY, Mr. MEEKS of New York, Mr. MCINTYRE, Mr. HIGGINS, and Mr. GALLEGLY.

H.R. 2014: Mr. LEWIS of Kentucky.

H.R. 2238: Mr. BLUMENAUER.

H.R. 2363: Mr. PLATTS.

H.R. 2456: Mr. LANTOS, Mr. PAYNE, Ms. JACKSON-LEE of Texas, and Ms. LEE.

H.R. 2588: Mr. CANTOR.

H.R. 2841: Mr. SHIMKUS and Mrs. BONO.

H.R. 2943: Ms. SCHWARTZ of Pennsylvania.

H.R. 3049: Mr. EMANUEL.

H.R. 3142: Mrs. LOWEY.

H.R. 3145: Mr. WELDON of Pennsylvania, Mr. DOYLE, and Mr. RUSH.

H.R. 3164: Mr. REHBERG.

H.R. 3476: Mr. DOOLITTLE and Mr. GARRETT of New Jersey.

H.R. 3559: Mr. BACA, Mr. GENE GREEN of Texas, and Mr. MCCAUL of Texas.

H.R. 3658: Mr. GUTIERREZ and Mr. HONDA.

H.R. 3692: Mr. ANDREWS.

H.R. 3795: Mrs. MALONEY and Mr. BISHOP of Georgia.

H.R. 3858: Mr. BARTLETT of Maryland, Ms. WASSERMAN SCHULTZ, and Mr. ROSS.

H.R. 3861: Mr. PASCRELL and Mr. CARDIN.

H.R. 3883: Ms. HERSETH and Mr. MCKEON.

H.R. 3933: Mrs. JOHNSON of Connecticut.

H.R. 3962: Mrs. JO ANN DAVIS of Virginia.

H.R. 4005: Mr. KING of New York and Mr. MILLER of North Carolina.

H.R. 4025: Mr. MILLER of North Carolina.

H.R. 4098: Mr. MCCAUL of Texas.

H.R. 4127: Mr. SHADEGG.

H.R. 4211: Ms. MILLENDER-MCDONALD.

H.R. 4217: Mr. GARY G. MILLER of California.

H.R. 4226: Mr. CASE.

H.R. 4387: Mr. GRIJALVA and Mr. CONYERS.

H.R. 4408: Mrs. BLACKBURN and Mr. MCCOTTER.

H.R. 4413: Mr. GRIJALVA.

H.R. 4414: Mr. GRIJALVA.

H.R. 4415: Mr. GRIJALVA.

H.R. 4423: Ms. LORETTA SANCHEZ of California and Ms. ZOE LOFGREN of California.

H.R. 4447: Mr. PRICE of North Carolina.

H.R. 4452: Mrs. CAPPS and Ms. CARSON.

H.R. 4511: Mr. WELLER.

H.R. 4542: Mr. SPRATT and Mr. WOLF.

H.R. 4546: Mr. SCHWARZ of Michigan.

H.R. 4547: Mr. POE.

H.R. 4562: Mr. FRANK of Massachusetts.

H.R. 4574: Mr. LARSEN of Washington and Mr. VAN HOLLEN.

H.R. 4666: Mr. BISHOP of New York.

H.R. 4672: Mr. CARDOZA.

H.R. 4673: Mr. EVANS.

H.R. 4681: Mr. WAMP, Mr. CAMP of Michigan, Mr. COOPER, Mr. COBLE, Mr. EVANS, Mr. MILLER of North Carolina, Mr. BEAUPREZ, Mr. MELANCON, Mr. INGLIS of South Carolina, Mr. COSTA, and Mrs. MUSGRAVE.

H.R. 4704: Ms. HERSETH.

H.R. 4727: Mr. MILLER of North Carolina and Ms. CORRINE BROWN of Florida.

H.R. 4749: Mrs. CAPPS, Mr. FORD, Mr. WEXLER, and Mr. HIGGINS.

H.R. 4755: Mr. RYAN of Ohio and Mr. VISCLOSKY.

H.R. 4761: Mrs. CUBIN and Mr. PORTER.

H.R. 4788: Mr. ORTIZ.

H.R. 4790: Mr. CONAWAY.

H.R. 4799: Mr. RAMSTAD.

H.R. 4816: Mrs. KELLY and Mr. WELDON of Pennsylvania.

H.R. 4820: Mr. DELAHUNT and Mr. CAPUANO.

H.R. 4830: Mr. GORDON.

H.R. 4854: Mr. TERRY.

H.R. 4897: Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. EDWARDS, Mr. EVANS, Mr. ENGLISH of Pennsylvania, and Mr. LEACH.

H.R. 4898: Mr. BECERRA, Ms. CORRINE BROWN of Florida, Mr. FARR, Mr. FILNER, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. OLVER, Mr. RUSH, Ms. SOLIS, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Ms. WATSON, and Ms. KAPTUR.

H.R. 4899: Mr. JONES of North Carolina, Mr. LANTOS, and Mr. MARKEY.

H.R. 4902: Mr. BERRY, Mr. BOSWELL, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. BACHUS, Mrs. KELLY, Mr. PLATTS, Mr. WALSH, Mr. CHANDLER, Mr. EDWARDS, Mr. GORDON, Mr. HOLDEN, Mr. KANJORSKI, Mr. RYAN of Ohio, Mr. BARTON of Texas, Mr. GILLMOR, Ms. HARRIS, Mr. JINDAL, Mr. JOHNSON of Illinois, Mr. LEACH, Mr. LUCAS, Mrs. MILLER of Michigan, Mr. RAMSTAD, and Mr. TIAHRT.

H.R. 4903: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4913: Mr. CONAWAY.

H.R. 4918: Mr. PAUL and Mr. SESSIONS.

H.R. 4920: Mr. LEACH.

H.R. 4949: Ms. PELOSI, Mr. OTTER, Mr. DOGGETT, Ms. SCHWARTZ of Pennsylvania, Mr. MCINTYRE, and Mr. SHERWOOD.

H.R. 4956: Ms. HARRIS.

H.R. 4966: Mr. UDALL of Colorado.

H.R. 4975: Mr. SMITH of Texas, Mr. MCCAUL of Texas, and Mrs. SCHMIDT.

H.R. 4980: Mrs. JO ANN DAVIS of Virginia and Mr. KUHL of New York.

H.R. 4985: Mr. POE and Mr. HAYWORTH.

H.R. 4998: Ms. BORDALLO.

H.R. 5014: Mr. HASTINGS of Florida.

H.R. 5032: Mr. DAVIS of Kentucky.

H.R. 5037: Ms. HART, Mr. RANGEL, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Ms. HERSETH, Mr. ROHRABACHER, Mr. POMBO, Mr. EHLERS, and Mr. ALEXANDER.

H.J. Res. 71: Mr. BURTON of Indiana and Mr. BASS.

H.J. Res. 73: Mr. BISHOP of New York.

H.J. Res. 78: Mr. FORTUÑO.

H. Con. Res. 197: Mrs. LOWEY.

H. Con. Res. 277: Mr. TURNER, Mr. MARSHALL, and Mr. GRIJALVA.

H. Con. Res. 278: Mr. DOGGETT.

H. Con. Res. 323: Mr. GERLACH.

H. Con. Res. 339: Mr. CAMPBELL of California.

H. Con. Res. 346: Mr. FLAKE.

H. Con. Res. 348: Mr. ALLEN.

H. Con. Res. 355: Mr. CONYERS, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. FORD, Mr. WALSH, Ms. ZOE LOFGREN of California, Mr. HOLT, Mr. SANDERS, Mr. HOYER, and Mr. RANGEL.

H. Con. Res. 357: Mr. PRICE of North Carolina.

H. Con. Res. 365: Ms. BORDALLO, Mr. MCNULTY, and Mr. PAYNE.

H. Con. Res. 366: Mr. BISHOP of Utah, Mr. WU, Mr. GOODE, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. DAVIS of Tennessee, Ms. BORDALLO, Mr. BONNER, Mr. GARY G. MILLER of California, Mr. WELDON of Pennsylvania, Mr. WALSH, and Mr. MELANCON.

H. Res. 20: Mr. MCCOTTER.

H. Res. 82: Mr. CONYERS.

H. Res. 149: Ms. BORDALLO.

H. Res. 327: Mr. VAN HOLLEN, Mr. BOUCHER, and Mr. FATTAH.

H. Res. 521: Ms. HOOLEY.

H. Res. 600: Mr. SCHIFF, Mrs. TAUSCHER, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. BAIRD, Mr. FILNER, Mr. SHERMAN, Mr. MARSHALL, Mr. CAPUANO, and Mr. PASCRELL.

H. Res. 626: Mr. BUTTERFIELD, Mr. WYNN, Mr. TOWNS, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. CONYERS, Mr. DELAHUNT, Mr. KELLER, Mr. POMEROY, Mr. LYNCH, Mr. SCOTT of Georgia, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. MEEK of Florida, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Mr. LIPINSKI, Mr. WATT, Mr. PAYNE, Mr. HONDA, Mr. DAVIS of Tennessee, Mr. CHANDLER, Mr. ETHERIDGE, Mr. ROSS, Mr. WAXMAN, Mr. COOPER, Mr. BACA, Mr. SALAZAR, Mr. INSLEE, Mr. MOORE of Kansas, Ms. BERKLEY, Mr. ISRAEL, Ms. LINDA T. SÁNCHEZ of California, Mr. WU, Mr. BISHOP of New York, Mr. LARSON of Connecticut, and Ms. WASSERMAN SCHULTZ.

H. Res. 627: Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. WYNN, Mr. MEEKS of New York, Mr. TOWNS, Mr. CUMMINGS, Mr. CONYERS, Mr. DELAHUNT, Mr. KELLER, Mr. POMEROY, Mr. LYNCH, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, Mr. MEEK of Florida, Mr. AL GREEN of Texas, Mr. LIPINSKI, Mr. PAYNE, Mr. HONDA, Mr. DAVIS of Tennessee, Mr. CHANDLER, Mr. ETHERIDGE, Mr. ROSS, Mr. WAXMAN, Mr. COOPER, Mr. BACA, Mr. SALAZAR, Mr. INSLEE, Mr. MOORE of Kansas, Ms. BERKLEY, Mr. ISRAEL, Ms. LINDA T. SÁNCHEZ of California, Mr. WU, Mr. BISHOP of New York, Mr. LARSON of Connecticut, and Ms. WASSERMAN SCHULTZ.

H. Res. 628: Mr. HONDA.

H. Res. 635: Mr. DAVIS of Illinois and Mr. FILNER.

H. Res. 636: Mr. DAVIS of Illinois.

H. Res. 637: Mr. DAVIS of Illinois.

H. Res. 692: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACA, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. CASTLE, Mr. DELAHUNT, Mr. ENGEL, Mr. GALLEGLY, Mr. GUTIERREZ, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. KIND, Mr. KUCINICH, Mr. LANTOS, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. LEACH, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. SCHIFF, Mr. SPRATT, Mr. UDALL of New Mexico, Ms. WATERS, Ms. WATSON, Mr. WATT, and Mr. WEXLER.

H. Res. 706: Mrs. MUSGRAVE, Mr. SNYDER, Mr. ORTIZ, Mr. WICKER, and Mr. STRICKLAND.

H. Res. 717: Mr. EVANS.

H. Res. 722: Mr. PICKERING.

H. Res. 723: Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, Mr. HOLT, and Ms. WASSERMAN SCHULTZ.

H. Res. 737: Mrs. JONES of Ohio, Mr. CLEAVER, and Mr. KENNEDY of Minnesota.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4755: Mr. BARRETT of South Carolina.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Ms. SLAUGHTER on House Resolution 460: Nita M. Lowey.

Petition 5 by Mr. WAXMAN on House Resolution 537: Nita M. Lowey.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Mike Thompson, Zoe Logren, Edward J. Markey, Nita M. Lowey, and James A. Leach.

Petition 8 by Mr. WAXMAN on House Resolution 570: Nita M. Lowey.

Petition 11 by Mr. BARROW on House Resolution 614: Nancy Pelosi and Adam Smith.

SENATE—*Thursday, March 30, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, we wait for You and in Your Word do we place our hope. Help us never to run ahead of You. Quiet our doubts and calm our fears as You remind us that many things are better left to You.

Challenge our lawmakers today to put their trust and hope in You. Encourage them with the fact that You know their works and their motives. Help them to know that You will guide them with Your providence if they will only seek Your will in all things.

Open all of our eyes to Your presence among us in the kind deeds and generous acts that we encounter along life's journey. Let Your grace transform us and Your mercy keep us on the path of faithfulness.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the remaining 30 minutes under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we begin with a 60-minute period for morning business, with that time equally divided. Following morning business, we will return to the debate on S. 2454, the border security bill. The consent agreement from yesterday provides that the time until 12 noon be equally divided for debate only.

At noon, Chairman SPECTER will be here to offer an amendment. There will then be a period for general debate until 5 p.m. this afternoon.

Today Senators should have the opportunity to offer amendments, and I hope we can debate and vote on some of those amendments. Today is only Thursday, and we will be working today and tomorrow on this bill, and I think we can make good progress over the course of this week. I encourage Members to get their amendments ready and contact the managers when they are prepared to get into a lineup to offer their amendments.

We expect votes today on the border security bill, and I will be working with the Democratic leader and the two bill managers to set up a vote as early as possible this afternoon.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, has the Chair announced morning business?

The PRESIDENT pro tempore. The Chair has announced morning business.

Mr. REID. Mr. President, the first 20 minutes would be yielded to the Senator from Colorado, Mr. SALAZAR.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I see the Senator from Louisiana. It is my understanding she and Senator KERRY need 10 minutes.

How much time does the Senator from Louisiana need?

Ms. LANDRIEU. Ten minutes.

Mr. REID. OK. So 20 minutes to Senator SALAZAR and 10 minutes to Senator LANDRIEU.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

IMMIGRATION REFORM

Mr. SALAZAR. Mr. President, I rise this morning to speak in support of the immigration reform bill which has been produced out of our Judiciary Committee. I wish to first congratulate Senator SPECTER and Senator LEAHY for their leadership in that effort in the Judiciary Committee. I also wish to congratulate all of my colleagues, Republicans and Democrats, who have come together in support of this historic measure that is now before the Senate.

I believe this measure truly represents the kind of bipartisan spirit that leads to the best policy creation for our country. I am also proud of the eight sponsors of the McCain-Kennedy bill, including Senator MCCAIN and Senator GRAHAM, Senator BROWNBACK, Senator MARTINEZ, Senator KENNEDY, Senator LIEBERMAN, and Senator OBAMA, who came together and have led part of the effort to make sure we address comprehensive immigration reform this year.

I believe these bipartisan success stories establish the kind of civility we need to have in the Senate to be able to address the major issues that affect our country. In reality, what the Judiciary Committee proposal does is it addresses the real problem we currently are facing in our country. We are facing a reality of broken borders and lawlessness at our borders as well as the interior with regard to immigration issues. What the Judiciary Committee bill does is it takes that reality of broken borders and lawlessness and creates a system that addresses our national security by strengthening our borders.

It also takes that system and reality of broken borders and lawlessness and says we can do a better job in securing our interior by enforcing our immigration laws. It also takes that system of broken borders and lawlessness and it creates a workable system of immigration that addresses both the economic and human realities of immigration in our Nation.

Finally, it takes that system of broken borders and lawlessness and tackles head on the horrible injustice that occurs with human trafficking that we see in our immigration problems of today.

As the Senate works to perfect and strengthen this legislation, it is my hope we will build upon the committee's work. I believe if we continue in a bipartisan manner, our final work product will be a comprehensive immigration reform law that protects our borders and addresses the human and economic realities within our homeland.

I believe comprehensive immigration reform legislation must be tough, must be fair, and must be practical. It must be tough, and it must be fair, and it must be practical. I believe the Judiciary Committee proposal is, in fact, tough, fair, and practical.

I know I am not alone in supporting this type of approach. Just last week,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

President Bush met with Americans from the business, faith, agriculture, and civil rights communities across our country. In the group in that meeting there were two people from Colorado who attended: Cindy Clark from The Broadmoor in Colorado Springs and Archbishop Charles Chaput, the archbishop of Denver. I commend both Ms. Clark and the archbishop for voicing the concerns of Coloradans with the President that we need to have a comprehensive immigration reform package. I have also spoken with President Bush and members of his Cabinet on a number of different occasions in the last year about the need for comprehensive immigration reform.

I share President Bush's belief, as he says—and I quote—

> Ours is a nation of law and ours is a nation of immigrants, we believe that we can have rational, important immigration policy that's based upon law and reflects our deep desire to be a compassionate and decent nation.

Immigration is, indeed, a vital component of our Nation's history. Our country has always been seen as a land of opportunity for immigrants who are willing to work hard for a chance at achieving the American dream for themselves and for their families.

Without the important contributions immigrants have made to our country, the United States would not exist as we know it today.

In my home State of Colorado, the first nonnatives to explore our lands were the Spanish. They arrived nearly 500 years ago and left their mark on the American Southwest and Colorado. Their presence is reflected today in the names of my State and its cities, its rivers, its mountains, and even in the food we eat.

More recently, immigrants came to Colorado to farm and ranch, to mine our State's abundant natural resources, to build the railroads and forge steel. They came, and continue to come, out of desperation, and also out of hope—the hope of America.

In a recent newspaper column, a former councilman, Bill Burnett, of the little Colorado town of Minturn—an old mining town—summed up the sentiments of many people in my State. He said:

> Without immigrants, we never would've built this place.

The sentiment is echoed by many across this great country of ours.

It can also be heard through the words of the great poem "The Mew Colossus," inscribed at the foot of the Statue of Liberty. That poem says:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore.
> Send these, the homeless, tempest-tost to me,
> I lift my lamp beside the golden door!

Our country has always been a beacon of hope.

My own family migrated to Colorado in the 1850s, almost 20 years before Colorado became a State. We came from northern New Mexico, from a city named Santa Fe, which we had helped found over 250 years earlier. That was before Plymouth Rock and James Town. We pioneered the settlement of Colorado's San Luis Valley, where we have farmed the same land for almost 150 years.

In truth, every one of us in Congress and, indeed, virtually every person in America has a story to tell of their immigrant roots. That is because we are a nation of immigrants, a historical fact that has made us the wonder, the hope, and the envy of the world for centuries.

But there is no question today that our immigration laws are not working. We have broken borders in America today, and we must fix the problem for the sake of the national security of America.

The level of illegal immigration on our borders is unacceptable and has to change. Our borders are undermanned and overwhelmed. We must do far better in getting control of our borders.

In the past decade alone, we have seen the number of undocumented immigrants in our country rise from 4 million to some 12 million in 2006.

Enforcement of our immigration laws has certainly not kept pace with the flow of both legal and illegal immigration, and the laws that deal with those who cross the border are enforced only rarely so that in reality many believe enforcement of the laws simply does not exist.

In this post 9/11 era, it is critical we get control of our borders—both the northern border with Canada as well as the southern border with Mexico—so we can protect our country from outside threats that would do harm to Americans and punish those who exploit the hopes of foreign workers who come here through human trafficking.

We must solve our Nation's illegal immigration problems as a matter of national security.

To that end, the first priority of immigration reform must be to provide for adequate and sensible border security and a renewed Federal commitment to enforcing our Nation's immigration laws. The Judiciary Committee bill contains many provisions that will strengthen enforcement both at the border and within our country. It contains more than 30 provisions that will ensure the security of our borders.

Among the numerous provisions it includes, it doubles the number of Border Patrol agents. It adds 12,000 new agents over the next 5 years. It doubles interior enforcement. It does so by adding 1,000 investigators per year over the next 5 years. It provides additional border fences at specific vulnerable sections across the border. It increases resources to expand the ability of Federal agents to retrieve aliens detained by local police. And there are numerous other enforcement provisions contained within the bill.

Some in our country would have preferred that we wall off our country along our southern border. To the proponents of building that wall, I ask them: What would Ronald Reagan have said about that wall? We should not repeat the example of the Berlin Wall, one of the most shameful symbols of antifreedom and oppression ever designed by man, designed solely to keep people from hope and opportunity and freedom. It was President Reagan who told the Soviet leader: Mr. Gorbachev, tear down this wall. We must not build those walls around our country.

Some also want to make criminals out of local parish priests who counsel their immigrant parishioners and soup-kitchen workers who provide a warm meal to the hungry. That, too, is wrong, to criminalize these people who take on humanitarian endeavors. I am pleased that the Judiciary Committee bill does not call for the construction of a massive wall along the border and does not criminalize the millions of Americans who come into contact with undocumented workers.

These security and enforcement efforts alone cannot be our sole means to confront this challenge. In the past, Congress has focused almost exclusively on only this component of border security. We have tripled the number of Border Patrol agents who sometimes spend eight times as many hours patrolling the border. Yet during the same time, our borders have continued to be out of control.

The reality is, regardless of how much money we dedicate to border and interior enforcement, there are economic forces that spur immigration. Our country's current workforce is continuing to age, and our newer workers have become more educated and less interested in taking the important jobs our economy keeps creating. The Judiciary Committee bill addresses this issue.

Mr. KENNEDY. Mr. President, if the Senator will yield for a question. I know he has a limited period of time. Obviously, in describing his own background and that of his family—some 160 years in Colorado, 250 years in Santa Fe—he knows the issues. He brings a special dimension to the debate. What I am hearing from the Senator is that what is really necessary is a comprehensive approach, that the Senator is a strong believer that we have to do something about our borders to make sure they are going to be the best in terms of technology so we can have realistic laws, but that we also have to understand how we are going to include those undocumenteds here in the United States in a way which is going to be consistent with our traditions and will also be responsible.

Many have called that adjustment status amnesty. I reject that. I ask the Senator if he doesn't agree with me that amnesty means forgiveness. It means pardon. That is not what the underlying legislation is. The underlying legislation says you have to go to the back of the line. You have to wait until everyone who is in line gets the opportunity to come here. You have to work hard, play by the rules, pay your taxes, and pay a fine. Then you can earn your way to the possibility of citizenship, if that is what you desire. If you don't desire that, you don't have to. Does the Senator agree with me that is a reasonable way we ought to think about that, at least when we are trying to recognize that some 11 million undocumented people are here, who work hard and play by the rules? Eighty thousand of them are permanent residents who are serving in the Armed Forces in Iraq and Afghanistan. Should they not be able to earn the possibility of citizenship?

Mr. SALAZAR. I agree with my colleague and friend from Massachusetts. As a person who has worked with law enforcement for a good part of my life as attorney general of my State, I know what amnesty is. I believe those who characterize this bill as amnesty are absolutely wrong. In the proposal of the Judiciary Committee, we have said that you go to the back of the line. What we have said is that you pay a very substantial fine. That, in my view, with the other provisions in the bill, takes it completely out of the context of any kind of amnesty program we have ever seen.

I agree with my colleague from Massachusetts that at the end of the day, what we are dealing with is the reality of creating a stronger border but then addressing the reality within our Nation in a way that is workable. For those who would simply want to ignore the reality of the 11 to 12 million undocumented workers who are in the shadows of America today, we are simply not going to create a workable system of immigration reform in our country.

That is why I join my colleague from Massachusetts in pushing as hard as I can to get the Judiciary bill passed.

Mr. KENNEDY. I thank the Senator. He has explained the underlying bill accurately and correctly. The Senator understands that any of those individuals attempting to adjust their status over an 11-year period, if they get in trouble with the law, they are subject to deportation. They have to play by the rules, pay their taxes, work in the community, and be good citizens, learning English.

I am always impressed by the fact that under the Pew poll, it says that 98 percent of undocumented males are working today in the United States. These are workers making our economy stronger and providing for their families. If they in any way violate the law, they are subject to all of the legal interpretations and their opportunity for citizenship is eliminated. This is a tough provision, I believe.

Mr. SALAZAR. I agree with my colleague from Massachusetts. Amnesty is simply a red herring from those who don't want to get real immigration reform. When you talk about somebody having to wait in line for 11 years, having to go to the back of the line, having to remain crime free for 11 years, having to have a job in America, having to have an absolutely clean record, and then, at the end of the day, having to pay a substantial monetary fine, that is not amnesty.

We will be on this bill for a number of days. I expect to be speaking again about the importance of immigration reform as part of our national security. I wanted today, in this period of morning business and as we enter into the debate, to read from one of my favorite prayers from a person who understood the importance of immigration, especially in the context of agriculture. That is Cesar Chavez. He wrote this prayer, and it is something I think all of us in the Chamber should keep in mind as we move forward in the debate:

Show me the suffering of the most miserable so that I will know my people's plight. Free me to pray for others, for you are present in every person. Help me take responsibility for my own life so that I can be free at last. Grant me courage to serve others, for in service there is true life. Give me honesty and patience so that I can work with other workers.

Bring forth song and celebration so that the spirit will be alive among us. Let the disparate flourish and grow so that we will never tire of the struggle. Let us remember those who have died for justice, for they have given us life. Help us love even those who hate us so that we can change the world.

As we engage in this very important debate on comprehensive immigration reform, I ask my colleagues to keep in mind that this is one of the most important issues we confront together as a group of Americans in the 109th Congress.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I associate myself with the remarks of the Senator from Colorado and the senior Senator from Massachusetts regarding the important issue before the Senate, which is trying to reconcile the rules and regulations regarding immigration. I commend both of them for their outstanding leadership on that issue.

(The remarks of Ms. LANDRIEU and Mr. KERRY pertaining to the introduction of S. 2482 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I did not hear the unanimous consent request of Senator KERRY. Was it to have 3 minutes on both sides?

The PRESIDING OFFICER. No. It was to add 3 minutes to his side.

Mr. CHAMBLISS. I ask unanimous consent that we add an additional 3 minutes to the majority's time also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I rise to express my extreme disappointment with the actions taken by the Senate Judiciary Committee earlier this week on immigration reform. I know that this is a tough issue, an emotional issue, and that my colleagues on the Judiciary Committee worked very hard to pass something out of committee. However, it seems to me that the rush to pass some form of immigration reform eclipsed prudent policy-making.

The immigration problem in our country is out of control and must be solved. Our top priority in this immigration reform debate is to provide for real and comprehensive border security. We must also address in a responsible manner the presence of an enormous illegal population currently in our country.

The issue before us is critical to the future of our country, in terms of national security, economic prosperity, and the fabric of our Nation. I hope we will proceed with a thoughtful and thorough debate in the Senate because the proposals we are going to be asked to consider are enormous in scope and have far-reaching implications. We must ensure that not only the Senators but also the American people have ample opportunity to fully comprehend the consequences of any action we take.

It is absolutely vital that the Senate act to put the resources and mechanisms in place to allow the Department of Homeland Security to gain operational control of our borders and to have stronger and more meaningful enforcement of our immigration laws in the interior of the United States.

Rarely a day goes by when our borders are not breached in a new way. By now, we've all heard the story of the teams of investigators from the Government Accountability Office who, in December 2005, were able to carry enough radioactive material to make two dirty bombs past border checkpoints in Texas and Washington State by faking Government documents We can address this problem, and we will, by providing improved training for agents and improved technology at the borders.

The magnitude of the flow of illegal immigrants into the United States is astounding. The Border Patrol arrested

1.2 million illegal immigrants in 2005, but couldn't stop hundreds of thousands more from unlawfully entering the country because they don't have the resources. We can address this problem and we will, by providing more Border Patrol agents, better infrastructure, additional checkpoints and use of the latest technology available.

In addition, we must address the real magnet for illegal immigration for so many: the promise of a job. Most illegal immigrants in the United States did not come to this country to cause us harm but rather came to earn a better life for themselves and their families. However, we must ensure that a legal process for hiring foreign workers is put in place and strictly adhered to. We can address this problem and we will by mandating employer sanctions for those who flaunt the rule of law and continue to hire illegal workers and by providing tamper-proof documentation to those who are authorized to work in the United States so that employers will have no confusion about the legality of the workers they hire.

In addition to border security, we will be addressing a guest worker program. However, I am hoping we can have the opportunity to refocus the Senate's attention on the "guest" part of the term guest worker program. It is vital in this debate to distinguish between true temporary guest worker programs and proposals that will lead a guest worker down a new path to citizenship. I don't think it's fair to call the legislation passed by the Judiciary Committee a guest worker bill. It is more appropriately named a citizen worker bill because it provides a clear new path to citizenship for aliens who are currently in the United States illegally.

I have a very simple question to ask all Members of the Senate as we debate this bill: Why is it necessary that we address the issue of U.S. citizenship when we are talking about immigration reform? There are reasons we need to deal with the people who are here illegally. There are reasons we need to deal with folks who want to come to this country for the right reasons. But why is it necessary in this legislation that we even consider the issue of U.S. citizenship?

I am particularly concerned about the agricultural guest worker program adopted by the Judiciary Committee because I believe it is contrary to the best interests of American agriculture. Not only that, but it will punish those farmers who have been abiding by the law in this country and utilizing the H–2A program, which has been a longstanding temporary guest worker program in the U.S. relative to agriculture.

Because my focus in this debate will center on border security and a temporary agricultural guest worker program, I would like to take a few minutes to outline some of the problems I see with the Judiciary Committee's agricultural guest worker program and indicate my intention to utilize the amendment process at the appropriate time to attempt to remedy what I regard as some shortcomings of the Judiciary Committee's agricultural reform.

Most troubling to me is that the agricultural reform provision provides amnesty to 1.5 million illegal workers in agriculture.

Some might call it earned adjustment of status or earned citizenship, but I call it amnesty because it provides a clear path to citizenship for illegal agricultural workers who meet a very low threshold. These illegal workers will not have to return to their home countries and will not have to wait their turn in line to gain legal permanent resident status in the United States.

The amnesty provision would allow illegal aliens who performed 863 hours, or 150 days, of agricultural work in the United States between January 1, 2003, and December 31, 2005, to qualify for a blue card.

In legislation Senator KYL and I introduced a year ago and had on the floor previously, we had a blue card provision. That is not the blue card I am talking about this morning. The blue card I am referring to is the one that was created by the Judiciary Committee mark.

The blue card program has a low threshold requirement to qualify. A workday is defined as "any day in which the individual is employed 1 or more hours in agriculture." So someone who worked 1 hour per day for 150 days over the past 2 years would qualify for a blue card. The blue card under the Judiciary Committee bill would allow those illegal workers to then work legally in agriculture or any other area of our economy, provided they satisfy their agricultural employment requirements each year.

Once in possession of a blue card, an alien who is currently here illegally, would only have to work in agriculture for 100 workdays, or 575 hours per year, over a 5-year period to qualify for legal permanent resident status.

Alternatively, those blue card workers could work 150 workdays, or 863 hours per year, over a 3-year period to earn legal permanent resident status.

A workday is still defined as "any day in which the individual is employed 1 or more hours in agriculture." So the requirement to obtain legal permanent resident status is either 100 hours per year over a 5-year period or 150 hours per year over a 3-year period.

While the number of blue cards allowed to be issued is capped at 1.5 million, once a blue card holder becomes a legal permanent resident, his or her family members receive derivative legal status and work authorization.

That means that whether a blue card worker has 1 child or 10 children, once he or she becomes a legal permanent resident, the rest of the family will have been deemed to have been here legally in the United States, and the spouse will be allowed to work regardless of whether they have had a job in the United States in the past.

This is hardly matching willing workers with willing employers but, rather, putting a large population on a level playing field with American workers for job opportunities.

While some of my colleagues might disagree with me on the amnesty issue, we should be able to agree on the fact that these agricultural workers who earn amnesty through this provision will not remain in agriculture forever.

Most everyone agrees that agriculture is the hardest low-skilled work around in our country today. It is truly backbreaking. Generally, those who have had an opportunity to earn a living in some other manner have chosen to do so. Even those who choose to stay in agricultural work find they cannot occupy these labor-intensive jobs over a long period of time. There is a natural tendency to age out of agricultural work.

Therefore, if this provision adopted by the Judiciary Committee is enacted into law, I anticipate those current illegal workers who become legal permanent residents will leave agriculture in the short term and leave our farmers to continue to rely only upon H–2A for their workforce, if they are going to hire legal workers.

The reason I believe these workers will leave agriculture is because that is what has happened in the past. I have spoken with numerous farmers who were farming during the special agricultural worker program Congress authorized in 1986. That is commonly called the Special Agricultural Worker Program. That program provided amnesty for those agricultural workers who performed 90 days of farm work in 1985 through 1986.

Chalmers Carr, a peach grower in the State of South Carolina, helped 200 workers adjust in 1986 pursuant to the special agricultural worker education program. After 2 years, 75 percent of those workers had left his farm, and after 5 years, the last adjusted worker left agriculture.

Similarly, Bill Brim, a Georgia fruit and vegetable grower, assisted 130 workers adjust status pursuant to the Special Agricultural Worker Program. Not one single one of the 130 workers stayed on his farm for more than 6 months after they adjusted their status.

Recognizing that these agricultural workers who are able to adjust their status will not be in agriculture forever, the Senate should be able to agree that we need a viable H–2A program to address the labor needs of agriculture in the future. Unfortunately, the agricultural provision of the Judiciary Committee's bill simply does not meet the needs of our Nation's agribusiness.

It is ironic to me that those who admittedly do not use the H–2A program in their States purport to know the modifications necessary for improvement of the program. In reality, the language contained in the Judiciary Committee's proposal provides every advantage to those agricultural employers who have been utilizing an illegal workforce and cripples those employers who have utilized the legal H–2A program.

For instance, the Judiciary Committee's agricultural proposal treats all those currently illegal aliens who qualify for a blue card as U.S. workers for purposes of recruiting workers. This means an agricultural employer who has been utilizing the H–2A program for years and following the rule of law already on the books will be forced to hire an illegal alien with a blue card before that farmer can petition to bring in the same people who had been working and returning in a legal manner for him in the H–2A program for years.

Further, in the case of an agricultural employer who properly applies for and brings H–2A workers to work on his farm, that employer will be forced to replace that H–2A worker for whom he has paid transportation costs to the worksite with a blue card worker who arrives at the worksite at any point during the first 50 percent of the work period seeking an agricultural job to fill his or her yearly hourly requirement to maintain their blue card status.

Once again, we are going to be giving folks who are here illegally preferential treatment over those folks who are here legally. There is no common sense whatsoever to that proposal.

That yearly requirement, in many cases, may not encompass the employer's entire season or period of desired employment, leaving the employer, again, without an adequate, reliable workforce. This disadvantages those who have been playing by the rules.

The framework of the Judiciary Committee's proposal which provides that only 575 hours of agricultural labor per year are required to transition from blue card status to that of a legal permanent resident will likely have a destabilizing effect on the agricultural workforce.

Madam President, 575 hours per year equates to a little less than 72 days per year based on an 8-hour workday. I don't know about farms in California or Idaho, but in Georgia, our farmworkers generally work around 11 or 12 hours per day during peak season. Using a 12-hour workday, a blue card worker will work just under 48 days to meet the yearly minimum hour requirement.

If these blue card workers are allowed to work in industries other than agriculture and are only required to work 575 agricultural hours to qualify for legal permanent resident status, my guess is they will not work in agriculture one hour more than necessary. This is not going to provide our agricultural employers with the stable workforce they are being promised.

I close with a comment relative to a very current issue that is very important as we debate this bill on the floor today, and that is the fact that our President today is in Cancun, Mexico, meeting with the leadership of our two best trading partners and our two border partners in the United States, that being the leadership of Mexico and the leadership of Canada.

As he meets with those leaders, I hope he will strongly emphasize, particularly to the leadership in Mexico, to change their position on border security. It is almost unfathomable to me that the leader of a country would say to his citizens that he is encouraging a border country to grant amnesty to anyone who has left his country to go into a border country. But that is exactly what is happening on the part of President Fox.

I hope President Bush emphasizes to the leadership over this week that they must be a partner with us in helping secure their border and our border which we have in common. If they will work with us, we can secure the border, and if this body acts in an appropriate way over the next several days, we can come up with an accommodation to those workers who are here for the right reason and, at the same time, we can ensure that those people who have crossed into our country illegally return to their home country, again, in the right way.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I want to say a few words about immigration. May I inquire first how much time is left on our side?

The PRESIDING OFFICER. There is 15 minutes remaining.

CONGRATULATIONS TO LYNDEN AND MEREDITH MELMED

Mr. CORNYN. Madam President, I wish to say a few words about immigration reform, but before I do, I want to recognize a blessed occasion of the birth of Caroline Brown Melmed 2 days ago on March 28, 2006, at 3:58 in the afternoon.

Caroline's proud father, Lynden Melmed, has been an integral part of my Judiciary Committee staff. He is on detail from the Department of Homeland Security, and he is an expert in immigration law. One can imagine how important he has been in my ability to be effective and advance the debate on this important topic.

He and his wife Meredith undoubtedly will be fantastic parents. As the father of two daughters myself, I would tell him it is the greatest blessing one could imagine. I wish them the best in the years to come.

IMMIGRATION REFORM

Mr. CORNYN. Madam President, I wish to talk about immigration reform and border security. In particular, since this debate will be continuing for this week and the next, I want to emphasize the importance of border security, and, obviously, enforcement begins at the border.

But before I talk about border security and enhanced enforcement, I want to address the issue of the 12 million immigrants who are already here who have come to this country in violation of our immigration laws.

We know why people come to America. It is the same reason they have always come: because too often they have no hope and no opportunity where they live. So we understand at a very human level why it is that people want to come to the United States. Yet I think we all acknowledge America cannot open its borders to anyone and everyone who wants to come here or we would literally be drowned in a wave of humanity.

We have to regain control of our broken immigration system, and that means to deal with enforcement at our borders, to deal with enforcement in the interior of our country, and to deal with verification of the eligibility of prospective employees to actually work legally in the United States. We cannot repeat the mistake this Nation made with the 1986 amnesty bill.

I remind my colleagues that in 1986, that legislation required illegal aliens to pay a fee, to learn English, to improve themselves by working in this country for a set time.

I also remind my colleagues that everyone agrees on two points when it comes to the 1986 experience with the amnesty bill.

No. 1, they agree it was amnesty. And No. 2, they agree it was a complete and total failure. I will continue to work with my colleagues on both sides of the aisle to find a solution to this great crisis that confronts our country, but I won't accept a repetition of the mistake of 1986 when this country granted amnesty in the hopes of that being the end of it and in the hopes that there would be a reciprocal obligation on the part of the Federal Government to actually sanction employers who violate our immigration laws. I am afraid the numbers speak for themselves, with 3 million illegal immigrants who benefitted from the amnesty and now roughly 12 million who are here awaiting the next amnesty. Thus we can see what a magnet amnesty becomes and why it is so counterproductive.

I am proud to represent a border State, the great State of Texas, and I know from personal experience what problems the border States face. I know the strains that illegal immigration and our broken borders have placed on local taxpayers when it comes to education, when it comes to health care, and I know the anger and frustration that many people feel at the Federal Government's abject failure when it comes to enforcing our immigration laws.

I also know the nature of immigration across our borders is changing. There is more and more violence on the northern border of Mexico in cities such as Nuevo Laredo. I have listened to the concerns of my fellow Texans, including ranchers and those who are well accustomed to the movement of people across the border into the United States who want to work here and who then go back home with the savings and skills they have established. I have listened to the ranchers and the Good Samaritans who live and work along the border who were happy to lend a helping hand to the occasional traveling immigrant worker, to those seeking a better life. But I have to tell you, these people are now scared. They are terrified because drug smugglers and human traffickers are wreaking havoc along our Nation's borders.

Let's not delude ourselves. This debate isn't just about drugs, and it isn't just about violence, as horrible as those are. This debate is also—and I would say first and foremost—about our Nation's security. In a post-9/11 world, border security is national security. I say that again: In a post-9/11 world, border security is national security.

Make no mistake about it. Today we do confront a crisis that threatens our security. We all know that our immigration system is broken and has been for many years. And it is not getting any better on its own. So I applaud the majority leader and those who have worked so hard on both sides of the aisle to try to bring this debate to the Senate floor. This is the greatest deliberative body on the face of the planet, and I would hope that we could have a debate about this urgent need to fix our broken immigration system and to restore security to our border and do it in a way that is dignified and civil and worthy of this great institution and of this great democracy.

Senator JON KYL of Arizona and I have teamed up to work on this issue from top to bottom. We have worked closely together over several years to address this challenge in a comprehensive way. We have held numerous hearings, and we have heard testimony from a diverse array of experts across the political spectrum. We have also inspected our Nation's failed immigration system and its relationship with the terrible events of September 11. And we have examined why it is important for America's neighbors to raise living standards for their own citizens to help relieve some of the pressure on our border.

Senator KYL and I have sought to lay a foundation for a comprehensive solution to fix our broken borders, a comprehensive solution that would avert another crisis 5, 10, or 20 years down the road.

When we sat down to draft legislation, we were alarmed that many of the bills already introduced at that time simply called for more studies and more reports. One so-called comprehensive bill failed to contain a single provision on interior enforcement. This is not a time for more studies or more reports. This is a time for action. We need to act, and we need to act prudently and in America's best interests.

So our goal was to craft an immigration bill that would be comprehensive. We understood that any truly comprehensive bill must address both border security and enforcing the law in our Nation's interior. Over a dozen of the strong and sensible enforcement provisions we crafted made their way into the bill that is now before the Senate in the form of the Judiciary Committee bill. I want to talk about these enforcement measures and why they are a necessary precondition to everything else that we do when it comes to reforming our broken immigration system.

I repeat: National security and border security begin at the border. Congress can no longer ignore the realities on the ground. We can no longer afford to under-fund and under-man our borders. What we see in my State of Texas is that the mandates that the Federal Government issues when it comes to health care, when it comes to education, when it comes to law enforcement are foisted off on State, and most often, local taxpayers. It is considered a local problem when self-evidently, it should be a national mandate. When it comes to any of those issues, we have a national responsibility, and the Congress and the Federal Government must step up.

Let's look at the reason many Texans and others who live and work along the border are scared, people who are very much accustomed to immigrants moving back and forth across the border. It is because they know the face of illegal immigration across our border has changed. We have a chart, chart No. 1, that illustrates the changing nature of illegal immigration and the rise in the number of people coming from countries other than Mexico. You can see on this chart that the aliens who have been detained along the border are from special interest countries—countries with ties to international terror such as Syria, Iraq, Iran. Just 2 weeks ago, I talked to the Secretary of the Department of Homeland Security and he told me there were 39,000 Chinese who had been detained coming across our southern border and, unfortunately, once they were detained, China refused to accept any of them back.

So we have to use every diplomatic tool in our toolbox to make sure we not only detain people who come across our border illegally, but that we then, in an expeditious way, return them back to their country of origin.

Second, in the bill that Senator KYL and I proposed, we proposed a doubling in the number of Border Patrol agents. And while we have heard a lot of talk about additional Federal agents at the border, the Federal Government really hasn't stepped up yet. There is a lot of good and, I think, well-intentioned talk. But on 9/11, we saw that 9,788 Border Patrol agents were funded by the U.S. Government. Here we are today, and we have seen a small increase to a little over 11,000. But lest some people think that is a lot of Federal agents on the border, let me remind them we have a 2,000-mile border between the United States and Mexico—a 2,000-mile border—and now a little over 11,000 Federal agents, when the city of New York has somewhere on the order of 39,000 policemen. So if you compare a 2,000-mile border and 11,000 Border Patrol agents with the fact that the city of New York has 39,000 police officers, you can see why I suggest to my colleagues that we are both underfunded and undermanned when it comes to the sheer volume of people coming across the border.

Last year, about 1.2 million—that's 1.2 million—people were apprehended coming across the border. So how can we in good conscience say that we are doing everything within our power to enforce our borders and enforce our laws when we simply deny the Federal agents, who are doing a very good job, the number of people they need in order to be successful?

Then there is the issue of detention beds. Once you detain someone coming illegally across the border, they are entitled, ordinarily, to a deportation hearing, if they come from a country other than Mexico. People who come from Mexico are returned expeditiously—usually the same day. Of course, many of them try to come back and, after enough tries, they usually make it past the border. But we have had a flawed policy of catch and release. In other words, when we have apprehended people at the border who come in illegally from countries other than Mexico, we said: Please show up in 30 days for your deportation hearing. Are we surprised that the vast majority of people don't show up but just merely melt into our landscape and become part of that 12 million people who come to our country in violation of our immigration laws? Well, it is because we only have 20,000 detention beds—20,000—with 1.2 million people coming across our borders just last year. That is the fundamental, root problem with the catch-and-release policy that the Department of Homeland Security has had for far too long.

Senator KYL and I would not only raise the number of detention beds to 50,000, but we would end the catch-and-release policy by improving and increasing and mandating the use of expedited removal across our borders.

This chart reflects that Border Patrol apprehensions of people from countries other than Mexico were 165,000 last year. Yet 114,000 of them were released under the catch-and-release program. As I say, most, if not all, of them melted into the landscape and became part of this shadow culture living in America today of people who have come to this country in violation of our immigration laws. We may assume we know why they have come here. We may assume that they are people in search of a better life and, indeed, many of them are. But the fact is, we can't assume in a post-9/11 world; we have to know who is coming into our country and why they are here because we know there are those who have evil intent toward America. We know there are common criminals. We know there are drug dealers and drug smugglers. We know there are arms dealers. We know there are international criminal syndicates who will do anything for a buck, whether it is smuggling drugs, guns, weapons of mass destruction, or smuggling terrorists across our borders.

In addition to the 10,000 more Border Patrol agents, I believe the solution to securing our borders is in the technology we have, our technological advantage. But we are not using technology along the border the way we should. We know the Department of Defense, our military, is the finest, most professional military the world has ever known, and in large part it is because of the technology they are able to use. We need to use ground sensors. We need to use unmanned aerial vehicles. We need to use technology to provide a secure border.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Madam President, I ask unanimous consent for 30 seconds to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, as I pointed out, border security is national security. I see the chairman of the Subcommittee for Homeland Security of the Appropriations Committee on the floor, and he has been a great champion of getting more money allocated for this important effort. But we are a far cry from where we need to be. We can do this if we have the national will and commitment. But our national security depends on border security, and we have to make a credible effort—indeed, more than an effort—we need to be successful in providing security to our borders in order to keep the American people safe.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SECURING AMERICA'S BORDERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand that the Senator from Georgia and the Senator from Louisiana wish to speak. I also wish to speak, and I see the Democratic floor leader is here. I spoke with the Senator from Massachusetts, and he said he wasn't speaking at this time. I was wondering if we could maybe get a time agreement so that we can get an order, if that is all right with the Democratic floor manager.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation now? I am just asking the question.

The PRESIDING OFFICER. Under the previous order, the time until 12 p.m. will be equally divided between the two leaders or their designees.

Mr. GREGG. Madam President, I would just suggest that since the Senator from Georgia is here and the Senator from Louisiana is here and I am here and I know the Senator from Vermont is here, since he is the floor leader, he would probably want to proceed. Do you have a statement you are proceeding with, I presume?

Mr. LEAHY. Madam President, I would tell my good friend from my neighboring State of New Hampshire, I do have a statement. It is not very long; it is probably 7 or 8 minutes. But I would like to say, just to frame the issue, the distinguished chairman of the committee, Senator SPECTER, and I spoke on the floor yesterday on this. This is a major issue. I will want to speak. I do not intend to hold the floor very long.

Mr. KENNEDY. Will the Senator be good enough to yield? I will be glad to wait for 45 minutes or an hour. I will seek recognition at that time. After the Senator from Vermont speaks, we have some other speakers, but I think we can wait.

Mr. GREGG. I ask unanimous consent that the Senator from Vermont be recognized for as much time as he may desire and then the Senator from Georgia be recognized for 15 minutes, the Senator from Louisiana for 15 minutes, and then I be recognized for 15 minutes, and that will get us to approximately the 45 minutes the Senator was talking about.

Mr. KENNEDY. Then would the Senator from Illinois be recognized for 15 minutes and I will follow the Senator from Illinois?

Mr. GREGG. That sounds reasonable to me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. I yield the floor. I thank the Senator from Vermont and the Senator from Massachusetts.

Mr. LEAHY. Madam President, I thank the Senator from New Hampshire. As usual, he found us a roadmap and it worked well.

Madam President, let me just briefly suggest the absence of a quorum. I am going to take us out of the quorum in about 1 minute.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, we are going to have a major debate on immigration. That is a good thing, both for the country and for the Senate. I note, however, in the Judiciary Committee, we have had a major amount of debate and long markups. The distinguished chairman of the committee, Senator SPECTER, and I have tried to make sure we had full hearings.

The distinguished senior Senator from Massachusetts, Mr. KENNEDY, is on the floor. As I said last night, he has spent more time on this than any of the rest of us. He has been in the Senate longer. He has been a leader in the area of immigration.

When we began the debate, Chairman SPECTER and I followed the opening statement of the Republican leader with a discussion of how the Judiciary Committee, in a truly bipartisan manner, worked successfully to meet the deadline set by the Senate's Republican leadership. I understood that the majority leader had committed to turn to the committee bill if we were able to meet that deadline. I heard our chairman reiterate that same thing on the floor again yesterday. We did it, we completed that difficult task. We did it by working together, Republicans and Democrats, something that should be done more often around here.

Under the steady leadership of the chairman and Senator KENNEDY, and with the hard work and dedication of so many members of the committee, we worked through the long hours and numerous amendments and accomplished what had seemed to be the impossible. Our staffs worked throughout the St. Patrick's Day recess. As I said last night, I got e-mails from them at 11 o'clock and 12 o'clock at night and then again very early in the morning. I knew how hard they were working on this—the staffs of all the Senators involved. Then the Judiciary Committee sent a resounding message approving a bill by a bipartisan vote of 12 to 6.

What was interesting about that is none of the amendments on the critical issues passed on a party-line vote. They were by strong bipartisan votes. Let me tell you what our committee did.

We have a bill that is strong on enforcement. In some ways, it is stronger than the bill passed by the House. It is tough on employer enforcement. It is tough on traffickers—and it should be. It is stronger than the bill introduced by the senior Senator from Tennessee, who started from the same place as the committee bill but did not include some of the enforcement measures added by amendment during committee consideration nor any of the other improvements we made. For example, neither of those other bills included a provision, added by the committee at the urging of Senator FEINSTEIN, to make tunneling under our borders a Federal crime. The committee bill adds new criminal penalties for evading immigration officers, and it added manslaughter to the definition of aggravated felony.

Finally, on Monday morning of this week, the committee adopted a Feinstein amendment to add 12,000 new Border Patrol agents—2,400 each year for the next 5 years.

Our committee bill is enforcement-plus. It starts with strong enforcement provisions and border security, but it is also comprehensive in its balance. It confronts the problem of 12 million undocumented immigrants who live in the shadows. It values work. It respects human dignity and includes guest worker provisions supported by both business and labor. It includes a way to pay fines and earn citizenship that has the support of religious organizations and leading Hispanic organizations.

Yesterday, Senator KENNEDY and Senator DURBIN and Senator HARKIN made excellent, persuasive statements in favor of the committee bill. Senators DOMENICI and MARTINEZ also spoke of their personal journeys. These were very real and meaningful statements. They reminded us all that we are a country of immigrants. I thank them for speaking in terms favorable to the comprehensive approach we have adopted. Listening to them makes me think how proud my immigrant grandparents would be. They immigrated from Italy to Vermont. They would be proud to hear this debate, and to see their grandson speaking on the floor of the Senate.

I look forward to working with Chairman SPECTER in a bipartisan way to pass the committee bill. The chairman and I have been able to move our committee from being a confrontational committee to one that works in a bipartisan fashion. I commend him for that. I commend all members of the committee for that.

What we have done is, by working that way, we have provided a realistic and reasonable system for immigration. The bill protects America's borders, it strengthens enforcement, and most important, it remains true to the best of American values.

The committee bill wisely dropped controversial provisions which would have exposed those who provide humanitarian relief or medical care or shelter or counseling or other basic services to undocumented aliens. Under the earlier bill, they would have faced possible prosecution under felony alien-smuggling provisions of the criminal law—a reminder that in a nation such as ours, with such a great heart and soul as a nation, we also have a moral and humanitarian responsibility to people. We should not make felons of those who carry out the responsibility of feeding the hungry, clothing the naked, and sheltering those who need shelter.

I thank so many in the relief and religious communities, the faith community, for speaking out on this matter. Even in my own faith, I was so pleased to see some of the leaders speak out so strongly.

The criminal provisions should be focused on the smugglers, not on the children of aliens or those who help them. Focus it on the smugglers, those who traffic in human misery and sometimes bring about the death of those they smuggle. Under the committee bill, that is what we did.

The committee also voted down a measure that would criminalize mere presence in an undocumented status in the United States. I was a prosecutor. I know how unworkable that would have been. Illegal status is currently a civil offense with very serious consequences. One of the most serious, of course, is it includes deportation. But if you then criminalize that status, it is punitive, it is wrong, it is totally unworkable and goes against the history of our Nation. It would have led to further harsh consequences. It would have trapped people in permanent underclass status. It would have put bars in front of the American dream.

These criminalization measures, which were included in the House-passed bill supported by congressional Republicans and which were reflected in the majority leader's bill, have understandably sparked nationwide protest. In the view of many, it is anti-immigrant and inconsistent with America's values and history. The committee bill, while tough in enforcement and on the smugglers, is smarter and fairer.

I ask Senators to look at the peaceful demonstrations across this country. Listen to the people who are speaking out. A half-million people went out in a peaceful demonstration in Los Angeles. That is nearly the population of my State. That was just one demonstration among many.

Opponents of a fair, comprehensive approach are quick to claim that anything but the most punitive provision is amnesty. They are wrong. This is not an amnesty bill. An editorial in yesterday's New York Times entitled "It Isn't Amnesty" makes the point that painting the word "deer" on a cow and taking it into the woods does not make the cow a deer. As I said yesterday, in Vermont, especially during deer season, we Vermonters know the difference between a deer and a cow. Sometimes we wish the tourists did.

Our committee bill should not be falsely labeled. Our bill is more properly called what it is: a smart, tough bill.

We know we need a comprehensive solution to a national problem. We need a fair, realistic, and reasonable system that includes both tough enforcement and immigration reform provisions. All Senators, Republicans and Democrats, should be able to agree with these principles. The bill reported by the Judiciary Committee is that bill.

I am glad to hear that President Bush is again speaking about the need for a path to citizenship and the need for a comprehensive bill. I hope, as we now proceed through the sixth year in office, that the Bush-Cheney administration will finally send a legislative proposal to Congress on these matters. They have stated their support. Let them also bring forward what they believe is appropriate legislation. We did not want to wait any longer in our committee. We did the hard work, and produced a bipartisan bill.

We did the hard work, and we wrote a tough, smart, comprehensive bill. The Judiciary Committee's debate has produced a bill that I believe would make my immigrant grandparents proud, and my maternal great-grandparents proud. It is worthy of our support.

This is a body which should reflect the conscience of our great Nation. There are only 100 of us. We are enormously privileged to represent 295 million Americans. Let us speak to the conscience of all of us and the humanity of all of us. Let us pass this bill. It is not just from the managers' point of view, from a political point of view; it has the support of the labor unions, business groups, leading Hispanic organizations, and many from our religious communities. They are asking the Senate to do its part. Let's adopt the committee bill so we can bring hard-working people out of the shadows and end the permanent underclass status of so many who have contributed so much.

Let us protect our security and our borders, but support the American dream that attracted my grandparents and the American dream that attracted so many, and allow this bill to become a reality. We are a good, brave, and wonderful country. Let us demonstrate it.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Georgia.

Mr. ISAKSON. Mr. President, in 1903, Andrew Bengsten boarded a ship and left Sweden, the son of Isak Bengsten. He landed on Ellis Island and took the last name Isakson, which is the Scandinavian tradition, to take the father's first name and add "son" to it. In 1916, he had a son named Ed, and in 1926 he became a naturalized citizen.

He went to West Texas as a laborer, and later on to Atlanta, GA as a carpenter. In 1944, his son Ed and Ed's wife Julia had a son, who by the grace of God is me. No one in this body has any greater respect or admiration for this great country and our process of legal immigration than I.

As we approach the most important debate this Senate will encounter in this session, it is important that it be a debate of dignity and a debate of substance and a debate where we learned the lessons of the past and make sure that immigration in the future holds the same promise it held for my grandfather 103 years ago.

I have filed an amendment at the clerk's desk, which at the appropriate time in the debate I will offer, which to me is the key as to whether we proceed on whatever the final product this Senate may adopt may be. It is a point that has been missed by many and avoided by some but we must focus on and we must accomplish. It is an amendment that very simply says no provision of any act we pass which contains a guest worker program will go into effect until, first, the Secretary of Homeland Security has certified to the President and to this Congress that our borders are reasonably secure.

I want to tell you why that is important. It is important because 20 years ago, in 1986, a great President, Ronald Reagan, and this Congress adopted a program that gave legal status to 3 million illegal aliens in the United States. We did so in the hopes of clearing up the problem. Instead, what we created was an attractive reason for more to come illegally in hopes of gaining the same status. Today, 20 years later, we have estimates of 11 million to 13 million Americans who came exactly that way—over the border illegally in hopes of that same promise that happened in 1986.

Were we to pass in this body this year a bill granting status that does not require, first, security on the border, then we will create the same attractiveness we did 20 years ago. The result will be the same, and the legacy to another Congress and the problems in our social services system in our great country will be great. It is important that whatever security requirements we place in this legislation—and there should be many—be funded and be in place before any other provision takes place.

Second, it is important to understand that enforcing the border is something we can do. Before I introduced border security legislation a few weeks ago, I traveled to the United States border with Mexico. I went to San Diego and Tijuana, met with our border agents who are having remarkable success now because of technology and, of course, because of improved numbers.

I went to Fort Huachuca in Arizona where the one and only unmanned aerial surveillance vehicle, the Predator, has a 150-mile stretch of the United States-Mexican border secure because we have eyes in the sky 24 hours a day, 7 days a week.

For $400 million, we can deploy a fleet of 26 of those unmanned Predator aircraft to have eyes in the sky 24/7 along the entire 2,000-mile border. That will have a tripling effect on our manpower because it allows us through technology to identify those who are coming and where they are, to position the agents we have to intercept them and turn them around. It will send the signal that no longer are we going to look the other way but instead we are going to focus on those who are trying to come here illegally and be smuggled, and shut the door so they will apply legally to come to this country the right way, as so many American guests have and some citizens have, to ultimately become naturalized.

This place we all call home and the rest of the world calls America is a very special place. Our problem isn't that people are trying to break out of this great country; they are all trying to break into this great country. We owe it to our country and our future and to the legacy of our children to assure that the path to this country is legal and operable, and that it isn't done illegally and involve smuggling.

While often many of us talk about the Southwest border, it should also be true on the border with Canada as well, and it should be true at our ports.

Whatever we do in this 2 weeks of debate, it must ultimately be predicated on, first, securing the border of the United States, whether it be on the north or on the South. We must have fortitude in this Senate to pass the appropriations necessary to fund the programs to secure those borders. Rhetoric is cheap. Enforcement on our borders can be expensive. But it must be essential.

The distinguished Senator from New Hampshire, who is on the floor, has been an absolute leader to the appropriations and the budget process in focusing like a laser beam on seeing to it that we authorize and ultimately appropriate the funds to do exactly that in terms of manpower. I will join him in that as well as those who put the funds up for the unmanned aerial vehicle surveillance and the ground sensors for tunneling and other technology we have.

It is a matter of us developing a resolve to secure the borders of the United States of America. We must not demonize anybody. First, we must secure the borders which the American people expect us to secure.

I come from a great State, the State of Georgia, a State that is a major agricultural producer in this country, a State where there are many migrant laborers. I am well aware of what the green industry, the agricultural industry and the construction industry workforce, is made up of. We owe it to those industries to see to it that we have a legal path to come to this country and to work and appreciate America, that no longer will there be smuggling of illegal aliens across our border, but instead we have as a country a legal path for people to come and an illegal door that is shut because we have stopped turning and looking the other way.

I look forward to this debate. I appreciate the promise of this country, because were it not for our legal immigration process I would not be here today. But I will fight as hard as I can to see to it that whatever passes this Senate requires first and foremost the securing of our borders before the extension to guest workers or any status be granted. If we do not, we will have recreated the problem we created in 1967. We will deal not with just 3 million illegals coming but millions and millions and millions more, all because we looked the other way at a time when we needed to focus like a laser beam.

The people of this country are looking to us to secure our borders for the homeland and for immigration. We must secure them first before we do anything else.

A comprehensive bill is possible, and I have no problem with addressing comprehensive reform. But those reforms that involve guest workers must only be implemented after the certification by the Secretary of Homeland Security that our borders are secure. For failure to do so is to pass on to another generation of Americans a compounded problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too rise to strongly support the general thrust of the President's border security bill. As the essential first step in this great challenge, we must take strong, meaningful action—not just talk but action to prove that we can and will secure our borders and return to the rule of law with regard to our immigration system.

I too rise as a descendent of immigrants to this country, and I am very proud of that. Both sets of my grandparents—on my mom's side and on my dad's side—came from France. They came first into New York but very soon thereafter to Louisiana where there are many other French immigrants, and they settled.

What is so unique about this debate is that here in the Senate, every Senator rises and begins with a similar sort of story. We are all the descendants of immigrants. That is what makes America so magical and so unique. For a young country, we are an immigrant country, and we celebrate that. But we also want to preserve that.

To me, that comes down to two fundamental traditions in this country—the two fundamental reasons I am supporting the Frist border security bill—and that focus as a first step in this great debate is one tradition, the tradition of immigration, but it is a proud, strong tradition of legal immigration throughout the history of our country, at least until recently.

The other great tradition which I will base my vote on is the very important tradition—in fact, one of the leading reasons so many people, including my grandparents, came to this country—of the rule of law which forms the basis of so much of what we do.

Let me talk briefly about those two traditions.

First, the rule of law: It is at the heart of our entire system. It is at the heart of what is attractive to millions upon millions of people from every country around the world to become Americans, including my family. Law is at the center of our democratic traditions. Without proper law enforcement, written laws mean nothing. Failure to enforce certain laws, including our immigration laws, gives people the impression that the Federal Government will fail to enforce other laws. That tradition of the rule of law and enforcement is an essential component to comprehensive immigration reform.

A recent poll conducted by the Washington Post and ABC News found that the huge majority of Americans agrees with what I am saying. Four in five Americans think the Government is not doing enough to prevent illegal immigration, with three in five saying they strongly hold that view.

The same poll found that 56 percent of Americans believe illegal immigrants have done more to hurt the country than to help it, while only 37 percent believe illegal immigrants help the country. But the key is the illegal nature of that activity—not our proud tradition of legal immigration.

Of course, this issue of the rule of law and the explosion of illegal immigration also has a very important national security component, particularly since September 11. Adequate border security and enforcement of our immigration laws was an issue on September 11. It goes directly to the terrorist attacks. It goes directly to our war on terror.

In its report, the 9/11 Commission itself found weaknesses in immigration enforcement could have facilitated those terrorist acts. The Commission stated:

> . . . our investigation showed that two systematic weaknesses came together in our border system's inability to contribute to an effective defense against the September 11 attacks: A lack of well-developed counterterrorism measures as part of border security, and an immigration system not able to deliver on its basic commitments, much less support counterterrorism.

Other studies have shown that 15 of the 19 September 11 hijackers, including Mohammed Atta, should have been denied visas. At least three of them overstayed their visas. Clearly, lax enforcement was an important part, sadly, of that tragedy.

There are also other issues within the country related to illegal immigration—not our proud tradition of legal immigration but illegal immigration.

First, it is very important to say we are talking about millions upon millions of people, 11 to 13 million by most estimates, even more by some. It is important to say the great majority of those people are not dangerous criminals. However, some percentage of those folks do contribute enormously to our criminal issues in this country. A GAO report issued in April of 2005 says the number of criminal aliens incarcerated in the United States increased by 15 percent from 2001 to 2004. Those aliens constitute about 27 percent of all Federal prisoners. That is a cost to the Federal Government of about $1.2 billion a year. That specific year was 2004. It is an enormous cost to our country. Again, a small percentage of those balloon the costs to society.

Violent gangs, composed mostly of criminal aliens such as the El Salvadoran-based MS-13, have been a very important and dangerous part of the criminal problem and violent crime in this country. Last March, ICE agents deported 37 criminal aliens rounded up in the Washington, DC area, two of whom had ties to MS-13. MS-13 has spread across the country. Over 2,000 members are in northern Virginia alone.

For all of these reasons, real enforcement must come first in our meeting this challenge. It must come first because we need to get control of our borders. We need to get control of the serious repercussions this illegal problem has in our country, including on the criminal side. To do this, we must prove to the American people we are not just going to talk about it as window dressing to what is tantamount to an amnesty program. We are going to do it. We are going to put the resources behind it. We are going to deploy those unmanned aerial vehicles. We are going to do what is next in terms of manpower enforcement and other resources at the border.

I am a fairly typical American when it comes to this issue. I have heard this enforcement talk in Washington for the last couple of years. I don't believe most of it. Quite frankly, we have never been true to it. We have never been serious about it. We have never turned the corner on this issue before.

I believe it is our solemn duty and responsibility in terms of addressing this issue in a comprehensive way to first not only pass border security and significant enforcement measures, but to put them in practice, to fund them, to get agents on the border, to do whatever it takes to turn the corner on this issue and prove to the American people, prove to me and so many millions of others, we are serious about enforcement.

There is another reason I believe we must start with enforcement, as the Frist measure does. It is because any measure that is tantamount to amnesty sends exactly the wrong message as we try to get our hands around this problem. We are a nation that believes in upholding the rule of law. We must reestablish respect for our laws, including border security and interior security. But provisions which are tantamount to amnesty send exactly the opposite message. It sends the message that you can break the law and over time you will basically be rewarded for doing so.

These are not just theoretical or commonsense arguments. These are arguments that are borne out by history, as Senator ISAKSON, the previous speaker, pointed out.

The last amnesty type of program enacted by this Congress was in 1986. There have been many studies about the effects of that since then. Across the board they show that act of basically granting amnesty to a class of illegal aliens in this country dramatically worsened the problem. It did nothing to solve the problem. In 1992, for instance, 6 years after the last illegal alien agricultural worker amnesty passed in 1986, the Commission on Agricultural Workers issued a report to Congress that studied the effects of that 1986 agriculture worker amnesty. They made a number of findings and recommendations. First, the Commission found that the number of workers amnestied under the bill had been severely underestimated. I fear many of the estimates we are talking about here today are underestimated.

Second, the Commission found the agriculture worker amnesty only exacerbated existing problems.

> Six years after AIRC was signed into law the problems within the system of agricultural labor continue to exist . . . In most areas, an increasing number of newly arriving, unauthorized workers compete for available jobs, reducing the number of work hours available to all harvest workers and contributing to lower annual earnings . . .

Third, the Commission stated that a guest worker amnesty program should not be the basis for future immigration policy. The Commission went on to say the only way to have a structured and stable market was to increase enforcement of our immigration laws, certainly including strong employer sanctions.

So we have experience to guide us. We have concrete history to learn by. Why do we believe doing the same thing as we did in 1986, only on a much greater scale, is going to yield different results?

The Frist bill is not perfect, but it is a good and an appropriate start. And start we must on the enforcement side of the equation to prove we can get real, get tough, get serious about enforcement as never before. Because, quite frankly, we have never, ever, in the history of this modern problem proven that we will be serious, that we will have the political will, that we will devote the manpower and other resources necessary to turn the corner on this issue.

I urge all of my colleagues to start here where there is consensus, where we can come together around commonsense, meaningful, and appropriate enforcement actions as the important first step in addressing this very important challenge.

The Senate is having a very important and responsible debate on this issue. It is crucial in this debate that we be respectful of each other and of everyone involved in this issue and not demonize any part of society. That applies equally to those who believe we must start with enforcement as it does to people illegally in this country.

No one in this Senate, I believe, is anti-immigration. Everyone is a product of a strong and proud history of immigration in this country. But until recently it was a strong and proud history of legal immigration. I truly believe what most threatens that strong and proud history and the support in this country for that foundation of our society is the fact that illegal immigration has subsumed that tradition.

If we want to continue to cherish that tradition, if we want to continue to have respect for all members of our society, no matter how they look or appear, we must get back to that important tradition of legal immigration. We must get back to the rule of law so we can defend that strong tradition and get hold of this very serious challenge our country faces.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, obviously the issue before the Senate is a critical issue—how we maintain the atmosphere of this Nation, which is basically the essence of our definition of a culture, which is that we are a society which invites people from around the world to participate in our society. It was the reason we went with the motto, E pluribus unum: from many, one. How we maintain that atmosphere, that way of life which has given us so much energy as a nation, that has given so many people the opportunity to pursue the American dream, is what this debate is all about.

Whatever we do, we do not want to, in my opinion, chill that great tradition which is the engine for our strength as a nation. People come here seeking a better life, and as a result they energize society to be even more productive, successful, and stronger.

We are, as has been mentioned by most of the speakers today, most all of us immigrants. Certainly everyone in the Senate since the departure of the great Senator Ben Nighthorse Campbell falls into that category.

The issue, in my opinion, breaks into two obvious parts. The first is how you secure the border. The second is how you deal with the fact there is a large number of people in this country who are here illegally today and that there is a large number of people who wish to come to this country for the purposes of earning a living, and that they will come into this country however they can—and if it is illegal, they will come here illegally—and how we would change that atmosphere.

On the first issue, which has been discussed and which is the purpose of the bill before the Senate, the bill filed by the Senate majority leader, this is very resolvable. We can secure our borders. That has been said by everyone. And we should. We must. We cannot as a culture survive if we do not have borders which are secure, if we do not know who is coming into the country, if we do not know who is coming here. If we have large numbers of people who are coming into this Nation illegally, it undermines us as a nation of laws.

There is no question but this can be resolved. It does not take a lot of new law to do that, to be very honest. We can pretty well control who is coming into this country. I want to get into the specifics of how we do that because I have the good fortune to chair the subcommittee which has jurisdiction over the borders in the appropriations area. I will talk about what we need there. Before I do that, I also want to address this issue of amnesty and guest worker and how we deal with the folks who are here and who are here illegally.

Let's assume for the moment we are able to secure the southern border, which I think we can. It might take 2 or 3 years, but I am absolutely sure we can do that, so that the vast majority of the people coming across our southern borders will come across in some manner which is legal, for a purpose which is not to harm us. That is a little more difficult to do on the northern border. We do not have the human wave coming across the northern border. The northern border is probably more of a terrorist threat to us, actually, in many ways, but it does not have the human wave issue that we see on the southern border.

The question becomes, how do you deal with the folks who are already here illegally? There is this term, we cannot give them amnesty: amnesty is wrong. Well, as a practical matter, they already have amnesty. Our system is not able to deal with these individuals unless they become criminals, unless they commit an act which violates our law in an open way, commit a felony, do something that is clearly a transgression to our society. But if they are here working, as most of them are, trying to support themselves or their families or their families back home, for all intents and purposes they already have amnesty because we are not doing anything about it and we do not have the capacity to do anything about it. That is a straw dog, to be very honest, this argument of amnesty.

The bigger question, more fundamental question, is how do you set up a system which allows these people to come out from behind the bushes where they have to hide, so they are not taken advantage of, so they can be even more productive in their role here in the United States, and do it in a way that does not basically affront our sensibilities as a nation of laws, and especially address the issue of citizenship.

There are a lot of ways to do that. There are a lot of ideas being put forward to do that. I happen to think the essence of the question is how you deal with the issue of citizenship. If you are here illegally, getting citizenship should be probably not attainable, but certainly there should be a way to allow you to still participate in our society so you do not have to hide.

That assumes, however, you have effectively set up a border enforcement mechanism which works because, as the point was made by the Senator from Louisiana, you cannot move to any sort of effort to try to redress or address the issue of people who are here illegally unless you have more control of the borders because you simply will create an incentive for more people to come in illegally.

But let's remember that if we were able to solve the problem of the people who are here illegally and who are working and who seek nothing more than to be working, if we were able to give them some sort of status that would allow them to participate as workers in this country in a public way, so they were able to participate in systems such as paying into the health care system, paying into retirement systems, I think we might actually be moving toward a more constructive result than what we have today, which is essentially a large number of people who we know are here and we just turn our eyes to the fact they are here illegally. They are going to continue to stay here and work here. We certainly are not going to remove them because we have no way to remove 10, 11 million people, however many people there are, except for those people who commit criminal acts.

So I think the debate is misfocused in some ways when the word "amnesty" becomes the hot button nomenclature versus the more substantive question: What you do with people who are already here and basically have the capacity to be here, and they already have amnesty, for all intents and purposes, because we are not going to do anything about them so long as they act legally in the context of their jobs because we do not have the capacity to remove 11 million people, and our society would not be able to absorb it.

But getting into the issue I wish to talk about today, which is the specifics of the Border Patrol question and how you upgrade the Border Patrol, the bill before us authorizes an additional 1.400 Border Patrol agents over the next few years and authorizes more beds for detention. It authorizes more technology for the purposes of guarding the border. That is all well and good. I strongly support those authorization efforts.

But the bottom line is, the rubber does not meet the road with the authorization bill. The rubber meets the road with when we spend the money, which is with the appropriations bill. The problem we have, very simply, is we are not committing resources in this area to the level we need to accomplish what is already on the books in the way of obtaining security along the border.

Security along the border basically breaks down to three basic components: First, how many agents, how many feet on the ground do you have down there? Second, how many beds do you have, so when you find people who are coming across illegally, you can actually control where they are going, so you are not basically catching and releasing but you can actually hold these people and send them back? And third, what technologies are necessary in order to, first, monitor the border, and secondly, evaluate people who are coming into our country as to whether they are coming here to participate in our society in a positive way or whether they are coming here to do us harm?

In all four of those categories—three categories with a couple subcategories—we simply have not been able to put the resources in that are necessary to get where we want to go. This does not mean we have not tried. In fact, in the last 2 years, we have increased the number of Border Patrol agents by 1,500. That is almost 1.300 more than the administration asked for. We added over 2.000 beds to detention. We have significantly increased the funding for the surveillance and technology area, especially in the area of US-VISIT, which is the program which is essentially going to try to, through technology, be able to evaluate people as they come into the country legally and know whether they are people whom we want to have visit us or whether they are people who may be here to do us harm.

But that has not generated the results we need. I wish to go through a few statistics which are, unfortunately, rather stark but should be talked about because you are not going to get resolution around here unless you talk about them.

The first is the issue of border agents. We have been increasing the number of our border agents rather significantly over the last couple years, as I just mentioned, but we also know we need to increase them even further in order to hit what is the goal. With 20.000 agents on the border, we can accomplish what we need to do relative to boots on the ground. That means we have to increase—by 1.500, 2.000, 2.000 in each of the next few years—the number of agents we put on the ground, the number of agents in the system.

The problem is very simple: One is a dollar issue, which should be able to be resolved but, secondly, it is an issue of being able to hire. It takes 30,000 applications, approximately, in order to hire 1,000 agents. It is very difficult to find the people we need—it is that simple—because of the language requirements and because of the educational requirements and because of the demands of the job. So it is not only an issue of money, it is an issue of hiring up. And that is a big problem for us.

A second problem we have is that the technology situation is dire, especially in the area of aircraft, where we are essentially functioning with a fleet of aircraft which has long outlived its purposes.

The average life of the P–3s we have in the air should be 20 years, but the average life of the P–3s that are actually flying is 40 years. I want to show you a picture of the problem we have with the P-3s, which basically is the backbone of our air surveillance. This is a crack in the bathtub fitting of a P-3. As a result, last year, we had 11,000 hours of P–3 flight, but this year alone we have had to reduce the P–3 flights by over 1,000 hours because we have had to retrofit these planes. Why? Because they are 40 years old or older, and they should have flown for 20 years.

We have the same problem in our helicopter fleet, where the average life is supposed to be 15 years for our helicopters. We are flying helicopters which have average lives of 30 years.

The same is true of our Beech King air fleet, where the average life is supposed to be 20 years, and they are well over 30 years.

These are problems of resources which need to be addressed. I will talk in a second as to how they should be addressed.

The third issue in the area of surveillance—we have heard about the Predator, which is the unarmed, in this case, air surveillance system along the border. This is a great breakthrough for us. We do not have to build a fence along the southern border. Building a fence would be the exact wrong message to send, in my opinion. There are certain sections where there are heavily populated communities where you are going to have to have some fencing, but the vast majority of the border does not require fencing, should not have fencing. It is the wrong image for us as a nation. And with technology, we can do a lot.

One of the keys to technology is the Predator. But we only have one Predator. We need 18 in order to effectively do the border. So, again, it is an issue of resources, putting resources in this area.

In the area of beds, we know the States are absorbing a huge amount of the costs of basically taking care of the illegal aliens who have been arrested. We know we do not yet have the beds necessary to be able to even hold the non-Mexican arrests, which are the people we are most concerned about from a terrorist standpoint. We need to add a lot of new beds. We need to be creative about this—not just having physical buildings; we need to figure out ways to use swing beds. We need to figure out ways to use closed military facilities, maybe tents, tent capabilities. But we need to put more resources in this area, although this Congress has attempted to do it by adding over 2,000 beds in the last few years.

So we have serious resource issues. Well, how do we address this issue? There will be a supplemental coming through here in a few days—in a week—which is the supplemental to fight the war on terror. Now, it seems to me that probably one of the core elements of fighting the war on terror is making sure your borders are secure.

I would hope within the limit of that supplemental we would be able to fund the capital needs or at least make the first downpayment on the major capital needs I have just outlined in the border areas, specifically: the aircraft, replace those P–3 aircraft, buy more Predators, replace the helicopters, make sure the cars these agents drive can go out in the field day after day and still work well so we can move the agents out into the field, make the capital investments in the buildings necessary in order to take care of these people.

Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. That is something we should do now. It is something we should do in the context of national defense, and it should be done as part of the supplemental.

The bigger problem we have is that when the Homeland Security bill hits this floor, we are going to have to figure out a way to pay for this. The administration has proposed we increase fees on air transportation. Well, air transportation fees do not necessarily line up with Border Patrol needs. In fact, the Border Patrol needs are not affected by air transportation fees. Air transportation fees fund things such as TSA. So it is unlikely that fee is going to occur. But if we do not do it, we are going to have a $1.6 billion hole in the Homeland Security budget. We cannot afford that. We need those extra dollars. So we will have to come up with a way to do that. I am making my commitment to do that.

But the reason I wanted to speak today was to make it clear we can, with additional resources, accomplish the first step to border security and to good immigration policy, which is border security, which allows us to know who is coming into this country. It is a very doable thing. All it takes is resources. I believe we should have, as a Congress, the wherewithal and the willingness to commit those resources.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first, I commend Senators McCAIN and KENNEDY, who are on the Senate floor. They have really pointed the way for a positive resolution of a problem we have faced for generations in America.

The immigration system in our country is seriously broken, and we know it. It is obvious, as we look at the number of undocumented people in America and as we consider, those of us in this line of work, all of the families who come to us with problems with the current system. There is so much unfairness, so much injustice. We can do better as a nation, a nation of immigrants.

Now the Senate will face a very clear and stark choice. Senator FRIST brings to the floor an alternative. His is an alternative that focuses on enforcement.

Well, Senator FRIST is not alone in believing we need to be better at enforcing the laws of our country. In fact, Senator FRIST's bill and the bill I support—the one that came from the Senate Judiciary Committee, supported by Senator SPECTER, the chairman of the committee, inspired by Senators McCAIN and KENNEDY in major part—is a bill which also focuses on enforcement.

Both bills double the size of the Border Patrol by adding 12,000 new agents. Both bills strengthen interior enforcement of immigration laws by adding 5,000 new immigration investigators. Both bills would take advantage of new technology to create a "virtual fence" at the border. Both bills would improve border controls by expanding entry-exit tracking. Both bills require the construction of new vehicle barriers and new permanent highway checkpoints near the border. The list goes on and on. The bills are the same when it comes to enforcement at our broken borders, as it should be.

But what the Frist bill does beyond that is what is clearly unacceptable, from my point of view, and was unacceptable in the Senate Judiciary Committee. The Frist bill continues the provision that was started in the House of Representatives which criminalizes those who are here in undocumented status and those who help them. That is where this bill, the Frist bill, crosses the line. That is why it is unacceptable. This concept was rejected in the Senate Judiciary Committee and should be rejected on the floor of the U.S. Senate.

Think about it for a moment. Are we serious that we are going to charge 12 million people with the crime that Senator FRIST would create in his provision? Are we saying to people who are here in the United States under a myriad of different circumstances that they are going to be treated as criminals amongst us?

To what end? To arrest them, to apprehend them, to prosecute them, to incarcerate them? Of course, we can't do that. With 12 million people, it can't be done.

But by branding them as criminals at the outset, it is a guarantee they will never come out of the shadows. They will stay lurking as part of our culture, part of our economy in illegal status indefinitely. Criminalizing them is not the answer.

Sadly, the bill goes even further. In the instance of undocumented people amongst us, it would subject them to a misdemeanor subject to 6 months in jail, but it goes much further for the Good Samaritans who assist them. That is the most outrageous element of the Frist bill. It is harsh. It is not American.

Consider this for a moment. If a priest counsels a mother that she should remain in the United States with her children who happen to have been born here and are American citizens, that priest can be found guilty of an aggravated felony for having counseled her to stay in the United States. In the city of Chicago, which I am proud to represent, we have a domestic violence shelter, Mujeres Latinas en Accion. It is in a section known as Little Village. It is primarily a Mexican section of our city. Some are citizens; some are not. This domestic violence shelter brings in battered mothers and their children to protect them from their abusive, drunken husbands while they call the police department. The social workers who are standing at the door protecting those mothers and children would be subject to being charged with a felony under the Frist provisions. A nurse who offers to a mother at a medical clinic the advice that she should bring her child back, without checking to make certain she is not undocumented, could be charged with a felony. Is that where we are headed? Is that the kind of America we want to live in? I don't think so.

The Senate Judiciary Committee rejected that. Why Senator FRIST continues to offer it, I don't know. I don't think it is consistent with the goal we all share. The goal we share is in repairing the system, better enforcement at the borders, better enforcement when it comes to employment so we will know if employers are exploiting the undocumented. That is part of real enforcement that will lead to fairness and justice in the way we deal with immigration.

There's another problem with the majority leader's bill. It would do nothing to address the situation of 12 million undocumented immigrants who currently live in our country. We need tougher enforcement, but in the Judiciary Committee bill we acknowledge something that the majority leader's bill does not: A strategy that focuses on enforcement only is doomed to failure.

Beyond that, the McCain-Kennedy bill, which is an inspired piece of legislation, would offer a chance for immigrants who work hard and play by the rules to earn their way to citizenship over the course of many years. This is not an amnesty. Amnesty says we forgive you. The McCain-Kennedy bill does not say that. The McCain-Kennedy bill says: If you are here undocumented for a variety of reasons, if you are here without legal status, there is a path you can follow. It is a long path, a demanding path, but at the end, you could end up in a legal position or have a chance. That is the best approach for us to use.

Let me tell you exactly what the McCain-Kennedy provisions would require in this path to legalization. It is not a free ride. It is not a get-out-of-jail-free card. Let me tell you what you would have to do during the course of an 11-year commitment on your part to finally reach citizenship: a clean criminal record, employment since before January 2004, remaining continuously employed during this period, paying approximately $2,000 in fines and fees, passing a security background check, passing a medical examination, learning English, learning U.S. history and government, and paying all back taxes. If you have complied with all of those requirements, you will go to the back of the line behind all applicants currently waiting for green cards. That is not an amnesty; that is a demanding process which will test the undocumented as to whether they really want to be part of America on a legal and permanent basis.

All of us understand—those of us who are the sons and daughters of immigrants—that the people who come to these shores bring a special quality. David Brooks of the New York Times has an article which I ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMMIGRANTS TO BE PROUD OF

(By David Brooks)

Everybody says the Republicans are split on immigration. The law-and-order types want to close the border. The free-market types want plentiful labor. But today I want to talk to the social conservatives, because it's you folks who are really going to swing this debate.

I'd like to get you to believe what Senator Sam Brownback of Kansas believes: that a balanced immigration bill is consistent with conservative values. I'd like to try to persuade the evangelical leaders in the tall grass to stop hiding on this issue.

My first argument is that the exclusionists are wrong when they say the current wave of immigration is tearing our social fabric. The facts show that the recent rise in immigration hasn't been accompanied by social breakdown, but by social repair. As immigration has surged, violent crime has fallen by 57 percent. Teen pregnancies and abortion rates have declined by a third. Teenagers are having fewer sexual partners and losing their virginity later. Teen suicide rates have dropped. The divorce rate for young people is on the way down.

Over the past decade we've seen the beginnings of a moral revival, and some of the most important work has been done by Catholic and evangelical immigrant churches, by faith-based organizations like the Rev. Luis Cortés's Nueva Esperanza, by Hispanic mothers and fathers monitoring their kids. The anti-immigration crowd says this country is under assault. But if that's so, we're under assault by people who love their children.

My second argument is that the immigrants themselves are like a booster shot of traditional morality injected into the body politic. Immigrants work hard. They build community groups. They have traditional ideas about family structure, and they work heroically to make them a reality.

This is evident in everything from divorce rates (which are low, given immigrants' socioeconomic status) to their fertility rates (which are high) and even the way they shop.

Hispanics and Hispanic immigrants have less money than average Americans, but they spend what they have on their families, usually in wholesome ways. According to Simmons Research, Hispanics are 57 percent more likely than average Americans to have purchased children's furniture in the past year. Mexican-Americans spend 93 percent more on children's music.

According to the government's Consumer Expenditure Survey, Hispanics spend more on gifts, on average, than other Americans. They're more likely to support their parents financially. They're more likely to have big family dinners at home.

This isn't alien behavior. It's admirable behavior, the antidote to the excessive individualism that social conservatives decry.

My third argument is that good values lead to success, and that immigrants' long-term contributions more than compensate for the short-term strains they cause. There's no use denying the strains immigration imposes on schools, hospitals and wage levels in some markets (but economists are sharply divided on this).

So over the long haul, today's immigrants succeed. By the second generation, most immigrant families are middle class and paying taxes that more than make up for the costs of the first generation. By the third generation, 90 percent speak English fluently and 50 percent marry non-Latinos.

My fourth argument is that government should be at least as virtuous as the immigrants themselves. Right now (as under Bill Frist's legislation), government pushes immigrants into a chaotic underground world. The Judiciary Committee's bill, which Senator Brownback supports, would tighten the borders; but it would also reward virtue. Immigrants who worked hard, paid fines, paid their taxes, stayed out of trouble and waited their turn would have a chance to become citizens. This isn't government enabling vice; it's government at its best, encouraging middle-class morality.

Social conservatives, let me ask you to consider one final thing. Women who have recently arrived from Mexico have bigger, healthier babies than more affluent non-Hispanic white natives. That's because strong family and social networks support these pregnant women, reminding them what to eat and do. But the longer they stay, and the more assimilated they become, the more bad habits they acquire and the more problems their subsequent babies have.

Please ask yourself this: As we contemplate America's moral fiber, do the real threats come from immigrants, or are some people merely blaming them for sins that are already here?

Mr. DURBIN. Mr. Brooks' message was addressed primarily to Republicans and conservatives, but he spells out for all who read it what these immigrant people bring to America. My mother came to these shores in 1911 at the age of 2. Her mother, my grandmother, brought her from Lithuania with her brother and sister. They made to it East St. Louis, IL, where my grandfather worked in a steel mill. My mom dropped out of school after the eighth grade, which was not unusual in her time, got married, and a few years later became a naturalized citizen. Her son is now the 47th Senator from the State of Illinois. Those stories can be told over and over.

Think of the courage of the people who came here, starting with my family and others, the courage to leave behind your village, your church, your language, your relatives, your friends, to come to a country you have never seen before with a language you didn't speak to try to make a better life. So many of us are so blessed to be here from the start, but others fight night and day for the chance to come. They don't just bring another body to be counted; they bring a spirit. It is a spirit of hard work and determination, creativity, entrepreneurship. It is a spirit of family values that we should treasure. Mr. Brooks says as much in his article.

This is a positive force in the development of America, and it always has been. We should look at this as a positive opportunity for America to be a stronger nation, a nation that grows in the right direction with the right people and the right values.

The Frist bill is the wrong approach. Criminalizing those who are here, charging those who help them with felonies for simply providing humanitarian assistance is wrong. It is far better for us to take the more constructive and comprehensive approach of the Specter bill that was reported by the Senate Judiciary Committee.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent, with the agreement of the Senator from Massachusetts, to use his time and an additional 5 minutes, if necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. First, I thank my friend from Massachusetts for allowing me this time. Working with him on this issue has been an experience that I believe will result in benefit to the country. I appreciate the effort we have made together.

As we know, the Senate is beginning debate on a very important and complex subject that is among the most difficult and divisive we face. Our Nation's immigration system is broken. Without comprehensive immigration reform, our Nation's security will remain vulnerable. That is why we must act.

I begin by commending Chairman SPECTER and the members of the Judiciary Committee for the considerable effort they have taken to report a comprehensive immigration reform measure that could be considered during this debate. While I am not in agreement with each and every provision, it is a great starting point for the debate.

Those of us from border States witness every day the impact illegal immigration is having on our friends and neighbors, our county and city services, our economy, and our environment. We deal with the degradation of our lands and the demands imposed on our hospitals and other public resources. Our current system doesn't protect us from people who want to harm us. It doesn't meet the needs of our economy. It leaves too many people vulnerable to exploitation and abuse.

Throughout this debate, we will be reminded that immigration is a national security issue, and it is. It is also a matter of life and death for many living along the border. We have hundreds of people flowing across our borders every day, an estimated 11 million to 12 million people living in the shadows in every State in our country. While we believe the majority are hard-working people contributing to our economy and society, we can also assume there are some people who want to do us harm hiding among the millions who have come here only in search of better lives for themselves and their families. We need new policies that will allow us to concentrate our resources on finding those who have come here for purposes more dangerous than finding a job.

Last year, when Senators KENNEDY, BROWNBACK, LIEBERMAN, GRAHAM, MARTINEZ, OBAMA, SALAZAR, and I worked together to develop a sensible, bipartisan and comprehensive immigration reform measure, first and foremost among our priorities was to ensure our bill included strong border security and enforcement provisions. We need to ensure that the Department of Homeland Security has the resources it needs to secure our borders to the greatest extent possible. These include manpower, vehicles, and detention facilities for those apprehended. But we also need to take a 21st century approach to this 21st century problem. We need to create virtual barriers as well through the use of unmanned aerial vehicles, ground sensors, cameras, vehicle barriers, advanced communications systems, and the most up-to-date security technologies available to us.

The border security provisions under the leader's bill and the Judiciary Committee's bill provide sound proposals to promote strong enforcement and should be part of any final bill. However, I do not believe the Senate should or will pass an enforcement-only bill. Our experiences with our current immigration system have proven that outdated or unrealistic laws will never be fully enforceable regardless of every conceivable border security improvement we make. Despite an increase in Border Patrol agents from 3,600 to 10,000, despite quintupling the Border Patrol budget, despite the employment of new technologies and tactics, all to enforce current immigration laws, illegal immigration drastically increased during the 1990s. While strengthening border security is an essential component of national security, it must also be accompanied by immigration reforms.

We have seen time and again that as long as there are jobs available in this country for people who live in poverty and hopelessness in other countries, these people will risk their lives to cross our borders no matter how formidable the barriers, and most will be successful. Our reforms need to reflect the reality and help us separate economic immigrants from security risks. We need to establish a temporary worker program that permits workers from other countries to the extent they are needed to fill jobs that would otherwise go unfilled.

We need workers in this country. There are certain jobs Americans are simply not willing to do. For example, today in California and Arizona, food is rotting on the vine and lettuce is dying in the fields because farmers can't find workers to harvest their crops. At the same time, resorts in my own State of Arizona cannot open to capacity because there are not enough workers to clean the rooms. Restaurants are locking their doors because there is no one to serve the food or clear the dishes. We are facing a situation whereby the U.S. population does not provide the workers businesses desperately need, yet the demand for their services and products continues. The current immigration system does not adequately and lawfully address this problem. As long as this situation exists without a legal path for essential workers to enter the country, we will have desperate people illegally crossing our borders and living in the shadows of our towns, cities, and rural communities. That is not acceptable, particularly when we are fighting a war on terror.

The vast majority of individuals attempting to cross our borders do not intend to harm our country. They are coming to meet our demand for labor and earn money to feed their families. By the Border Patrol's own estimates, 99 percent of those apprehended coming across the border are doing so for work. However, the Border Patrol is overwhelmed by these individuals. They cannot possibly apprehend every crosser being smuggled in, no matter how many resources we provide. That is why any immigration legislation that passes Congress must establish a legal channel for workers to enter the United States after they have passed background checks and have secured employment. Then we can free up Federal officials to focus on those individuals intending to do harm through drug smuggling, human trafficking, and terrorism.

In addition to a temporary worker program for future immigrants, we have to address the fact that 11 to 12 million people are living in the United States illegally, most of them employed, many whose children were born here and are, therefore, American citizens. Our economy has come to depend on people whose existence in our country is furtive, whose whereabouts and activities in many cases are unknown.

I have listened to and understand the concerns of those who simply advocate sealing our borders and rounding up and deporting undocumented workers currently in residence here.

Easier said than done. I have yet to hear a single proponent of this point of view offer one realistic proposal for locating, apprehending, and returning to their countries of origin over 11 million people. How do we do that? The columnist George Will quite accurately observed that it would take 200,000 buses extending along a 1,700 mile long line to deport 11 million people. That's assuming we had the resources to locate and apprehend all 11 million, or even half that number, which we don't have and, we all know, won't ever have. And even if we could exponentially increase the money and manpower dedicated to finding and arresting undocumented workers in this country, and inventing some deportation scheme on a scale that exceeds all reality, we would, by removing these people from their jobs, damage the American economy.

Instead, what we have allowed to be in effect is a de facto amnesty, where, for all practical purposes, a permanent underclass of people live within our borders illegally, fearfully, subserviently, vulnerable to abuse and exploitation. Most of these people aren't going anywhere. No matter how much we improve border security. No matter the penalties we impose on their employers. No matter how seriously they are threatened with punishment. We won't find most of them. We won't find most of their employers. There are jobs here that Americans aren't accepting, that people in other countries who have no future there will eagerly accept. They will find their way to those jobs, and employers who can't fill them any other way will employ them.

And what of those we do apprehend? Do they have children who were born here? What shall we do with these Americans—and they are Americans by virtue of their birth here—when we deport their parents? Shall we build a lot of new orphanages? Find adoptive parents for them? Deny their citizenship and ship them back, too? No, Mr. President, we'll do none of these things. We'll simply continue our de facto amnesty program. Because we all know, we aren't going to find and deport so many millions and suffer the dislocation and agonizing moral dilemmas that such an impossible task would engender. So let's be honest about that, shall we?

The opponents of our attempt to address undocumented workers in this country decry as amnesty our proposal to bring them out from their shadows and into compliance with our laws amnesty. No, Mr. President, it is not. Amnesty is, as I observed, for all practical purposes what exists today. We can pretend otherwise, but that doesn't make it so. Amnesty is simply declaring people who entered the country illegally citizens of the United States, and imposing no other requirements on them. That is not what we do, Mr. President.

Under the provisions of our legislation, undocumented workers will have incentives to declare their existence and comply with our laws. They may apply for a worker visa. They would be subjected to background checks. They must pay a substantial fine, pay their back taxes, learn English, and enroll in civic education, remain employed here for six years, and then, at the end of those six years, go to the back of the line to apply for legal permanent resident (LPR) status. I believe most undocumented workers will accept these requirements in order to escape the fear, uncertainty and vulnerability to exploitation they currently endure. And while those who have come here to do us harm won't come out of hiding to accept these conditions, we will at least be spared the Herculean task of finding and sorting through millions of people who came here simply to earn a living.

What are our opponent's alternatives? Raid and shutter businesses in every city and state in the country? Clog our courts with millions of immigration cases? Offer illegal immigrants the not too appealing opportunity to "report to deport?" We propose a better solution that is consistent with our country's tradition of being a nation of laws and a nation of immigrants.

Mr. President, we are aware of the burdens illegal immigrants impose on our cities and counties and States. Those burdens, which are a Federal responsibility, must be addressed. And we need also to face honestly the moral consequences of our current failed immigration system.

As I mentioned previously, immigration reform is a matter of life and death for some. At this moment, someone may be dying in the Arizona desert. According to border patrol statistics, 330 people died in fiscal year 2004, and that figure increased by 43 percent—to 472 deaths—in 2005. As temperatures in the deserts get higher and the desperation more tangible, we can only expect the death tolls to increase further this fiscal year.

In October of 2003, the Arizona Republic ran a story entitled "205 Migrants Die Hard, Lonely Deaths." I would like to read an excerpt from that story:

> [In 2003] the bodies of 205 undocumented immigrants were found in Arizona. Official notations of their deaths are sketchy, contained in hundreds of pages of government reports.
>
> Beyond the official facts, there are sometimes little details, glimpses, of the people who died.
>
> Maria Hernandez Perez was No. 93. She was almost 2. She had thick brown hair and eyes the color of chocolate.
>
> Kelia Velazquez-Gonzalez, 16, carried a Bible in her backpack. She was No. 109.
>
> In some cases, stories of heroism or loyalty or love survive.
>
> Like the Border Patrol agent who performed cardiopulmonary resuscitation on a dead man, hoping for a miracle. Or the group of migrants who, with law officers and paramedics, helped carry their dead companion out of the desert. Or the husband who sat with his dead wife through the night.
>
> Other stories are almost entirely lost in the desolate stretches that separate the United States and Mexico.
>
> Within weeks, the heat makes mummies out of men. Animals carry off their bones and belongings. Many say their last words to an empty sky.
>
> John Doe, No. 143, died with a rosary encircling his neck. His eyes were wide open.

I am hopeful that at the end of this debate in the weeks ahead, we can show the American people that we addressed a serious and urgent problem with sound judgment, honesty, common sense and compassion.

There are over 11 million people in this country illegally. They harvest our crops, tend our gardens, work in our restaurants, care for our children, clean our homes. They came as others before them came, to grasp the lowest rung of the American ladder of opportunity, to work the jobs others won't, and by virtue of their own industry and desire, to rise and build better lives for their families and a better America. That is our history, Mr. President. We are not a tribe. We are not an ethnic conclave. We are a Nation of immigrants, and that distinction has been essential to our greatness.

Yes, in this post 9/11 era, America must enforce its borders. There are people who wish to come here to do us harm, and we must vigilantly guard against them, spend whatever it takes, devote as much manpower to the task as necessary. But we must also find some way to separate those who have come here for the same reasons every immigrant has come here from those who are driven here by their hate for us and our ideals. We must concentrate our resources on the latter and persuade the former to come out from the shadows. We won't be able to persuade them if all we offer is a guarded escort back to the place of hopelessness and injustice that they had fled.

Why not say to those undocumented workers who are working the jobs that the rest of us refuse, come out from the shadows, earn your citizenship in this country? You broke the law to come here, so you must go to the back of the line, pay a fine, stay employed, learn our language, pay your taxes, obey our laws, and earn the right to be an American. Riayen Tejada immigrated to New York from the Dominican Republic. He came with two dreams, he said, to become an American citizen and to serve in the United States Marine Corps. He willingly accepted the obligations of American citizenship before he possessed all the rights of an American. Staff Sergeant Tejada, from Washington Heights by way of the Dominican Republic, the father of two young daughters, died in an ambush in Baghdad on May 14, 2004. He had never fulfilled his first dream to become a naturalized American citizen. But he loved this country so much that he gave his life to defend her. Right now, at this very moment, there are fighting for us in Iraq and Afghanistan soldiers who are not yet American citizens but who have dreamed that dream, and have risked their lives to defend it. They should make us proud, not selfish, to be Americans.

They came to grasp the lowest rung of the ladder, and they intend to rise. Let them rise. Let them rise. Let us take care to protect our country from harm, but let us not mistake the strengths of our greatness for weaknesses. We are blessed, bountiful, beautiful America—the land of hope and opportunity—the land of the immigrant's dreams. Long may she remain so.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3192

Mr. SPECTER. Mr. President, yesterday Senator FRIST spoke about his bill and I spoke about the committee bill. We said that today, after there had been speeches, at approximately noon, I would propose an amendment that would be the committee bill.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 3192.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SPECTER. Mr. President, as noted, this amendment will put before the Senate the bill which was passed out of the Judiciary Committee on Monday. There is one modification. There is a title which remains as to judicial review, and for procedural purposes, we have left the title in as to judicial review. But it is my intention to modify that, depending upon what the hearing discloses on Monday.

As is known, we worked under considerable time pressure. The leader wanted a bill reported out on Monday. People came back from recess early, and people were in town on Sunday night so we could start Monday morning, which we did at 10 o'clock, and worked through until 1 p.m., and then from 2 p.m. until past 6 p.m.

The section on judicial review was not subject to debate because the chairman's mark had a consolidation of the Federal circuit. We had considerable debate about that, so we have scheduled a hearing for Monday where we will take up those issues. Then in the course of floor debate next week, we will modify that section, depending upon what we hear and what we decide to do.

Mr. President, I ask that Senator LEAHY, the distinguished ranking member, be listed as the original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the schedule, as agreed to, will call for continued debate. The majority leader, Senator FRIST, will have an amendment to offer involving the subject of deaths at the border. It is anticipated that there will be a 3 o'clock vote on the Frist amendment and that there will be an allocation and scheduling of time for debate until 5 o'clock.

Yesterday I urged Senators to file their amendments, to make them known to the ranking member, Senator LEAHY, and myself, so we could schedule debate. We have a prodigious task ahead of us. We are scheduled for a 2-week recess beginning at the close of business a week from tomorrow. It is going to be a daunting task to finish this bill on that schedule, but we have undertaken daunting tasks before and succeeded. That can be done only if we have cooperation from Members.

I ask Members who have amendments to consider at the outset time agreements so we can move ahead. I give notice to my colleagues that in order to complete this business, we are going to have to hold the voting time to 15 minutes, plus the 5-minute leeway, but we are not going to allow the votes to run 25 minutes, 30 minutes, 21 minutes. We are going to move ahead under the rules of the Senate.

As I say, it is a prodigious job to get finished by next Thursday night or on Friday. The temper of the Senate is to try to finish on a Thursday late before a recess, but to do that we are going to have to have a lot of cooperation to avoid a Friday session or, depending on the will of the leader, a session beyond Friday into the weekend, if necessary, to complete this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I understand the majority leader may be coming soon and, if he does, I will suspend my remarks so he may be recognized and hope that after he is recognized, I can continue with my remarks.

This week, the Senate begins an overdue reform of our immigration laws. The Chair has been in the middle of that and is making contributions to it. Because nearly 10,000 illegal aliens cross the United States border every day, more than 3 million a year, we should start—start—with border security. But then, once we secure the border and can uphold our limits on immigration, we should get quickly back to the American tradition of creating a legal status for those whom we welcome to temporarily work and study in the United States and who, by doing so, enrich our diversity and spur our economy. But my purpose today is to make sure we don't stop there, that we don't overlook, as Paul Harvey might say, "the rest of the story," the rest of the immigration story; that is, helping prospective citizens who are legally here become Americans.

Joined by Senators CORNYN, ISAKSON, COCHRAN, SANTORUM, FRIST, and MCCONNELL, I have introduced S. 1815, the Strengthening American Citizenship Act that is indispensable to any comprehensive immigration bill. This legislation I plan to offer as an amendment at the appropriate time during this debate would help legal immigrants who are embarked on a path toward citizenship to learn our common language, to learn our history, and to learn our way of government by the following steps:

No. 1, providing them with $500 grants for English courses; No. 2, allowing those who become fluent in English to apply for citizenship 1 year early; that is, after 4 years instead of 5; next, providing grants to organizations to offer courses in American history and civics; next, authorizing a new foundation to assist in these efforts; next, codifying the oath of allegiance, which new citizens swear when they are naturalized. It is an oath of allegiance that is very much like the oath of allegiance George Washington and his officers took at Valley Forge in 1778, about which I am going to have more to say.

In addition, our amendment would ask the Homeland Security Department, working with the National Archivist and others in our Government, to carry out a strategy to highlight the ceremonies, such as the one the President attended this week, in which immigrants become American citizens; finally, our amendment would establish an award to recognize the contribution of outstanding new American citizens.

Harvard political scientist Samuel Huntington has written that most of our politics is about conflicts among principles that unite us as a country. More than any other subject we might discuss, this immigration debate will involve the basic principles of what it means to become an American. That is why we begin the debate with border security, not because we are pro-immigrant or anti-immigrant. That is not what we are talking about. We begin the debate with border security because as Americans we believe in the principle of the rule of law.

It is hypocritical for us in the United States of America to preach to the world about the rule of law, yet thumb our nose at the 12 million people who live here illegally. It is hypocritical and it is dangerous to our security not to control our own borders.

There is no apology to be made for us as Americans insisting on the principle of the rule of law, just as there should be no other hesitancy about other principles, such as welcoming those who temporarily work here and study here. So the principle of the rule of law is not the only principle that is at stake in this debate. We create a legal status for those from other countries whom we welcome to temporarily study and work here because of the principle, first, of equal opportunity, because we are a nation of immigrants; that is a part of our character, and because we founded our economy upon the principle of laissez faire. In other words, we are a free market economy.

So there are three more principles we need to throw into the mix along with the rule of law: equal opportunity, a nation of immigrants, laissez faire.

We may be outsourcing jobs, but for years we have won our wars and built our economy by "insourcing" brain power. Wernher von Braun and his colleagues from Germany helped us in the space race against the Soviets. Sixty percent of the American winners of Nobel Prizes in physics are immigrants or children of immigrants. Sixty percent of the postdoctoral students at our universities in America are foreign students. There are 572,000 foreign students studying at colleges and universities in the United States. While they are here, these students and researchers from other countries help create a higher standard of living for us Americans, and when they go home they export our values better than any foreign aid ever has.

In addition, many of the workers our economy needs to grow come from neighboring countries. I asked my staff to see if I could get an estimate of how many visas we have on the books today for workers coming to the United States from other countries. As best we can tell, we have about 500,000 visas of different forms that may be issued each year, of one kind or another, to unskilled and skilled people who come to our country. Add that to the 572,000 foreign students who study in our country and we have today a large number of people from other parts of the world who are here, enriching our country and improving our standard of living.

I ask unanimous consent that this list of visas for workers coming to the United States from other countries each year be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, these temporary students and workers have helped us create an economy that last year produced 30 percent of the world's wealth for us Americans alone, who constitute just 5 percent of the world's population. It makes no sense for us to have an immigration system that makes it easy for unskilled workers to come here illegally and harder for the brightest people to come here legally. That is why it is my hope this comprehensive immigration bill we are considering will have in it the ideas that would make it easier, modestly easier, for a larger number of highly skilled people to come here and help us create better jobs.

For example, there are two recommendations that were made in the document called "Rising Above the Gathering Storm," by the National Academy of Sciences panel, headed by Norm Augustine. This was a set of 20 recommendations that was made to us in Congress by this distinguished panel last summer in answer to our question: What should we do to keep our advantage in science and technology so that our good-paying jobs don't go to India and China?

They told us 20 things to do. Two of the things to do had to do with making it easier for the most intelligent people in the world to work and study and do research here. One of the ideas would be to give a green card, a permanent residency card, to any student from overseas who earns a doctorate in mathematics, engineering, technology, or the physical sciences. Those persons could stay here and help improve our standard of living.

For example, at the Oak Ridge National Laboratory in Tennessee, the largest science laboratory in the United States of America, the director, the assistant director, and the head of our United States effort to recapture the lead in supercomputing in the world—those jobs are all filled by people from other countries who have green cards, who are here helping us improve our standard of living. So we are glad they are here, and we should make it easier for such people to come.

Craig Barrett, the head of Intel, estimates if we were to adopt this provision, that would mean perhaps 12,000 to 15,000 additional doctoral students in math, engineering, technology, or physical sciences, once they earn their degree, can stay in the United States.

The other provision was at one point in the Judiciary Committee mark. It may still be there. But it takes the cap off some categories of highly advanced people who have earned an advanced degree in science, technology, engineering, and math. It is simply in our own interest to do that. It continues a long tradition and is one more example of why we already have a tradition of welcoming workers and students who temporarily work here.

So we have at least four principles at play that I have talked about: The rule of law, equal opportunity, laissez faire, and we have the characteristic of our country being a nation of immigrants. But there is another principle that I believe is the single most important principle we have in this debate and it is the one that is engraved above the chair of the Presiding Officer. It is the motto of this country: E pluribus unum. Our work will not be complete until we help prospective citizens become Americans because our country's greatest accomplishment is based upon that principle. That is, we have united people from many different backgrounds into one nation based upon the belief in a few ideas, rather than upon race, ancestry, or background.

Of all the principles we will be debating in these next 2 weeks, none is more important than that one chosen as our national motto, the one carved in stone above the desk, E pluribus unum: one from many.

We are not here dividing sides up on who is pro-immigrant and who is anti-immigrant. We are here saying we have 5 important principles we all believe in that unite us as Americans, from rule of law to equal opportunity to E pluribus unum. We are trying to put those together in a sensible way. That is what our politics is about. That is most of what we do in the Senate and that is what the people expect us to do today. Each year we welcome about 1 million permanent new legal residents, many of whom go on to become citizens. I am now talking about people who are legally in the United States of America.

To become an American is a significant accomplishment. First, you must live in the United States as a legal permanent resident for 5 years. Next, you must learn to speak English, our common language. Next, you must learn about our history and Government. Since we are united by ideas rather than the color of our skin, one has to learn these ideas to become a citizen. Next, you must swear an oath and renounce the government of the country from which you came and then swear allegiance to the United States of America.

Those are pretty strong words—renounce the government of the country from which you came and swear allegiance to the country to which you are going. Where does that come from? This is where it comes from. This oath dates back to May 12, 1778, when General George Washington and the general officers at Valley Forge signed an oath very similar to the one taken by the 30 citizens the President swore in on Monday, the oath that more than 500,000 new American citizens took last year in hundreds of naturalization ceremonies all over America.

Here is a portion of the oath Washington and his general officers swore:

> I, George Washington, Commander in Chief of the armies of the United States of America, do acknowledge the United States of America to be Free, Independent, and Sovereign states, and declare that the people thereof owe no allegiance or obedience to George the Third, King of Great-Britain; and I renounce, refuse and abjure any allegiance or obedience to him; and I do swear that I will to the utmost of my power, support, maintain and defend the said United States of America. . . .

Those were remarkable words then. Those were remarkable words on Monday, when those 30 new citizens stood up and said the same thing.

The language in the oath immigrants take today comes from that oath in 1778. It says in effect: I may be proud of where I come from, but I am prouder of where I am. In both the last session of Congress and in this session, Senator SCHUMER and I introduced legislation, S. 1087, to put the wording of the oath of allegiance derived from this into law, giving it the same dignity as the Star Spangled Banner and the Pledge of Allegiance.

Becoming an American is also a unique experience because it has nothing to do with ancestry. America is an idea, not a race. We are united by principles expressed in our founding documents, the very principles we are debating in this immigration legislation, not by our multiple ancestries.

Americans enjoy more rights than the citizens of any nation on the face of the Earth and our Founders recognized, as every citizen and prospective citizen must, that along with those rights come responsibilities. The new citizens, like those who came before, must appreciate this simple but fundamental truth: In a free society, freedom and responsibility go hand in hand.

Some have suggested our diversity is what makes our country great.

To be sure, diversity is one of our great strengths, but diversity is not our greatest strength. Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. The greatest accomplishment of the United States of America is that we have molded that magnificent diversity into one nation, based upon a set of common principles, language, and traditions.

That is why the words above the desk of the Presiding Officer say one from many, not many from one. And that is why a comprehensive immigration bill is not complete unless we help prospective citizens who are legally here become Americans.

We could look to Great Britain and France to remind us of how fortunate we are to have had two centuries of practice helping new citizens become

Americans. Last August, when he announced a number of measures regarding British citizenship, Prime Minister Tony Blair said:

> People who want to be British citizens should share our values and our way of life.

These new rules were spurred by the terrorist attack in London in which four young men, three of whom were the British-born children of Pakistani immigrants, bombed the London subway system.

France is facing a similar period of self-examination on integrating immigrants and the children of immigrants following violent civil unrest this last November.

According to the French Ambassador:

> These teenagers feel alienated and discriminated against both socially and economically. They don't want to assert their difference. They want to be considered 100 percent French.

It is hard to imagine becoming French or becoming British or becoming Japanese or Chinese or German, for that matter. On the other hand, to be a citizen of this country, one must become an American. We should be wise enough to take a lesson from the difficulties of our friends overseas and redouble our effort to help new citizens become Americans. This is, of course, one more reason to control our borders—so that we know who is coming from other countries and can help those who legally choose to stay here to become Americans.

We Americans have always understood that perhaps the most important limit on how many new citizens our country can successfully absorb depends upon how many can be assimilated as Americans. Robert Putnam has written in the book "Bowling Alone" how at the beginning of the 20th century, when America experienced an influx of foreigners about as great in terms of percentages as that of today, the Nation took seriously the issue of assimilation. It was during this time that civic organizations such as the Boy Scouts and the Girl Scouts and the Rotary Clubs were launched. Many industries had programs that taught English and history to foreign workers. The most important agent of assimilation was the common school, what we call today the public school.

The late Albert Shanker, president of the American Federation of Teachers, said the public school was created largely "to teach immigrant children reading, writing, and arithmetic—and what it means to be an American."

Yet today U.S. history is not as important a part of the school curriculum as it once was. As a result, high school seniors score lower on U.S. history than on any other subject. I have worked with Senators KENNEDY, BYRD, REID, and a number of others to help put the teaching of American History and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

But while we are teaching our children more about what it means to be an American, we should also be stepping up efforts to help the 500,000 to 1 million permanent legal residents who are living legally among us and who will this year become American citizens.

During these next 2 weeks, we should enact legislation to secure our borders. That honors the principle of the rule of law. Then we should create a legal status for the workers and the students we welcome here to help increase our standard of living, as well as to support our values. That honors the principle that we are a nation of immigrants, that we believe in equal opportunity, and that we believe in a free market, laissez faire. But we should not complete work on a comprehensive immigration bill without remembering why we have placed that three-word motto above the Presiding Officer's chair, without remembering that our unity did not come without a lot of effort, without noticing lessons from overseas that remind us that it is more important today than ever to help prospective citizens become Americans.

In the spring of 2002, 4 years ago, when Senator Fred Thompson decided not to run for reelection, my job then was on the Harvard faculty at the Kennedy School of Government. I was teaching a class I created there called the American Character and America's Government. Matt Sonnesyn, who is my senior policy adviser today, was my course assistant at the time.

In that course, we looked at the kinds of issues that Senators might deal with. I had no idea at the time that I might be a Senator. We tried to identify the principles that each of the problems raised. In other words, we recognized that since we are a nation united by principles, we wanted to be able to understand the principles and have a principled discussion when we got issues like school choice or support for faith-based institutions.

Perhaps the issue that created the most discussion in our class that semester was a question that was presented in this way: Should illegal immigrants in the State of Illinois have State driver's licenses?

The President of Mexico, Vicente Fox, had come to Chicago and asked the Illinois legislature to do that.

If one of my students had stood up and said: I have a pro-immigrant or an anti-immigrant solution to this problem, that student would probably have earned an F because I asked them to identify the principles that this issue raised. This was a typical university class of pretty smart students in an area where more of the students are to the left, I would say. There were several refugees from the recent Clinton administration, there were some international students, and there were students from all over our country of many races and backgrounds.

But the first issue this class raised when considering the question of driver's licenses for illegal immigrants in Illinois was the principle of the rule of law. Then we went right through the other principles that I have just discussed today. And a little bit to my surprise, this class came down very hard on the idea that, of all the principles considered, the principle of rule of law required no driver's licenses for people not legally here.

They came to that conclusion quickly. But they also came quickly to the conclusion that in a country that always values equal opportunity, laissez faire, and a nation of immigrants, that we should have clear rules for welcoming people who are temporarily working here and temporarily studying here, that there should be generous allotments for that, that it was in our interest. They also spent a lot of time talking about those three words above the Presiding Officer's chair, about how can we help all those who were here legally to learn what it is to be an American.

I was very impressed with the way our class 4 years ago at that university dealt with the issue of immigration. It had a similar problem to the one we are facing. They considered all the principles. It was not considered to be a pro-immigration or anti-immigration result. It was a discussion about principles in which we all agree, which collide, and it was up to the students in that class to come to a solution which was principled.

That is our job in this body. We need to let the American people know that we honor each of the principles that we talk about today. We should not step back one inch from honoring the principle of the rule of law, but we shouldn't be hesitant for one minute to welcome those who work here and study here because we also honor the principle of equal opportunity, being a nation of immigrants and the free market economy that we are.

I hope before we are through in these 3 weeks that we will do as the students did 4 years ago and realize that above all, when we talk about immigration, about people coming to this country, that what is distinctive about America, what is our greatest accomplishment, is not that we can figure out a way to create laws and virtual laws to control our borders, not that we can come up with some mathematical number of people who can work and study here, but what we have been able to do that France has not done, that Great Britain has not done, that China and Germany have not done—no country in the world has ever done the way we have—is that we have taken people from all different backgrounds and said we are the United States of America. And to become an American you believe in ideals, and it doesn't matter where you come from, what your race is, what your background is.

It is important that we keep that up front, that we honor our diversity but more important that we can be proud of where we come from but prouder where we are; that we honor the oath of allegiance that our amendment will seek to make law, where George Washington and his officers said we put aside where we came from—we may honor it, we may be proud of where we may go to reunions and talk about it, but we are Americans.

That is the most important subject for an immigration debate, and this bill will not be complete without it.

I look forward to offering an amendment at the appropriate time that adds to our discussion of helping prospective citizens become Americans. This would be the only country in the world in which such an amendment would have that kind of meaning.

EXHIBIT 1

VISAS FOR WORKERS COMING TO THE UNITED STATES (PER YEAR)

Type of visa	Number per year (cap)
"Green Card" or legal permanent residency includes exceptional, skilled, and unskilled workers (NOTE: a number of these folks originally came to the U.S. under H-1B or L, but then applied to become permanent; see below)	140,000
H-2A (Temporary Ag Workers)	no cap, but averages only 30,000
H-2B (Temporary, non-skilled, non-ag) landscaping, construction, etc.	66,000
H-1B (Professional Skilled Workers)	65,000
L Visa (intercompany transfers) Executives and employees with specialized knowledge of a company's product (and their families)	no cap, has grown to 123,000 in 2005
Total	≈424,000

Note.—Due to lack of applicability to the illegal population, this analysis does not include more obscure temporary visa categories, such as foreign diplomats, religious workers, athletes, entertainers, "treaty traders or investors," press, etc. All told, these additional categories would total about 100,000 additional visas.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Senator FRIST and Senator MCCONNELL be added as cosponsors to S. 1815, the Strengthening American Citizenship Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask consent that at 3 p.m. today, the Senate proceed to vote in relation to the Frist amendment at the desk related to a study on deaths on the border; provided further that no amendments be in order prior to that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the time before the vote be allocated as follows: the next 30 minutes beginning at 1:20 be under the control of the Democratic leader or his designee; the following 30 minutes be under the majority control; the next 30 minutes be under the control of the Democratic side; and finally that the remaining time before the vote be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the Senate is now engaged in a spirited debate about reforming our immigration policy. I rise today to share my perspectives and my priorities.

Let's remember, though, that this is not just about immigration: it is about the type of country we want to be, what we stand for, and what type of future we all want to build. It is easy to get caught up in the specifics of one policy or another, but I encourage my colleagues to not lose sight of the bigger picture. This debate touches nearly every aspect of American life, from our economy to security, from our classrooms to our workplaces.

I know there is a lot of pressure to do something about immigration, especially in an election year, but if we do the wrong thing, it will have a painful effect on millions of families, on our economy, and on our future for generations to come. Let's take the time to do it right. Perhaps the biggest mistake we could make is to think that addressing enforcement alone will create the changes we want to see.

I approach this debate with a clear understanding of what is at stake, frankly, with some skepticism that Congress can achieve this delicate balance in a heated political environment. But I will keep pushing for the right policies. These policies are based on my own personal experiences, on people who have shared their life experiences with me, and on the unique perspective Washington State provides.

Washington State does have a lot at stake in this debate over immigration reform. I have led discussions around my State with key stakeholders who have experiences in areas such as border security, labor needs, agriculture, education, and housing that have all helped form my perspective.

First of all, Washington State is a border State. We know the dangers of an insecure border. For years, I have fought Federal policies that steered critical resources away from the northern border to the southern border. Year after year, I have fought budgets that were biased against the needs at our northern border. My border communities have struggled with inadequate staff, equipment, and facilities. Tragically, it took the September 11 attacks to finally get the Federal Government to listen to what we had been saying all along: you cannot keep America secure if you shortchange the northern border.

Since then, we have made some progress. I have worked with Chairman GREGG and others to secure the money to triple the number of agents along our northern border. I helped to fund the northern border air wing that is in my State to patrol our skies and to provide enforcement and surveillance. I should note that we still need to extend their patrol hours beyond just 40 hours a week.

We have made progress but not nearly enough. Just this week, we learned that Federal investigators were able to smuggle parts for a dirty bomb across the northern border into Washington State. That is unacceptable.

As we have increased enforcement at the northern border, new challenges have emerged. Federal agents are arresting more people for smuggling and other crimes, but the Feds are just handing those suspects over to local officials for holding and prosecution. As a result, communities like Whatcom County on the foreign border are struggling to deal with the huge new burden of Federal prosecutions. Whatcom County is spending $2 million a year to process federally initiated cases. Whatcom County is not being reimbursed, but communities along the southern border are. That is not fair, and it is something I am working to correct.

Washington State understands the importance of border security. I believe any bill we pass has to treat the northern border fairly.

Our communities need help to combat the scourge of drugs and violence that accompany rampant smuggling operations. We cannot wait until a terrorist tries to move a dirty bomb across our northern border.

Washington State also has a great stake in how immigration reform affects one of our largest industries—agriculture. We rely on immigrants to harvest the crops that put food on our table and bring our State billions of dollars a year in economic activity. Last week in Moses Lake, WA, I heard personally from farmers and orcharders who had to leave fruit on the trees last season because they could not get enough help to pick it fast enough. This costs our farmers and our entire State economy.

Already, many farmers have told me that the 2005 season was the worst season they have had in trying to get the employees they needed. It is estimated that 700,000 undocumented workers are living in Washington State. That means Washington State has the highest per capita concentration of undocumented workers of any State in the Nation. We know how important laborers are for our economy.

Washington State public schools and universities are also impacted by our Nation's immigration policies. I hope we can all agree the children of immigrants deserve a decent education which builds our communities and our economy.

For years, I have worked to increase educational opportunities for all students living in this country. I am a proud supporter of the Dream Act, which helps make higher education more accessible to the children of immigrants. I have been proud to celebrate with young students through the Latino Educational Achievement Project and other organizations in my home State of Washington that break down barriers to education. Our educational policies have to ensure that immigrants and the children of immigrants are not denied the opportunity to share in the American dream.

Housing is another area that is connected to our immigration policy. Many communities in Washington State are struggling with the lack of affordable housing. That can mean families are trapped living in unsafe or substandard housing. We also have to address the housing challenges in agricultural communities. For several years, I have been working on a farmworker housing initiative to help address a tremendous shortage of safe and affordable housing for the people who work on our farms.

All of these experiences—the northern border, agriculture, education, labor needs, and housing—help inform me on my view on immigration policy. I believe from that, that we need a holistic approach.

Enforcement is important. Securing our borders is important, but if we leave out things such as education and job training, if we ignore the tools families need to rise above their circumstances and build a better life, we will be missing the big picture and we will be throwing away the ladders of success generations of Americans have relied on to make their families and, subsequently, our country stronger.

Comprehensive immigration reform should do seven things: it should improve enforcement; it should treat the northern border fairly; it should include a guest worker plan which includes a path to citizenship; it should provide a path forward so that people who are here have an opportunity to become citizens and realize the American dream; it should protect the rights of victims and refugees; it should not turn into criminals those compassionate souls who care for their wounds, teach their children, or feed their families; and finally, it should provide the resources to help families rise above their circumstances through education and training.

Let me take a minute to talk about each of these priorities.

First of all, we should improve our enforcement, and that means providing personnel, equipment, facilities, and resources to enforce our borders. In the wake of September 11, security at our borders and enforcement of our immigration rules are now more critical than ever. That is why I have pushed for years to hire more Border Patrol agents, deploy more resources along the border, including the northern border air wing, and to make sure we are using the latest technology to secure our Nation's borders. We must continue to make investments in securing our border and protecting ourselves from those who seek to do us harm.

Second, we have to treat the northern border fairly. We will not be shortchanged as we have in the past. If we are going to secure our borders, we cannot leave the northern border behind.

Third, immigration reform should include a guest worker plan to keep our economy moving forward. We have tremendous labor needs in our country, especially in labor-intensive fields such as agriculture. Our economy cannot survive without access to the workers we need. A responsible guest worker program can help address our country's economic needs. As one farm leader in my State put it, we need reform, but we cannot commit economic suicide in the process.

I am cosponsor of the bipartisan AgJOBS bill which allows current workers to retain citizenship and which would set up a guest worker program that will really work. I hope we can follow a similar path. But whatever we do, we can no longer tolerate a system that expects our farmers to be experts in document verification. Our farmers should not be turned into criminals.

One option is to provide a way to electronically verify someone's identity. If we pursue that approach, we must not put a new financial burden on our farmers who are just trying to follow the law and do the right thing.

We have to establish a realistic system that allows employers to legally hire the help they need. And agriculture is not the only sector that would be affected by these proposals. It would also affect the construction and hospitality industries as well.

Fourth, immigration reform should provide hope and a path forward for a resident to be able to earn—earn—legal status.

Fifth, any legislation must protect the rights of victims and refugees to access the courts. Over the years, we have worked to protect victims and refugees, but if we enact an expedited removal process, we could undo all that work and cause tremendous human pain. We have worked very hard through the Violence Against Women Act to protect victims no matter where they come from or what their legal status is. The act allows victims of domestic violence to petition to stay in the United States. We should keep those humane protections in place.

Sixth, we should not make felons of those who seek to help the most vulnerable. Churches and other support groups should not be threatened with jail time for showing compassion toward anyone who needs help. It is not the job of hospital workers or teachers or priests to enforce our immigration laws, nor should it be. We should not block any emergency room doors, any classroom, or any police station to the needs of all of our residents.

Finally, we need to invest in the things that help immigrants and all Americans rise above their circumstances. I am concerned that many important issues are being left out of this debate we are now having. As leaders, it is our duty to protect and foster the American dream for all of our citizens as well as those on the path to citizenship.

We need to invest in primary and secondary education. All of our children should have the opportunity to become more successful than their parents. We need to invest in adult education and literacy programs. Immigrants on the road to earned adjustment should have the opportunity to improve themselves and learn the English language.

We also need to invest in workforce training. All of our citizens should have the opportunity to increase their skills and earning power and achieve a greater share of the American dream.

We need to invest in health care and secondary education if this path to earned citizenship will truly allow all of our neighbors to participate in the American dream, while also allowing our economy to grow.

We are not talking about charity for someone else. We are talking about investments that help every American family achieve their dreams.

Throughout our history, the United States has been a beacon of hope for people throughout the world. That light shines as bright today as it ever has. As we work here to reform our immigration policy, let's make sure our actions reflect our security, our economy, and the opportunity America has offered generations of immigrants. Let's take the time to get this right. Our country's future depends on it.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak for 5 minutes under Republican time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, today, I intend to offer an amendment to the immigration reform bill. This amendment aims to bolster our efforts to stop the illegal flow of methamphetamine across our borders.

Colorado, as well as the Nation, must deal with the epidemic of methamphetamine. In just 10 years, methamphetamine has become America's worst drug problem, worse than marijuana, cocaine, or heroin.

In the Senate, we have passed comprehensive legislation to combat methamphetamine. However, I believe this initiative can be improved by concentrating our efforts to expedite an effective plan to tackle methamphetamine that is smuggled across our borders.

Methamphetamine is a dangerous drug. The Mesa County Meth Task Force, in my home State, notes that methamphetamine is highly addictive, cheap, widely available, easier to make than LSD, and therefore more attractive to users. The number of users is increasing, and more methamphetamine is starting to come across our borders and into our States.

Colorado has been particularly hard hit by methamphetamine trafficking. Numerous local task forces, police departments, as well as the Drug Enforcement Agency, report that the availability of crystal methamphetamine has increased throughout Colorado. In recent years, Colorado has seen a significant increase in the amount of methamphetamine, cocaine, and marijuana being imported, stored, and distributed in the area. The use and abuse of this drug has spread because of the availability of high-quality imported methamphetamine.

According to the DEA, the Drug Enforcement Agency, over half of the methamphetamine available in Colorado is manufactured abroad and trafficked across our borders illegally. The Colorado Drug Investigators Association agrees, stating that most of the methamphetamine available in Colorado is produced abroad or comes from large-scale laboratories in California. In recent years, the potency of methamphetamine produced in other countries has risen dramatically.

The Department of Justice cites that domestic methamphetamine production is decreasing. National Clandestine Laboratory Seizure System numbers demonstrate that the number of reported methamphetamine laboratory seizures is on the decline. In fact, Colorado lab seizures from 2003 to 2004 fell by more than half.

However, methamphetamine availability within our borders is not likely to decline because of increased production outside of U.S. borders. Production abroad has offset recent declines in domestic production. Foreign sources of methamphetamine appear to be increasing domestic supplies.

According to estimates from the DEA, an alarming two-thirds of the methamphetamine used in the United States comes from larger labs, increasingly abroad, while only one-third of the methamphetamine consumed in the country comes from the small laboratories.

The methamphetamine production abroad is dependent on a steady supply of ingredients from other foreign sources. These producers are able to secure large quantities of ephedrine or pseudoephedrine from sources in other countries which export massive quantities of ephedrine and pseudoephedrine and increase means of production. These foreign laboratories are often termed as "super labs." They are able to produce more than 10 pounds a day of highly pure methamphetamine. These labs then traffic their product into our country.

According to the National Drug Intelligence Center, the transportation of methamphetamine from abroad is increasing, as evidenced by increasing seizures along our borders. The amount of methamphetamine seized at or between U.S. border ports of entry increased more than 75 percent overall from 2002 to 2004. The sharp increase in methamphetamine seizures at or between U.S. border ports of entry reflects increased methamphetamine production abroad.

Methamphetamine has been a leading drug threat in Western States since the early 1990s. The studies from the Department of Justice show that the trafficking and abuse of this drug have gradually expanded eastward with time. Methamphetamine now impacts every region of the country and is increasingly prevalent within the Northeast region. Without a sensible and timely effort, methamphetamine trafficking will continue to spread eastward and eventually encompass the entire United States.

Colorado is not just a hot spot for the distribution of methamphetamine. Often drug traffickers pass through Colorado on their way to other States. The majority of the methamphetamine that is distributed outside the Rocky Mountain region is destined for States generally to the north and east, such as Montana, the Dakotas, Nebraska, and as far away as Illinois.

The trafficking of methamphetamine across our country threatens the safety of communities. As distribution spreads, addiction will grow. Methamphetamine addicts are increasingly involved in violent crimes. The Mesa County Meth Task Force notes that methamphetamine-related crime ranges from auto theft, burglary, to murder. Methamphetamine users are unreasonable, erratic, and capable of causing great harm not only to themselves but others. We simply must protect our families and communities from violence.

We must recognize the immediacy of this issue and be able to curb the flow of methamphetamine into the United States. It is important that we protect U.S. borders to ensure national security and the safety of our communities. Therefore, I propose that we speed up our efforts to curb the flow of methamphetamine through our borders. We must have a formal plan that outlines the diplomatic, law enforcement, and other procedures the Federal Government will implement to reduce the amount of methamphetamine being trafficked in the United States.

The main thrust of my amendment takes a swift approach to fulfilling requirements for the international regulation of precursor chemicals as outlined in the PATRIOT Act. We must press upon the Secretary of State, the Attorney General, and the Secretary of the Department of Homeland Security the immediate need for a firm plan of action. It is imperative that such a plan include, at a minimum, a specific timeline to reduce the inflow of methamphetamine into the United States.

There must be a tough standard for keeping excessive amounts of pseudoephedrine products out of the hands of methamphetamine traffickers. We must outline a specific plan to engage the top five exporters of methamphetamine precursor chemicals, such as pseudoephedrine, ephedrine, and phenylpropanolamine.

Also, we must be prepared to be able to address funding needs to secure our borders, ports of entry, and other methamphetamine-trafficking windows that are currently being exploited by drug traffickers. These controls are critical to help law enforcement officials eliminate the flow of methamphetamine into our communities. This plan calls for a detailed funding request that outlines what, if any, additional appropriations are needed to secure our borders.

My amendment requires the administration to deliver a plan within 90 days of the enactment of this act. This amendment also calls for a Government Accountability Office report to ensure that our Government is fulfilling its obligation to combat methamphetamine.

Our Nation has been hard hit by the illegal trafficking of methamphetamine across U.S. soil. This is a national issue which is growing at a rate that is outpacing our law enforcement officials. Through our work on the Combat Meth Act, we have provided them with the necessities to fight methamphetamine. Now we must be vigilant and establish a responsive plan of action.

In conclusion, I thank State Representative Josh Penry and State Senator Ken Kester from Colorado for working with me on this issue and for their efforts to combat the horrific issue of methamphetamine in Colorado.

I intend to offer this amendment later today. I ask my colleagues to join me in my effort to stop the illegal trafficking of methamphetamine and all dangerous drugs at the border.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, there is an order of speaking locked in. I believe I am entitled to speak in about 5 minutes. Is it appropriate for me to begin at this point?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. KYL. I thank the Chair.

I rise to address the starting point of any discussion of comprehensive immigration reform, which is security at the border, and then move on to the other significant security aspects of this issue. I believe we need comprehensive immigration reform, which essentially boils down to four things: security at the border; security in the interior of the country, including at the workplace; a temporary worker program to accommodate our employment needs; and a way to deal with the people who are here illegally today. All of those issues need to be addressed. Ideally they should be addressed at the same time, but almost everyone agrees that the starting point is security at the border. What I wish to do today is to describe some of the reasons why it is so important for us to focus on that and then to discuss the underlying legislation which significantly deals with that problem.

As a result of including provisions of the majority leader's bill and provisions of the Cornyn-Kyl legislation in the Judiciary Committee's base bill with respect to border security, we have a good start on getting a handle on border security. It is only a start, and it takes years to build out the fencing, to build up the Border Patrol, to add the new aircraft, the UAVs, to install the sensors and cameras, to build the detention space and all the other things that have to be done in a mosaic to gain control of the border. This bill offers a good next step in that regard.

I thank the chairman of the Budget Committee, JUDD GREGG, who as chairman of the subcommittee on Appropriations has ensured over the last several months that there is additional funding available for more Border Patrol agents, more infrastructure at the border and the like. We have actually already started on this problem, but this legislation takes the next step in a significant way.

There are a lot of things going on on the border right now that I don't think Americans who are not from a border State would appreciate. I wish to start by talking about those.

While it is true that part of the issue before us is the millions of people who have crossed our borders illegally to come here to work, that is only part of the story. Today the border is a violent, crime-prone environmental disaster with people in jeopardy and even our military suffering as a result of illegal immigration. Let me explain.

Because we have added more Border Patrol, we are beginning to contest territory that the smugglers used to call their own. They are fighting back. The U.S. Attorney from Arizona testified before my Terrorism and Homeland Security Subcommittee about a month ago that assaults at the border were up 108 percent over last year. Those assaults include not just rock throwing, which bashes people's heads in, but also assaults with weapons, including automatic weapons. I will get later the number of people who have been killed as a result of these assaults. I don't have that with me. But we have had people die in the line of duty trying to protect our borders from this increased violence.

Now criminals are coming into our country by horrendous numbers. Last year something like 150,000 criminals entered the country. These are not petty criminals. These are murderers and rapists and child molesters and drug dealers of the worst kind. Now about 10 percent—in fact, somewhere even between 10 and 15 percent—of the people apprehended at the border have significant criminal records.

Think about this for a moment: If the usual rule of thumb is that at least three people are able to cross the border and do so successfully for every one who is apprehended, think of the number of violent, vile criminals who are entering our country because we have failed to secure the border. This is a serious problem for the United States. It is estimated now that in some places over half of the population of prisons is illegal immigrants.

In addition to the crime that is occurring at the border and the criminals coming across the border, it is also true that the people who are illegally coming to the United States for a better life are prey to the coyotes and other criminal elements. They are raped, robbed, beaten, held hostage for ransom. They represent value that can be collected from their relatives back home. They are mistreated in the most horrible way. Many die because of the way they are being transported or not transported. We are all aware of the increasing number of deaths, most of which occur in my State and which were a record number last year.

There is also huge environmental degradation. To look at the Arizona desert from the air is to want to cry. Thousands of paths where thousands—indeed, millions—of illegal immigrants have trod crisscross the border. It was pristine, but it takes centuries for this very fragile ecosystem to revive after it has been trampled. Vehicles coming across by the hundreds, sometimes left behind because they get stuck in the sand or ran out of gas, but the trails can be seen all over. Tons and tons of trash left behind, fires started, vegetation trampled. It is an ecological disaster.

I mentioned the military. Because the Barry Goldwater Gunnery Range is located on the border with Mexico and is one of the largest areas for our pilots to train regardless of the service, that area is of great value to the United States for our defense preparedness. Two years ago—I don't have the numbers from last year—there were something like 400 to 500 missions that had to be aborted because pilots had their planes gassed up, ready to go, with the bombs ready, or maybe had even taken off, but when they got close to the range, the radio call came back that there are illegal immigrants in the area. Turn back. Don't drop your bombs. This is an area where strafing and bombing occurs on a regular basis. The Marine Corps is responsible for the western half of this gunnery range. They go out on a weekly basis and try to clear the area of illegal immigrants. But frequently, after they have cleared the area and radioed that it is OK for the mission to come in, they find there is somebody there and they have to abort. There were hundreds of flying hours that were lost 2 years ago and I am sure last year as a result of this phenomenon. Military training is being sacrificed.

The same thing is occurring on the proving ground, the Yuma proving ground, which is a pathway for illegal immigration. The point is, there are a lot of reasons to control our border beyond dealing with the problem of illegal immigrants. That is a huge problem. With at least half of the illegal immigrants coming through my State on an annual basis, it represents particularly a huge problem for my State. But I haven't mentioned one of the key elements, and that has to do with securing our borders as a sovereign country, particularly in a time where there is a potential terrorist threat. It is not hard to transport contraband material across our border. The drug war is going on full blast on our borders. Methamphetamine is not made or manufactured so much in at least our

State, and I understand other States now, because it is easier to bring it across the border where it is manufactured by the ton in Mexico and then brought over in backpacks, one backpack of value anywhere from a quarter to a half million dollars.

These kinds of things are coming across the border every day. If they can come across, then so can a backpack full of material for a radiological weapon, for example, or a biological weapon, and so can a terrorist. We now have 165,000 other-than-Mexican illegal immigrants apprehended. Remember the rule of thumb that for every one you apprehend, perhaps at least three more are not apprehended. These are people from countries other than Mexico. So when they are apprehended, they can't be returned to Mexico as we do with Mexican citizens. They have to be processed and put on an airplane back to their country of origin. I was told by the Director of Homeland Security that there are over 39,000 Chinese citizens in the United States, having come here illegally, who need to be returned but that only a few hundred are being returned every year. In other words, the problem is getting bigger and bigger every year.

There are not enough detention spaces for all of these people. As a result, they are released on their own recognizance. Do they show up when they are asked to? No, of course not. These other-than-Mexican illegal immigrants are caught and released, allowed to meld into our society. A large number of them are criminals. Many of them come from so-called countries of interest, meaning countries from which terrorists come. Yet we can't hold them and return them because we don't have the detention space to hold them and their countries won't take them back quickly, if at all. Some countries won't even take them back.

The Department of Homeland Security has announced a plan to end catch and release, but that is only possible when we have the detention beds to put them in, pending their departure. There is money in this bill for that purpose, but not enough. The point is, it will take years.

I hope I am beginning to create some picture of the magnitude of this problem beyond just the problem of illegal immigrants wishing to come here for a better life. This issue is frequently portrayed as nothing but that. It is far more than that, far more complicated, far more dangerous, far more destructive. We have to get control of our borders. If we don't, we are not a sovereign nation, we don't have control over our own destiny, and there are threats to our existence far beyond whatever problems illegal immigrants who want to work here may create.

There is another aspect of enforcement that has received far too little attention. We talked about enforcement at the border but also enforcement in the interior. Illegal immigrants know if they get a few miles north of the border, they are home free. Border Patrol doesn't even operate 60 miles north of the border for the most part. As a result, there is no or very little enforcement in the interior of the country. There may be the occasional border checkpoint, but they are usually much closer to the border, the occasional Border Patrol officer in an airport to try to discourage illegal immigrants from transporting themselves by airline, which they have done for years, but very little enforcement.

There is essentially no enforcement of the law against hiring illegal immigrants, a law that was written several years ago which has essentially never been enforced. The reason is because, A, it is not enforceable and, B, we don't have the will to enforce it. Employers are told they are supposed to check documents. The documents are all easily forged. Everybody knows that. The employer has a good idea when he is hiring the individual that that individual is an illegal immigrant, probably can't speak English and clearly comes from another country. And yet the employer can't do anything about it because the driver's license or passport or Social Security card looks like the one you and I have. The counterfeiters are very good at this.

So everybody pretends the law can be enforced when they know it can't. The Government doesn't do anything about it, the employers don't do anything about it. America sees that and Americans say: What happens to a country that isn't enforcing its laws and apparently doesn't have the will to do so? And, importantly, why should we believe that you in the Senate can create a workable, comprehensive immigration program with temporary workers and a way to deal with the illegal immigrants who are here today? Why should we believe you will be able to do that and enforce it when you haven't enforced the ones that are on the books today?

We are all familiar with the 1986 amnesty, 3 million people, but then we were going to enforce the law so it would never occur again. In 1996, once again, we provided for enforcement at the workplace, as I described it. It didn't happen. It is kind of like Lucy and the football. After about three times, Charlie Brown ought to start getting the idea that when he goes up to kick the football, Lucy is going to pull it away from him. That is the way the American people look at us. They ask: When are you going to assure us this will be done?

I dare say neither the administration, the previous administration or the current one, or the Congress has given the American people much to peg confidence on.

The administrations have not asked for enough money. The Congress has added money to the situation but has still not added enough. Our law enforcement doesn't seem to be willing to go after the employers who are clearly violating the law. Indeed, it would be hard because, in a sense, they are being precluded from asking questions about the documents that are given to them.

This all points the way toward the second and equally critical part of the legislation we are going to have to deal with. If we don't enforce the law in the interior, this whole exercise is a fraud, it is a deceit, it will not work, and the American people will react very negatively, I predict.

Now, it is relatively simple to make this work if we have the willpower to do it. You have to have a verification system that is pegged to a valid database, electronically verified and audited. The Social Security system has numbers that are assigned to everybody, but it is full of bad numbers today. It needs to be cleaned up. I believe we will have an amendment that will provide for the cleaning up of the database, for its maintenance in a proper way, and for an employer verification system that depends upon a Social Security number being typed in electronically and sent back to the headquarters in Washington, or wherever it is, verifying whether the number is valid.

That is half of the situation. OK. The number you have just been given is a valid Social Security number, it doesn't appear to be being used by somebody else, it has been validly issued by somebody with the name of John Doe, and the person standing in front of you claims to be John Doe. How do you know it is John Doe? I can go to an employer and rattle off a number and put it into the system, and he says: That is a valid number; what is your name again? I happen to know the number because I saw the card or asked my neighbor his name, or whatever the situation. Well, you have to have a way of tying the person in front of you to the number. This will also have that kind of system. They are working right now on exactly what kind of number to attach to that to make that work. Eventually, the REAL ID Act, which is based upon good documents, will connect the individual standing before you to the number, and therefore you will be able to validate identity in that way.

This is somewhat costly. It will take some period of time to put into place. Once it is put into place, it can operate efficiently. Employers will be mandated to use it. But it will be easy to use. So we should not be asking employers to be the cops here. It is an impossible job for them. If the Government has determined in advance who is legally employable and who is not, then the employer doesn't have to worry about it. All he or she has to worry about is when the number electronically comes back and it says "valid," you are home free. If it says "invalid number," don't hire the person or you will be in big trouble.

This legislation will provide a way to clear up any problems, so if for some reason the number doesn't compute, and you say: That is really me and that is my number, you can straighten that out. The bottom line is that if we don't have a valid verification of employment, whether the individual is verified as a citizen, a temporary worker, a green card holder, or whatever the status is, if you are validly able to get employed, great. If you are not, then you won't be employed. Unless we have that kind of system, this entire thing breaks down.

In the legislation Senator CORNYN and I developed, this is a critical component, and it answers one of the questions that is frequently asked: How do you know people will eventually come out of the shadows and participate in a temporary worker program—or seek a green card, in any event—that they will eventually leave the United States in an illegal status and will come back in a legal status? The answer is: With a good validation of employment, verification of employment eligibility system, nobody is going to be able to get a job illegally.

So within a couple of years, it is not going to be possible to be in the United States, if you want to work, and be illegal. You are going to have to get legal and come in on a temporary worker status, if that is what you want to do. That is part of the answer as to what will cause people to comply with the law. They are not going to be able to get a job if they don't.

It is theoretically possible that an individual could go live with somebody else and remain in the shadows; that possibility could exist. Although, as the documents become better, it is going to become harder to do anything, in terms of purchasing or bank transactions or driver's licenses and the like, if you don't have valid documentation for your status in the United States.

These are the two key things which we refer to when we talk about enforcement of the law: securing the border and securing the interior, including the workplace. These two factors must be a part of any legislation we pass. The House focused only on the first part of that, primarily. There are others who think we should do that first and wait until we do the rest of the bill. I don't believe that is a good idea. We need to try to do all of these things together. But I support the idea that until these systems are locked in, until the American people can see that we have been serious about it, that a year or two has gone by and we have funded them and the administration is enforcing them, some of the rights that attach under various bills should not finally attach. In other words, let's make sure we are doing these things before future rights to citizenship or something like that come into play.

What do Americans think about this issue of illegal immigration, and what would they support in terms of what I have been talking about? This is according to a variety of surveys.

Time magazine, earlier this year, said 63 percent believe illegal immigration is an extremely or very serious problem. Another one says they see immigration first as a security problem, then an economic issue, and finally a civil rights/humanitarian issue. Again, the Time poll says they believe that illegal immigrants, overall, hurt the economy, 64 to 26 percent.

In a Quinnipiac poll, in February, they opposed allowing illegal immigrants to obtain driver's licenses, 72 to 25 percent.

In a New Models poll, 58 percent to 37 percent say they would like to see military troops be used for border security.

The American people want serious action. I believe that illustrates how concerned they are that we have not been able to control the borders so far.

They favor a proposal to build a 2,000-mile security fence by a 51-to-37 percent margin. That is a Fox News/Opinion Dynamics poll.

I don't think it is realistic to put a fence along the entire border. What you need is troops on the ground and fences. You can put up a fence, but if nobody checks it for 3 or 4 days, they can cut a hole in it and come through. You have to have boots on the ground to control the territory, as we have seen in Iraq. We are talking about controlling our own territory. Fences are a key part of that, but so are people—Border Patrol agents who can continually patrol and make sure the fence is doing its job.

Again, from the Quinnipiac University poll in February of this year, they support requiring proof of legal residency to obtain Government benefits by an 84 percent to 14 percent margin.

There are other polls. Let me cite a couple. There is a Gallup poll of March 27, just recently, where 80 percent of the public wants the Federal Government to get tougher on illegal immigration; 62 percent oppose making it easier for illegals to become citizens; 72 percent don't even want illegals to be permitted to have driver's licenses.

A Time Magazine poll found that 75 percent favor "major penalties" on employers of illegal immigrants.

An NBC/Wall Street Journal poll: 59 percent oppose a guest worker proposal.

I might say, there are different numbers on that. I think part of that depends upon how you ask the question. Nonetheless, there is an extreme amount of cynicism there.

An IQ Research poll done on March 10 found that 92 percent are saying securing the U.S. border should be a top priority of the White House and the Congress.

So the American people are pretty clear on this issue. They want us to act, and they want us to act to enforce the law.

We are going to be talking about a lot of other things here soon.

The PRESIDING OFFICER. The time of the majority has expired.

Mr. KYL. Mr. President, I ask unanimous consent for another 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, we will have more to say about a lot of other aspects of the pending legislation and what we need to do. I wanted to take this time at least to lay the groundwork for the discussion of why it is important to enforce the law.

The final point I will say is this: We are, it is often said, a nation of immigrants but a nation of laws. What do we mean by that? We mean that when we go to an intersection and the light is green, what do we know? We know we can drive on through because the people who have the red light will obey the law. We do that with everything in our society. We have contracts with each other that are very loose because we have a rule of law that if anything goes wrong, we have a way of resolving that legally. Everything we do, we do because of trust with each other based upon the rule of law. That is the way it works in our society. When everybody obeys the law, we can get along great. Once people disobey the law, bad things happen. You need more and more laws and enforcement, and you get into a situation like we are with illegal immigration. That is why we have to get back to the rule of law. People in America have to have confidence in their Government, in the businesses, in their fellow citizens, and they will if they know everybody is operating within the rule of law.

What happens if they begin to see that nobody appears to be adhering to the law? Remember what Mayor Rudy Giuliani proved in New York City: When little things begin to happen that are violations of law, soon it is bigger and more and more, and pretty soon you have a lawless society. If people understand that even the smallest things have to be within the rule of law, then you have a much better society.

We have to get back to the rule of law with respect to our employment practices, the internal operation in our country, and the security of our borders for all the reasons I have indicated.

I look forward to discussing some of the other significant issues relative to this entire issue. I hope we can agree that border security and enforcement of the law at the workplace are critical elements of any legislation we adopt.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, pending somebody else wishing to speak, I can quote for the record about 3 statistics I think are meaningful with respect to this debate.

I did not give a precise number on the number of illegal immigrants who died last year while crossing the United States-Mexican border. According to the most recent Border Patrol statistics, the number who died in 2005 was 473. That is the highest number since the Border Patrol began tracking such deaths since 1999.

Another statistic is that last year, the U.S. Border Patrol apprehended 1.2 million illegal immigrants, which is roughly 1 person every 30 seconds. According to the Pew Hispanic Center, the estimate is that there are about 12 million illegal immigrants in the United States today, and about 56 percent of them are Mexican citizens.

Another statistic: The busiest U.S. Border Patrol station right now is the Yuma Border Patrol station. Last year, 138,460 immigrants were caught coming through that station.

I see my colleague from California. The Senator from California was very concerned about the lawlessness right near San Diego and the environmental degradation, crime on both sides of the border, and illegal immigration through there, as well as drug smuggling. As a result, as we all know, a fence was constructed in that area.

It is interesting, the fence clearly helped to prevent crossings. Right where the fence is, I am told, nobody has crossed illegally, and in that sector, the number of people apprehended declined from a peak in 1986 of 629,650—just in that one area, which is phenomenal to me; that is astounding—from almost 630,000 just in the San Diego sector, it is now down last year to 126,000 illegal immigrants were caught near San Diego. That is still a lot of people. We can see the fencing in that area has clearly had a significant impact.

There are other statistics, but if the Senator from California is ready, I will withhold.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, shortly the Senate is going to be confronted with a vote on two bills, one of them being the leader's bill which deals with enforcement on the border, and the other the Judiciary Committee bill which essentially incorporates provisions of the McCain-Kennedy bill into a broad and comprehensive bill which will, I believe, be before the Senate for discussion and amendment.

The bill approved by the Judiciary Committee is a bipartisan bill. It had a 12-to-6 vote in the committee. It is the first step forward in a very difficult and consequential process to address what has become one of the most contentious issues in American life.

If this bill is approved by the full Senate, it will then have to go to a conference committee and be reconciled against another bill, namely the House bill, which is very onerous in many of its provisions.

The reconciliation of these two bills is going to be extraordinarily difficult to achieve, and it remains uncertain whether any bill can be enacted into law in this current congressional session.

Any legislation approved by Congress, I think, has to take into consideration the reality of today's immigration world in America. It is very different from the 1990s, it is very different from the 1980s, and it is very different from the 1970s. There are very strongly held views on both sides. Most, though, of what is attempted by Federal agencies responsible for the administration of immigration services today and responsible for the protection of our borders has more often than not failed, and we have to deal with that failure.

Employer sanctions, which are the seed of current immigration laws, have failed. Border control is spotty at best. Naturalization takes years. Detention facilities are inadequate. And despite our attempts to gain operational control of our border and to secure the interior of the United States so that everyone plays by the rules, the Government has essentially failed.

We now have 10 million to 12 million undocumented people living in the United States. They have come here illegally. They live furtively. Many of them have been here for 20 to 30 years. I know many. They own their homes. They pay taxes. Their children were born in this country and educated in this country. This is the only home they know. They want to live by the law, but they have no way currently to live by the law.

Employer sanctions, I mentioned, do not and, I believe, in our global economy, will not work. That is evidenced by the fact that in 2004, only 46 employers in the United States were criminally convicted for employer sanctions out of 3,258 cases initiated.

I have watched in California. On the few occasions where immigration officials have gone to agricultural worksites and arrested employers, the public reaction has been entirely negative.

Both you and I know, Mr. President, that a law is only as good as the ability to enforce it. There is virtually today no ability to enforce employer sanctions in the United States of America. Therefore, a more punitive immigration philosophy that is based and dependent upon employer sanctions as working doesn't work and clearly creates a situation whereby there is disorganized chaos in the immigration world.

Another reason for this is our borders are a sieve, porous through and through. The Senator from Arizona correctly mentioned there are 14 miles on the California border with Mexico where there is a two-layer fence. It is an immigration border control process known as Operation Gatekeeper. It was very controversial when put into play, but it works. And he is correct, immigrants coming in illegally in that corridor have been deterred.

But what has happened is, it has simply pushed them east into unfenced portions of the border, and those portions of the border where the desert and the heat wreak considerable destruction upon anybody crossing.

A concern with porous borders has also brought attention to a classification of aliens known as "other than Mexicans." In 2005, Border Patrol agents apprehended 165,175 "other than Mexicans" at the border, 155,000 of them on the southern border.

The concern here is that many of these people are increasingly from terrorist-supporting countries, and that presents a real potential national security threat to our country.

We continue to have a catch-and-release policy with respect to this limited category of people, but we don't have sufficient detention facilities. Consequently, they are released on their own recognizance pending a hearing. They are expected to show up at the hearing. More often than not, they do not show up. They simply disappear into the fabric of America, gone for all time.

I can go on and on, but I think this gives an accurate view of what has become an extraordinarily dysfunctional immigration system, and it has also made me realize that while we need strong border enforcement, it alone is not the only solution to the problem of illegal immigration.

The House bill, which focuses only on enforcement and criminalization of undocumented aliens, isn't the solution. We need to be much more realistic and comprehensive.

I see the Democratic leader on the floor, and I would be happy to cease and desist for the moment if he wishes to speak.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Through the Chair, I know the Senator from California is a member of the committee, and I certainly don't want to interrupt her statement. I have a statement to give, and I need to do that sometime. I am wondering how much longer the Senator is going to speak?

Mrs. FEINSTEIN. Probably about 15 minutes.

Mr. REID. What I will try to do is come back when the Senator has finished her statement.

Mrs. FEINSTEIN. Mr. President, I thank the Senator very much. That is very generous of him.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senate Judiciary Committee passed a bill, and I must tell you, I regret the way it was done. It was a kind of forced march, hour after hour of amendments on a bill that is very complicated, that I believe has actually come to the floor somewhat prematurely. I don't believe there is yet a consensus in this body, and I hope the debate that takes place can be a respectful debate so Members will feel free to open their minds and then to change them if the facts warrant that.

But this bill is a beginning. It seeks to address the overall problem in a much more comprehensive and practical way.

First with regard to border enforcement. The bill doubles the number of Border Patrol agents. It adds 12,000 over 5 years. Senator KYL and I had testimony in the Terrorism and Technology Subcommittee from the head of Border Patrol that today there are 11,300 Border Patrol agents. This more than doubles that number over the next 5 years.

It also would add an additional 2,500 new ports of entry inspectors in this same period so that the ports of entry are strengthened and legal immigration is able to be handled in a more prompt manner.

It criminalizes the act of constructing or financing a tunnel or subterranean passage across an international border into the United States. Most people don't know this, but this has become a real problem. There are 40 such tunnels that have been built since 9/11, and the great bulk of them are on the southern border. Large-scale smuggling of drugs, weapons, and immigrants takes place today through these tunnels.

I recently visited a tunnel running from San Diego to Tijuana, and I was struck by the inordinate sophistication of the tunnel. It was a half mile long. It went 60 to 80 feet deep, 8 feet tall. It had a concrete floor. It was wired for electricity. It had drainage. At one end, 300 pounds of marijuana were found, and at the other end, 300 pounds of marijuana.

What was interesting is that the California entry into the tunnel was a very modern warehouse, a huge warehouse compartmented but empty and kept empty for a year. You went into one office, and there was a hatch in the floor. It looked much like the hatch which Saddam had secreted himself in. But when you lifted that hatch and you looked underground, you saw a very sophisticated tunnel. It went under other buildings all the way across the double fence into Mexico and up in Mexico in a building as well.

Today, interestingly enough, at this time, there is no law that makes building or financing such a tunnel a crime. A provision in this bill includes language from the Feinstein-Kyl Border Tunnel Prevention Act which would make the building or financing of a cross-border tunnel a crime punishable by up to 20 years.

This bill also authorizes additional unmanned aerial vehicles, modern cameras, sensors, and other new technologies to allow the Department of Homeland Security to work with the Department of Defense so the latter can carry out surveillance activities at the border to prevent illegal immigration. So this bill is very strong on border enforcement. But it doesn't just leave it there, as the majority leader's bill does. It says, that is only half the problem; you have to deal with the other half of the problem, and there is the rub. That is the difficult part, and that is the controversial part as well.

The bill we have from the Judiciary Committee seeks to remedy the very real needs of our economy which, as much as we might want to, cannot be ignored. Our global economy has changed the face of the American workforce. I am not going to comment on whether this is good or bad. In some cases, it is one or the other. In some cases, it is mixed. But the fact of the matter is the needs are different and the workforce is somewhat different.

Let me give you a large industry: Agriculture. There are about 1,600,000 workers in this country who work in agriculture. In my State, there are 566,000. I would hazard an informed guess that half of the 566,000 are here in undocumented status. I have had farmer after farmer, grower after grower tell me they cannot farm, they cannot grow without this workforce. I didn't believe it, so I got in touch with 58—we have 58 counties—58 welfare departments and asked them to post notices saying: Please, there are jobs in agriculture. Here is where to come. Here is to what expect. Guess what. Not a single person responded anywhere in the 58 counties of California.

That was pretty convincing evidence to me that Americans don't choose to do this work. It is the undocumented workforce who has been the mainstay of American agriculture, whether through the H–2A program coming cyclically or whether it is through a large contingent of undocumented workers who remain in this country year after year and do this work.

Under this program—and this was an amendment that I made after negotiations with Senator CRAIG who has been one of the Senate leaders on the agriculture jobs program—and I was very pleased to negotiate with him and very delighted to see that he really cared enough to spend the day Monday in the Judiciary Committee. Between us, and with the committee's help, we have worked out a program whereby an undocumented worker could apply for a blue card if that worker could demonstrate that he or she has worked in American agriculture for at least 150 workdays within the previous 2 years before December 31, 2005. After receiving blue cards, individuals who have then worked an additional period in American agriculture for 3 years, 150 workdays per year, or 100 workdays per year for 5 years, would be eligible for a green card. Their spouses could work, and their children could remain in the country with them.

What would be the result of this? The result is that American agriculture would have a stable base of employment which is legal, which has the opportunity to bring people out of the shadows into the bright light of day, assume additional responsibilities, grow in the process, and raise their families. I think that is healthy for America, not unhealthy.

Also, we reform the current H–2A program, which is the agricultural guest worker program, which employs, I would say around 30,000 people and is used largely in the tobacco-producing States. The way this is reformed is it makes it easier for an employer to apply for workers through an attestation system, the paperwork is simpler, the housing requirements are changed to make it easier. In general, the bill updates the H–2A agricultural program.

Returning to the larger bill, I suppose the most contentious part is what should happen to the 12 million people who are living here in the shadows, undocumented. Many would say they are here illegally; they ought to go back. Well, they are not going to go back. They are going to remain living furtively, and they are going to remain in the shadows. And most of them work.

The question before this body is: Does that make sound public policy sense over a substantial period of time? These immigrants live furtively. They are subject to work abuse, exploitation, threats, and blackmail. This bill would provide them with an opportunity to come into the light of day. But it wouldn't be easy for them. It is not an amnesty. An amnesty is instant forgiveness with no conditions. There are conditions on this. They must pay a fine of $2,000, they must learn English, they must have paid all back taxes, and they must be evaluated as neither a criminal or a national security threat to this Nation.

Also, they would not go in front of anybody in the line. There are presently 3.3 million people waiting in other countries legally for green cards, and those people should and will be processed first. It is estimated it will take, believe it or not, up to 6 years to process 3.3 million. These workers, these undocumented 12 million would go at the end of that line, and then one by one, they would come through that line. If they have worked steadily for the 6-year period, if they can show they have paid all back taxes, if they have avoided any criminal convictions, if they have learned English in that time, they would be granted a green card. Therefore, they come out of a furtive lifestyle, hidden and in secret, living in fear that tomorrow they could or might be deported.

Over the years in the Senate, one of the things that we can do is put forward a private bill. If we see a family or an individual who we believe is an exceptional circumstance, we can try and get a private bill passed for them, and when we introduce the bill, their deportation is stayed. It is very hard to get a private bill through. Many Members don't do private bills. I met some of the families. I want to give you three cases that I think are eloquent testimony to what is happening amongst the 12 million.

Let me share with you a family. Their last name is Arreola. They live in Porterville, CA. I have filed a private immigration relief bill for them over 2 sessions. I didn't get the bill passed, but their deportation has been stayed. Mr. and Mrs. Arreola came to the United States from Mexico illegally in the 1980s to work in agriculture. They have five children, two brought to the United States as toddlers, and three born in the United States. They range from 8 years old today to 19, and they know no other home but this country.

Their eldest daughter, Nayely, is a bright, engaging student. I have met her and talked with her. She is the embodiment of the American dream and what can happen when we give children a chance to excel in a loving, nurturing environment. She was the first in her family to graduate from high school and the first to go to college. And on a full scholarship. She goes to Fresno Pacific University. Mrs. Arreola works as a produce packer and Mr. Arreola now has an appliance repair business. They have no criminal background. They own their home. They pay their taxes. For Nayely, this bill offers a glimmer of hope that her family, once and for all, can come out of the shadows. They don't have to have that daily fear of deportation. They have been here for 20 years. They are and will be legal, productive citizens.

One other example. Shigeru Yamada is a 21-year-old Japanese national living in Chula Vista, CA. He is facing removal from this country due to a tragic circumstance relating to the death of his mother. He entered the United States with his mother and two sisters in 1992 at the age of 10. He fled from an alcoholic father who had been physically abusive to his mother, the children, and even his own parents.

Tragically, Shigeru's mother was killed in a car crash in 1995, and he was orphaned at the age of 13. The death of his mother also served to impede the process for him to legalize his status. He could not legalize his status. At the time of her death, his family was living legally in the United States. His mother had acquired a student visa for herself and her children. Her death revoked his legal status in the United States.

In addition, his mother was also engaged to an American citizen at the time of her death. Had she survived, her son would have become an American citizen through this marriage. Instead, today, he is an illegal immigrant leading a model American life. He graduated with honors from Eastlake High School in 2000. He has earned a number of awards, including being named an "Outstanding English Student" his freshman year. He is an All-American Scholar, and he is earning the United States National Minority Leadership Award. He was vice president of the associated student body his senior year of high school. He is popular and he is trustworthy. He is an athlete. He was named the "Most Inspirational Player of the Year" in junior varsity baseball and football as well as varsity football. After graduating, he volunteered for 4 years to help coach the school's girl's softball team.

Sending him back to Japan today would be an enormous hardship. He doesn't speak the language. He is unaware of the Nation's cultural trends. He is American, raised here, educated here. He is one who is deserving, who would be helped by this legislation.

I see the minority leader, and I know he has a very busy agenda. Regretfully, I have a little bit more, so I will finish up.

Let me give a third example of the type and character of individuals that this bill would legalize. The Plascencias are Mexican nationals living in San Bruno, CA. They are undocumented. They face removal from the country due to the fact that they have received ineffective assistance of counsel. They have four children, all born in this country. The mother and father are subject to deportation; the children are not. They arrived in this country in 1988, and they have worked hard. Mrs. Plascencia studied English. She is now taking nursing classes at the College of San Mateo. She worked for 4 years in the oncology department of Kaiser Permanente Hospital, where she was a medical assistant.

Mr. Plascencia works at Vince's Shellfish Market. During the last 13 years he has worked his way up from part-time employee to his current supervisory position. He is now the foreman in charge of the packing department.

The Plascencia family has struggled to become legal residents for many years. Based on the advice of counsel, whom they were later forced to fire for gross incompetence, they applied for asylum. The application was denied, and they were placed in removal proceedings.

Their children—Christina, 13; Erika, 9; Alfredo, 7; and Daisy, 2—are entitled to remain. Their eldest daughter, Christina, is enrolled in Parkside Intermediate School in San Bruno, where she is an honor student. Erika and Alfredo are enrolled in Belle Air Elementary School. They are doing well. They have received praise from their teachers.

This family has worked hard to achieve the financial security their children now enjoy. This includes a home they purchased 3 years ago in San Bruno, CA. They own their car. They have medical insurance. And they have paid their taxes.

It is very clear to me and I think to a majority of Americans that this family has embraced the American dream and their continued presence in our country would do much to enhance the values we hold dear. So I believe that by presenting a pathway for the 12 million to become legal, this bill offers the only realistic option. Think about it. How do you find 12 million people, and what do you do when you find them, if you do? If brought across the border, they return the next day. This is their home. This is their work. There are no adequate facilities to detain them. And most, today, have become a vital and necessary part of the American workforce—in agriculture, in restaurants, in hotels, in landscaping, and throughout our economy.

We need to build a border infrastructure that is modern and effective. We can do that. Operation Gatekeeper has shown irrefutably we can, in fact, enforce our borders if we have the will to do so and we are willing to spend the money to do so. But we also need to find an orderly way to allow those people who are already here, who are embedded in our communities and in our workforce, to be able to continue to remain. This bill does that.

I know this is tough for everybody because I know emotions run high and it is really hard to change your mind on this subject because there are so many conflicting pressures. But we have an opportunity to chart a new destiny for a lot of people. We have an opportunity to do something which has a chance to work, which is real, which meets the needs of real people out there, and which can stop the illegal infusion through our borders in the future if we act wisely, well, and effectively.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, a man—well, actually a boy—by the name of

Israel Goldfarb came to the United States from Russia with his parents. He and his family were forced to leave Russia because of the pogroms that were going on. The economic situation for the Goldfarb family was chaotic, and no end was in sight for the problems the family faced. The little boy came to America with his parents and found a home with his parents in Minnesota, got an education, changed his name from Israel to Earl, and eventually came to California, where he met his wife. She was also of Lithuanian extraction. They married and had a very good life.

The best part of their life was their having one child. They had one child from that union. The reason that is so meaningful to me is that one child is my wife. My wife's father was a Russian immigrant, may he rest in peace. Of course, he and his lovely wife are gone. But for me, whenever I hear stories of immigrants and immigration, I think, but for this great country that opened its arms to this Jewish immigrant family, I wouldn't have had the opportunity to fall in love with my wife, Landra, and have five children of whom we are very proud. So immigration to me is more than just a word.

I am very happy that the Senate has started debate on immigration reform. Last week, 8 days ago, I traveled to the border, the California-Mexican border. It was an eye-opening trip, to say the least. I was able to see firsthand the problems created by our broken immigration laws. We need a serious strategy to address this crisis, and that is an understatement.

I am always so impressed with public servants. Public servants are more than Governors and Secretaries in the Cabinet and Senators. Public servants are the people who work in these buildings here in Washington and all over the country, these Federal offices. People who work in these agencies we have created all over America. I saw them firsthand in California a week ago Wednesday. Such dedication is hard for me to comprehend. Every day, these men and women put their lives on the line to enforce laws that we pass. I am very proud of the people who work on our borders. Again, we need a serious strategy to address the crisis that we have—and it is one.

Immigration reform is a matter of national security. We must know who is crossing our borders, when they cross our borders, who is living and working in our country. We need tough and smart enforcement at the border and throughout the country. And we need realistic immigration laws that bring immigrants out of the shadows, paying taxes, learning English, and contributing to our communities.

I strongly support enforcement, but I also know that enforcement alone cannot solve the problem. We have tried that. We tried it for the last many decades. We have tripled the number of Border Patrol agents over the last two decades. I am glad we have. I voted for every one of them. We increased immigration enforcement in the budget 10 times over. We need to do more, but during the same time we tripled the number of border agents and increased our immigration enforcement budget 10 times over, the probability of catching someone illegally crossing our borders has fallen from 32 percent to 5 percent.

My recent visit to the border convinces me all the more that enforcement alone is not the answer. I flew over miles of the border—San Diego going into Arizona. As I said, I have talked at length with the Border Patrol agents. They recognize better than anyone in this Chamber that fences don't keep people out. Near San Diego, we have a big metal fence. I don't know how tall it is, maybe 8 feet tall. And then we put up another chain link fence—tall, maybe 9 or 10 feet tall. The agents explained to me that people cut through, climb over, tunnel under. They showed me the new fence, a big, thick, chain link fence. They showed me the dents in the fence, the secondary fence, from people throwing ladders up and hooking them and climbing up over these.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. Mr. President, I will use leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the agents also showed me huge slingshots, for lack of a better description, metal slingshots that shoot ball bearings. These criminals who are trying to illegally bring people over the walls have these huge slingshots, and they will get a ladder over where the metal fence is, and they fire these and they do tremendous damage to our Border Patrol agents. That is just one example. I saw that famous tunnel. It was a third of a mile long; in some places 80 feet deep.

Half a million people come over our border, the Mexican border, every year. The fact is, our economy depends on them. We simply cannot get the situation under control until we acknowledge economic reality. To be sure, we need more Border Patrol agents, and we should give them the equipment and technology they need. We must shut down the flow of illegal immigration, but we also need realistic and enforceable immigration laws.

One crucial element of this strategy is to provide incentives for the undocumented immigrants already in the country to step out of the shadows. Today, there are more than 11 million undocumented people in our country, and more are coming every day. From a national security perspective, this is not acceptable. A sovereign government must know the identity of people crossing its borders and living in its cities. Of course, most of these 11 million people pose no threat, but those who do—we must know who they are.

Most of these 11 million have been here for a long time. Most have children and spouses who are U.S. citizens or permanent residents. Most pay taxes on property and are active, valuable members of their communities. Virtually all of them came here to work. But they are living in hiding. If they are the victim of crime, they don't report it because they are afraid to have contact with the police. They accept abuse and low wages in the workplace. They live in fear every day that they will be deported and separated from their families. They must have incentives to come out of the shadows. It is unrealistic to think we can round up these people and expel them.

As conservative columnist George Will recently wrote in the Washington Post:

> We are not going to take the draconian police measures necessary to deport 11 million people. They would fill 200,000 buses in a caravan stretching bumper-to-dumper from San Diego to Alaska.

That is farther than San Diego to Miami.

He writes:

> And there are no plausible incentives to get the 11 million people to board the buses.

Even if we could deport 11 million people, how would we? Do we want to? It would cost billions of dollars. Some sectors of the U.S. economy would literally shut down, and it would be inconsistent with our core values as Americans.

There are two competing approaches to this issue. The House of Representatives has passed a bill that represents one approach. The Senate Judiciary Committee—and I compliment and applaud Senator SPECTER, Senator LEAHY, Senator KENNEDY, and all the members of the Judiciary Committee—reported out a bill that is bipartisan.

I believe the House bill is profoundly misguided. It purports to be a border security bill, but it contains provisions that are not about securing our borders at all. It makes criminals out of and demonizes a lot of hard-working people who are just trying to provide for their families. In my view, the House bill is mean-spirited and I really believe un-American and it would not solve the problem.

In contrast, the Senate Judiciary Committee bill would take real steps to restore order to our immigration system. It combines tough, effective enforcement with smart reforms to the immigration laws. It would strengthen our borders, crack down on employers who hire illegally, and bring undocumented immigrants out of the shadows. It would require them to learn English and pay taxes, have no criminal record, have a job, and pay fines in order to work toward legalization. And it is not amnesty. There is no free pass, no jumping to the front of the line. It is a bipartisan bill. Half the Republicans on the committee voted for it.

By shifting the flow of undocumented immigrants to legal channels and creating a hard-earned path to citizenship for those already here, we can finally focus on catching the criminals and terrorists who put our Nation at risk. That makes more sense than spending precious law enforcement resources trying to track down hard-working housekeepers, dishwashers, and other people who have jobs.

As we weigh these competing proposals in the coming days, we must not forget we are a nation founded on and built by immigrants.

My grandmother came from England. I talked to you about my in-laws—Russia, Lithuania. My great-grandparents came here to pursue the American dream. Let us honor that proud heritage and move forward on the committee-reported bill. That is a step in the right direction.

The PRESIDING OFFICER (Mr. THOMAS). The majority leader.

AMENDMENT NO. 3191 TO AMENDMENT NO. 3192

Mr. FRIST. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3191 to amendment No. 3192.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Commissioner of the Bureau of Customs and Border Protection to collect statistics, and prepare reports describing the statistics, relating to deaths occurring at the border between the United States and Mexico)

At the appropriate place, insert the following:

SEC. . DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

Mr. FRIST. Mr. President, the debate and discussion today has been superb in terms of addressing the overall issue of border security and immigration. It centers on the issue of security, of the economy itself, social issues, and issues of compassion. The amendment I have just proposed is an amendment that focuses on the latter; that is, the issue of compassion.

Over the past decade more than 3,000 men, women, and children have died along our borders. These deaths represent an immense humanitarian tragedy, a tragedy that all too often is shuffled off into the corner. While we have an obligation to protect our borders—and much of our discussion over the last 24 hours has been on the absolute critical importance of securing those borders—I think we have even a higher obligation to protect and preserve the life of every person who sets foot on American soil.

The people who die come here searching for a better life. They are not bad people. There are people such as Matias Garcia.

Mr. Garcia was the oldest of five children. He left school at the age of 8 to work in the fields. It is a story which is not too uncommon today. Each year he would cross that border illegally, unfortunately, coming into this country to enter California.

In the spring of 2003, he started crossing that border in May—one of the hottest months of the summer. A coyote—a human smuggler—left him with only 2 gallons of water. It wasn't enough. He became delirious, lost touch with reality and collapsed on the ground, to die within sight of the Arizona highway he had struggled to reach.

I commend the Customs and Border Protection's existing efforts to save migrants. I know the men and the women of the Customs and Border Protection agency put human life first, but we are failing today.

When I first started looking into this issue, I asked for the statistics and the statistics simply were not available. I would have to go to a local newspaper, call that newspaper along that border and another newspaper to compile statistics.

We must better direct our efforts to understand why people die, where they die and, most importantly, what we can do to reduce that death toll.

I have already requested that the Government Accountability Office report to us about this. But we cannot wait. We must begin to count those deaths now to see what lies behind those deaths and to see what we can do to mitigate that unnecessary loss of life. We must reduce the death toll.

This amendment will do both of those things, and we must save all the lives we can. I ask my colleagues to support this vital amendment. It requires the CBP to begin compiling reports about the number of deaths along the borders and their causes, and to also analyze those trends in border deaths and suggest specific policies that might serve to reduce them.

I ask my colleagues to support this critical amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from New Hampshire (Mr. GREGG).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HARKIN) is absent attending a funeral.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "yea."

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—6

Boxer
Byrd
Gregg
Harkin
Nelson (FL)
Rockefeller

The amendment (No. 3191) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the following Senators be recognized: Senator

MARTINEZ, for up to 3 minutes; Senator CRAIG, for up to 15 minutes; Senator DORGAN, for up to 20 minutes; Senator LINCOLN, for 15 minutes, with a Republican speaker between Senator DORGAN and Senator LINCOLN; and that the majority leader or his designee be recognized at 5 p.m.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MARTINEZ are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor this afternoon to participate in what I believe is a fundamentally important, if not historical, debate about national security and border control and immigration and local law enforcement, of a magnitude and an importance that this country has not seen in a long while.

This afternoon, I want to focus on border control because border control is synonymous with national security. If there is one responsibility our Government has—it is, in fact, a constitutional responsibility—it is that of national security.

It is crucial, for observers, citizens, listening in, watching, trying to understand this debate—and oftentimes frustrated by it—to understand that while there are many contentious issues that will be discussed and debated over the course of the remainder of today and tomorrow and next week—and that the news media may well focus on only segments of it, attempting to dramatize it, attempting to suggest there are great divisions amongst Members of the Senate and the Congress as a whole, and the citizens as a whole—Congress will start and end with legislation that serves, first and foremost, the national security interests of our country.

The bill that is now before us includes provisions that are unique and important and truly address those kinds of concerns that Americans have been speaking out about ever since 9/11, ever since we were thrust upon the issue of immigration and a reality that we had anywhere from 8 to 12 million foreign nationals, undocumented people within our country, and that some of them, while but a few, were intent on doing us harm, were intent on attacking our citizens and not here to work and to benefit themselves and their families. So it is appropriate that we start this discussion by looking at a critical element of national security, and that is simply border control.

I must tell my colleagues, that is as difficult, if not more difficult than attempting to address, understand, and identify some 11-plus million undocumented foreign nationals who are now in our country. Why? Because we have phenomenal borders. The United States has 7,458 miles of land borders and over 88,600 miles of tidal shoreline. We cannot possibly build a fence that long, that high, and that deep everywhere to accommodate with absolute surety that those borders are impenetrable.

I grew up with this as a very common statement amongst most Americans. When you read the history books and the government books of my day, while I was in the sixth and seventh and eighth grade and in high school and college, America was tremendously proud that it had literally thousands and thousands of miles of northern border and southern border that were unguarded, that we were a peaceful nation. And the nation to our north, Canada, and the nation to our south, Mexico, were peaceful nations. We didn't have to have guarded borders, and we didn't guard them. It was not only impractical in that day, it was simply unnecessary.

We realize the world has changed significantly and that clearly establishing workable security policies that act in many ways as a fence or a border must be called a virtual fence, a virtually impenetrable border because it won't be just building the fence where many propose it ought to be built. It goes well beyond that. It truly is a policy that works, that allows, that identifies, that controls, that shapes the relationship of our border so that while we want to stop those who may do us harm and control those who want to cross the border undetected, we must also recognize that we have to allow and we must allow movement of innocent citizens and commercial traffic. That is the nature of a border—to control, to shape, to clarify, to identify those who move across our borders.

In the last 5 years, we have increased funding for border security by 60 percent. For those who say you have done nothing, you are just flat wrong. This Congress, understanding from 9/11 to today the responsibility of controlling our borders, has invested dramatically the resources of the American taxpayer. We now have some 10,000 Border Patrol agents along the southwestern border and 1,000 along our northern border. Our border protection agents have removed more than 4.5 million people, of whom some 350,000 have criminal records. In fiscal year 2005 alone, the U.S. Border Patrol apprehended 1.19 million people attempting to enter our country illegally. Through the State Criminal Alien Assistance Program, Congress has provided more than $1 billion to State and local governments to help with the cost of incarcerating criminal aliens. It isn't just making sure the border is impenetrable, but when they cross the border making sure that we at the local level can bring about the kind of law enforcement that apprehends at least the criminal element and incarcerates them and holds them for future prosecution.

Last year's emergency supplemental funding bill contained an amendment by Senator ROBERT BYRD and myself reprogramming funds from other programs to make an immediate and substantial downpayment on increasing Border Patrol as well as adding hundreds of other law enforcement agents and nearly 2,000 more detention beds for illegal immigrants the law requires to be held for criminal activity. We didn't even have space, once arrested, once apprehended, to put the criminal element or those we felt might be engaged in criminal activity.

However, even as we have increased border enforcement, net illegal immigration continues to be estimated at 400,000 to 500,000 people a year. We were all stunned last week at the report that undercover Federal agents managed to smuggle radioactive material through security checkpoints at the border. For all the billions we have invested, while there is no question the border is tightening, it is still penetrable in an illegal way.

Clearly, despite the resources we have poured into the border, and with many successes, there is still much left to be done. The legislation before us, incorporated in a much broader immigration policy, is the kind of legislation that ought to go first, coupled with a responsible national immigration policy.

Both bills before the Senate today contain numerous provisions aimed at improving our border security. They will increase the number of Federal officers policing our borders and improve their training. These bills will clean up Federal laws addressing criminal aliens, increasing the penalties for alien smuggling and gang violence and illegal entry and reentry, and expanding the definition of aggravated felony that is the basis for removing aliens or denying them entry in the first place.

These bills support the President's decision to end the catch-and-release program. Can you imagine, that is exactly what we have been doing. You catch an undocumented worker, you file it, you release them. Why? We didn't have the capacity to detain them and hold them, to process them appropriately and make sure they were returned to the other side of the border. Clearly, that is now in here, instead of requiring detention of all aliens caught illegally across the border until they could be formally removed. We couldn't handle that. Now we are increasing the number of ports of entry and provide for improvement of existing ports.

There is much more to improve border security in this legislation. I thought I would refer to a few of the other areas of enforcement policy. The bill authorizes 250 new Customs and border protection officers, 200 new positions for investigative personnel to investigate alien smuggling, and 250 additional port of entry inspectors annually from fiscal 2007 to fiscal 2011. It also increases the number of Customs enforcement inspectors by 200 in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004. It authorizes 2,400 additional Border Patrol agents annually for 6 years, adding an additional 4,400 agents to the border over 6 years to the 10,000 already added by the Intelligence Reform and Terrorism Prevention Act of 2004, for a total of 14,400 new Border Patrol agents by 2011.

If America says nothing is being done, then America, listen up: This Congress is as committed as you are concerned about border control and building that fence. But it will not be a steel and concrete fence stretching from the Gulf of Mexico to the Gulf of California and the west coast. It will be a virtual fence of electronics, of surveillance flights, of the recognition of new ports and people, personnel, because the other is, at best, impractical and, at worst, once done, unworkable. That is why what we are doing now, many of us who have studied and worked with this issue for a good number of years believe, is the right approach.

Technical assistance and infrastructure: The bill authorizes such sums as are necessary in the acquisition of unmanned aerial vehicles, cameras, poles, sensors, and other kinds of technology to achieve operational control of the borders and to construct all-weather roads and add vehicles and vehicle barriers along the borders.

It requires the Department of Homeland Security to replace damaged primary fencing and double- or triple-layered fencing in Arizona's population centers and on the border, and to construct at least 200 miles of vehicle barriers and all-weather roads in areas that are known transit points for illegals who traffic the border. Is this nothing? This is a phenomenal, historic investment in building that virtual fence that is necessary and appropriate at this time.

It is safe to say that nobody in Congress, House or Senate, believes our job is done until we have acted to increase security for America's citizens, knowing that those who cross the border cross it legally and that those who cross are not a criminal element, are not putting our citizens at risk. None of us believes our job will be done until the border is closed but open to legal entry, open to those who have a right to come across because we have so designated them, so recognized them for the purpose they would come—to work in our economy to provide for themselves and their families, to come here to work, to go home, to someday become an American citizen if they choose and if they stand in line and make the application and make the effort to become just that.

I have been very outspoken about agriculture and agriculture's need for foreign national workers. American agriculture needs some 1.2 million workers annually. Many will be foreign nationals, as they have been in the past. Without them, it is possible that we could collapse American agriculture. If we cannot find the workforce for American agriculture to come here to work, then American agriculture's investment will go elsewhere to fill the supermarket shelves of our country with the quality of plentiful food that American consumers have grown and expect to be there. What American consumers have not recognized is that over the last 20 years, most of that food has been harvested by illegal foreign nationals.

Next week, I will talk in detail about changes in policy that are embodied within this legislation to improve our immigration policy, to recognize those who have come who deserve to be treated fairly. But today, tomorrow, and clearly throughout the week, I hope Americans understand that first and foremost our effort is to gain control of our borders, to make them secure, to make Americans feel comfortable that we have done our very best to take the thousands and thousands of miles of border, both land and sea, and to secure them for the sake of our Nation's security.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, some long while ago, I was on a helicopter flying in Central America between Honduras, Nicaragua, and El Salvador, in the mountains and jungles, with two other Members of Congress. We, unfortunately, ran out of fuel. So we abruptly landed. It is a universal rule that if you are in a flying machine and you run out of gas, you will be landing soon and we did. We were there for 4 or 5 hours until someone found us and sent other helicopters in to get us out.

The campesinos in the area had seen the helicopters landing and they decided to walk up and see who we were. So 30, 40 campesinos came to the helicopter that landed, and we talked with them. We had an interpreter with us.

I visited with a young woman with her three children in tow. We talked about her life. She had never met anybody from the United States. I asked about her life and I said: What would you aspire to do with your life? She said: I would like to come to the United States of America. I said: Why would that be the case? She said: Well, that is where there is opportunity—in the United States of America. This young woman, in the jungles of Nicaragua and Honduras, saw opportunity in the United States.

It is true that in much of the world, if you ask people what are your aspirations, they would like to go to the United States. We are a beacon of hope and opportunity. We have created a country that is quite extraordinary—a country in which we have developed a broad middle class. That middle class helped create jobs that paid well, that had retirement and health benefits, raised families, built communities, built churches, built schools, sent their kids to schools. What a remarkable country.

At the start of the last century, leading all the way up to this century, we had debates, which sometimes turned violent, about what are the conditions of freedom, what are the rights in this country. People died in the streets. James Fyler died. Not many remember his name. He was shot 56 times. Do you know why James Fyler was shot 56 times? It was because he believed that people who were going down into the coal mines ought to have a better deal. He stood for coal miners, for the right to form labor organizations and bargain collectively. He paid for that with his life.

Franklin Delano Roosevelt, in the first third of the century, helped write and signed the Fair Labor Standards Act, which created rights for American workers. It changed the conditions of work in our country. When Roosevelt died—there is the story that I have mentioned previously on the floor of the Senate about the journalist covering his funeral. As his body lie in state in the Capitol of the United States, a long line of people formed to file past the body of the President. A working man holding his cap, with tears in his eyes, stood in the line a long while. The journalist came up to him and said: Did you know President Roosevelt? And the working man said: No, I didn't, but he knew me.

His point was that this was a President who stood with working men and women. Who knows the working men and women today? Who stands with them and for them today? Well, we built a place that is quite extraordinary, and a lot of people want to come to this place. Now, if you fast forward to 2006, we see a strategy in this country with respect to trade, the outsourcing of American jobs, and now with respect to immigration, of insourcing cheap labor.

I know this is a sensitive subject and a very difficult one for the Congress and the American people. There are two elements of what is being discussed by President Bush and by those in the Chamber of the Senate. One deals with those who have come to this country illegally—the 11 million or so—and the second deals with an add-on to that, offered in unlimited quantity by President Bush and in the quantity of 400,000 workers per year by the underlying bill discussed in the Senate, called guest workers.

I will talk a little about this. This chart shows the illegal immigration over the past two decades. People don't like to use the term, but you have to use that term. We have processes for immigration here. Let me describe what that process is. We allow people, through H-2A visas and H-2B visas—agriculture and non-agriculture work—to come into this country legally. In addition, people immigrate to live here permanently. In 2004, 175,000 people immigrated here legally from Mexico. By comparison, last year, 1.1 million who attempted to come into this country illegally were stopped at the border.

Last year, we understand—although we don't have hard numbers—in addition to the 1.1 million who were stopped at the border, another 400,000 to 700,000 came across illegally, to add to this growing number of illegal immigrants in this country.

My colleagues say—and I understand the comment—nobody is going to round up 11 million or 12 million people and prosecute them and deport them and all that. I understand that. We are going to discuss the conditions of all of that, and that is important to do. I don't want to, nor would any of my colleagues want to, diminish the worth, the dignity of those who are part of this pool. They came here illegally, but many have been here a long time. I understand that is a difficult issue. But let me not talk about that.

Let me talk instead about the add-on by President Bush and by the underlying bill in the Senate dealing with guest workers. I want to talk about that because as we outsource American jobs through terrible trade deals and because big American corporations want to find cheap labor in China, Indonesia, Bangladesh, and Sri Lanka, as we outsource those jobs and decide to insource cheap labor to take the jobs on the bottom of the economic ladder here, the question ought to be asked: Mr. President, who knows today's American workers—especially those at the bottom of the economic ladder?

I know the folks at the top have had it real good for a long time. They have an increasing share of America's income. But the folks at the bottom have struggled, lost ground, lost jobs, lost retirement, lost health care. Now this Congress is saying we want to change the status of 11 million people who are here illegally and make them legal. No. 1; No. 2, in addition to that, we want to have a guest worker program by which 400,000 people who now are outside of this country are going to be allowed in, in the next year, and that can increase 20 percent each year. As this chart shows, that guest worker provision, in my judgment, will likely lead to 4.6 million additional people coming into this country who now live outside of the country.

What is the purpose of this? I don't think there is much question at all. Why does the U.S. Chamber of Commerce and American business want this? They want to bring in cheap labor. We have seen lots of examples of this. Let me show a picture. This photograph shows immigrant workers who were doing work in response to Hurricane Katrina. I will tell you about this for a minute because I want to talk about motives and what is happening with respect to this proposal for guest workers which is of, by, and for American business that wants to import cheap labor.

On October 17 of last year, I chaired a Democratic Policy Committee hearing to talk about contracting practices with respect to the recovery effort due to Katrina. I heard from Al Knight and Mike Moran from Louisiana. They run a small business in Louisiana. Al and Mike run a New Orleans company. They were hired by a subcontractor of the Halliburton Corporation to provide 75 qualified electricians to work on a project they had begun at the naval air station in Belle Chasse, LA. The Halliburton subcontractor very quickly replaced their 75 local workers with workers from outside the region, many not trained as electricians and not from that region. Here is what Al Knight said, manager of the New Orleans company that lost that job, who had 75 workers who lost jobs:

> Almost all of the workers were from out of State. Most did not speak English. Few seemed to be qualified electricians. According to the Halliburton subcontractor, they were being paid two-thirds of our prevailing hourly wage, with no benefits. At the time, they were living in small tents off base.

Another person who testified had this picture of the living conditions of immigrants being brought in at subpar wages to do this work. That is at the root of much of this discussion with respect to guest workers.

Five days after I held that hearing, the Washington Post ran an article that pointed out that there was a raid and they found the illegal workers down at that job site on a U.S. naval air base.

Look, I am not unsympathetic to people who want to work and come into this country. But I am much more sympathetic, as an American, to those people at the bottom fifth or the bottom fourth of the wage scale in this country who are struggling to find good jobs, to hang onto those jobs.

We are told by companies: We cannot find American workers to take these jobs. Oh, really? I am telling you that there is a price at which people will take those jobs. You just want to pay dirt poor wages. How? Just bring in immigrants who work for lower level wages, and that way you never have to raise the income by which you attract American workers.

That, in my judgment, undercuts our economy, it disserves our workers, and it sends a message when you ask the question: Who knows American workers? Not this Congress, not this President. My hope is that we will start understanding what we are doing here. We are talking about American workers who all too often these days are seeing lost jobs, lost wages, lost retirement programs, lost health care, and lost opportunity. Now we are talking about a Congress that is talking not just about the 11 million people who came here illegally but about a Congress who says on top of that: Why don't we see if we can find a way, a formula by which we can add 400,000 a year; and at the end of 6 years, you conceivably could have said we want 4.6 million more workers who are now living in our country to come back to do this job. Is this about good government, about good economics? Is this sensible? Is this standing up for American workers? No.

I will tell you, it is about American businesses, big businesses who run most of the agenda around here, who want to continue to have access to a pipeline of cheap labor, because if you have cheap labor coming in, you never, ever have to increase wages at the bottom.

It has been 8 years since this Congress has increased the minimum wage for American workers—8 years. We have increased everything else—tax breaks for wealthy Americans, opportunities for companies to move jobs overseas. But we have not increased the minimum wage in 8 years. That is unbelievable. It is unforgivable, just in terms of values.

Now, we have quotas in this country by which we allow people in. Some don't like that. But the fact is, if tomorrow we had a new public policy and said as a country, look, there are no restrictions, no more quotas, no more immigration issues, whoever in this world wants to come here, God bless you, come and stay. If we did that, we all know what would happen. We share this small planet of ours with about 6.3 billion people; half of them live on less than $2 a day. Half of them have never made a phone call, and they don't have access to clean, potable water. We simply cannot, as a country, having built what we built to increase our standard of living, decide that we can be the sponge for everybody everywhere who wants to come to our country. We cannot do that.

As a result, we have immigration laws. Those immigration laws provide opportunities for others to come to our country. Last year, for example, our Southern border allowed 175,000 people to immigrate legally. Second, through the processes of the visas that are issued for agricultural workers and temporary, seasonal nonagricultural workers, tens and tens of thousands more came across temporarily. That is the way we have always done business.

I understand those who have come to this floor saying let's try to find a way to address the status of the 11 million people who are already here. I don't understand this Congress, this President saying: Oh, by the way, we have this huge problem that has become a mushrooming problem, so let's bring in 400,000 more workers each year, and let's add to it by putting a formula in this bill that says we will have an expansion of 20 percent more each year, if you reach the 400,000 in the first quarter. I don't think that makes sense.

I understand all those who speak for immigrants, and I don't want to do anything to diminish their value, their worth, their dignity. God bless them all. But I also want to be here standing for American workers who are struggling trying to find their footing, trying to find a job.

There is no social program in this country, there is no social program that we work on in this Congress, as important as a good job that pays well because that allows everything else to be possible in a family. A good job allows people to take care of their kids. It allows people to do the things they want to do. There are fewer and fewer of those kinds of jobs.

To suggest on top of dealing with the 11 million-plus guest worker program to bring 400,000 a year in with a 20-percent expansion program on top of that, I think it defies all common sense. This is clearly a corporate strategy to keep wages low. It clearly will replace the jobs of American workers.

Let me describe a study that was recently done. Professor George Borjas of the John F. Kennedy School of Government did a study on the impact from 1980 to 2000 on U.S. wages by ethnicity. What he said is the kind of integration occurring with people taking substandard-wage jobs—and incidentally, corporations have been wanting to do that because if someone is illegal, they can pay them little or nothing. They don't have a lot of leverage with the employer. What he said is it has decreased income for the average American worker. It has decreased income for the Hispanic workers more than anyone, talking about the Hispanic workers who are part of the workforce legally, and it has decreased income for African Americans, Whites, and Asian. But Hispanics and African-Americans have been the hardest hit of all.

The fact is, with this illegal immigration and now on top of that, hundreds of thousands of so-called guest workers on top of the visas that already exist, there isn't any way to describe what this is going to mean other than it is going to depress income for the lowest 20 to 40 percent of the American workers, and it is going to take jobs from the lowest 20 to 40 percent of the American labor force.

I remember Ross Perot when he talked about NAFTA, the horrible trade agreement that has dramatically injured our country. He was then talking about American jobs going to Mexico. He called it that giant sucking sound, that giant sucking sound, sucking American jobs to Mexico. He was right about that. All the economists, all the hotshots who got paid all the money on behalf of American businesses particularly supporting NAFTA told us: Some jobs will go there. They will be low-skilled, low-wage jobs.

Oh, I am sorry. We have some experience now. Mr. President, do you know what those jobs are? The three biggest imports into this country from Mexico are automobiles, automobile parts, and electronics, all of them the product of high-skilled jobs but not high wages. They displaced high-skilled, high-wage jobs in this country. Now that giant sucking sound will be heard from the other direction. That giant sucking sound will be sucking 400,000 immigrant workers into this country each year at the bottom of the economic ladder to displace workers in this country. I am not talking about the 11 million; I am talking about 400,000 additional workers who will displace American workers and continue to put downward pressure on wages.

I don't understand what the thinking is of people who decide that they want to find a way to continue to diminish opportunities in our country for our workers. I think of what a turnabout this has been for this country in a century. There was a time when American workers were valued, work was valued. No one stood quite as tall as those who had a good job.

I am going to speak on this next week again, and I know others have some time, but I do want to make one final point. I have not yet spoken about the security on our borders. Senator DOMENICI and I introduced legislation dealing with real border security, which I expect we will talk about additionally. While I have talked about jobs and income and immigration, the issue here is in addition to security, a country targeted by terrorists has to have secure borders. A country that is such a magnet for illegal immigration has to have secure borders. A country that cares about its workers has to have secure borders. A country that cares about the ability of a worker to find a job and have a decent wage and have retirement benefits has to care about the security of its borders. It is just that simple.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Time has expired.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, before the Senator from North Dakota leaves, I have been paying attention to his comments and feel strongly that he has made very good points. I am going to zero in on areas he did not cover. I suspect he will agree with many.

One point is there is an answer to stopping our perforated borders. There is a means of doing it a lot cheaper than people have talked about. And the other point is a requirement for English to be the official language. It is a rather complicated subject, but those two areas I think the Senator probably would agree with me, as I agree with most of the remarks he has made.

First, Mr. President, for some reason, I have never been sure why it is, but I have been invited to speak at more naturalization ceremonies in my State of Oklahoma than any other Members, I believe. It is always a very touching event for me because these people go through the process, the legal process, of becoming a citizen of the United States, as my grandparents had to do. They learned the language. They learned more about the history of this country than the average person you will run into on the streets of Washington, DC. And these people are so proud.

I recall one guy. He is from Vietnam. His name is Thi Van Nguyen. He is an outstanding young man, and he had worked hard to become a citizen. I happened to be a speaker at his naturalization ceremony that was taking place in one of the courthouses in Oklahoma.

After the ceremony was over, he went down and changed his name to James Thi Nguyen, instead of Thi Van Nguyen, which was the highest honor one can pay because here is a person who wanted to go through the process of becoming a citizen the right way. It appears to me anything short of a slap in the face to all these people who came here legally and did it right.

I would like to mention a couple of areas I am going to be offering in the way of amendments. One is what we call the National Border and Neighborhood Watch Program or the BRAVE Force. There is an acronym for everything. It stands for border regiment assisting in valuable enforcement.

I think we have learned one thing that probably most of us knew already. I draw from a background of having been a developer in south Texas right on the Texas border. I have been there many times, and I have been down there actually working and developing for some 35, 40 years.

It happens I am an aviator, so I would always fly my own plane down there and land at Cameron County Airport. It is adjacent to the immigration center. I would watch and see what was going on. Yes, we are taking good care of those people.

I started getting interested in it. I said: What is the negative? What are these people facing should they be caught trying to come illegally over the border? They go into the center. So I looked over at the center and saw half were in brown jumpsuits and half were in orange jumpsuits. I said: What is the reason for that?

They said: A football team brown versus the green and basketball and other activities.

Probably the food—I went over and inspected it—is better than most people would eat in their country.

I looked at that and thought: We aren't really offering much of a disincentive for people to come in illegally.

This program we call the Brave Force Program recognizes that our borders can be closed, our borders can be strong borders, and we can stop people from coming in. I am sick and tired of people saying this can't be done or it can only be done with a certain kind of fence. There are areas with serious problems, but the answer is in numbers.

The minutemen demonstrated very clearly that if you have enough people down there and take a 35-mile area, you can stop people from coming across. I recognize the criticism of that program. I don't agree with it. Certainly there is some authentic argument against it when they say these people are not law enforcement people. They are not trained that way.

I found out something after 9/11 when we were dealing with the TSA, and that is that Federal law enforcement officers have a mandatory retirement age of 57. Since I have worked with them before, I started getting letters from them saying: Why can't we come in as sky marshals and other positions? We, as an organization, would be willing to do it just for cost, just to pay our expenses.

If we had an army down there, as my amendment calls for, these people are available. It is virtually just for the cost of sustaining these people while they are on watch. There would be an army of law enforcement officers for each trained Border Patrol agent. Then we have the neighborhood watch people who are volunteers and are not trained properly, but they can help the second tier.

There would be three tiers. We would have the trained Border Patrol people, then the retired law enforcement officers, and then, of course, the neighborhood watch people. It is a numbers game that has been very successful and has worked.

Civilian volunteers, much like the minutemen, would be able to report to those who are in a higher level of training. I think this BRAVE Force would be effective. You don't have to be a rocket scientist to see we can do something on the border. It is just we have not been able to do it.

Let me interject that as one of the high-ranking members of the Senate Armed Services Committee, I certainly don't want to get sucked into the point where we are going to have to use military people on these borders when they are already overworked. The OPTEMPO of our military right now is at an unacceptable rate. By "military," I mean our standing forces, as well as the Reserve components—the Guard and Reserve. This wouldn't affect that. This would ensure we are not going to have to further dilute our military.

That is one of the amendments I am going to offer. The second one has to do with the English language. I know people get all exercised about this issue. The language is taken almost verbatim from PETER KING's House Resolution 4408 by strengthening a very weak provision in the Judiciary Committee bill that will be under consideration here, that illegal immigrants currently in the United States must merely "demonstrate an effort" to learn English when applying for a green card.

Anyone can demonstrate an effort to do anything. You don't have to do anything to do that. So that is a meaningless phrase. There is no requirement whatsoever. My amendment would require these immigrants to learn our language by making English the official language of the United States and making all official business of the United States conducted in English, including publications, tax forms, information material, and other items.

As a matter of fact, my amendment follows what at least 26 other States already have at the State level. They have English as the official language. Half the States already have that, and there is nothing wrong with making that uniform throughout the United States.

Making English the official language would eliminate about $1 billion to $2 billion annually that we spend on providing language assistance, including Federal agencies and funds recipients, according to the Office of Management and Budget.

Studies show that those who know English get better jobs, earn more money, and are less likely to be uninsured. As a result, English decreases Government dependency.

This will come as a shock to you, Mr. President, because they think—and I do speak Spanish. I have worked for many years in areas—I was a commercial pilot in some of the Latin American countries. I know the language fairly well, so I can communicate. But I do know this: There are a lot of immigrants in this country who support English as the language.

In 1995, there was a poll—I talked about this once before on the floor—by Luntz Research, and it said that more than 80 percent of immigrants supported making English the official language.

Eighty percent. These are the ones who are supposed to be against it. They are not against it, they are for it.

The need for official English appears in our newspapers every day—injuries in the workplace, lawsuits over mistranslation in hospitals, people who are unable to support their families—all because they can't speak English. Making English the official language would also help immigrants assimilate, which is vitally important to becoming an American and preserving our rich heritage.

As my colleague, Senator ALEXANDER, said yesterday—and I thought so much of this, I got his quotes—he said:

> Becoming an American—

This is very significant—

> Becoming an American is also a unique accomplishment because it has nothing to do with ancestry.

In other countries, it has to do with ancestry. My family came from Germany, so we all come from different places.

He said:

> America is an idea, not a race. We are united by principles expressed in our founding documents—the very principles that we are debating in this immigration legislation—not by our multiple ancestries.

I am still quoting from Senator ALEXANDER, who made this speech yesterday, which is well researched and well thought out.

> Some suggest that our diversity is what makes our country great. To be sure, diversity is one of our strengths, but diversity is not our greatest strength. Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. The greatest accomplishment of the United States of America is that we have molded that magnificent diversity into one Nation based upon a set of common principles, language, and traditions. That is why the words above the desk—

And the desks of many of us, including mine—

> say "One from many," not "Many from one."

Clearly, as Senator ALEXANDER so eloquently stated, our Nation is unique among the nations of the world in that we welcome people from all countries and backgrounds to become Americans. By becoming Americans, they are saying they want to adopt our laws and our way of life, and this includes speaking English. It is very much like the case I just cited to you of Thi Van Nguyen coming in so emotionally wrapped up. It wasn't enough just to become a citizen of the United States, he wanted to adopt my name.

Some of our colleagues as well as the people watching us may think this amendment is unnecessary because they mistakenly think English is our official language anyway, but it is not. I have received constituent letters insisting that the Senate do something about bilingual ballots, bilingual education, and driver's licenses in other languages.

People in my State of Oklahoma are angry, and they have good reason to be so. It seems there are those who object to immigrants learning a single word of English. This is not an exaggeration. In the April 10, 2006, issue of The Nation magazine, an article called "Strangers in the Land" seriously asks:

> Why should linguistic competence be a factor—or acceptable as an item for democratic debate—in determining citizenship? As my comrade for a day in Los Angeles would attest, a nonEnglish speaker in the United States not only can get and hold down a job; she—

Or he—

> can also turn out the vote. Why should a nonEnglish speaker be allowed to mobilize for American democracy, not to join it as a citizen?

Learning the language and learning something about American history was something the ancestors of nearly everyone in this Chamber accomplished as a matter of course. All of a sudden, everything is changing, and we are told that it is unfair to expect today's immigrants to do likewise. Yet if people are not encouraged to learn English, they will be dependent upon translation services for the rest of their lives. There is nothing wrong with using a translator. I have done so on my trips to Africa quite often. But it is dangerous to rely entirely upon the accuracy of any translator, especially in one's own country. The competence of any given interpreter is all too often in the eye of the beholder.

Judge Wayne Purdom told the National Law Review that once interpreters are in place, the arguments have only begun:

> Sometimes one interpreter is very critical of another's translation—right in the middle of the courtroom—and they will interrupt and contradict each other and say the other person's translation is inaccurate.

We have seen it happen. We have documented cases. Even the translation currently required at the polls has failed to accomplish its intended purpose: helping people cast an informed ballot.

Consider the 2000 election: In one community in New York, the Chinese bilingual ballot translated the "Democratic" label on all State races as "Republican," while "Republican" was translated to be "Democrat." Consequently, we know the results.

In the 1983 case of People v. Diaz—and we have talked about this before—a California court confessed, and I am quoting now from the record:

> We recognize that frequently there is no single word in a foreign language which carries the identical meaning of a single word in the English language. We examined four different Spanish translations of the Miranda advisement at issue.

That was the case going on at that time.

> We discovered that none of these translations was identical.

If governments do not agree on the proper Spanish translation of the phrase "You have the right to remain silent," how can they accurately translate the context of legal documents? And the short answer is, they cannot. But legal language is complex because it is meant to be exact. Translation may muddy that precision.

I can see the day when someone will go to court claiming that the Spanish translation of some piece of legislation has a different meaning than the English version does. In the absence of an official language, there would be no way to resolve that dispute.

For decades now, we have looked the other way while multilingual mandate was piled upon multilingual mandate. State and local taxpayers have shouldered much of the fiscal burden for our insistence upon welfare forms in Spanish and school documents in Cantonese. Immigrants, too, have suffered from this "reign of multilingual micromanaging."

The National Review just this week put the problem in a very vivid perspective, and I will quote because I want this in the RECORD:

> I was reading Li Shaomin's account of being held in China over long months.

Some of us will remember that.

> Li recounted how the Communist security thugs taunted him and tried to break him. Taking his passport, they said, "This will do you no good. You may have an American passport, but you are not a real American, and never will be. You were born in China, and you will always be Chinese.

Every bilingual ballot and every multilingual government document sends this same message to immigrants: You are not a real American, and you never will be. This is wrong.

Thankfully, America's Hispanic immigrants are turning out this vile message that they need not bother to learn English.

Hispanic Magazine recently carried a story, "The Next Generation of Hispanic TV is in English." Allow me to read a paragraph from this news story:

> Most U.S. Latinos are bilingual, 54.7 percent, say Census data, and consume media in both Spanish and English. The 2002 National Survey of Latinos by the Pew Hispanic Center found that 46 percent of second-generation and 78 percent of third-generation adult Hispanics speak mostly English.

The Pew Hispanic Center echoed these findings in 2004:

> In one key segment of the Hispanic population—likely voters in U.S. elections—the English language media is the dominant source of news. More than half of Latino voters, 53 percent, get all of their news in English and 40 percent get news from media in both languages, while only 6 percent of likely voters get all their news in Spanish.

Statistics such as these are counter to what most people think. The idea that 80 percent of the immigrants want English to be the official language is really pretty incredible. Hispanics are learning English, they are willing to learn English and support the idea that immigrants should learn English. Only the groups which claim to represent the Hispanic people seem to have a problem with the English language. Of course, should Hispanic immigrants fail to learn English, these self-styled Hispanic leaders will benefit from their ignorance.

John Miller of National Review told The Washington Post, correctly, on May 28, 1998:

> On the whole, there is an American national identity that immigrants ought to be encouraged to assimilate into.

A recent Zogby poll confirmed that most Hispanic Americans still agree with Mr. Miller. Eighty-four percent of Americans, including 77 percent of Hispanics, believe English should be the official language. So there were two totally different polls taken at different times coming to the same conclusions. We are not doing them any favors.

I think a lot of politicians are so afraid they are not going to get the Hispanic vote in some of these highly populated Hispanic States, and they are misinterpreting. To me, it is insulting to the Hispanic community to say: You cannot be a real American unless you learn—just by sitting on the side lines. I believe they are all capable of learning it and they are able to do it and they are willing to do it.

The other polls have similar findings. Ninety-one percent of foreign-born Latino immigrants agree that learning English is essential to succeeding in the United States, according to a 2002 Kaiser Family Foundation poll. A 2002 Carnegie/Public Agenda poll found that by more than a 2-to-1 margin, immigrants themselves say the United States should expect new immigrants to learn English. These are immigrants saying that they expect to have to learn English.

My official English amendment is the only popular thing to do, the right thing to do, and it is the fiscally necessary thing to do. Multilingual government is not cheap, and translation is not free. This Nation is at war with a relentless foe. Just as a family seeking to reduce expenditures will reexamine its budget to look for needless frills, so too must the U.S. Government.

I also wish to mention the two pictures I brought with me today. As the old saying goes, a picture is worth a thousand words. There is nothing I could say that would be more telling than these pictures, taken of high school students in California raising the Mexican flag above an upside down American flag. This is not only disgraceful, it is disgusting and a slap in the face at everything for which this great country stands. These students are living here enjoying the benefits of the United States, not Mexico. But this is happening all over the country, it is not just California. I believe this picture demonstrates what I have been talking about—that we desperately need to seal our borders and instill ways of helping immigrants know and love this country and appreciate the sacrifices made for the liberties they would be enjoying.

So there are two amendments that I have. One would go a long way to securing the border. I know it will work; it has been demonstrated by numbers. That is the name of the game. Secondly, making English the official language of the United States of America, to do away with this type of thing.

Over 2 years ago, on January 7, 2004, after President Bush's press conference on Fair and Secure Immigration Reform, I announced my principles regarding immigration reform:

I would oppose any program that would shortcut the current naturalization process;

I would oppose any program that rewards illegal aliens for their illegal acts;

I would oppose any program that does not further address the porous nature of our borders.

I remain true to those principles today. Let me elaborate.

I agree with the 1997 U.S. Commission on Immigration Reform which stated that measured, legal immigration has lead to create one of the world's greatest "multiethnic nations."

I also agree with the commission that immigrants who are "Americanized" help cultivate a shared commitment to "liberty, democracy and equal opportunity" in our Nation.

However, I cannot stand idly by and watch this great Nation collapse under the pressure of illegal immigration.

Roy Beck, executive director of Numbers USA, a nonprofit organization dedicated to immigration reform, stated that:

> A presence of 8 to 11 million illegal aliens in this country is a sign that this country has lost control of its borders and the ability to determine who is a member of this national community . . . a country that has lost that ability increasingly loses its ability to determine the rules of its society—environmental protections, labor protections, health protections, safety protections.

Beck goes on to say:

> In fact, a country that cannot keep illegal immigration to a low level quickly ceases to be a real country, or a real community. Rather than being self-governed, such a country begins to have its destiny largely determined by citizens of other countries who manage to move in illegally.

Illegal immigrants continue to flood our borders and cause a myriad of problems for our country and law-abiding citizens like you and me.

For example, according to the Center for Immigration Studies, CIS, a nonprofit immigration reform organization, some of the most violent criminals at-large today are illegal immigrants, not to mention the terrorists who have illegally entered our country or overstayed their visas.

I would like to share a personal story regarding illegal aliens who commit crimes in the United States and then flee across the border to Mexico.

Last May, my friend's son, Jeff Garrett, was tragically shot by an illegal alien while Jeff was turkey hunting in Colorado.

Ater he shot Jeff, the alien fled to Mexico where he is hiding today.

I know this story is just one among many about police officers and other innocent Americans murdered each year by illegal aliens who then find safe harbor in Mexico.

We must prevent these criminals from coming across our borders.

Not only are illegal immigrants increasing by crossing the border in droves, they are having "anchor babies" in rapid numbers.

These babies are helping the immigration population grow more rapidly than the birth rate of American citizens.

In fact, the Census Bureau estimates that at the time of the 2000 Census, the illegal immigration population reached approximately 8 million.

Therefore, according to this estimate, the illegal-alien population grew by almost half a million a year in the 1990s.

These numbers are derived from a draft report given to the House Immigration Subcommittee by the INS that estimated the illegal population was around 3.5 million in 1990.

In order for the illegal population to have reached 8 million by 2000, the net increase would be around 400,000 to 500,000 per year during the 1990s.

According to CIS, based on numbers from the National Center for Health Statistics, in 2002 there were about 8.4 million illegal aliens, which represent about 3.3 percent of the total U.S. population.

That same year, there were about 383,000 babies born to illegal aliens, which represented about 9.5 percent of all U.S. births in 2002.

additionally, in the Spring 2005 issue of the American Physicians and Surgeons Journal, Dr. Madeleine Pelner Cosman says:

> American hospitals welcome anchor babies. Illegal alien women come to the hospital in labor and drop their little anchors, each of whom pulls its illegal alien mother, father, and siblings into permanent residency simply by being born within our borders.

Anchor babies are, and instantly qualify for public welfare aid. Between—300,000 and 350,000 anchor babies annually become citizens because of the fourteenth amendment to the U.S. Constitution:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.

Dr. Cosman continues:

> In 2003 in Stockton, California, 70 percent of the 2,300 babies born in San Joaquin General Hospital's maternity ward were anchor babies, and 45 percent of Stockton children under age six are Latino (up from 30 percent in 1993). In 1994, 74,987 anchor babies in California hospital maternity units cost $215 million and constituted 36 percent of all Medi-Cal births. Now they account for substantially more than half.

These anchor babies are being used to enable their parents to skirt the law, cross our borders, and bring in additional, illegal aliens.

Furthermore, as the law currently stands, by allowing these children to be considered citizens, it is an incentive for more aliens to illegally cross into our country.

I am very concerned about the cost these illegal immigrants have on the U.S. economy.

Because illegal workers do not pay income taxes, it is estimated that the Federal Government could be spending $35 billion a year in unpaid taxes, according to Gear Stearns Asset Management.

This figure does not include additional costs spent on illegal immigrants for welfare, healthcare, education, and imprisonment.

In fact, according to Americans for Immigration Control, a nonpartisan, grassroots organization, the implications for these illegal immigrants in the future could cost upwards of $1,500 per year if these same illegal immigrants are granted amnesty because they would suddenly have access to many social programs for which they are not currently eligible.

This means the government could spend an additional $6 billion in welfare expenditures alone.

Taxpayers also pay for illegal immigrant's healthcare.

According to the Oklahoma Health Care Authority, illegal immigrant women living in my State gave birth to 2,600 babies in 2005. Delivery of these children cost $6.5 million, or 83 percent of all Medicaid money that is spent on healthcare for illegal immigrants in Oklahoma.

Taxpayers also pay every time an illegal alien visits an emergency room; which they often use as their primary healthcare provider.

Federal prisons are also feeling the strain from illegal immigrants.

June 2003, criminal aliens comprised 34,456 of the prisoners held in Federal prisons.

According to the Bureau of Justice Statistics, holding criminal aliens in Federal prisons cost taxpayers $891 million in 2002.

In Oklahoma alone, the estimated annual operating expenditure for Federal prisons was almost $12,000 per noncitizen inmate in 1999.

Additionally, elementary and secondary education is often one of the most expensive programs funded by State and local governments.

A 1982 Supreme Court ruling entitles children of illegal immigrants to taxpayer-funded government education.

Today, according to the Urban Institute, an estimated 1.1 million school-aged children of illegal immigrants are living in our country.

The cost of educating these illegal students is almost $2 billion per year and is projected to top $27 billion per year in the near future, according to Americans for Immigration Control.

Considering the burden and risk of the current level of illegal immigration, I firmly believe it is vital to secure our borders first, before we address any other immigration issue.

What the Judiciary Committee voted out is amnesty; it allows virtually anyone who is here illegally or who wants to come here to apply for citizenship.

This is a reward for law-breakers. It is essentially an open flow for immigration.

We have seen in the past that this approach does not work.

For instance, in 1986, the Immigration Reform and Control Act, IRCA, granted amnesty for illegal immigrants already here in return for strict prohibitions against future illegal entrants.

In place of promised outcomes, however, the number of illegal aliens has more than tripled since IRCA was passed.

Another problem with the Judiciary Committee bill has to do with college tuition for illegal aliens.

While current law allows States to determine whether or not they will provide in-State tuition at colleges and universities for illegal aliens, the Judiciary Committee bill includes a provision whereby the Federal Government mandates that States provide in-State tuition for illegal aliens.

This is unfair for the thousands of out-of-State students who must pay higher tuition costs than illegal immigrants who have broken the law and do not belong in our country.

Some say we don't necessarily need as many guest workers as the Judiciary Committee bill allows.

For example, economist Philip Martin of the University of California says that, when the "Bracero" program of the 1960s that brought in seasonal Mexican laborers was discontinued in 1964, the California tomato industry that had depended on these workers developed oblong tomatoes that could be picked by a machine—increasing California's tomato output five times more than what it was before the machines were used.

In a recent Washington Post article, Robert Samuelson expresses his view that with a massive guest worker program, we are importing poverty.

Referring to guest workers, Samuelson says:

> . . . they generally don't go home, assimilation is slow and the ranks of the poor are constantly replenished. Since 1980 the number of Hispanics with incomes below the government's poverty line (about $19,300 in 2004 for a family of four) has risen 162%. Over the same period, the number of non-Hispanic whites in poverty rose 3% and the number of blacks, 9.5%.

He continues:

> What we have now—and would have with guest workers—is a conscious policy of creating poverty in the United States while relieving Mexico. By and large, this is a bad bargain for the United States. It stresses local schools, hospitals and housing; it feeds social tensions (the Minutemen have witnessed this) . . .

As a matter of fact, according to the Pew Hispanic Center, the illegal immigrants that are currently here only represent about 4.9 percent of the labor force; they represent 36 percent of insulation workers, 28 percent of drywall installers, and 20 percent of cooks.

These illegal immigrants, while large in numbers, are not the majority of the workforce.

I ask that we consider the Frist bill which, though not perfect, would increase enforcement and border security.

I further ask that we not bring up the Judiciary Committee's amnesty bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise today to add my voice to this debate on reforming our immigration system. While many of us here may have our differences, I think one thing on which we all agree is that the current system is broken and something must be done now if we are ever to get this situation under control.

There does seem to be a consensus in this body, and I think it is appropriate, that we absolutely must strengthen our borders. I personally believe that securing our borders has to be a priority in what we achieve in this legislation. Our borders have been porous for years and we must take adequate steps to secure them, and we must do it now.

This is a homeland security issue, first and foremost, but it is also a good government issue. American taxpayers continue to see their tax dollars spent on securing our borders without the results they deserve. While traffic from areas where we have placed more enforcement has decreased, border crossings in total have risen by 43 percent, despite tripling patrol personnel. The cost of an arrest has increased from 1992, when it was $300, to the cost of $1,700 in 2002.

Americans cannot afford this type of performance from a security standpoint or an economic standpoint. At a time when America is facing its most serious threat and dealing with record deficits, having our borders remaining unsecured as we spend more on them is simply unacceptable. It is unacceptable to the American people in terms of security and economics.

But securing our borders without dealing with the over 12 million undocumented immigrants who are in this country is not the solution either. One without the other is not going to achieve the results we want in the cost-effective way we must do it.

Many in this body are probably somewhat unaware that my State of Arkansas had the largest per-capita increase of its Hispanic population of any State in the Nation during the last census. Arkansas has become what is referred to as an emerging Hispanic community, with largely first-generation immigrants. These immigrants have a dramatic impact on our communities and on our economies. They are hard working, they are active in the religious community, they are law abiding, and they are putting their children through school. Whether they came here legally or illegally, they are establishing roots and we cannot dispute that. The majority of immigrants in my State came to the United States because they wanted good work and a better way of life for their families. A good number of them are educated and wanted to take advantage of the opportunities afforded to them in the U.S. economy. This is why a plan based on ripping these roots out of the ground and deporting over 10 million people is simply not realistic.

First, we couldn't afford it. Second, I am not sure we could implement it. And then think of what it would do to our economy.

While these people may have come here illegally, many of them have been here long enough now to have become part of the fabric of our communities. Removing them will break up families and it will hurt our local economies.

I am not saying we should grant amnesty, and neither does the amendment Senator SPECTER has offered. It is critical to know that amnesty is not the answer. No reform should grant amnesty. Total and immediate forgiveness for past crimes—these are not things we believe in this country. The rule of law is critical. To do so would severely undermine the rule of law in this country.

As I stated, it is impractical to believe, though, that we can simply round up and deport all illegals in this country. It is also unlikely we can coax illegals out of the shadows by offering them a limited period to remain in this country before we eventually deport them. They will continue to hide and move around in the same networks that have protected them thus far.

I believe the solution is earned legalization, and that is why I have supported the McCain-Kennedy bill and the similar bill that was passed out of the committee, offered as a substitute by Senator SPECTER.

Some have characterized these bills as amnesty. Amnesty is a general pardon for a previous crime. By contrast, this reform plan includes serious consequences for those who remain in our country illegally.

Under the committee bill, an illegal immigrant faces an immediate $1,000 fine, a security background check, application for a work visa, and an 11-year path to citizenship. Most immigrants who apply for citizenship now achieve that in 5 to 6 years. After staying continuously employed for 6 years, paying all back taxes, learning English—as my colleague from Oklahoma has expressed as being a very important part of this—learning U.S. history and government, and paying another $1,000 fine in application costs, the worker could then apply for a green card and legalization.

That is not going to the front of the line, but it is going to the end of the line after those who have already chosen a legal path to begin with. Their green card application, as I said, will go to the back of the line behind all the legal applicants who are waiting for those green cards. Finally, this path is only available to the illegal immigrants who were here before January of 2004.

This does not sound like amnesty to me. It sounds like a challenge but a challenge that presents excellent rewards instead of the dire consequences we would suffer if we took an irrational reaction to this enormous problem that is growing in our Nation.

The other path for an illegal immigrant would be to continue trying to hide. But now, under increased enforcement measures and stiffer penalties as we have seen that we would put into place under this bill, I believe the majority of the people who have come here illegally but came to make a better life for themselves, will emerge from those shadows to become legal residents of their communities, to engage in what we came here to seek, because we have provided for them a pathway to become legal.

It comes at cost. It comes at great cost to them, both financially as well as the time they have to spend to engage themselves in becoming legal residents of this great Nation. But it is worth it to them and it is worth it to us to set this issue straight, to begin to reform a problem that is growing desperately out of control.

Many of them already pay local taxes in the communities where they are. Some of them are paying into Medicare and Social Security with no promise of receiving any of the benefits. But think how we could strengthen those programs if we put them on a pathway to legalization. We know who these 12 million undocumented workers are and we put them into the system to strengthen Social Security and Medicare by assuring that their withholdings are coming out and going into the system as well.

I am reminded of an incident in my home State of Arkansas. Recently, we saw law enforcement officials who were acting on a tip from an informant. These were national law enforcement officials. They did not contact the local law enforcement in our small communities there in Arkansas, but the folks from Washington swooped into a poultry processing plant and they arrested approximately 120 workers who were carrying forged or illegal identification documents.

What occurred there does not make what those illegal immigrants did right. It doesn't make it right at all. They were there illegally. They were there with forged documents. Actually, it was a local U.S. citizen in the community who had helped produce those documents for them. But I want you for a moment to think about what occurred after these Washington law enforcement officials swooped into a community without notifying the local law enforcement and seized 120 workers.

Most of these workers were parents. They are parents who were not allowed to call home to tell their children what was happening. We had children who were left behind in the care of the Catholic Church, or friends, or anybody who would take care of these children. Some of them were as young as 12 months old—kids abandoned because the parents were not allowed to call.

It was a sudden and brutal act and it separated families and left a community divided. Not because people wanted to defend the illegals who were there, the undocumented, or those who were there with false documents, but because of the way it was handled. That is what we are here to debate. Not that we differ about that. I don't think anybody in this body wants amnesty. They don't. What they want to do is to make sure we handle this issue in the right way.

I would imagine most of my colleagues in this body learned, as I did, at an early age from their parents that there is a right way and a wrong way to do everything. We have an opportunity to come together, to figure out the right way that is consistent with the American values we all hold dear, to figure out a solution to this enormous problem that continues to grow. It reflects on who we are as Americans with respect for the rule of law, making sure that people know they have to follow the law and they have to act within the confines of the law, but with the kind of encouragement that every human being should be allowed to reach their potential.

You can pay those fines, you can take the initiative and learn English and learn about this great country. You can get back at the end of the line after having tried to break into the line in front and still have the ability to reach that potential if you are willing to pay for your mistakes. That is what this bill is about.

When I think of the calls for the arrest and the deportation of 10 to 20 million undocumented immigrants in this country, I think of that frightful night in Arkansas where children and parents were severed in an unruly way. Their families were destroyed. Children were left by themselves without anyone to care for them because law enforcement had not thought that out.

I think of that frightful night in Arkansas and then I see it multiplied thousands of times across this country. That is not the right way to handle this issue. As Americans, we can be smart. Yes, we can be diligent and we can even be tough. But we can be tough in a way that reflects the values of who we are and how this Nation was created—by giving people opportunity and requiring responsibility.

We stand at a crossroads in this country. Over the last decade and a half, the Latino population has expanded in every area of our country, many of them coming here legally but some illegally. We are faced with a decision that gets to the heart of what values we hold dear as Americans. We have always said: If you work hard and you play by the rules, there is a place for you in America to raise your children and contribute to our great melting pot, to strengthen our communities, to be a part of this great land.

We are faced now with what to do with some who have broken the rules to come here but have since worked hard to provide for their families. I hope the Senate will give this very difficult question the reasoned and thorough debate it deserves, but that we will not forget the balance, the very intricate balance of American values that brings out the rule of law and the importance of the rule of law but also the desire and the compassion we feel. That is what the American spirit is all about.

I believe the Senate will agree to welcome those who came here illegally if they are willing to show another American value, and that is sacrifice. We all know a great deal about sacrifice as we see incredible Americans, men and women in the Armed Forces and all over this country, whether it is our emergency responders or others. If we see those who have come here illegally showing that willingness to exhibit that American value of sacrifice, then I think we as a body will be able to produce something to welcome them into our great society and our great Nation.

I urge my colleagues, as we continue in this debate, that we keep our heads calm and our minds open.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

AMENDMENT NO. 3206 TO AMENDMENT NO. 3192

Mr. KYL. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. CORNYN, proposes an amendment numbered 3206 to amendment No. 3192.

Mr. KYL. I ask unanimous consent the reading of the amendment be dispensed with and that this be designated the Kyl-Cornyn amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make certain aliens ineligible for conditional nonimmigrant work authorization and status)

On page 329, line 11, insert "(other than subparagraph (C)(i)(II) of such paragraph (9))" after "212(a)".

On page 330, strike lines 10 through 15, and insert the following:

"(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the alien is subject to a final order of removal under section 217, 235, 238, or 240;

"(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

"(C) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(D) the alien has been convicted of any felony or three or more misdemeanors; or

AMENDMENT NO. 3207 TO AMENDMENT NO. 3206

Mr. CORNYN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3207 to amendment No. 3206.

Mr. CORNYN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This provision shall become effective 1 day after enactment.

Mr. KYL. Mr. President, Senator CORNYN and I introduced this amendment, which is very simple in its terms but we think very important. The essence of it is to say that criminals should not participate in the temporary worker program and path to citizenship program that is allowed for under the bill that passed out of the Judiciary Committee.

It seems rather elemental that whatever program we have for immigrants to this country, that they be people who have worked hard and played by the rules, as some people characterize it, that they be hard-working people who, other than perhaps coming into the country illegally, have been law-abiding citizens. That seems fairly elemental.

As a matter of fact, in the 1986 law that many have described as amnesty and few think worked very well, there was a specific prohibition of that law applying to people who had been convicted of a felony or three misdemeanors. That is the exact term that our amendment provides for. If you have been convicted of a felony or three misdemeanors, you are not eligible to participate in this program.

In addition, if you have been ordered by a judge to depart the United States and you have violated that court order, you would not be permitted to participate in this program. Those are the two key points.

There is one other element to it, and that is having to do with prior convictions of crimes and posing a threat to the United States. If the Department of Homeland Security Secretary determines that you have been convicted by final judgment of a serious crime and you constitute a danger to the United States or that there are reasonable grounds to believe you have committed a serious crime outside of the United States before you arrived or that you are a danger to the security of the United States, then you would not be able to participate in this program either.

Now, as I said, this seems rather straightforward. Why would we allow criminals to become citizens of the United States? Why, indeed? Why was this provision left out of the underlying bill? Whatever the reasons, it shouldn't have been. This amendment fixes that.

Why is it important? For one reason, we have an awful lot of criminals that have either come into the United States or people who have illegally entered the United States and then committed serious crimes, serious enough that they have had to be imprisoned in U.S. prisons. In fact, one of the exercises we go through every year around here is to try to get Federal funding under SCAAP, which is called the State Criminal Alien Assistance Program, SCAAP funding, to reimburse States and local governments for housing illegal-immigrant prisoners.

In the past, we felt that since it is the responsibility of the Federal Government to control the border and that has not been done, that when one of these people commits a crime and is convicted of that crime and imprisoned, the Federal Government ought to at least pay part of the expenses. It has usually been in the neighborhood of a fourth to a third of the expenses.

Part of what Senator CORNYN and I propose is that we would increase the amount of Federal support for the State and local governments for housing these criminal illegal immigrants.

How big is the problem? Of the 1.5 million State and Federal prisoners in 2004, over 91,000 were foreign nationals. Think about that: 91,000 criminals in prison were foreign nationals. About 57,000 in State prisons, about 34,000 in Federal prison.

The SCAAP funding gives us some idea of the number of these people. As I said, it has paid roughly about a third of the expenses when we spend about $600 million a year; unfortunately, last year we only funded $305 million. Even if it were funded at $700 million, it would represent about a third of State costs. That gives some idea of the magnitude of expense associated with the housing of these illegal immigrants.

With regard to the provision that deals with the so-called absconders, people who went before a judge and the judge said, for whatever reason, you must depart the United States, you are under court order to leave, but they don't, they just meld back into society, the Bureau of Immigration Customs Enforcement estimates that there are more than 400,000 such absconders and 80,000 fugitive criminal aliens with outstanding final orders of removal who are hiding in the United States. These are people who have committed serious crimes. There is no way that these people should be allowed to get on this path to citizenship or participate in this worker program.

The Bureau of Immigration and Customs Enforcement estimated earlier this month that the number of fugitive aliens in the United States is about 465,000. Fugitives are foreign nationals who have been ordered removed by a Federal immigration judge but failed to comply with the order.

From March 1 through September 30, 2003, which is when ICE began tracking fugitive apprehensions, there were 3,409 fugitives with final orders of removal who were apprehended. In the same period, 2004, they apprehended 7,239 fugitives with final orders of removal, which was an increase of 112 percent over that period in 2003.

The point is that there are more and more criminal aliens coming to the United States or people committing crimes while they are here or people who are being given orders to depart and who are not doing so.

I noted before that between 10 and 15 percent of the apprehensions of illegal immigrants today are people who have criminal records. And they are serious criminal records. We are talking about murder, homicide, kidnapping, drug offenses, rape, assaults, and the like. These are serious criminals.

In Arizona, my own State—the most recent figures are about a year old—almost one in six inmates is a Mexican citizen. I don't mean to suggest by this that Mexican citizens are somehow more prone to be committing crimes. I don't have the statistics for foreign nationals of other countries. But the bottom line is, from only one foreign country, we have almost one in six inmates in Arizona prisons of this one foreign country. If you add the others, the number, obviously, will be larger.

In March of 2005, Phoenix jails housed 1,200 criminal aliens who by law should have been deported. And even when deportation is ordered, according to a FOXNews report, about 60 percent of those orders are ignored. So you still have a huge number of people who are unaccounted for.

In Los Angeles, in that same period, 95 percent of all outstanding homicide warrants and 60 percent of outstanding felony warrants were for illegal aliens. This is according to a FOXNews report. Let me repeat that statistic. If you want to know why we have offered this amendment, in L.A., a year ago, 95 percent of all outstanding homicide warrants and 60 percent of outstanding felony warrants were for illegal aliens. That is an astounding figure.

So while it is true many people come to this country to work and provide a better living for their families and the only crimes they have committed are coming into the country illegally and using fraudulent documents for employment and other purposes, it is also true a large amount of crime is associated with this phenomenon of illegal immigration.

One of the first things we should do when we talk about enforcement of the law is to ensure we are not adding those criminals to the group of people who would be authorized to participate in what is going to be a very humane program of temporary worker, and for some a pathway to citizenship.

Let me cite two other statistics, and then I would like to yield to my colleague from Texas.

In September of 2004, of the 400,000-plus illegal immigrants who were ordered to be deported, 80,000 had criminal records. Now we do not know their whereabouts, including the countries from which they came. The point here is that many were from countries that we call countries of interest; that is to say, countries where terrorists come from. We know there are tens of thousands of illegal immigrants today who are apprehended coming from those countries and probably three times as many who are not apprehended. So in addition to people who have committed crimes in the United States, there is a significant possibility some of these people pose the kind of threat this amendment would go to as well.

Considering this group of so-called other than Mexicans, people who cannot simply be repatriated to Mexico who have to be sent to their home country, this number has increased dramatically. In 2000, the number was only 28,598, although that is a lot of people. In 2004, it was 65,000. In the first 8 months of 2005, that number grew to over 100,000. And we are told that the end result from last year, if my recollection serves me correctly, was about 165,000.

So the bottom line is that, No. 1, there are illegal immigrants who are criminals coming into this country. There are people who are illegal immigrants who, once they get here, are committing serious crimes. There are people who clearly could be suspected of being a danger to the United States. And finally, there are close to half a million people who have been ordered by a judge to leave the country for one reason or another under our laws that constitutes a serious enough offense that they are required to leave—who are absconders; they have decided to ignore the court order—and have not done so.

These are not the kind of people we want to become U.S. citizens. These are not the kind of people we want caring for our lawns or caring for our children or doing any of the other work that has been discussed here earlier today.

The bottom line is, there are plenty of people who can do those jobs. We do not want to be adding to the problems of crime in this country by accepting on an equal footing, with the other kinds of folks whom we are happy to have here working with us on a temporary basis, known criminals, people who should not be in this country under any circumstances, certainly not under the generous provisions of the bill before us. I hope when we have a chance to vote our colleagues will agree that, whatever else, criminals should not be participating in this program.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, this debate we are having on this important legislation is critical to our Nation. It is long overdue. I am glad we are finally talking about border security and immigration reform in a comprehensive way.

I know, as a member of the Senate Judiciary Committee, our chairman, Senator SPECTER, and the committee have worked very hard on this legislation. There is a lot of the legislation that I think is very good. For example, the border security component of the bill is very strong. I am proud to say that a good chunk of that came from legislation Senator KYL and I have drafted and has been out there for a year or more.

But I believe with all my heart that what has brought us to this day and this debate on the Senate floor is because Americans are terribly concerned that in a post-9/11 world, we simply do not have control of our borders. And they believe—and I believe they are correct—it exposes us to a danger and that the Federal Government has a primary responsibility of making sure our security interests are protected. As I said earlier today, border security is national security.

Now, how did we get here? I believe this is important because I do not want people to get the wrong impression. We are a proud nation of immigrants. All of us—no matter who we are, how we pronounce our last name, where we were born—came from somewhere else. America has been the net beneficiary of the fact that we have been that beacon of freedom and opportunity which has attracted people from all around the world. What distinguishes this country from the rest of the world is that once you come to America, you become an American, not because of the color of your skin or your religious affiliation or beliefs or the country where you were born, you become an American because you believe in the American ideal and you believe that everyone, no matter who they are, is entitled to the opportunity to achieve their own American dream. That is really one of the greatest legacies this Nation will ever have.

But we are also a nation of laws. To me, the toughest part about this legislation has been, how do we reconcile that vision—our American values of a nation of immigrants—with this important notion and ideal of a nation that also believes in the rule of law?

One of the reasons I so strongly support this amendment is that while we are a welcoming nation and we open our arms to people who want to come to America to achieve a better life—hopefully through legal avenues of immigration—we know there are some who have not come here through those legal avenues. What we are attempting to achieve in this legislation is to create legal avenues of immigration into this country.

Some people may decide they want to come here to become legal permanent residents and citizens and become Americans. Others might figure they want to come to this country on a temporary basis to work and to earn a living so they can support their family, so that they ultimately can return to their country of origin with the savings and skills they have acquired while working in the United States. But in a very real sense, these temporary workers do not intend to become Americans. They do not intend to sever their relationship with their country and their family and their culture.

The fact is, we need those legal workers here in the United States. We ought to create—and I do support creating—a legal avenue for them to come and work for a time and then to return to their country of origin. The fact is, that serves America's national interests. It also serves the national interest of those countries from whence they come. Indeed, one of the components of that, which we will talk about more as this debate continues, has to do with establishing a legal opportunity for people to work for a while in the United States and then to go home with savings and skills they have acquired here.

The reason that is important—and this should not be overlooked—is that no country could sustain the permanent exodus of its hard-working young people, which is what is happening to many countries south of our border today. Those economies are handicapped dramatically because of the massive immigration and permanent exodus of their young people to this country.

What we ought to be about, not only in our national interest but as a means of reaching out to those countries and enabling them to create economic opportunity there at home, is a way for them to build their own economy to create opportunity in their homeland.

While there are certainly people who will want to immigrate to the United States permanently, there are many others who, if given the opportunity to work for a while in the United States, would be more than happy to maintain their ties to their country and their culture and their family and return home and possibly to come back after a period of time.

But I say all that by way of predicate to say that we have a right as a sovereign nation not only to protect our own borders, we have an obligation to make sure the American people are not exposed to extraordinary danger that might occur if common criminals are given a free ride, inadvertently, in this bill.

Now, I do not imagine for a minute the authors of this bill intended that felons, persons who were guilty of three successive misdemeanors, people who are under final orders of deportation or criminal absconders—I do not actually believe the authors of this bill intended to grant an amnesty or to forgive those crimes or to welcome those people into the United States because I believe either these individuals, by virtue of the crimes they have committed, should not be accepted into the United States—and we certainly have a right to control who comes and who does not come, and I think these people have disqualified themselves by virtue of their criminal activity—but there is also another segment of people, some 400,000 individuals, who have had their day in court, who have been ordered deported because they have had their due process, and they simply have failed to reappear so the law may be carried out. So they are what is called an absconder. And 80,000 of those some 400,000 people are criminal absconders, people guilty of felonies in the United States, people who have, since they have come here, disqualified themselves by virtue of their failure to comply with our law and no longer deserve to be able to live in the United States.

So I believe it is very important to make those distinctions. We ought to be able to distinguish between those individuals who have come to the United States because they do not have any opportunity, they do not have any hope of providing for their families where they live—we are willing to find a way to provide them a way to work in a legal system or, if they are willing to comply with the requirements of the law, to exit the country and return in a legal way and work and live in the United States, should they choose to do so and should they be qualified—but surely we can all agree there are certain persons who, by virtue of their misconduct, as evidenced by their unwillingness to comply with our laws and exposing the American people to danger in the process, that we ought to be able to protect the public safety and distinguish between people who have violated the immigration laws and those who have committed far more serious crimes or abused their rights and had the opportunity to be heard and are under final orders of deportation.

I will not go into any more detail other than just to say a few things about this amendment that I gladly join.

One of the reasons I am concerned that under the Judiciary Committee bill some people might perceive that what is granted is an amnesty is because while there may be some definitional disputes about what constitutes an amnesty, what I am confident of is that people will agree that in 1986, we had an amnesty. And I am confident the vast majority of people will agree with me, not only was it an amnesty, they will agree with me, I believe, that it was a complete and total failure. The tradeoff for the amnesty of 3 million people was to get worksite verification and employer sanctions, yet the Federal Government did not step up and provide that capacity. So what happened is that 3 million now becomes 12 million today. One reason I am so determined not to repeat the mistakes of 1986 is because I believe it would be a magnet for further illegal immigration.

This amendment is sensible. It provides that criminals can't get a green card, and those who have had their day in court and proven themselves disqualified from further opportunity to immigrate to the United States legally and become American citizens or permanent residents should not be included in what some might regard as a repetition of the amnesty that was issued in 1986.

It is with pleasure that I join Senator KYL in cosponsoring this amendment. We urge our colleagues to support us.

Mr. KYL. Mr. President, will the Senator yield for a couple questions.

Mr. CORNYN. Certainly.

Mr. KYL. First, does our amendment criminalize anything that isn't already criminalized?

Mr. CORNYN. Absolutely not. That has been one of the misconceptions or perhaps straw men that have been hoisted out there because some people have suggested we are trying to criminalize people who merely want to come to this country for economic opportunity to provide for their families. This does nothing of the kind. These are people who have already been convicted of felonies in the United States or three misdemeanors or have committed serious crimes out of the United States, or that the Secretary of the Department of Homeland Security believes are a safety risk to the American people.

Mr. KYL. So nothing in our amendment makes any new kind of conduct a crime. It simply deals with people who have already committed crimes?

Mr. CORNYN. That is entirely correct.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think that is a very important point. I know there are many people who were concerned about the House bill. Much of the marching that was done last week was against the House bill on the grounds that it was creating new crimes and even felony crimes. Nothing in either the legislation that Senator CORNYN and I have introduced nor in this amendment creates any felony offense, nor does this amendment create any misdemeanor offense. It simply says people who have already committed crimes should not participate in this program or who have violated a court order of removal.

There are millions of people who have come to the United States illegally but who otherwise, other than perhaps using false documents, have worked hard and abided by the rules. It is not in their interest to violate our laws. Yet when the subject is discussed, it is easy to roll all of the people up in one group and suggest that good and decent people are no better than people who have committed crimes, and they ought to all be treated the same. And some people have even said they ought to all be made criminals and thrown out of the country.

While we may not like the fact that we have permitted people to come into this country illegally, I believe it does a great injustice to people to assume they are all alike and to bunch them up into the same group. We need to extract out of this group of people who all of us intend to try to treat in the most humane and responsible way we can, however, the ultimate framework of a guest worker program or other programs are developed, we need to separate that group of people from those who have committed crimes, people whom we don't want to be here. That is the purpose of our amendment. We have decided it is important for us to distinguish between the people who do not deserve to be automatically eliminated from consideration for whatever program is going to be adopted here, those people who have actually committed crimes and whom we would not want to bring into the country if we had a choice in the initial instance, in other words, people who would be admittable in the country, certainly people who would be deportable for having committed these kinds of crimes. So clearly if they should not be admitted into the country or they should have been deported for committing certain kinds of crimes, it wouldn't make any sense to allow them then to participate in a guest worker program or to put them on the path to citizenship.

That is the essence of our amendment. Of all of the things we disagree about—we understand there are many—we think it is important to distinguish between that group of people who otherwise have been law-abiding people and the group of people who have committed crimes. And ironically, most often the crimes these people are in jail for are committed against other immigrants, frequently illegal immigrants. They rape them. They rob them. They beat them up. They hold them for ransom. In all of the big cities in the Southwest, the largest number of crimes are committed by illegal immigrants against primarily illegal immigrants. So to help those who are otherwise innocent from being further preyed upon, we need to remove from this country, not allow them to participate in the program, to remove those people who would continue to prey upon the innocent. That is what our amendment would do.

I hope when it comes time to vote, our colleagues will recognize that whatever other disagreements there are, these are the people who should not be allowed to participate in the program.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before commenting on the pending amendment, I ask unanimous consent that Senator HAGEL be added as a cosponsor to the committee bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. First, I thank Senator KYL and Senator CORNYN for coming to the floor to start the debate and offer an amendment. We are trying to push ahead with this bill. It is appreciated that they have come early. I am advised that the other side of the aisle would not be prepared to vote on this amendment today or tomorrow. What we are trying to do is to line up a series of votes for Monday afternoon. I am advised that Senator BINGAMAN wishes to offer an amendment to add resources to Border Patrol, and on the surface, without final commitment, it looks as if it is an acceptable amendment. We want to have an opportunity there. Senator ALEXANDER has already spoken about an amendment which has a number. It has not yet been called up.

We are anxious to move ahead. It is always difficult getting started on a bill, but it had been my hope that on a Thursday afternoon, when we went to this bill yesterday, had opening statements and had a full afternoon of discussion and extensive discussion today, that we would have been prepared to have amendments and have some votes. Thursday is supposed to be our late night. Maybe more accurately stated, our late night, if we ever have a late night. Well, we are not going to have a late night tonight because there is not a whole lot we are going to be able to do.

I believe the thrust of the Kyl-Cornyn amendment is a good one.

If I may have the attention of Senators KYL and CORNYN while I am saying good things about them.

Mr. KYL. We are all ears.

Mr. SPECTER. I believe the thrust of the amendment is a good one. I want to take a look to see what is meant by "voluntary departure" under 240B. But it looks to me when you want to exclude the criminal class from being on the path for working in this country, the citizenship path, that is desirable.

It is my hope we can move ahead and transact some business and hear some amendments and hopefully move to votes at the earliest possible time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see Senator BINGAMAN. I will be brief in my remarks because I assume he wants to speak. If I could say to the chairman, who was here earlier, I hope very much we can begin to move to votes. I spoke earlier today about an amendment which I filed which is amendment No. 3193. It is filed at the desk. It already has the cosponsorship of Senators CORNYN, ISAKSON, COCHRAN, and SANTORUM. I ask unanimous consent that Senators MCCONNELL and MCCAIN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. The majority leader, Senator FRIST, is also a cosponsor.

While I do understand and am disappointed by the fact that we are not going to be moving to votes tonight, this is not a new idea that I have made in my amendment. My first speech on the floor of the Senate in 2003 was about the importance of becoming American, how in our country we are unique because we do not base our backgrounds on race or ancestry but on a set of ideas, and how important it was for us to put the teaching of American history back in its rightful place in our schools so our children can grow up learning what it means to be an American.

Senator REID, the Democratic leader, joined me on that. Senator KENNEDY joined me and Senator REID. He and I are working together to create Presidential academies for students and teachers of American history. We are trying to take the National Assessment of Educational Progress and make sure that it includes another way of putting the teaching of American history back in the right place in our curriculum.

The reason we do that is because our common schools were created to help immigrant children learn the three Rs and what it means to be an American. Because if you don't know the principles upon which our country is based, it is difficult to become an American. We have this advantage over other countries in the world who base their nationality on race or on the color of their skin or their ancestry. We don't do that. It is important to become an American by understanding the principles of our country. We agree on that. It is those principles that we debate here.

This is not a debate about who is pro or anti-immigrant. We are all pro-immigration because that is an important part of our character. But we have more than one principle at issue here. The first one is the rule of law. We are all for the rule of law because people who come to this country don't come to a country where we don't stop at stop signs and we don't observe contracts and we don't follow the law. We follow the law here or there are consequences. We have those principles. And we have the principle of equal opportunity. And we have the principle of a free market or laissez faire. We have the principle above the President's desk of E Pluribus Unum. Our great achievement is that we have taken this magnificent diversity and forged it into one country. We are the United States of America, not the United Nations.

Therefore, the amendment that I had filed today and is ready to be voted on tonight or tomorrow or Monday, whenever we are ready, ought not to be very controversial. It is simply to help the half million to a million people from other countries who are legally here and ready to become citizens, to help them become Americans. It does that by providing them with $500 grants so they can learn our common language. It doesn't make them learn it; it helps them, if they want to learn it. It says to those who become fluent in English that they may become citizens in 4 years instead of 5. It doesn't penalize them. It gives them rewards. It gives grants to organizations to help them learn our history. It codifies the oath of allegiance George Washington and his troops took and that millions of Americans have taken which basically says I am not Scotch-Irish anymore, which my family was. I am an American. I am proud of my Italian heritage, but I am proud to be American. That has been our history.

Senator SCHUMER and I in two Congresses have introduced legislation making that oath a law, not just some administrative dictum that someone could mess around with, but put it right up there with the Star-Spangled Banner, the National Anthem, and other great symbols of America.

My amendment establishes a reward to recognize the contributions of outstanding new citizens. It asks the Department of Homeland Security and the National Archives to develop ways to dignify and celebrate these wonderful ceremonies such as the one the President attended on Monday where 30 people stood up and said: I have been here 5 years. I have demonstrated good character. I have learned English, and I am proud of where I came from. But I am prouder to be American. I swear allegiance to this country, the same oath George Washington and the officers took at Valley Forge in the year 1778 and which new citizens have taken in this country ever since then.

We could talk about border security. It is important, and that is the rule of law. We can solve that problem. We know how to do that. We can agree on that. We can talk about how many guest workers we want. We already authorize 500,000 or more work visas a year. Perhaps we need more. We can figure that out. The distinguished Senator from New Mexico and I have been working for a year with the National Academy of Sciences to make certain that we in-source brainpower so we can keep our jobs from going to China and India. I would like, through this legislation, to make it easier for the brightest people in the world to come here and help us create our high standard of living.

I mentioned earlier in the day that the top three jobs at the Oak Ridge National Laboratory, our largest science lab in America, are held by three foreigners with green cards from England, Canada, and India. The Senator and I have worked together to recapture our advantage in supercomputing in America so that America can be the leader in computing. Who runs that program? It is a citizen of India who is living here. Not only is there nothing wrong with that, but he is here helping improve my standard of living and the next person's standard of living.

I want our discussion to be a comprehensive discussion. I want us to deal with border security. That is the rule of law. But I want us to set rules for welcoming the people who temporarily work here and study here, but I also want us to make sure we do the most important thing and remember those three words up there in the Senate Chamber, "e pluribus unum." They are not there by accident. They mean that we need to devote extra effort to making sure that those who come here legally also become Americans. That is the real limit on the number of new citizens who can come here—whether they can become a part of our culture, a part of our country, and become Americans.

If we don't do that, we are nothing more than a united nations; we are not the United States of America. I think there is broad agreement in this body about that. That is why Senator SCHUMER and I introduced the oath of allegiance bill. That is why myself and others are working on helping to put American History back in our schools for children. I am ready to vote on this amendment tonight or tomorrow, but I certainly hope the chairman and the leaders on both sides of the aisle would allow Senator BINGAMAN's amendment and my amendment and others to be voted upon as soon as possible.

The American people are expecting us to deal with immigration. We are here and we are ready to do it. Let's get on with it. It is time to stop debating and start acting, and a good way to start would be to help prospective citizens become Americans. That would finish a comprehensive bill.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to lay aside the pending amendments so that I may offer an amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3210 TO AMENDMENT NO. 3192

Mr. BINGAMAN. I send an amendment to the desk to amendment No. 3192.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3210 to amendment No. 3192.

Mr. BINGAMAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

At the appropriate place, insert the following:

TITLE —BORDER LAW ENFORCEMENT RELIEF ACT

SEC. __01. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2006"

SEC. __02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. 03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on

a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. _04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, the purpose of this amendment is to assist border law enforcement agencies—that is, local law enforcement agencies—in addressing border-related criminal activity.

Border law enforcement agencies incur significant expenses in dealing with crimes, such as human smuggling, vehicle thefts, drug trafficking, and the destruction of private property. These crimes occur and this enforcement is required because of their proximity to the international border and because of the failure of the Federal Government to adequately secure that international border.

According to the study by the Border Counties Coalition, criminal justice expenses related to immigration alone exceed $89 million a year.

Mr. President, it is time that the Federal Government help these border communities cover some of those costs. Specifically, this amendment that I have offered, which is based on the bill I earlier introduced entitled "the Border Law Enforcement Relief Act of 2006," would establish a grant program within the Department of Homeland Security to help local law enforcement situated along the northern and southern borders to obtain the resources they need to secure our border communities. It would authorize $50 million a year to help law enforcement hire additional personnel, obtain necessary equipment, cover overtime expenses of their personnel, and cover transportation costs of their personnel.

Eligible applicants would include agencies serving communities within 100 miles of the U.S. border—the border with Mexico or with Canada—and any other department located outside of that jurisdictional limit if it is designated by the Secretary of Homeland Security as a high-impact area. The designation would be made because that area is greatly impacted by the flow of illegal immigration, drugs, and other such problems.

Securing our Nation's borders is the responsibility of the Federal Government. However, as we all know, the Federal Government has failed to provide adequate security along our international borders. The result is that local communities are having to pay for a variety of costs, from health care to law enforcement. It is wrong to place this additional burden on these local communities. They do not have the resources to deal effectively with these increased burdens.

It is time that Congress recognizes the tremendous burden with which local law enforcement agencies along our borders have been saddled. I hope my colleagues will support this important measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 3193

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 3193, which I filed at the desk, be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 3193.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

AMENDMENT NO. 3206

Mr. KENNEDY. Mr. President, a short while ago, Senators KYL and CORNYN offered an amendment. They claim that the committee bill would allow criminals to become permanent residents under the committee bill, and this is not correct.

The committee bill requires all applicants to undergo criminal and security background checks, and all applicants must also show that they have not committed any crimes that make them ineligible under our immigration laws.

As many Senators know, Congress passed sweeping changes to our immigration laws, and just about any crime makes one ineligible for a green card. This includes aggravated felonies, crimes of violence, drug crimes, crimes of moral turpitude, money laundering, murder, rape, sexual abuse of a minor, drug trafficking, possession of explosives, theft offenses, child pornography, forgery, counterfeiting, bribery, perjury, and many others.

Anyone who has committed any of these crimes cannot—cannot—and will not get a green card under the committee bill.

What the amendment does, though, is undermine the earned citizenship program in the bill. Millions of Mexicans, Central Americans, Irish, and nationals from other countries would be prevented from applying for legal status not because of criminal crimes but status violations. The goal of comprehensive immigration reform is to encourage illegal workers to come out of the shadows, be screened, and be given work permits, and if they are on the track to eventually being eligible for citizenship, they have to earn it. This is not an amnesty program. No one is forgiven. Anyone who wants to get on this path has to pay a fine, demonstrate that they have a work record, also demonstrate that they paid their taxes, and then get to the end of the line of those who want to come to the United States, and for 11 years meet those responsibilities.

That is one part of this legislation. This amendment that is offered would end the possibility for earned legalization. That would be the effect if this amendment is accepted.

If the proponents of the amendment are interested or concerned just about crimes, other crimes being added to the list, we are ready to talk with them, and we will try and engage them in a conversation and see if that is their purpose. If their purpose is to undermine a key element of the proposal, that would be unacceptable, and we will have the opportunity to express our views with a vote in the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, there is one more thing I wanted to say this evening about the amendment Senator CORNYN and I offered, an amendment which provides that criminals cannot participate in the program that we adopt here—whatever that program is—in terms of being temporary workers or being put on the path of citizenship, or however this body ultimately defines what happens to immigrants who have come here illegally, or so-called future flow workers. I think almost everybody can agree it shouldn't apply to criminals, or to people who have violated a court order to depart the country.

I made the point earlier, and I want to reiterate it, that it is important to separate out the group of people who have come here, albeit illegally, to do hard work and not otherwise violate our laws, except perhaps using fraudulent documents. Those people end up being the primary targets of other illegal immigrants who commit heinous crimes against them.

So one of the reasons for denying these criminals the right to participate in the same program is to get them away from the people who are most susceptible to being preyed upon.

We talked to chiefs of police, to sheriffs, to the Border Patrol, to other law enforcement officials, and they have different statistics, but by and large they all agree that predominantly the serious crime in their communities, particularly large communities, is immigrant on immigrant and it is mostly illegal immigrant. And the crimes that are committed would just break your heart.

There are stories like this. Immigrants pay a couple of thousand dollars, roughly $2,000 is the going price now, to a coyote to be smuggled into Arizona from Mexico. They may have had to pay different people along the way on the bus up to Altar, where they could then come across, or wherever. But the fee is probably in the neighborhood of $2,000.

Before they come across somebody comes and says it is now going to cost you an additional $500 or, I am sorry, we can't do it. So they have to somehow communicate to somebody else in their family or a friend to come up with some more money.

They then attach themselves to the coyote who brings them across the border. A lot of different things can happen. First of all, another group vies for that group of illegal immigrants because they are all worth money. We had a shootout on Interstate 10 between Tucson and Phoenix involving two vehicles with illegal immigrants in them with two different coyote gangs. They were having a shootout on the freeway, and people were killed and injured, over who was going to control the load of immigrants because that is value. You could hold the illegal immigrants here in a safe house and tell them that until they come up with another $1,000, let's say, they are going to be held hostage, basically, or the coyote or his friends will call the police or Border Patrol if they don't come up with the money.

Women are forced to commit improper acts. There are assaults, sexual assaults. There is a great deal of crime perpetrated on these illegal immigrants. If they have not been beaten or raped or robbed or held ransom for more money, then what happens is they are waiting in the safe house and the Phoenix Police Department shows up at the safe house because they have gotten a call of a disturbance in a house.

It wasn't a disturbance at all. It was the coyote calling the Phoenix police because he has another load coming in that night and he needs to get rid of these people. He has gotten all he can out of them. He sucked them dry. They don't have any more money. He has taken all they have. They don't dare go to the police. Now he has called the police and said there is a disturbance. They show up at the house and pick up these illegal immigrants. If they are from Mexico they are put on a bus back to Mexico.

That is what can happen to these people. These are the ones who do not die in the desert and who are not abused some other way. We cannot allow the criminal element here, people who have committed crimes, who are criminals, to continue to prey on these people. It is one of the reasons our amendment says that criminals cannot participate in this program.

There is another reason. Citizenship in this country is a tremendous privilege. Anyone who knows immigrants who have come here or who has participated in a swearing-in ceremony knows how much legal immigrants value this privilege. As I said before, my grandparents came here and they were so proud of their American citizenship. They felt so privileged to have been able to come here. It is not fair to them or for the millions who are waiting in some country, waiting to come here and who have to attest to their good character. They have abided by the laws. They have committed no crimes. To then see somebody else who has not only entered the country illegally but also in some other way has committed crimes or has refused to depart after a judge's order, to then be able to participate in a legal program allowing them to become a temporary worker or be on a path to citizenship—what kind of a signal does that send? It cheapens American citizenship. It cheapens legal permanent residency.

It is wrong to simply say that because we have a hard time with the amount of people who have come here illegally, we are not going to differentiate among them in any way, we are just going to take them all in and let them all get on this path to citizenship. That is wrong. I do not think the American people will allow us to permit that kind of individual to participate in this program.

That is what the underlying bill allows. There are a lot of things wrong with this underlying bill. This is just one of them. But I hope with each of these things that we point out, our colleagues will come to realize that there is an answer here somewhere, but it is not every provision of this bill. So, piece by piece, we will focus attention on this bill to try to determine where we can make changes so at the end of the day we have a good product—comprehensive immigration reform, enforcement, and an opportunity for people our society needs to work here on a temporary but legal basis.

If we can do that, we will have succeeded. But if we simply pass a bill that has a tremendous number of flaws in it, we will have failed. I hope we can correct this first flaw with the amendment that Senator CORNYN and I have offered to at least ensure that criminals can't participate in this program.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. KYL. I yield the floor.

Mr. SESSIONS. Well, just for a question. I want to first say how much I value the insights of the Senator from Arizona into this important issue. On the Judiciary Committee he is one of the Senate's most knowledgeable members on immigration issues, and one of the best lawyers here. I think he has raised a very troubling point.

This is part of the legislation that is moving forward, for reasons I am not quite sure of. But it does seem to have moved too fast, and it has a lot of real problems—almost anybody would agree.

But this deal about crime is a very important issue. I have had the sense that we may be seeing more criminality on the border. Sheriffs from Arizona and Texas came up and told us about the rising crime rate, the increased number of assaults on their people and Federal people.

I recall a recent trip I just took with the Armed Services Committee to Europe. I met with General Jones, who has Africa. He talks about the border areas that tend to be the areas that are the most dangerous.

Is the Senator concerned that we are creating areas in the country, as a result of lack of enforcement around the borders, that are really more dangerous than other parts of his State?

Mr. KYL. Mr. President, I would say to the Senator from Alabama, that is exactly the case. I would cite two parts of the testimony before our Subcommittee on Terrorism, Technology and Homeland Security.

We had the U.S. attorney for Arizona testify that just from last year, the number of assaults at the border has gone up 108 percent. It is not just on law enforcement officers, but a lot of the assaults are perpetrated against them. I intended to get the statistics on the number of homicides. But there are homicides and then there are an awful lot of other kinds of assaults. The border, in many places, is becoming a very violent place.

There is one good news element that was confirmed by the testimony that was taken in the committee. The reason for this increased violence, they said, was that the Border Patrol was actually improving its ability to control territory. Territory that previously had been the sole jurisdiction of the cartels and the coyotes was now being contested by law enforcement. So naturally they were fighting back.

The bad news, of course, is they fight back with high-caliber weapons. They are organized. It is a very dangerous place. As a result, our officers are seeing assaults every day.

The other thing that this testimony confirmed was that it is not just nice people coming across the border, it is over 10 percent who are criminals. I mean, if you stop and think about it, if you have 600,000 people coming into the country illegally who are apprehended, so it is maybe three times that many who are coming in who are not apprehended, and over 10 percent of them are criminals, you are talking about tens of thousands of people who have decided that this is a good way to get into the United States, come in as an illegal immigrant. These are not the kind of people we want in our country.

When you look at the type of crimes that the people who have been apprehended have been accused of committing or have been convicted of committing, it is homicides, it has been rapes, serious assaults, drug crimes—serious crimes. So not only is the border becoming more violent, but the people coming into the United States are an increasingly criminal element, and they are continuing to commit crimes in our cities, in particular against other illegal immigrants. That is why we believe it is very important that at least one group that ought not to be able to participate in whatever program we adopt is this group of criminals. That is another reason our first effort should be to get control of the border.

Forget the problem of people coming here to work. If for no other reason, you want to keep the people from terrorist countries out, keep out the people smuggling methamphetamine into the country, and keep people with criminal records out of this country.

That is why many of us think the first thing we ought to do is get control of the border.

I went on a little long in answering the question.

Mr. SESSIONS. That is good. I wanted to follow up because the Senator mentioned methamphetamine. I had an opportunity today to meet with the executive director of the Alabama District Attorneys Association. Through Alabama laws and the Federal law we passed pseudoephedrine is not so available now, from which methamphetamine is being made in the United States. He just told me casually this morning, now all the methamphetamine is coming in from Mexico.

You are on that border. Do you sense that there is a growing problem with methamphetamine being brought in across the unsecure border?

Mr. KYL. I would say to the Senator from Alabama, this is what we have been briefed. The President was at the border. He was briefed likewise on this phenomenon. Sheriff Larry Dever from Cochise County, Sheriff Ralph Ogden from Yuma County, they both told me this. The chiefs of police in Tucson and Phoenix told me this, the Chief of the Border Patrol in both the Tucson and Yuma sector, all of them agree that methamphetamine is now the No. 1 drug coming across and, by the way, also underneath—in some of these tunnels. We need to make that a crime as well. It is not even a crime to dig a tunnel under the border. But we have an amendment that hopefully will cure that. But now a backpack of methamphetamine is said to be worth, by these law enforcement officials I identified to you, to be worth between a quarter of million and a half million dollars. You can take a poor, illegal immigrant, many of them in a group, and put this backpack on each of them and give them $10,000—more money than they have seen in a long time—and say: You scoot across the border and you'll be met by XYZ. That is a cheap way to get it across. They are not making it as much in Arizona, in fact, anymore. It is all coming across the border, as you pointed out.

Mr. SESSIONS. One more question because I think this is very important for all of us here who strive to be responsible to the citizens we serve, and that is, we have had some amendments, some of which were accepted that I offered, that would increase bed space or increase Border Patrol agents and that kind of thing to improve enforcement. That is part of the bill that is before us. But I have been here long enough to get a little bit dubious about some of these things and learn the ropes around here.

One of the things that I have learned is, just because you put something in an authorization bill, that you authorize a barrier, you authorize more patrol officers, you authorize more detention space, does not mean it will actually be created and done.

Mr. KYL. Mr. President, I say to the Senator from Alabama, I have to summarize this answer because welling up in my chest is a big complaint about the Congress, about the Clinton administration, about the Bush administration. Let's be honest. Nobody has done their job completely here.

We authorized.

Mr. SESSIONS. That is the committee you serve on, Judiciary, the authorizing committee, and that I serve on.

Mr. KYL. That is right. Senator FEINSTEIN and I got an amendment passed in 1996 to double the number of Border Patrol agents. It passed the Judiciary Committee, passed the Congress. It is an authorization. Do you think that in 5 years we had double the Border Patrol agents? No.

We couldn't get the administration to ask for enough funding in the budget, and, of course, if it is not asked for, then Congress is loathe to appropriate. So it took us about, as I recall, 7 years or maybe 8 years to get the number of agents doubled. We have succeeded in doubling them and adding another 2,000 or 3,000 on top of that. But it took far longer than it should have.

We have authorized SCAAP—the State Criminal Alien Assistance Program—that reimburses the jails and prisons in your State, my State, and other States for the criminal aliens housed in those prisons. The program is authorized. This administration this year requested in the budget exactly how much money for this program? Zero, nothing; same as last year. Congress had to find the money. And we ended up appropriating about $300 million, which is less than half of what we should have. Had we done $700 million, we would have reimbursed the States about one-third of their expenses. We only did $305 million, as I recall.

Mr. SESSIONS. Isn't it a Federal responsibility?

Mr. MCCAIN. Mr. President, regular order.

Mr. SESSIONS. Mr. President, I believe Senator KYL has the floor. I was asking a question.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Arizona, Senator KYL, has the floor and has yielded for a question.

Mr. KYL. Mr. President, the bottom line is that many things we have authorized—additional Border Patrol agents, additional equipment, additional aircraft, radar, UMVs, cameras—neither the President nor the Congress over the years has seen fit to provide. We have gotten a lot more in recent years than we have in the past. But the bottom line is merely because we authorize something doesn't necessarily mean it is going to be appropriated.

It is not just a matter of money. Sometimes it is a matter of enforcing laws that we have on the books—such as the employers who find it very difficult to differentiate fraudulent documents and, therefore, they end up hiring illegal immigrants. But we don't enforce that law. It is hard to blame the employer, but the Government isn't trying to enforce it, either. Simply authorizing something doesn't necessarily mean it will happen.

Mr. SESSIONS. Mr. President, I ask the Senator, isn't that in fact what happened in 1986? We passed the amnesty bill, and the American people were told this would be a one-time thing, it would solve this problem, and we are going to have enforcement on the border. That was promised. But, in fact, it never occurred. The monies were never appropriated. The President never aggressively asked for the resources necessary to make this occur, and we ended up not enforcing the law.

Mr. KYL. Mr. President, I say to the Senator, my perception is that having passed the law, one reason people referred to it as amnesty is because it was not enforced. There was a commitment to enforce it. I don't know the reasons why it wasn't enforced, but in many respects it was not.

The key thing we need to do here, since the American people are skeptical of our ability and our commitment to enforce the laws, in order to be able to adopt the guest worker program and deal with the people who are here illegally and have a work program, in the future we are going to have to demonstrate to them we have the ability and we will make the commitment to enforce whatever law we end up adopting.

Mr. SESSIONS. I thank the Senator.

Mr. President, I wish to make a few comments.

I see Senator MCCAIN. Maybe there is time he wants to use.

The PRESIDING OFFICER. Is the Senator from Alabama seeking recognition?

Mr. SESSIONS. I seek recognition from the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this is a very real concern Senator KYL and I have talked about. The concern is we are basically telling the American people that in good faith we are going to recognize that somehow we failed to follow the law, that we failed to enforce the law and create a workable system. The last time in 1986 we said we had a million people here illegally, and we admitted we were going to give them amnesty, and that we were going to try to create a system in the future that would not lead to these kinds of problems again.

What happened was 3 million people showed up—not 1 million—and they claimed amnesty. We never enforced the borders. Here we are 20 years later, and we have an estimated 11 million people, although I think one of the survey firms in the country said there may be 20 million people here. We will find out, I guess, when this passes.

But the question is, What will we do to ensure with this implied promise we are making to the American people that won't happen again?

The truth is, President Carter, President Reagan, President Bush, the former, President Clinton, and this President Bush have not come to the Congress and said, Congress, we are not getting the job done on the border. Give us more money and we will fix it. We have this problem. We need a computer. The employers are telling us they can't ask the proper questions because of this law or that law. The employment enforcement is not working. Help us change the law, Congress, so we can create a workable system. They never asked for it. They never did anything to suggest that. The system has gotten completely out of control.

How do we know, when we pass this legislation and immediately provide for the benefit of those who come illegally new rights and privileges and a path that would lead them straight to citizenship, how do we know we are not going to have the problem again?

That is all I am asking. I don't know how you can do it.

You could say, Well, this law won't take effect until we have a border system that works. Is that the way we will do it? I am not sure.

But the American people have every right to be skeptical. They have every right to be skeptical. They have a right to wonder if we are at all serious about what we are saying here.

I was a Federal prosecutor for 15 years. That is what I have done the biggest part of my professional life. I tell you it breaks my heart to see a legal system so ineffective. What has been going on here is a mockery of law.

Time and again we come back and we admit we haven't enforced the law. What good is the law if it is not enforced, let me ask you. You can't make everybody happy. You can't do everything for everybody.

I believe very strongly that this Nation is a nation of immigrants. I am perfectly prepared to approve allowing quite an additional number of people to come into this country legally. But in exchange for that, I think we have to have the balancing act of a legal system that works so we do not continue to see the large numbers of people coming in illegally.

I will summarize again what I have said before. I think we can do it. This is not that difficult. We increase border security, we use barriers, we use the virtual fence concept, we use computer systems and biometric identifiers, the United States VISIT Program, which needs to be completed, and then we use enforcement in the workplace.

As C.J. Bonner—people who have followed this heard him speak out before. He represents the Border Patrol agents. He said that absolutely we can do this. It is not going to cost a fortune and it is not going to break the Treasury of the United States, but it is going to cost some money.

If we will step it up and do these things, we can create a tipping point where people come into the country legally instead of illegally. That is it.

Right now, they come illegally. Why? It is easier to come illegally, that is why. People do what they are allowed to do.

I believe we can make this system better. I believe the legislation that came out of committee moved far more aggressively to the amnesty direction in the bill that Chairman SPECTER started out with.

The legislation that is pending before the Senate today does not represent the settled opinion of the American people. Once they find out about it, they will not be as happy as we would like them to be.

It is time to slow down, listen carefully to what is occurring, make sure we have a plan in place that will guarantee enforcement on the border, that will guarantee workplace enforcement and a plan that will allow more people to come in a legal way, an effective way, using a biometric identifier so they can come through the border and maybe go back and forth every weekend if that works for them and create a system by which this country can decide how many workers and what category we need so that if we have a downturn in our economy, we are not driving Americans out of work in large numbers. Those are things that a rational country would do.

This legislation, as presently configured, does not do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Alabama. He is a man of passion and commitment and willing to stay late no matter what to make his points and advocate his positions. I always enjoy doing business with the Senator.

I want to make one comment; that the President of the United States today in Cancun made a very positive statement about what we are doing in the Senate. I am very appreciative of his comments. He said that we have to obviously put people at the back of the line that want to be citizens, but he also felt very strongly that we needed a viable guest worker program.

I am hoping over the weekend we can all think about our positions and perhaps get into some associations so that we can resolve this issue amongst everyone because it seems to have generated not only a lot of attention but a lot of controversy as well, particularly in the media.

I know we are all trying to achieve the same goal of securing our borders and at the same time resolving the issues of how people can come here and work legally if they are both qualified and needed, and, of course, addressing the issue of the 11 to 12 million people who are already here, some of them coming yesterday, some of them here 50 or 60 years.

Ms. MIKULSKI. Mr. President, I have an amendment to fix a broken bureaucracy and help noncitizens who are serving in our military become citizens of the United States.

There are over 40,000 non-U.S. citizens serving in the U.S. military today. Many want to become U.S. citizens but are caught up in red tape and paperwork, bureaucratic run-arounds and backlogs. That is wrong—many of these young people are on the front lines in Iraq, Afghanistan, and throughout the world fighting terrorists. They are focused on fighting the enemy; they shouldn't also have to fight the bureaucracy just to become a citizen of the country they are fighting for. My amendment makes sure that it is easier and quicker for non-U.S. citizens serving in our military to become citizens.

This amendment is called the "Kendell Frederick Citizenship Act of 2005." Why? Because Kendell Frederick's death in Iraq shows clearly how broken our bureaucracy is, and why it is so important to pass this bill. Kendell Frederick was an Army soldier from Maryland killed in Iraq on October 19, 2005. He was 21 years old. Kendell was killed by a roadside bomb on his way to be fingerprinted to become a U.S. citizen. But he was also killed by the botched bureaucracy of the U.S. Government: by their incompetence, by their indifference, by their ineptitude. This is inexcusable.

Every military death in Iraq is a tragedy, but this one did not need to happen. Kendell died in Iraq, fighting for America. Yet he wasn't born in America, he was born in Trinidad. He came to this country when he was 15 years old. As many who come to this country to pursue the American dream, he was filled with hopes about his future in this country. He got an education and graduated from Randallstown High School in 2003. While in high school, he decided to join ROTC. After he graduated from high school, he decided to join the Army with hopes that he would be able to go back to school.

In the Army, Kendell was a generator mechanic assigned to a heavy combat battalion. His job was to keep all of the generators running, which kept his battalion running. Kendell wanted to become an American citizen. Yet a series of bureaucratic screwups and unnecessary hurdles prevented that—and cost him his life.

Kendell had been trying for over a year to become a U.S. citizen. He started working on it when he joined the Army, while he was training and learning how to become a soldier. Kendell sent his citizenship application in and checked the wrong box. Specialist Frederick was busy training for war, packing to go to Iraq, saying goodbye to his mother, his brother, and his two sisters. All the while, he was also worrying which box to check to become a U.S. citizen.

After that, Kendell's application was derailed by immigration three times. First, after his mother checked the correct box saying Kendell was in the military, Immigration sent the application to the wrong office, not the office that handles military applications.

Second, Immigration rejected the fingerprints he sent them, with no explanation. Kendell had his fingerprints taken when he joined the military. He had an FBI background check for the military. We have high standards to be in the U.S. military. There was no reason Immigration could not have used the fingerprints taken when he joined the military, but they refused.

Third, and finally, Kendell was told to get his fingerprints retaken in Maryland—but he was in Iraq fighting a war. His mother called 1-800 Immigration. That's supposed to be the HELP line. She told them: My boy is in Baghdad, he can't come to Baltimore to get fingerprinted. She would have loved for her son to come to Baltimore, but he was fighting in a war, fighting for America. Immigration told Kendell's mom there was nothing they could do. They were wrong. That was the wrong information. They were no help.

On October 19, Specialist Kendell Frederick was traveling in a convoy to a base to get fingerprinted. He did not usually go on convoys, but that day he was in the convoy. Kendell Frederick was killed when a roadside bomb struck that convoy. He was granted his United States citizenship a week after he died. He was buried in Arlington National Cemetery. Kendell was trying to do the right thing, yet he was given wrong information. He got the run-around. His sergeant tried to help, but he didn't know all the rules. It was not his job to know the rules—he was fighting a war. Kendell's mother did the right thing: she tried to cut through the bureaucracy, making phone calls, sending letters. She was diligent and relentless. The system failed—again and again. And a wonderful young man lost his life.

Kendell's mother, Michelle Murphy, could have just sat there. She could have boiled in her rage, but, no, she wanted to do something with her grief. When I spoke with her, she told me she didn't want any mother to have to go through what she went through, what her son went through. Service members and their mothers should not be worrying about what box to check on a citizenship application, which of many addresses is the right address to mail it to, or where to get fingerprints taken. When a service member is fighting for America, mothers have enough to worry about. Service members have enough to worry about.

This amendment makes it easier for military service members to become citizens. The provisions of this amendment cut through the red tape. First, it requires Citizenship and Immigration Services, CIS, to use the fingerprints the military takes when a person enlists in the military, so a service member doesn't have to keep getting new fingerprints. Second, it requires the creation of a military Citizenship Advocate to inform the service members about the citizenship process and help with the application. Third, it requires CIS to set up a customer service hotline dedicated to serving military members and their families. Finally, it requires the Government Accountability Office to conduct an investigation into what is wrong with immigration services for our military.

No one should ever again have to go through what Kendell and his mother went through. I am proud to stand here today with Senator KENNEDY to offer this amendment named after Kendell Frederick, just as his mother asked me to do. The Kendell Frederick bill will make sure that anyone in the military who wants to be a U.S. citizen will be able to do so, quickly and easily. If you are willing to fight and die for America, you should be able to become an American. I urge my colleagues to join with me in passing this important amendment. Help the brave men and women fighting for this country become the U.S. citizens they deserve to be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO VICE ADMIRAL JACK FETTERMAN

Mr. MARTINEZ. Mr. President, I rise today to recognize the passing of an exceptional leader, as well as a respected Floridian. VADM John "Jack" Fetterman passed away last Friday at his home in Pensacola, FL, at the age of 73.

Following graduation from Albright College in Pennsylvania and Aviation Officer Candidate School in Pensacola, Admiral Fetterman began his career as a naval aviator. He later went on to become a Pacific Fleet naval Air Force commander in 1987 and was promoted to vice admiral.

I had the pleasure of meeting and working with Admiral Fetterman during the Base Closure and Realignment process last year. I found him to be a fierce and eloquent defender of the Navy and of the military.

Admiral Fetterman, in 1991, became the chief of Naval Education and Training at Pensacola Naval Air Station. He created and was the father of the Core Values Training Program, which earned him the title of the "Father of Navy Ethics."

Admiral Fetterman retired as a three-star admiral in 1993. But upon his retirement, he did not just retire, he continued his love of the Navy and his service to the Nation by becoming the president and CEO of the Naval Aviation Museum Foundation.

Admiral Fetterman, with a great deal of love and care, guided and directed the Museum of Naval Aviation in Pensacola, which is truly a wonderful and remarkable place where the many heroic feats of people over the years connected to naval aviation are recorded and appreciated.

Admiral Fetterman, to the very last, continued to serve his Nation and his country well. I extend my condolences to the members of his family, to his beloved wife, and to all those in the community, in the naval community, who came in contact with such a fine American, who served his country so well.

At times such as this, I know we are always reminded that life is finite, and that we also have to harken and always appreciate a life well lived, as was Admiral Fetterman's.

Mr. President, I yield the floor.

CAMBODIA

Mr. McCONNELL. Mr. President, today is a tragic anniversary for Cambodia.

Nine years ago, on March 30, 1997, a peaceful and legal rally held by the opposition Khmer Nation Party was disrupted by a grenade attack. To date, there has been no justice for the victims or their families, including American Ron Abney who was injured in the attack.

While I am aware of the many lawsuits relating to this incident that have been filed, dropped, or dismissed, I encourage the State Department to work with the Government of Cambodia to secure the return of the Federal Bureau of Investigation, FBI, so that the FBI can conclude its investigation into this crime. Bringing the perpetrators to justice is the only way to honor those killed and injured on that tragic day.

I am hopeful that the ongoing dialogue between Prime Minister Hun Sen and opposition leader Sam Rainsy will continue and that Hun Sen's pledges for reform are matched by concrete and measurable actions. My only advice to the Prime Minister is that he thinks before he speaks. It is counterproductive, at best, to call for the sacking of Yash Ghai, the U.N.'s special representative for human rights in Cambodia, because of critical comments he made on the Government's crackdown on dissent.

The desire for democracy and justice in Cambodia remains strong today, and I encourage the Cambodian people to remain vigilant. It is my hope that they, one day, know freedom from fear, can rely on good governance, and know that justice is neither bought nor sold. The Government of Cambodia bears the burden of proving that it is part of the solution—and not part of the problem. International donors should not forget for a single moment that those killed 9 years ago were peacefully calling for judicial reforms.

As I have in the past, I ask unanimous consent that the names of those murdered on March 30, 1997, be printed in the RECORD following my remarks. I know they remain in the thoughts and prayers of their families and friends in Cambodia, as do they in ours.

There being no objection, the names were ordered to be printed in the RECORD, as follows: Mr. Cheth Duong Daravuth, Mr. Han Mony, Mr. Sam Sarin, Ms. Yong Sok Neuv, Ms. Young Srey, Ms. Yos Siem, Ms. Chanty Pheakdey, Mr. Ros Sear, Ms. Sok Kheng, Mr. Yoeun Yorn, Mr. Chea Nang, Mr. Nam Thy.

FRAUDULENT PRESIDENTIAL ELECTIONS IN BELARUS

Mr. FEINGOLD. Mr. President, today I want to express my concerns about the recent presidential election in Belarus.

I have previously noted the tremendous hardships Belarus has endured throughout its history. For centuries, Belarus has been fought over, occupied and carved up. But Belarus' declaration of independence from the Soviet Union in 1991 held great promise for a better future. As it broke from communist rule, it had the opportunity to build a free nation and become part of a peaceful, more secure Europe. The country began to embrace economic and political reforms and democratic principles. It established a constitution and held its first Presidential election in 1994.

Unfortunately, the prospect of democratic change in Belarus was quickly frozen as its first President, Alexander Lukashenka, adopted increasingly authoritarian policies, including amending the constitution in a flawed referendum to extend his term and broaden his powers. Lukashenka's regime has been marked by a terrible human rights record that is progressively getting worse, with little respect for freedom of expression, assembly or an independent media. A pattern of disturbing disappearances of opposition leaders fails to be seriously investigated by authorities. The living conditions in Belarus are declining and Lukashenka's refusal to institute economic reforms has only aggravated the situation.

The 2005 State Department Human Rights report states that "the government's human rights record remained very poor and worsened in some areas with the government continuing to commit numerous serious abuses." The report goes on to acknowledge that Lukashenka "systematically undermined the country's democratic institutions and concentrated power in the executive branch through flawed referenda, manipulated elections, and undemocratic laws and regulations." Mr. President, the litany of human rights abuses documented in this report show that Lukashenka has only used the last 12 years to increase the reign of tyranny and oppression in Belarus.

The elections of March 19, 2006 continued Lukashenka's repressive tactics and total disregard for democratic principles. The Organization for Security and Cooperation in Europe, OSCE, which observed the elections, stated in its report that "the arbitrary abuse of state power, obviously designed to protect the incumbent President, went far beyond acceptable practice. The incumbent President permitted State authority to be used in a manner which did not allow citizens to freely and fairly express their will at the ballot box." The report cited a "climate of intimidation and insecurity" and a "highly problematic" vote count during and after the election.

The recent so-called "color revolutions" in Georgia, the Ukraine, and Kyrgyzstan, showed what can happen when a country's people become fed up with the oppression of tyrants and call for democratic, representative government. Let us hope that the fledgling democracy movement in Belarus has a similar chance to flower. A number of courageous Belarusians braved intimidation and took serious risks to denounce the election results in peaceful public demonstrations; unfortunately, these risks were made imminently clear when Belarusian security forces marched into the public square where they were rallying and forcibly detained a number of them in the early morning hours of March 24. I add my voice to the chorus of those calling for the Belarusian authorities to respect the rights of their citizens, hold valid elections, and immediately release those who were detained simply for peacefully expressing their views.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On November 14, 2001, Pablo Parrilla was charged with first-degree intentional homicide in the shooting death of his sister's girlfriend, Juana Vega. Parilla confronted Vega outside her Milwaukee, WI, house and shot her repeatedly. According to reports, Parrilla was shouting sexually derogatory slurs toward Vega throughout the attack.

I would note that recently in the House, hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead, I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

NATIONAL WOMEN'S HISTORY MONTH

Mr. LAUTENBERG. Mr. President, I rise today to commemorate National Women's History Month.

This is an important national observance that reminds us to celebrate the immense accomplishments and everlasting contributions of women. Women have helped shape our society since the first settlers landed on America's shores, and women continue to lead us into the future.

It is important that we remember the efforts of women such as Harriet Tubman, Amelia Earhart, Eleanor Roosevelt, Elizabeth Cady Stanton, Madeleine Albright, Maya Angelou, Ella Fitzgerald, Betty Friedan, Ruth Bader Ginsburg, Billie Jean King, Margaret Mead, Sacagawea, and Chien-Shiung Wu. We celebrate the diverse contributions of each of these remarkable women to all facets of American society.

The State of New Jersey is home to many commendable women. Alice Paul, Elizabeth Coleman White, Mary Norton, and Mary Roebling are just a few.

Alice Paul was as a leader of the women's suffrage movement, founder of the National Women's Party, and author of the equal rights amendment. This longtime activist for women's equality is well known for picketing the White House, which landed her in jail during the summer of 1917 but helped secure women's right to vote. Few have had as great an impact on American history as Alice Paul.

Elizabeth Coleman White was born on her family's cranberry farm in New Lisbon, NJ. She partnered with Frederick Coville on her farm to create the first commercial crop of blueberries. Ms. White was also the first person to use a cellophane wrap in fruit shipment.

Mary Norton was elected to the U.S. House of Representatives in 1924 and served in Congress for 26 years. She was a member of the famous Petticoat Front in the 80th Congress, which was a bipartisan group of women who fought to gain equal footing with men as legislators. At the time, only seven women served in the Congress. Today, thanks in part to Mary Norton's pioneering efforts, a record 84 women are Members of Congress.

Mary Roebling was the first woman to head a major commercial bank, the Trenton Trust Company, and in 1958 she became the first female governor of the New York Stock Exchange. She has proven that women can be just as successful in the business world, and any sector, as men.

These four women are only a handful of those who deserve recognition for their contributions to America.

In 1981, Congress passed a resolution establishing National Women's History Week, which coincides with International Women's Day. At the request of the National Women's History Project, this was expanded to a month in 1987. I have always been proud to support this effort.

I hope that National Women's History Month will continue to help educate Americans about women's accomplishments and inspire more women to reach for the stars.

A SPEAKER FOR IDAHO

Mr. CRAIG. Mr. President, I never had the opportunity to serve with Bruce Newcomb in the Idaho State Legislature, but having been privileged to get to know him, I very much would have enjoyed working with a man of his caliber.

Bruce is retiring from the Idaho House of Representatives at the end of the 2006 session, and he will be sorely missed by his colleagues in the legislature and his constituents in Idaho. Bruce has developed a reputation of being an honest and evenhanded speaker of the house whose sense of humor helps in tackling contentious issues and a heavy workload. In addition, he is a strong leader who is not afraid to make a strong stand when the situation calls for it.

Having grown up on a working farm and ranch in Idaho myself, I understand the difficulty of going to Boise to serve in the legislature in the middle of the calving season. Bruce has been able to handle his work as a rancher while serving the constituents of Idaho, without sacrificing the quality of either profession—not to mention his important duties as a family man, the husband of Celia Gould and father of five children. It takes a truly talented man to handle all these responsibilities and continue to have such strong loyalty and respect from colleagues, family, and friends.

Over the 2006 President's Day recess, I had the opportunity to share the floor with Bruce at the Mini-Cassia Lincoln Day Luncheon in Burley, ID, to answer questions from the constituents of Idaho. Bruce fielded all the State-related questions and handled them with impressive knowledge, not to mention a down-home country charm which made complicated issues easy to understand. After seeing Bruce in action with his constituents in his home district, it is easy to understand why he will leave such huge boots to fill when he retires.

Bruce served 20 years in the Idaho House of Representatives, where he held many different leadership roles: majority caucus chairman, assistant majority leader, majority leader, and four terms as speaker of the house. His four terms as speaker marks him as the longest-serving speaker in the Idaho House of Representatives.

Bruce, thank you for your service to our State. You truly are a speaker who speaks for Idaho.

Mr. CRAPO. Mr. President, when the 2006 session of the Idaho State Legislature adjourns this year, it will signal the end of an era. The longest-serving speaker of the Idaho House of Representatives will be retiring. Bruce Newcomb, a rancher from Burley, will leave the legislature after a total of 20 years. He spent the past four terms as speaker and leaves boots that will be difficult to fill, to say the least.

Bruce and I served together in the legislature in the late 1980s. My former colleague is a thoughtful man of principle and a terrific sense of humor. Bruce is also one of my closest friends. Over the years, I have worked with him on many issues important to Idaho, and I know that I can always turn to him for solid advice and counsel. His reputation for cooperation and collaboration is well deserved. He consistently seeks out fair and just solutions to policy challenges, even the more contentious and divisive such as water issues and term limits. Nevertheless, Bruce is unafraid to take a respectful but strong stand when circumstances require it. He earned such loyalty among colleagues and coworkers that when he lost his hair in a bout with cancer in the 1990s, many of them shaved their heads in a show of solidarity.

Bruce takes his public service very seriously. Idaho has gained from his wisdom, love for our State and ability to see clearly a path forward. Idaho's legislature is losing a remarkable man who has served all Idahoans faithfully and with excellence. I wish him and his family the very best in retirement, and thank him for his steady, close friendship over the years.

COMBAT METH ACT

Mrs. FEINSTEIN. Mr. President, I rise today to include in the RECORD an additional comment regarding the Combat Meth Act, which was passed into law earlier this year as part of the USA-PATRIOT Reauthorization Act.

While much has been said about the portions of this bill that address the national meth problem, I wish to highlight the commonsense approach this legislation provides for preventing the diversion of controlled substances.

The Controlled Substances Act requires its registrants to ensure that controlled substances do not fall into the wrong hands in the places where they are manufactured, distributed, or sold. To this end, it has always been the Drug Enforcement Administration's goal to encourage such registrants to investigate fully the backgrounds of potential employees who might have access to such substances, specifically for drug-related criminal convictions.

However, certain State and local privacy laws have had the potential to hamper this objective. These laws frustrate the purpose of the Controlled Substances Act and the objectives of the Drug Enforcement Administration by, among other things, purporting to prohibit registrants from asking questions relating to an applicant's experience with controlled substances, including whether they have been convicted of drug-related crimes. The real-world implication has been, in a word, nonsensical. In my own State of California, for example, there is a State law that provides that employers are not allowed to question a potential employee about certain drug-related criminal convictions that are older than 2 years. This prohibition also purports to cover employers who are registered under the Controlled Substances Act. If a registrant complied with this State law, it could mean that a responsible pharmacy could hire someone to work at the cash register who would be in a position to divert pharmaceutical products, and the employer would never have any clue about the applicant's past. This runs counter to the purpose of the Controlled Substances Act and undermines the DEA's efforts to prevent the unlawful diversion of controlled substances.

The law we passed clarifies once and for all that registrants can and should fully vet applicants, including asking them about any and all drug-related criminal convictions—not as an infringement on someone's privacy but as a safeguard to ensure that people with access to controlled substances do not pose risks to the public welfare. This legislation makes clear that those on the frontlines of preventing controlled substance diversion have a crucial tool they need to do their job.

RELEASE OF JILL CARROLL

Ms. STABENOW. Mr. President, today is a day of great celebration for Jill Carroll, and her friends and family. The Christian Science Monitor reporter and Ann Arbor native was set free today in Baghdad nearly 3 months after being kidnapped in an ambush that killed her translator. The U.S. Embassy is now working hard to reunite Jill with her family as soon as possible.

In Michigan, we all anxiously watched and prayed for the release of this young woman, and I want to express my gratitude to everyone who worked hard for her release. I want to thank the Arab-American and Muslim-American leaders in Michigan and across the country for their hard work.

The Islamic Shura Council of Michigan which represents more than two dozen mosques and Islamic organizations in Southeast Michigan held a press conference publicly calling for her release. The Council on American-Islamic Relations sent a delegation to Baghdad to lobby for her release. The American-Arab Anti-Discrimination Committee, The Arab American News and the Congress of Arab American Organizations also issued public statements calling for Jill Carroll's release.

These groups spoke out not just because of Jill Carroll's ties to Michigan or because this was a humanitarian issue, but because kidnapping and killing are an affront to the principles and values of Islam and Arab-American culture.

I want to wish Jill Carroll and her family the very best. She is safe, she is free, and very soon she will be home with her family.

TRIBUTE TO KAY LEBOWITZ

Ms. COLLINS. Mr. President, I rise today to pay tribute to a remarkable woman in Bangor, ME, the city I am proud to call home.

Her name is Katherine Lebowitz, but her friends call her Kay. And she has lots of friends: the citizens of Maine she represented so well in the State legislature, the residents of Bangor she served as mayor, the countless people who benefit from her tireless volunteer work for educational, cultural, and charitable causes.

Also among her close circle of friends are the more than 260,000 members of the U.S. Armed Forces who have passed through Bangor International Airport during the last 3 years of conflict. Whether Bangor is their last stop before going overseas or the first American soil they touch on the way home, Kay Lebowitz and the wonderful Bangor Troop Greeters are there. Nearly 1,500 military flights have landed in Bangor since 2003, and the Troop Greeters have met every one day or night with cookies, homemade fudge, cell phones to call loved ones back home, cheers of gratitude, and hearty handshakes.

At the age of 90 soon to be 91 Kay has arthritis that prevents her from shaking hands, so she hugs. She hugs until her arms ache, but there is a hug for everyone. To the returning troops, she says, "Welcome home." To those headed out, it is "See you on the way back." And she will.

Today K-I-S-S radio in Bangor is holding a roast in honor of Kay Lebowitz. This event will include the ceremonial "retirement" of a pair of her trademark eyeglasses very stylish eyeglasses into the Troop Greeters Hall of Fame at Bangor International Airport. This is precisely the kind of lighthearted gesture Kay enjoys most, and it is fully in keeping with her generous spirit.

I am sure my Senate colleagues join me and all Americans in thanking the Bangor Troop Greeters for their extraordinary efforts in expressing the gratitude we all share, and in wishing the very best on this special day to Kay Lebowitz. She is a remarkable woman and a great patriot.

ADDITIONAL STATEMENTS

CONGRATULATING LAHAINALUNA HIGH SCHOOL

• Mr. AKAKA. Mr. President, I extend my warmest congratulations to a secondary school in my State of Hawaii, on the island of Maui, that has reached a significant milestone this year. All my best to Lahainaluna High School, as it proudly celebrates its 175th anniversary. Lahainaluna sits in the foothills of the West Maui Mountains overlooking Lahaina, a former whaling village once the capital of Hawaii.

As with many schools, Lahainaluna, known as "the leading star of the Pacific," began as a seminary for young men. It opened on September 5, 1831, following a vote of the Hawaiian Mission of the American Board of Commissioners to create the institution. Rev. Lorrin Andrews served as the school's first headmaster for 25 students. By June of 1836, the class size increased to accommodate 32 boys, some of them beginning the tradition of boarding that continues today.

Lahainaluna's initial curriculum included subjects that missionaries to Hawaii wished to require of teachers. These were traditional subjects such as arithmetic, writing, geography, and natural history, and later, advanced mathematics, astronomy, scriptural history, and theology. Students were also instructed in useful trades including farming, animal care, carpentry, navigation, surveying, printing, and engraving. Members of this institution were inventive and innovative, and on February 14, 1834, the first issue of Ka Lama Hawaii, the first newspaper published west of the Rocky Mountains, was printed at the school.

The school's curriculum expanded tremendously from its original offerings by the turn of the century. Students learned grammar, bookkeeping, typing, mechanical and architectural drawing, sanitation, civics, business math and English, in addition to vocational subjects such as auto repair and agriculture.

Lahainaluna kept pace with the times and in 1923 became known as a "public high school" for boys and girls, rather than as a "special school." Two years later, the school became a 4-year high school and graduated its first senior class in June 1926.

Statehood came for all of us in Hawaii on August 21, 1959. About 20 years after that, Lahainaluna's traditionally male boarding department opened its doors to admit female boarders.

Lahainaluna was accredited in 2004 by the Western Association of Schools and Colleges for a 6-year term. It received a 2006 Superior Schools award at the Environmental and Spatial Technology conference in Hot Springs, AR.

Today, Lahainaluna continues to be one of Maui's flagship high schools, educating a diverse student body of 1,000 students each year and sending them to colleges across the country. Certainly, the school has weathered many changes, particularly the rise and fall of Maui's sugar industry, and the inevitable impacts on the families of its student body. It is my hope that the school will continue for many years into the future to educate bright, young minds and inspire them to become productive citizens who give back to the community.

Congratulations to Principal Michael Nakano, members of his administration, faculty, staff, current students, and their families, and all of its alumni who have continued Lahainaluna's proud traditions and seen the school to its memorable 175th anniversary this year.

The school's philosophy is an enduring one, and I will end by noting part of it here. "We recognize the importance of each student. All students can learn and we must give them the opportunity to maximize their potential. We encourage students to think independently, to have a sense of responsibility for themselves and for society and to experience the satisfactions and rewards that come from creativity."•

100TH ANNIVERSARY OF THE ROSWELL PUBLIC LIBRARY

• Mr. BINGAMAN. Mr. President, I am proud to join the citizens of southeastern New Mexico in celebrating the 100th anniversary of the Roswell Public Library. That this should happen on the cusp of National Library Week makes the distinction even more gratifying. I would like to take this opportunity to commend Library Director Betty Long and the Roswell Public Library staff, both former and present, for their hard work and dedication to the public library system. Their devotion and commitment to the citizens of Roswell and Chaves County are exemplary.

On April 2, 1906, through the perseverance of the Roswell Woman's Club, the library opened at its original location on Richardson and Third Streets. The Roswell Public Library was established before New Mexico received statehood; it also preceded the historic Chaves County Courthouse. Throughout the decades, the Roswell Public Library has remained steadfast in providing Roswell the scholarly and leisure resources necessary to stimulate a vibrant and growing community.

During my time in the Senate I have come to understand the importance of increased funding for and awareness of library services in the 21st century. Libraries do more than just loan books; they serve as meeting places, repositories of knowledge, and safe havens where ideas can be strengthened or challenged. They have played a vital role in the development of human culture throughout history. It is clear that the role of the Roswell Public Library in this most worthy pursuit will be even greater in the decades to come.

Once again, I would like to congratulate the Roswell Public Library on their centennial. I wish them continued success as they move forward.•

MESABI EAST SCHOOLS, AURORA, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor the Mesabi East School District, in Aurora, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

The Mesabi East School District is truly a model of educational success. The district believes the education of our students goes beyond the classroom walls to include helping children develop compassion and the desire to serve their community.

Toward that goal, for the past 9 years, the Mesabi East Schools have sponsored Project Elf, which provides clothing, food, and toys for less fortunate families in the area who apply for the assistance. Donations are solicited from local merchants, and student volunteers receive a budget to shop for each family. All names are kept confidential. Recently, Project Elf inspired another initiative, called Elf Central. Participating students and staff volunteer to stay after school to make gifts for people in need of a cheerful message. The effort became a groundswell; now, 457 students volunteer often, throughout the year.

Students' community involvement exceeds helping families and those in need. Over the past 6 years, the students of the Mesabi East Schools have sponsored a carefully planned Veterans Day celebration to honor the men and women who have given so much for their country. The Veterans Day ceremony has become a hallmark of community pride and a wonderful form of appreciation for the sacrifices of all our Nation's veterans.

In addition, the Mesabi East District has focused particular attention on early childhood education. Recently, the District created a nonprofit entity dedicated to researching the best possible way to provide services to families. This group has quickly organized a variety of early childhood activities within the community.

Much of the credit for the success of the Mesabi East School District belongs to its superintendent, Gene Paulson; the principals, Sam Wilkes and Jorma Rahkola; and all the dedicated teachers. The students and staff at Mesabi East Schools understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Mesabi East Schools should be very proud of their accomplishments.

I congratulate the Mesabi East School District in Aurora for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

JOHN A. JOHNSON ACHIEVEMENT PLUS ELEMENTARY SCHOOL

● Mr. DAYTON. Mr. President, I rise today to honor John A. Johnson Achievement Plus Elementary School, in Saint Paul, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

John A. Johnson Elementary School is truly a model of educational success. A state-of-the-art community school, it was the first recipient of the Richard W. Riley Award for Excellence in Community Schools, which is conferred by the KnowledgeWorks Foundation, a public education philanthropy in Ohio. John A. Johnson Elementary, which serves 320 children in kindergarten through grade six, was deemed the best community school in the Nation and won this distinction merely 4 years after opening its doors.

As one of Minnesota's best-performing schools serving children of a predominantly low-income population, Johnson has accumulated truly impressive academic accomplishments. For example, during the school's first 2 years of operation, 2000–2002, only 50 percent of the children tested average or above average on standardized reading tests. However, for the past 2 years, nearly 80 percent scored average or above average.

Improvements in math scores at John A. Johnson Elementary are equally remarkable. Last year, standardized test scores in math were within two percentage points of the district average. Only 3 years ago, John A. Johnson pupils were 30 points below the district average.

John A. Johnson Elementary does more than teach children; it is structured to assist families and reduce barriers to education that impede children's learning. The school integrates support services by forming partnerships with many community organizations and making these services available to help parents.

Much of the credit for John A. Johnson Achievement Plus Elementary School's success belongs to its principal, Frank Feinberg, and the dedicated teachers. The students and staff at John A. Johnson Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at John A. Johnson Achievement Plus Elementary School should be very proud of their accomplishments.

I congratulate John A. Johnson Elementary School in Saint Paul for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

LAKE HARRIET COMMUNITY SCHOOL, MINNEAPOLIS, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Lake Harriet Community School, in Minneapolis, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lake Harriet Community School is truly a model of educational success. The school is fully committed to its mission of guiding students to love learning and to celebrate and respect a diverse population, and also to empower young people to reach their full potential as knowledgeable, responsible, and confident citizens of the global community. The school focuses on educating the whole child. Opportunities abound across a broad spectrum, so that virtually every interest is served: love of music and art, athletics, competitive chess, the environment, and history. At Lake Harriet, young people are invited to get involved and are helped to excel in pursuing their interests.

Lake Harriet School reflects the diversity of its city, and it opens its doors to the entire community. Students are given the privilege of meeting other young people of many different cultures, experiences, and abilities. Students come to Lake Harriet Community School from a variety of Minneapolis neighborhoods, and the school is proud of its record of fostering respect and appreciation for diversity.

The academic achievements of the students who attend Lake Harriet Community School are among the highest in Minnesota. For 2 successive years, the school has earned five-star status in both reading and math from the Minnesota Department of Education, an accomplishment realized by fewer than 5 percent of all schools in the State of Minnesota.

Much of the credit for Lake Harriet Community School's success belongs to its principal, Marsha Seltz, and all the dedicated teachers. The students and staff at Lake Harriet Community School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Lake Harriet Community School should be very proud of their accomplishments.

I congratulate Lake Harriet Community School in Minneapolis for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

TRIBUTE TO BRAD COHEN

● Mr. ISAKSON. Mr. President, today I wish to pay tribute to a remarkable young man, Brad Cohen. Brad is a teacher and an author. Brad Cohen is one of the more than 100,000 people in the United States who have full-blown Tourette syndrome.

I first met Brad through his loving father and my friend Norm Cohen. Later, as chairman of the State Board of Education, I visited Brad in his classroom at Mountain View Elementary. I marveled at Brad's ability to teach and hold young children spellbound. I watched as Brad's occasional twitches and noises went unnoticed by his class. I watched a young teacher master both teaching and Tourette syndrome through determination and personal commitment.

Brad has authored a book titled "Front of the Class, How Tourette Syndrome Made Me the Teacher I Never Had." It is a story of personal challenge and determination. It is a story of a young man's dreams coming true. Brad's book is for everyone, and his twenty motivational tips on living with a disability are an inspiration for anyone. I commend Brad Cohen on the power of his life of achievement and the inspiration he has to the children he teaches.●

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

● Mr. LUGAR. Mr. President, I wish today to share with my colleagues the winners of the 2005–2006 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for eighth grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. I, along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, am pleased with the annual response to this contest and the quality of the essays received over the years.

I congratulate Sangeeth Jeevan, of Vigo County, and Brittany Blazier, of Wells County, as winners of this year's contest, and I ask to have printed in the RECORD the complete text of their respective essays. Likewise, I would like to include the names of all of the district and county winners of the 2005–2006 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

The material follows.

INDIANA FARM SUPER HEROES

(By Sangeeth Jeevan—Vigo County)

Introducing the Indiana Farm Super Heroes!

Corn Man—with his super riboflavin power to boost energy, can change from a solid, corn starch, to a liquid, corn syrup.

Wheat Gal—with her supernatural ability to deliver more energy with carbohydrates and make food delicious!

Powerful Poultry—delivering protein needed to build muscle and provide the best tasting meat!

Big Beef—teams up with the Powerful Poultry to provide even more protein.

Potato Pal—a tasty hero that delivers the carbohydrates to energize our health.

Vivacious Veggies—these veggies pack a punch of healthy vitamins and minerals essential for our health!

Today, they will face the challenge of creating a nutritious cookout.

Corn Man: Ok team, what should we do? We need to create the best cookout only with Indiana farm products.

Wheat Gal: I have an idea. Maybe Big Beef should help create a delicious steak!

Powerful Poultry: Yeah, and I could make some mouth watering chicken skewers!

Corn Man: Yeah! Good thinking, Wheat Gal. Veggies, do you think you can create some kind of barbecue sauce for the meat?

Vivacious Veggies: Of course! We could use our tomatoes packed with vitamin C.

Corn Man: Great. I can create a couple of scrumptious grilled corn-on-the-cob!

Wheat Gal: MMM! This cookout sounds tasty. Maybe I can create some buns for cheeseburgers. Hey, Big Beef, do you think you can help me?

Big Beef: Of course! After all, burgers are my specialty. Hey, can you Veggies help me add some condiments?

Vivacious Veggies: Coming right up!

Potato Pal: Maybe I can whip up some snacks for us; say how do potato chips sound!

Everybody: GREAT!!!

Powerful Poultry: I can't believe we can make all these cookout foods just from Indiana farm products. It's amazing!

Wheat Gal: Yeah, and to think these items are so delicious and nutritious!

Corn Man: This is the best cookout ever!

MEMORABLE COOKOUTS FROM HOOSIER FARMS

(By Brittany Blazier—Wells County)

"Lunch time!"

My head popped out of the chilly lake water like a jack-in-the-box. I didn't need to be told twice. Scrambling out of the water, I ran to the shore and flung a sun-warmed towel around me, the breeze making goose bumps on my skin. It was another beautiful day in Indiana.

"What are we eating?" my brother asked as he sat down at a picnic table.

"The usual," I shrugged.

Of course, as Grandma and Mom brought out plate after plate of piping hot food, "the usual" was absolutely music to my taste buds. Corn on the cob, strawberries, and an apple pie looked especially appetizing.

Quickly buttering my corn, I felt my mouth water. "This is your corn, isn't it, Grandpa?"

Indiana is the seventeenth largest producer of sweet corn in the nation. In 2003, it produced 18,600 tons! Along with the fact that sweet corn tastes delicious, it's also very healthy. Corn is a good source of protein, carbohydrates, fiber, iron, and potassium.

After the corn, I moved on to devour the strawberries. Also grown in Indiana, strawberries are jam-packed with vitamin C. In fact, one cup of strawberries is eighty-two milligrams of vitamin C, which is twenty-two more than my diet requires.

Finally, the apple pie was last with apples straight from our orchard. Indiana ranks sixteenth in the country for apple production. Apples are another great source of vitamin C and other nutrients.

I put my fork down and sighed with happiness. My stomach was full, and so was my heart. These memorable cookouts with our homegrown food—heavenly Hoosier horticulture—are ineffably priceless.

2005–2006 DISTRICT ESSAY WINNERS

District 1: Elizabeth Zubrenic (Lake County) and Michael Rice (Marshall County).

District 2: Jeff Teeters (Allen County) and Megan Ramus (DeKalb County).

District 3: Jill Griffin (Carroll County) and Victor Gutwein (Jasper County).

District 4: Jared Wilkinson (Miami County) and Brittany Blazier (Wells County).

District 5: Andrew Keck (Hendricks County) and Chelsea Carroll (Morgan County).

District 6: Nick Johnson (Hamilton County) and Cierra Edwards (Randolph County).

District 7: Sangeeth Jeevan (Vigo County) and Amy Goodman (Green County).

District 8: Megan Hein (Johnson County) and Doug Wicker (Rush County).

District 9: Blake Kleaving (Perry County) and Austen McBain (Posey County).

District 10: Julia Hunter (Floyd County) and Jordan Agan (Washington County).

2005–2006 COUNTY ESSAY WINNERS

Adams: Elizabeth Goebel.
Allen: Jeff Teeters and Ivy Strubel.
Bartholomew: Chrissy Day.
Benton: Michael Strasburger and Allyson LaGrange.
Brown: Sherry Lynn Bube.
Carroll: Jill Griffin.
Cass: Ethan Sell and Katelyn McKaig.
Clark: Austin Mann.
Daviess: Elizabeth Anne Bohnert.
DeKalb: Dean Behrendsen and Megan Ramus.
Dubois: Matthew Wilmes and Katie Whitsitt.
Elkhart: Bennett Tyson and Emily Zimmerman.
Floyd: Stephen McCoskey and Julia Hunter.
Franklin: Chase Howell and Molly Schwab.
Greene: Corbyn Bales and Amy Goodman.
Hamilton: Nick Johnson and Meera Chander.
Hendricks: Andrew Keck and Rachel Douglas.
Henry: Zach Emerson and Emily Thornburgh.
Jackson: Derrick O'Sullivan and Kourtney Tiemeyer.
Jasper: Victor Gutwein and Lindsey Park.
Jay: Ben Vance and Kellie Howell.
Jennings: Aaron Simmons and Morgan Siener.
Johnson: Ben Diekhoff and Megan Hein.
Lake: Patrick Cudzilo and Elizabeth Zubrenic.
Madison: Jessica Driggers.
Marion: Alex Schroeder and Anasuya Shekhar.
Marshall: Michael Rice and Rachel Conley.
Miami: Jared Wilkinson and Adeline Jackson.
Monroe: J.P. Tapp and Deana Fox.
Morgan: Chelsea Carroll.
Newton: Colin Lawrence and Megan Tornquist.
Perry: Blake Kleaving.
Posey: Logan Schmitt and Austen McBain.
Pulaski: Evan Criswell.
Putnam: Laura McGaughey.
Randolph: Jordan Wall and Cierra Edwards.
Rush: Doug Wicker.
St. Joseph: Mark Greci and Vanessa Noriega.
Scott: Trenton Johnson and Anna McGuire.
Starke: Nick Hofferth and Rachel Lugo.
Switzerland: Maggie Armstrong.
Tippecanoe: Natasha Scheffee.
Vigo: Sangeeth Jeevan and Paige Cook.
Wabash: Matthew Andersen and Marissa Stoffel.
Warrick: Ethan Schnur and Amanda Downey.
Washington: Jordan Agan and Cora Carter.
Wayne: Shaun Sizemore and Elizabeth Lim.
Wells: Brittany Blazier.
White: Cory Thomas and Amanda Spear.•

TRIBUTE TO GENERAL LANCE W. LORD

Mr. SESSIONS. Mr. President, I rise today to recognize and pay tribute to GEN Lance W. Lord, commander of Air Force Space Command, and his wife Beccy for their lifetime of service and unfaltering dedication to the U.S. Air Force and our great country.

As both an airman and leader, spanning 37 years of military service, General Lord's contributions to our Nation's strategic deterrence and space missions were critical to the warfighter, global economy, and the safety of our families. General Lord's leadership was an essential element in winning the Cold War and vital to Air Force Space Command's support of combat operations around the world to include Operations Enduring Freedom, Iraqi Freedom, and the global war on terrorism.

General Lord prepared for his illustrious Air Force career by graduating from Otterbein College and its Reserve Officer Training Corps in 1968. In January of 1969, General Lord was introduced to the Air Force through Intercontinental Ballistic Missile, ICBM, operational readiness and combat crew missile training. This training led to his first assignment to North Dakota as a Minuteman II combat crewmember. General Lord's Air Force journey would take him and Beccy through a series of Air Staff and Department of Defense assignments relating to space and strategic and tactical missile systems. He was assigned as the military assistant to the director of Net Assessment and directed the Ground-Launched Cruise Missile Program in Europe. He served as the commander of the 10th Strategic Missile Squadron in Montana, vice commander of the 351st Strategic Missile Wing in Missouri, and later commanded two ICBM wings in Wyoming and North Dakota. In California, General Lord commanded the 30th Space Wing responsible for satellite launch and ballistic missile test launch operations. Leading professional development and educational programs was a hallmark of General Lord's career. He led Air Force's education and training programs as commandant of Squadron Officer School, commander of Second Air Force in Mississippi, and commander of Air University in Alabama. Prior to assuming his current position, General Lord served as the assistant vice chief of staff for Headquarters, U.S. Air Force.

During General Lord's tenure as commander, Air Force Space Command, he provided inspirational leadership to over 39,000 service men and women responsible for a global network of satellite command and control, communications, missile warning, space launch, and ensured the combat readiness of America's ICBM force. General Lord guided the command to a number of historic firsts: 44 successful consecutive operational space launches, establishment of National Security Space Institute, the launch of the last Titan IV, and transition to the Evolved Expendable Launch Vehicle, deactivation of the Peacekeeper ICBM weapon system, and the establishment of the quarterly High Frontier, Air Force Space Command's first scholarly space and missile journal. General Lord has been a stellar Air Force advocate for the creation of the Space Power Caucus, orchestrated the "50 Years of Air Force Space and Missiles" celebration, and developed the Space Professional Development Strategy. Most recently, he answered the President's call to service with the creation of the High Frontier Adventures, a program designed to inspire students to explore space, mathematics, science, engineering and technology.

General Lord's impeccable service is characterized by his Command Space Badge, Space Professional Level III certification, operational space experience in nuclear operations and spacelift, weapon systems expertise in the Minuteman II, Minuteman III, and Peacekeeper ICBMs, and the Atlas E, Delta II, Titan II, and Titan IV Boosters. General Lord is the recipient of numerous prestigious recognitions: Space Champion Award, General Bernard A. Schriever Award, General Jimmy Doolittle Fellow Award, General James V. Hartinger Award, and the General Thomas D. White Space Trophy.

Today, I have mentioned but a few of GEN Lance W. Lord's many achievements. General Lord is a visionary, steadfast military leader, and honorable man. I know my colleagues join me in paying tribute to him and his wife Beccy and their two sons, Jason and Joshua, for the years they have dedicated to our country and to the betterment of the U.S. Armed Forces. As a distinguished space pioneer, General Lord widely proclaimed the mandate, "If you're not in space, you're not in the race." General Lord, we wish you well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1259. An act to award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

H.R. 4911. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 30, 2006, she had presented to the President of the United States the following enrolled bills:

S. 2116. An act to transfer jurisdiction of certain real property to the Supreme Court.

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain nonfederally regulated milk marketing areas from federally regulated areas, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6186. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Controllers" (RIN2120–AI18) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6187. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Dimensions of the Grand Canyon National Park Flight Rules Area and Flight Free Zones" (RIN2120–AI71) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6188. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Port Isabel, Texas)" (MB Docket No. 04–274) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6189. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cuba and Knoxville, Illinois)" (MB Docket No. 05–118) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6190. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lancaster, Pickerington, and Westerville, Ohio)" (MB Docket No. 03–238) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6191. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Old Forge and Black River, New York)" (MB Docket No. 05–279) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6192. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Matagorda, Texas)" (MB Docket No. 04–215) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6193. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Otter Creek, Florida)" (MB Docket No. 05–54) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6194. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Tomahawk, Wisconsin; Waynoka, Oklahoma; Wasco, California; Richland Springs, Texas; and Hermitage, Arkansas)" (MB Docket Nos. 04-202, 04–271, 04-272, 04–273, and 04–431) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6195. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Coupeville and Sequim, Washington)" (MB Docket No. 04-280) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6196. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (New Harmony, IN and West Salem, IL)" (MB Docket No. 04–341) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6197. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fernandina Beach and Yulee, Florida)" (MB Docket No. 05–240) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6198. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cuney, TX)" (MB Docket No. 05–33) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6199. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bend and Prineville, Oregon)" (MB Docket No. 03-78) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6200. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bairoil and Sinclair, Wyoming)" (MB Docket No. 05-117) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6201. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Harrisonburg, Louisiana; Mecca, California; Taos, New Mexico; San Joaquin, California; and Rosepine, Louisiana)" (MB Docket Nos. 04–266, 04–267, 04–268, 04–269, and 04–270) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6202. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grand Portage, Minnesota)" (MB Docket No. 04–432) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6203. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Okeene, Oklahoma)" (MB Docket No. 05-296) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6204. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (27); Amdt. No. 3150" (RIN2120–AA65) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6205. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (18); Amdt. No. 3151" (RIN2120–AA65) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6206. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (44); Amdt. No. 3153" (RIN2120–AA65) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6207. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (42); Amdt. No. 3154" (RIN2120–AA65) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6208. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Big Delta, Allen Army Airfield, Ft. Greely, AK" ((RIN2120–AA66) (Docket No. 05–AAL–13)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6209. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Koliganek, AK" ((RIN2120-AA66) (Docket No. 05–AAL–30)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6210. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of High Altitude Area Navigation Routes; South Central United States" ((RIN2120–AA66) (Docket No. 05-ASO-7)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6211. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gothenburg, Quinn Field, NE" ((RIN2120–AA66) (Docket No. 06–ACE-1)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6212. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Minneapolis Class B Airspace; MN" ((RIN2120-AA66) (Docket No. 03–AWA–6)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6213. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-100 and DG–400 Sailplanes and DG Flugzeugbau GmbH Models DG–500 Elan Series and DF–500M Sailplanes" ((RIN2120-AA64) (Docket No. 2005–CE–44)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6214. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10-10, DC–10-10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD–11, and MD–11F Airplanes" ((RIN2120-AA64) (Docket No. 2004-NM-178)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6215. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce plc RB211 Trent 553-61, 553A2-61, 556-61, 556A2–61, 556B–61, 556B2–61, 560–61, and 560A2-61 Turbofan Engines" ((RIN2120-AA64) (Docket No. 2005–NE–41)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6216. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes" ((RIN2120–AA64) (Docket No. 2005-NM-052)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6217. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model HS 748 Airplanes" ((RIN2120-AA64) (Docket No. 2004-NM-141)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6218. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH .125 Series Airplanes; Model BAe.125 Series 800A, 800B, 1000A, and 1000B Airplanes; and Model Hawker 800 and 1000 Airplanes" ((RIN2120–AA64) (Docket No. 2005-NM-017)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6219. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, -120ER, -120FC, 120QC, and –120RT Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–191)) received on March 28, 2006;

to the Committee on Commerce, Science, and Transportation.

EC-6220. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-1A11, CL-600-2A12, and CL-600-2B16 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-157)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120-AA64) (Docket No. 2003-NM-168)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6222. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-197)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6223. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-188)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6224. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-203, -204, and -222 Airplanes, and Model A310-300 Series Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-143)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6225. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines" ((RIN2120-AA64) (Docket No. 2005-NE-09)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-161)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes" ((RIN2120-AA64) (Docket No. 2005-CE-51)) received on March 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6228. A communication from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to Atlantic highly migratory species for 2006; to the Committee on Commerce, Science, and Transportation.

EC-6229. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of action on a nomination and the discontinuation of service in the acting role for the position of Assistant Secretary (Public Affairs), received on March 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-6230. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-6231. A communication from the Chairman and President (Acting), Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2005; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 65. A bill to amend the age restrictions for pilots (Rept. No. 109-225).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 829. A bill to allow media coverage of court proceedings.

S. 1768. A bill to permit the televising of Supreme Court proceedings.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108-7 Protocol of 1997 Amending MARPOL Convention (Ex. Rept. 109-13)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Text of Resolution of Advice and Consent to Ratification as Recommended by the Committee on Foreign Relations

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understandings and Declaration

The Senate advises and consents to the ratification of the Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating Thereto (hereinafter in this resolution referred to as the "Protocol of 1997"), signed by the United States on December 22, 1998 (T. Doc 108-7), subject to the understandings and declaration in sections 2 and 3.

Section 2. Understandings

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification:

(1) The United States of America understands that the Protocol of 1997 does not, as a matter of international law, prohibit Parties from imposing, as a condition of entry into their ports or internal waters, more stringent emission standards or fuel oil requirements than those identified in the Protocol.

(2) The United States of America understands that Regulation 15 applies only to safety aspects associated with the operation of vapor emission control systems that may be applied during cargo transfer operations between a tanker and port-side facilities and to the requirements specified in Regulation 15 for notification to the International Maritime Organization of port State regulation of such systems.

Section 3. Declaration

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

The United States of America notes that at the time of adoption of the Protocol of 1997, the NO_x emission control limits contained in Regulation 13 were those agreed as being achievable by January 1, 2000, on new marine diesel engines, and further notes that Regulation 13(3)(b) contemplated that new technology would become available to reduce on-board NO_x emissions below those limits. As such improved technology is now available, the United States expresses its support for an amendment to Annex VI, that would, on an urgent basis, revise the agreed NO_x emission control limits contained in Regulation 13 in keeping with new technological developments.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota.

Gray Hampton Miller, of Texas, to be United States District Judge for the Southern District of Texas.

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Jeffrey L. Sedgwick, of Massachusetts, to be Director of the Bureau of Justice Statistics.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2481. A bill to require the Secretary of Homeland Security to hire additional full-time non-supervisory import specialists of the Bureau of Customs and Border Protection, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. Kerry):

S. 2482. A bill to authorize funding for State-administered bridge loan programs, to increase the access of small businesses to export assistance center services in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005, to authorize additional disaster loans, to require reporting regarding the administration of the disaster loan programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. ENSIGN (for himself, Mr. VITTER, and Mr. ISAKSON):

S. 2483. A bill to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself, Mr. MENENDEZ, Mr. HARKIN, Mrs. CLINTON, and Mr. LIEBERMAN):

S. 2484. A bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. WYDEN):

S. 2485. A bill to amend the Internal Revenue Code of 1986 to provide a source for payments to States and counties under the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. KERRY, Mr. MENENDEZ, Mr. DURBIN, and Mr. BIDEN):

S. 2486. A bill to ensure that adequate actions are taken to detect, prevent, and minimize the consequences of chemical releases that result from terrorist attacks and other criminal activity that may cause substantial harm to public health and safety and the environment; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENSIGN:

S. Res. 415. A resolution expressing the continuing support of the Senate to the Junior Reserve Officers' Training Corps (JROTC), and commending the efforts of that vital program as it carries out its mission of instilling the values of citizenship and service in the hearts and minds of the youth of the United States; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 513

At the request of Mr. GREGG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 811

At the request of Mr. DURBIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 828

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1815

At the request of Mr. ALEXANDER, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1815, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1865

At the request of Mrs. DOLE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1865, a bill to establish the SouthEast Crescent Authority, and for other purposes.

S. 1952

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1952, a bill to provide grants for rural health information technology development activities.

S. 2025

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2284

At the request of Ms. MIKULSKI, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2292, supra.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Minnesota (Mr. COLEMAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2403

At the request of Mr. THOMAS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2403, a bill to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, and for other purposes.

S. 2426

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2426, a bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes.

S. 2460

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2460, a bill to permit access to certain information in the Firearms Trace System database.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in

Washington, DC, and for other purposes.

S. CON. RES. 65

At the request of Mr. BURR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 65, a concurrent resolution recognizing the benefits and importance of Federally-qualified health centers and their Medicaid prospective payment system.

S. RES. 408

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 408, a resolution expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015.

S. RES. 409

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. Res. 409, a resolution supporting democracy, development, and stabilization in Haiti.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 409, supra.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. Res. 409, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. KERRY):

S. 2482. A bill to authorize funding for State-administered bridge loan programs, to increase the access of small businesses to export assistance center services in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005, to authorize additional disaster loans, to require reporting regarding the administration of the disaster loan programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor with my ranking member and leader on this issue, Senator JOHN KERRY of Massachusetts, to speak for a few moments about a bill the two of us are going to introduce today, the Gulf Coast Open for Business Act of 2006, by Senators LANDRIEU, KERRY and others. Let me first commend my colleague and thank him for joining me here today. He will be giving more details about the act, which he has worked with my staff and others to craft, so let me add some personal perspective.

I stand here again, on behalf of the people of Louisiana, and the whole gulf coast, who have just been devastated by the two most powerful storms to ever hit the United States in recorded history, and as you yourself know, because you were down in the gulf and have been a frequent champion for our cause. It is still hard, though, to describe to our colleagues the current situation there. Not only were these two hurricanes quite powerful, at some point category 4 and 5, which are killer storms, but just as devastating was the flooding that ensued by the collapse of the Federal levee system—a collapse because of inadequate engineering. Both the hurricanes and the flooding have literally devastated a major metropolitan area which sits in the heart of America's only energy coast, the gulf coast, and has been devastating to large and small businesses alike. We are here today to talk about our small businesses and their struggle for survival. They are indeed the backbone of our economic recovery.

We have first focused on levees, appropriately, and gulf coast restoration efforts, without which no recovery will be possible. We have also tried to struggle keeping children in school, keeping families sheltered, literally from the elements in temporary housing, when we think 7 months on after Katrina and Rita, recovery is going to start with our small businesses.

As I mentioned, yesterday marked the seven month anniversary of Hurricane Katrina. Katrina was the most destructive hurricane ever to hit the United States. The next month, in September, Hurricane Rita hit the Louisiana and Texas coast. It was the second most powerful hurricane ever to hit the United States, wreaking havoc on the southwestern part of my state and the east Texas coast. This one-two punch devastated Louisiana lives, communities and jobs, stretching from Cameron Parish in the west to Plaquemines Parish in the east.

We are now rebuilding our State and the wide variety of communities that were devastated by Rita and Katrina, areas representing a diverse mix of population, income and cultures. We hope to restore the region's uniqueness and its greatness. To do that, we need to rebuild our local economies for now and far into the future.

Before last year's storms, Louisiana had 86,000 small businesses, employing over 850,000 people. Their annual payroll was $21.9 billion.

My State estimates that there were 71,000 businesses in the Katrina and Rita disaster zones. A total of 18,752 of these businesses catastrophically destroyed. However, on a wider scale, according to the U.S. Chamber of Commerce, over 125,000 small and medium-sized businesses in the gulf region were disrupted by Katrina and Rita. As of this month, local chambers of commerce report that as many as two-thirds of their members had not resumed business operations. We will never succeed without these small businesses. They will be the key to the revitalization. I am here with my colleague to say that the regular approach, the standard operation, the mousetrap that we created to handle past disasters is simply not sufficient.

Some of the people who work for the Small Business Administration and FEMA are terrific. You could not find better human beings on the face of the Earth. But it is not the individual human beings who are lacking here; it is the system that is insufficient and inadequate to the task.

Senator KERRY and I come to the floor today to speak about this bill that will create new models, create enhanced help from the Federal Government so that the businesses in Louisiana can at least be met halfway in their struggle to get their roofs back on, their inventories back in supply, and new markets opened up, since the markets around them have collapsed. The communities they served and hold to are in some cases destroyed, in others dispersed across the country. If we don't help them now, building a strong gulf coast will be all the more difficult without our small businesses.

After talking to the business leaders and small businesses in my State, there are three things that they need right now: technical assistance, contracting assistance, and assistance with SBA disaster loans. For example, many of our small businesses need help navigating the SBA assistance programs or, with much of their customer base in other States, others are now looking overseas for new markets. Our bill includes a provision to waive the $100,000 cap on portability grants to SBDCs and allows SBDCs to receive these grants for disaster relief. Our bill also contains funds for the SBA to create a gulf coast international finance specialist, based in the gulf, who would provide essential technical assistance for small businesses looking for export financing.

It is vital to the economic recovery in Louisiana that our small businesses are given the opportunity to take part in the reconstruction of their State. Our businesses want to help rebuild their communities, but continue to have trouble getting Federal recovery contracts and keep getting mixed signals from FEMA.

With these facts in mind, our bill sets a small business prime contracting goal of 30 percent for Federal emergency contracts to rebuild the affected areas. This is to ensure that small businesses, particularly those located in the disaster area and that employ individuals in the affected areas, should receive a fair share of Federal contracting dollars. Our bill also makes the disaster areas eligible for HUBZones status to promote business growth.

Our businesses are struggling to deal with the SBA bureaucracy. Too often, when they get action on their loan application, it is a letter of rejection rather than a check.

The SBA has repeatedly touted how it has staffed up and increased its loan processing productivity in recent months. They even cite record loan approvals in the gulf. But recent numbers show it is still taking the SBA 104 days to process and close on a business application. That is time many struggling businesses that are holding on by their fingernails in a challenging environment simply do not have.

Many times, when businesses are approved for an SBA loan, they find the terms and conditions to be unduly burdensome. Some are put in the position of having to make payments while they take care of expenses they have incurred for the months they spent waiting for the loan.

Our bill provides substantive relief to small businesses in the disaster areas by allowing them to defer repayment of disaster loans for 1 year from the time they received the loan. This will give them time to resume operations and build back a customer base as displaced residents gradually return home. Our bill also increases the SBA's disaster mitigation loan amounts so that borrowers can more effectively invest in products such as sea walls or storm shutters, that mitigate against damage from future disasters.

It is important to not only address our current needs from past hurricanes but to also look ahead to the next hurricane season—which is only 63 days away. I am concerned that the SBA has not incorporated 'lessons learned' from recent storms. I am concerned that they remain unprepared for what may be another active hurricane season—if not in my State then perhaps in other coastal States in 2007.

One provision included in our bill is a requirement that the SBA submit to Congress a detailed proactive disaster response plan by June 1, 2006, the start of the 2006 Atlantic hurricane season. I want to make sure the SBA is ready to respond should that become necessary.

As we reflect on the 7-month anniversary of the worst natural disaster to hit our Nation, now is the time for action—not words or empty promises. Today, right here in the Senate, is a time for fresh ideas and fiscally responsible plans to help our small businesses rebuild.

I urge my colleagues to support this important legislation.

With that, I turn the floor over to Senator KERRY who will go into additional detail about the Gulf Coast Open for Business Act. I thank him for his leadership, not only for this week but since the week of the storm. Our chairwoman, Senator SNOWE along with Senator KERRY, have focused a great deal of their own efforts from outside of our region to help our small businesses. I commend them for their continued efforts and, along with my fellow Senator from Louisiana, Mr. VITTER, look forward to working with them in the coming months to give our small businesses the help they need so that they may rebuild and prosper once again.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, first of all, I thank the Senator from Louisiana. She has been terrific to work with on this issue, but, more important, she is absolutely tenacious with respect to the recovery issues in her State. I think she has offered tremendous leadership in the Senate on a constant basis. On almost every bill that comes through, she has fought to find a way to assist with the recovery. It has been a pleasure to work with her. I know she has to go to another meeting. I am pleased to join with her in introducing this legislation today.

Senator LANDRIEU has tried to spread the word that New Orleans has plenty to offer, that people should not be scared away by negative press reports but instead be looking for opportunities to help rebuild one of our greatest cities.

According to the U.S. Chamber of Commerce, more than 125,000 small and medium sized businesses were disrupted or destroyed by the hurricanes. It's been seven months since the Gulf was hit by the hurricanes, and it is time to take a look at the long-term needs of businesses in the region if we are going to truly foster an economic recovery.

It is well known, the SBA's disaster loan program has done an abysmal job of getting out capital to businesses and homeowners over the past seven months, still with almost 80,000 applications to be processed out of 400,000 applications submitted. To help clear out the backlog, this bill enlists the agency's private-sector lending partners to help process loans. They are experienced SBA lenders, and in exchange for their expertise, SBA would pay them a fee to process loans. This is much faster than building a separate infrastructure of lenders, losing time to train them, when the experience and infrastructure already exists. Along with the American Bankers Associations, we urged the SBA back in November to enlist the agency's private-sector lending partners to help process loans. SBA refused, saying they had a better idea. That idea failed. With this bill, SBA can increase processing, get small businesses their loans faster, and local lenders can participate in the recovery of their communities.

We also identified a need for export assistance. There is an interesting phenomenon occurring right now as a result of Katrina. Companies from around the globe, having witnessed the tragedy of New Orleans, are trying to reach out to businesses along the Gulf Coast. For companies that had already established relationships overseas, this has meant big bucks. Many smaller businesses, however, don't have those relationships and are struggling to take advantage of these new international opportunities. The U.S. Export Assistance Centers, or USEACs, are ready and willing to help, and they are a tremendous resource for businesses looking to branch into foreign markets. But the problem is that the Small Business administration doesn't have an employee in the New Orleans USEAC to help direct businesses to the financing programs that they need. Senator LANDRIEU and I recognize that this is because the SBA's international trade resources are stretched too thinly, so we are authorizing extra funds for the SBA to use in hiring an employee for the New Orleans USEAC.

Shortly after Hurricane Katrina hit, Small Business Development Centers across the country decided to devote all the funds in the portability grant program, which is designed to help communities recover after suffering significant job losses, to helping the Gulf Coast SBDCs. Not only did the SBDC community sacrifice money to help their colleagues in the Gulf, they tried to volunteer employees and other resources. Unfortunately, the good intentions of the SBDC network were stopped by legal technicalities. Limitations on the amount of money a State could get for a portability grant and restrictions on SBDC employees working outside of their State hampered recovery efforts. Senator LANDRIEU and I were disturbed to hear of these problems, and with our legislation today we will correct these problems so that bureaucracy isn't preventing the Gulf Coast recovery.

This bill also focuses on contracting opportunities for small businesses. The full participation of this Nation's small businesses, particularly those in and around the affected region, in the rebuilding effort is essential to the long-term success of the region's economy. New Orleans, in particular, was a city built on a foundation of small business and they will be the driving force behind its rebuilding.

Unfortunately, not enough is being done to ensure this participation. Just last week, I sent a letter to FEMA about their failure to award approximately $1.5 billion in relief, recovery, and rebuilding contracts to small businesses. They told Senator LANDRIEU and me, and the other members of the Small Business Committee in November that they would award those contracts by February 1. We were disappointed that it would be another four months to get those funds to small businesses that desperately needed the work, but we were even more appalled when the deadline came and went, with no action from FEMA.

Thus, this legislation has a number of provisions to help small businesses in the disaster areas compete for Federal contracts in the short term and in any future disaster recovery effort.

This bill would make the declared disaster areas an Historically Underutilized Business Zone (HUBZone). This would give a preference to small businesses in the disaster zone when they bid on Federal contracts.

To help jumpstart the local economies affected by Hurricanes Katrina and Rita and Wilma, the bill requires the Federal Government to award 30 percent of prime contracts and 40 percent of subcontract dollars spent on disaster relief, recovery or reconstruction in the four affected States to be awarded to small businesses. Small businesses performing work in the area are more likely to turn over Federal dollars in the local economy, reinvigorating the local economy. The provision also includes a requirement of a weekly small business utilization report from the Gulf Coast region.

The bill includes a change to the Stafford Act, requiring that 10 percent of immediate disaster recovery contracts, such as debris removal, distribution of supplies, and reconstruction are awarded to firms located in or near an area designated as a federal disaster area by the President. This will put more local people back to work and help a region's economic recovery after a disaster.

This legislation will increase access for small businesses seeking contracting opportunities but limited by their ability to get bonded. Expanding access to bonding will increase small business participation, but will also protect the Federal Government from significant cost overruns and lack of performance in a contract.

Mr. President, 43 percent of businesses that close following a disaster never reopen, and an additional 29 percent of businesses close down permanently within two years of a natural disaster. It's been seven months, but we still have a chance to make a difference and mitigate bankruptcies and foster the startup and growth of new small businesses to rebuild the Gulf region. I hope that my colleagues and the administration will give this bill consideration and not repeat the past months of obstruction that have hurt local small businesses and homeowners. It is inexcusable that the bipartisan bill we put forward with Senators SNOWE and VITTER in September has been stalled.

I thank my colleague Senator LANDRIEU for her leadership and look forward to traveling with her soon to Louisiana to visit with businesses and families that still need our help.

Mr. ENSIGN (for himself, Mr. VITTER, and Mr. ISAKSON):

S. 2483. A bill to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters; to the Committee on Homeland Security and Governmental Affairs.

Mr. ENSIGN. Mr. President, the hours immediately following a disaster are critical to rescue and recovery efforts. Local law enforcement is often overburdened and staff is spread thin. As we saw in New Orleans, a lack of police presence can result in chaos and disorder which can affect the ability of first responders to conduct rescue operations.

In the immediate aftermath of Hurricane Katrina, volunteer first responders from throughout the country went to New Orleans and Biloxi to assist local law enforcement. Unfortunately, many of these volunteers encountered red tape that left them frustrated and idle rather than using their expertise to aid efforts.

Because there is a desire from retired police officers to offer their experience and expertise in times of crisis, today, along with my colleague Senator VITTER, I will be introducing the Law Enforcement Assistance Force Act to assist local law enforcement.

The Law Enforcement Assistance Force Act would allow a retired law enforcement officer, whose certifications are current, to apply to the Secretary of Homeland Security to serve in the force. These retired police officers would be detailed to Federal, State, or local government law enforcement agencies to assist in the event of a major disaster. They would work under the direct supervision of existing law enforcement agencies and would be deputized and certified to perform the duties of a law enforcement agent. The force would serve as temporary first responders to supplement local efforts in search and rescue efforts as well as in protecting public safety. These retired officers have the skills to save lives and we should empower them to do so.

At a time of emergency when we should be tapping into all available resources, we cannot ignore the expertise of retired law enforcement officers who still have the ability and willingness to help those in need. We should take advantage of the fact that retired officers possess a wealth of talent and experience in dealing with emergency situations. Their assistance can save lives and contribute greatly to our communities.

Mr. LAUTENBERG (for himself, Mr. OBAMA, Mr. KERRY, Mr. MENENDEZ, Mr. DURBIN, and Mr. BIDEN):

S. 2486. A bill to ensure that adequate actions are taken to detect, prevent, and minimize the consequences of chemical releases that result from terrorist attacks and other criminal activity that may cause substantial harm to public health and safety and the environment; to the Committee on Homeland Security and Governmental Affairs.

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Chemical Security and Safety Act, a bill to protect our communities and citizens from terrorism. This measure is cosponsored by Senators OBAMA, KERRY, MENENDEZ, DURBIN, and BIDEN.

All of our States have a significant number of industrial facilities that manufacture or use chemicals. And we are all concerned about the potential of terrorist attacks on these facilities, which could threaten millions of lives.

I have advocated stronger security measures for chemical facilities for years. We needed better security at our chemical facilities even before 9/11—and that need is even more urgent today. Richard Falkenrath, a former top presidential advisor on homeland security, has said, "I am aware of no other category of potential terrorist targets that presents as great a danger" as chemical facilities.

There are about 15,000 chemical manufacturers and storage facilities nationwide, including about 110 in heavily populated areas. The greatest area of vulnerability is in South Kearney, NJ, where 12 million people live in proximity to the Kuehne Chemical plant. A chemical catastrophe at this facility could endanger the life and health of people caught in the path of the prevailing winds.

The State of New Jersey has taken strong action to protect its citizens from this threat. Last year, New Jersey required that chemical facilities adopt a practice known as inherently safer technology. That means exactly what it says—if products can be manufactured using safer chemicals, then factories must do so.

But last week, the Bush administration sent a signal that it wants to override the right of States to require inherently safer technology. Basically, the administration wants to trust chemical facilities to protect the American people.

This approach is wrong, and it is a timid response to a dangerous threat. Trusting large corporations to do the right thing didn't work with Enron—and it won't protect the American people from a chemical catastrophe.

The Chemical Security and Safety Act offers real protection from a chemical catastrophe. It will require every chemical facility in the Nation to adopt inherently safer technology. It will protect the rights of States to enact tough chemical security standards to protect their citizens. It will improve physical security at chemical plants, with a requirement for stronger perimeter barriers. And it will establish whistleblower protections for employees who expose security risks at chemical facilities, and guarantee that workers have a role in securing the safety of facilities.

This is a strong, comprehensive approach. Some might say it goes too far. But as someone whose State lost 700 people on 9/11, I don't think we can ever go too far in protecting the American people from a terrorist attack on a chemical facility.

We have waited long enough. We need to take action now to protect the American people from a chemical catastrophe. I hope all of my colleagues will support the Chemical Security and Safety Act.

I ask unanimous consent that the text of the Chemical Security and Safety Act be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Security and Safety Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Federal Bureau of Investigation, the Department of Justice, the Department of Homeland Security, the Government Accountability Office, the Environmental Protection Agency, the Congressional Research Service, and the Agency for Toxic Substances and Disease Registry believe that the possibility of terrorist and criminal attacks on chemical plants poses a serious threat to public health and safety and the environment;

(2) there are significant opportunities to prevent harmful consequences of criminal attacks on chemical plants by employing inherently safer technologies in the manufacture and use of chemicals;

(3) inherently safer technologies may offer industry substantial savings by reducing the need for site security, secondary containment, buffer zones, mitigation, evacuation plans, regulatory compliance, and liability insurance; and

(4) owners and operators of chemical plants have a general duty to design, operate, and maintain safe facilities to prevent criminal activity that may result in harm to public health or safety or the environment.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CLASSIFIED INFORMATION.—The term "classified information" has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. App.).

(3) COMMITTEE.—The term "Committee" means a committee established under section 7(a).

(4) COMMITTEE-ELIGIBLE EMPLOYEE.—The term "committee-eligible employee" means an employee who—

(A) is not an independent contractor, subcontractor, or consultant;

(B) is not employed by an off-site company affiliated with the owner or operator of the relevant stationary source; and

(C) does not have supervisory or managerial responsibilities at the relevant stationary source.

(5) COMMITTEE-ELIGIBLE STATIONARY SOURCE.—The term "committee-eligible stationary source" means a stationary source that has 15 or more full-time equivalent employees.

(6) CRIMINAL RELEASE.—The term "criminal release" means—

(A) a release of a substance of concern from a stationary source into the environment that is caused, in whole or in part, by a criminal act, including an act of terrorism; and

(B) a release into the environment of a substance of concern that has been removed from a stationary source, in whole or in part, by a criminal act, including an act of terrorism.

(7) DESIGN, OPERATION, AND MAINTENANCE OF SAFE FACILITIES.—The term "design, operation, and maintenance of safe facilities" means, with respect to the facilities at a stationary source, the practices of preventing or reducing the possibility of releasing a substance of concern—

(A) through use of inherently safer technology, to the maximum extent practicable;

(B) through secondary containment, control, or mitigation equipment, to the maximum extent practicable;

(C) by—

(i) making the facilities impregnable to intruders, to the maximum extent practicable; and

(ii) improving site security and employee training, to the maximum extent practicable;

(D) through the use of buffer zones between the stationary source and surrounding populations (including buffer zones between the stationary source and residences, schools, hospitals, senior centers, shopping centers and malls, sports and entertainment arenas, public roads and transportation routes, and other population centers);

(E) through increased coordination with State and local emergency officials, law enforcement agencies, and first responders, to the maximum extent practicable; and

(F) through outreach to the surrounding community, to the maximum extent practicable.

(8) EMPLOYEE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "employee" means any individual employed by the owner or operator of a stationary source that produces, processes, handles, or stores a substance of concern.

(B) TRAINING.—For purposes of section 8, the term "employee" includes any employee of a construction or maintenance contractor working at a stationary source that produces, processes, handles, or stores a substance of concern.

(9) EMPLOYEE REPRESENTATIVE.—The term "employee representative" means a duly recognized collective bargaining representative at a stationary source.

(10) EMPLOYER.—The term "employer" includes—

(A) an employee of any employer, agent, contractor, or subcontractor subject to the provisions of this Act or engaged in the production, storage, security or transportation of a harmful chemical; and

(B) an employee, agent, contractor, or subcontractor of the Department of Homeland Security or any other Federal, State, or local government agency with responsibility for enforcing any provision of this Act.

(11) FIRST RESPONDER.—The term "first responder" includes Federal, State, and local emergency public safety, law enforcement, emergency response, and emergency medical (including hospital emergency facilities) agencies and authorities.

(12) OUTREACH TO THE SURROUNDING COMMUNITY.—The term "outreach to the surrounding community" includes education of residents near a stationary source regarding—

(A) emergency procedures in the case of a terrorist attack;

(B) evacuation procedures, routes, and travel times; and

(C) what actions to take to minimize exposure to and physical harm caused by substances of concern.

(13) OWNER OR OPERATOR.—The term "owner or operator of a stationary source" means any person who owns, leases, controls, or supervises a stationary source.

(14) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(15) STATIONARY SOURCE.—The term "stationary source" has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)) and includes any chemical facility designated by the Secretary under section 5(d) of this Act.

(16) SUBSTANCE OF CONCERN.—The term "substance of concern" means any substance listed under section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)) in a threshold quantity or any other substance designated by the Secretary under section 5(d) of this Act in a threshold quantity.

(17) THRESHOLD QUANTITY.—The term "threshold quantity" means, with respect to a substance, the quantity established for the substance—

(A) under section 112(r)(5) of the Clean Air Act (42 U.S.C. 7412(r)(5)); or

(B) by the Secretary under section 5(d) of this Act.

(18) USE OF INHERENTLY SAFER TECHNOLOGY.—

(A) IN GENERAL.—The term "use of inherently safer technology" means use of a technology, product, raw material, or practice that, as compared to the technology, products, raw materials, or practices currently in use—

(i) significantly reduces or eliminates the possibility of the release of a substance of concern; and

(ii) significantly reduces or eliminates the hazards to public health and safety and the environment associated with the release or potential release of a substance described in clause (i).

(B) INCLUSIONS.—The term "use of inherently safer technology" includes chemical substitution, process redesign, product reformulation, and procedural and technological modification so as to—

(i) use less hazardous or benign substances;

(ii) use a smaller quantity of a substance of concern;

(iii) moderate pressures or temperatures;

(iv) reduce the likelihood and potential consequences of human error;

(v) improve inventory control and chemical use efficiency; and

(vi) reduce or eliminate storage, transportation, handling, disposal, and discharge of substances of concern.

SEC. 4. PREVENTION OF CRIMINAL RELEASES.

(a) GENERAL DUTY.—Each owner and each operator of a stationary source that produces, processes, handles, or stores any substance of concern has a general duty, in the same manner and to the same extent as the duty imposed under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)), to—

(1) identify hazards that may result from a criminal release using appropriate hazard assessment techniques;

(2) ensure the design, operation, and maintenance of safe facilities by taking such actions as are necessary to prevent criminal releases; and

(3) eliminate or significantly reduce the consequences of any criminal release that does occur.

(b) WORKER PARTICIPATION.—In carrying out its general duty to identify hazards under subsection (a), the owner or operator of a stationary source shall involve the employees of the stationary source in each aspect of ensuring the design, operation, and maintenance of safe facilities.

SEC. 5. DESIGNATION AND REGULATION OF HIGH PRIORITY CATEGORIES BY THE SECRETARY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the Administrator and State and local government agencies responsible for planning for and responding to criminal releases and providing emergency health care, shall promulgate regulations to designate certain stationary sources and substances of concern as high priority categories, based on the severity of the threat posed by a criminal release from the stationary sources.

(b) FACTORS TO BE CONSIDERED.—

(1) IN GENERAL.—In designating high priority categories under subsection (a), the Secretary, in consultation with the Administrator, shall consider—

(A) the severity of the harm that could be caused by a criminal release;

(B) the proximity to population centers;

(C) the threats to national security;

(D) the threats to critical infrastructure;

(E) threshold quantities of substances of concern that pose a serious threat; and

(F) such other safety or security factors as the Secretary, in consultation with the Administrator, determines to be appropriate.

(2) INDIVIDUAL CONSIDERATION.—In designating high priority categories under subsection (a), the Secretary shall consider each stationary source individually and shall not summarily exclude any type of stationary source that would otherwise be considered a high priority under paragraph (1).

(3) INITIAL DESIGNATION.—In designating high priority categories for the first time under subsection (a), the Secretary shall ensure that not fewer than 3,000 stationary sources are within a high priority category.

(c) REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator, the United States Chemical Safety and Hazard Investigation Board, and the State and local government agencies described in subsection (a), shall promulgate regulations to require each owner or operator of a stationary source that is within a high priority category designated under subsection (a), in consultation with local law enforcement, first responders, employees, and employee representatives, to take adequate actions (including the design, operation, and maintenance of safe facilities) to detect, prevent, and eliminate or significantly reduce the consequences of terrorist attacks and other criminal releases that may cause harm to public health or safety.

(2) SOURCE REPORTS.—Not later than 6 months after the date on which regulations are promulgated under paragraph (1), each owner or operator of a stationary source that is within a high priority category designated under subsection (a) shall submit a report to the Secretary that includes—

(A) an assessment of the vulnerability of the stationary source to a terrorist attack or other criminal release;

(B) an assessment of the hazards that may result from a criminal release of a substance of concern using appropriate hazard assessment techniques;

(C) a prevention, preparedness, and response plan that incorporates the results of the vulnerability and hazard assessments under subparagraphs (A) and (B), respectively;

(D) a statement as to how the prevention, preparedness, and response plan meets the requirements of the regulations established under paragraph (1);

(E) a statement as to how the prevention, preparedness, and response plan meets the general duty requirements under section 4(a);

(F) a discussion of the consideration of the elements of design, operation, and maintenance of safe facilities, including the practicability of implementing each element;

(G) a statement describing how and when employees and employee representatives (if any) were consulted in considering the design, operation, and maintenance of safe facilities and in preparing the report under this paragraph.

(d) ADDITION OF SUBSTANCES OF CONCERN OR STATIONARY SOURCES.—For the purpose of designating high priority categories under subsection (a) or any subsequent revision of the regulations promulgated under subsection (c)(1), the Secretary, in consultation with the Administrator, may designate—

(1) any additional substance that, in a specified threshold quantity, poses a serious threat as a substance of concern; or

(2) any chemical facility as a stationary source.

(e) REVIEW AND REVISION OF REGULATIONS.—Not later than 5 years after the dates of promulgation of regulations under each of subsections (a) and (c)(1), and not less often than every 5 years thereafter, the Secretary, in consultation with the Administrator, shall review the regulations and make any necessary revisions.

SEC. 6. REVIEW AND CERTIFICATION OF REPORTS.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator, shall review each report submitted under section 5(c)(2) to determine whether the stationary source covered by the report is in compliance with regulations promulgated under section 5(c)(1).

(b) CERTIFICATION OF COMPLIANCE.—

(1) IN GENERAL.—The Secretary shall certify each determination under subsection (a) in writing.

(2) INCLUSIONS.—A certification under paragraph (1) indicating the stationary source is in compliance with the regulations under section 5(c)(1) shall include a checklist indicating the consideration by such stationary source of the use of each element of design, operation, and maintenance of safe facilities.

(c) DEADLINE FOR COMPLETION.—

(1) HIGHEST PRIORITY STATIONARY SOURCES.—Not later than 6 months after the date on which reports are required to be submitted under section 5(c)(2), the Secretary shall complete the review and certification of the 600 highest priority stationary sources designated under section 5(a).

(2) OTHER HIGH PRIORITY STATIONARY SOURCES.—Not later than 2 years after the date on which reports are required to be submitted under section 5(c)(2), the Secretary shall complete the review and certification of all reports submitted under that section.

(d) COMPLIANCE ASSISTANCE.—

(1) DEFINITION.—In this subsection, the term "determination" means a determination by the Secretary that, with respect to a report submitted under section 5(c)(2)—

(A) the report does not comply with regulations promulgated under section 5(c)(1);

(B) a threat exists that is beyond the scope of the plan submitted with the report; or

(C) the implementation of the plan submitted with the report is insufficient.

(2) DETERMINATION BY SECRETARY.—If the Secretary, after consultation with the Administrator, makes a determination, the Secretary shall—

(A) notify the stationary source of the determination; and

(B) in coordination with the Administrator and the United States Chemical Safety and Hazard Investigation Board, provide advice and technical assistance to bring the stationary source into compliance.

(e) RECERTIFICATION.—Not later than 3 years after the date of submission of a report under section 5(c)(2), and not less often than every 2 years thereafter, the owner or operator of the stationary source covered by the report, shall—

(1) review the adequacy of the report;

(2) certify to the Secretary that the stationary source has completed the review; and

(3) as appropriate, submit to the Secretary any changes to the assessments or plan in the report.

SEC. 7. SAFETY AND SECURITY COMMITTEES.

(a) IN GENERAL.—Not later than 6 months after the date of promulgation of regulations under section 5(a), the owner or operator of a committee-eligible stationary source shall establish a safety and security committee for that stationary source.

(b) COMMITTEE COMPOSITION.—

(1) IN GENERAL.—A Committee shall be composed of committee-eligible employees and managerial employees.

(2) MEMBERSHIP.—

(A) NUMBER OF MEMBERS.—

(i) IN GENERAL.—The Secretary, in consultation with the Administrator, shall promulgate regulations establishing the number of members of a Committee that are required.

(ii) CONTENTS.—The regulations promulgated under clause (i) shall—

(I) establish a number of members of a Committee that is directly proportional to the number of employees at a committee-eligible stationary source; and

(II) permit the number of members of a Committee to be increased above that established by regulation by mutual agreement between committee-eligible employees and managerial employees.

(B) RATIO.—The number of committee-eligible employees serving as members of a Committee shall be equal to or greater than the number of managerial employees serving as members.

(C) ALTERNATES.—An alternate member of a Committee may be designated if a member of a Committee is temporarily unavailable.

(D) PLACE OF EMPLOYMENT.—All members of a Committee shall be employed at the committee-eligible stationary source for which the Committee was established.

(3) SELECTION OF COMMITTEE-ELIGIBLE EMPLOYEE MEMBERS.—

(A) IN GENERAL.—At a committee-eligible stationary source that has an employee representative, the employee representative shall select the committee-eligible employee members of the Committee.

(B) NO EMPLOYEE REPRESENTATIVES.—

(i) IN GENERAL.—At a committee-eligible stationary source that does not have an employee representative, the owner or operator of the committee-eligible stationary source shall actively solicit volunteers from among committee-eligible employees who may potentially be exposed to a substance of concern.

(ii) Insufficient volunteers.—If there is not a sufficient number of volunteers under clause (i), the owner or operator of the committee-eligible stationary source shall select additional committee-eligible employees to serve as members of the Committee.

(4) Co-chairpersons.—A member of a Committee who is a committee-eligible employee and a member of a Committee who is a managerial employee shall serve as co-chairpersons of the Committee.

(c) Lists of Members.—The owner or operator of a committee-eligible stationary source shall prominently post at the stationary source a current list of all members of the Committee of the stationary source that includes the name and work location of each member and whether each member is a committee-eligible employee or a managerial employee.

(d) Meetings; Quorums; Action.—

(1) Meetings.—A Committee shall meet not less frequently than once per month at a time, date, and location agreed to by the Committee.

(2) Quorum.—A majority of members of a Committee shall constitute a quorum for the transaction of Committee business.

(3) Action.—Any action by a Committee shall require an affirmative vote of a majority of the members present.

(e) Authority.—A Committee shall—

(1) identify, discuss, and make recommendations to the owner or operator of the committee-eligible stationary source concerning potential hazards and risks relevant to security, safety, and health and potential responses to those hazards and risks;

(2) survey the facility of the committee-eligible stationary source for potential security, safety, and health vulnerabilities;

(3) establish a schedule to conduct, not less frequently than once per month, a survey described in paragraph (2) of all or part of the committee-eligible stationary source;

(4) as soon as is practicable, assist in the investigation of an accident, criminal release, fire, explosion, or an incident in which there was a significant risk of an accident, criminal release, fire, or explosion; and

(5) participate in the development, review, or revision of any vulnerability assessment, hazard assessment, or prevention, preparedness, and response plan.

(f) Recommendations.—

(1) In writing.—Any recommendations made by a Committee shall be made in writing.

(2) Review.—At each meeting, a Committee shall review the status of any recommendation made by the Committee that the Committee has not determined to be resolved.

(3) Nonunanimous recommendations.—If a recommendation of a Committee is not unanimous, the owner or operator of the committee-eligible stationary source shall document the differing views of the members of the Committee and maintain records regarding any such recommendation.

(g) Existing Committees.—

(1) In general.—A safety and health, environmental, or similar committee established at a committee-eligible stationary source before the date specified in subsection (a) that meets the requirements of this section may be designated as the Committee for the committee-eligible stationary source under a written agreement between the owner or operator of the committee-eligible stationary source and the employee representative of the committee-eligible stationary source.

(2) No employee representative.—If there is no employee representative at a committee-eligible stationary source, the owner or operator of a stationary source may designate a safety and health, environmental or similar committee described in paragraph (1) as the Committee for the committee-eligible stationary source.

SEC. 8. EMPLOYEE TRAINING.

(a) In General.—The owner or operator of a stationary source shall annually provide each employee with 4 hours of training—

(1) regarding the requirements of this Act, as applicable to the stationary source;

(2) identifying and discussing substances of concern that pose a risk to the community and first responders;

(3) discussing the prevention, preparedness, and response plan for the stationary source, including off-site consequence impacts;

(4) identifying opportunities to reduce or eliminate the vulnerability of a stationary source to a criminal release of a substance of concern through the use of the elements of design, operation, and maintenance of safe facilities; and

(5) discussing appropriate emergency response procedures.

(b) Nonduplication.—Training provided under this section shall be in addition to any training required to be provided by the owner or operator of a stationary source under any other Federal or State law.

(c) Documentation.—The owner or operator of a stationary source that is within a high priority category designated under section 5(a) shall—

(1) submit an annual written certification to the Secretary stating that the owner or operator has met the requirements for employee training under this section: and

(2) maintain a list of all employees who have received training under this section.

SEC. 9. INSPECTIONS, MONITORING, ENTRY, AND RECORDKEEPING.

(a) In General.—For purposes of determining whether any owner or operator of a stationary source is in compliance with this Act or is properly carrying out any provision of this Act, the Secretary and the Administrator (or a designee of the Secretary or the Administrator) may take any action that the Administrator is authorized to take under paragraphs (7) and (9) of section 112(r) and section 114 of the Clean Air Act (42 U.S.C. 7412(r) and 7414).

(b) Program.—

(1) In general.—The Secretary and the Administrator shall establish a program to conduct regular inspections of stationary sources, and shall prioritize inspection of stationary sources that are within a high priority category designated under section 5(a).

(2) Types of inspection.—The program established under paragraph (1) shall—

(A) include inspections without notice and inspections with notice; and

(B) require that not fewer than 25 percent of inspections under the program shall be without notice.

(c) Receipt of Notice.—

(1) In general.—When providing notice to the owner or operator of a stationary source of an inspection or investigation under this Act, the Secretary or the Administrator (or a designee of the Secretary or the Administrator) shall instruct the owner or operator of the stationary source to, immediately upon receipt of the notification—

(A) post a notice, or a copy of any notice provided by the Secretary or the Administrator (or a designee of the Secretary or the Administrator), indicating that there will be an inspection or investigation, which shall be conspicuously displayed in the area of the stationary source subject to the inspection or investigation; and

(B) provide a copy of the notice posted under subparagraph (A) to an employee representative at the stationary source, if any.

(2) Explanations.—

(A) In general.—If the Secretary or the Administrator (or a designee of the Secretary or the Administrator) provides a written explanation of the purpose, scope, procedures, progress, or outcome of an inspection or investigation under this Act to the owner or operator of a stationary source, any employee of that stationary source shall be entitled to view a copy of the written explanation.

(B) Instructions.—The Secretary or the Administrator (or a designee of the Secretary or the Administrator) shall instruct the owner or operator of a stationary source receiving a written explanation described in subparagraph (A) to, not later than 24 hours after receiving the written explanation—

(i) conspicuously display the written explanation in the area subject to the inspection or investigation; and

(ii) provide a copy of the written explanation to an employee representative at the stationary source, if any.

(d) Procedures.—

(1) Participation by employees.—

(A) In general.—An official conducting an inspection or investigation of a stationary source under this Act shall instruct the owner or operator of the stationary source to afford the opportunity to participate in the inspection or investigation, and to accompany the official during the inspection or investigation to—

(i) an employee who works in, or is familiar with, the portion of the facility being inspected or investigated: and

(ii) an employee representative of the employees of the stationary source, if applicable.

(B) Additional employees.—

(i) In general.—Except as provided in clause (ii), an official described in subparagraph (A) may, if the official determines that doing so will aid in the inspection or investigation by the official, permit any additional employee representative of the employees of the stationary source or any additional employee to accompany the official, including permitting a different employee, employee representative, or representative of the owner or operator of the stationary source to accompany the official during different phases of the inspection or investigation.

(ii) Exception.—Clause (i) shall not apply to portions of an inspection or investigation in which an official described in subparagraph (A) is exclusively examining written records.

(C) Meetings.—If the official described in subparagraph (A) conducts a meeting with the management of a stationary source to explain the purpose, scope, procedures, progress, or outcome of an inspection or investigation under this Act, the official shall instruct the owner or operator of the stationary source to invite to the meeting any employee and employee representative that participated in the inspection or investigation. If the official determines it is necessary, the official shall arrange and conduct a separate meeting with any employee and employee representative that participated in the inspection or investigation.

(2) Exclusion of individuals.—An official conducting an inspection or investigation of

a stationary source under this Act may prohibit any individual whose conduct interferes with a fair and orderly inspection or investigation from accompanying the official on the inspection or investigation.

(3) INTERVIEWS.—An official conducting an inspection or investigation of a stationary source under this Act may—

(A) interview any person at the stationary source that the official determines is necessary to effectuate the purposes of this Act; and

(B) conduct any interview under subparagraph (A) outside the presence of the owner or operator, manager, or other personnel of the stationary source, if determined to be appropriate by the official.

(4) CLASSIFIED INFORMATION.—In the case of a stationary source that contains classified information, only persons who are authorized to have access to such information may accompany an official conducting an inspection or investigation of a stationary source under this Act in areas of the stationary source in which such information is located.

(e) RECORDKEEPING.—The owner or operator of a stationary source that is required to submit a report under section 5(c)(2) shall maintain on the premises of the stationary source a current copy of the report for the stationary source and any such report previously submitted.

SEC. 10. ENFORCEMENT.

(a) COMPLIANCE ORDERS.—

(1) ISSUANCE.—

(A) IN GENERAL.—If, after the date that is 30 days after the date described in subparagraph (B), a stationary source is not in compliance with this Act, the Secretary, in consultation with the Administrator, may issue an order directing compliance by the owner or operator of the stationary source.

(B) DATE.—The date described in this subparagraph is—

(i) the date on which the Secretary provides notice to a stationary source that the stationary source is not in compliance with this Act; or

(ii) if the failure to comply with this Act relates to a report submitted under section 5(c)(2), the later of the date on which the Secretary first provides assistance, or a stationary source receives notice, under section 6(d)(2).

(2) NOTICE AND OPPORTUNITY FOR HEARING.—An order under paragraph (1) may be issued only after notice and opportunity for a hearing.

(b) PENALTIES.—

(1) CIVIL PENALTIES.—Any owner or operator of a stationary source that is within a high priority category designated under section 5(a) that violates, or fails to comply with, any order under subsection (a) may, in an action brought in a United States district court, be subject to a civil penalty of not more than $50,000 for each day in which the violation occurs or the failure to comply continues.

(2) CRIMINAL PENALTIES.—Any owner or operator of a stationary source that is within a high priority category designated under section 5(a) that knowingly violates, or fails to comply with, any order under subsection (a) shall—

(A) in the case of a first violation or failure to comply, be fined not less than $5,000 nor more than $50,000 per day of violation or failure to comply, imprisoned for not more than 2 years, or both; and

(B) in the case of a subsequent violation or failure to comply, be fined not less than $10,000 nor more than $50,000 per day of violation or failure to comply, imprisoned for not more than 4 years, or both.

(3) ADMINISTRATIVE PENALTIES.—

(A) PENALTY ORDERS.—The Secretary, in consultation with the Administrator, may impose an administrative penalty order of not more than $50,000 per day, and not more than a maximum of $2,000,000 per year, for failure to comply with an order or directive issued by the Secretary under subsection (a).

(B) NOTICE AND HEARING.—Before issuing an order described in subparagraph (A), the Secretary shall provide to the person against which the penalty is to be assessed—

(i) written notice of the proposed order; and

(ii) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed order.

(c) ABATEMENT ACTIONS.—

(1) IN GENERAL.—If the Secretary, in consultation with local law enforcement officials, determines that the threat of a terrorist attack exists that warrants additional measures to prevent or reduce the possibility of releasing a substance of concern at 1 or more stationary sources, the Secretary shall notify each such stationary source of the elevated threat.

(2) INSUFFICIENT RESPONSE.—If the Secretary determines that a stationary source has not taken appropriate action in response to a notification under paragraph (1), the Secretary shall notify the stationary source, the Administrator, and the Attorney General that actions taken by the stationary source in response to the notification are insufficient.

(3) RELIEF.—

(A) IN GENERAL.—If the Secretary makes a notification under paragraph (2), the Secretary or the Attorney General may secure such relief as is necessary to abate a threat described in paragraph (1), including an order directing the stationary source to cease operation and such other orders as are necessary to protect public health or welfare.

(B) JURISDICTION.—The United States district court for the district in which a threat described in paragraph (1) occurs shall have jurisdiction to grant such relief as the Secretary or Attorney General requests under subparagraph (A).

SEC. 11. PROTECTION OF INFORMATION.

(a) DISCLOSURE EXEMPTION.—Except with respect to certifications under section 6(b), orders issued under section 10(a), and best practices established under section 13(4), all documents provided to the Secretary under this Act, and all information that describes a specific vulnerability at a specific stationary source derived from those documents, shall be exempt from disclosure under section 552 of title 5, United States Code.

(b) STATE AND LOCAL GOVERNMENT AGENCIES.—Notwithstanding any other provision of Federal, State, or local law, no State or local government agency shall be required to disclose any documents provided by a stationary source under this Act, or any information that describes a specific vulnerability at a specific stationary source derived from those documents, except with respect to certifications under section 6(b), orders issued under section 10(a), and best practices established under section 13(4).

(c) DEVELOPMENT OF PROTOCOLS.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator, shall develop such protocols as are necessary to protect the documents described in subsection (a), including the reports submitted under section 5(c)(2) and the information contained in those reports, from unauthorized disclosure.

(2) DEADLINE.—As soon as is practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall complete the development of protocols under paragraph (1) and shall ensure that the protocols are in effect before the date on which the Administrator receives any report under this Act.

(d) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section affects—

(1) the handling, treatment, or disclosure of information obtained from a stationary source under any other law;

(2) any obligation of the owner or operator of a stationary source to submit or make available information to a Federal, State, or local government agency under, or otherwise to comply with, any other law; or

(3) the public disclosure of information derived from documents or information described in subsection (a), so long as the information disclosed—

(A) would not divulge methods or processes entitled to protection as trade secrets in accordance with the purposes of section 1905 of title 18, United States Code;

(B) does not identify any particular stationary source; and

(C) is not reasonably likely to increase the probability or consequences of a criminal release.

SEC. 12. EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator, in consultation with other Federal agencies and State and local government officials (including local law enforcement and first responders), shall promulgate regulations requiring stationary sources within high priority categories to participate in emergency preparedness exercises, including "table top" exercises, training, drills (including evacuation drills), and other activities determined to be appropriate by the Secretary and Administrator.

(b) CONSIDERATIONS.—The Secretary and Administrator shall structure the emergency preparedness exercises under subsection (a), including the contents and frequency of the exercises, based on the threat posed to the public by a criminal release at a stationary source.

SEC. 13. ASSISTANCE TO STATIONARY SOURCES.

The Secretary, in consultation with the Administrator, shall establish an information clearinghouse to assist stationary sources in complying with this Act that includes scalable best practices for—

(1) using methodologies for the assessment of vulnerabilities, threats, and inherently safer technology;

(2) developing prevention preparedness and response plans;

(3) coordinating with local law enforcement, first responders, and duly recognized collective bargaining representatives at stationary sources, or, in the absence of such a representative, other appropriate personnel;

(4) implementing inherently safer technologies, including descriptions of—

(A) combinations of covered sources and substances of concern for which the inherently safer technologies could be appropriate;

(B) the scope of current use and availability of the technologies;

(C) the costs and cost savings resulting from inherently safer technologies;

(D) technological transfer and business practices that enable or encourage inherently safer technologies; and

(E) such other information as the Secretary determines to be appropriate.

SEC. 14. PROTECTION OF WHISTLEBLOWERS.

(a) Discrimination Against Employee.—No employer may discharge any employee or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) notified the employer, the Department of Homeland Security, or any other appropriate agency of Federal, State, or local government of an alleged violation of this Act or of a threat to the health or safety of the public relating to chemical security or the improper release of any harmful chemical;

(2) refused to engage in any practice made unlawful by this Act, if the employee has identified the alleged illegality to the employer;

(3) testified before Congress or at any Federal or State proceeding regarding any provision of this Act or of a threat to the health or safety of the public relating to chemical security or the improper release of any harmful chemical;

(4) commenced, caused to be commenced, or intends to commence or cause to be commenced a proceeding under this Act, or a proceeding for the administration or enforcement of any requirement imposed under this Act;

(5) testified or intends to testify in any proceeding described in paragraph (4); or

(6) assisted or participated or intends to assist or participate in any manner in a proceeding described in paragraph (4) or in any other action to carry out the purposes of this Act.

(b) Complaint, Filing, and Notification.—

(1) In general.—Except as provided in subsection (g), any employee who believes that such employee has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which the violation occurred, file (or have any person file on behalf of such employee) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify the Secretary and the person named in the complaint of the filing of the complaint.

(2) Investigation.—

(A) In general.—Upon receipt of a complaint under paragraph (1), the Secretary of Labor shall conduct an investigation of the violation alleged in the complaint.

(B) Completion.—Not later than 30 days after the date on which the Secretary of Labor receives a complaint under paragraph (1), the Secretary of Labor shall—

(i) complete the investigation under subparagraph (A); and

(ii) notify the complainant (and any person acting on behalf of the complainant) and the person alleged to have committed the violation, in writing, of the results of the investigation.

(C) Order.—

(i) In general.—Except as provided in clause (ii), not later than 90 days after the date on which the Secretary of Labor receives a complaint under paragraph (1), the Secretary of Labor shall issue an order that provides the relief prescribed by paragraph (3) or denies the complaint.

(ii) Exception.—Clause (i) shall not apply to a proceeding on a complaint described in clause (i) that is terminated by the Secretary of Labor on the basis of a settlement entered into by the Secretary of Labor and the person alleged to have committed the violation of this section. The Secretary of Labor may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

(iii) Procedure.—An order of the Secretary of Labor under this subparagraph shall be made on the record after notice and opportunity for public hearing. Upon the conclusion of the hearing and the issuance of a recommended decision that the complaint has merit, the Secretary of Labor shall issue a preliminary order providing the relief prescribed in paragraph (3), but may not order compensatory damages, pending a final order.

(3) Relief.—

(A) In general.—If the Secretary of Labor determines that a violation of subsection (a) alleged in a complaint under paragraph (1) of this subsection has occurred, the Secretary of Labor shall order the person who committed the violation to—

(i) take affirmative action to abate the violation; and

(ii) reinstate the complainant to the former position of such complainant, together with the compensation (including back pay), terms, conditions, and privileges of the employment of such complainant.

(B) Compensatory damages.—If the Secretary of Labor determines that a violation of subsection (a) alleged in a complaint under paragraph (1) of this subsection has occurred, the Secretary of Labor may order the person who committed the violation to provide compensatory damages to the complainant.

(C) Costs and expenses.—If an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued, as determined by the Secretary of Labor.

(D) Required finding.—The Secretary of Labor may determine that a violation of subsection (a) has occurred only if the complainant has demonstrated that any conduct described in paragraphs (1) through (6) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(c) Dismissal.—

(1) In general.—The Secretary of Labor shall dismiss a complaint filed under subsection (b)(1), and shall not conduct the investigation required under subsection (b)(2), if the complainant has failed to make a prima facie showing that any conduct described in paragraphs (1) through (6) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(2) Other basis for action.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required by paragraph (1), the Secretary of Labor shall dismiss a complaint filed under subsection (b)(1), and shall not conduct the investigation required under subsection (b)(2), if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of the conduct described in paragraph (1) of this subsection.

(d) District Court Review.—If, by the date that is 1 year after the date on which a complaint was filed under subsection (b)(1), the Secretary of Labor has not issued a final decision regarding the complaint and there is no showing that the delay is due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in an appropriate United States district court, which shall have jurisdiction over such an action without regard to the amount in controversy.

(e) Review by Court of Appeals.—

(1) In general.—Any person adversely affected or aggrieved by an order issued under subsection (b) or (c) may obtain review of the order in the United States court of appeals for the circuit in which the violation alleged in the complaint occurred.

(2) Timing.—A petition for review under paragraph (1) shall be filed not later than 60 days after the date on which the order described in paragraph (1) is issued.

(3) Procedures.—The procedures under chapter 7 of title 5, United States Code shall apply to any review under this subsection.

(4) Stays.—Unless ordered by the court, the commencement of proceedings under this subsection shall not operate as a stay of the order of the Secretary of Labor.

(5) Exclusivity.—An order of the Secretary of Labor with respect to which review could have been obtained under paragraph (1) shall not be the subject of judicial review in any criminal or other civil proceeding.

(f) Enforcement.—

(1) By the secretary of labor.—

(A) In general.—If a person has failed to comply with an order issued under subsection (b)(2)(C), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce the order.

(B) Scope of relief.—In an action brought under this paragraph, the United States district court may grant all appropriate relief, including injunctive relief, compensatory and exemplary damages.

(2) Other enforcement.—

(A) In general.—Not earlier than the date that is 90 days after an order was issued under subsection (b)(2)(C), any person on whose behalf the order was issued may commence a civil action against the person to whom the order was issued in any appropriate United States district court to require compliance with the order.

(B) Jurisdiction.—The United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce an order described in subparagraph (A).

(C) Scope of relief.—In an action brought under this paragraph, the United States district court may award costs of litigation (including reasonable attorney and expert witness fees).

(3) Mandamus.—Any nondiscretionary duty imposed under this section shall be enforceable in a mandamus proceeding under section 1361 of title 28, United States Code.

(g) Deliberate Violations.—Subsection (b)(1) shall not apply with respect to any employee who, acting without direction from the employer of such employee, deliberately causes a violation of any requirement of this Act.

(h) Nonpreemption.—Nothing in this section expands, preempts, diminishes, or otherwise affects any right otherwise available to an employee under Federal, State, or local law or any collective bargaining agreement to redress the discharge of such employee or other discriminatory action taken by the employer against such employee.

(i) Whistleblower Information.—

(1) DHS.—The Secretary, in consultation with the Secretary of Labor, shall establish and publicize information regarding mechanisms (including a hotline and a website)

through which any person (including an employee, individual residing near a stationary source, first responder, and local official) may report an alleged violation of this Act, a threat to the health or safety of the public relating to chemical security or the improper release of any harmful chemical, or other such information.

(2) POSTING REQUIREMENT.—The provisions of this section shall be prominently posted in any place of employment to which this Act applies.

(j) INVESTIGATION OF ALLEGATIONS.—

(1) IN GENERAL.—The Secretary shall not delay taking appropriate action with respect to an allegation of a substantial safety hazard on the basis of—

(A) the filing of a complaint under subsection (b)(1) arising from the allegation; or

(B) any investigation by the Secretary of Labor, or other action, under this subsection in response to a complaint under subsection (b)(1).

(2) EFFECT OF DETERMINATION.—A determination by the Secretary of Labor under this section that a violation of subsection (a) has not occurred shall not be considered by the Secretary in determining whether a substantial safety hazard exists.

SEC. 15. REGULATIONS.

(a) COORDINATION WITH EXISTING LAW.—In promulgating regulations and establishing enforcement procedures under this Act, the Secretary, in consultation with the Administrator, shall, to the extent practicable and to the extent such requirements meet or exceed the requirements of this Act, minimize duplication of the requirements for risk assessments and response plans under chapter 701 of title 46, United States Code (commonly known as "the Maritime Transportation Security Act"), the Clean Air Act (42 U.S.C. 7401 et seq.), and other Federal law.

(b) PROMULGATION OF ADDITIONAL REGULATIONS.—In addition to any regulations required under this Act, the Secretary and the Administrator may promulgate such regulations as are necessary to carry out this Act.

SEC. 16. NO EFFECT ON REQUIREMENTS UNDER OTHER LAW OR AGREEMENTS.

Nothing in this Act affects any duty or other requirement imposed under any other Federal, State, or local law or any collective bargaining agreement.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Administrator such sums as are necessary to carry out this Act, to remain available until expended.

Mr. OBAMA. Mr. President, I want to thank Senator LAUTENBERG, who has been a leader on chemical plant security for more than 20 years. He first introduced chemical safety legislation in 1985 and is an expert on the issue. I am proud to join him in introducing this bill.

The dangers that chemical plants present to our homeland security have been well documented. Industrial chemicals, such as chlorine, ammonia, phosgene, methyl bromide, hydrochloric and various other acids are routinely stored near cities in multi-ton quantities. These chemicals are extremely hazardous and identical to those used as weapons during the First World War.

Today, there are 111 facilities in the country where a catastrophic chemical release could threaten more than 1 million people. These plants represent some of the most attractive targets for terrorists looking to cause widespread death and destruction.

Despite this, security at our chemical plants is voluntary—left to the individual plant owners. While many chemical plant owners have taken steps to beef up security, too many have not. In Illinois, there have been recent reports by ABC–7 in Chicago of chemical plants with dilapidated fences, insufficient guard forces, and unprotected tanks of hazardous chemicals. These plants are basically stationary weapons of mass destruction. Their security is light, their facilities are easily entered, and their contents are deadly.

Nearly five years after September 11, the Federal Government has done virtually nothing to secure chemical plants. It is one of the great failures of this administration that needs to be addressed this year.

The Lautenberg-Obama bill is a huge step forward. It protects our communities in a responsible, but balanced way. There are features of this bill that should be a part of any chemical security legislation passed by this Congress.

Our legislation is risk-based. While all chemical facilities would have to take a number of concrete steps to improve security, only the highest-risk facilities would be subject to bill's strictest scrutiny and regulation by the Department of Homeland Security. These high-priority facilities would have to perform vulnerability assessments, develop prevention and response plans, submit to unscheduled inspections, and perform practice drills.

Our legislation is strict, but fair. Our bill replaces volunteer security standards with clearly defined Federal duties and regulations. While plant owners would not be able to substitute their own security standards, they would be able to come up with security plans that are tailored to each facility. And while the bill includes tough penalties for noncompliant facilities including strict fines and the threat of shutting down plants, it also minimizes duplicative requirements under other Federal laws.

The Lautenberg-Obama bill also protects state and local rights to establish security standards that match their local needs. States like New Jersey have been leaders in chemical security, and we do not want to cut these efforts off at the knees. The legislation also gives employees a seat at the table, by creating employee security committees, ensuring that employees are part of the security planning process, establishing security training requirements, and establishing tough whistleblower protections.

Our bill also includes all the methods to reduce risk. Our legislation requires security forces, perimeter defenses, hazard mitigation and emergency response. These are the "guns, gates and guards" that prevent terrorists from attacking plants and minimize the impact of an attack. But there are other ways to reduce risk that need to be part of the equation. Specifically, by employing safer technologies, we can reduce the attractiveness of chemical plants as a target.

This concept, known as Inherently Safer Technology, involves methods such as changing the flow of chemical processes to avoid dangerous chemical byproducts, reducing the pressures or temperatures of chemical reactions to minimize the risk of explosions, reducing inventories of dangerous chemicals and replacing dangerous chemicals with benign ones. Each one of these methods reduces the danger that chemical plants pose to our communities and makes them less appealing targets for terrorists.

The concept of IST was created thirty years ago by chemical industry insiders, and it has been embraced at different times by the Department of Homeland Security, the Department of Justice, the Environmental Protection Agency, foreign governments and states like New Jersey. Even the chemical industry itself has embraced IST, and many facilities across the country have already employed safer technologies.

Unfortunately, the chemical industry has been lobbying nonstop on this bill. They do not want IST, they do not want protection of state laws and they do not want strict regulations. So far, because the industry wields so much influence in Washington, it's been getting its way. For example, the Department of Homeland Security initially embraced the concept of Inherently Safer Technology in a 2004 draft chemical security plan, only to reverse itself after heavy industry lobbying in 2006. Secretary Chertoff's announcement last week, in front of an audience of chemical industry executives, very closely tracked the industry's talking points.

This is wrong. We cannot allow chemical industry lobbyists to dictate the terms of this debate. We cannot allow our security to be hijacked by corporate interests.

Senator LAUTENBERG and I will fight for strong legislation to pass the Senate. We believe that we can work with chemical plants so that new safety regulations are implemented in a way that is flexible enough for the industry yet stringent enough to protect the American people. I urge my colleagues to come together to pass meaningful security legislation this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 415—EXPRESSING THE CONTINUING SUPPORT OF THE SENATE TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC), AND COMMENDING THE EFFORTS OF THAT VITAL PROGRAM AS IT CARRIES OUT ITS MISSION OF INSTILLING THE VALUES OF CITIZENSHIP AND SERVICE IN THE HEARTS AND MINDS OF THE YOUTH OF THE UNITED STATES.

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 415

Whereas, since its inception in 1913, the Junior Reserve Officers' Training Corps has successfully functioned for over 90 years;

Whereas the Junior Reserve Officers' Training Corps has provided citizenship training, discipline, stability, and patriotic values to the youth of the United States throughout the Nation;

Whereas millions of students have benefitted from the Junior Reserve Officers' Training Corps;

Whereas, in 2005, there were over 500,000 students enrolled in Junior Reserve Officers' Training Corps programs in approximately 3,400 secondary schools; and

Whereas the Junior Reserve Officers' Training Corps is taught by a dedicated cadre of retired officers and staff non-commissioned officers of the Armed Forces who love the United States and who are working to secure its future: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation to the Junior Reserve Officers' Training Corps for—

(A) the leadership training that the program provides to the youth of the United States; and

(B) the outstanding results that the program has achieved;

(2) commends the professionalism and dedication displayed daily by the retired members of the United States Armed Forces who serve as instructors in the Junior Reserve Officers' Training Corps; and

(3) proudly honors the modern-day members of the Junior Reserve Officers' Training Corps, who represent a promising group of young men and women who continue to strive to achieve their full potential.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3191. Mr. FRIST (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

SA 3192. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra.

SA 3193. Mr. ALEXANDER (for himself, Mr. CORNYN, Mr. ISAKSON, Mr. COCHRAN, Mr. SANTORUM, Mr. FRIST, Mr. MCCONNELL, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3194. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3195. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3196. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3197. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3198. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3199. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3200. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3201. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3202. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3203. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3204. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3205. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3206. Mr. KYL (for himself and Mr. CORNYN) proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3207. Mr. CORNYN proposed an amendment to amendment SA 3206 proposed by Mr. KYL (for himself and Mr. CORNYN) to the amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3208. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3209. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3210. Mr. BINGAMAN proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3211. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3212. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3213. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3191. Mr. FRIST (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

SA 3192. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Immigration Reform Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.
Sec. 115. Combating human smuggling.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US–VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure border initiative financial accountability.
Sec. 131. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 132. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.

Subtitle D—Border Tunnel Prevention Act

Sec. 141. Short title.
Sec. 142. Construction of border tunnel or passage.
Sec. 143. Directive to the United States Sentencing Commission.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and immigration fraud offenses.
Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Construction.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 221. Alternatives to detention.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local enforcement of Federal immigration laws.
Sec. 225. Removal of drunk drivers.
Sec. 226. Medical services in underserved areas.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders.
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Laundering of monetary instruments.
Sec. 231. Listing of immigration violators in the National Crime Information Center database.
Sec. 232. Cooperative enforcement programs.
Sec. 233. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 234. Determination of immigration status of individuals charged with Federal offenses.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

Sec. 401. Immigration impact study.
Sec. 402. Nonimmigrant temporary worker.
Sec. 403. Admission of nonimmigrant temporary guest workers.
Sec. 404. Employer obligations.
Sec. 405. Alien employment management system.
Sec. 406. Rulemaking; effective date.
Sec. 407. Recruitment of United States workers.
Sec. 408. Temporary guest worker visa program task force.
Sec. 409. Requirements for participating countries.
Sec. 410. S visas.
Sec. 411. L visa limitations.
Sec. 412. Authorization of appropriations.

Subtitle B—Immigration Injunction Reform

Sec. 421. Short title.
Sec. 422. Appropriate remedies for immigration legislation.
Sec. 423. Effective date.

TITLE V—BACKLOG REDUCTION

Sec. 501. Elimination of existing backlogs.
Sec. 502. Country limits.
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Sec. 641. Grants to support public education and community training.
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SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) Additional Personnel.—

(1) Port of entry inspectors.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) Investigative personnel.—

(A) Immigration and customs enforcement investigators.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) Additional personnel.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) Authorization of Appropriations.—

(1) Port of entry inspectors.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) Border patrol agents.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) Annual Increases.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;
"(2) 2,400 in fiscal year 2007;
"(3) 2,400 in fiscal year 2008;
"(4) 2,400 in fiscal year 2009;
"(5) 2,400 in fiscal year 2010; and
"(6) 2,400 in fiscal year 2011;

"(b) Northern Border.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) Acquisition.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) Increased Availability of Equipment.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) Construction.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) Construction of Border Control Facilities.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) Tucson Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) Yuma Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) Construction Deadline.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) Requirement for Plan.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for Strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) Content.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) Consultation.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) Coordination.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) Submission to Congress.—

(1) Strategy.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) Updates.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) Immediate Action.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) Requirement for Reports.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) Contents.—Each report submitted under subsection (a) shall contain a description of the following:

(1) Security Clearances and Document Integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) Immigration and Visa Management.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) Visa Policy Coordination and Immigration Security.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) North American Visitor Overstay Program.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109-102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has

changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US–VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US–VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "entry and exit documents" and inserting "travel and entry documents and evidence of status";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) Report.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) In General.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Inspector General.—

(1) Action.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) Report.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) Reports by the Secretary.—

(1) In general.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) Contracts with foreign companies.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) Reports on United States Ports.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) Authorization of Appropriations.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In General.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) Requirements During Interim Period.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) Rules of Construction.—

(1) Asylum and removal.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) Treatment of certain aliens.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) Discretion.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) In General.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) Prohibition.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

"(b) Penalties.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) Conspiracy.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) Prima Facie Evidence.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) Conforming Amendment.—The table of sections for chapter 27 of title 18, United

States Code, is amended by inserting at the end:

"554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(c) Failure to Obey Border Enforcement Officers.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) Failure to Obey Lawful Orders of Border Enforcement Officers.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "Border Tunnel Prevention Act".

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) In General.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) Clerical Amendment.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) Criminal Forfeiture.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) Requirements.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) Asylum.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(b) Cancellation of Removal.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) Voluntary Departure.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) Restriction on Removal.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) Record of Admission.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) Effective Date and Application.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) In General.—

(1) Amendments.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.".

(ii) by amending subparagraph (C) to read as follows:

"(C) Extension of period.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) Tolling of period.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) Criminal Detention of Aliens.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1)" before "If, after a hearing";

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

"(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328)."; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

(a) Definition of Aggravated Felony.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense"; and

(6) by striking the undesignated matter following subparagraph (U).

(b) Effective Date and Application.—

(1) In general.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) Application of IIRAIRA amendments.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) Definition of Good Moral Character.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) Pending Proceedings.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) Conditional Permanent Resident Status.—

(1) In general.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) Certain alien entrepreneurs.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) Judicial Review of Naturalization Applications.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) Persons Endangering National Security.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) Persons Endangering the National Security.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) Concurrent Naturalization and Removal Proceedings.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) District Court Jurisdiction.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) Request for Hearing Before District Court.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) Effective Date.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) Criminal Street Gangs.—

(1) Inadmissibility.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) Members of criminal street gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))."; and

(3) by amending subsection (d) to read as follows:

"(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) CRIMINAL OFFENSES AND PENALTIES.—

"(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

“(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

“(4) Extraterritorial jurisdiction.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

“(b) Employment of Unauthorized Aliens.—

“(1) Criminal offense and penalties.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

“(2) Definition.—An alien described in this paragraph is an alien who—

“(A) is an unauthorized alien (as defined in section 274A(h)(3));

“(B) is present in the United States without lawful authority; and

“(C) has been brought into the United States in violation of this subsection.

“(c) Seizure and Forfeiture.—

“(1) In general.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) Applicable procedures.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

“(3) Prima facie evidence in determinations of violations.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

“(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

“(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

“(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

“(d) Authority to Arrest.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

“(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

“(2) other officers responsible for the enforcement of Federal criminal laws.

“(e) Admissibility of Videotaped Witness Testimony.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

“(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

“(2) the deposition otherwise complies with the Federal Rules of Evidence.

“(f) Outreach Program.—

“(1) In general.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

“(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

“(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

“(2) Field offices.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

“(3) Authorization of appropriations.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

“(g) Definitions.—In this section:

“(1) Crossed the border into the United States.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

“(2) Lawful authority.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

“(3) Proceeds.—The term ‘proceeds’ includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

“(4) Unlawful transit.—The term ‘unlawful transit’ means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.”.

(2) Clerical amendment.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

“Sec. 274. Alien smuggling and related offenses.”.

(d) Prohibiting Carrying or Using a Firearm During and in Relation to an Alien Smuggling Crime.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “, alien smuggling crime,” after “any crime of violence”;

(B) in subparagraph (A), by inserting “, alien smuggling crime,” after “such crime of violence”;

(C) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of violence”; and

(2) by adding at the end the following:

“(6) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).”.

SEC. 206. ILLEGAL ENTRY.

(a) In General.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

“SEC. 275. ILLEGAL ENTRY.

“(a) In General.—

“(1) Criminal offenses.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

“(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

“(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

“(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

“(2) Criminal penalties.—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.le, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(3) Prior convictions.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(4) Duration of offense.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) Attempt.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) Improper Time or Place; Civil Penalties.—

"(1) In general.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(2) Crossed the border defined.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.".

(b) Clerical Amendment.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry.".

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) Reentry After Removal.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall befined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) Reentry of Criminal Offenders.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) Reentry After Repeated Removal.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) Proof of Prior Convictions.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) Affirmative Defenses.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States.

"(f) Limitation on Collateral Attack on Underlying Removal Order.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

"(i) Definitions.—In this section:

"(1) Crosses the border.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

"(2) Felony.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(3) Misdemeanor.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(4) Removal.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(5) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) Passport, Visa, and Immigration Fraud.—

(1) In general.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Additional venue.
"1553. Definitions.
"1554. Authorized law enforcement activities.
"1555. Exception for refugees and asylees.

"§ 1541. Trafficking in passports

"(a) Multiple Passports.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) Passport Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United

States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

“(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1543. Forgery and unlawful production of a passport

“(a) Forgery.—Any person who—

“(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

“(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Unlawful Production.—Any person who knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

“(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1544. Misuse of a passport

“(a) In General.—Any person who—

“(1) knowingly uses any passport issued or designed for the use of another;

“(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Entry; Fraud.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

“(1) to enter or to attempt to enter the United States; or

“(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1545. Schemes to defraud aliens

“(a) In General.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

“(1) to defraud any person, or

“(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Misrepresentation.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1546. Immigration and visa fraud

“(a) In General.—Any person who knowingly—

“(1) uses any immigration document issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document;

“(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

“(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Multiple Violations.—Any person who, during any 3-year period, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) Immigration Document Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1547. Marriage fraud

“(a) Evasion or Misrepresentation.—Any person who—

“(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

“(2) knowingly misrepresents the existence or circumstances of a marriage—

“(A) in an application or document authorized by the immigration laws; or

“(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) Multiple Marriages.—Any person who—

“(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

“(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) Commercial Enterprise.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

“(d) Duration of Offense.—

“(1) In general.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

“(2) Commercial enterprise.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

“§ 1548. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

“§ 1549. Alternative penalties for certain offenses

“(a) Terrorism.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

“(b) Offense Against Government.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1550. Seizure and forfeiture

“(a) Forfeiture.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) Applicable Law.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

"§ 1551. Additional jurisdiction

"(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§ 1552. Additional venue

"(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

"(1) any district in which the false statement or representation was made;

"(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

"(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

"(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

"§ 1553. Definitions

"As used in this chapter:

"(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

"(A) contains a statement or representation that is false, fictitious, or fraudulent;

"(B) has no basis in fact or law; or

"(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

"(2) The term a 'false statement or representation' includes a personation or an omission.

"(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(4) The term 'immigration document'—

"(A) means—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

"(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(8) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

"(9) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(10) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"§ 1554. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

"§ 1555. Exception for refugees, asylees, and other vulnerable persons

"(a) IN GENERAL.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

"(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

"(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

"(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

"(b) SAVINGS PROVISION.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).".

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

"75. Passport, visa, and immigration fraud .... 1541".

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

"(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).".

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking ", or" at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,".

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) of a violation of any provision of chapter 75 of title 18, United States Code,".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration

and Customs Enforcement can take the alien into custody.

(c) Technology Usage.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) Report to Congress.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) In General.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) Instead of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

"(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.";

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) Instead of removal.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) Before the conclusion of removal proceedings.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and(D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) Conditions on Voluntary Departure.—

"(1) Voluntary departure agreement.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) Concessions by the secretary.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) Advisals.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) Failure to comply with agreement.—

"(A) In general.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) Effect of filing timely appeal.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) Voluntary departure period not affected.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) Penalties for Failure to Depart.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) Civil penalty.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) Ineligibility for relief.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) Reopening.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) Eligibility.—

"(1) Prior grant of voluntary departure.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) Rulemaking.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any

other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) Rulemaking.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) Exception.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) Inadmissible Aliens.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) Bar on Discretionary Relief.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) Ineligibility for Relief.—

"(1) In general.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) Savings provision.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) Effective Dates.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "Admitted Under Nonimmigrant Visas" and inserting "in a Nonimmigrant Classification";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) Clerical Amendment.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) In General.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) Minimum Number of Agents in States.—

"(1) In general.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) Waiver.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) Effective Date.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) In General.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) In General.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) Denial; Withholding.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) Authorization of Appropriations.—

(1) Processing criminal illegal aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) Compensation upon request.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 223. REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d) Address to Be Provided.—

"(1) In general.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) Specific requirements.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) Detention.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) Use of Most Recent Address Provided by the Alien.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) Obligation.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

"(1) CRIMINAL PENALTIES.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) EFFECT ON IMMIGRATION STATUS.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law," after "offense)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (vii), any";

(2) in subparagraph (A), by inserting after clause (vi) the following:

"(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(vii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time

for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

“(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

“(i) United States passport; or

“(ii) permanent resident card or other document designated by the Secretary, if the document—

“(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

“(II) is evidence of eligibility for employment in the United States; and

“(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

“(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

“(ii) any other documents evidencing eligibility of employment in the United States, if—

“(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

“(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

“(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

“(I) is not required by the Secretary to comply with such requirements; and

“(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

“(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

“(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

“(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

“(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

“(I) the Secretary determines is a reliable means of identification; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

“(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

“(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

“(2) ATTESTATION OF EMPLOYEE.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

“(B) in the case of the hiring of an individual the later of—

“(i) 7 years after the date of such hiring;

“(ii) 1 year after the date the individual's employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

“(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

“(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

“(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

“(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

“(2) MANAGEMENT OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

“(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

“(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

“(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

“(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

“(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

“(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(ii) a determination of whether such social security account number was issued to the named individual;

“(iii) a determination of whether such social security account number is valid for employment in the United States; and

“(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

“(I) part of the critical infrastructure of the United States; or

“(II) directly related to the national security or homeland security of the United States.

“(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

“(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

“(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

“(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

“(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

“(7) SYSTEM REQUIREMENTS.—

“(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

“(i) obtain from the individual and record on the form designated by the Secretary—

“(I) the individual's social security account number; and

“(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

“(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

“(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(ii) NONCONFIRMATION AND VERIFICATION.—

“(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

“(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

"(III) Contest.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

"(IV) Effective period of tentative nonconfirmation.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

"(V) Prohibition on termination.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(VI) Recording of conclusion on form.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

"(D) Consequences of nonconfirmation.—

"(i) Termination of continued employment.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(8) Protection from liability.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(9) Limitation on use of the system.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

"(10) Modification authority.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(11) Fees.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

"(12) Report.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

"(e) Compliance.—

"(1) Complaints and investigations.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

"(2) Authority in investigations.—

"(A) In general.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence of any employer being investigated; and

"(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) Failure to cooperate.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) Department of labor.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

"(3) Compliance procedures.—

"(A) Prepenalty notice.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) Remission or mitigation of penalties.—

"(i) Petition by employer.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

"(ii) Review by secretary.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

"(iii) Applicability.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

"(C) Penalty claim.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) Civil penalties.—

"(A) Hiring or continuing to employ unauthorized aliens.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) Record keeping or verification practices.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

"(C) Other penalties.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

“(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(i) MISCELLANEOUS PROVISIONS.—

“(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

“(2) PREEMPTION.—The provisions of this section preempt any State or local law—

“(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

“(B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—

“(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

“(ii) take other steps that facilitate the employment of day laborers by others.

“(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

“(k) DEFINITIONS.—In this section:

“(1) EMPLOYER.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

“(2) NO-MATCH NOTICE.—The term ‘no-match notice’ means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

“(3) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(4) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

“(A) an alien lawfully admitted for permanent residence; or

“(B) authorized to be so employed by this Act or by the Secretary.”.

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

“(w) EMPLOYER COMPLIANCE FUND.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

SEC. 401. IMMIGRATION IMPACT STUDY.

(a) EFFECTIVE DATE.—Any regulation that would increase the number of aliens who are eligible for legal status may not take effect before 90 days after the date on which the Director of the Bureau of the Census submits a report to Congress under subsection (c).

(b) STUDY.—The Director of the Bureau of the Census, jointly with the Secretary, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and nonimmigrant status, along with the current level of illegal immigration, on the infrastructure of and quality of life in the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report on the findings of the study required by subsection (b), including the following information:

(1) An estimate of the total legal and illegal immigrant populations of the United States, as they relate to the total population.

(2) The projected impact of legal and illegal immigration on the size of the population of the United States over the next 50 years, which regions of the country are likely to experience the largest increases, which small towns and rural counties are likely to lose their character as a result of such growth, and how the proposed regulations would affect these projections.

(3) The impact of the current and projected foreign-born populations on the natural environment, including the consumption of nonrenewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current standards will deteriorate if such expenditures are not forthcoming, and the additional effects the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on employment and wage rates, particularly in industries such as agriculture and services in which the foreign born are concentrated, an estimate of the associated public costs, and the additional effects the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet this need, the impact on Americans' mobility if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(6) The impact of the current and projected foreign-born populations on enrollment, class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain current median standards, the degree to those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(7) The impact of the current and projected foreign-born populations on home ownership rates, housing prices, and the demand for low-income and subsidized housing, the public expenditures required to maintain current median standards in these areas, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(8) The impact of the current and projected foreign-born populations on access to quality health care and on the cost of health care and health insurance, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(9) The impact of the current and projected foreign-born populations on the criminal justice system in the United States, an estimate of the associated public costs, and the additional effect the proposed regulations would have.

SEC. 402. NONIMMIGRANT TEMPORARY WORKER.

(a) TEMPORARY WORKER CATEGORY.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended to read as follows:

"(H) an alien—

"(i)(b) subject to section 212(j)(2)—

"(aa) who is coming temporarily to the United States to perform services (other than services described in clause (ii)(a) or subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) or as a fashion model;

"(bb) who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished merit and ability; and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that the intending employer has filed an application with the Secretary in accordance with section 212(n)(1);

"(b1)(aa) who is entitled to enter the United States under the provisions of an agreement listed in section 214(g)(8)(A);

"(bb) who is engaged in a specialty occupation described in section 214(i)(3); and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed an attestation with the Secretary of Labor in accordance with section 212(t)(1); or

"(c)(aa) who is coming temporarily to the United States to perform services as a registered nurse;

"(bb) who meets the qualifications described in section 212(m)(1); and

"(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or

"(ii)(a) who—

"(aa) has a residence in a foreign country which the alien has no intention of abandoning; and

"(bb) is coming temporarily to the United States to perform agricultural labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986), agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

"(b) who—

"(aa) has a residence in a foreign country which the alien has no intention of abandoning;

"(bb) is coming temporarily to the United States to perform nonagricultural work or services of a temporary or seasonal nature (if unemployed persons capable of performing such work or services cannot be found in the United States), excluding medical school graduates coming to the United States to perform services as members of the medical profession; or

"(c) who—

"(aa) has a residence in a foreign country which the alien has no intention of abandoning;

"(bb) is coming temporarily to the United States to perform temporary labor or services other than the labor or services described in clause (i)(b), (i)(c), (ii)(a), or (iii), or subparagraph (L), (O), (P), or (R) (if unemployed persons capable of performing such labor or services cannot be found in the United States); and

"(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

"(iii) who—

"(a) has a residence in a foreign country which the alien has no intention of abandoning; and

"(b) is coming temporarily to the United States as a trainee (other than to receive graduate medical education or training) in a training program that is not designed primarily to provide productive employment; or "(iv) who—

"(a) is the spouse or a minor child of an alien described in clause (iii); and

"(b) is accompanying or following to join such alien.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date which is 1 year after the date of the enactment of this Act and shall apply to aliens, who, on such effective date, are outside of the United States.

SEC. 403. ADMISSION OF NONIMMIGRANT TEMPORARY GUEST WORKERS.

(a) TEMPORARY GUEST WORKERS.—

(1) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"SEC. 218A. ADMISSION OF H–2C NONIMMIGRANTS.

"(a) AUTHORIZATION.—The Secretary of State may grant a temporary visa to an H-2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

"(b) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for H–2C nonimmigrant status if the alien meets the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(ii)(c).

"(2) EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has received a job offer from an employer who has complied with the requirements of 218B.

"(3) FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The alien shall submit to the Secretary a completed application, on a form designed by the Secretary of Homeland Security, including proof of evidence of the requirements under paragraphs (1) and (2).

"(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for H–2C nonimmigrant status, the Secretary shall require an alien to provide information concerning the alien's—

"(i) physical and mental health;

"(ii) criminal history and gang membership;

"(iii) immigration history; and

"(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

"(C) KNOWLEDGE.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

"(i) the alien has read and understands all of the questions and statements on the application form;

"(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

"(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) GROUNDS OF INADMISSIBILITY.—

"(1) IN GENERAL.—In determining an alien's admissibility as an H-2C nonimmigrant—

"(A) paragraphs (5), (6)(A), (7), (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date of the Comprehensive Immigration Reform Act of 2006;

"(B) the Secretary of Homeland Security may not waive the application of—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A), (C) or (D) of section 212(a)(10) (relating to polygamists and child abductors); and

"(C) for conduct that occurred before the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien—

"(i) for humanitarian purposes;

"(ii) to ensure family unity; or

"(iii) if such a waiver is otherwise in the public interest.

"(2) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as an H-2C nonimmigrant shall establish that the alien is not inadmissible under section 212(a).

"(d) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking H-2C nonimmigrant status unless all appropriate background checks have been completed.

"(e) INELIGIBLE TO CHANGE NONIMMIGRANT CLASSIFICATION.—An H–2C nonimmigrant may not change nonimmigrant classification under section 248.

"(f) PERIOD OF AUTHORIZED ADMISSION.—

"(1) AUTHORIZED PERIOD AND RENEWAL.—The initial period of authorized admission as an H-2C nonimmigrant shall be 3 years, and the alien may seek 1 extension for an additional 3-year period.

"(2) INTERNATIONAL COMMUTERS.—An alien who resides outside the United States and commutes into the United States to work as an H–2C nonimmigrant, is not subject to the time limitations under paragraph (1).

"(3) LOSS OF EMPLOYMENT.—

"(A) IN GENERAL.—Subject to subsection (c), the period of authorized admission of an H-2C nonimmigrant shall terminate if the alien is unemployed for 60 or more consecutive days.

"(B) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to leave the United States.

"(C) PERIOD OF VISA VALIDITY.—Any alien, whose period of authorized admission terminates under subparagraph (A), who leaves the United States under subparagraph (B), may reenter the United States as an H–2C nonimmigrant to work for an employer, if the alien has complied with the requirements of subsections (b) and (f)(2). The Secretary may, in the Secretary's sole and unreviewable discretion, reauthorize such alien for admission as an H-2C nonimmigrant without requiring the alien's departure from the United States.

"(4) VISITS OUTSIDE UNITED STATES.—

"(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, an H-2C nonimmigrant—

"(i) may travel outside of the United States; and

"(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

"(5) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted H–2C nonimmigrant status, or an extension of such status, if—

"(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265;

"(B) the alien is inadmissible as a nonimmigrant; or

"(C) the granting of such status or extension of such status would allow the alien to exceed 6 years as an H–2C nonimmigrant, unless the alien has resided and been physically present outside the United States for at least 1 year after the expiration of such H-2C nonimmigrant status.

"(g) EVIDENCE OF NONIMMIGRANT STATUS.—Each H–2C nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

"(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

"(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement;

"(3) shall, during the alien's authorized period of admission under subsection (f), serve as a valid entry document for the purpose of applying for admission to the United States—

"(A) instead of a passport and visa if the alien—

"(i) is a national of a foreign territory contiguous to the United States; and

"(ii) is applying for admission at a land border port of entry; and

"(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(4) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(5) shall be issued to the H–2C nonimmigrant by the Secretary of Homeland Security promptly after the final adjudication of such alien's application for H–2C nonimmigrant status.

"(h) PENALTY FOR FAILURE TO DEPART.—If an H-2C nonimmigrant fails to depart the United States before the date which is 10 days after the date that the alien's authorized period of admission as an H–2C nonimmigrant terminates, the H-2C nonimmigrant may not apply for or receive any immigration relief or benefit under this Act or any other law, except for relief under sections 208 and 241(b)(3) and relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(i) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—Any alien who enters, attempts to enter, or crosses the border after the date of the enactment of this section, and is physically present in the United States after such date in violation of this Act or of any other

Federal law, may not receive, for a period of 10 years—

“(1) any relief under sections 240A and 240B; or

“(2) nonimmigrant status under section 101(a)(15).

“(j) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided H–2C nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

“(1) the employer complies with section 218B; and

“(2) the alien, after lawful admission to the United States, did not work without authorization.

“(k) CHANGE OF ADDRESS.—An H–2C nonimmigrant shall comply with the change of address reporting requirements under section 265 through either electronic or paper notification.

“(l) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(c).

“(m) ISSUANCE OF H–4 NONIMMIGRANT VISAS FOR SPOUSE AND CHILDREN.—

“(1) IN GENERAL.—The alien spouse and children of an H–2C nonimmigrant (referred to in this section as ‘dependent aliens’) who are accompanying or following to join the H–2C nonimmigrant may be issued nonimmigrant visas under section 101(a)(15)(H)(iv).

“(2) REQUIREMENTS FOR ADMISSION.—A dependent alien is eligible for nonimmigrant status under 101(a)(15)(H)(iv) if the dependant alien meets the following requirements:

“(A) ELIGIBILITY.—The dependent alien is admissible as a nonimmigrant and does not fall within a class of aliens ineligible for H–4A nonimmigrant status listed under subsection (c).

“(B) MEDICAL EXAMINATION.—Before a nonimmigrant visa is issued to a dependent alien under this subsection, the dependent alien may be required to submit to a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

“(C) BACKGROUND CHECKS.—Before a nonimmigrant visa is issued to a dependent alien under this section, the consular officer shall conduct such background checks as the Secretary of State, in consultation with the Secretary of Homeland Security, considers appropriate.

“(n) DEFINITIONS.—In this section and sections 218B, 218C, and 218D:

“(1) AGGRIEVED PERSON.—The term ‘aggrieved person’ means a person adversely affected by an alleged violation of this section, including—

“(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

“(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

“(2) AREA OF EMPLOYMENT.—The terms ‘area of employment’ and ‘area of intended employment’ mean the area within normal commuting distance of the worksite or physical location at which the work of the temporary worker is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

“(3) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

“(4) EMPLOY; EMPLOYEE; EMPLOYER.—The terms ‘employ’, ‘employee’, and ‘employer’ have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

“(5) FOREIGN LABOR CONTRACTOR.—The term ‘foreign labor contractor’ means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

“(6) FOREIGN LABOR CONTRACTING ACTIVITY.—The term ‘foreign labor contracting activity’ means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(ii)(c).

“(7) H–2C NONIMMIGRANT.—The term ‘H–2C nonimmigrant’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(c).

“(8) SEPARATION FROM EMPLOYMENT.—The term ‘separation from employment’ means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

“(9) UNITED STATES WORKER.—The term ‘United States worker’ means an employee who is—

“(A) a citizen or national of the United States; or

“(B) an alien who is—

“(i) lawfully admitted for permanent residence;

“(ii) admitted as a refugee under section 207;

“(iii) granted asylum under section 208; or

“(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

“Sec. 218A. Admission of temporary H–2C workers.”.

(b) CREATION OF STATE IMPACT ASSISTANCE ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

“(x) STATE IMPACT ASSISTANCE ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘State Impact Aid Account’. Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account all family supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B.”.

SEC. 404. EMPLOYER OBLIGATIONS.

(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section 218A, as added by section 403, the following:

“SEC. 218B. EMPLOYER OBLIGATIONS.

“(a) GENERAL REQUIREMENTS.—Each employer who employs an H–2C nonimmigrant shall—

“(1) file a petition in accordance with subsection (b); and

“(2) pay the appropriate fee, as determined by the Secretary of Labor.

“(b) PETITION.—A petition to hire an H–2C nonimmigrant under this section shall include an attestation by the employer of the following:

“(1) PROTECTION OF UNITED STATES WORKERS.—The employment of an H–2C nonimmigrant—

“(A) will not adversely affect the wages and working conditions of workers in the United States similarly employed; and

“(B) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

“(2) WAGES.—

“(A) IN GENERAL.—The H–2C nonimmigrant will be paid not less than the greater of—

“(i) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

“(ii) the prevailing wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

“(B) CALCULATION.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

“(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance with this subparagraph. If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage shall be the wage rate set forth in the collective bargaining agreement. If the job opportunity is not covered by such an agreement, and it is in an occupation that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be the appropriate statutory wage.

“(3) WORKING CONDITIONS.—All workers in the occupation at the place of employment at which the H–2C nonimmigrant will be employed will be provided the working conditions and benefits that are normal to workers similarly employed in the area of intended employment.

“(4) LABOR DISPUTE.—There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the H–2C nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the petition, the employer will provide notification in accordance with regulations promulgated by the Secretary of Labor.

“(5) PROVISION OF INSURANCE.—If the position for which the H–2C nonimmigrant is sought is not covered by the State workers' compensation law, the employer will provide, at no cost to the H–2C nonimmigrant, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

“(6) NOTICE TO EMPLOYEES.—

“(A) IN GENERAL.—The employer has provided notice of the filing of the petition to the bargaining representative of the employer's employees in the occupational classification and area of employment for which the H-2C nonimmigrant is sought.

"(B) NO BARGAINING REPRESENTATIVE.—If there is no such bargaining representative, the employer has—

"(i) posted a notice of the filing of the petition in a conspicuous location at the place or places of employment for which the H–2C nonimmigrant is sought; or

"(ii) electronically disseminated such a notice to the employer's employees in the occupational classification for which the H–2C nonimmigrant is sought.

"(7) RECRUITMENT.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H-2C nonimmigrant is sought—

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition; and

"(B) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

"(i) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the petition was filed with the Department of Homeland Security and ending on the date that is 14 days before such filing date; and

"(ii) the actual wage paid by the employer for the occupation in the areas of intended employment was used in conducting recruitment.

"(8) INELIGIBILITY.—The employer is not currently ineligible from using the H–2C nonimmigrant program described in this section.

"(9) BONAFIDE OFFER OF EMPLOYMENT.—The job for which the H–2C nonimmigrant is sought is a bona fide job—

"(A) for which the employer needs labor or services;

"(B) which has been and is clearly open to any United States worker; and

"(C) for which the employer will be able to place the H–2C nonimmigrant on the payroll.

"(10) PUBLIC AVAILABILITY AND RECORDS RETENTION.—A copy of each petition filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

"(A) be provided to every H–2C nonimmigrant employed under the petition;

"(B) be made available for public examination at the employer's place of business or work site;

"(C) be made available to the Secretary of Labor during any audit; and

"(D) remain available for examination for 5 years after the date on which the petition is filed.

"(11) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT.—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of an H-2C nonimmigrant's separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with regulations promulgated by the Secretary of Homeland Security.

"(12) ACTUAL NEED FOR LABOR OR SERVICES.—The petition was filed not more than 60 days before the date on which the employer needed labor or services for which the H-2C nonimmigrant is sought.

"(c) AUDIT OF ATTESTATIONS.—

"(1) REFERRALS BY SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall refer all approved petitions for H–2C nonimmigrants to the Secretary of Labor for potential audit.

"(2) AUDITS AUTHORIZED.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Labor.

"(d) INELIGIBLE EMPLOYERS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall not approve an employer's petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program if the Secretary of Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents—

"(A) has, with respect to the attestations required under subsection (b)—

"(i) misrepresented a material fact;

"(ii) made a fraudulent statement; or

"(iii) failed to comply with the terms of such attestations; or

"(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor.

"(2) LENGTH OF INELIGIBILITY.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification programs of the Secretary of Labor for not less than the time period determined by the Secretary, not to exceed 3 years.

"(3) EMPLOYERS IN HIGH UNEMPLOYMENT AREAS.—Beginning on the date that is 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may not approve any employer's petition under subsection (b) if the work to be performed by the H-2C nonimmigrant is located in a metropolitan or micropolitan statistical area (as defined by the Office of Management and Budget) in which the unemployment rate for unskilled and low-skilled workers during the most recently completed 6-month period averaged more than 11.0 percent.

"(e) REGULATION OF FOREIGN LABOR CONTRACTORS.—

"(1) COVERAGE.—Notwithstanding any other provision of law, an H–2C nonimmigrant may not be treated as an independent contractor.

"(2) APPLICABILITY OF LAWS.—An H–2C nonimmigrant shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

"(3) TAX RESPONSIBILITIES.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

"(f) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of an H-2C nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

"(1) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act; or

"(2) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act.

"(g) LABOR RECRUITERS.—

"(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker's recruitment—

"(A) the place of employment;

"(B) the compensation for the employment;

"(C) a description of employment activities;

"(D) the period of employment;

"(E) any other employee benefit to be provided and any costs to be charged for each benefit;

"(F) any travel or transportation expenses to be assessed;

"(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

"(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

"(I) the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including—

"(i) work related injuries and death during the period of employment;

"(ii) the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance;

"(iii) the name and the telephone number of each person who must be notified of an injury or death; and

"(iv) the time period within which such notice must be given;

"(J) any education or training to be provided or required, including—

"(i) the nature and cost of such training;

"(ii) the entity that will pay such costs; and

"(iii) whether the training is a condition of employment, continued employment, or future employment; and

"(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

"(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

"(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

"(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

"(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

"(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

"(7) OTHER WORKER PROTECTIONS.—

"(A) NOTIFICATION.—Not less frequently than once every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

“(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

“(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

“(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

“(I) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

“(II) an expeditious means to update registrations and renew certificates; and

“(III) any other requirements that the Secretary may prescribe.

“(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

“(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph if—

“(I) the application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate;

“(II) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

“(aa) is a person who has been refused issuance or renewal of a certificate;

“(bb) has had a certificate suspended or revoked; or

“(cc) does not qualify for a certificate under this paragraph; or

“(III) the applicant for or holder of the certification has failed to comply with this Act.

“(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (h) and (i). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (h) and (i). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (h) and (i).

“(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

“(E) WRITTEN AGREEMENTS.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

“(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

“(h) ENFORCEMENT.—

“(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

“(2) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

“(3) REASONABLE CAUSE.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

“(4) NOTICE AND HEARING.—

“(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

“(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

“(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

“(5) ATTORNEYS' FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

“(6) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

“(A) to seek remedial action, including injunctive relief;

“(B) to recover the damages described in subsection (i); or

“(C) to ensure compliance with terms and conditions described in subsection (g).

“(7) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

“(8) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

“(i) PENALTIES.—

“(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (b), (e), (f), or (g), the Secretary may impose administrative remedies and penalties, including—

“(A) back wages;

“(B) benefits; and

“(C) civil monetary penalties.

“(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

“(A) for a violation of subsection (e) or (f)—

“(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

“(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

“(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

“(B) for a violation of subsection (g)—

“(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

“(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

“(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

“(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

“(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined in an amount not more than $35,000, or both.”.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218A, as added by section 403, the following:

“Sec. 218B. Employer obligations.”.

SEC. 405. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218B, as added by section 404, the following:

“SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

“(a) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commission of Social Security, shall develop and implement a program (referred to in this section as the ‘alien employment management system’) to manage and track the employment of aliens described in sections 218A and 218D.

“(b) REQUIREMENTS.—The alien employment management system shall—

“(1) provide employers who seek employees with an opportunity to recruit and advertise employment opportunities available to United States workers before hiring an H-2C nonimmigrant;

“(2) collect sufficient information from employers to enable the Secretary of Homeland Security to determine—

“(A) if the nonimmigrant is employed;

“(B) which employers have hired an H-2C nonimmigrant;

“(C) the number of H-2C nonimmigrants that an employer is authorized to hire and is currently employing;

“(D) the occupation, industry, and length of time that an H-2C nonimmigrant has been employed in the United States;

“(3) allow employers to request approval of multiple H-2C nonimmigrant workers; and

“(4) permit employers to submit applications under this section in an electronic form.”.

(b) Clerical Amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218B, as added by section 404, the following:

"Sec. 218C. Alien employment management system.".

SEC. 406. RULEMAKING; EFFECTIVE DATE.

(a) Rulemaking.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to carry out the provisions of sections 218A, 218B, and 218C, as added by this Act.

(b) Effective Date.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act with regard to aliens, who, on such effective date, are in the foreign country where they maintain residence.

SEC. 407. RECRUITMENT OF UNITED STATES WORKERS.

(a) Electronic Job Registry.—The Secretary of Labor shall establish a publicly accessible Web page on the Internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States to United States workers.

(b) Recruitment of United States Workers.—

(1) Posting.—An employer shall attest that the employer has posted an employment opportunity in accordance with section 218B(b)(9) of the Immigration and Nationality Act, as added by this Act.

(2) Records.—An employer shall maintain records for not less than 1 year after the date on which an H–2C nonimmigrant is hired that describe the reasons for not hiring any of the United States workers who may have applied for such position.

(c) Oversight and Maintenance of Records.—The Secretary of Labor shall promulgate regulations regarding the maintenance of electronic job registry records for the purpose of audit or investigation.

(d) Access to Electronic Job Registry.—The Secretary of Labor shall ensure that job opportunities advertised on an electronic job registry established under this section are accessible—

(1) by the State workforce agencies, which may further disseminate job opportunity information to other interested parties; and

(2) through the Internet, for access by workers, employers, labor organizations, and other interested parties.

SEC. 408. TEMPORARY GUEST WORKER VISA PROGRAM TASK FORCE.

(a) Establishment.—There is established a task force to be known as the "Temporary Worker Task Force" (referred to in this section as the "Task Force").

(b) Purposes.—The purposes of the Task Force are—

(1) to study the impact of the admission of aliens under section 101(a)(15)(ii)(c) on the wages, working conditions, and employment of United States workers; and

(2) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(ii)(c).

(c) Membership.—

(1) In general.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(2) Deadline for appointment.—All members of the Task Force shall be appointed not later than 6 months after the date of the enactment of this Act.

(3) Vacancies.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) Quorum.—Six members of the Task Force shall constitute a quorum.

(d) Qualifications.—

(1) In general.—Members of the Task Force shall be—

(A) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(B) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(2) Political affiliation.—Not more than 5 members of the Task Force may be members of the same political party.

(3) Nongovernmental appointees.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(e) Meetings.—

(1) Initial meeting.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(2) Subsequent meetings.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(f) Report.—Not later than 18 months after the date of the enactment of this Act, the Task Force shall submit, to Congress, the Secretary of Labor, and the Secretary, a report that contains—

(1) findings with respect to the duties of the Task Force; and

(2) recommendations for imposing a numerical limit.

(g) Numerical Limitations.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(C) under section 101(a)(15)(H)(ii)(c) may not exceed—

"(i) 400,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year—

"(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

"(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

"(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.".

(h) Adjustment to Lawful Permanent Resident Status.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa—

"(A) by the alien's employer; or

"(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

"(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

"(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SEC. 409. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) In General.—The Secretary of State, in cooperation with the Secretary and the

Attorney General, shall negotiate with each home country of aliens described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as added by section 402, to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(B) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems; and

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers.

SEC. 410. S VISAS.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security";

(B) in subclause (I), by inserting before the semicolon, ', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials';

(C) in subclause (III), by inserting "where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials," before "whose"; and

(D) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

"and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) NUMERICAL LIMITATION.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking "The number of aliens" and all that follows through the period and inserting the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.".

(c) REPORTS.—

(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking "The Attorney General" and inserting "The Secretary of Homeland Security"; and

(ii) by striking "concerning—" and inserting "that includes—";

(B) in subparagraph (D), by striking "and";

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting at the end the following:

"(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

"(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

"(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

"(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.".

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

"(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.".

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

"(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.".

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A) 290,000;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

“(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

“(A) 10 percent of such worldwide level; and

“(B) any visas not required for the class specified in paragraph (4).

“(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

“(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

“(i) the spouses or children of an alien lawfully admitted for permanent residence; or

“(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

“(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

“(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

“(A) 10 percent of such worldwide level; and

“(B) any visas not required for the classes specified in paragraphs (1) and (2).

“(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.”.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking “28.6 percent” and inserting “15 percent”;

(2) in paragraph (2)(A), by striking “28.6 percent” and inserting “15 percent”;

(3) in paragraph (3)(A)—

(A) by striking “28.6 percent” and inserting “35 percent”; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking “7.1 percent” and inserting “5 percent”;

(7) by inserting after paragraph (4), as redesignated, the following:

“(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.”; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking “subject to the numerical limitations of section 203(b)(4),”.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) IN GENERAL.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

“(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

“(ii) In this subparagraph, the term ‘immediate relative’ means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

“(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

“(I) 2 years after such date; or

“(II) the date on which the spouse remarries.

“(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

“(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.”.

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking “in the second sentence of section 201(b)(2)(A)(i) also” and inserting “in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)”.

SEC. 505. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

“(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

“(I) who is otherwise described in section 203(b); and

“(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

“(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.”.

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking “201(b)(2)(A)(i)” and inserting “201(b)”.

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting “, except for aliens described in section 201(b),” after “any fiscal year”.

(d) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) SHORT TITLE.—This section may be cited as the “Widows and Orphans Act of 2006”.

(b) NEW SPECIAL IMMIGRANT CATEGORY.—

(1) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon;

(3) in clause (iii), by adding "and" at the end; and

(4) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) Admission of Nonimmigrants.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) Requirements for F-4 Visa.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) Nonimmigrant Elementary, Secondary, and Post-Secondary School Students.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) Off Campus Work Authorization for Foreign Students.—

(1) In general.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) Adjustment of Status.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) Authorization.—

"(1) In general.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) Student visas.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) Use of Fees.—

(1) Job training; scholarships.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) Fraud prevention and detection.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) Aliens With Certain Advanced Degrees Not Subject to Numerical Limitations on Employment Based Immigrants.—

(1) In general.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) Applicability.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) Labor Certification.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) Temporary Workers.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) Applicability.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Conditional Nonimmigrant Workers

SEC. 601. 218D CONDITIONAL NONIMMIGRANTS.

(a) In General.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 218C, as added by section 405 of this Act, the following:

"SEC. 218D. CONDITIONAL NONIMMIGRANT WORK AUTHORIZATION AND STATUS.

"(a) In General.—The Secretary of Homeland Security shall grant conditional nonimmigrant work authorization and status to remain in the United States to an alien if the alien—

"(1) submits an application for such a grant; and

"(2) meets the requirements of this section.

"(b) Requirements.—

"(1) Presence; employment.—The alien establishes that the alien—

"(A) was physically present in the United States before January 7, 2004; and

"(B) was employed in the United States before January 7, 2004, and has been employed in the United States since that date.

"(2) Evidence of employment.—

"(A) CONCLUSIVE DOCUMENTS.—An alien may conclusively establish employment status in compliance with paragraph (1) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

"(i) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

"(ii) an employer; or

"(iii) a labor union, day labor center, or an organization that assists workers in matters related to employment.

"(B) OTHER DOCUMENTS.—An alien who is unable to submit a document described in clauses (i) through (iii) of subparagraph (A) may satisfy the requirement in paragraph (1) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

"(i) bank records;

"(ii) business records;

"(iii) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

"(iv) remittance records.

"(3) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(4) BURDEN OF PROOF.—An alien described in paragraph (1) who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

"(c) SPOUSES AND CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

"(1) adjust the status to that of a conditional nonimmigrant under this section for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under this section; or

"(2) adjust the status to that of a conditional nonimmigrant under this section for an alien who, before January 7, 2004, was the spouse or child of an alien who is provided conditional nonimmigrant status under this section, or is eligible for such status, if—

"(A) the termination of the qualifying relationship was connected to domestic violence; and

"(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided conditional nonimmigrant status under this section.

"(d) OTHER CRITERIA.—

"(1) IN GENERAL.—An alien may be granted conditional nonimmigrant status under this section or granted status as the spouse or child of an alien eligible for such status under subsection (c), if the alien establishes that the alien—

"(A) is not inadmissible to the United States under section 212(a), except as provided in paragraph (2); and

"(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility under paragraph (1)(A)—

"(A) paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply;

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

"(C) for conduct that occurred before January 7, 2004, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security other than under this paragraph to waive the provisions of section 212(a).

"(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who is applying for adjustment of status in accordance with this title for conduct that occurred before the date of enactment of the Comprehensive Immigration Reform Act of 2006.

"(4) SPECIAL RULES FOR MINORS AND INDIVIDUALS WHO ENTERED AS MINORS.—The employment requirements under this section shall not apply to any alien under 21 years of age.

"(5) EDUCATION PERMITTED.—An alien may satisfy the employment requirements under this section, in whole or in part, by full-time attendance at—

"(A) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

"(B) a secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

"(e) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

"(1) SUBMISSION OF FINGERPRINTS.—An alien may not be granted conditional nonimmigrant status under this section, or granted status as the spouse or child of an alien eligible for such status under subsection (c), unless the alien submits fingerprints in accordance with procedures established by the Secretary of Homeland Security.

"(2) BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize fingerprints and other data provided by the alien to conduct a background check of such alien relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for a grant of conditional nonimmigrant status as described in this section.

"(3) EXPEDITIOUS PROCESSING.—The background checks required under paragraph (2) shall be conducted as expeditiously as possible.

"(f) PERIOD OF AUTHORIZED STAY AND APPLICATION FEE AND FINE.—

"(1) PERIOD OF AUTHORIZED STAY.—

"(A) IN GENERAL.—The period of authorized stay for a conditional nonimmigrant described in this section shall be 6 years.

"(B) LIMITATION.—The Secretary of Homeland Security may not authorize a change from such conditional nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of the 6-year period described in subparagraph (A). The Secretary may only extend such period to accommodate the processing of an application for adjustment of status under section 245B.

"(2) APPLICATION FEE.—The Secretary of Homeland Security shall impose a fee for filing an application for a grant of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(3) FINES.—

"(A) IN GENERAL.—In addition to the fee required under paragraph (2), the Secretary of Homeland Security may accept an application for a grant of status under this section only if the alien pays a $1,000 fine.

"(B) EXCEPTION.—Fines paid under this paragraph shall not be required from an alien under the age of 21.

"(4) COLLECTION OF FEES AND FINES.—All fees and fines collected under this section shall be deposited in the Treasury in accordance with section 286(w).

"(g) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who files an application under this section, including the alien's spouse or child—

"(A) shall be granted employment authorization pending final adjudication of the alien's application for a grant of status;

"(B) shall be granted permission to travel abroad;

"(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for a grant of status, unless the alien, through conduct or criminal conviction, becomes ineligible for such grant of status; and

"(D) may not be considered an unauthorized alien (as defined in section 274A) until employment authorization under subparagraph (A) is denied.

"(2) BEFORE APPLICATION PERIOD.—If an alien is apprehended after the date of the enactment of this section, but before the promulgation of regulations pursuant to this section, and the alien can establish prima facie eligibility as a conditional nonimmigrant under this section, the Secretary of Homeland Security shall provide the alien with a reasonable opportunity, after promulgation of regulations, to file an application for a grant of status.

"(3) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for a grant of status under this title unless a final administrative determination has been made.

"(4) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for a grant of status in accordance with this section. Such an alien shall not be required to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal, or voluntary departure order. If the Secretary of Homeland Security grants the application, the Secretary shall cancel such order. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable to the same extent as if the application had not been made.

"(h) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority within the United States Citizenship and Immigration Services to provide for a single level of administrative appellate review of a determination respecting an application for a grant of status under this section.

"(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(2) JUDICIAL REVIEW.—

"(A) IN GENERAL.—There shall be judicial review in the Federal courts of appeal of the denial of an application for a grant of status under this section. Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (B).

"(B) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(C) JURISDICTION OF COURTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any cause or claim arising from a pattern or practice of the Secretary of Homeland Security in the operation or implementation of this section that is arbitrary, capricious, or otherwise contrary to law, and may order any appropriate relief.

"(ii) REMEDIES.—A district court may order any appropriate relief under clause (i) if the court determines that resolution of such cause or claim will serve judicial and administrative efficiency or that a remedy would otherwise not be reasonably available or practicable.

"(3) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section.

"(i) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency or bureau to examine individual applications.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

"(j) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for a grant of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment before, shall not, on that ground, be determined to have violated this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218C the following:

"Sec. 218D. Conditional nonimmigrant work authorization and status.".

SEC. 602. ADJUSTMENT OF STATUS FOR SECTION 218D CONDITIONAL NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. ADJUSTMENT OF STATUS OF SECTION 218D CONDITIONAL NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR LAWFUL PERMANENT RESIDENCE.

"(a) REQUIREMENTS.—The Secretary of Homeland Security shall adjust the status of an alien from conditional nonimmigrant status under section 218D to that of an alien lawfully admitted for permanent residence under this section if the alien satisfies the following requirements:

"(1) COMPLETION OF EMPLOYMENT OR EDUCATION REQUIREMENT.—The alien establishes that the alien has been employed in the United States, either full time, part time, seasonally, or self-employed, or has met the education requirements of section 218D(d)(5) during the period required by section 218D(b)(1)(B).

"(2) APPLICATION AND FEE.—The alien who applies for adjustment of status under this section pays the following fees:

"(A) APPLICATION FEE.—An alien who files an application under this section shall pay an application fee, set by the Secretary.

"(B) ADDITIONAL FEE.—Before the adjudication of an application for adjustment of status filed under this section, an alien who is at least 21 years of age shall pay a fee of $1,000.

"(3) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien establishes that the alien is not inadmissible under section 212(a), except for any provision of that section that is not applicable or waived under section 218D(d)(2).

"(4) MEDICAL EXAMINATION.—The alien undergoes, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

"(5) PAYMENT OF INCOME TAXES.—

"(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all Federal income taxes owed for employment during the period of employment required by section 218D(b)(1)(B) by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

"(6) BASIC CITIZENSHIP SKILLS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(B) RELATION TO NATURALIZATION EXAMINATION.—An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(7) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—The Secretary shall conduct a security and law enforcement background check in accordance with procedures described in section 218D(e) with respect to each alien requesting adjusting of status under this section.

"(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), that such alien has registered under that Act.

"(b) TREATMENT OF SPOUSES AND CHILDREN.—

"(1) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

"(A) adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to the spouse or child of an alien who adjusts status to that of a permanent resident under this section; or

"(B) adjust the status to that of a lawful permanent resident under this section for an alien who was the spouse or child of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under section 245B in accordance with subsection (a), if—

"(i) the termination of the qualifying relationship was connected to domestic violence; and

"(ii) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status to that of a permanent resident under this section.

"(2) APPLICATION OF OTHER LAW.—In acting on applications filed under this subsection with respect to aliens who have been battered or subjected to extreme cruelty, the

Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(c) RULEMAKING.—The Secretary shall establish regulations for the timely filing and processing of applications for adjustment of status for conditional nonimmigrants under section 218D.

"(d) JUDICIAL REVIEW: CONFIDENTIALITY: PENALTIES.—Subsections (h), (i), and (j) of section 218D shall apply to this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

"Sec. 245B. Adjustment of status of section 218D conditional nonimmigrant to that of person admitted for lawful permanent residence.".

SEC. 603. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended—

(1) in subparagraph (A), by striking "subparagraph (A) or (B) of"; and

(2) by adding at the end the following:

"(F) Aliens whose status is adjusted from the status described in section 218D.".

SEC. 604. EMPLOYER PROTECTIONS.

(a) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under section 245B of the Immigration and Nationality Act, as added by this title, or a grant of status under section 218D of such Act, as added by this title, shall not be subject to civil and criminal tax liability relating directly to the employment of such alien prior to such alien receiving employment authorization under this title.

(b) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under section 245B of the Immigration and Nationality Act or a grant of status under 218D of such Act or any other application or petition pursuant to any other immigration law, shall not be subject to civil and criminal liability under section 274A of such Act for employing such unauthorized aliens.

(c) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 605. LIMITATION ON ADJUSTMENT OF STATUS FOR ALIENS GRANTED CONDITIONAL NONIMMIGRANT WORK AUTHORIZATION.

(a) REQUIREMENT TO PROCESS PENDING APPLICATIONS FOR PERMANENT RESIDENCE.—The Secretary may not adjust the status of an alien granted conditional nonimmigrant work authorization under section 218D of the Immigration and Nationality Act, as added by this title, to that of lawful permanent resident under section 245B of such Act, as added by this title, until the Secretary determines that the priority dates have become current for the class of aliens whose family-based or employment-based petitions for permanent residence were pending on the date of the enactment of this Act.

(b) REQUIREMENT TO ELIMINATE VISA BACKLOG.—If the backlog of applications for family-based and employment-based immigrant visas is not eliminated within 6 years following the date of the enactment of this Act, as predicted under the formulas set out in title V and the amendments made by such title, the Secretary shall hold in abeyance an application submitted by an alien granted conditional nonimmigrant work authorization under section 218D of the Immigration and Nationality Act, for adjustment of status to that of a lawful permanent resident under section 245B of such Act, until the priority dates for the petitions and applications for family-based and employment-based visas pending on the date of the enactment of this Act become current.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 218D and 245B of the Immigration and Nationality Act, as added by this Act.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2006" or the "AgJOBS Act of 2006".

SEC. 612. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 613(a).

(3) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) Fine.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) Maximum number.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) Rights of Aliens Granted Blue Card Status.—

(1) In general.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) Delayed eligibility for certain federal public benefits.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) Terms of employment respecting aliens admitted under this section.—

(A) Prohibition.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) Treatment of complaints.—

(i) Establishment of process.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) Initiation of arbitration.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) Arbitration proceedings.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) Effect of arbitration findings.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) Treatment of attorney's fees.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) Nonexclusive remedy.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) Effect on other actions or proceedings.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) Civil penalties.—

(i) In general.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) Limitation.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) Adjustment to Permanent Residence.—

(1) Agricultural workers.—

(A) In general.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) Qualifying employment.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) Proof.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) Extraordinary circumstances.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) Application period.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) Fine.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) Grounds for denial of adjustment of status.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) Grounds for removal.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) Payment of income taxes.—

(i) In general.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required under paragraph (1)(A) by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required under this paragraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89-732, Public Law 95-145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this subtitle as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

SEC. 614. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

CHAPTER 2—REFORM OF H-2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) by striking section 218 and inserting the following:

"SEC. 218. H-2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

“(D) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

“(E) Offers to United States workers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

“(F) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(2) Job opportunities not covered by collective bargaining agreements.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

“(A) Strike or lockout.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(B) Temporary or seasonal job opportunities.—The job opportunity is temporary or seasonal.

“(C) Benefit, wage, and working conditions.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218E to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

“(D) Nondisplacement of United States workers.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

“(E) Requirements for placement of nonimmigrant with other employers.—The employer will not place the nonimmigrant with another employer unless—

“(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

“(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

“(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

“(F) Statement of liability.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

“(G) Provision of insurance.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(H) Employment of United States workers.—

“(i) Recruitment.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

“(I) Contacting former workers.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

“(II) Filing a job offer with the local office of the State employment security agency.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on ‘America's Job Bank’ or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

“(III) Advertising of job opportunities.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

“(IV) Emergency procedures.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

“(ii) Job offers.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

“(iii) Period of employment.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

“(I) Prohibition.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

“(II) Complaints.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

“(III) Placement of United States workers.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

“(iv) Statutory construction.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

“(c) Applications by Associations on Behalf of Employer Members.—

“(1) In general.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218E through 218G.

“(2) Treatment of associations acting as employers.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

“(d) Withdrawal of Applications.—

“(1) In general.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

“(2) Limitation.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

“(3) Obligations under other statutes.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H-2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) Review and Approval of Applications.—

"(1) Responsibility of employers.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) Responsibility of the Secretary of Labor.—

"(A) Compilation of list.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) Review of applications.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."; and

(2) by inserting after section 218D, as added by section 601 of this Act, the following:

"SEC. 218E. H-2A EMPLOYMENT REQUIREMENTS.

"(a) Preferential Treatment of Aliens Prohibited.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H-2A workers.

"(b) Minimum Benefits, Wages, and Working Conditions.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) Requirement to provide housing or a housing allowance.—

"(A) In general.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) Type of housing.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) Family housing.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) Workers engaged in the range production of livestock.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) Charges for housing.—

"(i) Charges for public housing.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) Deposit charges.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) Housing allowance as alternative.—

"(i) In general.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) Certification.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) Amount of allowance.—

"(I) Nonmetropolitan counties.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) Metropolitan counties.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) Reimbursement of transportation.—

"(A) To place of employment.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) From place of employment.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) Limitation.—

"(i) Amount of reimbursement.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) Distance traveled.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) Early termination.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) Transportation between living quarters and work site.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) Required wages.—

"(A) In general.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(II) 4 percent.

"(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(i) the worker's total earnings for the pay period;

"(ii) the worker's hourly rate of pay, piece rate of pay, or both;

"(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

"(iv) the hours actually worked by the worker;

"(v) an itemization of the deductions made from the worker's wages; and

"(vi) if piece rates of pay are used, the units produced daily.

"(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or “(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

“(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

“(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

“(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

“(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

“(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218F shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“SEC. 218F. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

“(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

“(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) CRITERIA FOR ADMISSIBILITY.—

“(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218E, and the alien is not ineligible under paragraph (2).

“(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

“(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

“(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) REPLACEMENT OF ALIEN.—

“(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

“(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(h) EXTENSION OF STAY OF H-2A ALIENS IN THE UNITED STATES.—

“(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

“(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

“(A) for a period of more than 10 months; or

“(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

“(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

“(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

“(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

“(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

“(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

“(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

“(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

“(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

“(1) may be admitted for an initial period of 12 months;

“(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

“(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

“(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

“(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

“(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(A) the alien's employer on behalf of an eligible alien; or

“(B) the eligible alien.

“(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(5) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

“SEC. 218G. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

“(a) ENFORCEMENT AUTHORITY.—

“(1) INVESTIGATION OF COMPLAINTS.—

“(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

“(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

“(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

“(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

“(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

“(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

“(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218E(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218E(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218E.

“(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

“(1) The providing of housing or a housing allowance as required under section 218E(b)(1).

“(2) The reimbursement of transportation as required under section 218E(b)(2).

“(3) The payment of wages required under section 218E(b)(3) when due.

“(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218E(c), compliance with which shall be governed by the provisions of such laws.

“(5) The guarantee of employment required under section 218E(b)(4).

“(6) The motor vehicle safety requirements under section 218E(b)(5).

“(7) The prohibition of discrimination under subsection (d)(2).

“(c) PRIVATE RIGHT OF ACTION.—

“(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

“(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

“(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

“(C) AUTHORIZATION.—

“(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

“(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

“(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

“(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

“(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

“(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

“(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

“(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

“(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

“(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

“(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

“(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

“(i) a recovery under a State workers' compensation law; or

“(ii) rights conferred under a State workers' compensation law.

“(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

“(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any

Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218E or any rule or regulation pertaining to section 218 or 218E, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218E or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218E, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218H. DEFINITIONS.

"For purposes of this section, section 218, and sections 218E through 218G:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218E(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.) is amended—

(1) by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications."; and

(2) by inserting after the item relating to section 218D, as added by section 601 of this Act, the following:

"Sec. 218E. H–2A employment requirements.
"Sec. 218F. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218G. Worker protections and labor standards enforcement.
"Sec. 218H. Definitions.".

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection process for such fees from employers participating in the program provided under this subtitle. Such fees shall be the only fees chargeable to employers for services provided under this subtitle.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) Publication and comment.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) Use of Proceeds.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218F of the Immigration and Nationality Act, as added by section 615 of this Act, and the provisions of this subtitle.

SEC. 617. REGULATIONS.

(a) Regulations of the Secretary.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this subtitle and the amendments made by this subtitle.

(b) Regulations of the Secretary of State.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this subtitle and the amendments made by this subtitle.

(c) Regulations of the Secretary of Labor.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) Deadline for Issuance of Regulations.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218E, 218F, and 218G of the Immigration and Nationality Act, as added by section 615 of this Act, shall take effect on the effective date of section 615 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 618. REPORT TO CONGRESS.

Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218F(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218F(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a);

(5) the number of such aliens whose status was adjusted under section 613(a);

(6) the number of aliens who applied for permanent residence pursuant to section 613(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 613(c).

SEC. 619. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided, sections 615 and 616 shall take effect 1 year after the date of the enactment of this Act.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the measures being taken and the progress made in implementing this subtitle.

Subtitle C—DREAM Act

SEC. 621. SHORT TITLE.

This subtitle may be cited as the "Development, Relief, and Education for Alien Minors Act of 2006" or the "DREAM Act of 2006".

SEC. 622. DEFINITIONS.

In this subtitle:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Uniformed services.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 623. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In General.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) Effective Date.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 624. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.—

(1) In general.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 625, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(E), (6)(F), or (6)(G) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the violation was committed; and

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (3)(B), (3)(C), (3)(D), (4), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (C) or (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) Waiver.—The Secretary may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) Procedures.—The Secretary shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) Termination of Continuous Period.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) Treatment of Certain Breaks in Presence.—

(1) In general.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) Extensions for exceptional circumstances.—The Secretary may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) Exemption From Numerical Limitations.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) Regulations.—

(1) Proposed regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) Interim, final regulations.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

(f) Removal of Alien.—The Secretary may not remove any alien who has a pending application for conditional status under this subtitle.

SEC. 625. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General.—

(1) Conditional basis for status.—Notwithstanding any other provision of law, and except as provided in section 626, an alien whose status has been adjusted under section 624 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident

status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) Notice of Requirements.—

(A) At Time of Obtaining Permanent Residence.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) Effect of Failure to Provide Notice.—The failure of the Secretary to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this subtitle with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) Termination of Status.—

(1) In General.—The Secretary shall terminate the conditional permanent resident status of any alien who obtained such status under this subtitle, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 624(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) Return to Previous Immigration Status.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this subtitle.

(c) Requirements of Timely Petition for Removal of Condition.—

(1) In General.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) Adjudication of Petition to Remove Condition.—

(A) In General.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) Removal of Conditional Basis if Favorable Determination.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) Termination if Adverse Determination.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) Time to File Petition.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary in accordance with this subtitle. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) Details of Petition.—

(1) Contents of Petition.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 624(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) Hardship Exception.—

(A) In General.—The Secretary may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) Extension.—Upon a showing of good cause, the Secretary may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) Treatment of Period for Purposes of Naturalization.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 626. RETROACTIVE BENEFITS.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 624(a)(1) and section 625(d)(1)(D), the Secretary may adjust the status of the alien to that of a conditional resident in accordance with section 624. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 625(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 625(d)(1) during the entire period of conditional residence.

SEC. 627. EXCLUSIVE JURISDICTION.

(a) In General.—The Secretary shall have exclusive jurisdiction to determine eligibility for relief under this subtitle, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this subtitle, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this subtitle.

(b) Stay of Removal of Certain Aliens Enrolled in Primary or Secondary School.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 624(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) Employment.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) Lift of Stay.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 628. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this subtitle and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 629. CONFIDENTIALITY OF INFORMATION.

(a) Prohibition.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this subtitle to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this subtitle can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this subtitle with a designated entity, that designated entity, to examine applications filed under this subtitle.

(b) Required Disclosure.—The Attorney General or the Secretary shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C.

1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 630. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that applications under this subtitle will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 631. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this subtitle shall be eligible only for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 632. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 624(a);

(2) the number of aliens who applied for adjustment of status under section 624(a);

(3) the number of aliens who were granted adjustment of status under section 624(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 625.

Subtitle D—Grant Programs to Assist Nonimmigrant Workers

SEC. 641. GRANTS TO SUPPORT PUBLIC EDUCATION AND COMMUNITY TRAINING.

(a) GRANTS AUTHORIZED.—The Assistant Attorney General, Office of Justice Programs, may award grants to qualified nonprofit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding the provisions of this Act and the amendments made by this Act.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded under this section shall be used—

(A) for public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by the grantee in providing services related to this Act; and

(B) to educate, train, and support nonprofit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act and on matters related to its implementation.

(2) EDUCATION.—In addition to the purposes described in paragraph (1), grants awarded under this section shall be used to—

(A) educate immigrant communities and other interested entities regarding—

(i) the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary; and

(ii) the dangers of securing legal advice and assistance from those who are not authorized to provide legal representation in immigration matters;

(B) educate interested entities regarding the requirements for obtaining nonprofit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary;

(C) provide nonprofit agencies with training and technical assistance on the recognition and accreditation process; and

(D) educate nonprofit community organizations, immigrant communities, and other interested entities regarding—

(i) the process for obtaining benefits under this Act or under an amendment made by this Act; and

(ii) the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act or under an amendment made by this Act.

(c) DIVERSITY.—The Assistant Attorney General shall ensure, to the extent possible, that the nonprofit community organizations receiving grants under this section serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Justice Programs of the Department of Justice such sums as may be necessary for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 642. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship and Immigration Foundation (referred to in this subtitle as the "Foundation").

(b) PURPOSE.—The Foundation shall be incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship of the Bureau of Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship.

SEC. 643. CIVICS INTEGRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance to nonprofit organizations, including faith-based organizations, to support—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; and

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the Foundation for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3193. Mr. ALEXANDER (for himself, Mr. CORNYN, Mr. ISAKSON, Mr. COCHRAN, Mr. SANTORUM, Mr. FRIST, Mr. MCCONNELL, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

SECTION 644. STRENGTHENING AMERICAN CITIZENSHIP.

(a) SHORT TITLE.—This section may be cited as the "Strengthening American Citizenship Act of 2006".

(b) DEFINITION.—In this section, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in section 337(e) of the Immigration and Nationality Act, as added by subsection (h)(1)(B).

(c) ENGLISH FLUENCY.—

(1) EDUCATION GRANTS.—

(A) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this paragraph as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist legal residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(B) USE OF FUNDS.—Grant funds awarded under this paragraph shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the legal resident is enrolled.

(C) APPLICATION.—A legal resident desiring a grant under this paragraph shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(D) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(E) NOTICE.—The Secretary, upon relevant registration of a legal resident with the Department, shall notify such legal resident of the availability of grants under this paragraph for legal residents who declare an intent to apply for United States citizenship.

(2) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A legal resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to—

(A) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(B) influence the naturalization test redesign process of the Office of Citizenship (except for the requirement under subsection (h)(2)).

(d) AMERICAN CITIZENSHIP GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(A) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(B) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(i) to promote an understanding of the form of government and history of the United States; and

(ii) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(2) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, if the foundation is established under subsection (e), for grants under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) FUNDING FOR THE OFFICE OF CITIZENSHIP.—

(1) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this subsection as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship.

(2) DEDICATED FUNDING.—

(A) IN GENERAL.—Not less than 1.5 percent of the funds made available to the Bureau of Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(i) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(ii) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(B) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

(3) GIFTS.—

(A) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(B) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the functions described in paragraph (2)(A).

(f) RESTRICTION ON USE OF FUNDS.—No funds appropriated to carry out a program under this subsection (d) or (e) may be used to organize individuals for the purpose of political activism or advocacy.

(g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Chief of the Office of Citizenship shall submit an annual report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on the Judiciary of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this section and the amount of funding received by each such entity;

(B) an evaluation of the extent to which grants received under this section successfully promoted an understanding of—

(i) the English language; and

(ii) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(C) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section.

(h) OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.—

(1) REVISION OF OATH.—Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(B) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(2) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(3) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 6 months after the date of enactment of this Act.

(i) ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.—

(1) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(A) have made an outstanding contribution to the United States; and

(B) were naturalized during the 10-year period ending on the date of such recognition.

(2) PRESENTATION AUTHORIZED.—

(A) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in paragraph (1).

(B) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this subsection in any calendar year.

(3) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(4) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(j) NATURALIZATION CEREMONIES.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(2) VENUES.—In developing the strategy under this subsection, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(3) REPORTING REQUIREMENT.—The Secretary shall submit an annual report to Congress that includes—

(A) the content of the strategy developed under this subsection; and

(B) the progress made towards the implementation of such strategy.

SA 3194. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —CITIZENSHIP ASSISTANCE FOR MEMBERS OF THE ARMED SERVICES

SEC. 01. SHORT TITLE.

This title may be cited as the "Kendell Frederick Citizenship Assistance Act".

SEC. 02. WAIVER OF REQUIREMENT FOR FINGERPRINTS FOR MEMBERS OF THE ARMED FORCES.

Notwithstanding any other provision of law or any regulation, the Secretary shall use the fingerprints provided by an individual at the time the individual enlists in the Armed Forces to satisfy any requirement for fingerprints as part of an application for naturalization if the individual—

(1) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440);

(2) was fingerprinted in accordance with the requirements of the Department of Defense at the time the individual enlisted in the Armed Forces; and

(3) submits an application for naturalization not later than 12 months after the date the individual enlisted in the Armed Forces.

SEC. ___03. PROVISION OF INFORMATION ON NATURALIZATION TO MEMBERS OF THE ARMED FORCES.

(a) Citizenship Advocate.—The Secretary of Defense shall establish the position of Citizenship Advocate at each Military Entry Processing Station to provide information and assistance related to the naturalization process to members of the Armed Forces. An individual serving as a Citizenship Advocate may be a civilian.

(b) Written Materials.—The Secretary of Defense shall ensure that written information describing the naturalization process for members of the Armed Forces is provided to each individual who is not a citizen of the United States at the time that the individual enlists in the Armed Forces.

(c) Telephone Hot Line.—The Secretary shall—

(1) establish a dedicated toll free telephone service available only to members of the Armed Forces and the families of such members to provide information related to naturalization pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the status of an application for such naturalization;

(2) ensure that the telephone service required by paragraph (1) is operated by employees of the Department who—

(A) have received specialized training on the naturalization process for members of the Armed Forces and the families of such members; and

(B) are physically located in the same unit as the military processing unit that adjudicates applications for naturalization pursuant to such section 328 or 329; and

(3) implement a quality control program to monitor, on a regular basis, the accuracy and quality of information provided by the employees who operate the telephone service required by paragraph (1), including the breadth of the knowledge related to the naturalization process of such employees.

SEC. ___04. PROVISION OF INFORMATION ON NATURALIZATION TO THE PUBLIC.

Not later than 30 days after the date that a modification to any law or regulation related to the naturalization process becomes effective, the Secretary shall update the appropriate application form for naturalization, the instructions and guidebook for obtaining naturalization, and the Internet website maintained by the Secretary to reflect such modification.

SEC. ___05. REPORTS.

(a) Adjudication Process.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the process that begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete, through the final disposition of such application. Such report shall include shall include a description of—

(1) the methods of the Secretary and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(2) the effectiveness of the chain of authority, supervision, and training of employees of the Government or of other entities, including contract employees, who have any role in the such process or adjudication; and

(3) the ability of the Secretary and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication.

(b) Implementation.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the implementation of this title by the Secretary and the Secretary of Defense, including studying any technology that may be used to improve the efficiency of the naturalization process for members of the Armed Forces.

(2) Report.—Not later than 180 days after the date that the Comptroller General submits the report required by subsection (a), the Comptroller General shall submit to the appropriate congressional committees a report on the study required by paragraph (1). The report shall include any recommendations of the Comptroller General for improving the implementation of this title by the Secretary or the Secretary of Defense.

(c) Appropriate Congressional Committees Defined.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

SA 3195. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 4 through 7 and insert the following:

(b) Unmanned Aerial Vehicles and Associated Infrastructure.—The Secretary shall acquire and maintain MQ-9 unmanned aerial vehicles for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(c) Authorization of Appropriations.—

(1) Border control facilities.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(2) Unmanned aerial vehicles.—

(A) In general.—There are authorized to be appropriated to the Secretary to carry out subsection (b)—

(i) $178,400,000 for fiscal year 2007; and

(ii) $276,000,000 for fiscal year 2008.

(B) Availability of funds.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

SA 3196. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY CERTIFICATION.

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new H-2C guest worker program, a new conditional nonimmigrant work authorization program, or any similar or subsequent program authorizing the employment of alien workers until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

SA 3197. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 20 and 21, insert the following:

SEC. 107. STATE AND LOCAL GRANTS.

(a) Grants Authorized.—The Secretary shall award competitive grants to eligible State, local, and tribal law enforcement agencies to provide financial assistance for costs related to border security activities, including efforts to combat criminal activity within the jurisdiction of such agencies.

(b) Use of Funds.—Grants awarded under this section shall be used to provide additional resources for law enforcement agencies to combat criminal activity occurring near the border, including—

(1) law enforcement technologies;

(2) equipment, such as police-type vehicles, all-terrain vehicles, firearms, sensors, cameras, and lighting, and maintenance for such equipment;

(3) computer equipment; and

(4) such other resources that may be available to assist the law enforcement agency with border security.

(c) Application.—A law enforcement agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) SELECTION CRITERIA.—In selecting grant recipients under this section, the Secretary shall give priority to applicants providing law enforcement for jurisdictions that—

(1) are close to the border;

(2) have small populations;

(3) have more felony criminal cases filed per United States district court judge;

(4) are located in States with more undocumented aliens, based on the most recent decennial census; or

(5) are located in States with more undocumented alien apprehensions in the most recent fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SA 3198. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

(3) EMPLOYMENT OF RETIRED LAW ENFORCEMENT OFFICERS.—

(A) STUDY.—The Secretary shall conduct a study of the feasibility of hiring, on a part-time basis, retired Federal law enforcement officers to supplement the capabilities of the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report, in classified form, if necessary, to the appropriate congressional committees. The report shall include—

(i) the results of the study conducted under subparagraph (A); and

(ii) a plan to implement a program that employs retired Federal law enforcement officers for border security, if the Secretary determines that such plan is feasible.

(C) IMPLEMENTATION.—If the Secretary determines that the plan described in subparagraph (B)(ii) is feasible, the Secretary shall implement the plan not later than 90 days after the submission of the report to Congress under subparagraph (B).

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this paragraph.

SA 3199. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 13, strike "(b)" and insert the following:

(b) RECRUITMENT AND RETENTION PROGRAM.—

(1) IMPLEMENTATION.—The Secretary shall conduct a 5-year program to facilitate the recruitment and retention of agents within the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement.

(2) REPORT.—Not less frequently than once every 90 days during the 5-year period of the program authorized under paragraph (1), the Secretary shall submit a report on the results and progress of the program, in classified form, if necessary, to the appropriate congressional committees.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

(c)

SA 3200. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 4 through 7 and insert the following:

(b) FEDERAL LAW ENFORCEMENT TRAINING CENTER INFRASTRUCTURE IMPROVEMENTS.—The Secretary shall make necessary improvements to the following law enforcement training facilities:

(1) The Federal Law Enforcement Training Center in Glynco, Georgia.

(2) The residential training sites located in Artesia, New Mexico and Charleston, South Carolina.

(3) The inservice requalification training facility located in Cheltenham, Maryland.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SA 3201. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 4 through 7 and insert the following:

(b) DETENTION FACILITIES.—

(1) CONSTRUCTION.—The Attorney General shall plan, construct, maintain, and acquire additional detention facilities for the purpose of immigration detention and removal.

(2) USE OF CLOSED OR UNUSED MILITARY INSTALLATIONS.—The Secretary, in consultation with the Secretary of Defense, shall conduct a study of the feasibility of using military installations designated for closure or realignment as possible immigration detention facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SA 3202. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL, to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 13 through 20 and insert the following:

SEC. 105. PORTS OF ENTRY.

(a) CONSTRUCTION; IMPROVEMENTS.—The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

(b) INFRASTRUCTURE REPORT.—The Administrator of General Services shall submit an annual report to Congress that—

(1) describes the status of the infrastructure at ports of entry into the United States; and

(2) identifies projects to improve security at such ports of entry.

(c) VULNERABILITY REPORT.—Not less frequently than once every 6 months, the Secretary shall submit a report, in classified form if necessary, to the appropriate congressional committees on vulnerabilities at ports of entry into the United States.

(d) DEMONSTRATION PROGRAMS.—The Secretary shall establish demonstration programs to evaluate and assess border security and port of entry technologies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SA 3203. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COMPREHENSIVE IMMIGRATION EFFICIENCY REVIEW.

(a) REVIEW.—The Secretary, in consultation with the Secretary of State, shall conduct a comprehensive review of the immigration procedures in existence as of the date of the enactment of this Act.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report, in classified form, if necessary, that—

(1) identifies inefficient immigration procedures; and

(2) outlines a plan to improve the efficiency and responsiveness of the immigration process.

SA 3204. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL LANGUAGE ACT OF 2006.

(a) SHORT TITLE.—This section may be cited as the "National Language Act of 2006".

(b) ENGLISH AS OFFICIAL LANGUAGE.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec
"161. Declaration of official language
"162. Official Government activities in English
"163. Preserving and enhancing the role of the official language
"164. Exceptions

"§ 161. Declaration of official language

"English shall be the official language of the Government of the United States.

"§ 162. Official government activities in English

"The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials.

"§ 163. Preserving and enhancing the role of the official language

"The Government of the United States shall preserve and enhance the role of English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

SA 3205. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 54, after line 23, add the following:

Subtitle E—National Border Neighborhood Watch Program

SEC. 151. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the United States Customs and Border Protection (referred to in this subtitle as the "USCBP") shall establish a National Border Neighborhood Watch Program (referred to in this subtitle as the "NBNW Program") to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 152. BRAVE FORCE.

(a) ESTABLISHMENT.—There is established in the USCBP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as "BRAVE Force"), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) RETIRED LAW ENFORCEMENT OFFICER DEFINED.—In this section, the term "retired law enforcement officer" means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in section 216(*l*) of the Social Security Act (42 U.S.C. 416(*l*)).

(c) EFFECT ON PERSONNEL CAPS.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCBP personnel limits.

(d) RETIRED ANNUITANTS.—An employee of BRAVE Force who has worked for the Federal Government shall be considered a rehired annuitant and shall have no reduction in annuity as a result of salary payment for such employees' service in the NBNW Program.

SEC. 153. CIVILIAN VOLUNTEERS.

(a) IN GENERAL.—The USCBP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

(b) ORGANIZATION.—Not less than 3 civilian volunteers in the NBNW Program may report to each employee of BRAVE Force.

(c) REPORTING.—A civilian volunteer shall report a violation of Federal immigration law to the appropriate employee of BRAVE Force as soon as possible after observing such violation.

(d) REIMBURSEMENT.—A civilian volunteer participating in the NBNW Program shall be eligible for reimbursement by the USCBP for expenses related to carrying out the duties of the NBNW Program.

SEC. 154. LIABILITY OF BRAVE FORCE EMPLOYEES AND CIVILIAN VOLUNTEERS.

(a) CIVILIANS.—A civilian volunteer participating in the NBNW Program shall not be entitled to any immunity from personal liability by virtue of the volunteer's participation in the NBNW Program.

(b) EMPLOYEES.—An employee of the BRAVE Force shall not be liable for the actions of a civilian volunteer participating in the NBNW Program.

SEC. 155. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3206. Mr. KYL (for himself and Mr. CORNYN) proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

On page 329, line 11, insert "(other than subparagraph (C)(i)(II) of such paragraph (9))" after "212(a)".

On page 330, strike lines 10 through 15, and insert the following:

"(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the alien is subject to a final order of removal under section 217, 235, 238, or 240;

"(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

"(C) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(D) the alien has been convicted of any felony or three or more misdemeanors; or

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SA 3207. Mr. CORNYN proposed an amendment to amendment SA 3206 proposed by Mr. KYL (for himself and Mr. CORNYN) to the amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the end of the amendment add the following:

This provision shall become effective 1 day after enactment.

SA 3208. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY CERTIFICATION.

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new H-2C guest worker program, a new conditional nonimmigrant work authorization program, any Title IV provisions, or any similar or subsequent program authorizing the employment of alien workers until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured, and that Title I border security provisions are implemented.

SA 3209. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ACCESS TO EARNED ADJUSTMENT AND MANDATORY DEPARTURE AND REENTRY.

(a) SHORT TITLE.—This section may be cited as the "Immigrant Accountability Act of 2006".

(b) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

"(a) ADJUSTMENT OF STATUS.—

"(1) PRINCIPAL ALIENS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien who satisfies the following requirements:

"(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

"(B) CONTINUOUS PHYSICAL PRESENCE.—

"(i) IN GENERAL.—The alien shall establish that the alien—

"(I) was physically present in the United States on or before the date that is 5 years before the date of introduction of the Immigrant Accountability Act of 2006;

"(II) was not legally present in the United States on such date of introduction; and

"(III) did not depart from the United States during the 5-year period ending on such date of introduction, except for brief, casual, and innocent departures.

"(ii) Legally Present.—For purposes of this subparagraph, an alien who has violated any conditions of his or her visa shall be considered not to be legally present in the United States.

"(C) Admissible under Immigration Laws.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

"(D) Employment in United States.—

"(i) In general.—The alien shall have been employed in the United States, in the aggregate, for—

"(I) at least 3 years during the 5-year period ending on the date of introduction of the Immigrant Accountability Act of 2006; and

"(II) at least 6 years after the date of enactment of such Act.

"(ii) Exceptions.—

"(I) The employment requirement in clause (i)(I) shall not apply to an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006.

"(II) The employment requirement in clause (i)(II) shall be reduced for an individual who cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy.

"(III) The employment requirement in clause (i)(II) shall be reduced for an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006 by a period of time equal to the time period beginning on such date of enactment and ending on the date on which the individual reaches 20 years of age.

"(IV) The employment requirements in clause (i) shall be reduced by 1 year for each year of full time post-secondary study in the United States during the relevant period.

"(iii) Portability.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

"(iv) Evidence of Employment.—

"(I) Conclusive documents.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

"(aa) Records maintained by the Social Security Administration.

"(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

"(cc) Records maintained by the Internal Revenue Service.

"(dd) Records maintained by a union or day labor center.

"(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

"(II) Other documents.—Aliens unable to submit documents described in subclause (I) shall submit at least 3 other types of reliable documents, including sworn declarations, for each period of employment to satisfy the requirement in clause (i).

"(III) Intent of Congress.—It is the intent of Congress that the requirement in clause (i) be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(v) Burden of Proof.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i). An alien may satisfy such burden of proof by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. Once the burden is met, the burden shall shift to the Secretary of Homeland Security to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

"(E) Payment of Income Taxes.—Not later than the date on which status is adjusted under this subsection, the alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

"(F) Basic Citizenship Skills.—

"(i) In general.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

"(I) meets the requirements of section 312(a) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and Government of the United States); or

"(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

"(ii) Exceptions.—

"(I) Mandatory.—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

"(II) Discretionary.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

"(G) Security and Law Enforcement Clearances.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(H) Military Selective Service.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

"(I) Adjustment of Status.—An alien may not adjust to an immigrant classification under this section until after the earlier of—

"(i) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

"(ii) 8 years after the date of enactment of this section.

"(2) Spouses and Children.—

"(A) In general.—

"(i) Adjustment of Status.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

"(I) the spouse, or child who was under 21 years of age on the date of enactment of the Immigrant Accountability Act of 2006, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

"(II) an alien who, within 5 years preceding the date of enactment of the Immigrant Accountability Act of 2006, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

"(aa) the termination of the qualifying relationship was connected to domestic violence; or

"(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

"(ii) Application of Other Law.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(B) Grounds of Inadmissibility not Applicable.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

"(C) Security and Law Enforcement Clearance.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(3) Nonapplicability of Numerical Limitations.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

"(b) Grounds of Inadmissibility.—

"(1) Applicable Provisions.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

“(A) Paragraph (1) (relating to health).

“(B) Paragraph (2) (relating to criminals).

“(C) Paragraph (3) (relating to security and related grounds).

“(D) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

“(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

“(3) WAIVER OF OTHER GROUNDS.—

“(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

“(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

“(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

“(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

“(6) APPLICABILITY OF OTHER PROVISIONS.—Section 241(a)(5) and section 240B(d) shall not apply with respect to an alien who is applying for adjustment of status under subsection (a).

“(c) TREATMENT OF APPLICANTS.—

“(1) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

“(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

“(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

“(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

“(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

“(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant document of authorization that—

“(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

“(B) reflects the benefits and status set forth in paragraph (1).

“(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

“(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

“(d) APPREHENSION BEFORE APPLICATION PERIOD.—The Secretary of Homeland Security shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a) and who can establish prima facie eligibility to have the alien's status adjusted under that subsection (but for the fact that the alien may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 180 days of the application period to complete the filing of an application for adjustment, the alien may not be removed from the United States unless the alien is removed on the basis that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

“(e) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

“(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

“(B) make any publication through which the information furnished by any particular applicant can be identified; or

“(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

“(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

“(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

“(f) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

“(1) CRIMINAL PENALTY.—

“(A) VIOLATION.—It shall be unlawful for any person to—

“(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

“(ii) create or supply a false writing or document for use in making such an application.

“(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

“(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

“(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

“(g) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

“(h) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—

“(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

“(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

“(i) APPLICATION OF OTHER PROVISIONS.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

“(j) ADMINISTRATIVE AND JUDICIAL REVIEW.—

“(1) IN GENERAL.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

“(2) ADMINISTRATIVE REVIEW.—

“(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

"(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(3) JUDICIAL REVIEW.—

"(A) DIRECT REVIEW.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

"(B) REVIEW AFTER REMOVAL PROCEEDINGS.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

"(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(4) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

"(k) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

"(l) EMPLOYER PROTECTIONS.—

"(1) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

"(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

"(3) APPLICABILITY OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

"(m) AUTHORIZATION OF FUNDS; FINES.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security such sums as are necessary to commence the processing of applications filed under this section.

"(2) FINE.—An alien who files an application under this section shall pay a fine commensurate with levels charged by the Department of Homeland Security for other applications for adjustment of status.

"(3) ADDITIONAL AMOUNTS OWED.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $2,000, but such amount shall not be required from an alien under the age of 18.

"(4) USE OF AMOUNTS COLLECTED.—The Secretary of Homeland Security shall deposit payments received under this subsection in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

"(A) 80 percent of such funds shall be available to the Department of Homeland Security for border security purposes;

"(B) 10 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

"(C) 10 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover administrative and other expenses incurred in connection with the review of applications filed by immediate relatives as a result of the amendments made by title II of the Immigrant Accountability Act of 2006.

"(n) MANDATORY DEPARTURE AND REENTRY.—Any alien who is physically present in the United States on the date of introduction of the Immigrant Accountability Act of 2006 who seeks to adjust status under this section but does not satisfy the requirements of subparagraph (B) or (D) of subsection (a)(1) shall be eligible to depart the United States and to seek admission as a nonimmigrant or immigrant alien as described in section 245C.

"(o) ISSUANCE OF REGULATIONS.—Not later than 120 days after the date of enactment of the Immigrant Accountability Act of 2006, the Secretary of Homeland Security shall issue regulations to implement this section.".

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

"245B. Access to Earned Adjustment.".

(c) MANDATORY DEPARTURE AND REENTRY.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.), as amended by this title, is further amended by inserting after section 245B the following:

"SEC. 245C. MANDATORY DEPARTURE AND REENTRY.

"(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

"(b) REQUIREMENTS.—An alien desiring an adjustment of status under subsection (a) shall meet the following requirements:

"(1) PRESENCE.—The alien shall establish that the alien—

"(A) was physically present in the United States on the date of introduction of the Immigrant Accountability Act of 2006;

"(B) has been continuously in the United States since such date, except for brief, casual, and innocent departures; and

"(C) was not legally present in the United States on that date under any classification set forth in section 101(a)(15).

"(2) EMPLOYMENT.—

"(A) IN GENERAL.—The alien shall establish that the alien—

"(i) was employed in the United States, whether full time, part time, seasonally, or self-employed, before the date on which the Secure America and Orderly Immigration Act was introduced; and

"(ii) has been employed in the United States since that date.

"(B) EVIDENCE OF EMPLOYMENT.—

"(i) IN GENERAL.—An alien may conclusively establish employment status in compliance with subparagraph (A) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

"(I) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

"(II) an employer; or

"(III) a labor union, day labor center, or an organization that assists workers in matters related to employment.

"(ii) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclauses (I) through (III) of clause (i) may satisfy the requirement in subparagraph (A) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

"(I) bank records;

"(II) business records;

"(III) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

"(IV) remittance records.

"(iii) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(iv) BURDEN OF PROOF.—An alien who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

"(3) ADMISSIBILITY.—

"(A) IN GENERAL.—The alien shall establish that such alien—

"(i) is admissible to the United States, except as provided as in (B); and

"(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

"(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

“(4) INELIGIBLE.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

“(A) has been ordered excluded, deported, removed, or to depart voluntarily from the United States; or

“(B) fails to comply with any request for information by the Secretary of Homeland Security.

“(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

“(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status if—

“(A) the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

“(B) the alien commits an act that makes the alien removable from the United States.

“(7) APPLICATION CONTENT AND WAIVER.—

“(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

“(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

“(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum or restriction of removal pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a).

“(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

“(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date on which the application form is first made available.

“(3) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date on which the application form is first made available. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

“(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date on which the application form is first made available.

“(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

“(e) ACKNOWLEDGMENT.—

“(1) IN GENERAL.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

“(A) an acknowledgment made in writing and under oath that the alien—

“(i) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

“(ii) understands the terms of the terms of Deferred Mandatory Departure;

“(B) any Social Security account number or card in the possession of the alien or relied upon by the alien;

“(C) any false or fraudulent documents in the alien's possession.

“(2) USE OF INFORMATION.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

“(f) MANDATORY DEPARTURE.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall grant Deferred Mandatory Departure status to an alien who meets the requirements of this section for a period not to exceed 3 years.

“(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

“(A) depart from the United States before the expiration of the period of Deferred Mandatory Departure status;

“(B) register with the Secretary of Homeland Security at the time of departure; and

“(C) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

“(3) APPLICATION FOR READMISSION.—An alien under this section may apply for admission to the United States as an immigrant or nonimmigrant while in the United States or from any location outside of the United States, but may not be granted admission until the alien has departed from the United States in accordance with paragraph (2).

“(4) EFFECT OF READMISSION ON SPOUSE OR CHILD.—The spouse or child of an alien granted Deferred Mandatory Departure and subsequently granted an immigrant or nonimmigrant visa before departing the United States shall be—

“(A) deemed to have departed under this section upon the successful admission of the principal alien; and

“(B) eligible for the derivative benefits associated with the immigrant or nonimmigrant visa granted to the principal alien without regard to numerical caps related to such visas.

“(5) WAIVERS.—The Secretary of Homeland Security may waive the departure requirement under this subsection if the alien—

“(A) is granted an immigrant or nonimmigrant visa; and

“(B) can demonstrate that the departure of the alien would create a substantial hardship on the alien or an immediate family member of the alien.

“(6) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

“(A) shall not be subject to section 212(a)(9)(B); and

“(B) if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

“(7) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

“(8) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to depart immediately shall be subject to—

“(A) no fine if the alien departs not later than 1 year after the grant of Deferred Mandatory Departure;

“(B) a fine of $2,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure; and

“(C) a fine of $3,000 if the alien does not depart within 3 years after the grant of Deferred Mandatory Departure.

“(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note). The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

“(h) TERMS OF STATUS.—

“(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

“(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) must establish at the time of application for admission that the alien is admissible under section 212.

"(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

"(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

"(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—Before leaving the United States, an alien granted Deferred Mandatory Departure status may not apply to change status under section 248.

"(j) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(k) FAMILY MEMBERS.—

"(1) IN GENERAL.—Subject subsection (f)(4), the spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

"(2) APPLICATION FEE.—

"(A) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(l) EMPLOYMENT.—

"(1) IN GENERAL.—An alien who has applied for or has been granted Deferred Mandatory Departure status may be employed in the United States.

"(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status must be employed while in the United States. An alien who fails to be employed for 60 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security system, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum, restriction of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a), any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 208(a).

"(r) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.), as amended by this title, is further amended by inserting after the item relating to section 245B the following:

"245C. Mandatory Departure and Reentry.".

(3) CONFORMING AMENDMENT.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 245C)" after "imposed".

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subsection.

(d) CORRECTION OF SOCIAL SECURITY RECORDS.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) whose status is adjusted to that of lawful permanent resident under section 245B of the Immigration and Nationality Act,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.".

On page ____, strike line __ and all that follows through page   , line   , and insert the following:

SEC.   . FAMILY REUNIFICATION.

(a) TREATMENT OF IMMEDIATE RELATIVES WITH RESPECT TO THE FAMILY IMMIGRATION CAP.—

(1) EXEMPTION OF IMMEDIATE RELATIVES FROM FAMILY SPONSORED IMMIGRANT CAP.—Section 201(c)(1)(A) (8 U.S.C. 1151(c)(1)(A)) is amended by striking clauses (i), (ii), and (iii) and inserting the following:

"(i) 480,000, minus

"(ii) the number computed under paragraph (3), plus

"(iii) the number (if any) computed under paragraph (2).".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) RECLASSIFICATION OF SPOUSES AND MINOR CHILDREN OF LEGAL PERMANENT RESIDENTS AS IMMEDIATE RELATIVES.—

(1) IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(A) in the first sentence, by inserting "or the spouses and children of aliens lawfully admitted for permanent residence," after "United States,";

(B) in the second sentence—

(i) by inserting "or lawful permanent resident" after "citizen" each place that term appears; and

(ii) by inserting "or lawful permanent resident's" after "citizen's" each place that term appears;

(C) in the third sentence, by inserting "or the lawful permanent resident loses lawful permanent resident status" after "United States citizenship"; and

(D) by adding at the end the following: "A spouse or child, as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1), shall be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join the spouse or parent. The same treatment shall apply to parents of citizens of the United States being entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join their daughter or son.".

(2) ALLOCATION OF IMMIGRANT VISAS.—Section 203(a) (8 U.S.C. 1153(a)) is amended—

(A) in paragraph (1), by striking "23,400" and inserting "38,000";

(B) by striking paragraph (2) and inserting the following:

"(2) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed 60,000 plus the number (if any) by which such worldwide level exceeds 226,000, plus any visas not required for the class specified in paragraph (1).";

(C) in paragraph (3), by striking "23,400" and inserting "38,000"; and

(D) in paragraph (4), by striking "65,000" and inserting "90,000".

(3) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1), by striking "paragraphs (2) and (3)," and inserting "paragraph (2),";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(4) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 (8 U.S.C. 1152) is amended—

(A) in subsection (a)(4)—

(i) by striking subparagraphs (A) and (B);

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (A), as redesignated, by striking "section 203(a)(2)(B)" and inserting "section 203(a)(2)"; and

(B) in subsection (e), in the flush matter following paragraph (3), by striking ", or as limiting the number of visas that may be issued under section 203(a)(2)(A) pursuant to subsection (a)(4)(A)".

(5) ALLOCATION OF IMMIGRATION VISAS.—Section 203(h) (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)";

(ii) in subparagraph (A), by striking "becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)," and inserting "became available for the alien's parent,"; and

(iii) in subparagraph (B), by striking "applicable";

(B) in paragraph (2), by striking "The petition" and all that follows through the period and inserting "The petition described in this paragraph is a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c)."; and

(C) in paragraph (3), by striking "subsections (a)(2)(A) and (d)" and inserting "subsection (d)".

(6) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting "or legal permanent resident" after "citizenship";

(II) in clause (iv)—

(aa) by inserting "or legal permanent resident" after "citizen" each place that term appears; and

(bb) by inserting "or legal permanent resident" after "citizenship";

(III) in clause (v)(I), by inserting "or legal permanent resident" after "citizen"; and

(IV) in clause (vi)—

(aa) by inserting "or legal permanent resident status" after "renunciation of citizenship"; and

(bb) by inserting "or legal permanent resident" after "abuser's citizenship";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking "subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)" and inserting "clause (iii) or (iv) of subparagraph (A)"; and

(v) in subparagraph (I), as so redesignated—

(I) by striking "or clause (ii) or (iii) of subparagraph (B)"; and

(II) by striking "under subparagraphs (C) and (D)" and inserting "under subparagraphs (B) and (C)";

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking "or a petition filed under subsection (a)(1)(B)(ii)"; and

(D) in subsection (j), by striking "subsection (a)(1)(D)" and inserting "subsection (a)(1)(C)".

(c) EXCEPTIONS.—Section 212(a)(9)(B)(iii) (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

"(V) SPOUSES, CHILDREN, AND PARENTS.—The provisions of this subparagraph and subparagraph (C)(i)(I) shall be waived for spouses and children of legal permanent residents or citizens of the United States and parents of citizens of the United States (as such terms are defined in section 201(b)(2)(A)(i)) on whose behalf a petition was filed under section 203 on or before the date of introduction of the Immigrant Accountability Act of 2006, or who are derivative beneficiaries of such a petition.".

SA 3210. Mr. BINGAMAN proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ___BORDER LAW ENFORCEMENT RELIEF ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2006"

SEC. ___02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are

some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. ___03. BORDER RELIEF GRANT PROGRAM.

(a) Grants Authorized.—

(1) In general.—The Secretary is authorized to award grants to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) Duration.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) Competitive basis.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) Use of Funds.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) Application.—

(1) In general.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) Definitions.—For the purposes of this section:

(1) Eligible law enforcement agency.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) High impact area.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) Secretary.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) Division of authorized funds.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) Supplement Not Supplant.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 3211. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 232. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) In General.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance,

"(II) is a professional athlete, as defined in section 204(i)(2),

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country,

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league, or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition, or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) Advisory Opinions.—Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) in paragraph (4)(D), by inserting "(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of subparagraph (A)(i) of this paragraph)," after "101(a)(15)(P)"; and

(2) in paragraph (6)(A)(iii), by inserting "(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of paragraph (4)(A)(i))" after "101(a)(15)(P)(i)".

(c) Petitions for Multiple Aliens.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

"(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(a). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.".

(d) Relationship to Other Provisions of the Immigration and Nationality Act.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

"(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).".

SA 3212. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SOUTHWEST BORDER SECURITY TASK FORCE.

(a) Short Title.—This section may be cited as the "Southwest Border Security Task Force Act of 2006".

(b) Southwest Border Security Task Force Program.—

(1) Establishment.—The Secretary shall establish a Southwest Border Security Task Force Program to—

(A) facilitate local participation in providing recommendations regarding steps to enhance border security; and

(B) provide financial and other assistance in implementing such recommendations.

(2) Number.—In carrying out the program established under paragraph (1), the Secretary shall establish at least 1 Border Security Task Force (referred to in this section as a "Task Force") in each State that is adjacent to the international border between the United States and Mexico.

(3) Membership.—Each Task Force shall be composed of representatives from—

(A) relevant Federal agencies;

(B) State and local law enforcement agencies;

(C) State and local government;

(D) community organizations;

(E) Indian tribes; and

(F) other interested parties.

(4) CHAIRMAN.—Each Task Force shall select a Chairman from among its members.

(5) RECOMMENDATIONS.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, each Task Force shall submit a report to the Secretary containing—

(A) specific recommendations to enhance border security along the international border between the State in which such Task Force is located and Mexico; and

(B) a request for financial and other resources necessary to implement the recommendations during the subsequent fiscal year.

(c) BORDER SECURITY GRANTS.—

(1) GRANTS AUTHORIZED.—The Secretary shall award a grant to each Task Force submitting a request under subsection (b)(5)(B) to the extent that—

(A) sufficient funds are available; and

(B) the request is consistent with the Nation's comprehensive border security strategy.

(2) MINIMUM AMOUNT.—Not less than 1 Task Force in each of the States bordering Mexico shall be eligible to receive a grant under this subsection in an amount not less than $500,000.

(3) REPORT.—Not later than 90 days after the end of each fiscal year for which Federal financial assistance or other resources were received by a Task Force, the Task Force shall submit a report to the Secretary describing how such financial assistance or other resources were used by the Task Force and by the organizations that its members represent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2010 to carry out this section.

SA 3213. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE METHAMPHETAMINE PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, shall submit to the Chairman of Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government should implement to reduce the amount of Methamphetamine being trafficked into the United States.

(b) CONTENTS OF PLAN.—The plan under subsection (a) shall, at a minimum, include—

(1) a specific timeline for engaging elected and diplomatic officials in a bilateral process focused on developing a framework to reduce the inflow of Methamphetamine into the United States;

(2) a specific plan to engage the 5 countries who export the most psuedoephedrine, ephedrine, phenylpropanolamine, and other such Methamphetamine precursor chemicals during calendar year preceding the year in which the plan is prepared; and

(3) a specific funding request that outlines what, if any, additional appropriations are needed to secure the border, ports of entry, or any other Methamphetamine trafficking windows that are currently being exploited by Methamphetamine traffickers.

(c) GAO REPORT.—Not later than 100 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the committees of Congress referred to in subsection (a), a report to determine whether the President is in compliance with this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 30, 2006, at 10 a.m. to mark up an original bill entitled "Foreign Investment and National Security Act of 2006."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 30, 2006, at 2:30 p.m. to conduct a hearing on "McKinney-Vento Act Reauthorization and Consolidation of HUD's Homeless Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 30, 2006, at 10 a.m., on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 30, 2006, at 2:30 p.m., on Competition and Convergence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 30, 2006, at 9:30 a.m. to hold a hearing on The Hidden Cost of Oil.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 30, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Nominations: Norman Randy Smith to be U.S. Circuit Judge for the Ninth Circuit; Michael A. Chagares to be United States Circuit Judge for the Third Circuit; Patrick J. Schiltz to be U.S. District Court Judge for the District of Minnesota; Gray Hampton Miller to be United States District Judge for the Southern District of Texas; Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel; Sharee M. Freeman to be Director, Community Relations Service, U.S. Department of Justice; Jeffrey L. Sedgwick to be Director of the Bureau of Justice Statistics, U.S. Department of Justice.

II. Bills: S. 1768, A bill to permit the televising of Supreme Court proceedings—Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005—Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act—Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defenders Incentive Act of 2005—Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges—Specter, Leahy, Cornyn, Feinstein, Biden; S. 2453, National Security Surveillance Act of 2006—Specter; S. 2455, Terrorist Surveillance Act of 2006—DeWine, Graham.

III. Matters: S.J. Res. 1, Marriage Protection Amendment—Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback; S. Res. 398, A resolution relating to the censure of George W. Bush: Feingold.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 30, 2006, to hear the legislative presentations of the National Association of State Directors of Veterans Affairs, the AMVETS, the American Ex-Prisoners of War and the Vietnam Veterans of America. The hearing will take place in room 106 of the Dirksen Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet on Thursday, March 30, 2006, at 10 a.m., for a hearing entitled "Neutralizing The Nuclear and Radiological Threat: Securing the Global Supply Chain (Part Two)."

The PRESIDING, OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KYL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 30, 2006 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. KYL. Mr. President. I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on Thursday, March 30, 2006, at 11 a.m., on National Polar-Orbiting Operational Environmental Satellite System (NPOESS) Oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, March 30,2006 at 2:30 p.m, for a hearing entitled, "Fulfilling the Promise? A Review of Veterans' Preference in the Federal Government?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on March 30, 2006, at 2 p.m., in open session to receive testimony on reserve component personnel policies in review of the Defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on Thursday, March 30 at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 1577, to facilitate the transfer of Spearfish Hydroelectric Plant Number 1 to the city of Spearfish, SD; S. 1962 and H.R. 4000, bills to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program; S. 2028, to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission Project; S. 2035, to extend the time required for construction of a hydroelectric project in the State of Idaho; S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont; S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, SD, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission; and H.R. 3812, to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. McCAIN. Mr. President, I ask unanimous consent that the following Judiciary Committee detailees and interns be granted the privilege of the floor for the duration of debate on S. 2454, the Comprehensive Immigration Reform Act of 2006: Kenneth Cohen, George Farmakides, and Robert Newell.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN DIABETES ALERT DAY

Mr. FRIST. Mr. President, this week, the National Medical Association sponsored American Diabetes Alert Day, with the purpose of bringing the public's attention to this distressingly prevalent disease.

Approximately 20.8 million people in the United States have diabetes; 6.2 million, or about a third of that number, are unaware that they suffer from the disease, although they have it.

Among African Americans, approximately 3.2 million people, age 20 or older, have diabetes, with as many as one-third of that number remaining undiagnosed. Yet the ravages of that disease, which can be quite silent at first, continue.

These disparities also mean higher rates of heart disease, amputations, loss of eyesight, and a host of other serious complications caused by diabetes.

African Americans are over two times as likely as non-Hispanic Whites to die from the disease. Today, nobody knows exactly why, and it needs to be explored and it needs to be eliminated.

I strongly believe that the troubling persistence of health disparities, these gaps and differences that are based on race, and even where you live at times, based on socioeconomic status—diabetes being one example—is a national issue that almost by definition affects us all.

I congratulate the National Medical Association, a very active organization, a tremendous organization, for their outreach, which they have explored through conferences and through e-mail and direct mail, for raising this awareness. A third of the people don't know they have diabetes.

All this is an issue of our common humanity, our oneness, and our commitment to one another as deserving, equal, and comparable citizens. Yet these disparities exist. Even if a person disagrees with my reasons, as others have pointed out, we all suffer the economic consequences in higher insurance rates and a compromised health system.

As a doctor, I have had the opportunity to interact with hundreds, actually thousands, of patients with a whole variety of health problems. Oftentimes, these patients have heart problems, cardiovascular problems, as a result of diabetic complications. Some of our patients with diabetes had to have heart transplants, developing a diabetes cardiomyopathy. That was in medicine, but today in the Senate, as the majority leader, working with my colleagues, I have had the opportunity to address this issue through legislative remedies.

Two years ago, in 2004, I joined a number of our colleagues on both sides of the aisle to cosponsor legislation that I have written called Closing The Health Care Gap. It was bipartisan and it addressed the issue of disparities. Our work has been ongoing, and I look forward, in the coming weeks, to addressing another bipartisan bill with the help of, again, many of the same colleagues, including Senators KENNEDY, ENZI, and many others, that addresses these health care disparities, including diabetes.

Together we are working to craft the very best possible strategies to eliminate health care disparities all across the country. With the great work of groups such as the National Medical Association, we are able to explore and educate at the grassroots level, building support for not just this legislation but for the policies in this legislation that can eliminate these gaps over time.

Speaking of grassroots, in Nashville, TN, my hometown, on April 8, citizens will go out to the location at our Nashville Zoo for the 15th annual "Walk on the Wild Side." It is also known as "America's Walk for Diabetes." This is a nationwide walk, and it is the American Diabetes Association's signature special event.

With strong support from the business community, including sponsorship and corporate teams, the walk raises nearly $20 million nationwide to find a cure for diabetes and to support the overall mission. I encourage those listening to sign up and throw their support behind those worthy efforts.

Dr. James Galvin, III, a close friend of mine, president of Morehouse School of Medicine, someone who has been a colleague, somebody I admire tremendously in his work at Morehouse, has said:

> Diabetes is a disease about which we can do a great deal, but only when those affected are informed and empowered to take the kind of control of this disease that is now possible.

I agree. I wholeheartedly agree. I look forward to the day when all of our citizens around the country have access to quality care, no matter what location they live in, who they are, or where they are from.

ORDERS FOR FRIDAY, MARCH 31, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, March 31. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2454, the border security bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today we had some good debate, made good progress, had good discussion on this border security bill. We had hoped to have more votes on amendments to this bill this evening. We were unable to make that progress. But we will return tomorrow and try to set up votes on the three pending amendments.

Again, I am disappointed we could not schedule more action on this bill this week in terms of votes. We have Senators who are waiting to offer amendments, so I hope tomorrow we can reach agreement for a time-certain for the next votes. It is clear to me at this point that we will not be able to set any votes for tomorrow, and therefore I announce now that there will be no votes tomorrow. We will have multiple votes on Monday, and we will announce that schedule on Friday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Friday, March 31, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 2006:

DEPARTMENT OF VETERANS AFFAIRS

DANIEL L. COOPER, OF PENNSYLVANIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

CRAIG B. ALLEN, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

ANN M. BACHER, OF FLORIDA
E. SCOTT BOZEK, OF VIRGINIA
DANIEL D. DEVITO, OF FLORIDA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be lieutenant

CHRISTIAAN H. VAN WESTENDORP

To be ensign

MARY A. BARBER
MATTHEW P. BERG
CHRISTOPHER W. DANIELS
MATTHEW C. DAVIS
NATHAN P. ELDRIDGE
FRANCISCO J. FUENMAYOR
MATTHEW GLAZEWSKI
DAVID M. GOTHAN
SARAH A. T. HARRIS
MEGHAN E. MCGOVERN
DAMIAN M. RAY
LECIA M. SALERNO
RAUL VASQUEZ DEL MERCADO
WILLIAM G. WINNER
VICTORIA E. ZALEWSKI

DEPARTMENT OF JUSTICE

GARY D. ORTON, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE RICHARD ZENOS WINGET.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID F. MELCHER, 8170

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT WILSON, 1235

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. ROCHELLE, 4381

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

SOONJA CHOI, 5460
STEVEN D. CLIFT, 1709
ROBERT KASPAR, 1990
LOUIS WALKER, 3251

To be lieutenant colonel

GERARDO FRONDA, 2904
THOMAS JACKSON, 4372
RICHARD LUCCHESSI, 5942
REBECCA TOMSYCK, 0234

To be major

WISLY AGUSTIN, 8446
JOE HAINES, 4816
ADAM B. KANIS, 4592
ANGELA LIJIN, 3371
MEHDY ZARANDY, 6995

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 30, 2006, withdrawing from further Senate consideration the following nomination:

DANIEL P. RYAN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, WHICH WAS SENT TO THE SENATE ON FEBRUARY 14, 2005.

EXTENSIONS OF REMARKS

TRIBUTE TO GERASIMOS C. VANS ON HIS RETIREMENT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. EHLERS. Mr. Speaker, I rise today to pay tribute to Gerasimos (Gerry) Vans, who is retiring after more than 25 years of distinguished service to this institution. Throughout his years of service to the House, Gerry has tackled a wide range of institutional challenges. In every aspect of his service to the House, Gerry has demonstrated his characteristic professionalism, knowledge, and creativity, and has without exception conducted himself with the utmost integrity.

Gerry, a native of Milwaukee, Wisconsin began his career with summer intern positions in the House and Senate while attending college. Following his graduation from Marquette University, Gerry pursued a masters degree at The George Washington University while employed in the House mail room. Gerry began his congressional career in earnest following his appointment to the U.S. Capitol Police force where he remained for two years. His next appointment was as the Executive Assistant to the House Sergeant at Arms, where he served as secretary to the U.S. Capitol Police Board and primary Capitol Police liaison for the Sergeant at Arms. Gerry had primary operational responsibilities for major House events and congressional funeral delegations, and was a key staffer in Capitol security planning.

Since joining the Office of the Clerk's front office staff in 1991, he has served under four Clerks, first in a support capacity to senior management, and since 1995 as a senior manager—as Special Assistant, Assistant to the Clerk, 1999, and Deputy Clerk, 2003. Because of his fluency with congressional operations and practice, he is frequently called upon to brief visiting foreign parliamentarians and senior officials, and has participated in various legislative-related conferences.

Gerry has also been instrumental in the development and implementation of the Lobbying Disclosure Act; the five-year project to move the Legislative Information Management System, LIMS, from a mainframe to a client-server platform; the Document Management Initiative: conversion of all legislative documents to a common Extensible Markup Language (XML) standard; Continuity of Operations: development and planning leading to the first comprehensive House-wide continuity of operations apparatus; and the development of the History and Preservation Office.

Over the years, Gerry's responsibilities have grown to include the day-to-day oversight and operations of the Clerk's 9 departments and 270 employees, which provide legislative and information services to the House and the general public. He is involved daily and directly with such issues as Member of Congress relations, House floor operations, planning, personnel, procurement, information technology, printing, oversight of vacant congressional offices, and event planning.

There is no doubt that the House as an institution is losing one of its hardest working public servants. Gerry's dedication and professionalism has spanned both Democratic and Republican majorities, during which time his mission has always been to complete any task, big or small, with the same tenacity and thoroughness. Gerry will be dearly missed by the House of Representatives and by all those among us who have had the pleasure of working with him during his more than 25 years of service.

Mr. Speaker, on behalf of this institution, I wish to extend to Gerry Vans our heartfelt gratitude for his tireless service to the House, and wish him the very best as he embarks upon his new career.

RECOGNIZING ROBERT R. RUBANO, JR.

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the superintendent of Farrell Schools, Robert R. Rubano, Jr., and the school board members who have served for over 9 years.

Mr. Rubano not only serves as the superintendent of the schools in Farrell, but also teaches a leadership class to juniors and seniors in the school district 1 day a week. The subjects taught in the class vary from speech preparation to key decision making to job and college outlook. This leadership class has become very popular among students in the Farrell School District.

Mr. Rubano has been the superintendent of the Farrell School District since 1997. Before committing to be the superintendent, Mr. Rubano spent many years as a teacher, then principal. Mr. Rubano served as a team facilitator for a group of 10 who designed new math curriculum for grades K–6. He also assisted in writing the district's Act 178 Professional Development Plan. Mr. Rubano has dedicated his career to bettering the education of young minds.

I ask my colleagues in the United States House of Representatives to join me in recognizing all of the hard work and time Robert R. Rubano, Jr. has put in to making the school district better. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual like Robert R. Rubano, Jr.

A TRIBUTE TO THE LIFE OF ROOSEVELT EARLY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Roosevelt Early, a veteran high school educator from Crossett, AR, who died at the age of 72 on February 26, 2006. I wish to recognize his lifetime of dedication to public education and the city of Crossett.

A native of West Helena, AR, Mr. Early earned a bachelor's degree at Arkansas Agricultural, Mechanical, and Normal College, now the University of Arkansas at Pine Bluff, UAPB, where he played football and sang in the choir. Mr. Early also attended the University of Central Arkansas where he received a master's degree.

Moving to Crossett in 1958, Mr. Early spent nearly a half century as a public school educator at T.W. Daniel and Crossett School District. He began as a shop teacher at T.W. Daniel High School in 1958 and rose to the post of assistant principal of T.W. Daniel Middle School in 1973, and principal 2 short years later of T.W. Daniel High School. Following his tenure at T.W. Daniel, Mr. Early served as principal at Norman Junior High School beginning in 1980 and Crossett High School in 1985.

Mr. Early was active throughout the Ashley County community. He served as director of the E.C. Crossett Community Center, president of the UAPB Ashley County Alumni Association, and was a member of the Ashley County Medical Center Board of Directors, Ashley County Martin Luther King Planning Commission, Phi Delta Kappa Educational Society, Georgia-Pacific Planning Commission, the Arkansas Association of Educational Administrators, the Arkansas Association of Secondary Principals, Crossett Classroom Teachers Association, Arkansas Education Association and the National Education Association.

As a man of faith, Mr. Early served as chairman of the Deacon Board at New Bethel Missionary Baptist Church and chairman of the Trustee Board. The Roosevelt Early Memorial Scholarship was started shortly after his death to commemorate and honor the impact he made as an educator at Crossett High School.

As the son of public school educators, I believe there are few jobs more noble than that of educating our Nation's children. Mr. Early spent a lifetime dedicated to this end. I extend my deepest condolences to his wife of 48 years, Lendora; his daughters, Cassandra and Patricia; his brother, David; his sisters, Thelma, Iola, and Alma, and his grandchildren, Kenyellshia and Chase. Though Mr. Early may no longer be with us, his spirit and legacy will live on for generations to come.

CELEBRATING THE BIRTH OF CHARLES AURELIO HUDSON EYNON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Elizabeth and Teddy Eynon of Washington, DC, on the birth of their new baby boy. Charles Aurelio Hudson Eynon was born on March 17, 2006, at 9:09 p.m., weighing 8 pounds and 7 ounces. Hudson has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

HONORING FRANK G. JACKSON, MAYOR OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. KUCINICH. Mr. Speaker, STEPHANIE TUBBS JONES, SHERROD BROWN, MARCY KAPTUR, TED STRICKLAND, TIM RYAN, and I rise today in tribute and recognition of Cleveland Mayor Frank G. Jackson, as he was honored by the Cuyahoga County Democratic Party on March 26, 2006.

Mayor Jackson was elected last November to lead the City of Cleveland—a continuation of his lifelong activism and devotion on behalf of our Cleveland community. He is a United States veteran, having served our country in Vietnam. After being honorably discharged, he returned to his East 38th Street neighborhood—where his commitment to making a difference would only grow stronger.

Following his military service, Mayor Jackson armed himself with a focus on educational achievement. He attended classes at Cuyahoga Community College and in 1975, he graduated with a Bachelor's degree from Cleveland State University. In 1977, Mr. Jackson earned a Master's degree in Urban Studies from CSU. In 1983, after working his way through law school as a night clerk at Cleveland Municipal Clerk's Office, Mr. Jackson earned a law degree from the Cleveland-Marshall College of Law. He worked as an assistant county prosecutor until his 1990 election to Cleveland City Council, representing Ward 5. For 15 years, Mayor Jackson focused his efforts on revitalizing the housing and commercial aspects of the Ward 5 community. He did so by forming vital bonds with neighborhood leaders and development organizations, and by setting a tone of integrity, diligence, commitment and cooperation among City Council members and City administrators—a vital relationship that remains strong today.

Mr. Speaker and Colleagues, please join us in honoring Frank G. Jackson, Mayor of the City of Cleveland, in recognition of his outstanding service and leadership focused on the people of the City of Cleveland. Mayor Jackson's integrity, energy, vision, unwavering service and complete devotion to his constituents continues to illuminate hope and strength throughout the streets of Ward 5 and throughout every Cleveland neighborhood—offering a vision for a brighter tomorrow for every one of us along Ohio's north shores.

IN HONOR OF THE LIFE OF GORDON PARKS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, as St. Paul and our Nation say goodbye to a legend this month, I rise to lend my support to House Resolution 720, a resolution to honor the life of Gordon Roger Alexander Buchanan Parks. I hope that the House will soon consider this important resolution. Gordon Parks passed away on March 7, 2006 at the age of 93 after a courageous battle with cancer. With strong Minnesota ties, Mr. Parks became a world-famous photographer, filmmaker, and music composer. His work and life are an inspiration to artists and art lovers, and the people of St. Paul will be forever grateful for his contributions.

Mr. Gordon Parks will be remembered as an African American pioneer who used his experiences as a black man to create some of the 20th century's most powerful images for social justice. Mr. Parks was born in 1912, 1 of 15 children. He spent his young adulthood in St. Paul, where he developed his skills as an artist. Parks earned his first professional photojournalist jobs with the Saint Paul Recorder and the Minneapolis Spokesman, which served as catalysts for the great work by the beloved artist we recognize today.

Mr. Parks was a true pioneer. He was the first African American to work as a photojournalist for Life and Vogue magazines. As a trailblazing filmmaker, Mr. Parks was the first African American to write, score, and direct a Hollywood movie, "The Learning Tree." Mr. Parks was part of a generation of African Americans who directed and produced films that starred African Americans, like the film "Shaft." He was also committed to documenting poverty and racial injustice. Mr. Parks used the medium of film to tell the story of the black experience.

Mr. Speaker, please join me in paying tribute to Gordon Parks, an artist who taught us about human dignity and the African American experience. St. Paul will always remember him for his many artistic contributions.

CONGRATULING HIGHLAND HIGH SCHOOL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Highland School District for its nomination for the 2006 Rising Star Award presented by People Do Matter, which is part of the Pittsburgh Human Resources Association.

This award was given to the school district because they demonstrated a link between Professional Development, their people practices, and their students' test score results and achievements by using innovative and emerging practices. They are the only school district to ever receive this award.

The Highland School District will receive the "Rising Star" Award on April 5, 2006 at a dinner at the Rivers Club in Pittsburgh.

I ask my colleagues in the U.S. House of Representatives to join me in congratulating the Highland School District for receiving the Rising Star Award. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated school district as the Highland School District.

TRIBUTE TO RETIRING GENERAL LEON J. LAPORTE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that General Leon J. LaPorte, Commander of the United Nations Command, Republic of Korea/United States Combined Forces and Commander of the United States Forces Korea, will soon be retiring after a long and distinguished career.

General LaPorte was born in Providence, Rhode Island, and graduated from the University of Rhode Island. He completed the Armor Officer Advanced Course in 1975 and he earned a Master's Degree in Administration from the University of California.

After General LaPorte was commissioned a Second Lieutenant of Armor, he served as a Platoon Leader and Motor Officer in Alpha Company, 3d Battalion, 64th Armor. In 1971, he served as a Platoon Commander and Company Executive Officer in the 283rd Aerial Weapons Company in the Republic of Vietnam. He commanded the 3d Battalion, 64th Armor, 3d Infantry Division in Schweinfur, Germany, and following the Army War College, he served as the G3, 1st Cavalry Division, Fort Hood, Texas. In October 1990, he deployed with the division to Southwest Asia and was Chief of Staff during Operations DESERT SHIELD and DESERT STORM. In 1997, he assumed the duties of Assistant Deputy Chief of Staff for Operation and Plans, Headquarters, Department of the Army, Washington, DC. Prior to assuming his current position, General LaPorte served as Deputy Commanding General/Chief of Staff, U.S. Army Forces Command.

General LaPorte has earned numerous decorations and badges for his outstanding service in the military. These decorations and badges include the Distinguished Service Medal, the Legion of Merit (three oak leaf clusters), the Distinguished Flying Cross, a Bronze Star Medal, the Meritorious Service Medal (two oak leaf clusters), an Air Medal ("V" device), an Army Commendation Medal ("V" device), a Vietnamese Cross of Gallantry (with Palm), a Kuwait Liberation Medal, an Army Aviator Badge, a Parachutist Badge, and a Ranger Tab.

Mr. Speaker, I know the Members of the House will join me in paying tribute to General Leon J. LaPorte for his exceptional service to the United States and will wish him all the best in the days ahead.

HONORING ROSENDO CARRANCO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Rosendo Carranco, an upstanding citizen of Laredo, Texas, who was recently awarded the Spirit of Jerusalem Award by the state of Israel.

It is a great honor for me to enter into the RECORD the accomplishments of Mr. Carranco in tribute to his dedication to the business community, and numerous charitable works that have benefited the citizens of Laredo. After he graduated from Texas A&M University in 1977, he returned to Laredo to start his own accounting firm, Carranco & Lawson, where his wife, Mary, serves as partner. In addition to his work as an accountant, Mr. Carranco works as a real estate developer whose work includes the Cielito Lindo subdivision, and he is also involved in various business ventures that include insurance, oil, and gas. He and his wife, Mary are the proud parents of three children, Andrew, Kathryn, and Robert.

Mr. Carranco is well known in Laredo for his gregarious and outgoing demeanor as well as numerous contributions to community service. He is a beloved coach in the local youth basketball, football, and baseball teams as well as a highly active participant in the Boys and Girls Club, Young President's Organization, United Way, Junior Achievement, Laredo A&M Club, and Daybreak Rotary organizations. His exemplary compassion and his deep commitment to his faith make him a fine role model for young people in Laredo, Texas.

Mr. Speaker, thank you for allowing me to honor Rosendo Carranco, recipient of the Spirit of Jerusalem Award by the state of Israel.

PAYING TRIBUTE TO ANDREA MARIE PEREA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Andrea Marie Perea, who is a two-time State Champion in the sport of Gymnastics.

At 12 years old, Andrea has achieved more in the sport of gymnastics than many athletes will accomplish in a lifetime. In the 2005 Nevada State Championships in Reno, Nevada, Andrea scored first place in 4 of the 5 events that she competed in, including uneven bars, balance beam, floor exercise, and best all around performance, leading her to win her first Nevada State Championship. She became a two-time title holder at the 2006 Nevada State Championships in Las Vegas, Nevada, where she took home first place on the vault, balance beam, and again received the title of best all around.

Andrea's athleticism does not stop with gymnastics. She takes ballet and belly dance lessons, and participates in a Fiesta Flamenca dance troupe. In addition to her athletic achievements, Andrea gives back to the Las Vegas community by volunteering with Salud en Accion, a program that provides outreach to the Hispanic community on Medicare, Medicaid, and basic health services. Furthermore, Andrea acts as an altar server for the Guardian Angel Cathedral Catholic Church in Las Vegas, Nevada.

Andrea is committed to maintaining her public service, and would like to get more involved with events in her local Las Vegas community. A straight "A" student, she intends to maintain her grades while continuing to practice dance and violin in her spare time. She has set her sights on participating in the 2012 Olympic Games in London, and then taking her gold medal to West Point where she will study medicine, and eventually become a surgeon. With more young women like Andrea Marie Perea, who strive to meet their goals with great ambition and pride, I see a bright future for America.

Mr. Speaker, I am grateful to honor Andrea Marie Perea and her outstanding accomplishments. I wish her the best in her gymnastics career, as well as with all of her future endeavors.

MOTION TO INSTRUCT PENSION CONFEREES

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, we need common sense, bipartisan legislation to protect pension benefits and to honor the promise of pensions.

I rise to support this motion to ensure the Senate provisions are included in the final Pension bill—especially the provision that ensures airlines like American, Continental, Delta, and Northwest are not forced to terminate pension plans. The Senate provision would provide the critical time needed to fund pension plans promised to employees.

No such provision exists in the House bill. Airlines were promised, in exchange for their support of the House Pension bill, that House leadership would work with them in conference to obtain the relief they wanted—though Republican leadership declined to include their provisions in the House bill. The Bush administration opposes the airline provisions.

We must help airlines avoid the termination of their pension plans. Timing is of the essence. Two of the airlines that would benefit from this provision are currently in bankruptcy and could terminate their pension plans. And, two others could take advantage of this relief.

In September 2005, Northwest Airlines filed for bankruptcy after losing more than $4 billion since 2001. Northwest's pension plans are underfunded by $3.8 billion. Without airline relief provisions, Northwest would be required to pay $3.3 billion in pension funding obligations by 2007 and would likely need to abandon and turn over its pension plans to the Pension Benefit Guaranty Corporation. In January 2006, the pilots union agreed with Northwest to freeze the pilot pension plan and replace it with a defined contribution plan. I support the decision made by Northwest and their pilots.

Labor, employees, and airline management strongly support an airlines provision in the Pension bill.

Keep the airlines flying and employees working. Support this motion.

RECOGNIZING GREATER PITTSBURGH CHAPTER OF NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Greater Pittsburgh Chapter of the National Association of Women Business Owners (NAWBO).

The National Association of Women Business Owners was established in Washington, DC in 1975. NAWBO is the only dues-based national organization that represents all women business owners in all industries. It's the voice of the American business woman. 10.1 million women-owned businesses are represented nationwide. Today there are over 80 chapters throughout the United States. The Pittsburgh Chapter of NAWBO was established in 1977 and since then has had the privilege of having two its members serve as national presidents. In 2000, Greater Pittsburgh Chapter of NAWBO was named the fastest growing Chapter in United States.

This year the Greater Pittsburgh Chapter of NAWBO has many Make the Connection Award Honorees. The honorees are: Pamela Abdalla of The Salvation Army Family Crisis Center; Bonnie Anton of the American Heart Association; Dr. Joseph Bairn of The Bradley Center; Aggie Brose of the Pittsburgh Community Reinvestment Group; Mary Jean Byrnes of Carlow University, Community Education; Beth Caldwell of the Incredible Mom Award; Bonnie DiCarlo of Celebrate and Share; JoAnn Forrester of Celebrate and Share; Shamina Frank of the Antioch Baptist Church; Suzanne Froehlich of the Power Lunch; Bonnie Hassan of A Place for Reiki; Dorothy M. Horvath of ACHIEVA; Tracy Lee Janov of the McKeesport Weed and Seed Program; Marleen Kasbee of the North Hills Community Outreach; Lillian T. King of the St. Cyril of Alexandria Church; Carol MacPhail of the United Way of Allegheny County; Maryann Magra of the Senator John Heinz Pittsburgh Regional History Center; Steve Miklas of Calliope, the Pittsburgh Folk Music Society; Susan Miller of WBN North Points North Chapter; Grace Moffett of POWER; Shaela Montague-Phillips of the Meeting of the Minds Publications; Anne Mullaney of Neighbors in the Strip; Martha Murdock of Care Break at Watson Institute; Susanne Parks of ACHIEVA–POWER; Rae

Reynolds of UMOJA African Arts Company; Linda Rinchiuso of The Lighthouse; Phyllis Rinsma of Exceptional Friends; Beth Rom of ABOARD—Advisory Board on Autism: Related Services; Barbara Sallo of PowerLink; Sydney Schwartz-Hardiman of WBN North Points North Chapter; Steve Smith of Elliot West End Athletic Association; Mary Sutphen of POWER; Sandra Talley of Morningside Church of God in Christ; Lisa Vandemia of Care Break at Watson Institute; and Andrea M. Williams of the Children's Sickle Cell Foundation.

I ask my colleagues in the United States House of Representatives to join me in congratulating the honorees of the Make a Connection Award. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such hardworking individuals like those in the National Association of Women Business Owners.

A TRIBUTE TO THE LIFE OF GEORGE ODOM

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life of George Odom, a long time resident of my hometown of Prescott, Arkansas who passed away at the age of 70 on February 15, 2006. George was born on August 23, 1935 in Heflin, Louisiana and I would like to recognize his life and achievements.

Raised in Minden, Louisiana, George attended Webster High School followed by service in the United States Army. Upon leaving the Army, he attended Grambling State University where he received a degree in Secondary Education.

Shortly after moving to Prescott in August 1964, George married Dorothy Jones. He led an exemplary life and was extremely active in many different capacities. At Prescott High School he assumed many roles including librarian, history teacher, track and football coach. Additionally, George was a member of the Lions Club, Director of Alcoholics Anonymous, Treasurer of the Youth Organization: Boys II Men, Girls II Women, Treasurer for Ila Upchurch Community Education Center, Prescott School Board Member and President and Director of Prescott Parks and Recreation Department. Following his retirement, George worked part-time at the Bank of Prescott.

George was also very active at Macedonia Baptist Church where he served as Chairman of the Deacon Board, Church Trustee, Church Treasurer, Sunday School Teacher and Superintendent.

Leading by example through a lifetime of dedication, community service, and commitment to children, George has left an undeniable mark on countless students who attended Prescott Schools and on the Nevada County community. Prescott is a better place, a more cohesive community because of George Odom and he will be deeply missed. My heart felt condolences are with his sons, Mario and Corwin; his daughters, Charra and Chandra; his sister Annie Mae Odom Knowles; and his six grandchildren. While George may no longer be with us, his spirit will live on forever in the lives he touched.

TRIBUTE TO LYN NOFZIGER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. WILSON of South Carolina. Mr. Speaker, as a grassroots volunteer in the Reagan for President campaign of 1976, I saw firsthand the historic efforts of Lyn Nofziger who died Monday in Falls Church, Virginia.

Mr. Nofziger was crucial for the success of the Reagan Revolution which revitalized the American spirit by building an economy of hope through reducing taxes, by enhancing our military for victory in the Cold War, and by growing the Republican Party to today's status of majority in the state legislatures, state governorships, the U.S. House, the U.S. Senate, and the Presidency.

His contributions for America were highlighted on March 29, 2006 in The Washington Times:

> Few people played as a critical a behind-the-scenes role in the rise of Ronald Reagan and the modern American conservative movement as Lyn Nofziger, who died Monday at his home in Falls Church at 81. An Army ranger who lost fingers to shrapnel during the D-Day landing, Mr. Nofziger left a successful career in political reporting to become a top Reagan adviser.
>
> As spokesman for Mr. Reagan's 1966 campaign for California governor, he was a trusted aide in 1968 when the California governor tried to wrest the Republican presidential nomination away from Richard Nixon. During the spring of 1968, Mr. Nofziger recounted many years later, Mr. Reagan visited Republican Sen. Strom Thurmond, who told the then-governor: "You'll be president some day, young man, but not this year."
>
> Perhaps the most serious political challenge Mr. Nofziger would face during his many years as a senior Reagan aide came in March 1976, during the primaries. President Ford had swept all of the early primaries, and prominent Republicans were pressuring Mr. Reagan to drop out and endorse Mr. Ford. Mr. Nofziger, a stalwart conservative, would have none of it. As political consultant Craig Shirley told Ralph Hallow of The Washington Times: Mr. Nofziger "was the steel in Reagan's back that kept him going in 1976 when everyone else wanted him to drop out of the nomination race before the North Carolina primary."
>
> After Mr. Reagan's election, Mr. Nofziger served slightly over a year as White House political director, before leaving the White House in 1982. He became a lobbyist, but instead of the conventional K Street uniform, he was usually seen with his shirt collar unbuttoned and tie loosened, chomping on a cigar and drinking a concoction of whiskey mixed with milk. The editor of this page, who was a young White House aide during the 1980s, recalls meeting Mr. Nofziger, who had left the government, for lunch. Mr. Nofziger grabbed his White House badge and twirled it, telling him that the same people who wouldn't return his calls before he joined the White House wouldn't return them after he left.
>
> In his final years, Mr. Nofziger established his own blog, wrote poetry and became prolific as a book critic for this newspaper. In one case, Mr. Nofziger wrote a scathing review of a professor's book. The writer complained and Mr. Nofziger responded that he would have written a nicer review if the book hadn't been so bad. But Mr. Nofziger subsequently ended up befriending the professor and they established a friendly e-mail relationship.
>
> Lyn Nofziger—journalist, gruff, cigar-chomping pol, trusted aide, and warm, kind-hearted man—will be missed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZATION AMENDMENTS ACT OF 2006

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to express my extreme disappointment with S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006. This bill purports to increase protections for libraries and people who have been issued National Security Letters and Section 215 intelligence orders, though in reality, it offers very little recourse for U.S. citizens.

I voted against the Patriot Act Reauthorization in July 2005, and the conference report in December 2005. Neither version of H.R. 3199 sufficiently balanced the needs of law enforcement to protect our country, with the protection of our civil liberties. In December, I stated my firm belief that it is possible to be safe, free, and to protect security while still respecting civil liberties. Unfortunately, H.R. 3199 did not recognize this reality, and neither does S. 2271.

The amendments that were added make it harder to challenge a Section 215 intelligence order than before. Currently, recipients may challenge the gag order immediately after receiving a Section 215 intelligence order. However, S. 2271 would make the recipient wait one year before having the opportunity to challenge the gag order.

I have expressed in the past my serious concern regarding the use of National Security Letters to access Internet records in public libraries. While this bill attempts to exempt libraries from receiving National Security Letters, it fails terribly. According to S. 2271, libraries are only exempt from National Security Letters if they do not offer Internet access—a preposterous claim in this day and age, and an unrealistic expectation. This exemption does nothing to protect public libraries, or their patrons, from having their privacy invaded by the Federal government, and I do not support this provision.

Mr. Speaker, S. 2271 does nothing regarding the Patriot Act to allay the concerns that Democrats and Republicans alike have regarding the protections of our civil liberties. It is disappointing that the Administration has chosen to embrace extreme measures in the name of fighting terrorism, over protecting the civil liberties we all cherish so much. These need not be mutually exclusive—we can fight terrorism, keep our country safe, and respect the rights and liberties that generations of

Americans have fought so hard to uphold. Mr. Speaker, I cannot support these additional amendments and intend to vote against S. 2271.

CONGRATULATING ANDREA FREED

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Andrea Freed for her outstanding accomplishments in the Missionette Program in New Castle, PA.

The Missionette Program is sponsored by First Assembly of God in New Castle, PA. It is a national program that is equivalent to the Girl Scout program, except the Missionette Program emphasizes Biblical themes. Andrea has achieved the highest award in the program which includes 27 units with each unit consisting of 4 lessons, a memory verse, activities, and a project. They are required to read the entire New Testament and nine honor steps are to be completed which include intense memorization, and this all concludes with testing. This is not an easy achievement.

Andrea, a 5th grade student, will be honored May 7, 2006, at First Assembly of God for her outstanding accomplishment.

I ask my colleagues in the U.S. House of Representatives to join me in congratulating Andrea Freed for her outstanding accomplishments in the Missionette Program. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute outstanding citizens such as Kayla.

TRIBUTE TO PAUL BEYKIRCH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Paul Beykirch, who recently received the Sedalia Area Chamber of Commerce's Outstanding Citizen Award. He has distinguished himself with dedicated service to the community of Sedalia, MO.

The Chamber of Commerce honored Mr. Beykirch for his values, community service, and involvement. Mr. Beykirch has been a member ofthe Bothwell Regional Health Center's Board of Trustees for the past 16 years and currently serves as its president. He is a former Rotary Club president and is currently the president of County Distributing Company Incorporated. Mr. Beykirch enjoys working with children as an assistant golf coach and as a Cub Scout Leader. I had previously honored Mr. Beykirch by nominating him to serve on the National Security Forum at America's Air War College.

Mr. Speaker, I am certain that my colleagues will join me in congratulating Paul Beykirch and in wishing him luck in his future endeavors.

IN HONOR OF JUDGE MARCEL NOTZON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Judge Marcel Notzon II, who has admirably served Laredo for the past twenty-three years as a United States Magistrate Judge for the Southern District of Texas. After such a long and distinguished career, Judge Notzon is retiring this month to spend time with his wife of forty-four years, Nora Lee, and his thirteen grandchildren.

It is a great honor for me to enter into the record the accomplishments of Judge Notzon in recognition of his legal career which has spanned over thirty-nine years, and extraordinary service to the federal judiciary. He served his country as a part of the United States Navy from 1956 to 1960, and was honorably discharged from his service. Following his discharge, he attended Laredo Junior College, and went on to complete law school at St. Mary's University, where he graduated first in his class.

Judge Notzon is well-known in Laredo for his compassion for people, including the defendants that come in front of him in the court. He has made great contributions to the community as well through his involvement with the Boys and Girls Club of Laredo, Little League, and other charities since 1974. Early in his legal career, he joined the Laredo Legal Aid Society, an organization that offers legal representation to those who otherwise could not afford it. It is his exemplary compassion, and his deep commitment to his faith that makes him such a great public servant to the community of Laredo.

Mr. Speaker, thank you for allowing me to honor Judge Marcel Notzon II, who has left a lasting impact on the South Texas legal community, and the country at large.

PAYING TRIBUTE TO CHARLES "CHUCK" FULKERSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Charles W. "Chuck" Fulkerson, a retired U.S. Army Colonel, who will retire from the position of Executive Director of the Nevada Office of Veterans' Services, effective March 31, 2006.

Born in Idaho, he graduated from the University of Nevada, Reno in 1958, with a degree in Agriculture Economics. As a Distinguished Military Graduate of the Reserve Officer Training Corp, he was commissioned as second lieutenant infantry in 1958. Chuck served in a wide variety of assignments in the U.S. Army until his retirement from military service in 1991. His active duty military career includes two combat tours in Vietnam as an Infantry Officer, assignments in Europe and a tour as the Assistant Professor of Military Science at the University of Nevada, Reno. After leaving active service, Chuck served with the Nevada Military Department. He was appointed by Governor Robert List as the Director of the State Selective Service from 1979 to 1985. Recalled to active duty by Governor Richard Bryan in 1985, Chuck concluded his military career as the United States Property and Fiscal Officer for the Nevada National Guard. He is a graduate of the National Defense University and his military decorations include the Legion of Merit, the Bronze Star Medal the Air Medal, the coveted Combat Infantry Badge and the Vietnamese Cross of Gallantry with the Gold Star.

Under Chuck's leadership, the Nevada Office of Veterans Services realized significant achievements benefiting Nevada's veterans and their families. The State's Veterans Service Officer staff doubled in size, making it possible for more Nevada veterans to receive their VA benefits and recognition for their service than ever before. His leadership was also instrumental in securing $9 million for the expansion of the State's two veterans' cemeteries; the Northern Nevada Veterans Memorial Cemetery in Fernley and the Southern Nevada Veterans Memorial Cemetery in Boulder City. Chuck's efforts made possible additional burial plots, columbariums, and new maintenance and administration buildings, greatly increasing the Cemeteries' ability to properly honor those who served. Additionally, the State's Guardianship Program was expanded under his leadership, affording care to many more indigent veterans residing in the State of Nevada than ever before.

Of his many achievements during his tenure as the Executive Director of the Nevada Office of Veterans Service, Chuck is most proud of his efforts to bring skilled nursing services to Nevada veterans in need of long term care through the construction of the Nevada State Veterans Home in Boulder City. Prior to the opening of the State's Veterans Home, Nevada was one of very few states in the U.S. that did not have a state veterans home to care for veterans in need of 24–hour skilled nursing care. Chuck's leadership not only dramatically increased the State's offerings to Nevada veterans, but created a road map for future increases in services for veterans.

Chuck has been actively involved in veterans' issues throughout his career. He is a founder and officer of the Veterans Hospital Foundation in Reno and a life member of the Veterans of Foreign Wars, the Disabled American Veterans, the Vietnam Veterans of America, and the U.S. Army Retired Officers Association. Active in the community, Chuck belongs to the Reno Sunrise Rotary Club where he has been designated a Paul Harris Fellow. He also serves on the Executive Board of the Nevada Area council of the Boy Scouts of America and is a guest lecturer at the UNR and UNLV military departments. Chuck is married to Mary Lee Metzker and has three children and five grandchildren.

Mr. Speaker, it is an honor to recognize Chuck Fulkerson on the floor of the House. He is a fine American and a true hero to those who have had the honor of knowing and serving with him. He has an unwavering spirit for the veterans of yesterday, today and tomorrow. I wish him the best in retirement.

NATIONAL FOOD UNIFORMITY ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in opposition to the National Food Uniformity Act (H.R. 4167) and in support of the right of every state to enforce their laws and protect the health of their citizens.

This legislation amends the Federal Food, Drug and Cosmetic Act to create a national standard for food safety labeling. It seeks to achieve a national standard by overriding most state and local food safety warnings and by prohibiting new ones unless they are identical to national requirements.

If enacted, this legislation would not only compromise consumer safety with a "lowest-common denominator protection" but also seriously undermine state authority. Over two hundred state laws regarding food safety labeling would be superseded by the National Food Uniformity Act. The specter of such a wide-reaching federal measure has prompted thirty-nine state attorney generals to organize in opposition to legislation they say would "strip state governments of their ability to protect their residents through state laws and regulations relating to the safety of food and food packaging."

The attorney general in my state of Minnesota warns that the bill would eliminate alcohol labels on candy products that provide vital information to expectant mothers and nullify thirty years of work by tribal communities in Minnesota to create labeling standards for wild rice, the state's official grain.

The bill does include so-called flexibility provisions, which allow states to petition the Food and Drug Administration to restore current safety regulations. But the process is expected to be slow, expensive and uncertain, costing states $400,000 per petition. The added federal costs for administering the process are an estimated $100 million over five years. At a time when government agencies at all levels are struggling to cope with deep cuts in federal funding, these provisions create a frivolous and burdensome bureaucracy that serves only to restore state laws that already exist today.

Proponents of this bill say fears over consumer safety and local authority are unwarranted and overblown. But despite introduction in the past five Congresses, this legislation has never had a full hearing where testimony from experts could be heard and critical questions explored. This lack of transparency and due diligence is unconscionable considering the bill's potentially serious effects to public health.

I proudly stand with consumers, family farmers, physicians, environmentalists, state attorney generals, state agriculture department officials and many other consumer advocates in opposing the National Food Uniformity Act.

CONGRATULATING DESIRAE MONTGOMERY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Desirae Montgomery for her outstanding accomplishments in the Missionette Program in New Castle, PA.

The Missionette Program is sponsored by First Assembly of God in New Castle, PA. It is a national program that is equivalent to the Girl Scouts program, except the Missionette Program emphasizes Biblical themes. Desirae has achieved the highest award in the program which includes 27 units with each unit consisting of four lessons, a memory verse, activities, and a project. They are required to read the entire New Testament and nine honor steps are to be completed which include intense memorization, and this all concludes with testing. This is not an easy achievement.

Desirae, a fifth grade student, will be honored May 7, 2006 at First Assembly of God for her outstanding accomplishment.

I ask my colleagues in the United States House of Representatives to join me in congratulating Desirae Montgomery for her outstanding accomplishments in the Missionette Program. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an outstanding citizen such as Desirae.

A TRIBUTE TO THE LIFE OF JACOB ANDREW "DOOLEY" WOMACK

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of Jacob Andrew "Dooley" Womack of Camden, AR who died on February 16, 2006, at the age of 81.

Dooley was born in 1924 in Dallas County, AR. Upon graduating from Princeton High School, Dooley joined the Armed Services where he served with the 448th Bomb Group of the 8th Air Force during World War II. Dooley began a long and distinguished political career in 1950 at the age of 23 while he was a student at Henderson State Teachers College. As a Representative in the Arkansas State House of Representatives, he represented Dallas and Ouachita Counties. Following his tenure in the Arkansas State House, he served in the Arkansas State Senate for 12 years.

For more than a half century, Dooley owned and operated Womack Brothers Realty. Dooley was also involved in the First United Methodist Church of Camden, and enjoyed both hunting and fishing.

Camden, Ouachita County, and the State of Arkansas have lost one of its most ardent supporters. Dooley had a deep love for Camden and South Arkansas, and dedicated a lifetime working to make it a better place.

While Dooley may no longer be with us, his spirit and legacy will live on forever in the lives he touched. My deepest sympathies and heartfelt condolences go out to his beloved wife of 55 years, Amy; his three sons, Lance, Tim, and Carey; his daughter, Anna; and his grandchildren, Jacob, Wesley, Taylor, Joshua, Erin, Leah, and Diana.

TRIBUTE TO CASPAR WEINBERGER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. WILSON of South Carolina. Mr. Speaker, this week, America lost a statesman with the death of former Defense Secretary Caspar Weinberger on Tuesday in Bangor, Maine.

Secretary Weinberger was the architect of President Ronald Reagan's vision to establish Peace Through Strength leading to victory in the Cold War and liberation of millions of people across Central Europe, Eastern Europe, and Asia.

I am glad to join President Bush's heartfelt praise:

> STATEMENT BY THE PRESIDENT ON THE DEATH OF CASPAR WEINBERGER
>
> Caspar Weinberger was an American statesman and a dedicated public servant. He wore the uniform in World War II, held elected office, and served in the cabinets of three Presidents. As Secretary of Defense for President Reagan, he worked to strengthen our military and win the Cold War. In all his years, this good man made many contributions to our Nation. America is grateful for Caspar Weinberger's lifetime of service. Laura and I send our condolences and prayers to the entire Weinberger family.

Another fitting tribute was in The Washington Times on March 29, 2006:

> "Caspar Weinberger, who died yesterday, was a lifelong Anglophile who embraced Winston Churchill as 'one of my great heroes' for forlornly warning in the 1930s that Europe must re-arm against the German threat. Throughout his distinguished seven years of service as Ronald Reagan's defense secretary, Mr. Weinberger warned of 'some rather deadly parallels' in the threat from the Soviet Union.
>
> While Britain and the rest of Europe effectively ignored Churchill's plaintive pleas, helping to set the stage for World War II, Americans responded to Mr. Reagan's warnings by electing him president. Mr. Weinberger, who earlier served in the Reagan gubernatorial administration during the 1960s, was promptly selected to be the architect of the largest American peacetime military build-up in history. That strategy culminated in American victory in the nearly five-decade-long Cold War.
>
> Barely six weeks into Mr. Reagan's first presidential term, Mr. Weinberger delivered to Congress the administration's first defense budget, which: resurrected the B-1 bomber; greatly expanded the procurement of fighter aircraft for the Navy and Air Force; virtually doubled the purchase of sea-launched cruise missiles; significantly increased the production of tanks and other Army weapons systems; and reactivated World War II battleships as a first step toward building the fabled 600-ship Navy, which would eventually feature 12 aircraft-

carrier battlegroups and dozens of the world's most powerful ballistic-missile-carrying submarines.

During Mr. Weinberger's tenure, America spent $1.7 trillion on national defense (or $3 trillion in today's dollars). By any fair-minded calculation, it was a bargain. Less than a month after Mr. Weinberger left the Pentagon in November 1987, the world witnessed the first fruits (many others would follow) of his seven-year tenure. On Dec. 8, 1987, Mr. Reagan and Soviet leader Mikhail Gorbachev signed the Intermediate Nuclear Forces (INF) Treaty, which required the destruction of about 425 single-warhead intermediate-range U.S. nuclear missiles based in Western Europe and 650 triple-warhead intermediate-range Soviet SS–20 nuclear missiles capable of striking Europe and Asia. Following steady Soviet deployment of SS–20s beginning in the 1970s, NATO began installing the U.S. missiles in Europe in late 1983. Self-styled peace groups on both sides of the Atlantic, including congressional Democrats who preferred the Soviets' self-serving nuclear-freeze offer, pilloried Mr. Weinberger and Mr. Reagan for the missile deployment in Europe. History has recorded who was right.

Known as "Cap the Knife" during his budget-cutting days in the Nixon administration, Mr. Weinberger became "Cap the Saber" in 1981, indispensably helping the president rattle the nation to the cause of its defense. When the Soviet Union imploded in 1991, it did so with a very able assist from Caspar Weinberger. Winston Churchill would have been very proud."

IN HONOR OF MARTIN J. SWEENEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. KUCINICH. Mr. Speaker, Stephanie Tubbs Jones, Sherrod Brown, Marcy Kaptur, Ted Strickland, Tim Ryan and I rise today in tribute and recognition of City of Cleveland Council President Martin J. Sweeney, as he is being honored by the Cuyahoga County Democratic Party on March 26, 2006.

Councilman Sweeney was born and raised in Cleveland. After graduating from St. Ignatius High School, he enrolled at Cleveland State University, where he earned a Bachelor's degree in political science. A natural athlete, Councilman Sweeney was a member of the 1986 Cleveland State Basketball team that reached the "Sweet 16" in that year's NCAA tournaments. He also graduated from the Leadership Cleveland Class of 2004—an organization that unites community leaders from a myriad of fields and areas with a focus on improving the overall quality of life throughout the Cleveland community.

The residents of Ward 20 have entrusted Councilman Sweeney with the direction and well being of their neighborhood by voting him as their representative for four consecutive terms. Last December, Council Representatives also reflected their unwavering faith in his leadership by unanimously electing him as President of Cleveland City Council. Councilman Sweeney also serves the City as Chair of the Finance Committee.

Mr. Speaker and Colleagues, please join us in honor of Martin J. Sweeney, Ward 20 Cleveland Councilman and President of Cleveland City Council, as we join with the Cuyahoga County Democratic Party in recognition of his dedicated service and contribution focused on the residents of Ward 20. Councilman Sweeney's steady leadership and focus on uplifting the quality of life for his constituents serves to elevate the well being of our entire community.

IN HONOR AND RECOGNITION OF GEORGE BECKER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of George Becker, former International President of the United Steelworkers of America, a former marine, steelworker, and noble and fine worker for labor who has helped to build a greater United Steelworkers of America throughout his membership.

Mr. Becker was raised in Granite City, Illinois as a second-generation Steelworker. Later he went to work at American City Steel in the summer of 1944.

In 1965, he was named as a USWA staff representative and came to the International headquarters in 1975. In the Safety and Health Department, he was instrumental in establishing some of the first national health standards adopted by the Occupational Safety and Health Administration for workers exposed to lead, arsenic and other toxic substances.

Mr. Becker served as administrative assistant to Lynn Williams, after Williams became international secretary in 1977 and international president in 1983. Becker served two terms as international vice president for administration, having been elected to that position in 1985 and re-elected in 1989.

As vice president, Becker chaired the United Steelworkers of America's Aluminum Industry Conference and guided the union's collective bargaining in the aluminum industry. He led major corporate campaigns, including the campaign against Ravenswood Aluminum Corporation that achieved the significant firing of 1,300 permanent scab replacement workers and the return to work of 1,600 steelworkers after a 20-month lockout.

In November 1993 he was elected United Steelworker's sixth international president and reelected in November 1997. George Becker's presidency was marked by many major achievements. He restructured the union efficiency and political strength. He led the successful merger of the United Rubber Workers into the USWA in July 1995. And in January 1997, he finalized the merger of the Aluminum, Brick and Glass Workers with the United Steelworkers of America.

He also worked as a crane operator at General Steel Castings, and as an assembler at Fisher Body. Becker became active in the United Steelworkers of America as a member of Local 4804 at Dow Chemical's aluminum rolling mill in Madison, Illinois. Working as an inspector in the mill, he was elected successively as a local treasurer, vice president and president.

Becker was a vocal advocate for the United Steelworkers of America in Washington, testifying before Congress and meeting with Congressional leaders and members of the Administration. On the world stage, he was an executive committee member of the International Metalworkers Federation and chairman of the world rubber council of the International Federation of Chemical, Energy, Mine and General Workers' Unions.

This man is truly one to be honored and emulated as a great president of the United Steelworkers and a representative of labor who worked tirelessly for workers everywhere.

Mr. Speaker and Colleagues, please join me in honor and recognition of George Becker, whose dedication and hard work in representing workers everywhere has helped the growth of the United Steelworkers of America.

CONGRATULATIONS TO MOLLY GOODMAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. LEVIN. Mr. Speaker, I rise today to congratulate Molly Goodman as she and her family commemorate the tenth anniversary of her victory against ovarian cancer.

Mrs. Goodman, like so many women stricken with this disease, never suspected that her abdominal and gastrointestinal pain concealed a Stage 3 ovarian cancer diagnosis. The cancer, which had spread from Mrs. Goodman's ovaries to parts of her abdomen, was discovered during a surgery to remove her gall bladder.

We can only imagine the worry that must accompany such a diagnosis. The five-year survival rate for Stage 1 ovarian cancer is approximately ninety percent. This figure drops, drastically and devastatingly, to a fifteen to twenty percent chance of survival once the cancer has elevated to Stage 3. Mrs. Goodman was fortunate not only to receive immediate surgery and chemotherapy to treat the disease, but also to qualify for a limited protocol providing a second round of chemotherapy. No signs or symptoms of the cancer's reoccurrence have since appeared.

I commend Phil Goodman, Molly's husband, for using this ten-year milestone, one of joy and reflection, to contribute to the National Ovarian Cancer Coalition. By sharing Mrs. Goodman's story, the couple not only celebrates Mrs. Goodman's survival, but also raises awareness about the severity of ovarian cancer.

We here in Washington need to do our part to raise awareness about risk factors and early warning signs for ovarian and other gynecologic cancers. In this Congress and the last, I introduced Johanna's Law: The Gynecologic Cancer Education and Awareness Act, which would require the federal government to take action to increase early detection of gynecologic cancers and ensure that other women never have to go through what

Molly Goodman did. Our bill currently has over 230 cosponsors, and we are doing everything we can to make it law.

Mr. Speaker, I ask my colleagues to join me recognizing Molly Goodman on this momentous occasion and to share in her hope that we continue to make progress in diagnosing and defeating this terrible disease.

CONGRATULATING KAYLA BARBER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Kayla Barber for her outstanding accomplishments in the Missionette Program in New Castle, Pennsylvania.

The Missionette Program is sponsored by First Assembly of God in New Castle, Pennsylvania. It is a national program that is equivalent to the Girl Scout program, except the Missionette Program emphasizes Biblical themes. Kayla has achieved the highest award in the program which includes twenty seven units with each unit consisting of four lessons, a memory verse, activities, and a project. They are required to read the entire New Testament and nine honor steps are to be completed which include intense memorization, and this all concludes with testing. This is not an easy achievement.

Kayla, a 5th grade student, will be honored May 7, 2006 at First Assembly of God for her outstanding accomplishment.

I ask my colleagues in the United States House of Representatives to join me in congratulating Kayla Barber for her outstanding accomplishments in the Missionette Program. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such outstanding citizen such as Kayla.

HONORING BARRY PURVIS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Barry Purvis, who was named the 2006 Pennsylvania High School Principal of the Year by the Pennsylvania Association of Elementary and Secondary School Principals. Dr. Purvis has served diligently for 3 years as the principal of Chambersburg Area Senior High School.

Dr. Purvis has taken a pivotal role in changing the morale at Chambersburg Area Senior High School by improving the school atmosphere and reducing discipline problems. His vision for the school, which rests on a foundation of character-building, has vastly improved the success of Chambersburg Area Senior High School students. Regarded as a forward thinker, Dr. Purvis made major adjustments to the academic curriculum, resulting in the considerable rise of state testing scores and the graduation rate.

Prior to working as principal of Chambersburg Area Senior High School, Dr. Purvis served as principal of Chambersburg Area Middle School, which he led to earn the National Blue Ribbon School designation. He carried his success and experience over to the high school, overcoming significant challenges and earning an even more prestigious award. As the Pennsylvania High School Principal of the Year, Dr. Purvis will compete for the title of National High School Principal of the Year.

Dr. P, as he is endearingly known by his students, has made a great contribution to the betterment of our youth and will continue to enhance the education of many. The Chambersburg Area Senior High School faculty and student body are fortunate to have such a devoted leader. The citizens of Chambersburg and I would like thank Dr. Purvis for his service and dedication to the education system and the community.

CONGRATULATIONS TO BETHEL APOSTOLIC TEMPLE ON ITS FIFTIETH ANNIVERSARY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. MEEK of Florida. Mr. Speaker, today I rise to pay tribute to the Bethel Apostolic Temple on the occasion of its Golden Anniversary. On Saturday, April 1, 2006, the Reverend Carol Nash will lead her congregation, along with several guests, to celebrate this milestone at the Church's Humanitarian Awards Banquet to be held at the Miami Embassy Suites Hotel Grand Ballroom. This event will also honor two distinguished members of our community, former Congresswoman Carrie P. Meek, my mother, and the Reverend Dr. George E. McRae, my pastor and the pastor of Mt. Tabor Missionary Baptist Church.

Founded by the late Dr. Doris R.L. Atkins in January 9, 1956, this citadel of faith in Miami-Dade County has been an unerring witness to the spiritual revivalism that undergirds the power of fasting, faith and prayer. Dr. Atkins was the resilient leader of this church and an inspiration to a remarkable group of pastors, evangelists and bishops who are now ministering to a number of churches throughout South Florida. Dr. Michael Moss took over in 1988, and through his dynamic theological teaching and progressive preaching, Bethel Apostolic Temple experienced a period of tremendous growth. This visionary pastor led his congregation in 1997 to what has now become one of the landmark churches in South Florida.

Reverend Nash assumed the pastorate in 1998 from Dr. Moss, and under her leadership, its burgeoning membership has taken on a tremendous renewal of faith and its outreach mission has gone above and beyond the confines of our community. With its vision of holistic empowerment, grounded in biblical principles, Bethel Apostolic Temple evokes a spirit of excellence grounded in compassion and charity not only to its members, but to all those who seek refuge and solace in its sanctuary.

With the establishment of the Bethel Temple Community Development Corporation, My Sister's Closet (a boutique for women and families going from Welfare to Work), along with the Bethel Computer Lab, the Bethel Institute for Living, Bethel Partners in Dominion, and its Youth Ministry Council, this faithinstitution has truly become not only an instrument of spiritual enrichment, but also a vehicle for economic development. It is in this context that I commend the tremendous work of Rev. Nash, and cherish the memory of Dr. Atkins and Dr. Moss who bequeathed to her a vibrant Church and an active congregation.

Through the longevity of its faith-action service, Bethel Apostolic Temple has truly persevered in showing us the Way and expounding for us the Truth that emanate from our knowledge of the Gospels. It is through this ministry that its role has been defined and is wisely articulated by the injunction that the genuine measure of our love for God is conditioned by our commitment "* * * to the least of these."

Indeed, Rev. Nash's timely and inspiring leadership is genuinely admirable. As a servant of God and as a community leader, she has indeed earned our deepest respect and superlative commendation. This is the legacy of Bethel Apostolic Temple on its 50th Anniversary. Our entire community shares the joy of this occasion and extends best wishes for the future.

HONORING UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the University of Wisconsin women's hockey team, which on March 26 defeated the Gophers of the University of Minnesota 3–0 to claim the 2006 NCAA national championship. This is the first national championship won by the Badger women's hockey team, and in fact it is the first NCAA championship for any UW women's team since 1985. This also marks the first Division I women's hockey title won by a school outside the State of Minnesota.

The championship victory was a fitting end to an amazing year for the Badgers, which included a record 36 victories and a Patty Kazmeier National Player of the Year Award winner in junior forward Sara Bauer. The final game was also UW's fifth victory of the season in six games against the archrival Gophers, a team that had dominated the Badgers in years past.

For Badgers coach Mark Johnson, this accomplishment can stand beside his greatest as a player, including the 1977 NCAA men's championship and the "Miracle on Ice" 1980 Olympic gold medal. In each of his 4 years as head coach, the Badgers have set a school record for victories, showing steady improvement on the way to this year's ultimate prize.

Coach Johnson's players, of course, deserve the bulk of the credit for their own success. And during this year's tournament, no

Badger star shone brighter than goaltender Jessie Vetter. A freshman from Cottage Grove, Wisconsin, Jessie allowed one goal during three tournament games. Prior to this year, no goalie had ever recorded a shutout during the women's Frozen Four. Jessie earned two, in the semi-finals and the championship. It is no surprise, then, that she was named the tournament's Most Outstanding Player.

It is, however, not an individual honor but the accomplishment of a team that I wish most to recognize today. Some of the players joked after the game that they had now stolen away from their neighbors to the west the title of "the State of Hockey." Wisconsin couldn't be prouder.

CONGRATULATING FRANCES KOVALESKI UPON BEING NAMED "WOMAN OF THE YEAR" BY THE LACKAWANNA COUNTY FEDERATION OF DEMOCRATIC WOMEN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Frances Kovaleski of Lackawanna County, Pennsylvania, who has been named "Woman of the Year" by the Lackawanna County Federation of Democratic Women.

Mrs. Kovaleski is a daughter of Marguerite Schmidt Roland and Francis Roland, of West Scranton. Her parents were active in Democratic Party politics and they impressed upon their daughter the political values they shared.

Even in high school, Frances volunteered to work in a Scranton mayoral campaign for former Democratic Mayor James J. Walsh.

Frances graduated from St. Patrick's High School in Scranton and went on to cosmetology school, after which she and a friend opened their own beauty salon.

Frances married Kenneth Kovaleski in 1971 and the couple had three sons. Several years ago, Mrs. Kovaleski worked on the campaign of Linda Munley, who was running for register of wills in Lackawanna County. Mrs. Munley won and appointed Mrs. Kovaleski to serve as her deputy.

Mrs. Kovaleski is also active in other civic endeavors. Besides serving as a member and treasurer in the Lackawanna County Federation of Democratic Women, Mrs. Kovaleski also works tirelessly for St. Joseph's Center, serving as president in 2005 and presidential advisor this year. She also served on its board of directors and many of the committees.

Mrs. Kovaleski served as president of the Society of Irish Women in 2004.

Mr. Speaker, please join me in congratulating Mrs. Kovaleski. Her devotion to Democratic causes and her commitment to family and community have touched the lives of many people in a positive manner and have improved the quality of life in Lackawanna County.

CONGRATULATING KIMMIE MEISSNER ON HER PERFORMANCE AT THE 2006 WORLD FIGURE SKATING CHAMPIONSHIPS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. CARDIN. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Kimmie Meissner, who on Saturday, March 25, won the gold medal in Ice Skating at the 2006 World Championships in Calgary, Alberta.

Kimmie was raised in Bel Air, Maryland, just a few miles from my home town of Baltimore. She began skating at age 6, and it was then that she began preparing for competition. With the help of coach Pam Gregory, Kimmie has trained at the University of Delaware Figure Skating Club since she was just 8 years old. In 2004, she won the State Farm Junior U.S. Championships. In 2005, she landed the bronze medal at the U.S. Championships and became just the second U.S. woman ever to land a triple axel.

Last February, Kimmie represented the United States at the Winter Olympics in Torino, placing sixth out of 24 competitors. Along with Sasha Cohen and Emily Hughes, she was part of the trio of Americans to finish in the top 10. Although it was her first Olympics, Kimmie performed beyond all expectations and was confident even in the company of her impressive competition.

On Saturday, however, Kimmie truly shone above all others. Her performance was simply amazing; it featured seven triple jumps, including the only two triple-triple combinations of the day. It earned her a personal best 129.7 points—more than enough to land her first place and win the admiration of thousands of fans. Although she entered the final program in third place, Kimmie did not let that discourage her. Instead, the Fallston High School student whose motto is, "Do what you enjoy; enjoy what you do," surprised everyone by winning the championship. In doing so, she became the first woman to win the World Championships in her first appearance since Oksana Baiul's victory in 1993.

Kimmie's performance was special—and I am certain that it will be remembered by her family, friends and fans for a long time. ESPN has called her victory "one of the biggest upsets in World Figure Skating Championships history." After the event, Kimmie remarked, "Standing on the podium and watching the flag . . . was such a proud moment for me." Mr. Speaker, I want Kimmie to know that she has also made Maryland and the United States proud, and I urge my colleagues to join me in congratulating her.

HONORING FORMER AIR FORCE CAPTAIN JOHN HAYES

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. MARCHANT. Mr. Speaker, today I rise to recognize former Air Force Captain John M. Hayes for receiving The Silver Beaver Award, the highest award Boy Scouts Councils may grant to a volunteer. John is the Military and Veterans Affairs Liaison in my Irving, Texas, office.

John's devotion to the Boy Scouts of America through the years makes him well-deserving of this award. He is a District Commissioner in the Circle Ten Council and, with his wife, Mary, chaired the Circle Ten Council POW WOW for 2 years. He has also taught POW WOW at the Boy Scouts' Philmont, New Mexico, Training Center for 4 years.

A former Air Force combat pilot, he currently serves as the Senior Vice Commander of the Dallas Chapter of the Military Order of The World Wars. John is also very active in the Dallas Veterans Foundation. He will be a chairman for the Military Order of the World Wars sponsored Youth Leadership Conference in June in Fort Worth, Texas. The conference provides leadership and patriotic training for high school students.

I congratulate John on this high honor from the Boy Scouts. This country thanks him for his dedicated service—both in the military and with the Boy Scouts of America. The 24th District of Texas benefits from having a man with such valuable experience and strong allegiance to his country serve them in my congressional office.

INTRODUCTION OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. GILCHREST. Mr. Speaker, today, along with my distinguished colleagues, Representatives EHLERS, BARTLETT, LEACH, FARR, CASTLE, and SHAYS, I am introducing legislation to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, which provides the U.S. with authority to manage fisheries in U.S. waters. Our bill would enact critical updates to our current national fishery policy management that will ensure sustainable fisheries well into the future. I urge my colleagues to join us in cosponsoring H.R. 5051.

Both nationally and globally, our fishery resources are stretched to meet increasing demand—Americans alone now consume over 4 billion pounds of seafood annually. Fishery management has improved greatly since the enactment of the Sustainable Fisheries Act in 1996. Yet too often, we continue to experience overfishing and overcapacity—too many boats and too few fish—throughout our Nation's oceans—a situation that is not sustainable over time. In national policy, we must make the sustainable harvest of our living marine resources and the ecosystems on which they depend our highest priority.

I commend Chairman POMBO, Mr. FRANK, and Mr. YOUNG for their introduction of a comprehensive Magnuson-Stevens reauthorization bill, and I believe its close alignment with S. 2012 is a solid step forward in improving the health of our Nation's fisheries. However, I believe recent advances in marine science and a greater understanding of our complex ocean ecosystems can help shape an even stronger bill. Our bill proposes to move fisheries management in a positive step toward ecosystem management, incorporating our vastly increased scientific understanding of ocean ecosystems and the rapidly developing body of experience in this approach gained by the Regional Fishery Management Councils in projects around the Nation. It would require the administration to develop comprehensive guidelines, with the councils, to support the drafting of Fishery Ecosystem Plans. Science on ecosystems is very advanced, to the extent that over 200 scientists signed on to a scientific consensus statement on ecosystem management organized by the Communication Partnership for Science and the Sea (COMPASS) on March 21, 2005.

For stocks that are designated as overfished, our bill proposes to require overfishing to end by a date certain. Currently, and as a result of a ruling by a Federal district court which held that overfishing could occur during the rebuilding of the stock, overfishing is a continuing problem for stocks in many parts of the Nation. Out of 175 stocks in the Nation about which the status is known, 53 are overfished. Rebuilding time frames for some species have reached over 40 years in length, during which overfishing may continue under current law. However, the administration supports ending overfishing by a date certain, well within a time in which Regional Fishery Management Councils could act, so that rebuilding time frames become less contentious. The Pombo-Young-Frank bill extends the rebuilding time frame for fisheries from the current 10 year limit under a wide range of circumstances, but does not address overfishing at all. This approach takes us backward, not forward in ensuring sustainable use of our fisheries.

The National Environmental Policy Act (NEPA) is very controvertial, as my colleagues know. The Senate, in its Magnuson-Stevens reauthorization bill, requires the administration to work between the National Oceanic and Atmospheric Administration and the White House Council on Environmental Quality to better integrate the process required by NEPA and the process required by Magnuson-Stevens for its Fishery Management Plan process. Given that the Resources Committee has held only one hearing on this issue, I believe this is the best approach. Providing the Secretary of NOAA with the authority to waive NEPA for Fishery Management Plans, as the Pombo-Young-Frank bill proposes, is too broad to capture potential pitfalls about which we are only beginning to understand.

Finally, the most important aspect of fishery management is the containment of annual harvest limits within boundaries that support sustainability of fishery stocks. The number of overfished stocks demonstrates our failure to achieve this important limit. The Senate has been engaged in a productive negotiation over this issue—how to establish accountability for the administration and the Councils and to support stronger science in setting and achieving such limits. The Pombo-Young-Frank bill does include many provisions to strengthen the state of fishery management science and the use of science in management decisions, but does not address the need to ensure that fisheries are not stretched beyond the scientifically established limits it provides. While I believe neither the House nor the Senate has achieved consensus on this issue, our bill includes such accountability.

It is our intention to constructively contribute to the coming debate in the House over national ocean fishery management by stressing policy to strengthen the conservation of ocean fish resources while supporting the extraordinary efforts of our administration and Regional Fishery Management Councils. I urge my colleagues to cosponsor H.R. 5051 and join us in this critical policy debate.

INTRODUCTION OF THE DESIGN PIRACY PROHIBITION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. GOODLATTE. Mr. Speaker, I rise to introduce the Design Piracy Prohibition Act.

Article I section 8 of our Constitution lays the framework for our Nation's copyright laws. It grants Congress the power to award inventors and creators, for limited amounts of time, exclusive rights to their inventions and works. The Founding Fathers realized that this type of incentive was crucial to ensure that America would become the world's leader in innovation and creativity. This truth is still applicable today. We must be sure to continue to reward our innovators with the exclusive rights to their works for limited periods of time. This incentive is still necessary to maintain America's position as the world leader in innovation.

Most industrialized nations provide legal protection for fashion designs. However, in the United States—the world's leader in innovation and creativity—fashion designs are not protected by traditional intellectual property protections. Copyrights are not granted to apparel because articles of clothing, which are both creative and functional, are considered "useful articles," as opposed to works of art. Design patents are intended to protect ornamental designs, but clothing rarely meets the criteria of patentability. Trademarks only protect brand names and logos, not the clothing itself, and the Supreme Court has refused to extend trade dress protection to apparel designs.

Thus, if a thief steals a creator's design, reproduces and sells that article of clothing, and attaches a fake label to the garment to market it, he would be violating Federal law. However under current law it is perfectly legal for that same thief to steal that same design, reproduce and sell the article of clothing if he does not attach a fake label to it. This loophole allows pirates to cash in on others' efforts and prevents designers in our country from reaping a fair return on their creative investments.

Furthermore, the production life cycle for fashion designs is very short. Once a particular design gains popularity through a fashion show or other event, a designer usually has only a limited number of months to effectively produce and market that original design. Further complicating this short-term cycle is the fact that once a design is made public, pirates can now virtually immediately offer an identical knock-off piece on the Internet for distribution. Again, under current law this theft is legal unless the thief also reproduces a label or trademark. Because these knock-offs are of such poor quality, these reproductions not only take away designer's profits, but also damage the designer's reputation.

Chapter 13 of the Copyright Act offers protection for the designs of vessel hulls. The Design Piracy Prohibition Act protects designers by amending Chapter 13 of the Copyright Act to also include protections for fashion designs. Because the production life cycle for fashion designs is very short, this legislation similarly provides a tailored period of protection that suits the industry—3 years. This legislation further establishes damages for infringing a fashion design at the greater of $250,000 or $5 per copy.

As America's fashion design industry continues to grow, America's designers deserve and need the type of legal protections that are already available in other countries. The Design Piracy Prohibition Act establishes these protections, and I urge my colleagues to support this important legislation.

CONGRATULATIONS TO DAVID WHETSTONE ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and real pleasure that I rise today to pay tribute to a longtime friend and a lifetime public servant, John David Whetstone, on the occasion of his retirement after serving as Baldwin County District Attorney for nearly 22 years.

David Whetstone is the consummate professional. Joining the district attorney's office in 1979 as an assistant DA, David has dedicated practically all of his adult life fighting crime and standing up for the people of Baldwin County as the people's attorney. Moreover, he has served the families of Baldwin County and south Alabama with compassion, dedication and a tremendous level of professionalism.

A 1963 graduate of Greenville High School, David went on to serve in the United States Air Force during the Vietnam war era. He was honorably discharged as a sergeant in 1968, and he worked his way through college and law school using the G.I. Bill. David graduated from the University of West Florida in 1970, and from the University of Alabama School of Law in 1973.

In 1984, then-Governor George C. Wallace nominated David to the position of Baldwin County District Attorney. He was subsequently elected to his first 6-year term in 1986 and has been reelected ever since, usually with only token opposition.

Throughout his tenure, David has been a tireless advocate on behalf of all the people of Baldwin County. No one who ever called on David Whetstone didn't get a prompt, personal response.

David Whetstone is known for his powerful and intimidating presence in the courtroom and probably best known for his storytelling. Many will also remember his appearance on "The Phil Donahue Show" after filing more than 200 child support collection complaints in 1 day.

But outside of the spotlight that comes with his office, David has a heart as big as the State of Alabama and as pure as a pound of gold.

He is the type of person that empathizes with people from all walks of life and has a tremendous, caring capacity for those who are less fortunate. David Whetstone wore his title as the "people's attorney" with pride and he never, ever let his own success in public life go to his head or prejudice his judgment; for David, doing the right thing was the only way to do business.

Mr. Speaker, in 2002, David offered his considerable talents and service to the people of south Alabama when he ran for the Republican nomination for U.S. Congress. While for obvious reasons I am personally grateful that the outcome turned out as it did, I can say with all honesty and candor that had the voters rendered a different judgment, the people of south Alabama would have been well-served by David's passion for public service and by his drive and determination to represent one and all equally.

Mr. Speaker, at this time, I ask my colleagues to join me today in recognizing John David Whetstone for his tireless efforts and his tremendous contributions to the citizens of the First Congressional District and the entire State of Alabama.

The experience and enthusiasm he brought to his job and the concern and compassion he displayed for all people in Baldwin County are unquestioned and unparalleled. He has indeed been a genuine asset to the entire State of Alabama. On behalf of the thousands of men, women and children he has assisted over the past two decades, I am proud to say, "Thank you, David, for a job well done."

While I am confident David will continue to remain actively involved in the life of Baldwin County and southern Alabama for many years to come, I hope this new chapter in his life affords him a few more free minutes each day to enjoy the richness of life and the love of his wonderful wife, Lynne, as well as his fine children, Deborah, J.D. and Chris, and the newest Whetstone, grandson John David III.

On behalf of all his friends and admirers throughout Alabama, I wish to extend to David and his family all the best, now and in the future.

TRIBUTE TO THE AMERICAN RED CROSS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize March as American Red Cross month. This faithful organization strives each day to carry out their motto, "There when you need us." On behalf of a grateful nation, I thank the Red Cross for their important service to those individuals in need.

This month we recognize the vital role played by this organization in communities across our Nation and abroad. Since its founding in 1881 by Clara Barton, this organization has been committed to serving America in peace and in war, during times of natural disaster and national calamity. In 1905, this organization was chartered by Congress "in accord with the military authorities as a medium of communication between the people of the United States and their armed forces." Since then, the Red Cross has provided communications and other humanitarian services to help members of the U.S. military and their families around the world.

Time and time again, from floods and tornadoes to diseases and terrorist attacks, the Red Cross has led the way in providing disaster relief in times of emergency. By offering clothing, food, shelter, health care, and mental health services, the Red Cross has extended a helping hand and provided comfort and encouragement to millions of people around the world.

The Red Cross is also highly regarded for their efforts in health and safety preparedness. In order to be effective in times of crisis, it is imperative to have adequate preparation. The Red Cross is instrumental in keeping the Nation's blood banks supplied, by organizing and conducting blood drives. The Red Cross has also taken the lead in providing CPR and First Aid training to countless volunteers. In times of trouble, these preparation efforts make all the difference and embody the true spirit of the American people, which is to help out our fellow man in times of trouble.

In May, the American Red Cross will turn 125 years old. This organization, while having its roots firmly steeped in the past, is eagerly looking towards the future and overcoming the challenges that come our way. I have confidence they will succeed. The Red Cross is a vehicle for the common American to help their neighbor and that spirit will never fade. I commend the Red Cross for serving the United States and its international neighbors for 125 years.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mrs. MUSGRAVE. Mr. Speaker, I was unavailable on the evening of Tuesday, March 28, 2006, and as a result, was not able to cast my vote on rollcall vote 69. The matter under consideration was passage of the Milk Regulatory Equity Act, S. 2120.

Mr. Speaker, had I been present, I would have recorded my vote on rollcall vote 69 as "yea" in support of passage for S. 2120, the Milk Regulatory Equity Act.

TRIBUTE TO A FALLEN SOLDIER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. BILIRAKIS. Mr. Speaker, I would like to pay tribute to a fallen soldier from the Ninth Congressional District of Florida. Army Sergeant Michael D. Rowe, from New Port Richey, Florida, was killed by a roadside bomb in Rutbah, Iraq. His death came just before his 24th birthday.

Michael's decision to join the military demonstrates his dedication and service to this nation. Following high school, our young people have many opportunities and wide open doors to pursue their dreams. Michael chose the path of the Army because he believed that it was his honor and duty to serve his nation and protect our freedom. In fact, he had told his mother that the Army would be his career and had re-enlisted for another four years of service shortly before he died. He did not choose this path because he thought that he would one day become a war hero or that this career would provide him a lucrative and extravagant life.

I know it has been a very hard and difficult time for Michael's family and friends, especially since Michael's wife, Rebecca, is expecting their first child in July. I hope they know that the nation thanks him for his service and we appreciate the sacrifices they had to make for us as well.

Let freedom ring where all can hear it and let Sergeant Michael Rowe's memory be eternal.

HONORING THE MEMORY OF CALIFORNIA STATE SENATOR ALFRED E. ALQUIST

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of former California State Senator Alfred E. Alquist. He is survived by his wife, State Senator Elaine White Alquist; son Alan Alquist; stepsons Peter and Bryan White; and five grandchildren.

Alfred Ernest Alquist was born in Memphis, Tennessee on August 2, 1908. He began his professional life as a railroad yardmaster and transportation supervisor, in which he dutifully served for 40 years. In his time with the railroad industry, Senator Alquist developed and cultivated a keen interest in transportation issues. With a passion for policy nested, Senator Alquist joined his local Democratic Club in San Jose, California, which proved to be a stepping stone for his political career.

Ever the dedicated citizen, Senator Alquist embarked on the campaign trail and was elected to the California State Assembly in 1962. After his years in the Assembly, Senator Alquist was elected to the State Senate in 1966 and became the first full-time Legislature that same year.

Senator Alquist's legislative legacy includes serving as Chair of the Senate's Budget Committee for 15 years. His concern for California's future earthquake preparedness led him to author landmark legislation that created the state's Seismic Safety Commission and the Energy Commission. Senator Alquist spearheaded a bill that established the Santa Clara Valley Transportation Authority and was the pioneer in leading an almost two decade effort to build a state office in San Jose, California. When the building was completed in 1983, it was named in Mr. Alquist's honor.

Senator Alquist retired from the State Legislature in 1996. He was 88 years old when he ended his tenure and made history by becoming the State Senate's longest-serving member.

Senator Alfred Ernest Alquist passed away on Monday, March 27, 2006 at the age of 97.

I had the great pleasure of being Senator Alquist's seatmate while we served together in the Senate. Senator Alquist touched the lives of many people and his legacy will remain vivid for generations to come. His genuine concern and vision for the future have all made the state of California a much better place.

PERSONAL EXPLANATION

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. BOREN. Mr. Speaker, on rollcall Nos. 43, 45, 47, 48, 49, 50, 51, 52, 55, 59, 60, and 63, had I been present, I would have voted "yes".

Mr. Speaker, on rollcall Nos. 44, 46, 53, 54, 56, 57, 58, 61, 62, 64, 65, 66, and 67, had I been present, I would have voted "no."

GOSPEL MUSIC WEEK

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. COOPER. Mr. Speaker, beginning this weekend, more than 3,000 individuals will gather in my hometown of Nashville to celebrate one of the most exciting and fastest-growing segments of the music industry. While most people around the world think of Nashville—Music City—as the place to come to enjoy the best country and bluegrass music in the world, Nashville is also home to another powerful music force: the Gospel Music Association.

From April 1st through April 5th, Nashville will host Gospel Music Week. It is five days of concerts, worship services, performance showcases, educational seminars and exhibits, all culminating on Wednesday evening with the GMA Music Awards. Known as the Dove Awards, this year's ceremony will be held at the Grand Ole Opry House and hosted by Rebecca St. James and Kirk Franklin, both Grammy and Dove Award winners themselves. St. James and Franklin will also perform during the evening's program that will feature artists ranging from soulful gospel to guitar driven pop to powerful quartet harmonizing and more.

The sold-out event is a testimony to the popularity and power of gospel music today. Christian and gospel music sales have increased from $381 million in 1995 to over $700 million annually, an 80 percent increase over the last decade. Over 43.5 million units of Christian and gospel music CDs, cassettes, digital albums, and digital tracks were sold in 2005. That figure represents over 6 percent of all music sales in 2005 and ranks higher than Latin, Soundtracks, Jazz or Classical releases.

As John W. Styll, president of the Gospel Music Association has said, this growth in the Christian and gospel music isn't surprising. "The heart of gospel music may be in the lyrics, but the soul is in the passion with which these artists perform."

Clearly, the world is passionate about gospel music and the many outstanding artists who will appear in Nashville in the coming days. I salute each of these individuals, and the Gospel Music Association, as they prepare for the 37th Annual GMA Music Awards and Gospel Music Week and another year of inspiring performances that touch the hearts and souls of music lovers worldwide.

REGARDING RESOLUTION OF INQUIRY SEEKING DOCUMENTS CONCERNING WHITE HOUSE KNOWLEDGE OF THE CONSTITUTIONAL INFIRMITY OF S. 1932

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. WAXMAN. Mr. Speaker, today, I and a number of my colleagues are introducing legislation to investigate the White House's knowledge of the constitutional defects of S. 1932, the Deficit Reduction Act of 2005, at the time the President signed the bill into law.

On February 8, 2006, President Bush signed into law a version of S. 1932 that was different in substance from the version the U.S. House of Representatives passed on February 1, 2006. The House-passed version of the legislation required the Medicare program to lease "durable medical equipment," such as wheelchairs, for seniors and other beneficiaries for up to 36 months, while the version of the legislation signed by the President limited the duration of these leases to just 13 months. As the Congressional Budget Office reported, this seemingly small change from 36 months to 13 months has a disproportionately large budgetary impact, cutting Medicare outlays by $2 billion over the next 5 years.

Under the U.S. Constitution, a bill cannot become law unless the same version is passed by both Houses of Congress and signed by the President. It appears that the Republican congressional leadership knew that the process of enacting S. 1932 violated this principle. Now evidence is mounting that the President and his staff may have knowingly participated in this constitutionally infirm process.

As I wrote to former White House chief of staff Andrew Card on March 15, I have learned that the Speaker of the House advised the White House of the differences between the House-passed bill and the bill presented to the President before the President signed the legislation. This account was confirmed in a March 22 Wall Street Journal article, which reported that the Speaker's chief of staff "called a high ranking White House official" and "asked the Administration to delay proceedings until the problem could be addressed by the House and Senate." Nevertheless, the President signed S. 1932 into law without any action by the House and Senate to address the problem.

This information has serious constitutional implications. When the President took the oath of office, he swore to "preserve, protect, and defend the Constitution of the United States." If the President signed S. 1932 knowing its constitutional infirmity, he would in effect be placing himself above the Constitution.

The President's decision to authorize the National Security Agency to conduct warrantless wiretaps despite Federal laws forbidding the practice has raised questions in the minds of many Americans about whether he considers himself bound by the laws enacted by Congress. The mounting evidence that the President signed the Reconciliation Act into law knowing that it differed from the legislation passed by Congress now raises the issue whether he considers himself bound by the provisions of the Federal Constitution.

Given the constitutional issues at stake, it is imperative that Congress exercise its oversight powers to examine what the President and his staff knew about the defects in S. 1932 and how they considered and acted on any such information. The resolution of inquiry I am introducing today would advance such a congressional inquiry by requesting that the White House provide Congress with all documents relating to information the White House received about the difference between the version of the bill the House passed on February 1 and the version the President signed on February 8.

BACKGROUND

Last fall, the House and Senate passed different versions of the Deficit Reduction Omnibus Reconciliation Act of 2005. During the House-Senate conference committee on the bill, a significant last-minute issue arose in the conference involving how long Medicare should pay for durable medical equipment, DME. Existing Medicare law provided for payments for DME by Medicare under a fee schedule for an unlimited period of time. In an effort to reduce Medicare spending, the conferees tentatively agreed to reduce the duration of Medicare payment to just 13 months.

This proposal, however, generated objections from a Senator and Representative from Ohio, where a major manufacturer of oxygen equipment is located. To accommodate their concerns, the conference report reduced the duration of Medicare payments for most DME to 13 months, but directed Medicare to continue to pay for oxygen equipment for 36 months. The final conference report was filed on December 19, 2005.

The House passed the conference report on S. 1932 on December 19, 2005, by a vote of 212–206.

The Senate considered the conference report on December 19, 20, and 21. During that consideration, several points of order were raised against the report and sustained as violating the congressional budget process. A motion was made to waive these points of order but that motion was defeated. The effect was to defeat the conference report in the Senate.

On December 21, the Senate passed S. 1932 with an amendment that reflected the contents of the conference report, minus the items that generated the points of order. The vote in the Senate was a tie, and Vice President CHENEY cast the deciding vote. This bill, as amended, was then sent back to the House for its concurrence.

In the process of transmitting the bill, as amended, back to the House, the Senate clerk made a significant substantive change to the legislation. This change extended the duration of Medicare payments for all DME to 36 months, the same time period provided in the Senate amendment for oxygen equipment. The Senate clerk realized the mistake, and the Republican House leadership was informed of the error in January, several weeks before final House floor action was scheduled to occur.

Such errors in formal messages between the houses are not unprecedented. They are recorded in the House precedents as having occurred as long ago as March 13, 1800, and as recently as July 12, 2005. They are typically handled by sending the legislation back to the Senate for the mistake to be corrected.

The response by the Republican leadership to the error in S. 1932, however, was without precedent. It constitutes a violation of the House Rules and of the Constitution itself.

Apparently concerned that any additional vote in the Senate could endanger passage of the legislation, the Republican leadership did not seek to correct the problem. Instead, the Republican leadership brought the legislation to the House floor on February 1 without revealing to the Democratic leadership or the body of the House that the 36-month period in the legislation before the House did not represent the legislation passed by the Senate.

On February 1, the House voted on the version of the bill, as amended, that contained the DME mistake. The vote was extremely close, 216 to 214. As a result of this vote, the House and Senate had voted for different bills, the House having adopted a version that provided for 36 months for DME and the Senate having adopted a version that provided for 13 months.

Because the budget legislation originated in the Senate, the official version was returned to the Senate before being transmitted to the President for his signature. At this point, a Senate clerk made a second substantive change in the legislation, revising the House-passed text to reflect the original Senate-passed amendment. This change restored the 13-month period for coverage of DME other than oxygen equipment.

On February 7, the budget legislation was presented to the President. The documents transmitted to the President included an attestation by House Speaker DENNIS HASTERT and President pro tem of the Senate TED STEVENS that the legislation had been passed by both the Senate and the House.

On the morning of February 8, the White House Office of Management and Budget notified Republican congressional staff that the version of the legislation presented to the President was not the same as the version of the legislation passed by the House. This information was conveyed to the office of House Speaker HASTERT. The Speaker's chief of staff then called senior staff at the White House to advise the White House of this mistake and to request a delay in signing of the legislation.

The Wall Street Journal recently published an account of the communications between the Speaker's chief of staff and the White House. According to the Wall Street Journal, the Speaker's office "confirmed . . . that the Illinois Republican had asked the administration to delay proceedings until the problem could be addressed by the House and Senate." Indeed, the Wall Street Journal reported, "When the Speaker and Senate Majority Leader . . . went to the White House for the Feb. 8 ceremony, they expected only a 'mock ceremony'—not a real signing of the parchment that had been presented in error."

On the afternoon of February 8, despite the communications from the House Speaker, the President signed the bill. The version the President signed is the version that reflected the Senate-passed amendment, not the House-passed text.

THE NEED FOR THE RESOLUTION

Over 100 years ago, the Supreme Court addressed whether a bill could become law if the version signed by the President differed from the version passed by the House and Senate. In the case of *Field* v. *Clark*, 143 US 649 (1892), the Court held that the President could rely on the attestation of the Speaker of the House and the President of the Senate that the legislation before the President was the same as the legislation that passed the Congress. But the Court also recognized that the outcome would be different if there were a "deliberate conspiracy" to ignore the Constitution. As the Court wrote:

> It is said that . . . it becomes possible for the Speaker of the House of Representatives and the President of the Senate to impose upon the people as a law a bill that was never passed by Congress. But this possibility is too remote to be seriously considered in the present inquiry. It suggests a deliberate conspiracy to which the presiding officers, the committees on enrolled bills, and the clerks of the two houses must necessarily be parties, all acting with a common purpose to defeat an expression of the popular will in the mode prescribed by the constitution.

It now appears that the possibility that a President would knowingly sign legislation that did not pass Congress is no longer "too remote to be seriously considered." In fact, this is exactly what appears to have happened when President Bush signed the Reconciliation Act.

To learn more about this matter, I wrote the President's chief of staff, Andrew Card, on March 15, seeking information on the President's knowledge of the bill's constitutional infirmity. When the Wall Street Journal reported on March 22 that Speaker HASTERT's office had informed the White House of the problems with the legislation, I joined Democratic Leader NANCY PELOSI in sending a second letter to the White House. Unfortunately, there has been no White House response.

I therefore urge my colleagues to support the resolution of inquiry I am introducing today. The American public deserves a detailed explanation of what went wrong with the enactment of S. 1932—and assurance that government leaders will not ignore basic constitutional requirements regarding the legislative process.

IN RECOGNITION OF RABBI DR. H. JOSEPH SIMCKES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. ACKERMAN. Mr. Speaker, I rise today in honor of Rabbi Dr. H. Joseph Simckes, who has just retired after 29 years of service to the Hollis Hills Jewish Center.

As the spiritual leader of the Hollis Hills Jewish Center, Rabbi Simckes' dedication and compassion to our community has been unparalleled. I have had the great honor of knowing this intelligent, wise and kind-hearted individual, both on a personal level and as an advocate for the numerous important issues, and, particularly, support for the state of Israel, that we have worked on together.

Throughout his extraordinary career, Rabbi Simckes has been deeply and profoundly involved in the education of Jewish youth. His strong support of Jewish education was evident early in his career through his role in helping to found the first Solomon Schecter Day School in Boston. Rabbi Simckes has also led over 40 student-groups on tours throughout Israel. I have seen first hand the importance Rabbi Simckes places on education through the important work that he has done helping sculpt today's Jewish curriculum and the vast knowledge and rigor that he displays in his moving sermons. The wisdom he has shared both inside and outside of his congregation has improved and enriched the lives of thousands in the community.

Rabbi Simckes is also a trained therapist, whose compassion and guidance have comforted both old and young. Rabbi Simckes has been a pillar of strength throughout his tenure counseling, comforting, and sharing in the pain and joy of the whole community.

Rabbi Simckes has stood with the Queens Jewish Community during our most important life-cycle moments: births, bar-mitzvahs, weddings, and, of course, deaths as well. Always warm, always accessible, Rabbi Simckes has guided our community as pastor and friend.

Our community has been blessed to have such a devoted and passionate leader. Though Rabbi Simckes will be missed his role as congressional rabbi, his spirit and convictions will remain as a permanent legacy for the community. The importance he placed on learning, and his deep devotion to the Jewish people and their faith, have inspired us all, and we look forward to his continued involvement in our lives.

To Chana Simckes, on behalf of the entire community, I want to thank you for sharing your husband to us so readily and for so long.

Without your love and support neither he, nor we, could have made it so far, and for so long, together.

Mr. Speaker, I ask all my colleagues in the House to join me in recognizing my leader, my pastor, my guide, and my friend, Rabbi Dr. H. Joseph Simckes for his 29 years of service to the Hollis Hills Jewish Center. We send him our very best wishes in his years of well-earned retirement.

RETIREMENT OF JUANITA CONKLING

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. RAHALL. Mr. Speaker, I want to extend my heartfelt thanks and appreciation to Mrs. Juanita Conkling who, for the past 40 years, has served this esteemed body in the offices of the House Sergeant at Arms and the Chief Administrative Officer. In April of this year, Juanita will officially end her tenure working for this body and her contributions will be remembered for many years to come.

Juanita came to the House of Representatives on May 1, 1965, after working 1 year for the Federal Bureau of Investigation. She came to work initially for the House Sergeant at Arms and, most recently, has been the payroll/benefits administrator in the Office of Members' Services.

Much has changed in this body and on Capitol Hill in the 40 years Juanita has been here. Eight different Presidents, from Lyndon B. Johnson to George W. Bush, have given State of the Union addresses before Joint Sessions of Congress. Twenty Congresses have come and gone, along with countless Members and staff. All the while, Juanita has remained consistent, doing her job serving the Members of this body.

Juanita has had the responsibility of ensuring that the Members of Congress were paid on time each month. She has advised Members, new and old, on their ongoing options relative to their compensation and benefits. And she has been a friend to countless Members and their families.

I am proud to call myself a friend of Juanita Conkling. And on the occasion of her retirement after 40 years of service to the U.S. House of Representatives I want to extend my deepest appreciation for her friendship and outstanding contributions to this body. May she have many wonderful and exciting years ahead fulfilling her retirement dreams.

IN TRIBUTE TO LORRAINE CARTER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize a compassionate leader and true visionary from the Fourth Congressional District, Lorraine Carter. For over 35 years, Mrs. Carter has operated the VE Carter Child Development Center, and has served as forceful advocate for low-income children and their families.

Mrs. Carter came to Milwaukee from Nebraska in 1958, and worked as a special-education teacher before starting the VE Carter Child Development Center. Inspired by her own upbringing, she strove to provide a loving, stable and supportive environment for the young children she encountered in Milwaukee. VE Carter Child Development Center, one of the first childcare centers owned and operated by an African-American woman in Milwaukee, has grown into a city institution, with five centers that serve almost 500 children and employ over 150 workers.

Mrs. Carter advocated for quality childcare for low-income children long before its connection to lifelong success was widely acknowledged. Her work with children has taken her deeply into the lives of the families she serves. She has a passion for working with single mothers, helping them develop stable home lives for their children and assisting them in identifying and overcoming obstacles to their own success. In addition to VE Carter Child Development Center, she also operates a social service agency that serves nonviolent offenders—many of them parents—assisting them with finding employment and supporting their families and communities.

Mrs. Carter's leadership extends throughout the State, not only as an accomplished and articulate childcare advocate, but also as an advocate of education more generally. She has served on the board of the Wisconsin Technical College System, working to ensure that education and skills development continue to be accessible to low-income parents, helping them move out of poverty and create a better life for their children.

Mr. Speaker, for all these reasons and many more, I am honored to have this opportunity to pay tribute to Mrs. Carter's numerous and profound contributions to the Fourth Congressional District. I thank her for her love of children, her commitment to their families, and her visionary leadership in Milwaukee.

TRIBUTE TO THE REVEREND JOSE EUGENIO HOYOS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to the Reverend Jose Eugenio Hoyos, a distinguished member of our community who has dedicated his life to serving the less fortunate through his vocation in the Catholic Church.

The Rev. Hoyos began his commitment to exemplary community service over 20 years ago when he was ordained into the priesthood at the Cathedral of St. Pedro in Buga, Colombia. From there he continued his studies at the Catholic Theological Union in Chicago, IL, where he earned his master of divinity.

After completing his studies, he returned to Colombia where he became an associate pastor at the Parish of St. Juan De Avila in Bogotá and taught both philosophy and religion at nearby colleges. He remained in Colombia for several years until he was relocated to Northern Virginia where he is currently serving as director of the Spanish Apostolate for the Diocese of Arlington.

Since arriving in Northern Virginia 16 years ago, Rev. Hoyos has dedicated his life to serving the public community in many different ways. Beginning in 1992, Rev. Hoyos envisioned an organization with the purpose to recruit and organize professionals to assist immigrants as well as the neediest people in the community. He founded Marcelino Pan Y Vino, Inc., a nonprofit organization that has earned worldwide recognition for its work with the National Institutes of Health in assisting those with leukemia, AIDS, cancer, and those in need of an organ transplant. Most recently, his organization raised $25,000 for Katrina disaster relief in the gulf coast.

Rev. Hoyos is the founder of the radio program called "Catholic Newsletter" and the TV show called "Community and Religion Dose" a program of prayer and faith that is aimed at spreading a positive message to alcoholics, gang members, and the troubled youth. He is also a columnist for various local and international papers that reach the Hispanic community.

Not one to forget his roots, Rev. Hoyos founded and is president of Colombia Integra, an organization that gives Colombians, who have fled their native land, the tools needed to become active members of our society.

Over the years, Rev. Hoyos's deeds have not gone unnoticed by the community he cares so deeply about. He has been recognized as "Hispanic Man of the Year" by the staff of "Diario Nacion" a Washington, DC, newspaper. The Alexandria Police Department named him "True Community Hero." He has been selected as "Washingtonian of the Year" by the Washingtonian Magazine. Last, but not least, Rev. Hoyos was granted the honor to carry the Olympic torch from the Atlanta Olympics through the streets of Arlington.

Mr. Speaker, the Reverend Jose Eugenio Hoyos has been responsible for touching thousands of lives over the course of his career. He is truly a beacon of light putting his faith into action. For his dedication, the people of northern Virginia are genuinely grateful.

IN RECOGNITION OF RABBI DAVID WISE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Rabbi David Wise, who in August began his tenure as Rabbi of the Hollis Hills Jewish Center.

A native of Toronto, Ontario, Rabbi Wise grew up as an active member in the educational programs and youth groups of the Conservative movement. He continued his Judaic involvement at the Jewish Theological Seminary in New York, where he received a Masters degree and was ordained a Rabbi. Upon completion of his studies, Rabbi Wise began his rabbinical career at Temple Beth El in Somerset, New Jersey.

Rabbi Wise is tremendously dedicated to his congregation and the surrounding Jewish community. For years, he has worked to help congregants read Torah, haftarah, and to increase their skills as prayer leaders. Rabbi Wise is also active in the synagogue's educational programs, encouraging both children and adults in their exploration of Judaism. With an open door and welcoming smile, Rabbi Wise serves as a friend and mentor to any congregant seeking guidance, as well as those who want to deepen their Jewish learning and commitment.

Rabbi Wise plays many roles in promoting the growth of a strong Jewish community and this involvement has been a staple of his career. During his years in New Jersey, Rabbi Wise taught rabbinic literature in the upper-school of the Solomon Schechter Day School of Raritan Valley. An active Zionist, Rabbi Wise also led the first ever Beth El congregational trip to Israel. As the vice president for special programming of the New Jersey Rabbinical Assembly, Rabbi Wise helped organize a spiritual retreat to the Princeton Theological Seminary after the High Holiday Season. Rabbi Wise was also a member of the steering committee for Jewish LIFE, a cooperative body of synagogues and Jewish institutions striving to bring adult learning to the community.

In addition to promoting Jewish education throughout New Jersey, Rabbi Wise has served on the boards of the Jewish Federation of Greater Middlesex County and Ramah Day Camp of Raritan Valley. Rabbi Wise also offered his services as a chaplain to the Franklin Township Police Department in New Jersey.

On behalf of the entire community, I am delighted to welcome Rabbi Wise, his wife, Judy Krinitz, and their two children, Jordana Nechama and Elijah Mordechai to our part of the Big Apple. We look forward to many years of his spiritual leadership as our pastor and our friend. Together, we will continue our efforts to make the Queens Jewish Community a place that our children and families are proud to call our home.

Mr. Speaker, I ask all my colleagues in the House to join me in welcoming and honoring the new spiritual leader of the Hollis Hills Jewish Center, a man of humor, knowledge, and wisdom, Rabbi David Wise. We send him our very best wishes.

THE TRADE PREFERENCE EXTENSION AND EXPANSION ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. RANGEL. Mr. Speaker, today Representative JEFFERSON, Representative McDERMOTT and I are introducing the Trade Preference Extension and Expansion Act. There are three key aspects to this legislation.

First, the act would extend for 1 year the trade benefits provided to developing countries under the U.S. Generalized System of Preferences ("GSP") and the Andean Trade Preference Act ("ATPA"). Both of these programs currently are scheduled to expire at the end of 2006. Our trade preference programs are critical, not just to workers and businesses in developing countries, but to U.S. workers and businesses. It is important that we extend these programs immediately in order to provide our trading partners, as well as U.S. manufacturers and retailers, the predictability necessary to make business and investment decisions for the future.

I have heard some of my colleagues suggest that we should let these programs lapse in order to pressure our trading partners to agree to the demands of U.S. negotiators in ongoing bilateral and multilateral trade negotiations. I agree with my colleagues that we should be seeking the best deals possible with each of our trading partners. However, I disagree with the notion that the United States should threaten all of our developing country trading partners, many of which are struggling to pull themselves out of poverty, with the elimination of current trade benefits in an ill-considered attempt to strengthen our hand at the negotiating table.

I do not mean to suggest, however, that our current trade preference programs should never be changed to reflect new realities in trade and the rules of the WTO. For that reason, the Trade Preference Extension and Expansion Act calls for only a 1 year extension of GSP and ATPA. It is important to evaluate how well these programs are working for workers and businesses both in the United States and developing countries—and to consider whether changes should be made to improve the programs. In fact, Representative McDERMOTT, Representative JEFFERSON and I sent a letter to Chairman THOMAS today requesting that the Ways and Means Committee hold hearings as soon as possible to consider the future of GSP and ATPA, as well as the African Growth and Opportunity Act ("AGOA"). I believe it is important that the Congress and all interested stakeholders begin to investigate and consider this issue immediately, as it is likely that Congress will make changes to these programs next year in order to implement agreements negotiated as part of the Doha Development Agenda round of World Trade Organization negotiations.

The second key aspect of the Trade Preference Extension and Expansion Act is the extension and expansion of benefits provided to sub-Saharan Africa under AGOA. In the year since the expiration of global textile and apparel quotas, sub-Saharan Africa's exports to the United States of apparel fell by 16 percent, and the sector has lost as many as 100,000 jobs. Further, the textile and apparel industries in sub-Saharan Africa face many challenges beyond the elimination of global quotas, including competition from well-established and sometimes subsidized producers, such as China, and inadequate infrastructure and other supply-side constraints.

In recognition of these challenges, the Trade Preference Extension and Expansion Act would extend until December 2007, the current duty-free benefits provided under AGOA for apparel made in least developed African countries from third country fabric. If this benefit is not extended, it will be reduced in half on October 1 of this year, putting at risk the fledgling apparel industries that have provided vitally needed jobs and economic growth in sub-Saharan Africa.

The Act also would establish a simpler, value-added rule of origin for apparel and extend additional benefits to the textile and agricultural sectors under AGOA. These provisions are intended to enable the textile and apparel industries in sub-Saharan Africa to compete, given the current market reality in the region, which is that African textile mills cannot generally produce fabric in sufficient quantity and variety to meet the needs of African apparel producers or market demand. In addition, these provisions are intended to promote sustainable development in sub-Saharan Africa by promoting the diversification of the economies of countries in the region, particularly in the agricultural sector.

Representative McDERMOTT, Representative JEFFERSON and I have put forward these ideas regarding the expansion of benefits for textile, apparel and agricultural products under AGOA as a way to start a discussion among other Members and stakeholders about the best way to promote sustainable economic growth in sub-Saharan Africa. We recognize that sub-Saharan Africa faces a wide variety of challenges and that there are potentially several different approaches that could be taken to promote the long-term health of the region. We look forward to working with our colleagues, interested parties in the private sector and civil society, and AGOA country governments to gather additional information about the best ways to address the challenges facing sub-Saharan Africa today, and we stand ready to work in Congress to ensure that the United States continues to play a leadership role in promoting economic development in the region.

The third key aspect of the Trade Preferences Extension and Expansion Act is a Sense of the Congress resolution calling on the President to make a determination as soon as possible regarding the extension of AGOA benefits to Liberia. The October 2005 elections in Liberia represented a key step in building peace in Liberia, following nearly two decades of civil war. Further, the election of Ms. Ellen Johnson-Sirleaf as President of Liberia marks an important milestone for Africa, as President Johnson-Sirleaf is the first elected female President in African history. President Johnson-Sirleaf has laid out a multifaceted government agenda emphasizing security, public and private-sector led revitalization, good governance and anti-corruption efforts, regional and international cooperation, and political reconciliation and inclusiveness. President Johnson-Sirleaf also has made the improvement of workers rights a high priority. In light of recent progress in Liberia and need to promote economic growth in the country, I believe it is important that the President extend AGOA benefits to Liberia as soon as possible.

I urge my colleagues to join Representatives McDERMOTT, JEFFERSON and me in supporting the Trade Preference Extension and Expansion Act.

THE COALITION FOR INTERNATIONAL JUSTICE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. SMITH of New Jersey. Mr. Speaker, it has come to my attention that a Washington-based non-governmental organization—the Coalition for International Justice—will close its offices this week after 10 years of service to the cause of justice around the world.

Serving as Chairman and Co-Chairman of the Helsinki Commission for that same period of time, I have worked closely with the Coalition and seen the effect of its work. Ten years ago, the conflict in Bosnia and Herzegovina was a priority in U.S. foreign policy, a conflict in which numerous war crimes, crimes against humanity and genocide were committed. Many of us fought for the inclusion of basic justice as an element in our country's policy response, and an international tribunal was fortunately created for that purpose. At the time, however, support was lukewarm at best; many saw efforts to apprehend and bring to justice those responsible for heinous crimes as too far-reaching, perhaps unachievable, and potentially detrimental to efforts to end the conflict through diplomacy.

The Coalition for International Justice was a tireless advocate of another view, one that saw no true peace, nor the resulting long-term stability, in Bosnia or anywhere else, without appropriate consideration of justice. Time has since shown how correct that view has been. Bosnia and Herzegovina has come a long way since the mid-1990s, in large part because those responsible for war crimes, crimes against humanity and genocide were instead removed from positions of authority and made accountable at the tribunal located in The Hague. Many of those people might still be at large had the Coalition, among others, not advocated a tough policy toward those powers who were harboring and protecting them. Many of us can remember the State Department's hesitancy, let alone that of many European foreign ministries, to these tough measures. Today, however, the United States maintains an effective conditionality on assistance to Serbia and, along with the European Union, on Serbia's integration efforts due to the particular failure to transfer Ratko Mladic to The Hague. Similar linkages apply to another at-large indictee, Radovan Karadzic.

Representatives of the Coalition for International Justice participated in numerous briefings and hearings of the Helsinki Commission on this subject, and were always available to provide useful information when justice in the Balkans became part of our policy debates.

The Coalition similarly assisted the international criminal tribunal established for Rwanda in its efforts to be fair, responsible and effective in the provision of justice. Its mandate later expanded to help the investigation and prosecutions process in East Timor, to establish a tribunal for Khmer Rouge crimes in Cambodia, and to create a Special Court for Sierra Leone. It helped track the finance of such notorious figures as Charles Taylor, Saddam Hussein and the Khartoum elites, in addition to Slobodan Milosevic and Radovan Karadzic. Most recently, the Coalition has been part of the international effort not just to hold those responsible for the genocide in Darfur accountable from the crimes already committed but to protect the civilian population there from continuing to be victimized.

Mr. Speaker, I have appreciated the work of the Coalition for International Justice as a resource of accurate information, and as an advocate to a reasonable, practical approach to the sometimes controversial subject of international justice. While its board and staff may have concluded that the Coalition has largely accomplished the tasks it was created to address, they know, as do we, that horrible crimes continue to be committed against innocent people in conflicts around the world. I am confident that the dedicated individuals who made the Coalition such a success will continue, through other organizations and offices, in the struggle for international justice.

A TRIBUTE TO THE HEIGHTS PLAYERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a talented and distinguished community theater group, the Heights Players, as they embark upon their 50th anniversary. It is an honor to represent the Heights Players in the House of Representatives and it behooves us to pay tribute to such an outstanding community organization that has brought the art of performance to adults and children throughout Brooklyn.

Mr. Speaker, the Heights Players were founded in 1956 by a small collection of theatre-lovers and successfully produced their first production, Hasty Heart, in February of 1957. The Heights Players eventually established themselves as a nonprofit educational corporation of New York, offering a workshop program and expanding the group to extend opportunities to new performers and directors.

For the past 50 years, the Heights Players have continued to assume an active role in the community by presenting performances for homeless groups, senior citizens and hospital-bound children. In 1962, the Heights Players moved to their current location at the historic 26 Willow Place in the basement of the Alfred T. White Community Center. The Heights Players, under their Board of Directors, continuously seek to enhance the quality of their performances, facilities, and organization.

The Heights Players now enjoy a large membership of 200 subscribers and a group mailing list of 2,500 supporters, including those from the Brooklyn Heights Community along with the tri-state area. The Heights Players also continue to provide special Theater for Children performances, traveling entertainment to Brooklyn hospitals, nursing homes, and Hale House in Manhattan, and special performances to nearly 1,000 homeless New Yorkers annually. They have been awarded for their ongoing laudable community efforts by Brooklyn Borough President Abe Stark, the Brooklyn Heights Association, the City Council, and Borough President Howard Golden, who designated April 4, 1987, as "Heights Players Day."

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and committed service of the Heights Players as they continue to offer their artistic talents and performances for the benefit of the community.

Mr. Speaker, may our country continue to benefit from the actions of altruistic community leaders such as the Heights Players.

AFRICA'S LEADING LADY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend Ellen Johnson-Sirleaf, the first elected female president of Liberia, for her straightforward opinion that addresses jurisdictional control for prosecutorial legal action against Charles Taylor, the accused butcher and mutilator of thousands of Africans during one of the deadliest and bloodiest regimes of modern day Liberia and four other African states.

I enter into the RECORD an article from the New York Daily News entitled "Africa's Leading Lady" which reveals that African women are coming to the fore, trying to right all of the wrongs put and held in place by a succession of brutal and corrupt African men. Emphasis is placed on the atrocities carried out by Taylor and his followers and mentions how Taylor's greed has "casually" reduced Liberia to a pauper state.

I personally believe that Ellen Johnson-Sirleaf, also known as the "Iron Lady" for her determination and tenacity, is the very best person to lead Liberia from its dark, tormented past into a bright and productive future.

[From the New York Daily News, Mar. 30, 2006]

AFRICA'S LEADING LADY: PRESIDENT'S GUTSY MOVE VS. WARLORD TEACHES VALUABLE LESSON

(By Stanley Crouch)

When Charles Taylor, the ex-Liberian thug president, was arrested in Nigeria trying to escape the clutches of international law, he was in a car with 110-pound bags of embezzled money. Well, he was not traveling light.

Taylor had risen to power after seven years of civil war, had won an election with 75% of the vote and had casually reduced his country to a pauper state. He is accused of starting conflicts in four other African states and encouraging the chopping off of hands, feet, lips and noses in Sierra Leone so that the terrified population would not hinder the sale of stolen diamonds.

Taylor is one of those African butchers who could have modeled himself on King Leopold II, the 19th-century Belgian king. Leopold's colonial policies in the Congo resulted in countless slaughters and many mutilations in the interest of producing a profitable rubber crop.

Leopold became a pariah among European courts, but naturally black-faced variations in Africa have wielded iron-fisted power without compunction, worrying only about being overthrown by some ambitious fellow monster in the military. If given the time, these monsters have fled to another African country, or to the Arab states, or even to the French Riviera, where they have been able to cool out and impress everyone with their pilfered riches.

As the Taylor case has proven, that trend in African politics may be coming to a screeching halt. Ellen Johnson-Sirleaf, the first elected female president in all of Africa, had requested that Nigeria hand over Taylor to the authorities in Sierra Leone, where he would have to face charges of individual butchery, mutilation and crimes against humanity.

African women are coming to the fore, trying to right all of the wrongs put and held in place by a succession of brutal and corrupt African men. African justice has been as porous as Swiss cheese for more than 40 years and the African people have suffered enormously while black Americans in or out of elected office, in or out of the civil rights establishment, have either ignored the horrors wrought upon the people or have figured out ways to blame it all on others.

The women of Africa are more interested in dealing with the facts than maintaining a cosmetic front of innocence. In a number of places across Africa, we see women rooting out corruption and conceiving laws that will bring them closer to a standard of human equality.

Interestingly, Oprah Winfrey, who keeps turning up, has been a model. Winfrey has inspired African women to rebel against rape and kidnap, to defy misogynistic laws and to face up to the ravages of AIDS.

It is both sobering and exciting to realize that American women, having been taught much by the civil rights movement, can inspire African women by example, and that elected or appointed African officials can lead the way through the ingrained ignorance, poverty and disease that block human fulfillment. Such human force explains the mystery of African optimism.

REMEMBERING HARRY PARRISH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. WOLF. Mr. Speaker, it is an honor for me to remember Mr. Harry Parrish, member of the Virginia General Assembly and decorated World War II pilot from Manassas, VA, who passed away on March 28 at the age of 84.

Harry Parrish served over 50 years in elected office, including 13 terms in the House of Delegates and chairman of the Finance Committee since 2000, Manassas council member, and mayor. At the time of his passing, he was the oldest serving member of the House of Delegates. During his 12 years as town councilman and 18 years as mayor, Harry helped guide the transformation of Manassas from a small Virginia town to a thriving, lively suburb. As a member of the House of Delegates, he was known for conducting himself in a bipartisan manner, putting Virginia first. I was proud to call Harry my friend. He was a true Virginia gentleman.

Harry was also a decorated World War II pilot. As part of the British Royal Air Force he flew C–47s over the Himalayas delivering supplies, weapons and other cargo, from India to China. He received the Distinguished Flying Cross and the Air Medal for his valiant efforts. He served as a reservist in the Korean and Vietnam wars before retiring as a colonel.

I insert for the RECORD the Potomac News obituary from March 28. A northern Virginia native, Harry will be deeply missed by the people of Manassas, and at home by his family and wife, Mattie, of 62 years.

[From the Potomac News, Mar. 28, 2006]

HARRY PARRISH DIES AT 84

(By Bob Lewis)

RICHMOND, VA—Harry Parrish, who defied death as a decorated World War II pilot and headed the state's most powerful tax-writing panel in the General Assembly, died Tuesday. He was 84.

Parrish had been in intensive care at Prince William Hospital for about three weeks, suffering from pneumonia. His death was announced by Sen. John Chichester during a meeting of the Senate Finance Committee on Capitol Square.

Parrish had been in declining health for at least two years but continued a full legislative schedule, including acting as chairman of the House Finance Committee, one of the most powerful leadership positions in the General Assembly.

Last year, Parrish warded off a Republican primary challenge for his House seat—payback from his party's own conservative wing for defying its anti-tax orthodoxy during the 2004 tax battle.

Parrish, the House of Delegates' oldest member, was in his 13th term from Manassas.

He was born Feb. 19, 1922, in Fairfax County and moved as a child with his family to Manassas, then a small, rural town. He graduated from Osbourn High School in 1940 and later from Virginia Tech.

He joined the Army Air Force in 1942 and began pilot training in Alabama, but was assigned to the British Royal Air Force, where he completed his training.

He was part of an allied mission to fly lumbering transport planes laden with heavy supplies, weapons and ammunition from India into China over the world's highest mountain range, the Himalayas.

The C-47s like the one Parrish flew took off from crude, sometimes muddy airfields in the Indian jungles and struggled to heft their cargo over icy peaks that doomed many flights. Because Japan controlled land routes through Burma, the airlifts over what pilots called "the Hump" were the only way to supply the legendary Flying Tigers, which bombed Japan from bases in China.

Parrish received the Distinguished Flying Cross and the Air Medal with two oak leaf clusters. He left active duty in 1946 but flew as an Air Force reservist in wars with Korea and Vietnam before retiring as a colonel and command pilot.

In 2002, as one of few remaining World War II veterans in the General Assembly, Parrish helped secure Virginia's $334,000 contribution to the National World War II Memorial in Washington, D.C.

"I kind of regret us being the last state, but I'm glad we finally came around," Parrish said in an interview, pained that Virginia was the last state to contribute to the memorial.

Parrish was elected to the House in 1981 as part of an insignificant Republican minority. Before that, he served for 12 years on the Manassas Town Council and for 18 years as mayor. During his mayoral term, Manassas transformed from a town into a thriving, affluent city.

Through a total of 53 years in elected office, Parrish won abiding respect as a listener and problem solver from Republicans and Democrats. In 2000, when the GOP ended a century of Democratic dominance in the House, Parrish became co-chairman and later chairman of the Finance Committee, where his evenhandedness endeared him delegates and senators of both parties.

"He's my best friend," Democratic Sen. Charles J. Colgan of Prince William said in a 2004 interview. "He and I are the only Democrat and Republican in the General Assembly ever known to have held a fund raiser together."

Parrish was willing to exert his independence at times, even at the risk of his own party's wrath and his prized House leadership post.

By two votes, Parrish's committee in 2004 advanced a bill to increase taxes by about $1.4 billion. When the bill came before the full House for a decisive vote that April, Parrish was among 17 Republicans who sided with House Democrats to pass it. The vote was critical to ending a 115-day session that divided GOP legislators.

In addition to his public duties, Parrish also is chairman of the board of his family's business, the Manassas Ice and Fuel Co.

IN HONOR AND MEMORY OF PRIVATE FIRST CLASS AMY DUERKSEN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to mourn the loss and honor the life of PFC Amy Duerksen, who died the 11th day of March 2006 in support of Operation Iraqi Freedom.

Private Duerksen was no stranger to the United States Armed Forces. She was third-generation military. Her father is MAJ Douglas W. Duerksen, an Army chaplain at Aberdeen Proving Ground in Aberdeen, MD. Her grandfather, Wayne Duerksen, is a veteran of the Navy, having served in World War II. And her sister, April Duerksen, is also a member of the Army, stationed at Fort Sam Houston, Texas.

In April of last year, Amy joined the Fourth Combat Support Battalion, First Brigade, Fourth Infantry Division, based at Fort Hood, TX. Her unit was deployed on Christmas Day. On the eighth day of March 2006, Private Duerksen suffered injuries in a noncombat-related incident, and she was not able to recover from those injuries.

She is remembered as a dedicated soldier who greatly loved her country and faithfully served her fellow Americans by fighting for this great nation. Private Duerksen was full of passion and life. She possessed a strong faith and willingly shared that with others.

Private Duerksen risked her life to serve our country. She deserves our unending admiration and appreciation. Mr. Speaker, I ask that you join with me in honoring the life of PFC Amy Duerksen. She was a remarkable soldier and patriot.

A TRIBUTE TO MICHAEL J. CHAMBERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Michael J. Chambers, and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the Brooklyn community.

Mr. Chambers joined the North Brooklyn Health Network in November 1998. As the senior associate executive director for the Department of Psychiatry, he is responsible for the operation of an extensive network of emergency, inpatient, and outpatient services to the residents of Bushwick, Bedford Stuyvesant, Fort Green, Williamsburg, and Greenpoint.

Prior to his service at the North Brooklyn Health Network, Mr. Chambers was the Administrator of the Department of Psychiatry at Jamaica Hospital Medical Center in Queens. He was also instrumental in the development of its new Department of Psychiatry. Before pursuing a career in hospital administration, Mr. Chambers had a distinguished 14-year career with the New York State Office of Mental Health, New York City Regional Office, where he served as director of certification for New York City. He is an associate in the American College of Healthcare Executives and is president and CEO of Integrated Behavioral Systems, Inc., a behavioral healthcare consulting firm.

Additionally, Mr. Chambers is an adjunct faculty member of the Department of Human Services at Touro College and earned his bachelor of arts degree in psychology from the State University of New York at Albany and his masters of public administration degree from the Baruch College School of Business and Public Affairs. He is active in community affairs, particularly the Ancient Order of Hibernians in Babylon, NY.

Mr. Chambers lives on Long Island with his wife of 22 years, Peggy, and their four daughters Keri, Christine, Kimberly, and Meaghan. The Chambers family spent this past Thanksgiving at the Circle of Life Ministries in Copiague, NY, cooking and serving dinner to 600 individuals who would otherwise have had no place to celebrate the holiday.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Michael J. Chambers, as he offers his talents for the betterment of our local communities.

VICE PRESIDENT CHENEY: AGAIN, RESIGN FOR THE SAKE OF YOUR COUNTRY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. RANGEL. Mr. Speaker, I rise to introduce into the record an opinion piece by Eugene Robinson in the March 21, 2006, edition of The Washington Post entitled "The Planet of Unreality." Mr. Robinson opens his article by the statement: "This is not good." He is referring to the absolute detachment from reality evidenced by Vice President CHENEY most recently on the Sunday March 19, 2006, program "Face the Nation."

On "Face the Nation" Vice President CHENEY made the jaw-dropping statement that his earlier predictions about the war in Iraq including his infamous pre-invasion prediction that U.S. troops would be "greeted as liberators" and his more recent "the insurgency is in its last throes" were "basically accurate and reflect reality."

Let me second Mr. Robinson's statement: "This is not good." I can find nothing good about the lies, the deliberate effort made by the Vice President to connect the 9/11 attack to the war in Iraq, and the continued rosy pictures of the Iraq War the Vice President continues to make; statements that are unconnected to facts in any way. "This is not good."

The Vice President is either deliberately restating his opinions long-ago proved to be lies, or perhaps more frightening, he is now entirely in the grip of pathological self-delusion.

I believe the Vice President is continuing his lies and deceit with no care as to whether what he says is true, harmful to our country or deepens even more the profound distrust of the Bush Administration the American people have expressed. The Vice President hurts Americans in a variety of ways. This country, this shining democracy is being hurt, possibly, permanently, by just being the second in command and unaccountable to anyone in an unprecedented way. The fact that President George Bush does not fire him, hold him accountable, or contradict his false statements, creates the assumption on the part of the rest of the world that the U.S. is a rogue state with a Cheney-Bush regime bent on imposing its un-American policies of pre-emptive war, torture of prisoners, disregard of its Constitution and the will of its people. The statements and conduct of Vice President DICK CHENEY which can only be characterized as secretive, un-American and unconstitutional create the impression that the American people no longer care about their democracy. His conduct creates the impression that America is a dictatorship, or worse becoming a fascist state. The Vice President's intentional disregard of the Constitution, the Congress and the people of this great country sets the worst standard of conduct for the fledgling democracies the President states we must bring to every country in the world.

Mr. CHENEY's statements so contrary to the facts are far worse than merely confusing and dizzifying; they are damaging and unmindful of the best interests of this country. Mr. CHENEY's reckless disregard for the truth is undermining the already low credibility and esteem in which our government is now held. When the Vice President undermines the credibility of our government he is also violating the Constitution of the United States which he is sworn to uphold.

It is no small thing for the Vice President of the United States to have the inglorious reputation of being the power behind the President's war conduct and treatment of prisoners, but to also be recognized as the American official who has most steadfastly insisted, contrary to the truth, that we went to war in Iraq because the attack of September 11, 2001 was carried out by terrorists trained, encouraged or given haven by Saddam Hussein.

I find the Vice President a source of deep embarrassment because of his persistent efforts on behalf of his agenda, his devotion to "the ends justify the means" mentality and his lack of acknowledgement of the deaths of 2,300 Americans, the wounding and maiming of 17,000 more and the tens of thousands of deaths and maiming of innocent Iraqi civilians.

It is clear to me that the Vice President should be removed from office if he does not have sufficient patriotism and good grace to resign for the good of the country. He is engaged in "business as usual" with no concern for how this "business" affects his country or the world.

[From the Washington Post, Mar. 21, 2006]

THE PLANET OF UNREALITY

(By Eugene Robinson)

This is not good. The people running this country sound convinced that reality is whatever they say it is. And if they've actually strayed into the realm of genuine self-delusion—if they actually believe the fantasies they're spinning about the bloody mess they've made in Iraq over the past three years—then things are even worse than I thought.

Here is reality: The Bush administration's handpicked interim Iraqi prime minister, Ayad Allawi, told the BBC on Sunday, "We are losing each day an average of 50 to 60 people throughout the country, if not more. If this is not civil war, then God knows what civil war is. Iraq is in the middle of a crisis. Maybe we have not reached the point of no return yet, but we are moving towards this point. . . . We are in a terrible civil conflict now."

Here is self-delusion: Dick Cheney went on "Face the Nation" a few hours later and said he disagreed with Allawi—who, by the way, is a tad closer to the action than the quail-hunting veep. There's no civil war, Cheney insisted. Move along, nothing to see here, pay no attention to those suicide bombings and death-squad murders. As an aside, Cheney insisted that his earlier forays into the Twilight Zone—U.S. troops would be greeted as liberators, the insurgency is in its "last throes"—were "basically accurate and reflect reality."

Maybe on his home planet.

Donald Rumsfeld, meanwhile, was busy on The Post's op-ed page, abusing history. Leaving Iraq now, he wrote, "would be the modern equivalent of handing postwar Germany back to the Nazis." The bizarre analogy was immediately disputed by foreign policy sages Henry Kissinger (who noted that there was "no significant resistance movement" in Germany after World War II) and Zbigniew Brzezinski (who just called the comparison "absolutely crazy").

George W. Bush, who speaks as if he has ascended to an even higher plane of unreality, marked the third anniversary of the invasion Sunday by touting a "strategy that will lead to victory in Iraq." I know that "victory" is a word that focus groups love, but did anyone else hear an echo of Richard Nixon's "secret plan" to end the war in Vietnam? Does anyone else remember that there was no "secret plan"?

It's reprehensible when our highest elected officials act cynically, as I believe this administration has done—Bush, Cheney, Rumsfeld and the rest knew the evidence for weapons of mass destruction in Iraq was less than conclusive, but they hyped it anyway to build support for an invasion they were determined to launch. It's dangerous when our leaders act cluelessly, and the Bush White House has done plenty of that as well—experts who called for a much bigger invasion force were silenced and shoved aside, assurances that Iraqi oil revenue would defray U.S. costs turned out to be a sick joke, and there was no effective plan to get the electricity turned on, much less deal with thousands of insurgents.

But cynicism and cluelessness are one thing. Actually being divorced from reality is another. Do Bush et al. really see only the democratic process they have installed in Iraq and not the bitter sectarian conflict that process has been unable to quell? Do they realize that whatever happens, there's not going to be a neat package, tied up with a bow, labeled "victory"—certainly in the 34 months (but who's counting?) that the Bush administration has left in office?

Rumsfeld, I think, gets it. "History is a bigger picture, and it takes some time and perspective to measure accurately," he wrote in his op-ed piece, the whole tone of which reminded me of Fidel Castro's famous declaration as he was being jailed after his first, failed attempt at revolution: "History will absolve me." Condoleezza Rice seems to get it, too, telling Australians the other day that "beyond my lifetime" people would appreciate what the administration had done for the Middle East.

But what about the two men at the top?

Cheney lamented this weekend that "what's newsworthy is the car bomb in Baghdad," and "not all the work that went on that day in 15 other provinces in terms of making progress towards rebuilding Iraq." Yesterday Bush recounted a successful anti-insurgent operation in one town, calling it a good-news story that people wouldn't see in their newspapers or on their television screens.

Fine, blaming the media is a time-honored tactic. I just hope they're being cynical about it. I hope they don't really believe the nonsense they're trying to sell.

CHARLES TAYLOR WILL NOW BE HELD ACCOUNTABLE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. WOLF. Mr. Speaker, yesterday was a great day for peace and justice in West Africa. Former president of Liberia, Charles Taylor, was arrested and sent to face trial at the Special Court for Sierra Leone. Charles Taylor will face 17 counts of war crimes, crimes against humanity, and violations of international humanitarian law for crimes committed against the people of Liberia and Sierra Leone. Charles Taylor committed horrific crimes during his presidency and his arrest will no doubt send shockwaves through Africa and a strong message that tyranny will not be accepted by the people and that you cannot escape justice.

I would like to commend Liberian President Ellen Johnson-Sirleaf for her courage in calling on Nigeria to hand over Charles Taylor. She did this with no small risk to herself and her fragile country. It is my hope that the international community will come to Liberia's aid and help her as she rebuilds her war torn country.

This is a new dawn for West Africa. The United States and the international community stand with the people of Liberia and Sierra Leone and honor them for their courage to seek justice.

A TRIBUTE TO MR. ELLIS A. MERCER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mr. Ellis A. Mercer and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the Brooklyn community.

Ellis A. Mercer was born on March 8, 1960 in Brooklyn, New York. He is the son of Mr. Mercer and Mamie Mercer, and the oldest sibling of Eva Maria Mercer-Andrews.

He received his education in the New York City public schools, graduating from Brooklyn Technical High School with a Regents Diploma in Mathematics and Electronics. Mr. Mercer then attended Johnson & Wales University in Providence, R.I., where he received an A.S. degree in Data Processing, A.S. degree in Accounting, and a B.S. degree in Computer Systems Management.

After receiving his A.S. degree in Data Processing, Mr. Mercer was hired as the University's Assistant Athletic Director. As the Assistant Athletic Director, he managed the University's Sports Complex and oversaw the University's Intramural Sports Program in which over 1,500 students participated. This is where his passion for youth involvement in education and sports began. In 1990 he returned to New York and was hired as the City of New York Parks & Recreation's Brooklyn Sports Coordinator, where he coordinated and supervised various citywide programs, including Reebok's Coup de Hoop and the Junior Knicks Basketball clinics and tournaments. Mr. Mercer volunteered to recruit and coach the New York's National Youth Game Volleyball Team in Atlanta, GA. He implemented and supervised the Pro-Am NAACP's (3 on 3) and Midnight Basketball tournaments in Brooklyn. He also umpired softball games for the New York City Housing Authority. At the Brownsville Recreation Center he was employed as the After-school Director. After only three years as director, his program was recommended for use as the model program for all City of New York Parks & Recreation After-school programs. Mr. Mercer's program included extensive homework: help and tutoring that helped students sustain the academic standards set by the Board of Education. He also conducted workshops for SAT and ACT testing. He promoted local and overnight college and university tours, including tours to Howard University and Johnson & Wales University. Mr. Mercer also conducted free workshops for over 500 adult participants seeking postal employment.

Mr. Mercer is now a manager at the Jackie Robinson Recreation Center located in Harlem, New York. He also served as Chairman of the DC37, Local 299–2005 election committee.

As Worshipful Master of African 459 Lodge #63 for the past 2 years, Mr. Mercer continues to see that his lodge serves its community by sending 5 children to Camp Eureka in Upstate N.Y., issuing 3 scholarships to students enrolling in, or attending college, and continuing the lodge's annual feeding program and Christmas toy drive.

Mr. Mercer is a deacon at The Friendship Baptist Church. He also serves as the President of the Brotherhood Men's Committee at Friendship.

Mr. Mercer is married to Sandra Elaine Gibson-Mercer and they are the proud parents of one daughter, Britney Elise Mercer.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Ellis A. Mercer, as he offers his talents for the betterment of our local and national communities.

TRIBUTE TO THE U.S. OLYMPIC CURLING TEAM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. OBERSTAR. Mr. Speaker, I rise today to commend the U.S. Olympic Curling Team for its outstanding success at the XX Winter Olympic Games in Turin, Italy.

By defeating Great Britain 8–6, the men's team, which consists of Shawn Rojeski and John Shuster of Chisholm, Minnesota, Joe Polo of Cass Lake, as well as fellow Minnesotans Pete Fenson, Scott Baird and Coach Bob Fenson, won the first Olympic medal of any kind for a curling team from the United States.

The women's team members, Courtney George of Duluth, along with Cassie Johnson, Jamie Johnson, Jessica Schultz, Maureen Brunt, and Coach Neil Doese, also demonstrated great skill, determination and mental toughness during the competition in Turin.

Scottish immigrants introduced the sport of curling in North America, first to Canada in 1759 and then to America around 1832. Today, there are approximately 16,000 curlers who belong to 135 clubs in 32 states. Curling debuted as a medal sport at the 1998 Winter Olympics in Nagano, Japan. I know that the pursuit of excellence demonstrated by Team USA at the 2006 Olympic Games will inspire many people across the country to take up the sport.

Through hard work and outstanding dedication, the team succeeded on the sports world's most prestigious stage. Above all, the sportsmanship the team members demonstrated during the competition embraced the true Olympic spirit.

The curling team's bronze medal victory was truly a golden moment for the State of Minnesota and the entire nation. I know my colleagues in the House of Representatives join me in congratulating the U.S. Curling Team and in wishing them continued success.

COMMEMORATING WOMEN'S HISTORY MONTH

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to commemorate Women's History Month.

Since 1987, the month of March has been designated to give special prominence to the women who have made lasting contributions to our society.

Over the last two centuries, the achievements made by women have been nothing short of phenomenal.

During this month, we have an opportunity to recognize Rosa Parks for revolutionizing a successful movement that forced racial integration in America through her refusal to give up her seat to a white man on a public bus.

Additionally, we must acknowledge Coretta Scott King, the first Lady of the Civil Rights movement and widower of the incomparable Rev. Dr. Martin Luther King Jr., who transformed her grief into an aspiration to eradicate social injustice and achieve equality for all.

We must also remember Hattie McDaniel, whose dynamic career as an acclaimed singer and actress on film, television, and radio led her to become the first African-American to win the Best Supporting Actress Academy Award in 1940. This great achievement also resulted in her becoming the 29th image to appear on the Black Heritage commemorative stamp series in January 2006.

Mr. Speaker, what makes these icons so extraordinary is that many of their actions, and sacrifices have not only added to the richness and depth of American history, but made the present better for the world.

Yet, even as we remember the famous women who have made history by traveling in space, like Mae Jemison and Sally K. Ride, or curing disease, like Marie Curie and Mary Eliza Mahoney or leading revolutions like Sojourner Truth or Alice Paul, we should also be mindful of those who have devoted their lives to the people of their communities, never seeking the spotlight of history.

Maryland Delegate Lena K. Lee, a master legislator, teacher, union leader, and a lawyer blazed a trail of distinguished public service and is one such extraordinary woman.

In 1967, Delegate Lena K. Lee began a 15-year term as the first African American female lawyer in the Maryland House of Delegates. During her tenure, she dedicated her energy and talents towards eradicating social inequalities and advocating for women's rights. Her life exemplified excellence and I am proud to say that The Lena K. Lee Post Office bill was signed into law on March 20, 2006 and a postal office in my district has officially been renamed after her.

In addition, several days ago, when I learned that Weptanomah Carter, the daughter, wife and mother of prominent ministers from my district, had died, I was reminded, once again, of just how much one determined woman can accomplish.

The spotlight of public acclaim did not fall upon Weptanomah Carter, but her achievements—as teacher, theologian, author and community-builder will forever forge a place in our hearts.

Throughout her marriage to Dr. Harold A. Carter, Sr., a friend and teacher of mine, the Carters worked together, and became a powerful team. In 1965, they brought an uplifting Gospel to the people of Baltimore—a message both spiritual and social that spoke to the hearts of people in our community.

Under their care, New Shiloh Baptist Church would grow into the 5,000-member choir for God that it has become today—a House of God that also is a social powerhouse for the betterment of its community.

Trained as an educator, she was also the driving force that created the Carter Children's Center. There, young people born into a neighborhood that others too often overlook, could receive food and clothing for their bodies, tutoring for their minds and a kind word that would uplift their souls. This manifestation of Mrs. Carter's love for the children in my District was her most compelling testament.

The church was at the center of Weptanomah Carter's life and she valued the importance of rebuilding individuals—one soul at a time. Yet, through four decades of service to the congregation and community she loved alongside her husband, she never ceased being her own woman.

This, I think, is why she and all of the other historic women are such compelling role models for the young women of today. Their lives teach all of us an important lesson—that we can achieve heights well beyond our initial expectations when we have the courage and determination to follow our true calling in life.

This is how—through service to others—that these inspiring women earned their own, honored place in history.

For their calling became a chronicle of devotion—to God, to their families and to America. I thank them and all of America's women, especially my dear Mother, who are the backbone of our nation and create their own untold histories every day.

A TRIBUTE TO CHERICE YVONNE JAMES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Cherice Yvonne James and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the community.

Cherice Yvonne James was born in Jamaica, Queens, NY and was very active as a youth. She attended Gloria Jackson's School of Dance from age 5 to 18 studying ballet, jazz, African and tap. She was a girl scout and a member of her school's volleyball and basketball teams. At the age of 9, Cherice joined the Prince Hall Shriner's, Abu-Bekr Court #74 Isiserettes Drill Team, where she rose up the ranks to eventually become team captain. She also represented Abu-Bekr Temple and Court by winning their "Miss AbuBekr" Talent and Scholarship pageant.

Cherice is a graduate of Jamaica High School's Gateway to Higher Learning Honors program. During high school, she received numerous awards including being named in the National Dean's List and being a winner of the NYC Board of Education's Queens boroughwide High School Desktop Publishing Contest. New Jerusalem Baptist of Jamaica, NY, recognized her during their graduates' banquet.

Cherice decided to pursue a career in hospitality and continued her education in Washington, DC at Howard University. During her college career, she was selected for the ultimate hospitality internship . . . Disney, where she spent a summer working and learning in Anaheim, CA. She received a Bachelor of Business Administration/Hospitality Management degree. After graduation, Cherice was chosen as a manager-in-training for the Grand Hyatt Washington, which led to her becoming a food and beverage manager.

She later joined the New York Marriott Marquis, Marriott's 2000 room, flagship hotel in Times Square. For the past eight years, Cherice has held various management positions in the company including the housekeeping and catering sales departments. Just this past September, she was promoted to Director of Services, at the newly constructed, Upper Eastside Courtyard by Marriott.

In her spare time, Cherice enjoys traveling, reading, television and real estate. She currently owns two properties and has aspirations of obtaining many more. She also enjoys talking to others about the possibilities and joys of home ownership. Cherice eventually plans to enjoy an early retirement due to real estate investment. She has volunteered for Habitat for Humanity, Aids Walk, NY Cares and coordinated clothing drives at work.

Cherice is thankful for the support of her family and friends, especially her mother, Phyllis Johnson, who has always supported her in all her endeavors.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Cherice Yvonne James as she offers her talents for the betterment of our local and national communities.

THE COALITION FOR INTERNATIONAL JUSTICE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. CARDIN. Mr. Speaker, I want to pay tribute to the fine, effective work of the Coalition for International Justice as that organization closes its offices this Friday.

Ten years ago, the world allowed genocide to occur in Bosnia and Herzegovina. Shocked by this fact, as well as the associated war crimes and crimes against humanity, many Americans both within government and among the public decided to take action. As scenes of the destruction were broadcast to homes across this country, support grew for holding those responsible for the senseless killing accountable. Some dedicated experts in the field of international justice formed the Coalition, often known as "CIJ", to help guide the development of the international tribunal established for that purpose.

While justice remains elusive, not just in the Balkans but elsewhere, the Coalition has been an indispensable part of the progress achieved in the last decade to hold more people accountable for horrible crimes, in Europe, Africa and elsewhere around the globe. The Coalition, in fact, argues not only for responding to crimes already committed but taking necessary actions to stop ongoing atrocities and to prevent future war crimes. This presents a challenge to the international community and its natural tendency to avoid taking bold and decisive action, and reflects the lessons learned from Rwanda that the international community cannot stand by as genocide occurs. I am extremely pleased that CIJ has taken a leadership role in galvanizing the international community to respond to the ongoing genocide in the Darfur region of Sudan.

As the Ranking member of the Helsinki Commission, most of my work with the Coalition for International Justice has been related to what is unfortunately the still unresolved issue of obtaining Serbia's full cooperation with the International Criminal tribunal for the former Yugoslavia (ICTY), located in The Hague. Despite the democratic ouster of Slobodan Milosevic in late 2000 and his transfer to The Hague in 2001, Belgrade's cooperation with the tribunal has not been good. Despite Serbia's own need to break with a horrible past, and despite the obvious need for surviving victims and families to have some closure, Serbian officials have largely responded only when pressure is applied. Ratko Mladic and Radovan Karadzic, perhaps the two people most directly responsible for the slaughter of thousands of innocent people in Bosnia and Herzegovina, remain at large. It has been clear for some time that Mr. Mladic has been protected by the military. Serbia's future integration in Europe is placed at risk by this irresponsible behavior.

The Coalition for International Justice has been indispensable in tracking the developments of the tribunal, as well as following reports of where at-large indictees may be, as well as what access prosecutors have had to evidence and witnesses. The Coalition also has done excellent work in analyzing the work of the tribunal itself. This has been important. International justice is a relatively new phenomenon, and things have not always developed smoothly. The Coalition has not been an apologist for ICTY or the other war crimes tribunals, and has brought attention to areas where improvement was needed. The Coalition should take great satisfaction that today, 10 years after genocide in Bosnia and Herzegovina, the war crimes chamber of Bosnia's court system now has the ability to handle the emotional and controversial cases from that dark time.

The staff of the Coalition for International Justice has always been outstanding, and has provided critical assistance to myself, my personal staff, and the Helsinki Commission staff that work on these issues. CIJ staff have been more than willing and able to help those of us in Congress who have worked to ensure common concerns about international justice are appropriately reflected in U.S. foreign policy. Board members Mark Ellis, John Heffernan and Jim Hooper were involved from the earliest days, when few were certain justice would even be considered in diplomatic efforts to bring peace and stability to the Balkans. Staff past and present, including Edgar Chen, Stefanie Frease and Eric Witte, provided expertise not only on the work of the tribunals but also on the countries and conflicts the tribunals were created to address. I want to highlight in particular Nina Bang-Jessen, CIJ's Executive Director, who so effectively combined expertise and advocacy. She oversaw the Coalition as it broadened its focus to include not only the former Yugoslavia but Rwanda, Cambodia, Sierra Leone and today, Darfur.

Ongoing humanitarian catastrophes, Mr. Speaker, may frustrate us, but those who have worked at the Coalition for International Justice can take satisfaction knowing they did something about it and advanced the cause of international justice beyond where it otherwise would be. They have saved lives and brought war criminals to justice, and played a role in preventing future crimes against humanity. For that, we owe them our thanks and best wishes.

VA EXPERIENCE SHOWS BENEFIT OF GOVERNMENT ROLE IN HEALTHCARE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, one obstacle we have when we seek to address what is clearly the number one domestic problem in America today—a healthcare system that is both unduly expensive and provides too little coverage for many Americans—is the objection to what some people are quick to call "socialized medicine." The notion that a government role in healthcare is somehow inimical to the delivery of decent healthcare has prevented rational debate on this subject from going forward. Paradoxically, as the Secretary of the Department of Veterans Affairs, Jim Nicholson, recently noted in his speech at the Press Club, it is the healthcare delivery system in our country that is most completely a government operation that scores highest in consumer satisfaction. As Secretary Nicholson noted in that speech, "For the sixth consecutive year, the American Customer Satisfaction Index reports that veterans are more satisfied with their health care than any other patients in America. VA outscored the private sector by a full 10 percentage points. And as you would expect, because of our first-rate care, veterans are now coming to us in ever greater numbers."

Mr. Speaker, the point must be underlined: the most popular form of medical care with those who receive it according to Secretary Nicholson, speaking on behalf of the Bush Administration, is a form of medicine that is entirely government run. I find it odd that people who would denounce Medicare as a form of "socialized medicine" don't apply that dreaded epithet to the one major medical care delivery system in our country which is entirely run by the public sector—the medical care delivered by the Department of Veterans Affairs.

I ask that excerpts from Secretary Nicholson's speech be printed here because they are an absolutely irrefutable answer to those who claim that any increase in a government role in medical care will somehow cause deterioration in the quality of that care. The ability of some myths to survive reality is one of the most impressive and depressing features of the American political scene. But I hope that people reading Secretary Nicholson's remarks, and thinking about what they mean in the broader context, will refrain in the future from somehow arguing that an increase in a public sector role in medical care will necessarily lead to its deterioration. I join Secretary Nicholson as a Member of Congress in taking pride in the medical care we provide for our veterans. My only criticism is that we don't do it in even greater quantity—too many veterans are unable to get access to the system, and I believe that it is an area where more resources would allow us to do an even better job. But again to quote from Secretary Nicholson's speech, when the "NBC Nightly News . . . aired a story about VA healthcare, saying that it is the envy of healthcare administrators and a model for healthcare nationwide," it ought to give pause to those who mindlessly repeat the assertion that quality medical care and a government role are incompatible.

> The VA is, I think, truly one of America's good news stories. Following a decade-long healthcare transformation, the VA is now at the forefront of America's healthcare industry. And it's not just a proud secretary saying that, but a host of other organizations within and outside of the healthcare community saying that about us. For example, the Journal of American Medical Association has applauded the VA's dedication to patient safety. The Washington Monthly magazine a few months ago had a feature article calling VA health care, quote, "the best care anywhere."
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> U.S. News and World Report described the VA as the home of top-notch health care in its annual best-hospitals issue. And since you're sitting down, I won't shock you unduly by telling you even The New York Times recently said that the VA is a model for our nation. And very recently, I think last week or the week before, on the NBC Nightly News was aired a story about VA healthcare, saying that it is the envy of healthcare administrators and a model for health care nationwide.
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> And we are a model of humanitarian service in our communities as well. Our VA employees come to the aid of their communities and their citizens—veterans and non-veterans alike—in times of disasters and other emergencies. To make my point, I need only to mention the heroic effects and efforts of VA employees during Hurricane Katrina and Rita. Not only did our staffs evacuate several hundred patients out of our hospitals in the Gulf area to other hospitals without losing one, and not only did they do it quickly and efficiently, at great personal risk to themselves and at great personal sacrifice and loss. One nurse told me in Houston, where we relocated patients, that she for four days could see her house in New Orleans, and she could see only the roof and the chimney, but she went with her patients when we evacuated them, not even knowing the disposition of her own family.
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> And when it's all said and done, it's the millions of the men and women who we care for, though, who are our biggest supporters.

> For the sixth consecutive year, the American Customer Satisfaction Index reports that veterans are more satisfied with their health care than any other patients in America. VA outscored the private sector by a full 10 percentage points. And as you would expect, because of our first-rate care, veterans are now coming to us in ever greater numbers. Fully 7.7 million are now enrolled in our system.
>
> This year VA doctors and nurses will treat over 5.3 million veterans at one of our 14 points of healthcare access. That's an increase of more than 1 million veterans coming to us since President Bush came to office. We expect this year that we will have 60 million patient encounters; that is, 60 million visits to our centers, clinics and hospitals. We have 154 major hospitals and over 900 clinics, and we dispense pharmaceutical prescriptions to over three—excuse me, over 230 million times.
>
> We've achieved something that no other major integrated provider has ever yet been able to do, and that is that every one of these 7.7 million veterans enrolled in our system has an electronic medical record.

Time precludes me from telling you all of the advantages of safety and good medicine that that gives us, but let me mention anecdotally a couple of things.

One, a young man came through Ronald Reagan airport. He was a diabetic. His insulin was in his luggage, and they lost his luggage. And he called his father in South Carolina, panicking, and his father said, "Call the VA," because he was a veteran.

He called our VA hospital here in north Washington. They said, "Get in a cab and come out here." And by the time he got there, they had his medical record dialed up, knew his insulin regime, administered to him, gave him a supply and sent him on his way.

And during that relocation of hundreds of patients in Katrina, we were able in every case, after we got them resettled into another hospital, to dial up their medical record.

So electronic health records and their advantages to patient safety, for telemedicine, have put us at the forefront in health care delivery in this country, and we are very proud of that achievement. And I can say that because it didn't happen in the 14 months that I've been in the job. So I'm sitting on the shoulders of those who did make it happen. But it is a seminal achievement in health care.

Two weeks ago I announced the creation of another front of technological initiative at the VA, which has the potential for untold ramifications in health care, and that's the creation of a new Genomic Medicine Program Advisory Committee, which will be to help me establish policies for using genetic information to help improve the medical care of our veterans.

The VA's commitment to move into this realm of research, to advance our knowledge of the relationship of the genome to a host of physical and mental conditions relevant to veterans, is completely in keeping with the investigative nature of VA medicine. For 75 years our researchers and clinicians have been breaking exciting ground in virtually every aspect of medicine, with most of their work resulting in new and better ways to treat the myriad illnesses of our veterans. From Nobel Prize-winning researchers—and the VA's had three Nobel Prize winners—from Nobel Prize winners to the CAT scan to paperless records technologies, to kidney transplants, to microchip-drive prosthetics, to medical school partnerships that have trained more than half of our nation's physicians today, we are leading the world in our care for our veterans.

As I've outlined, we've done a great job so far. We are a world-class healthcare network when it comes to treating existing illnesses and disabilities. But then we ask ourselves, what if we knew how to identify the earliest possible signs of a veteran's predisposition to a particular disease? What if we knew in advance how a veteran would react to a particular drug therapy? What if we could reasonably forecast the risks a particular veteran might face with respect to some forms of cancer? What if, summing up, we could move from providing medicine that is preventative to medicine that is predictive?

With the advent of the Genomic Medicine Advisory Committee, we are positioning the VA to take a new journey, a truly great journey along the DNA trail. It is a path still not well lighted. There are so many questions of ethics and privacy that we are not going to proceed down that trail without first assessing the risks and benefits to our veterans. But we know from past experience that once we determine that a VA program is in the best interest of our veterans, we move forward with all the resources we can muster.

And when VA health care is on the move, we change the nation's healthcare landscape for the better. As medical practice incorporates the advances of science, we must harness VA's triple mission of health care, research and training to bring these advances to the veterans we serve.

I'm confident our new push down the genomic road will benefit not only our veterans, but the larger national health care community as a whole, as so much of our other research has done, such as the development of the CAT scan and the pacemaker and the first liver transplant done at the VA.

A TRIBUTE TO PARTHENIA HOLLIDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Parthenia R. Holliday and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the community.

Parthenia R. Holliday was born in Philadelphia, PA.

Her childhood years were like so many others filled with challenges, crossroads and hurdles that seemed uncrossable. At the tender age of 16 she knew her life long dream and desire was the wonderful art of singing. Her father and other sibling also were musically inclined and played instruments and sang, and so it was in her blood to sing and sing she did.

Ms. Holliday sang all over the world from Budapest, Hungary, Russia, Africa, and most recently in 2005 in London, England. She has also performed with Alvin Slaughter and others.

Ms. Holliday sang in many establishments in New York City and New Jersey. Unfortunately, Ms. Holliday found herself entangled in substances that were not healthy, or helpful for her continued growth and high self-esteem. Ms. Holliday's life took a wonderful change in her early 20s, hearing the promises of God, she accepted Jesus Christ as her lord and savior. The word of deliverance was preached unto her and after many trials and errors, the chains that bound her were broken and the broken pieces of her life were put back together again. Nothing became more important to Ms. Holliday than to do the will of Him who called her out of darkness to the marvelous light.

Ms. Holliday combined the fields of dentistry and elder care for a lifetime of caring and sharing. However, she believes her greatest gift is fundraising. Ms. Holliday received a certificate for great community services from the Honorable State Senator John L. Sampson for her accomplishments at the Bible Speaks Church and Christian School of Brooklyn, NY.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Parthenia R. Holliday as she offers her talents for the betterment of our local and national communities.

HONORING MR. CALVIN BELLAMY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to honor Mr. Calvin Bellamy on the occasion of his retirement as chief executive officer of Bank Calumet, where he has served the people of Northwest Indiana over the past 24 years. Throughout his time leading Bank Calumet, Mr. Bellamy has done much to improve the quality of life for everyone in Northwest Indiana. He has been an exemplary community leader as well as a successful business man, and I am proud to call him a friend.

Under Mr. Bellamy, Bank Calumet has become a crucial component for economic development in the region, with branches serving both Indiana and Illinois. Today, Bank Calumet operates in 29 locations with over 400 employees. Bank Calumet has become one of the largest locally owned bank and holding companies in Northwest Indiana with over $1 billion in total assets. Bank Calumet has been named "one of America's best banks" by all three national rating services under Mr. Bellamy's leadership. These incredible accomplishments reflect the drive, passion, and commitment Cal Bellamy has shown to creating a world-class financial institution that invests in the communities it serves.

Cal Bellamy's contributions to the economy of Northwest Indiana are only eclipsed by his personal dedication to our community. Cal has been called on to lend his expertise and leadership to several important organizations in Northwest Indiana. Mr. Bellamy serves as chairman of the Purdue Technology Center Advisory Board, where he is involved with the center's activities to attract high-tech jobs to

Northwest Indiana. He is also chairman of the Northwest Indiana Forum, the Education Committee of the Lakeshore Chamber of Commerce, the Ethics In Government Taskforce of the Lake County Community Development Committee, and cochair of Meals on Wheels of Northwest Indiana Capital Campaign.

Mr. Bellamy also serves on the Board of Directors of many organizations committed to improving the quality of life in Northwest Indiana, including the First District Pro Bono Committee, which provides legal services for low-income individuals, the Urban League of Northwest Indiana, Lake County Workforce Development, the Calumet Council Boy Scouts of America, the Northwest Indiana Minority Business Opportunity Committee, and the Northwest Indiana World Trade Council. Cal Bellamy also commits his time to educational causes throughout the area, serving as the founding director of the Hammond Education Foundation, on the Board of Advisors for Indiana University Northwest, and on the Chancellor's Council for Purdue University Calumet. Without a doubt, Mr. Bellamy has given his time and energy graciously to make Northwest Indiana a better place for future generations.

Mr. Bellamy received his B.A. with highest distinction from Indiana University, his law degree from the University of Michigan, and is a graduate of the Stonier Graduate School of Banking at the University of Delaware. I wish him and his wife, Cathy, the best of luck as they approach the exciting next steps of their life.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Cal Bellamy for his outstanding contributions to the community of Northwest Indiana. His commitment to improving the quality of life for the people of the First Congressional District of Indiana is truly inspirational and should be recognized and commended. Over the years, I have sought out Cal to seek his assistance on matters affecting Northwest Indiana. I have always found him to be trustworthy and deliberate in our conversations. As John Quincy Adams said, "If your actions inspire others to dream more, learn more, do more and become more, you are a leader." Cal Bellamy has been a great leader for Northwest Indiana.

IN TRIBUTE TO BRAYTON WILBUR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. PELOSI. Mr. Speaker, I rise today to pay my respects to Brayton Wilbur, Jr., a great San Franciscan and a dear friend. One of our great civic leaders, he made immeasurable contributions to our most treasured institutions. Mr. Wilbur passed away on March 24 after a lifetime of service to the arts, the business community, his family, and the city he called home.

A native San Franciscan, he was born on October 2, 1935, and was a graduate of Yale University and Stanford Business School. He joined his family's firm, Wilbur-Ellis Co., in 1963, becoming its president and CEO in 1988 and chairman of the Board of Directors in 2000 after overseeing an extraordinary era of expansion. He served as a director of several San Francisco institutions, including Safeway Stores and the Chronicle Publishing Company.

Through his enthusiasm for the arts, Mr. Wilbur eloquently expressed his love for San Francisco. He served as a director of the San Francisco Opera, a trustee of the Asian Art Museum, and as the 15th president of the San Francisco Symphony, presiding over the inauguration of our beloved Davies Symphony Hall in 1980.

I offer my deepest sympathy to Judy, his beloved wife of 43 years, his children, Michael, Jennifer, Edward and Claire, his mother Dita, and his sisters Lolita and Mary. As they have lost a loved one, so the city of San Francisco has lost one of its most distinguished sons.

RECOGNIZING THE 25TH ANNIVERSARY OF NAPA EMERGENCY WOMEN'S SERVICES

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Napa Emergency Women's Services, commonly known as NEWS, of Napa, California, as it celebrates its 25th anniversary.

Since its inception, NEWS has played a vital role in protecting and assisting women and children throughout the Napa Valley who are the victims of domestic violence. A group of concerned citizens took the initiative to address the growing problem of domestic violence and created an emergency hotline in 1979. With the dedication, leadership, and compassion of these individuals, NEWS came to fruition on October 5, 1981.

NEWS is the only organization in the Napa Valley dedicated to helping women and children lead lives free of violence. Over the past 25 years, NEWS has grown and expanded to provide numerous services to people throughout Napa County, including emergency shelter, counseling, legal advocacy, and education outreach programs. All of these services play an important role in providing women and children with the guidance and support necessary to help them overcome the physical and psychological damage caused by domestic violence.

Mr. Speaker, the lifeblood of this organization is its devoted staff and volunteers who work day and night to ensure that women and children always have a safe place to seek shelter. These hardworking individuals have changed the lives of thousands of women and children in Napa County.

Mr. Speaker, it is appropriate that we take this time to thank and honor Napa Emergency Women's Services for its immeasurable service to Napa County. I congratulate NEWS on their 25th Anniversary and wish them well as they continue their work to improve the lives of all Napa citizens.

A TRIBUTE TO LUTHER M. WRIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Luther M. Wright, and I hope my colleagues will join me in recognizing the impressive accomplishments of this outstanding member of the community.

Luther M. Wright was born on June 2, 1942 in Louisa, Virginia, and he currently resides in Laurelton, New York.

Mr. Wright received his early education in New York City at P.S. 140. He graduated from Andrew Jackson High School and attended Queens College of the City University of New York from 1974–1977. He also attended the United States Coast Guard Engineer Program and received his license as a Chief Marine Engineer.

Mr. Wright served in the New York City Fire Department for 15 years as a Chief Engineer, retiring with 27 years of service. He served in the United States Army from 1964–1966 in active duty, as a reservist from 1969–1995 and participated in Desert Storm in 1991. Mr. Wright retired from the Army as a Master Sergeant. He is also a member of the Vulcan Society of the New York City Fire Department and Past President and Captain of the 231st Block Association.

Among his many community service projects, Mr. Wright was initiated into Tuscan Lodge No. 58 F&AM (PH) in 1978. He was elected to Worshipful Master of Tuscan Lodge No. 58 in 1986; Secretary of Tuscan Lodge No. 58 in 1987–present; Excellent High Priest of Mount Moriah Chapter No. 3 Holy Royal Arch Masons in June 2003; Ill. Commander in Chief of Long Island Consistory No. 61 AASR (PHA) in 2002 and 2003; Ill. Potentate of Abu-Bekr Temple No. 91 AEAONMS (PHA) in 1994; and appointed Deputy of the Oasis for Abu-Bekr No. 91 in 2002, by Imperial Potentate William F. Crockett.

Additional leadership posts include: District Deputy Grand Master for the Second Masonic District from June 2001–2002; Worthy Patron in Fidelity Chapter No. 54 OES (PHA); District Deputy Grand Commander for the Second District; District Deputy Thrice Illustrious Master for the Royal & Select Masters and Assistant Recorder for the Grand Commandery Knights Templar State of New York.

Through these organizations, Mr. Wright has distributed toys and clothing to the needy children of East New York and Kings County Hospital, fed the homeless, and sponsored young children to attend Camp Eureka during the summers of 2002 and 2003.

Luther Wright is a member of the Good News Baptist Church of Hollis Queens, New York. He has been married to the beautiful Phyllis A. Wright for the past 34 years, and they have three grown children, all 4-year college graduates.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Luther Wright as he offers his talents for the betterment of our local and national communities.

Mr. Speaker, Luther Wright's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

HONORING AUDREY YVONNE WILLSON, WHOSE LIFE JOURNEY LED HER TO BECOME YVE-I RASTAFARI

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life of Audrey Yvonne Willson, whose spiritual evolution led to her being known at the end of her life as Yve-I Rastafari. Yve-I was a beloved mother, wife, grandmother, friend, artist, educator and leader in our community and our world. She passed away on March 13, 2006 at the age of 63.

Born Audrey Yvonne Willson, she grew up in the Fort Greene Projects of Brooklyn, New York, where she developed the quick wit and savvy nature for which she was known throughout her life. Living in New York, she met and married Bob Law in 1962. During that period, she became an active member of the Congress for Racial Equality, and was at the forefront of the Black Cultural/Consciousness movement, identifying strongly with her African heritage as an activist of that era and throughout her life.

In the decade that followed, Audrey began a new journey, moving to Silver Spring, Maryland and obtaining her Masters Degree in Education as well as her Montessori certification. These achievements began her lifelong devotion to the education and healthy development of children, which included her own young daughters, and ultimately led Audrey to create her own educational model.

Audrey's journey of intellectual, cultural and spiritual discovery soon led her to West Africa, where she immediately fell in love with the people, their land, and their struggles. Her proficiency in the Spanish, Twi, Amharic and Arabic languages allowed her to be a teacher and a student of the people she met there, and through her travels she forged human and spiritual ties that would last a lifetime.

In the years that followed, her newfound faith of Islam led her to change her name to Ameena, and during her time in Africa she met and married her second husband, an American named Daud Malik Watts. Upon her return to the United States, she rededicated herself to her life's mission of serving our young people by opening, with Daud, the Reston Montessori School in Virginia.

As she continued her spiritual exploration in the 1980s, she was led to return to her birth name of Audrey. During that time she also traveled frequently to the west coast and split her time between working in the non-profit sector and developing her own small business selling her delicious homemade apple pies.

As she neared the conclusion of her spiritual journey, she changed her name to Yve-I Rastafari, which was a reflection of her becoming a Rastafarian. In the 1990s, when she underwent this transition, she also moved to Hawaii, where she started Artists for Orphans, an international non-profit dedicated to providing educational, financial, physical and emotional support to orphans in Ethiopia.

After devoting herself to this bold, compassionate work for more than a decade, Yve-I left Hawaii to move back northeast to be with her ailing father, caring for him until his last day. After his passing, she returned to working with young children in Washington, D.C. before ultimately moving to California to be with and care for her youngest grandchildren.

Yve-I gave of herself easily and was wonderful with children. I witnessed time and time again, as she was the mother-in-law to my son, and along with me, was a grandmother to Simone the daughter of my son and her daughter. Whether we were together at family gatherings on special occasions or simply spending time with our children and grandchildren, Yve-I's generous and loving spirit brought a sense of comfort and togetherness to our family which has not only nurtured our youngest members, but has strengthened the ties between us all.

Throughout her life, Yve-I was fully dedicated to complete spiritual and human development and her devotion to becoming the most complete and aware person that she could was evidenced by her constant growth and personal evolution. At the end of her life it became her goal to return to Ethiopia to live out her days so that she could continue the work of Artists for Orphans and practice her religion at an age-old founding church of her faith, and that is what she did, being laid to rest on March 17, 2006 in Shashamene, Ethiopia, where she was known as Mama Love. She is survived by her life partner, Menelek Fitzgerald, her children Aisha Patrice, Abina, Yasmina, Memuna, Bilqis, Nasir, Mahmud, and Netanya; her siblings Adrienne, Donald and Wayne; thirteen grandchildren; her nephews; and numerous cousins, colleagues and friends.

Today the family and friends of the woman who journeyed from Audrey to Yve-I come together to celebrate her life and the countless ways in which her bright and compassionate spirit touched lives of others, no matter what name they knew her by during her lifetime. Her giving nature and deep wisdom was known to and cherished by all, and will continue to lift up the lives of our young people and all who knew her for generations to come. On behalf of California's 9th U.S. Congressional District, I am proud to add my voice to the countless others who have united in thanks, appreciation, and joy to remember this very special, remarkable and loving woman, Yve-I Rastafari.

HONORING THE MEMORY OF ERMA BYRD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. HOLT. Mr. Speaker, I rise to recognize and honor the memory of Erma Byrd, the wife of the senior Senator from West Virginia. We mourn the death of this great lady.

Here in this chamber it is important that we acknowledge the importance of the spouses of those who serve in the U.S. Congress. There is no more distinguished member of the legislative branch than the Senator from West Virginia, and certainly none who has served so effectively for so long. Surely, some of the credit for this distinguished service should go to Erma Byrd.

My family and I have known the Byrds for much longer than half a century. Senator BYRD and his wife have been devoted to each other for almost 69 years. She has been his closest companion and, I believe, his closest advisor. When they first married, he turned over to her his wallet and the family finances. He relied on her for everything domestic. For decades, in the evenings after his superb legislative and political work on Capitol Hill, when other members of Congress set off for receptions and social functions, Senator BYRD returned home to sit with Erma and read, often to each other.

Erma Byrd has been a dear friend of my mother. The daughter of a coal miner, Erma Byrd was a woman who showed great consideration for other people. She was a woman with a backbone and what we would call West Virginia gumption. The whole country of the United States knows Senator BYRD as a great legislator and great orator who can be counted on as the most adamant defender of our Constitution and a champion of the honor and traditions of the Congress, especially the U.S. Senate. What many Americans may not know is the man who has given devotion to and, until her death last week, received devotion from his honorable and capable wife. I join others here in expressing my sympathies to this great colleague.

TRIBUTE TO MRS. ERMA BYRD

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. MOLLOHAN. Mr. Speaker, hearts are heavy in West Virginia this week as we mourn the loss of a very special woman: Mrs. Erma Byrd, the beloved wife of our distinguished senior Senator.

ROBERT C. BYRD and Erma Ora James met as students at Mark Twain Grade School in Raleigh county. They married in 1937, at the tender age of 19. In that simple ceremony, a lasting bond was forged, and an incredible journey was begun.

Their journey took them from the coalfields of southern West Virginia to the halls of this great Capitol. At every point along the way, Erma Byrd was a constant source of strength, support and inspiration—whether in raising their wonderful family or anchoring the incredible career of her devoted husband.

In his words, she was a "priceless treasure, a multifaceted woman of great insight and wisdom, of quiet humor and common sense."

What a wonderful tribute to a wonderful woman.

On the sad occasion of her passing, Mr. Speaker, I ask my colleagues to join me in expressing heartfelt condolences to Senator

BYRD and his family. Our thoughts are with them as they say goodbye to Erma Byrd and cherish the memory of her caring kindness and love.

TRIBUTE TO JOHNSON COUNTY MOVERS AND SHAKERS AWARD WINNERS OF 2006

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to note an important event in the Third Congressional District of Kansas. On April 24, 2006, the Volunteer Center of Johnson County in Overland Park, KS, will honor outstanding youth volunteers. One hundred and eleven young people have been nominated by school personnel and nonprofit organizations for their dedication and service to the community. Eight of these youth are being recognized for their efforts toward receipt of the Congressional Award. Youth volunteerism continues to grow and be a strong force in Johnson County. These 111 youth exemplify the true meaning of volunteerism and giving back to their community. It is my honor to recognize each student volunteer and their schools by listing them in the CONGRESSIONAL RECORD.

Name	School	Age	Grade	CA medal	City
Katie Agnew	Bishop Miege High School	18	12		Roeland Park
Dana Alanis	Indian Trail Jr. High	15	9		Olathe.
Molly Allison-Gallimore	Home School	16	10	Silver Medal	Spring Hill.
Clare Amey	Bishop Miege High School	17	11		Prairie Village.
Avery Arjo	Oregon Trail Junior High	13	8		Olathe.
Simmi Arora	Olathe Northwest High School	17	12		Lenexa.
Sydney Ayers	Barstow High School	15	9	Gold Medal	Leawood.
M. Celeste Banks	Trailridge Middle School	14	8		Shawnee Mission.
Annie Beile	California Trail Jr. High	14	9		Overland Park.
Anne Bellis	Pembroke Hill	16	10		Fairway
Carlene Bolton	Mill Valley High School	17	12		Shawnee
Steven Burnett	Olathe North High School	18	12		Olathe.
Rebecca Byron	Biship Miege High School	18	12		Shawnee
Caitlin Carter	Westridge Middle School	14	8		Shawnee Mission.
Jenna Christensen	Shawnee Mission North High School	17	11	Silver Medal	Overland Park.
Jill Christensen	Shawnee Mission North High School	15	10	Silver Medal	Overland.
Lee Clemon	Olathe South High School	18	12		Olathe.
Sara "Kat" Conoley	Shawnee Mission West High School	18	12		Shawnee Mission.
Benjamin Eggers	Olathe Northwest High School	17	12		Olathe.
Caitlin Ellison	Mill Valley High School	17	12		Shawnee.
Christopher Fairchild	Midland Adventist Academy	14	8		Shawnee.
Rindy Fairchild	Midland Adventist Academy	16	10		Shawnee.
Ashlan Fisher	Shawnee Mission East High School	17	11		Leawood.
Jennifer Garren	Westridge Middle School	14	8		Overland Park.
Kate Garrett	Shawnee Mission West High School	17			Lenexa.
Kevin Garrett	Shawnee Mission West High School	14			Lenexa.
Michael Garrett	Westridge Middle School	13	7		Shawnee Mission.
Will Gates	Shawnee Mission East High School	18	12		Fairway.
Rachel Gittinger	Bishop Miege	17	12		Overland Park.
M. Caroline Goehausen	Shawnee Mission East High School	18	12		Leawood.
Orriah Graves	Bishop Miege	16	11		Overland Park.
Chanel Griffin	Westridge Middle Schood	13	8		Lenexa.
Kristen Nicole Harper	Mill Valley High School	17	12		Shawnee.
Kelsey Hayden	Olathe East High School	16	11		Overland Park.
Alyssa Haynes	Olathe Northwest High School	16	11		Lenexa.
Emily Holmes	Bishop Miege	16	11		Overland Park.
Holly Hrabik	Olathe North High School	16	10		Olathe
Lisa Imgrund	Trailridge Middle School	14	8		Shawnee Mission.
Betsy Jensen	Shawnee Mission East High School	17	11		Leawood.
Mark Johnson	Olathe Northwest High School	17	12		Olathe.
Christie Jones	Olathe East High School	18	12		Overland Park.
Molly Jones	Olathe North High School	18	12		Olathe.
Atena Kamali	Olathe North High School	18	12		Olathe.
Kalie Karnes	Olathe East High School	17	12		Overland Park.
Jadhken Kerr	Olathe South High School	16	10	Gold Medal	Olathe.
Jadhon Kerr	Olathe South High School	17	11	Gold Medal	Olathe.
Sarah Kidder	Bishop Miege	18	12		Shawnee.
Hunter Kiely	Blue Valley West High School	17	11		Overland Park.
Paul Kirk	Bishop Miege	18	11		Overland Park.
Kathryn Kisthardt	Bishop Miege	18	12		Shawnee.
Katie Lindner	Olathe Northwest High School	18	12		Lenexa.
Adam Love	Shawnee Mission Northwest High School	17	12		Merriam.
Sarah Martin	Westridge Middle School	13	8		Overland Park.
Stephanie Mathews	Bishop Miege	17	11		Overland Park.
Magdalena May	Olathe North High School	16	11		Olathe.
Emerald McAdams	Santa Fe Trail Junior High	12	7		Olathe.
Mimi Mebarek	Shawnee Mission West High School	18	12		Shawnee Mission.
Eric Min	Blue Valley High School	17	12		Overland Park.
Jovana Mirabile	St. Thomas Aquinas	16	11		Leawood.
Amanda Monica	Olathe Northwest High School	15	9		Olathe.
Peri Montgomery	Westridge Middle School	13	8		Overland Park.
Tim Mourlam	Bishop Miege	17	11		Shawnee Mission.
Kate Murphy	Prairie Trail Jr. High	13	8		Olathe.
Marcus Myer	Spring Hill	18	12		Spring Hill.
Emily Nixon	Olathe South High School	18	12		Olathe.
Ashley Nur	Barstow	15			Leawood.
Cailan O'Grady	Shawnee Mission East High School	18	12		Prairie Village.
Annie Oliver	Bishop Miege	17	11		Prairie Village.
Anish Patel	Olathe Northwest High School	16	11		Olathe.
Melissa Peck	Bishop Miege	18	12		Olathe.
Matthew Pennington	Rockhurst	15	9		Shawnee.
Andrew Peterson	Shawnee Mission East High School	18	12		Prairie Village.
Meagan Pick	Blue Valley North High School	18	12		Overland Park.
Ellen Poulose	Bishop Miege	16	12		Shawnee.
Caitlin Powell	Olathe North High School	18	12		Olathe
Catherine Queen	Pembroke Hill	17	11		Prairie Village.
Katie Rabovsky	Blue Valley Northwest High School	12	8	Gold Medal	Overland Park.
Matthew Ramirez	Prairie Trail Jr. High	13	8		Olathe.
Cassie Rhodes	Spring Hill High School	15	9		Spring Hill
Chris Rhodes	Spring Hill High School	18	12		Spring Hill
Katie Richardson	Bishop Miege	16	11		Overland Park.
Amber Roan	Shawnee Mission North High School	18	12		Shawnee.
Cindy Rupp	Mill Valley High School	18	12		Shawnee.
Courtney Russel	Olathe South High School	18	12		Olathe.
athryn Sanders	Olathe Northwest High School	17	12		Lenexa.
Matthew Schulte	Shawnee Mission East High School	18	12		Prairie Village.
Michael Simpson	Blue Valley High School	17	11		Stillwell.
Scott Simpson	Blue Valley High School	17	11		Stillwell.
Colin Smalley	Olathe Northwest High School	17	12		Olathe.

Name	School	Age	Grade	CA medal	City
Elaina Smith	Prairie Trail Jr. High	14	8		Olathe.
Victoria Solorzano	Blue Valley North High School	18	12		Overland Park.
Jennifer Sommerfeld	Trailridge Middle School	13	8		Shawnee Mission.
Sara Sorensen	Bishop Miege	16	11		Overland Park.
Jessica Stack	Olathe Northwest High School	16	12		Lenexa.
Jonathan Stahl	Home School	17	11		Overland Park.
Stephen Stahl	Home School	17	11		Overland Park.
John Steinmetz	Pleasant Ridge Middle School	13	8		Overland Park.
Kayte Steinmetz	Blue Valley West High School	16	11		Overland Park.
Amy Stephens	Olathe South High School	18	12		Olathe.
Jason Steuber	California Trail Jr. High	14	9		Overland Park.
Melissa Stone	Shawnee Mission Northwest High School	18	12		Shawnee.
Alyssa Strange	Oxford Middle School	12	6		Overland Park.
Alex Szczygiel	St. Ann	14	8		Prairie Village.
Paige Taylor	Prairie Trail Jr. High	14	8		Olathe.
Ben Terwilliger	Olathe South High School	17	12		Olathe.
Laura Thomas	Bishop Miege	17	12		Prairie Village.
Hannah Wallace	Bishop Miege	17	12		Leawood.
Nate Warner	Olathe North High School	16	11		Olathe.
Nate White	Home School	16	11	Gold Medal	Leawood.
Jessica Yeung	Shawnee Mission South High School	16	11		Overland Park.
Daniel Zeligman	Olathe Northwest High School	17	12		Overland Park.

SENATE—*Friday, March 31, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lead us, O Lord, through the challenging roads of our world. Impart to us the wisdom to make wise decisions that lead to life and harmony. Make us quick to listen, slow to speak, and slow to anger. Bind us together in one great family with many different opinions but a respect and esteem for each other.

Lead the Members of this body toward common ground. May they unite their efforts for the good of all, so that Your will may be done on Earth.

Remind us that everyone shall give account to You, the author and finisher of our faith.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we are immediately resuming debate today on the border security measure that is pending. Yesterday we were only able to complete action on one amendment, and we have three additional amendments still pending. During today's session we expect to set up votes on those amendments so that others may get into a queue for consideration.

With only a week left before our Easter break, it had been my desire to have more votes yesterday and today. We were unable to reach any agreements to allow that to happen, but today we do need to make progress on setting up votes for Monday. We need to put in full nights and days next week to complete the bill and, therefore, I am prepared to have several votes on Monday to begin to process as many amendments as possible. I encourage Senators to come to the floor today and Monday and use this time for any statements they may have on the border security issue.

BORDER SECURITY AND IMMIGRATION REFORM

Mr. FRIST. Mr. President, so far this week, we have had good debate, strong debate, robust debate, on strengthening our borders and crafting a comprehensive immigration plan. Everyone agrees we need to secure our borders, that our national security is at stake.

We are also in agreement that we need to craft a comprehensive immigration plan that is compassionate, reasonable, and fair, that upholds our immigrant tradition without crossing over the line of granting amnesty. As I have said before, a nation that cannot secure its borders cannot secure its destiny.

I am gratified by my colleagues' support for my amendment yesterday to have the Department of Homeland Security collect data on the terrible problem of border crossing fatalities, of deaths of people crossing the border. The amendment also suggests policies to reduce the number of these tragedies.

As I mentioned on the floor, over the past decade over 3,000 men, women, and children—families—have died along our borders, in many cases because of the brutality and indifference of criminal human smugglers who, at the first sign of trouble, abandon their human cargo in the desert to suffer and die.

We have an obligation to protect our borders, but we also have an obligation to protect and preserve the life of every person who sets foot on American soil. I am hopeful that by gathering this information on this tragic problem, we can devise the best methods to put an end to it.

I am also certain that as we continue with the larger debate, we will be able to craft a comprehensive plan that deals fairly with the 11 to 12 million illegal immigrants now residing within our borders without granting amnesty.

I believe the Judiciary Committee bill—the bill that came out of the Judiciary Committee—goes too far in granting illegal immigrants with what can fairly be described as amnesty.

We will hear a lot of debate on what is amnesty, and I hope there will be some consensus over time coming out of this debate as to what amnesty actually is. I believe the Judiciary bill does enter this realm of amnesty, and, thus, I am very hopeful that over the next several days amendments will be offered on the floor to pull back from this amnesty provision.

I disagree with the amnesty approach. I do not think we should be rewarding illegal behavior, not just as a matter of principle but also because granting amnesty now will encourage people in the future to cross the border illegally, expecting amnesty to be granted every 5 years or every 10 years or every 15 years. It undermines our securing our borders. It gives an incentive for people to cross our borders, not just legally but illegally, if we grant amnesty.

In the coming week, I look forward to my colleagues coming to the floor to offer a variety of ideas and solutions to these problems, these challenges. I hope they will have ample opportunity to do that.

I said 2 or 3 months ago, we would have 2 weeks—in essence, 2 weeks—on the floor of the Senate to provide an opportunity to come and debate and amend whatever bill came to the floor. I am concerned a little bit that we are entering into a delay or a postpone mode. I say that because we did not have votes last night, after my amendment—or late yesterday afternoon—and we are not having votes today. It does take consent on both sides of the aisle to have these votes. I encourage my colleagues on both sides of the aisle to come forward so we can have that debate, we can have that amendment, we can have those votes, and define this bill in a way that will reflect the majority of people on this floor.

An example: Last night, Senator ALEXANDER offered his widely supported Strengthening American Citizenship Act—a beautiful and a very important amendment. It is reasonable. It is common sense. It is patriotic. It would help newly arrived immigrants to learn their responsibilities and assimilate the habits and privileges of American citizenship. Unfortunately, however, the other side objected to allowing a vote on the amendment.

I mention that because we cannot run the bill that way throughout. We have to have the debate, we have to have the votes in order to define this bill. We need a debate that is robust, that is vigorous, that is open, that is participatory in the sense that people can come forward and get the votes they deserve.

I have set up a process to be as fair as possible so all points of views are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

heard. Many of the Senators, understandably, do want to offer amendments. For my part, though we began with the Securing America's Borders Act, a bill I brought to the floor, the first amendment was Chairman SPECTER's amendment, and that is to offer the Judiciary Committee bill as a substitute. I, and I think the whole body, accept that out of deep respect for the committee process and the great work the committee has done thus far and the right for the committee's voice to be heard.

I am optimistic about where we are going with this bill. It is interesting, in our caucus, and I know in the Democratic caucus as well, there is a lot of discussion going on. You can't help but to pick up the papers now and listen to the radio and watch television and not see this discussion of these very real problems being put first and foremost in the headlines and in the stories.

I think that is healthy because we have problems which we have failed to address as a people, problems we absolutely must address, the problems of people crossing these borders illegally, at a rate that about 2.8 million people came across our Southwest border last year. That number is increasing every year by about 25 percent. These are illegal people coming across the borders. It is a problem that is there. It is a problem that is growing. It is a problem we have to address.

The challenge which is probably the most difficult is how to address the 11 million people who have crossed those borders in the past, probably 7.5 million of whom are working, many of them families. Many of them—I guess all of them—came here with the intention of a better life. But they broke the law and they are here illegally. How can we treat them with compassion and understanding but not give them a leg up among other law-abiding people who also want citizenship?

Those are challenges. I think everybody is struggling with that. I appreciate it. And it means we are going to have passionate debate, contentious debate. Not everybody is going to agree on even those two issues I mentioned. It is going to be a highly charged issue. There are deep feelings and deep and strong principles at stake.

The process will work. I am confident in this body the process will work if we keep our debate civilized and dignified and fair to every Member of the body. And by "fair," I mean allow people to come to the floor and offer those amendments and have them voted on.

As I said when I introduced the border security bill, I do want our debate to reflect our commitment to the rule of law and to our proud immigrant heritage—to both. We are a nation of immigrants, and we have all benefited from America's uniquely inclusive character. I believe we can honor both our history and our laws, and by working together, we can forge a solution that does credit to this body and to the American people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that I be allowed to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT RYAN MONTGOMERY

Mr. MCCONNELL. Mr. President, I ask my colleagues to pause for a moment today to commemorate the life and sacrifice of SGT Ryan Jay Montgomery.

Sergeant Montgomery of Greensburg, KY, served with the 623rd Field Artillery in the Kentucky Army National Guard. On July 3, 2005, he gave his life in defense of our country near Baghdad, Iraq. He had served his Nation as a citizen-soldier for almost 5 years. He was 22 years old.

On that day in July, Sergeant Montgomery and two of his fellow Kentucky National Guard soldiers were returning from escorting a supply convoy when, just outside of Baghdad, a roadside bomb struck his humvee. The other two soldiers were injured; sadly, Sergeant Montgomery was killed.

For his valiant service, Sergeant Montgomery was awarded the Bronze Star Medal, the Purple Heart, and the Combat Action Badge. He had previously received both the Army Commendation Medal and the Armed Forces Reserve Medal. And he was awarded the Kentucky Distinguished Service Medal, for demonstrating all the qualities of a great soldier, remaining combat-focused while decisively engaged with the enemy, performing his duties and accomplishing his mission.

While a student at Green County High School, Sergeant Montgomery started a Junior ROTC program there, for kids interested in a military career. The discipline and purpose of Army life appealed to him, so young Ryan decided he could better himself through joining the Guard. Enlisting before he finished high school, he hoped to use money from the Guard to help him pay for his education necessary to realize his goal of becoming an architect.

Ryan's mother, Patricia Montgomery, said that Ryan's service in the Kentucky National Guard could "give him a better start in life." His twin brother, Bryan, who never strayed far from his brother's side, was so impressed by the opportunities the military gave his brother that he, too, decided to serve, and ended up a member of Bravo Battery, First Battalion, in the 623rd Field Artillery—the same unit as his brother Ryan.

Before he was deployed to Iraq, Ryan worked two jobs in addition to his work with the Guard. He was training with the Green County Fire and Rescue Team, to become a volunteer firefighter. He also helped out with the junior ROTC program at Green County High that he had formed, teaching classes and encouraging the students who were following his example to serve their country.

Sergeant Montgomery was deployed to Iraq in January 2005. Ryan and his unit were charged with escorting the many supply convoys which traveled in and out of Baghdad, often a hazardous assignment, and also searching for the enemy or their deadly roadside bombs. Sergeant Montgomery successfully took part in 130 missions. As his father, Raymond Montgomery said, "He really felt like he was doing good over there. He absolutely loved it." Before deploying to Iraq, Ryan's unit also served in Kuwait.

During his downtime in Iraq, Ryan could most often be found working on his humvee with his twin brother Bryan, who served as a mechanic for the 623rd. He would also write or e-mail the folks back home, or he would talk or watch a movie with his brother Bryan. The two didn't get a lot of free time together in Iraq, but they usually saw each other every day.

Born in Greensburg, where he lived his whole life and which is the county seat of Green County, Ryan and Bryan were known as twin cut-ups, according to their mom, Patricia. She recalls that the two identical brothers would often switch clothes to confuse family friends and babysitters.

Patricia remembers that Ryan taught Bryan how to ride a bike when the two were little. As a child, Ryan loved family dinners. And he loved to make people laugh. "If you see someone without a smile, give them yours"—that was Ryan's motto, according to his mother. Bryan recalled, "My brother and I always lived like a laugh could solve anything."

Both Ryan and Bryan played the great American pastime—Little League—as kids. What they may have lacked in athleticism, they made up for in enthusiasm. "They were average athletes," says John Durham, the boys' Little League coach. "But I don't think there was another member of the team that had as much fun out there playing than they did."

In high school, Ryan played in the marching band in addition to his work with Junior ROTC. He played the trumpet and Bryan played the tuba and the trombone. And he liked to go hunting with his dad.

Ryan was also interested in truck-pulling. As a kid, Ryan's dad took him and his brother to truck pulls at local fairs. It was something that naturally appealed to both boys, and when he was old enough, Ryan bought a Chevy S–10 that all three men worked to modify together.

After Ryan's death, Bryan continued his brother's project, driving the truck they had collaborated on to victory in a truck pull that was dedicated to Ryan in Temple Hill, KY. It was the same competition that Ryan had won in 2004 with the same truck. After winning, Bryan said, "It felt great to follow in Ryan's success like that."

Ryan left behind a loving family who will forever treasure his memory. We thank his father, Raymond Montgomery, his mother, Patricia Montgomery, and his brother, Bryan Montgomery, for sharing their stories of Ryan with us. We are also thinking of Ryan's sister, Ashley Montgomery, and his stepmother, Sharon Montgomery, today.

I want to leave my colleagues with the words of SGT Ryan Montgomery himself. These words were found on his computer in Iraq. He wrote:

> This place is a roller coaster ride: you never know what is going [to] happen next. It's scary when you think about it. But I pray every night for every soldier who has given their freedom to free these people.

Ryan continued:

> I pray for my family and every blessing God [has] put in my life. [It's] hard to live day to day, not knowing what the next day holds. I just pray and carry on with the mission. I didn't think this place was going [to affect] me like it has. I'm a different person, but for the good.

Words cannot describe the overflowing of gratitude, and pride, and honor one feels after reading this young man's words. Nor can they describe the depths of sorrow we feel at his loss. Sergeant Montgomery's courage was so strong that, even amidst the "roller coaster" of battle, he was able to hold on to his love of God, his family, and his mission to spread freedom.

I ask my colleagues to join me today in saying that America can never repay the debt we owe SGT Ryan Montgomery or the Montgomery family. We are truly blessed to live in a country where so many brave men and women, like Ryan, volunteer to face hardship out of the love of freedom, and love for the rest of us.

I yield the floor.

SECURING AMERICA'S BORDERS ACT AMENDMENT

Mr. CORNYN. Mr. President, I return to the floor to speak about the pending amendment to the border security and immigration bill that was voted out of the Senate Judiciary Committee, on which I am proud to serve. I want to explain to my colleagues and anyone else who may be listening why I oppose this amendment. I believe that, while there are many good things in the bill, or amendment, one of the bad things it contains is that it provides amnesty to those who have violated our immigration laws. As I have said before and I will say again, I cannot accept amnesty as part of any comprehensive solution to our immigration crisis. But more important, it is not a question of whether I can accept this as part of the solution. I don't believe the American people will accept amnesty as part of the solution either.

Unfortunately, at its core the committee product includes an amnesty. Let me explain in some detail because I think there are those who see amnesty in every solution that has been offered. Some say the guest worker program that the President speaks about is an amnesty. I don't necessarily agree with that because it is a temporary worker program, as he has used that term, not an alternative path to citizenship such as the Judiciary Committee bill. But I do think that there are some things that can justifiably be called amnesty; that is, if words have any meaning.

The reason why I conclude that this Judiciary Committee bill provides an amnesty is because it creates a new path to citizenship for approximately 12 million people who have entered our country in violation of our immigration laws. I want to be quick to interject, we understand why it is that people come to America. It is the same reason that everyone wants to come to America, and that is because we are the beacon of hope and freedom and opportunity for the planet. We understand that and we harbor no ill will or grudge against people who simply want to provide for their family. We understand that. But as a sovereign nation, sovereignty implies control of our borders, and we do not have control of our borders today. It also implies that we will do first what is good for America and American interests, and then if we can, and certainly we do, we could go help our neighbor. But we simply can't throw our hands up in the air and say we give up when it comes to controlling our borders and enforcing our laws.

First of all, that would violate the sacred oath that we have taken as Senators, as Members of Congress, to defend and uphold the laws of the United States, including the Constitution. So what we are talking about is not a matter of wanting to be unnecessarily harsh or punitive toward those who have come here for what are all understandable and human reasons. But I do not believe the American people will accept a proposal which includes amnesty because they understand that American citizenship is a very special privilege, and they reject the notion that we have no choice but to give it out because the Federal Government has simply failed to enforce the law.

I strongly believe that we need comprehensive immigration reform, including border security. I think we need to provide a path to the 10 million people who have come here in violation of our immigration laws, who already live in the United States. But I have a fundamental disagreement with the approach contained in this amendment.

I believe we must start with the rule that people who have come to this country in violation of our immigration laws should be required to go through the same process as all other legal immigrants.

Let me say that again.

I believe we must start with an approach that people who have come to this country in violation of our immigration laws should be required to go through the same process as all other legal immigrants.

But this committee product does exactly the opposite. It is a solution of sorts based on weakness and the self-fulfilling prophesy that we cannot enforce our own laws. The message this amendment sends to the American people is that because we can't enforce our immigration laws, the only way to address the 12 million people who have come here in violation of our immigration laws is to reward them with a special pass, a permanent resident status, and citizenship.

Some say this legislation—the committee bill—is the only way to realistically deal with people who have come to our country in violation of our laws. But I reject this point of view—this defeatism. In fact, when I hear someone say that only amnesty will work, what I really want to ask them is: Why do we have immigration laws at all?

There are those, as I have said earlier, who see amnesty behind every bush and call every proposed solution to the problem amnesty. I am not addressing those people with my remarks today because I don't think they will ever be convinced otherwise.

But I do think there are ways to determine whether a proposal is amnesty, and I suggest to you the best way is to look at what this country did in 1986 and to compare the proposal in this Judiciary Committee bill with that 1986 law because that 1986 law is unarguable, undisputed. No one argues that law did not create amnesty. And if there are two things we can agree on, it is not only did it create an amnesty, but it was a complete and abject failure.

Amnesty didn't work in 1986 and it won't work today. That is because amnesty encourages disrespect for our laws, and it shows disrespect for those who have earned or are trying to patiently earn U.S. citizenship lawfully.

As I have said in this divisive debate, surely we can all agree that the 1968 law was amnesty and that it was a complete failure. Some argue that the committee amendment is not because it is different from the 1986 amnesty. But I don't agree the two proposals are that different. What I would like to do is show this chart to those who are listening and watching. In 1986, these are the elements of the 1986 bill that was signed by President Ronald Reagan. It creates a two-step amnesty process.

First, illegal aliens obtain temporary resident status. At the end of that period—just under 4 years—they could apply for a green card. That is for a legal permanent resident. But before they could get that green card, the 1986 bill required applicants for the green card to pay a fee and learn basic citizenship and English skills.

If this sounds vaguely familiar, it is because it is exactly the same model carried forth in the legislation voted out of the Judiciary Committee, which is the basic bill that we are working on as part of this debate.

As you can see from this chart, both bills—both the Judiciary Committee product that we are now debating and the 1986 amnesty—are strikingly similar. And in some respects—this is really curious—the 1986 amnesty was tougher than the one currently before the Senate.

For example, the 1986 amnesty, like the current proposal, required that the person applying for legal status had to be in our country before a specified date. That date was you would have to have entered before January 1, 1982. That is 5 years prior to enactment. And the proposal on the floor says that you have to have come into the country before January 7, 2004.

This is an important concept when considering amnesty because there are always reports of rushing to the border by those working along the border as aliens seeking to make their way here to take advantage of the amnesty.

I ask unanimous consent to have printed in the RECORD an article in the Washington Times entitled "Illegals Acted on Rumors of Amnesty."

Part of this article says:

> Nearly 35 percent of the illegal aliens captured trying to enter the United States in the 19 days after President Bush proposed a still-pending guest-worker program say they were trying to take advantage of what they saw as an amnesty.

I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Mr. President, in 1968 Congress recognized it was important to grant amnesty only to those aliens who had been here more than 5 years. In contrast, the pending legislation puts the date of eligibility to January 2, 2004, a little over 2 years ago.

This chart also addresses other eligibility requirements. As Senator KYL and I discussed yesterday, the 1986 amnesty required that applicants be admissible under immigration laws and that they not have been convicted of a felony or more than three misdemeanors, compared to the current proposal that simply requires that the applicant be admissible under immigration law; that is, they might still come to the country and be eligible for amnesty even if they are a felon or even if they have committed more than three misdemeanors because of certain de minimis provisions of the immigration law.

Hopefully, our amendment will cure that omission, which will now ensure that felons and those who have been convicted of at least three misdemeanors cannot take advantage of the amnesty.

My hope is that we will at least make this bill as tough and set standards as high as they did in 1986, which certainly is not the case for the current proposal pending on the Senate floor.

Continuing under this chart, in 1986, the law created a new temporary resident status that lasted for 43 months. The current amendment creates a new conditional nonimmigrant status valid for 72 months. That is step 1, a temporary status.

Much has been made under the committee proposal about the hurdles that those who are currently in violation of our immigration laws but are nevertheless here in the United States will have to achieve in order to obtain a green card which then, of course, is a pass to citizenship. It is described by critics as a difficult process because illegal aliens will have to learn citizenship skills, pay a fee, pay back taxes, and continue working here in the United States.

But as the chart shows, the 1986 amnesty also required applicants to learn basic citizenship skills, including understanding ordinary English and history of the Government of the United States and to pay a fee.

But the most important point beyond the similarity of the amnesty in 1986, which everyone agrees was amnesty, the most important point is that we all can see that the amnesty in 1986 did not work and was a complete and total failure.

All you have to do is look at the fact that about 3 million people who have come into the country in violation of our immigration laws benefited from that 1986 amnesty.

Here we are 20 years later and we are not talking about 3 million people, we are talking about 12 million people, and maybe more.

That is part of the reason some people regard amnesty as a magnet that will attract further illegal immigration across our border and only to have us agree to another amnesty and then meet the next wave of people coming across our border who have perhaps a future amnesty.

Some people are very upset with the Federal Government and its failure to enforce our laws and to secure our borders. But the American people are a very forgiving people. I think if they believed that Congress is actually trying to solve this problem, as I believe we are, they will perhaps forgive us for not having secured our border before, made sure we had enforceable worksite verification and employer sanctions for those who hired people in violation of our immigration laws.

But there is one thing the American people won't forgive: that is, if we try to trick them again by trying to sell them an amnesty in 2006 when they know good and well that the amnesty in 1986 was a complete and total failure.

I am earnestly interested in finding a solution to this problem. I believe the better starting point for solving this complex problem is with fairness. That means treating the people who have entered our country in violation of our laws no better than those who patiently wait outside of our country for their chance at the American dream through legal channels.

This can be done by allowing those who have come here illegally a second chance to depart and then reenter the country legally. This is the model that was contained in legislation that Senator JOHN KYL and I introduced well over a year ago. We did so after holding about half dozen hearings on the broken immigration system and ways to fix it. Both of us, like all of our colleagues, but particularly Senators from border States, are earnestly interested in trying to find a way to fix it. But I recognize—and I believe Senator KYL does as well—that there needs to be flexibility built into any proposal.

We recognize there will probably have to be humanitarian exceptions for the elderly or third country processing for those who have no country to return to. Senator KYL and I are working on proposals to make these concepts work as part of a comprehensive bill. But then for the 12 million illegal aliens in this country, I am confident for their personal situations we would all agree that some special consideration is warranted. No one can test that.

But when creating a Federal policy that will impact tens of millions of people in the years to come, there has to be agreement and consensus on a general rule. That is why I disagree with the Judiciary Committee product. The general rule under their proposal is that illegal aliens will be rewarded with a special pass to citizenship and that person will be allowed to break in line ahead of those who have attempted to come to this country legally and are patiently waiting outside the country for their chance.

As you can tell, it is no secret that I oppose the committee product. I oppose it because I think it is bad policy and will reward illegal behavior. I believe it is a proposal built on an assumption that our immigration laws cannot be enforced. That is something I will never agree with because that is simply to give up and to admit defeat.

But, most importantly, I oppose it because I believe it repeats a mistake that our country made 20 years ago which, if repeated, will never be excused or forgiven by the American people.

I yield the floor.

EXHIBIT 1

[From the Washington Times, Aug. 2, 2004]

ILLEGALS ACTED ON RUMORS OF AMNESTY

(By Jerry Seper)

Nearly 35 percent of the illegal aliens captured trying to enter the United States in the 19 days after President Bush proposed a still-pending guest-worker program say they were trying to take advantage of what many saw as amnesty.

According to a confidential Border Patrol report to a Senate committee, 1,000 of 2,881 foreign nationals interviewed by agents after their capture at the U.S.-Mexico border between Jan. 7 and Jan. 26 acknowledged that rumors of an amnesty program—outlined in Mexican press reports and passed on by relatives—had influenced their decision to try to enter the United States illegally.

Mr. Bush's proposed immigration initiative, formally announced Jan. 7, would allow millions of illegal aliens in the United States to remain in the country as guest workers for renewable three-year periods if they have jobs. The aliens eventually could apply for permanent legal residence.

About 8 million to 12 million illegal aliens, mostly Mexican nationals, are estimated to be in the United States.

Beginning just days after the Bush announcement, the number of illegal aliens caught crossing into this country from Mexico increased dramatically, immigration-enforcement officials said, although the White House painstakingly has denied that the president's guestworker proposal offered amnesty—saying, instead, it would give illegal aliens holding jobs in the United States temporary work permits, but they eventually would have to go home.

Outlined as a set of principles and not as specific legislation, the Bush proposal did not prescribe any penalties for those caught entering the country illegally and would allow those here to remain in the United States for an as-yet undetermined number of renewable three-year periods.

The Border Patrol report said 66,472 illegal aliens were apprehended along the U.S.-Mexico border during that 19-day period, about 3,500 a day. The January 2004 total is more than 11 percent higher than the number of apprehensions reported in January 2003, according to patrol records.

The report said questionnaires were given to field intelligence agents to interview apprehended aliens on a random basis to determine their "perception of the proposed temporary guestworker program." The questionnaire used the word "amnesty" because of the widespread reporting in the Mexican press referring to the proposed program as an offer of amnesty, the report said.

The questionnaire was canceled Jan. 26 after its public disclosure. The report said Border Patrol officials determined that the questionnaire's integrity had been compromised by the press coverage.

The Border Patrol has denied that the questionnaire was politically motivated or intended to imply that Mr. Bush was calling for a general amnesty, saying, instead, that the agency routinely develops questionnaires to request information from field offices on a variety of issues.

"This practice is critical to providing the Border Patrol with a comprehensive understanding of the border environment," the report said. "The collection of this type of information is an essential tool that enables decision-makers to develop plans and operations specifically designed to counter threats or issues that the questionnaire identifies or confirms."

The National Border Patrol Council, which represents the agency's 10,000 nonsupervisory agents, said apprehension totals increased threefold in the San Diego area alone, adding that the majority of aliens detained along the border in January told arresting agents that they had come to the United States seeking amnesty.

Most of those arrested and eventually deported had no history of immigration violations, the council said.

The council has told its members to challenge the guest-worker proposal, calling it a "slap in the face to anyone who has ever tried to enforce the immigration laws of the United States."

Congress approved an amnesty program in 1986 that gave legal status to 2.7 million illegal aliens.

A CBS News/New York Times poll in January 2004 said no issue upset the public more than Mr. Bush's amnesty/guest-worker proposal, with only one-third of Americans supporting him. And a CNN/Gallup/USA Today poll that same month said 74 percent of respondents thought the United States should not make it easier for illegal aliens to become U.S. citizens.

Sen. Charles E. Grassley, Iowa Republican and a senior member of the Senate Judiciary Committee, had asked Homeland Security Secretary Tom Ridge to explain whether "rumors of amnesty" concerning the Bush proposal had played any role in attempts by illegal aliens to cross the border.

Mr. Grassley told Mr. Ridge in a letter that he was concerned that illegal aliens were risking their lives and putting their futures in the hands of corrupt alien smugglers in an attempt to gain entry to the United States.

SECURING AMERICA'S BORDERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206) to establish an enactment date.

Bingaman amendment No. 3210 (to amendment No. 3192), to provide financial aid to local law enforcement officials along the Nation's borders.

Alexander amendment No. 3193 (to amendment No. 3192), to prescribe the binding oath or affirmation of renunciation and allegiance required to the naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my sincerest appreciation for the leadership of Senator JOHN CORNYN as we have attempted in the Judiciary Committee—of which we are both members—to try and help produce a bill that will actually work, that will allow legal immigration to be formal, effective, and allow more people to come into our country legally while ending the disarray which now exists. He is so knowledgeable as a former justice on the Supreme Court of Texas and former attorney general of Texas. He understands it so well, being a Member from a State that deals with this in such a consistent and continuous way. I thank the Senator for his excellent work.

One of the aspects that is most troubling to me about the process—as it has gone along, I have become even more concerned about it—is that it indicates a lack of serious thought about what we are going to do as a nation to deal with those who are here illegally now. We know there are a lot of good people here. What are we going to do in the future?

Let me report how things went in the Judiciary Committee. We had the Alito hearings, we had the Roberts hearings, we had the PATRIOT Act debate, and we had the asbestos debate. We have been as busy as any committee has ever been on a host of important issues facing our country all year. It seems as if that is about all I do, and I am on the Armed Services Committee at a time when we are a nation at war. We have a lot of things going on, and we have worked very hard.

At the beginning of the process, I expressed concern asked that we not rush the committee into something before it was ready. The majority leader set this time for this bill to come to the floor, and he said he expected us to complete a bill if we wanted a Judiciary Committee bill to be the vehicle on the floor. So the committee tried to do it. But there was not enough time. We did not give enough thought to it, in my view. We met for 6 days in the Judiciary Committee attempting to mark up Chairman SPECTER's immigration legislation, a mark that he put out which is considerably better, in my view, then what is currently on the floor. His was not acceptable in some ways, but it is better than the one we produced. He put his mark out for debate in Committee.

We began to discuss it. We met on March 2, March 8, March 9, March 15, 16, and 27. Six days may sound like a lot in the committee process, but this bill is 400 pages involving tremendous national issues which many people feel strongly about and which deserve real discussion.

During the first day, we basically just talked about the bill. No amendments were offered during the markup. During the next 3 days, we talked about the enforcement provisions of the bill and simply accepted by unanimous consent noncontroversial amendments to the first two titles of the bill, two of the seven titles. We accepted some amendments.

Then we get to day four. We did not have a single vote on any amendment during those first four days of hearings. On the fifth day, we once again in committee talked about how best to proceed. No amendments were offered, and none were voted on.

During the 5 days, we did not vote on a single amendment. All the controversial issues got pushed off to Monday. We are not normally here on Monday, but we showed up on Monday because the leader said we had to have a bill out Monday night or he would bring up his own bill.

During the morning session on Monday, we spent 3½ hours talking about amendments on the enforcement provisions of the bill. We spent a good bit of time on the enforcement provisions and made some progress. I got optimistic to the point that I have said if we did just a few more things, we could create an enforcement system that would work. So we spent a little time on enforcement. But we are still now talking about title II of the seven titles in the bill.

After lunch on Monday of this week, we met for another 3½ hours and ran through the remaining five titles, five sections of the bill, with little discussion and less understanding of what the amendments were and what they amounted to. We voted on several amendments without even having language to review. In only 3½ hours on Monday, we voted on four amnesty provisions and increased the chairman's mark by over 100 pages.

Let me make this clear. We spent 5 days talking about the enforcement issues with little controversy there. In contrast, we spent 3½ hours passing out the massive amnesty provisions in the bill that is now in the Senate that will attempt to legalize and put on an automatic path, virtually, to citizenship.

We also passed legislation that increases the legal immigration in our country by at least double—probably more than that—to 400,000 per year, with little discussion of who and how that should be done. It just was offered and passed.

I believe this Senate needs to slow down and think about where we are. It is very important.

Members of this Senate have expressed deep concern that the border has become a major gateway for terrorists to have access to the United States. Senator FEINSTEIN expressed that. Clearly, she is from California. We are pleased to have three Senators—Senator FEINSTEIN from California, Senator KYL from Arizona, and Senator CORNYN from Texas—who live on the border and know about it and understand it in many ways, far better than the rest of us. I share her concern and believe it can only be remedied by focusing on fixing our immigration system as a whole. It is something we can do. This is within our grasp at this point, but we are not there yet.

Securing our borders and being able to keep track of the people who come in and out of our country is essential to our security. We know that countries without secure immigration policies are a natural fit for bad actors who seek to live anonymously within their borders. A country that does not protect its borders and does not know the identity of those who come in and out of the country is laying out the welcome mat for criminals and even terrorists.

I have visited a number of times with troops and other government officials in Afghanistan. I have had the honor to meet with General Jones, our commander in Europe, General Abizaid, our commander in Central Command, and they have expressed exceedingly great concern to me about unregulated border areas. They have emphasized that there are a number of places around the globe, border areas of countries that are not very effective countries, in which criminals can gather and nobody does anything about it. It gets worse and worse, and terrorists nest there. The most dramatic example of that, of course, is this very long and very large border between Afghanistan and Pakistan, where many think Osama bin Laden hides out today. Some ask why isn't it possible for us to find him? It is a very large area. It is basically an area that has not been controlled effectively by the Governments of Pakistan or Afghanistan, and as a result, it is far more difficult.

I just came from there last week and had a briefing on this specific area. If anyone heard the briefing I had, there would be a far greater understanding of how difficult it is to control these areas.

A great nation like the United States has to do better. We cannot allow that tendency to occur in our country. I believe we can say with some integrity and honesty that tends to be what is happening here on our border.

Last night, I had an exchange with Senator KYL in the Senate, and he talked about the increasing number of people who are involved in crime on the Arizona-Mexico border. Many are not from Mexico. Many are from further south, from other countries, who come into Mexico, but it is an area in which they operate, move drugs, extort, carry people, and it is not a healthy situation at all. It is something a great nation, if we care about the people who want to live here and come into our country legally, should be very concerned about.

The United States felt the sharp consequences of open borders and lax enforcement when our ineffective immigration policies enabled 19 terrorists to obtain visas into the United States on September 11. September 11 was not the only act of terrorism on U.S. soil, though, that has resulted from poor immigration policies.

Let's talk about the Brooklyn subway plot. People may have forgotten that. Gazi Ibrahim Abu Mezer was caught by the Border Patrol agents three times while trying to illegally cross the Canadian border. After a third apprehension, Canada would not take him back. Because the United States suffers from a severe lack of detention space for illegal aliens like Mezer, what happened to him? Canada would not take him back. He was released into the country on bail with a promise that he would show up for a hearing at which he would be deported. So he wants to come to this country, he is apprehended for the third time, Canada will not let him come back, and they release him on a promise that he will show up for a hearing on whether he should be deported. It sounds like, based on those facts, he probably was confident he would be. While waiting for his hearing, Mezer busied himself by plotting to bomb the Brooklyn subway.

Mohammad Salameh, one of the World Trade Center bombing coconspirators in the first World Trade Center bombing attempt in 1993—more than an attempt; an explosion that did not bring down the building applied for a tourist visa to the United States. Although Mohammad Salameh overcame the presumption that he was required to overcome as a single male, young, and received a visa, he overstayed the visa and remained illegally in the United States. We passed amnesty. He applied then to be a permanent resident. It was rejected. Somebody caught it somehow and saw something there. What did he do? He applies for amnesty under the 1986 act, and they reject it. So what does that mean? Was he sent home? No, he just simply remained in the United States. Nobody bothered to come and look for him. He continued living and working here because there was no enforcement mechanism in place allowing authorities to detain and remove rejected green card applicants.

Mahmud Abouhalima, a leader of the 1993 trade bombing, was legalized as a part of the 1986 amnesty, also. It was only after he was legalized that he was able to travel outside the United States. The trips he took after being granted amnesty included several to Afghanistan and Pakistan, where he received the training he used in the bombing.

Most people who seek to stay in our country are good and decent people. They are not terrorists. We know that. But we have an increasing number of criminals from around the world seeking to enter this country, and we have the terrorist problem.

Abounalima took advantage of the amnesty. He got approved. Proper background checks apparently were not conducted, and he then, as a permanent legal resident, green card holder, was free to travel back and forth around the world and go to Afghanistan and Pakistan. That is where he got his training for the 1993 bombing.

The mastermind of the 1993 bombing was Ramzi Yousef. He did not waste time applying for a visa to come to the United States. Upon his arrival at JFK Airport, he simply applied for asylum, saying he was persecuted. There was a lack of detention space while they were trying to determine his status. They said to this man who illegally appeared at John F. Kennedy Airport—You are here illegally; we will arrest you. And he says: I claim asylum; I am here because I have been run out of my country. So he is entitled, now, to a trial or a hearing on that. But they cannot do it that day, and they do not have any place to put him, so they release him. They parole him into the country until a hearing can be held on his asylum claim. Yousef then used that time inside the United States to plan the 1993 bombing of the World Trade Tower.

Not only have our amnesty, visa issuance, and asylum policies brought terrorists into the United States, our programs have also served as a conduit for criminals and terrorists.

Hesham Mohamed Hadayet, murdered two people at the El Al counter at Los Angeles International Airport in July 2002. Less than a year after 9/11, Hadayet conducted that attack at the airport which resulted in the murder of two people.

He received legal status through the diversity lottery visa in this fashion: In 2002, Hadayet was a visa overstayer. He got a visa, came here, but he stayed illegally beyond the time he was supposed to stay. In his asylum claim, when they confronted him about it, he claimed that he was entitled to asylum, too. That is a good thing to say because that stops the works. So he claimed asylum. But a hearing was held, and the determination was that he was not entitled to asylum. It was rejected.

But with no mechanism, no will and no capacity to tell the truth, to remove him, he just stayed in the United States with his wife. Then Hadayet's wife won the diversity visa lottery. She got a green card and she was able to get one for her husband. So both of them were legalized. That is how he got into the country—not a way it should have happened. Once his asylum had been rejected, he should have been removed.

Now, we have been reading in the paper about Zacarias Moussaoui, who just confessed, apparently, to his intent to participate in the September 11 bombings in plane attacks in our country. He entered the country under the visa waiver program, and he just confessed that he was to fly a plane into the White House.

I would like to share a few more things about the ineffectiveness of our system. Most of the people who come here are not criminals. Most of the people who come here have legitimate reasons. They ought to wait until we are able to check their records and verify they are an appropriate person to come in our country. That is how the system is supposed to work. But the truth is, we are seeing a larger number of criminals coming in than we ever have before.

Criminals from other countries, and those who would commit crimes, also use the immigration system against us.

On December of 2005, Secretary Chertoff, the Secretary of the Department of Homeland Security, testified that the Border Patrol encountered 1.1 million illegal aliens attempting to cross the southwest border between the legitimate ports of entry illegally.

Just a few weeks ago, a Department of Homeland Security employee told us that approximately 12 percent—12 percent—of the people apprehended already had criminal records. That is 139,000 people. So for those they apprehended, they did a background check on them, and they found that 12 percent of those had a criminal record already, totaling 139,000 people.

In 2004, the Department of Homeland Security deported over 88,000 criminal aliens. Those removals accounted for over 40 percent of the people who were removed. Now, these are not simple immigration violations. They are serious offenses: fraud, drugs, extortion, or violence.

If we catch one criminal entering the country, each year, for every criminal entering the country we do not catch—and some say that is about correct—it is highly likely the United States received a net gain, in 2004, of 51,000 criminals, none of whom should have been allowed in the country if an appropriate system were operating.

A great nation does not have to accept everybody who wants to come. No nation does—not everybody. So we set standards. One of the standards is, people are not allowed in the country who have criminal records or charges are pending against them.

Now, the numbers of criminal aliens in the country is startling, I have to tell you. I wish it were not so, but I am just telling you what the numbers are. Criminal aliens now constitute a large percent of all the Federal prisoners in Federal prisons today. How many? What percent would you suspect? I will have to tell you, it is an astounding 27 percent. Twenty-seven percent of the Federal prisoners today are illegal aliens, criminal aliens.

In 2003, that means 44,000 criminal aliens were serving sentences in Federal jails. This is just the Federal jails, which probably represent 10 percent of all the prisoners in the United States. I believe those percentages could be even higher in State and local prisons. And I understand in some States it may be even higher, like in California and others.

An April of 2005 a GAO, Government Accountability Office, report found that the number of criminal aliens incarcerated in the United States increased 15 percent from 2001 to 2004. That is a steady and substantial increase.

According to the Bureau of Prisons, the cost of incarcerating criminal aliens totaled approximately $1.2 billion in 2004.

Now, again, I am not saying that we need to reject people and stop immigration and never allow anybody into our country because we are having an increasing number of people who attempt to come here who are criminals. What I am saying is, we need to make our system work so we can identify those people who have criminal histories and not allow them in and allow the good and decent people in. Isn't that what it is all about? It is a very important point.

Criminal aliens are also having a severely negative impact at the State and local level. Recently, an ICE agent—those are the immigration enforcement officers—in Alabama contacted me to tell me there is an enormous, growing problem with aliens trafficking drugs across north Alabama. Who would think that? He informed me that all of the green card holders he arrests for criminal convictions for trafficking dope were once illegal aliens but have been granted amnesty somewhere along the way.

To quote him directly, he said—this is what he told me:

> [It is] because they had no respect for the law when they jumped the river, worked illegally, and used fake documents with false names.

That is what he said. Who can say there is no truth to that? I think there is some truth to that. Simply giving an illegal alien a green card does not suddenly make that person a law-abiding citizen. We need to make sure we have ascertained, when a person applies to come into our country by visa, or to obtain a green card, that they are law-abiding citizens who are going to contribute positively to our country.

I like to tell my friends in Texas the whole story about Alabama. Perhaps

Georgia has a spin on it. It probably has a little spin on it, I say to the Presiding Officer. But the story was: If somebody got in trouble with the law in Alabama, and you went to their house, they would have "GTT" on the door. What did that stand for? "Gone To Texas." In the old days, they did not have many prisons, and basically if you got out of town, that was fine.

I am wondering, sometimes, if people who are getting in trouble in their home countries are not finding it easier than being arrested and put in jail in their own country to just leave town. And if they leave town, maybe the local police and constabularies are happy to have them go and do not mind what happens to them. I am afraid some of that may be occurring here. I suspect in the early days, Georgia sent their people to Alabama, Mr. President. I don't know. Of course, your State was founded—I will not get into that story.

The next story from Alabama ICE agents was surprising to me. In December of last year, in the past few months, they arrested, in the north Alabama area, a leader of the MS–13 street gang—that is basically an El Salvadorian violent street gang—for possessing a stolen firearm. ICE had to release the gang member from custody a couple months later because the judge determined that he derived U.S. citizenship from his father who received amnesty in the 1990s and was naturalized when the gang member was 17. Normally, as a noncitizen, being charged with this offense, he would be deported.

A few weeks ago, just 30 days after being released from custody, the gang leader was again arrested, this time for firing eight rounds out of a car at a rival gang member in the town of Pelham, AL. Because he received citizenship through amnesty, Alabama will not see him deported.

The guy the gang leader shot at is the area leader of the Brown Pride 13 street gang, which is another street gang. ICE tells me this gang leader is also a once-illegal alien who received amnesty and a green card.

Now, we want to give amnesty to the people who deserve it. But we need to create a system that when we do that we have examined them to make sure they are the kind of people who would make good citizens. That is what we tell the American people we are going to do. That is what we tell them we are going to do. We tell them this bill sets up a lawful system for people to apply to immigrate to our country and that before they are allowed to immigrate and become a citizen, get a permanent status to stay here permanently, that we have checked them out. I am saying to you, too often we fail to do that. It is a hollow promise. ICE, in dealing with this gang leader, must wait for him to be convicted of a crime for him to be arrested.

Unlike any of us, these Federal agents are in the trenches every day working hard to enforce the law, of which most of us only hear about on the news. As this ICE agent told me, he gets aggravated that people do not realize that yet another amnesty or allowance for adjustment of status will only ensure that the Government rubberstamps more criminals into our country and allows them to receive green cards. He is worried about that.

I think if we took care and did it right, that might not be the case. I believe we can do it. But we have to be fully aware and take intentional steps or his prediction will be correct. And based on what he has seen in his experience, I have no doubt that he is somewhat cynical about the willingness of our Congress to take the necessary steps to make sure it does not happen.

Around the country we are seeing an increase in the number of illegal criminal aliens who are being apprehended, some with access to critical infrastructure and information pertaining to national security interests.

Jerry Seper of the Washington Post has written about these issues for some time. I have noted with some interest his accounts that demonstrate the gaping holes in our immigration enforcement and security policies. Let's share some examples of what he reported.

In May of 2004, John Torres, Deputy Director for Smuggling and Public Safety, of ICE, the Immigration Service, testified before the House Judiciary Committee that criminal organizations worldwide make over $9.5 billion a year smuggling foreign nationals. This is his testimony before the House Judiciary Committee, the Government official at ICE, that these criminal organizations make over $9.5 billion a year smuggling foreign nationals, illicit drugs, and weapons into the United States.

This smuggling includes as many as 17,500 people forced to work as prostitutes. We have heard about the sex slave prostitution problem. He says it includes as many as 17,500 sweatshop laborers and domestic servants. Mr. Torres testified that these well-established smuggling and trafficking pipelines serve as conduits for illegal immigrants and criminals seeking entry into the country. Many of these people are easily exploited by terrorists and extremist organizations. It is these people who will be granted amnesty under many of the proposals currently pending on the floor. This is a prime example of why we must focus on enforcement and border protection before anything else.

That is what the House decided to do. People say the House bill is harsh. The House bill is not harsh in the sense that it simply examined our enforcement procedures and found them totally lacking. They concluded the most honest way to deal with the problem was to confront border laxity and our enforcement mechanisms and get that under control. Once we have done that, then we could go to the American people with a plan to determine how many people will come in in the future, how many people are here, and how to handle those people who are here, many of them as fine and decent a people as anybody would ever want to know, working hard every day, contributing to our country. We do owe them fair and humane treatment. I will not support any bill that does not give them that. But the House said, as a first step, let's do that.

We spent most of our time in the Judiciary Committee marking up the enforcement protections in the bill. But at the last day, this Monday, we dumped in about 100 pages or more of this issue, the more serious and complex issue of the people who are here, how to handle them, and who to allow in in the future. That is why we are a bit rushed. As a matter of fact, that bill was not even printed and received by the committee members. We did not know what the language was until it was finally printed Wednesday night at 8. Now they want us to pass this legislation dealing with the historic challenges in immigration going beyond improving enforcement to the entire philosophy and policy of our Nation for many years to come. We are not ready to do that. Certainly if we are, this bill is not the vehicle to do so.

Last year in an isolated incident in Virginia, ICE agents arrested nine criminal aliens, six of whom had been previously convicted on aggravated felony charges, including child molestation, drug possession, and sexual assault. These aliens should have been deported on conviction. That is what the law says. These aliens were identified during an investigation that found they had attempted to obtain immigration benefits through the CIS, the immigration services agency, including work permits and permanent resident status. These are nine of the estimated 85,000 criminal aliens walking our streets today.

Last March, ICE agents deported 37 criminal aliens rounded up in the Washington area, two of whom had ties to MS-13, the Salvadoran gang which operates within the region. This group of criminal aliens were people convicted of theft, assault, burglary, sexual battery, and malicious wounding. From the Washington area alone in 2004, ICE deported 819 criminal aliens. MS–13 has an estimated 2,000 members in northern Virginia alone. This is not your ordinary street gang. It is a malicious, violent gang involving alien and weapons smuggling, murder, robberies, burglaries, carjacking, extortion, rape, and aggravated assault.

In May of 2005, ICE arrested 60 illegal aliens working as contract employees at a dozen critical U.S. infrastructure sites nationwide, including seven petrochemical refineries, very much potential targets, three powerplants, a national air cargo facility, and a pipeline company. What these things demonstrate, when I talk about Alabama or northern Virginia, is that the system currently is not working. We can make it work. It is not that hard. We are pretty close to getting there. We have jumped 8 feet, but the ravine we need to jump across is 10 feet wide. Let's go the extra 2 feet. Let's get out there and create a legitimate enforcement mechanism that will guarantee that we are as open and friendly as we have always been to those who want to come to this country but with a system that does not allow criminals to take advantage of us, does not allow terrorists to take advantage of us. In fact, this bill fails to prohibit the entry into our country of criminals in an effective way. That is why Senator KYL and Senator CORNYN have offered their amendment dealing with this particular issue. It absolutely needs to be a part of it. I was pleased that Senator CORNYN talked about the similarity between the bill we are moving today and the one we passed in 1986, which everybody agreed was amnesty. Black's Law Dictionary even defines amnesty by referring to the 1986 bill in their definition. Everybody admitted in 1986, it was amnesty. People have said we are not for amnesty. We have campaigned on it. Virtually every Senator, every leader, even the President has said we are not for amnesty. But anything you try to do, they say: That is not amnesty.

Is it not an automatic path to a green card and citizenship? Why isn't it automatic? Well, they have to pay $1,000. They have to pay their income taxes. Don't you have to pay your income taxes? What is this? You have to have a job. What do they come here for? To have a job. And then only the most part-time job with the most minimal proof would establish the work requirement. Basically it guarantees anybody here a path to citizenship as long as they don't get convicted of a felony. If you get convicted of a felony before you are deported today, the chances are very good you can maneuver your way out on bail and never be deported.

A good system would take a person directly from the incarceration facility and move them directly out of the country. That is what we say we are going to do, but we don't.

I have many more examples of situations in which we have not managed our immigration system well. As a result, illegal aliens have been caught working in nuclear plants and military bases in highly secret and sensitive areas of our country. We can do better than that. We absolutely can and we must do better than that.

I join with my colleagues Senators KYL and CORNYN in saying: We definitely need to fix this omission in the bill that came out of committee that fails to properly deal with those who would come into the country illegally who have a criminal record and who could be put on a path to amnesty if we don't work it correctly.

I urge my colleagues, let's keep an open mind on the legislation. Let's remember that our Nation has some of the finest people you could ever want living and working here, but we need to deal with them fairly and humanely. We don't need to build a barrier around our country if it does not allow people to come here lawfully. We are a nation of immigrants and we always will and should welcome immigrants into the country, but we need to gain control of our borders. That includes physical barriers, virtual fences, improved enforcement, additional detention space, technology, and also workplace areas. If we eliminate the magnet of the workplace, if we take firm, effective steps on the border, we can reach that tipping point where people move from coming illegally into our country and we don't know then whether they are criminals. We move those people from the illegal path to entry into our country to a legal path. Isn't that what we want? Isn't that what we promised the American people time and again, when we have been asked about it in our States and on interview programs? We have all said that.

The legislation before us won't get us there. If we vote for that and tell our people that it will do the job, I do not believe we will be correct. Let's fix it. Let's improve it. Then we can make it work.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside in order for me to call up amendment No. 3215; provided further that at 4 p.m. on Monday, the pending amendments be temporarily set aside and Senator MIKULSKI be recognized in order to offer a first-degree amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3215

Mr. ISAKSON. Mr. President, I call up amendment No. 3215 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 3215.

The amendment is as follows:

(Purpose: To demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured)

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY CERTIFICATION.

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Mr. ISAKSON. Mr. President, yesterday I took the floor to speak at length about the legislation before us and to talk particularly about the history of amnesty in the past dealing with immigration. I talked about the dangerous step we would take if we created another opportunity to attract even more to come here without first having secured our borders. The amendment I have asked to be placed before the Senate today accepts a very simple premise, and that is that we have failed as a country to secure our borders. We continue to have those coming here illegally to work because it is easier than coming here legally. And until we stop that and shut that down, any program granting status to an illegal person in this country should never be implemented.

In the insurance industry, swimming pools are entitled an attractive nuisance. In the business of immigration, American policy is an attractive nuisance. We are attracting people to come here the wrong way. We are not penalizing them for coming here the wrong way. And we are now allowing people to come here the right way, a seamless system that seems to work. So this amendment is merely a trigger. It says that notwithstanding what programs we adopt in the Senate before final passage, no program granting status to someone who is here illegally or may come here illegally in the future will take effect until the Secretary of Homeland Security has certified to the President of the United States and to the Congress that our borders are reasonably secure.

I am not going to take a lot of time, but I want to repeat something I said yesterday: A month ago I took to the border myself along with Senator COLEMAN.

We went to Tijuana and San Diego, Fort Huachuca in Arizona. We saw firsthand the mechanisms that are available and being used today that will secure our border. We also saw firsthand the huge holes because we have neither funded the intelligence equipment and the eyes in the sky nor put the manpower on the border.

I, for one, will hold myself responsible and will be a reminder to this entire Senate that when we pass an appropriations act this year for Homeland Security and enforcement of immigration and customs, if it doesn't include the unmanned aerial vehicles we need on the border and the agents we need to enforce immigration law, then we are turning our back on a problem that began in 1986 and has continued until this day, and that is the benign neglect of us to fund the necessary equipment, manpower, and material to make the laws of this country work to allow people to come here in the right way as easily as possible but with accountability, and the people who come here the wrong way, to know there is a consequence to pay.

Human nature is human nature. People will respond when they know what the story is. Right now, they know the story is that it is easier to get here by sneaking in. In this measure, we send a signal that there will be no amnesty, no more free pass nor a continued flow of illegal people coming into this country. Instead, there will be consequences for ignoring the law, and there will be respect and appreciation for a normal, rational immigration process to work, so that America's labor needs are met, but America respects the borders between ourselves, the nation of Canada and the nation of Mexico.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Isakson). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I want to express my support for the Senator's view that we need to certify that we have the enforcement system working for the immigration system before we make these other changes that allow people to be given amnesty or be given a right to stay here in some lawful way.

The reason that is important is this: To boil it down in 1 minute before I yield the floor, the reason that is important is that once we pass the policies—the amnesty that is in this bill, or whatever policies we eventually pass—to deal with new immigration for years to come or to deal with those already here, that becomes law then. The problem has been that no President whom I know of—Presidents Carter, Reagan, Bush, Clinton, or Bush—has ever taken it as a personal interest to ensure that what happens on our borders actually works. So they have not asked for more money, more people or asked sufficiently for technology for it to work. And the Congress, as the Senator said, often doesn't fund it.

So what are we saying? Fundamentally, what happened in 1986, I believe, was that amnesty was granted and the promise to create a legal system in the future never developed. We have a very rightful responsibility to make sure that doesn't happen again. I think that is the intent of the Senator's amendment. I look forward to studying it, and I thank him for offering it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Cornyn). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask consent I be allowed to continue for a few minutes as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ERMA BYRD

Mr. LEAHY. Mr. President, yesterday afternoon my wife Marcelle and I went and said our final farewells to our Erma Byrd, the wife of our distinguished colleague and friend, Senator Robert Byrd of West Virginia. Marcelle and I have been privileged to know both Senator and Mrs. Byrd for well over 30 years.

While there, we talked with the distinguished senior citizen from West Virginia and told him how much that relationship meant, but especially how much it meant to us to see a love affair such as theirs, one that continued from the time they were teenagers to the time of Mrs. Byrd's death.

Mrs. Byrd and my wife used to sometimes drive down together for Senate spouse meetings. Every time Marcelle would come back, she would tell me something new and valuable she had learned from Erma and how much that friendship meant.

In recent times, when illness stopped her ability to come here, I would talk with my good friend Robert Byrd and ask him how Erma was doing and to tell him that both she and Robert were in our prayers and our thoughts. Many of us will be at the funeral this weekend out of respect for both of them. I will be thinking of the privilege it has been to have known them both and how privileged I am to still have as a dear friend and colleague Senator Robert C. Byrd.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

(The remarks of Mr. Frist pertaining to the submission of S. Res. 419 are printed in today's Record under "Submitted Resolutions.")

LEAVE OF ABSENCE

Mr. REID. Mr. President, on behalf of Senator Rockefeller, and under rule VI, paragraph 2, I ask that he may absent himself from Senate business and any rollcall votes during his recuperation from recent back surgery.

SECRETARY OF INTERIOR GALE NORTON

Mr. ALLARD. Mr. President, I rise today to recognize the work of a good friend of mine and a distinguished public servant, Secretary of Interior Gale Norton. Today is her final day as Secretary of Interior. I am certain that her presence in that position will be missed.

Secretary Norton hails from my home State of Colorado where she built a reputation as a hardworking conservationist and public servant. In Colorado she served as the State's attorney general where she represented the State before the Supreme Court on several occasions. But arguing cases before the Supreme Court wasn't challenging enough for Gale, so when asked by President Bush to be the first female to head the Department of Interior she wholeheartedly agreed.

Throughout her time at Interior she employed a commonsense approach and an understanding of Western issues which has proven to be an asset to the agency and the Nation. It is vital to have someone who appreciates Western issues as Secretary of Interior. This understanding is so crucial because, on average, 52 percent of the land mass in the 13 Western States is federally owned, while the average for the rest of the Nation is 4 percent.

Secretary Norton has guided Interior through one of the most challenging periods in the Department's history with an enthusiasm, confidence, and expertise that will be difficult to match.

She saw the Department through some of the most devastating fire seasons in recent history, and in response to this was charged with implementing one of the most important natural resource laws ever enacted, the Healthy Forest Restoration Act. The benefits of this legislation and her actions are already being seen on the ground on public land throughout the Nation.

Secretary Norton also recognized the importance of domestic energy production before many others; her legacy will help decrease our dependence on foreign energy sources. This understanding of energy needs was priceless as she worked with Congress on the most comprehensive energy reform legislation in decades.

She also worked tirelessly to improve the efficiency of DOI, reducing duplicative measures and cutting bureaucracy while improving citizen satisfaction with the Department.

She excelled at pushing issues on a national level, but was also instrumental in several projects which are closer to my heart as they are located in Colorado.

Secretary Norton helped with the creation of our Nation's newest national park, The Great Sand Dunes National Park in Colorado. She also helped to create the largest Wildlife Refuge in Colorado, the 92,500 acre Baca National Wildlife Refuge.

Secretary Norton worked to help take the Rocky Mountain Arsenal and Rocky Flats and transform them from national defense sites to wildlife refuges.

As Gale steps down I am somewhat saddened. Her moving on signals the closing of one of the most productive chapters in the Department of Interior's history. But I am excited to see what new endeavors she will take on. In these new adventures I have no doubt that she will meet challenges head on and find the same success that she has seen as Secretary of Interior. I wish Secretary Norton all of the best in her new adventures. Thank you, Gale, for all your hard work.

STATE GUN VIOLENCE PREVENTION REPORT CARDS FOR 2005

Mr. LEVIN. Mr. President, unfortunately the U.S. Congress is not addressing the issue of gun violence prevention, and several States have enacted laws which have made communities, and especially the children who live in them, less safe. Earlier this month, the Brady Campaign to Prevent Gun Violence released its 9th annual Report Card on State Gun Violence Prevention Laws and highlighted the inadequacy of many state laws relating to gun safety.

Each year, the Brady Campaign report assigns individual states a grade of "A" through "F" on seven types of gun safety laws that protect children from gun violence. The Brady Campaign includes in its analysis such questions as: Is it illegal for a child to possess a gun without supervision? Is it illegal to sell a gun to a child? Are gun owners held responsible for leaving loaded guns easily accessible to children? Are guns required to have child-safety locks, loaded-chamber indicators and other childproof designs? Do cities and counties have authority to enact local gun safety laws? Are background checks required at gun shows? And, is it legal to carry concealed handguns in public?

The grades assigned by the Brady Campaign show that State gun laws around the country continue to fall well short of what is needed to adequately protect children from gun violence. While six States received an "A," unchanged from last year, 32 states received a grade of "D" or "F," an increase of one. Only one State improved its grade from last year, while three others took actions that will make communities less safe from the threat of gun violence.

The Brady Campaign notes a few positive developments in State legislatures, including the consideration of state-level assault weapons bans by at least four states. Despite bipartisan support for its reauthorization, the 1994 Federal assault weapons ban was allowed to expire in 2004 due to inaction by the President and Republican leadership in the Congress.

Fortunately, the lack of Federal leadership on the assault weapons ban and several other gun safety issues has not discouraged citizens from working within their own communities and urging State legislatures to address the problems associated with gun violence. The Brady Campaign specifically recognized the importance of gun violence prevention advocates and leaders in several major cities, including Detroit, for their grassroots efforts. These efforts by local community leaders are needed now more than ever. Congress should take up and pass commonsense gun safety legislation to reauthorize and strengthen the assault weapons ban and help keep other dangerous firearms out of the hands of criminals and children.

WOMEN: BUILDERS OF COMMUNITIES AND DREAMS

Mr. SARBANES. Mr. President, I rise today in celebration of Women's History Month during which we as a Nation reflect on the momentous contributions women have made over the course of American history. Throughout our history, women have played vital roles that have helped initiate and guide important social, economic and political change, which has helped to solidify the greatness and prosperity of this Nation. I also want to, in turn, acknowledge that, while great strides have been made, there are still many barriers to equality that must be overcome.

This year's theme for Women's History Month is Women: Builders of Communities and Dreams. This theme recognizes the efforts of women in laying the foundation for greater equality and in building and buttressing movements that have resulted in profound change.

Of course, the foundation of all of our lives begins with our own communities, homes and families. We must not forget to honor the contributions of the women closest to us in their roles as mothers, grandmothers, wives, sisters, daughters, friends, and mentors—who transform and nurture us on a daily basis. As mothers and grandmothers, women spend each and every day building healthy, educated, productive, and happy families.

Building families goes hand in hand with building communities and a better society as a whole. Women have been at the forefront of this Nation's major social movements. One example is Anne Hutchinson, who in 1637 was banished from the Massachusetts Bay Colony because her beliefs ran contrary to Puritan teachings. Her courageous stand in the face of persecution helped lay the groundwork for religious freedom as a right. Even when their own rights were severely restricted, women rose up to fight for the rights of others. During the abolitionist movement, the social reform movement, the labor movement, and the civil rights movement, women emerged as leaders in the drive to make our society fairer and better for all Americans. During the civil rights movement, courageous women such as Rosa Parks, Coretta Scott King, and Ella Baker helped break down the walls of racism and ensure that equal justice was had by all regardless of the color of their skin.

The State of Maryland has a rich history of such leaders, including Harriet Tubman, who courageously led a shackled people to freedom via the Underground Railroad; Margaret Brent, who became America's first woman lawyer and landholder; and Clara Barton, founder and first president of the American Red Cross. Likewise, equality in the field of medicine was facilitated with the aid of Mary Elizabeth Garret and Martha Carey Thomas, whose financial support led to the establishment of the Johns Hopkins Medical School, after it was promised that women would not be excluded from admission. We in Maryland are particularly proud of Senator Barbara Mikulski who is Maryland's first female Senator and has served longer than any other woman currently in the Senate. In fact, it was Senator MIKULSKI who sponsored legislation establishing National Women's History Week, the precursor to Woman's History Month, in 1981. Maryland is also the birthplace of another distinguished public servant, House Democratic Leader Nancy Pelosi, whose historic political career took root in the State of Maryland. Leader PELOSI, who hails from a legendary political family in Baltimore, is the first woman in our Nation's history to lead a major political party in Congress. And, in 2006, Maryland leads the country in the number of women serving in the State legislature.

Over the last 50 years, more women have entered the workforce and attained rights previously unavailable. But this does not mean that, as a Nation, we have erased the adversity and discrimination that continues to stifle equality. According to the U.S. Census, women who work full time, year-round, earned 76 cents for every dollar their male counterparts earned. Gaps in health care coverage affect millions of Americans and women, especially those living in poverty, face significant barriers to receiving care. Access to preventative measures unique to ensuring a woman's health, such as screenings for breast and cervical cancer, has been harder to achieve in recent years and participation rates for such screenings have declined since 2001. Such inequalities are very troubling, and we must continue to work to ensure that these disparities are eradicated for the sake of future generations.

It is a privilege to commemorate and appreciate the women who have made an indelible impact on our lives and the history of this country. I encourage my colleagues to take Women's History Month as a time to reflect on the contributions of women, but also as a time to redouble our efforts to ensure that these achievements are retained and to work toward the goal of full equality.

Mrs. FEINSTEIN. Mr. President, I rise today in recognition of Women's History Month. As one of the 14 women in the United States Senate, I consider this tribute of the highest importance. This year's theme for the month is "Women: Builders of Communities and Dreams." There is no better time to salute the work women around the world have done at home and abroad to empower communities.

I am proud to come from the State where Women's History Month was conceived in 1978. Almost 30 years ago, the education task force of the Sonoma County Commission on the Status of Women in California first established Women's History Week in recognition of the achievements of women. This was soon expanded into a month-long celebration, realizing the dream of honoring women in a special way each year.

Women's History Month recognizes those who continually strive for greatness. One that comes to mind is Mary Helen Rogers, who passed away earlier this month. She dedicated her life to protecting African American families in San Francisco from urban displacement. While raising 12 children, she became an expert in housing laws. She helped start the Western Addition Community Organization, which forced the city to assist the residents it displaced. She later went on to serve as the San Francisco Housing Authority's community relations manager. Mary Helen Rogers demonstrated through her life's work the importance of community activism and the power of an individual to inspire action in those around her.

Just last month we lost another very special woman—Dana Reeve, the widow of actor Christopher Reeve. Her commitment to spinal cord injury research and loving dedication to her husband was unmatched. Since Chris' death, she carried his spirit with her in her drive to push Congress to expand embryonic stem cell research. Dana was the face of the fight on behalf of patients across the country with spinal cord injury, Parkinson's, juvenile diabetes and countless other illnesses. Her passing should serve as call for expansion of embryonic stem cell research. Mrs. Reeve's steadfast loyalty and compassionate care serves as an example to all women. She will be missed.

In Los Angeles, "Sweet" Alice Harris has been a leader in her community for over 40 years. Her steadfast commitment to the community through parent organizations, emergency relief, and youth programs, has made her an example of true community leadership.

As American women, we share a common history: It is a history of fighting for many of the rights and opportunities for which today's young women will prosper. We have come a long way from the days when women had no right to vote, no right to own property, and had extremely limited inheritance or child custody rights.

It wasn't until the Women's Property Act of 1839 that women gained land entitlement. The women's suffrage movement began in 1848; however the 19th amendment, granting women the right to vote, did not come to pass until 72 long years later, in 1920. It is a right for which our predecessors worked hard for. We owe it to them to fulfill our civic duty.

Today, American women are active in every sphere of our society. We have made our mark in this country's private and public sectors. Over 65 million women are a part of the American workforce. There are over 10 million woman-owned businesses. Women represent our Nation around the world. Many proudly wear our Nation's uniform.

Much has changed for over the past century. But make no mistake; much more needs to be done. We must provide improved health care and educational and workforce support for our Nation's women. We need to eliminate violence against women. We need to ensure that women continue to have the right to choose and autonomy over their bodies.

Violence against women is intolerable. Every 15 seconds a woman is battered, and each day four women die from domestic violence. Women should not be threatened by fear and violence. This is why the Violence Against Women Act reauthorization is such an important piece of legislation.

We also need to improve healthcare in our Nation. Breast cancer continues to be a serious threat to women in this country. One out of seven American women will develop the disease, and nearly 41,000 will die from it this year. We must commit ourselves to finding a cure for this disease which affects women regardless of race, class, or religion.

As the sponsor of the breast cancer research stamp, I am proud to say that since its inception in 1998, the stamp has helped raise nearly $50 million. These funds go a long way to help fund research and increase public awareness for this devastating disease. I am also supporting the National Institute of Health and National Cancer Institute legislative efforts to ensure that women undergoing mastectomy and lumpectomy surgeries are protected during their hospital stays. By continuing to prioritize investment in research, it is my hope that we can reach the goal of eradicating breast cancer by 2015.

Pregnant women must be provided with access to clinical care and parenting support. The U.S. infant mortality rate is 35th in the world. We must change this. Providing mothers with proper nutrition and healthy lifestyle education is key to combating preventable illnesses and deaths in mothers and children. Additionally, women are balancing careers with families more than ever, creating the need for affordable, quality childcare options.

Women are also in the midst of the war in Iraq, and we need to honor these women fighting to protect this country and for the dreams of those women who have been oppressed in Iraq and Afghanistan for too long.

Women began enlisting in the military at the start of World War I. Today women are serving in Iraq in record numbers. Women in the armed services make up 15 percent of active duty personnel. There have been nearly 2,000 California female deployments since 9/11. They do jobs that range from intelligence officers to doctors, to ground soldiers.

In Louisiana, Hurricane Katrina swept communities away in an instant. In the areas hardest hit by Katrina, 56 percent of families are headed by women, who are now taking the lead role in rebuilding the homes and lives their families and neighbors once knew. They deserve our help and support. It is only through their efforts that communities in New Orleans can thrive once again.

I salute the women leading the way in building stronger communities in California and across the Nation. They continue to lead and inspire us all. It is through their tenacity, strength, and passion that we see the transformation of dreams into realities. I have great hope for future generations of women, but we must protect and expand the cherished rights of today's women, so that they may continue to serve their communities and realize their dreams.

ADDITIONAL STATEMENTS

THE PASSING OF JOE TECCE

• Mr. KERRY. Mr. President, I rise today to recognize and celebrate the life of a great American, a Boston institution, and a personal friend. Earlier this month the legendary restaurateur Joe Tecce passed away, and with his death at age 94 a colorful chapter of Boston's history came to a close.

Joe's journey in the hospitality business started with a pushcart selling fruit on the North End's Salem Street at age 14, and due to his father's death years earlier, that job would constitute much of the family income. His trademark perseverance and business sense allowed him to open the Bella Napoli pizzeria in 1947. This 30 seat restaurant would host the first of countless guests, from all walks of life and from all over the world, who would make an evening special by sitting at one of Joe's coveted tables.

Once formally established on North Washington Street, Joe Tecce's Ristorante, or what regulars simply called "Tecce's", became a favorite of Bostonians, tourists from around the world, and celebrities of every stripe for more than 40 years. His reputation grew as his business and family did, and for Joe the two were almost inseparable. In addition to his traditional culinary skills, Joe became a host of such generosity and grace that he became an ambassador for the city itself. Standing at the door of Tecce's, often with his trademark wide-brimmed felt hat, Joe would greet everyone from Elizabeth Taylor and Nancy Reagan, to Frank Sinatra and Al Pacino, as well as luminaries from the worlds of sports such as Bobby Orr, Reggie Jackson and Larry Bird. His love of boxing not only attracted Rocky Marciano and Marvin Hagler to visit, it actually resulted in Joe being named to the Boxing Commission by then-Governor Ed King.

To walk into Tecce's was to walk into his home, and as you took your seat you could look around and see generations of Joe's family, sons and cousins, pushing forward the legacy he started with his fruit cart over 60 years earlier. For me and my family, no trip to the Boston Garden for a Celtics or Bruins game would be complete without starting the evening at Tecce's, and over the many years I knew Joe it became customary for my friends to gather there before a political event or a night at the theater.

Joe Tecce loved his family, his neighbors, and the North End and its traditions. But it was with his restaurant that he wove together all three and throughout the course of his career they became one. His legacy of generosity and hospitality leaves the city of Boston a better place, and it is with a heavy heart that I join his countless friends and beloved family in honoring his time with us.•

TRIBUTE TO COMMANDER MARK S. HOCHBERG

• Mr. WARNER. Mr. President, I rise today to recognize CDR Mark S. Hochberg on his retirement from 20 years of faithful and dedicated service to the U.S. Navy.

Throughout his career as a Seabee and civil engineer, he has made countless contributions to our Navy and Nation that improved the Navy's readiness and bettered the lives of its men and women. I want to thank him for his service and wish him the best of luck in all his future endeavors.•

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself, Ms. STABENOW, Mrs. MURRAY, Mr. CRAPO, Mr. SANTORUM, and Mr. LEVIN):

S. 2487. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Ms. LANDRIEU):

S. Res. 416. A resolution recognizing the victims of Hurricane Rita 6 months after the disaster, commending the resiliency of the people of Southwest Louisiana and Southeast Texas, and committing to stand by them in their relief and rebuilding efforts; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mr. CRAIG, Mr. AKAKA, Mr. FRIST, Ms. STABENOW, Ms. MIKULSKI, Mr. MENENDEZ, Ms. LANDRIEU, Mr. JOHNSON, Mr. BIDEN, Mr. KERRY, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. DORGAN, Mr. SALAZAR, Mr. COLEMAN, Mr. SUNUNU, Ms. MURKOWSKI, Mr. CHAFEE, Mr. ISAKSON, Mr. INHOFE, Mr. SANTORUM, Mr. SCHUMER, Mrs. CLINTON, Ms. SNOWE, Mr. CHAMBLISS, Mr. BURNS, Mrs. HUTCHISON, Mr. GREGG, Mr. CRAPO, Mr. VOINOVICH, Mr. VITTER, and Mr. BINGAMAN):

S. Res. 417. A resolution honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. DEWINE, Mr. DODD, Ms. LANDRIEU, Mr. KERRY, Mr. BURR, Mr. LEVIN, Mrs. CLINTON, Mr. CONRAD, and Mrs. MURRAY):

S. Res. 418. A resolution designating the week beginning April 2, 2006, as "Week of the Young Child"; considered and agreed to.

By Mr. FRIST (for himself and Mr. INHOFE):

S. Res. 419. A resolution expressing the sense of the Senate that the new United Nations Human Rights Council fails to adequately reform the United Nations Commission on Human Rights, thus preventing that body from becoming an effective monitor of human rights throughout the world; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 484

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 718

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1728

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1728, a bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

S. 2135

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2135, a bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to longstanding policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes.

S. 2296

At the request of Mr. INOUYE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2296, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 2429

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2429, a bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

S. 2433

At the request of Mr. SALAZAR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2433, a bill to amend title 38, United States Code, to establish an Assistant Secretary for Rural Veterans in the Department of Veterans Affairs, to improve the care provided to veterans living in rural areas, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

AMENDMENT NO. 3210

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 3210 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3212

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 3212 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Ms. STABENOW, Mrs. MURRAY, Mr. CRAPO, Mr. SANTORUM, and Mr. LEVIN):

S. 2487. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, I rise today to introduce the "Specialty Crop Competition Act of 2006." This bipartisan legislation co-sponsored by the distinguished Senator from Michigan, Senator STABENOW, increases the focus on the contribution that specialty crops add to the U.S. agricultural economy. This bill specifically provides the proper and necessary attention to many challenges faced throughout each segment of the industry.

Most do not realize the significance of specialty crops and their value to the U.S. economy and the health of U.S. citizens. According to the United States Department of Agriculture Economic Research Service, fruits and vegetables alone added $29.9 billion to the U.S. economy in 2002. This figure does not even include the contribution of nursery and other ornamental plant production, which our bill recognizes.

The specialty crop industry also accounts for more than $53 billion in cash receipts for U.S. producers, which is close to 54 percent of the total cash receipts for all crops. A surprising fact to some is that my State of Idaho is a top producer of specialty crops. Idaho proudly boasts production of cherries, table grapes, apples, onions, carrots, several varieties of seed crops and of course one of our most notable specialty crops, potatoes.

Maintaining a viable and sustainable specialty crop industry also benefits the health of America's citizens. Obesity continues to plague millions of people today and is a very serious and deepening threat not only to personal health and well-being, but to the resources of the economy as well. This issue is now receiving the necessary attention at the highest levels, and specialty crops will continue to play a prominent role in reversing the obesity trend.

The "Specialty Crop Competition Act" will also provide a stronger position for the U.S. industry in the global market arena. This legislation promotes initiatives that will combat diseases both native and foreign that continue to be used as non-tariff barriers to U.S. exports by foreign governments. Additionally, provisions in this bill seek improvements to federal regulations and resources that impede timely consideration of industry sanitary and phytosanitary petitions.

This bill does not provide direct subsidies to producers like other programs. This legislation takes a major step forward to highlight the significance of this industry to the agriculture economy, the benefits to the health of U.S. citizens, and the need for a stable, affordable, diverse, and secure supply of food.

Although we near the end of the 109th Congress, I look forward to working with my colleagues and the Administration to consider this comprehensive and necessary legislation as we begin to discuss new initiatives for the 2007 Farm Bill.

Ms. STABENOW. Mr. President, I rise today to join my colleague from Idaho, Senator CRAIG, in introducing the Specialty Crops Competition Act of 2006. I want to thank Senator CRAIG for his continued leadership on specialty crop issues. We have worked together for a number of years on legislation to promote American fruit and vegetable production and consumption of high quality, nutritious American-grown produce and this legislation is the next step in that process.

Michigan is a State that makes things and grows thing. We are famous for our automobiles, and we are also known for our cherries, apples, blueberries, and asparagus. I am proud to represent a State that is rich in diverse agricultural production. In fact, Michigan is second only to California in the variety of crops that we grow. Furthermore, agriculture is one of the lynchpins of Michigan's economy. Our farms contribute $37 billion annually to the State economy and provide more than half a million good jobs. Our specialty crops alone generate nearly $1.3 billion every year.

For far too long, specialty crops have been ignored by the U.S. Department of Agriculture. Specialty crops account for 51 percent of total national farm receipts but they do not receive the same subsidies or USDA consideration as program crops.

I want to clarify that the Craig-Stabenow bill is in no way designed to take funding away from program crops, but rather to bring specialty crops up to the status of program crops. All of our farmers work hard and take a gamble every year to produce and receive a return on their crops. They gamble against heat, drought, frost, storms, pests, crop diseases, and most recently a flood of foreign produce to our markets. The Specialty Crops Competition Act of 2006 would give specialty crop farmers valuable tools to keep them competitive and productive in a global marketplace.

Our bill creates a specialty crop block grant to State departments of agriculture at a level of $200 million annually in grants for fiscal years 2007–2009. The grants will support production-related research, commodity promotion, nutrition, food safety and inspection and other competitiveness enhancing programs. Each State will receive a minimum of $3 million each year, and a cap of $15 million annually per State is set to ensure funds for a competitive grant program, for which grower associations and others can apply. Our bill also fixes a long-standing misinterpretation of the Tree Assistance Program by ensuring that farmers who have lost trees and vines due to disasters or disease are eligible for assistance of up to $75,000 per year and not $75,000 maximum over the life of the farm bill.

Our bill also increases Federal purchases of fruits and vegetables for use on nutrition programs, such as the Commodity Food Supplemental Assistance Program. I have been a longtime supporter of nutrition programs because they are a win for farmers and a win for the most vulnerable of our citizens—children, seniors, and the poor. Specialty crop farmers benefit by having a market to which to sell their fruits and vegetables. And children, seniors, and those with low incomes receive healthy and balanced meals. One of the key provisions of the Craig-Stabenow bill is the correction of USDA's chronic misinterpretation of section 10603 of the 2002 farm bill. This section instructs USDA to purchase at least $200 million of fruits and vegetables annually over and above the purchases they currently make. Unfortunately, USDA is not complying with this provision. Instead of adding the $200 million on top of baseline spending for school lunch and senior programs, USDA has eliminated the baseline spending so there is no guarantee of any new spending on fruits and vegetables for our children. In fact, in 2002 USDA did not even meet the minimum purchase requirement; only $181 million in fresh fruits and vegetables were purchased. The Specialty Crop Competitiveness Act will correct this discrepancy and provide our Nation's children with much needed fruits and vegetables.

In addition, the Specialty Crops Competition Act improves growers' access to foreign markets by requiring the Animal Plant Health Inspection Service, APHIS, to create a division to handle industry petitions on sanitary and phytosanitary barriers to specialty crop exports, increase technical assistance funding for specialty crops, and study the effects of recent trade agreements and propose a strategy for specialty crop producers to more effectively benefit from international trade opportunities.

I am pleased to offer the Specialty Crops Competition Act of 2006 with Senator CRAIG. This is just one more step in ensuring the future of specialty crop production in the United States. As the Senate begins work on reauthorization of the farm bill, Senator CRAIG and I will continue to work with specialty crop farmers and growers' associations to improve and expand this legislation. Supporting American specialty crop growers and providing nutritious fruits and vegetables to American people is vital to ensuring our own health and the health of our economy. I hope that my colleagues will join me and support the Specialty Crops Competition Act of 2006.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 416—RECOGNIZING THE VICTIMS OF HURRICANE RITA 6 MONTHS AFTER THE DISASTER, COMMENDING THE RESILIENCY OF THE PEOPLE OE SOUTHWEST LOUISIANA AND SOUTHEAST TEXAS, AND COMMITTING TO STAND BY THEM IN THEIR RELIEF AND REBUILDING EFFORTS

Mr. VITTER (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 416

Whereas, on September 24, 2005, Hurricane Rita reached landfall causing extensive and significant damage along the Louisiana and extreme southeastern Texas coasts;

Whereas Hurricane Rita was named the fourth most intense Atlantic Hurricane ever recorded and the most intense tropical cyclone observed in the Gulf of Mexico;

Whereas the storm caused the loss of power in 700,000 homes in the State of Louisiana;

Whereas the total damage is estimated at $9,400,000,000, making Hurricane Rita the ninth-costliest storm in the history of the United States;

Whereas the human suffering continues for thousands of people who have lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is still critically needed in many of the areas affected by Hurricane Rita;

Whereas Federal, State, and local first responders, the National Guard, and many ordinary citizens have risked their lives to save others;

Whereas the American Red Cross, the Salvation Army, local religious organizations, and other volunteer organizations and charities continue to supply victims with necessities;

Whereas the State of Texas and numerous other States have welcomed thousands of victims from Louisiana and continue to provide them with aid and comfort; and

Whereas thousands of volunteers and government employees from across the Nation have committed time and resources to help with recovery efforts: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the condolences of the Nation to the victims of Hurricane Rita;

(2) recognizes the 6-month anniversary of the disaster;

(3) commends the resiliency and courage of the people of the States of Louisiana and Texas; and

(4) commits to providing the necessary resources and to standing by the people of the States of Louisiana and Texas in the relief, recovery, and rebuilding efforts in the areas impacted by Hurricane Rita.

SENATE RESOLUTION 417—HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES AND THE 119 STATE VETERANS HOMES PROVIDING LONG-TERM CARE TO VETERANS THAT ARE REPRESENTED BY THAT ASSOCIATION FOR THEIR CONTRIBUTIONS TO THE HEALTH CARE OF VETERANS AND THE HEALTH-CARE SYSTEM OF THE NATION

Mr. LAUTENBERG (for himself, Mrs. DOLE, Mr. CRAIG, Mr. AKAKA, Mr. FRIST, Ms. STABENOW, Ms. MIKULSKI, Mr. MENENDEZ, Ms. LANDRIEU, Mr. JOHNSON, Mr. BIDEN, Mr. Kerry, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. DORGAN, Mr. SALAZAR, Mr. COLEMAN, Mr. SUNUNU, Ms. MURKOWSKI, Mr. CHAFEE, Mr. ISAKSON, Mr. INHOFE, Mr. SANTORUM, Mr. SCHUMER, Mrs. CLINTON, Ms. SNOWE, Mr. CHAMBLISS, Mr. BURNS, Mrs. HUTCHISON, Mr. GREGG, Mr. CRAPO, Mr. VOINOVICH, Mr. VITTER, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 417

Whereas the National Association of State Veterans Homes was established in 1954 by a group of administrators of State veterans homes to represent the interests of those homes in a unified voice before Congress and the executive branch;

Whereas the National Association of State Veterans Homes functions on an all-volunteer basis and focuses on endeavors that improve the conditions of care furnished to veterans by State veterans homes, elevate and monitor the qualifications for managers of such homes, and provide continuing education standards for staff who provide care to veterans in such homes;

Whereas the National Association of State Veterans Homes has been and continues to be in the forefront of developing and supporting new methods and models for providing long-term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care;

Whereas State veterans homes, which provide long-term care to thousands of veterans, were established initially in the States of Connecticut, Kansas, Ohio, and Maine in 1868 to house, feed, and care for thousands of homeless, wounded, and permanently scarred Union soldiers and thus have been in existence since before the establishment of the Department of Veterans Affairs, the earlier Veterans' Administration, and its predecessor agencies;

Whereas in 1888 Congress authorized the Federal payment of a daily allowance for the care of each former soldier or sailor in a State home-hospital, an allowance that continues today in the form of a per diem grant program administered by the Department of Veterans Affairs that is authorized to provide up to 50 percent of the average daily cost of care, but currently provides only approximately 30 percent;

Whereas the Department of Veterans Affairs further participates in the care of veterans in State homes with a matching grant program to support construction and major renovation projects to sustain those homes and build towards sufficient levels of available, high-quality health care;

Whereas State veterans homes offer long-term services to eligible veterans in need of such services on certification of the Department of Veterans Affairs at 119 facilities in 47 States and the Commonwealth of Puerto Rico;

Whereas the States determine the allocation of nursing home beds in individual State veterans home facilities, and establish the eligibility of veterans and their dependents to occupy those beds, following Federal guidelines;

Whereas within the limits of their capacities, State veterans homes provide care for more than 27,500 veterans each day, accounting for more than 50 percent of the total national long-term care bed capacity for veterans, thereby sharing the enormous responsibility of caring for veterans with the Department of Veterans Affairs in an admirable partnership;

Whereas State veterans homes provide quality care for elderly and disabled veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs;

Whereas the number of elderly veterans, particularly those over age 85, continues to rise, and the need for long-term care services for those veterans will continue to rise in the coming years: and

Whereas the Nation's State veterans homes continue to achieve their purpose of improving and sustaining the health of elderly, sick, and severely disabled veterans by assuring access to affordable nursing care in settings that provide personal dignity to truly deserving veterans, often at the end of lives spent in service to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) honors the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their significant contributions to the health care of veterans and to the health care system of the Nation;

(2) commends the thousands of individuals who work in, or on behalf of, State veterans homes for their contributions in caring for elderly and disabled veterans;

(3) recognizes the importance of the partnership between the States and the Department of Veterans Affairs in providing long-term care to veterans; and

(4) affirms the support of Congress for continuation of the State homes program to address the known and anticipated needs of the Nation's veterans for institutional long-term care services.

SENATE RESOLUTION 418—DESIGNATING THE WEEK BEGINNING APRIL 2, 2006, AS "WEEK OF THE YOUNG CHILD"

Mr. SALAZAR (for himself, Mr. DeWine, Mr. Dodd, Ms. Landrieu, Mr. Kerry, Mr. Burr, Mr. Levin, Mrs. Clinton, Mr. Conrad, and Mrs. Murray) submitted the following resolution; which was considered and agreed to:

S. Res. 418

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low-income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served due to inadequate funding;

Whereas over 4,000,000 children under the age of 5 live in poverty;

Whereas only about ½ of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so, and even fewer eligible babies and toddlers receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives an amount of child care assistance sufficient to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs; and

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs yield to the public a return of 4 dollars to 13 dollars for each dollar invested: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning April 2, 2006, as "Week of the Young Child";

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

SENATE RESOLUTION 419—EXPRESSING THE SENSE OF THE SENATE THAT THE NEW UNITED NATIONS HUMAN RIGHTS COUNCIL FAILS TO ADEQUATELY REFORM THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, THUS PREVENTING THAT BODY FROM BECOMING AN EFFECTIVE MONITOR OF HUMAN RIGHTS THROUGHOUT THE WORLD

Mr. FRIST (for himself and Mr. Inhofe) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 419

Whereas the United Nations Commission on Human Rights was created in 1946 to monitor and prevent the abuse of human rights throughout the world;

Whereas, since its creation in 1946, the United Nations Commission on Human Rights failed to consistently uphold the ideals contained in—

(1) the United Nations Charter; and

(2) the Universal Declaration on Human Rights;

Whereas the United Nations Commission on Human Rights had been particularly ineffective because the membership of the commission included some of the worst abusers of human rights in the world, including—

(1) Cuba;

(2) Sudan;

(3) Libya;

(4) Belarus;

(5) China; and

(6) Zimbabwe;

Whereas the United Nations Commission on Human Rights failed to act or speak out against numerous cases of egregious human rights abuses, including—

(1) the many abuses of communism;

(2) the genocide in Rwanda in 1994; and

(3) the ongoing genocide in Darfur caused by the Government of Sudan;

Whereas the United Nations Commission on Human Rights failed to condemn countries that sponsor terrorism, including—

(1) Iran;

(2) Syria; and

(3) North Korea;

Whereas the United Nations Commission on Human Rights had repeatedly singled out Israel, the only democracy in the Middle East, for criticism, while overlooking serious human rights abuses throughout that region of the world;

Whereas President Bush and the United Nations Secretary-General, Kofi Annan, have repeatedly emphasized that meaningful reform of the United Nations Commission on Human Rights is a key element for making the United Nations more accountable, effective, and efficient;

Whereas the creation of the new Human Rights Council on March 15, 2006, failed to address the serious shortcomings of the United Nations Commission on Human Rights and fell far short of creating the small standing body composed of appropriate countries that was initially envisioned by the United Nations Secretary-General, Kofi Annan, in his March 2005 report, "In Larger Freedom: Towards Development, Security and Human Rights For All";

Whereas the new United Nations Human Rights Council succeeds only in making superficial changes to the structure of the United Nations Commission on Human Rights;

Whereas the new United Nations Human Rights Council does not—

(1) embody the recommended institutional reforms necessary to advance human rights;

(2) monitor cases of human rights abuse throughout the world; and

(3) prevent egregious human rights violators from being elected to the council;

Whereas the new United Nations Human Rights Council only reduces the number of seats on the council from 53 to 47, which is not enough to make the council more efficient or more effective;

Whereas the new United Nations Human Rights Council also maintains many geographical quotas that will only ensure that human rights abusers will continue to have access to membership on the council;

Whereas the new United Nations Human Rights Council is not supported by some of the leading non-governmental institutions in the world that are dedicated to the promotion of freedom and human rights;

Whereas the United States, while voting against the resolution creating the United Nations Human Rights Council, was unable to ensure that the council would be structured to best promote and protect human rights around the globe; and

Whereas if the United States, working with other like-minded countries, is not able to adequately reform the corrupt United Nations Human Rights Commission, then the chances for the United States and other like-minded countries to effect the broader changes to the United Nations that are desired and needed to make the institution more effective are much reduced: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that the United Nations Human Rights Council should be a body that upholds the ideals contained in—

(A) the United Nations Charter; and

(B) the Universal Declaration on Human Rights;

(2) believes that countries charged with protecting the human rights of individuals throughout the world should be required to—

(A) hold regular, competitive, and democratic elections;

(B) allow for freedom of expression; and

(C) have a credible civil society;

(3) finds that the creation of the United Nations Human Rights Council fails to—

(A) adequately reform the United Nations Commission on Human Rights; and

(B) prevent the worst abusers of human rights in the world from attaining membership to the council;

(4) applauds the Administration for opposing the creation of the new council;

(5) believes that the United States should adhere to its principles and not seek membership on the new council, a move that would undermine the credibility of the United States and give the new council unwarranted legitimacy;

(6) urges the Administration to not support the United Nations Human Rights Council, and to advocate in favor of the withdrawal of any financial support that would be used to support the council until meaningful reforms are undertaken; and

(7) believes the United States should strengthen, deepen, and operationalize the work of the international community of democracies by establishing an effective human rights oversight body outside the United Nations system, so as to make it the primary means for examining, exposing, monitoring, and redressing human rights abuses throughout the world.

Mr. FRIST. Mr. President, yesterday, I wrote a letter to President Bush expressing my strong opposition to the United States participating in the United Nations Human Rights Council. I believe the newly established body represents little improvement over the old and discredited commission it is intended to replace. Furthermore, any U.S. participation or financial support of the Council undermines our credibility as defenders of human rights around the world. I believe many of my colleagues share my assessment, which is why this resolution expresses the Senate's opposition to the Council and our strong belief that the United States should take no part. The United Nations Commission on Human Rights was established by the United States and our allies in 1946 to monitor and prevent human rights abuses throughout the world. It was charged to uphold the ideals embodied in the U.N. Charter and the Universal Declaration on Human Rights. However, in the intervening years, the Commission fell far short of these noble expectations. In particular, the Commission consistently granted membership to some of the world's worst human rights abusers. Sudan, Cuba, Libya, China, and Zimbabwe all have demonstrated egregious disregard for the human rights of their own citizens and shamefully were all Commission members. Moreover, the Commission repeatedly failed to act or condemn numerous cases of intolerable human rights abuses. These include the many abuses perpetrated by Communist states, the 1994 Rwanda genocide, and even the ongoing genocide in Sudan's western region of Darfur. Many of our colleagues by now have had the opportunity to travel to that Darfur region. I, for one, have been there, as well as Chad, the country immediately west, and seen the terrible tragedies that are being created by this ongoing genocide. The Commission refused to condemn state sponsors of terrorism, such as Iran, Syria, and North Korea. They consistently singled out the only democracy in the Middle East, Israel, for criticism, while overlooking serious cases of human rights abuse in neighboring countries. The Commission repeatedly proved itself ineffective, unaccountable, and inefficient. It failed to achieve the goals and uphold the ideals for which it was created. Now, to their credit, the United States and many at the United Nations recognized the need for serious reform of the Commission in order to restore the U.N.'s credibility. However, the U.N.'s new Human Rights Council, established just 2 weeks ago, fails to do just that. It falls far short of the standards envisioned by President Bush and Secretary General Kofi Annan. It glosses over its deficiencies and offers only superficial changes to the former Commission structure.

Fundamentally, the Council lacks the mechanisms and standards necessary to prevent flagrant human rights violators from gaining membership. It maintains the geographical quotas that will, once again, ensure that human rights abusers continue to have access to membership. It is wrong. It does not make sense. In short, the new Council fails to improve over the old Commission, and it is destined to fail in its core mission of monitoring and preventing human rights abuses around the world.

I applaud President Bush and our Ambassador at the U.N., John Bolton, for opposing the resolution establishing the Council. I personally urge the administration, as does this resolution, to oppose U.S. participation in and deny American support for the U.N.'s new Human Rights Council. This would uphold America's credibility and reputation as a protector of human rights and deny the Council unwarranted legitimacy.

I also believe that the United States should lead a group of like-minded democracies to establish an effective human rights oversight body outside of the U.N. system. At a minimum, countries charged with protecting human rights should themselves hold regular, competitive, democratic elections; allow for freedom of expression; and have a credible civil society—all of which was not the case for the old U.N. Commission, nor is it now the case for the new Council.

Regrettably, the U.N. and many of its member states have shown that they are not serious about reform. Therefore, the United States and those committed to protecting human rights must adhere to our principles and work toward a solution outside of the United Nations.

For too long, the world's worst human rights abusers have successfully shielded themselves from scrutiny. It is time for change. It is time for sunlight.

I believe that under the leadership of America, we should create a new, a stronger, a more credible body to protect the human rights of all of those who are vulnerable around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3214. Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3215. Mr. ISAKSON proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3216. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3217. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3218. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3219. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3214. Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF POLAND AS A VISA WAIVER COUNTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States, exemplified by the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.

(2) Polish history provides pioneering examples of constitutional democracy and religious tolerance.

(3) The United States is home to nearly 9,000,000 people of Polish ancestry.

(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.

(5) Since the demise of communism, Poland has become a stable, democratic nation.

(6) Poland has adopted economic policies that promote free markets and rapid economic growth.

(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.

(8) On May 1, 2004, Poland became a member state of the European Union.

(9) Poland was a staunch ally to the United States during Operation Iraqi Freedom.

(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.

(11) The Secretary of State and the Secretary administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.

(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.

(13) More than 100,000 Polish citizens visit the United States each year.

(b) VISA WAIVER PROGRAM.—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be deemed a designated program country for purposes of the visa waiver program established under section 217 of such Act.

SA 3215. Mr. ISAKSON proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY CERTIFICATION.

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

SA 3216. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 15, strike "(f)" and insert the following:

(f) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking ", under circumstances indicating an intention to cause death or serious bodily harm, incited" and inserting "incited or advocated"; and

(2) in subclause (VII), by striking "or espouses terrorist activity or persuades others to endorse or espouse" and inserting "espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate".

SA 3217. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 174, between lines 15 and 16, insert the following:

SEC. 2 . EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109-13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2009".

SA 3218. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 329, line 11, insert "(other than subparagraph (C)(i)(II) of such paragraph (9))" after "212(a)".

On page 330, strike lines 8 through 15, and insert the following: this paragraph to waive the provisions of section 212(a).

"(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(B) the alien has been convicted of any felony or three or more misdemeanors; or

SA 3219. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 305. EMPLOYEE IDENTITY THEFT PREVENTION AND PRIVACY PROTECTION.

(a) FINDINGS.—

(1) According to the Federal Trade Commission, more than 8,400,000 Americans were victims of identity theft in 2004, and according to published reports approximately 55,000,000 Americans' most sensitive, personally identifiable information was accidentally made public through a data breach during 2005.

(2) Approximately 54,000,000 times each year, someone in America begins a new job and full implementation of the System will require transfer of data to verify the identity and authorization of each potential new employee.

(3) The data transferred through the System or stored in the databases utilized to verify identity and authorization will contain each employee's most sensitive, personally identifiable information.

(4) The information transferred and stored will be of uniquely high value to any potential identity thief, nonwork authorized undocumented alien, alien smuggler, or terrorist seeking to establish work authorization under another's name.

(5) The System should not be implemented or expanded unless it sufficiently protects against identity theft and safeguards employees' personal privacy.

(b) Privacy Protections in the Electronic Employment Verification System.—Section 274A (8 U.S.C. 1324a), as amended by section 301(a), is further amended by adding at the end of subsection (d)(2) the following new subparagraphs:

"(H) Limitation on data elements collected for verification process.—Employers utilizing the System shall obtain only the following data elements from any employee:

"(i) The employee's full legal name.

"(ii) The employee's date of birth.

"(iii) The employee's social security account number or other employment authorization status identification number.

"(I) Limitation on data elements stored.—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation of employment eligibility for an individual shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, but in no case shall the data stored be other than—

"(i) the individual's full legal name;

"(ii) the individual's date of birth;

"(iii) the individual's social security account number or other employment authorization status identification number;

"(iv) the address of the employer making the inquiry;

"(v) the dates of any prior inquiries concerning the identity and eligibility of the employee by the employer or any other employers and the address of any such employer;

"(vi) records of any prior confirmations, tentative nonconfirmations, or final nonconfirmations issued under the System for the individual; and

"(vii) in the case of an employee successfully challenging a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity of the employee, including the source of that error.

"(J) Limitation of system use or information transfer.—Only individuals employed by the Commissioner of Social Security or the Secretary to implement and operate the System shall be permitted access to the System and any information in the databases queried to determine identity and employment authorization. It shall be unlawful for any other person to access the System or such databases or obtain information from the System or database. Information stored in the Systems or such databases may not be transferred to or shared with any Federal, State, or local government officials for any purpose other than preventing unauthorized workers from obtaining employment.

"(K) Protection against unlawful interception and data breaches.—The Commissioner of Social Security and the Secretary shall protect against unauthorized disclosure of the information transferred between employers, the Commissioner, and the Secretary and between the Commissioner and the Secretary by requiring that all information transmitted be encrypted.

"(L) Robust computer system and software security.—The Commissioner of Social Security and the Secretary shall employ robust, state-of-the-art computer system and software security to prevent hacking of the System or the databases employed.

"(M) System security testing.—

"(i) Requirement for testing.—The Commissioner of Social Security and the Secretary shall require periodic stress testing of the System to determine if the System contains any vulnerabilities to data loss or theft or improper use of data. Such testing shall occur not less often than prior to each phase-in expansion of the System.

"(ii) Requirement to repair vulnerabilities.—Any computer vulnerabilities identified under clause (i) or through any other process shall be resolved prior to initial implementation or any subsequent expansion of the System.

"(iii) Requirement to update.—The Secretary shall regularly update the System to ensure that the data protections in the System remains consistent with the state-of-the-art for databases of similarly sensitive personally identifiable information.

"(N) Prohibition of unlawful accessing and obtaining of information.—

"(i) Improper access.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined no less than $1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

"(ii) Identity theft.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

"(O) Office of employee privacy.—

"(i) Establishment.—The Commissioner of Social Security and the Secretary shall establish a joint Office of Employee Privacy that shall be empowered to protect the rights of employees subject to verification under the System.

"(ii) Authority to investigate.—The Office of Employee Privacy shall investigate alleged privacy violations concerning failure of the Commissioner or the Secretary to satisfy the requirements of subparagraphs (H) through (Q) of this paragraph and any data breaches that may occur pursuant to the implementation and operation of the System.

"(iii) Authority to issue subpoenas.—The head of the Office of Employee Privacy may issue subpoenas for a document or a person to facilitate an investigation.

"(iv) Annual report to congress.—The head of the Office of Employee Privacy shall submit to Congress an annual report concerning the operation of the System.

"(v) Annual report on incorrect notices.—The head of the Office of Employee Privacy shall, at least annually, study and issue findings concerning the most common causes of the incorrect issuance of nonconfirmation notices under the System. Such report shall include recommendations for preventing such incorrect notices.

"(vi) Availability of reports.—The head of the Office of Employee Privacy shall make available to the public any report issued by the Office concerning findings of an investigation conducted by the Office.

"(vii) Requirement for hotline.—The head of the Office of Employee Privacy shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particularity data that resulted in the issuance of a nonconfirmation notice under the System.

"(viii) Certification by GAO.—The Secretary may not implement the System or any subsequent expansion or phase-in of the System unless the Comptroller General of the United States certifies that the Office of Employee Privacy has hired sufficient employees to answer employee inquiries and respond in real time concerning the particular data that resulted in the issuance of a nonconfirmation notice.

"(ix) Training in privacy protection.—The head of the Office of Employee Privacy shall train any employee of the Social Security Administration or the Department of Homeland Security who implements or operates the System concerning the importance of and means of utilizing best practices for protecting employee privacy while utilizing and operating the System.

"(P) Audits of data accuracy.—The Commissioner of Social Security and the Secretary shall randomly audit a substantial percentage of both citizens and work-eligible noncitizens files utilized to verify identity and authorization for the System each year to determine accuracy rates and shall require correction of errors in a timely fashion.

"(Q) Employee right to review system information and appeal erroneous nonconfirmations.—Any employee who contests a tentative nonconfirmation notice or final nonconfirmation notice may review and challenge the accuracy of the data elements and information in the System that resulted in the issuance of the nonconfirmation notice. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation notice to the Office of Employee Privacy. The head of the Office of Employee Privacy shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, March 31, 2006, at 10 a.m. to consider the nomination of

Uttam Dhillon to be Director of the Office of Counternarcotics Enforcement at the U.S. Department of Homeland Security and, immediately following the hearing, to consider the nomination of Mark D. Acton to be Commissioner of the Postal Rate Commission.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on An Examination of the Call to Censure the President on Friday, March 31, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Robert F. Turner, Associate Director, Center for National Security Law, University of Virginia, Charlottesville, VA; Bruce Fein, Partner, Fein & Fein, Washington, DC; Lee Casey, Partner, Baker & Hostetler, Washington, DC; John Dean, White House Counsel to President Richard Nixon, Author, Worse than Watergate; John Schmidt, Partner, Mayer Brown Rowe Maw LLP, Chicago, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the duration of the immigration debate to Susannah Prucka, a member of my staff on the Subcommittee on Immigration, Border Security and Citizenship.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 599, 603, and 604. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

SMALL BUSINESS ADMINISTRATION

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

DEPARTMENT OF JUSTICE

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Jeffrey L. Sedgwick, of Massachusetts, to be Director of the Bureau of Justice Statistics.

PROTOCOL AMENDING THE TAX CONVENTION WITH FRANCE

TAX CONVENTION WITH BANGLADESH

PROTOCOL AMENDING TAX CONVENTION ON INHERITANCES WITH FRANCE

PROTOCOL AMENDING THE CONVENTION WITH SWEDEN ON TAXES ON INCOME

Mr. FRIST. I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 8, 9, 10, and 11; I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, that any statements be printed in the RECORD as if read, and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the motion will rise and stand until counted.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to en bloc.

The resolutions of ratification are as follows:

[Protocol Amending the Tax Convention with France (Treaty Doc. 109-4)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and France for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of August 31, 1994, signed at Washington on December 8, 2004 (Treaty Doc. 109-4).

[Tax Convention with Bangladesh (Treaty Doc. 109-5)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Peoples Republic of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Dhaka on September 26, 2004 (Treaty Doc. 109-5).

[Protocol Amending Tax Convention on Inheritances with France (Treaty Doc. 109-7)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts of November 24, 1978, signed at Washington on December 8, 2004 (Treaty Doc. 109-7).

[Protocol Amending the Convention with Sweden on Taxes on Income (Treaty Doc. 109-8)]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of September 1, 1994, together with an Exchange of Notes, signed at Washington on September 30, 2005 (Treaty Doc. 109-8).

LEGISLATIVE SESSION

The PRESIDING OFFICER.

The Senate will return to legislative session.

RECOGNIZING THE VICTIMS OF HURRICANE RITA IN LOUISIANA AND TEXAS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 416, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 416) recognizing the victims of Hurricane Rita 6 months after the disaster, commending the resiliency of the people of Southwest Louisiana and Southeast Texas, and committing to stand by them in their relief and rebuilding efforts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 416) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 416

Whereas, on September 24, 2005, Hurricane Rita reached landfall causing extensive and significant damage along the Louisiana and extreme southeastern Texas coasts;

Whereas Hurricane Rita was named the fourth most intense Atlantic Hurricane ever recorded and the most intense tropical cyclone observed in the Gulf of Mexico;

Whereas the storm caused the loss of power in 700,000 homes in the State of Louisiana;

Whereas the total damage is estimated at $9,400,000,000, making Hurricane Rita the ninth-costliest storm in the history of the United States;

Whereas the human suffering continues for thousands of people who have lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is still critically needed in many of the areas affected by Hurricane Rita;

Whereas Federal, State, and local first responders, the National Guard, and many ordinary citizens have risked their lives to save others;

Whereas the American Red Cross, the Salvation Army, local religious organizations, and other volunteer organizations and charities continue to supply victims with necessities;

Whereas the State of Texas and numerous other States have welcomed thousands of victims from Louisiana and continue to provide them with aid and comfort; and

Whereas thousands of volunteers and government employees from across the Nation have committed time and resources to help with recovery efforts: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the condolences of the Nation to the victims of Hurricane Rita;

(2) recognizes the 6-month anniversary of the disaster;

(3) commends the resiliency and courage of the people of the States of Louisiana and Texas; and

(4) commits to providing the necessary resources and to standing by the people of the States of Louisiana and Texas in the relief, recovery, and rebuilding efforts in the areas impacted by Hurricane Rita.

HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 417, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 417) honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate is considering this Senate resolution, which I submitted with Senator DOLE and 23 additional co-sponsors.

This resolution honors the National Association of State Veterans Homes, NASVH, and its 119 State homes for their support in caring for our Nation's military veterans. The State veterans' home program has been a successful partnership between the Federal Government and the States. It is responsible for the bulk of VA-supported long-term care services to veterans and their families.

The NASVH was first established in 1954 as a volunteer, nonprofit organization. Now, 119 State homes provide nursing home care, domiciliary care, and hospital-type care to over 27,500 veterans in 47 States and Puerto Rico. My State of New Jersey has three Veterans Homes, which serve approximately 1,000 veterans.

The NASVH has been vitally important in developing new methods for caring for elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care.

The State veterans home program has been remarkably successful. This resolution recognizes the importance of this Federal-State partnership and honors the dedicated men and women of the National Association of State Veterans Homes for caring for our Nation's aging and disabled military heroes.

I served in the Army Signal Corps during World War II. Consequently, I am well aware of the sacrifices brave young men and women make on behalf of our country. It's important that our Nation honors its commitment to look after our veterans. That's where organizations like the NASVH come in and do their part. So it's appropriate to honor this group for its commitment to serving our veterans. I thank the Senate for adopting this resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 417

Whereas the National Association of State Veterans Homes was established in 1954 by a group of administrators of State veterans homes to represent the interests of those homes in a unified voice before Congress and the executive branch;

Whereas the National Association of State Veterans Homes functions on an all-volunteer basis and focuses on endeavors that improve the conditions of care furnished to veterans by State veterans homes, elevate and monitor the qualifications for managers of such homes, and provide continuing education standards for staff who provide care to veterans in such homes;

Whereas the National Association of State Veterans Homes has been and continues to be in the forefront of developing and supporting new methods and models for providing long-term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care;

Whereas State veterans homes, which provide long-term care to thousands of veterans, were established initially in the States of Connecticut, Kansas, Ohio, and Maine in 1868 to house, feed, and care for thousands of homeless, wounded, and permanently scarred Union soldiers and thus have been in existence since before the establishment of the Department of Veterans Affairs, the earlier Veterans' Administration, and its predecessor agencies;

Whereas in 1888 Congress authorized the Federal payment of a daily allowance for the care of each former soldier or sailor in a State home-hospital, an allowance that continues today in the form of a per diem grant program administered by the Department of Veterans Affairs that is authorized to provide up to 50 percent of the average daily cost of care, but currently provides only approximately 30 percent;

Whereas the Department of Veterans Affairs further participates in the care of veterans in State homes with a matching grant program to support construction and major renovation projects to sustain those homes and build towards sufficient levels of available, high-quality health care;

Whereas State veterans homes offer long-term services to eligible veterans in need of such services on certification of the Department of Veterans Affairs at 119 facilities in 47 States and the Commonwealth of Puerto Rico;

Whereas the States determine the allocation of nursing home beds in individual State veterans home facilities, and establish the eligibility of veterans and their dependents to occupy those beds, following Federal guidelines;

Whereas within the limits of their capacities, State veterans homes provide care for more than 27,500 veterans each day, accounting for more than 50 percent of the total national long-term care bed capacity for veterans, thereby sharing the enormous responsibility of caring for veterans with the Department of Veterans Affairs in an admirable partnership;

Whereas State veterans homes provide quality care for elderly and disabled veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs;

Whereas the number of elderly veterans, particularly those over age 85, continues to rise, and the need for long-term care services for those veterans will continue to rise in the coming years; and

Whereas the Nation's State veterans homes continue to achieve their purpose of improving and sustaining the health of elderly, sick, and severely disabled veterans by assuring access to affordable nursing care in settings that provide personal dignity to truly deserving veterans, often at the end of lives spent in service to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) honors the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their significant contributions to the health care of veterans and to the health care system of the Nation;

(2) commends the thousands of individuals who work in, or on behalf of, State veterans homes for their contributions in caring for elderly and disabled veterans;

(3) recognizes the importance of the partnership between the States and the Department of Veterans Affairs in providing long-term care to veterans; and

(4) affirms the support of Congress for continuation of the State homes program to address the known and anticipated needs of the Nation's veterans for institutional long-term care services.

WEEK OF THE YOUNG CHILD

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 418, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 418) designating the week April 2, 2006, as "Week of the Young Child."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 418) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 418

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low-income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served due to inadequate funding;

Whereas over 4,000,000 children under the age of 5 live in poverty;

Whereas only about ½ of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so, and even fewer eligible babies and toddlers receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives an amount of child care assistance sufficient to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs; and

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs yield to the public a return of 4 dollars to 13 dollars for each dollar invested: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning April 2, 2006, as "Week of the Young Child";

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

ORDERS FOR MONDAY, APRIL 3, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, April 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2454, the border security bill, with the time until 5:30 p.m. being equally divided between the chairman and ranking member or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will resume consideration of the border security bill. Last night, Senator ALEXANDER offered his widely supported Strengthening American Citizenship Act. This legislation is reasonable, it is patriotic, and it will help newly arrived immigrants learn the responsibilities, the habits, and the privileges of American citizenship.

I had hoped that today we would have locked in a vote on that amendment and the Bingaman amendment for Monday. Unfortunately, the other side objected to allowing a vote on the Alexander amendment. I mention that only because it leaves me concerned that the other side may be falling into this pattern of delay and obstruction.

As I said and implied in all of my statements since we have started on this bill, we need to proceed in a civil way, a dignified way, and consider these amendments as soon as they are ready. I would encourage all of our colleagues to work aggressively to help bring this bill to closure over the next several days. We are right where I thought we would be in terms of finishing this bill, but it does mean that we are going to have to work together, come together and address substantive amendments in a substantive way and vote on those.

In closing—and I will close in a few seconds—if we don't come together, it means that we are not going to fulfill our responsibility to address these very important issues of border security, of the 11 million to 12 million people who are in this country under the temporary worker program that is being considered. We absolutely must have substantive debate and discussion that respects that we are a nation of the rule of law and a proud nation of immigrants, legal immigrants who have come to this country to work and contribute so much to our society.

So I hope that we will get back on track on Monday. We will be voting Monday afternoon at approximately 5:30. We will try to get a unanimous consent for votes on the pending amendments, and Members should expect at least two votes Monday evening.

ADJOURNMENT UNTIL MONDAY, APRIL 3, 2006 AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:17 p.m., adjourned until Monday, April 3, 2006, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, March 31, 2006:

SMALL BUSINESS ADMINISTRATION

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

DEPARTMENT OF JUSTICE

SHAREE M. FREEMAN, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS.

JEFFREY L. SEDGWICK, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS.

HOUSE OF REPRESENTATIVES—*Monday, April 3, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. KOLBE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *April 3, 2006.*
>
> I hereby appoint the Honorable JIM KOLBE to act as Speaker pro tempore on this day.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

For ourselves personally and for the Nation, we pray Psalm 31:

"In You, O Lord, we take refuge.
Let us never be put to shame.
By Your justice, set us free.
Hear us, Lord, and speedily come to our rescue."

This Congress, too, seeks Your help, Lord.

"Be a rock of refuge for us
a mighty stronghold to fortify us.
For Your namesake lead us and guide us."

For all those suffering throughout the world, we pray:

"Release us, Lord, from the hidden snares that entrap us
for You are our refuge.
Into Your hands we commend our spirits.
It is You, You alone, who will redeem us, Lord."

Both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on March 30, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 1259. To award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

H.R. 4911. To temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debate.

There was no objection.

Accordingly (at 2 o'clock and 1 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 4, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6819. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thymol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0483; FRL-7754-9] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6820. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Triflumizole; Pesticide Tolerance [EPA-HQ-OPP-2006-0103; FRL-7765-3] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6821. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [EPA-HQ-OPP-2005-0510; FRL-7758-2] received March 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6822. A letter from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting the Department's final rule—Emergency Mine Evacuation (RIN: 1219-AB46) received March 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6823. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Head Restraints [Docket No. NHTSA-2006-23848] (RIN: 2127-AJ84) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6824. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for Facilities in the Dallas/Fort Worth Ozone Nonattainment Area [EPA-R06-OAR-2005-TX-0014; FRL-8022-2] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6825. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OHIO: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R05-RCRA-2006-0032; FRL-8023-3] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6826. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Rule Recodification [EPA-R08-OAR-2005-UT-0001; FRL-8027-4] received February 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6827. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan: San Joaquin Valley Unifed Air Pollution Control District [EPA-R09-OAR-2006-0033; FRL-8029-4] received February 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6828. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of the Evansville Area to Attainment of the 8-Hour Ozone Standard [EPA-R05-2005-IN-0006; FRL-8015-7] received December 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6829. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Adjusting Allowances for Class I Substances for Export to Article 5 Countries [FRL-8017-2] (RIN: 2060-AK45) received December 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6830. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Extension of Global Laboratory and Analytical Use Exemption for Essential

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Class I Ozone Depleting Substances [FRL-8016-7] (RIN: 2060-AM56) received December 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6831. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives; Renewable Fuel Standard Requirements for 2006 [EPA–OAR–2005–0161; FRL-8017-1] received December 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6832. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for a Specific Source in the State of New Jersey [Region 2 Docket No. EPA–R02–OAR–2004-NJ-0001; FRL-8040-4] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6833. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2004-TX-0006; FRL-8043-9] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6834. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2005-MO-006; FRL-8044-5] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6835. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Puposes; State of Arizona; Particulate Matter of 10 Microns or Less; Finding of Attainment for Yuma Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements [EPA-R09-OAR-2006-0041; FRL–8045–1] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6836. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—PM2.5 and PM10 Hot-Spot Analysis in Project-level Transportation Conformity Determinations for the New PM2.5 and Existing PM10 [EPA–HQ–OAR-2003-0049; FRL-8039-5] (RIN: 2060-AN02) received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6837. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Rulemaking on Section 126 Petition from North Carolina to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to the Clean Air Interstate Rule; Revisions to the Acid Rain Program [EPA-HQ-OAR–2004–0076; FRL–8047–5] (RIN: 2060–AM99) received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6838. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule [EPA-HQ-OAR-2003-0053; FRL-8048–1] (RIN: 2060–AM95) received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6839. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [EPA-R09-OAR-2005–AZ–0007; FRL–8046–1] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6840. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2005-0556a; FRL-8046-6] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6841. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Vermont Update to Materials Incorporated by Reference [VT–19–1222c; FRL–8037–2] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6842. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation No. 1; Direct Final Rule [EPA-R08-OAR-2006-0125; FRL-8047–1] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6843. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; 15% and 5% Emission Reduction Plans, Inventories, and Transportation Conformity Budgets for the Portland One and Eight Hour Ozone Nonattainment Areas [EPA-R01-OAR-2005–ME–0006; A–1–FRL–8048–7] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6844. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; North Carolina: Charlotte, Raleigh-Durham, and Winston-Salem Areas Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Quality Standard [EPA–R04–OAR–2005–NC-0002-200538(a); FRL-8049-2] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6845. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations [OAR–2006–0160; FRL–8049–6] (RIN: 2060–AN67) received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6846. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [EPA-HQ-OPPT-2006-0118; FRL-7760-4] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6847. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Nevada State Implementation Plan [EPA–R09–OAR–2005–NV–0001; FRL–] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6848. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Documents Incorporated by Reference [EPA-R03-OAR-2005-VA-0014; FRL-8039-8] received March 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6849. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Ambient Air Quality Standards [EPA–R03–OAR–2005–VA–0016; FRL-8040–1] received March 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6850. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; State of South Dakota; Approval of Redesignation Request [R08-OAR-2005-SD-0002; FRL-8039-1] received March 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6851. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Michigan: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R05-RCRA-2006-0043; FRL–8040–3] received March 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6852. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [EPA–HQ–OAR–2003–0121; FRL–8039–2] (RIN: 2060–AM43) received March 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6853. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pearsall and Dilley, Texas) [MB Docket No. 03–87; RM–10686] received March 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6854. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Old Forge and Black River, New York) [MB Docket No. 05–279; RM–11276] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6855. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the Privacy Act Regulations [OEI-2002-0009; FRL-8017-7] (RIN: 2025-AA13) received January 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6856. A letter from the Acting General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Death Benefits—March 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6857. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Definitions of Federal Election Activity [Notice 2006-7] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6858. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Changes to Implement the Patent Search Fee Refund Provisions of the Consolidated Appropriations Act, 2005 [Docket No.: 2004-P-038] (RIN: 0651-AB79) received March 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6859. A letter from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members [0790-AH73] received March 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6860. A letter from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Periodic Update, Various Categories [Docket No. SLSDC 2005-23248] (RIN: 2135-AA22) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6861. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Schedules of Controlled Substances; Exempt Anabolic Steroid Products [Docket No. DEA-277I] (RIN: 1117-AA98) received March 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6862. A letter from the Assistance Chief Counsel, PHMSA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Revision of Requirements for Carriage by Aircraft [Docket No. RSPA-02-11654 (HM-228)] (RIN: 2137-AD18) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revised Compliance Dates for National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines for Concentrated Animal Feeding Operations [EPA-HQ-OW-2005-0036; FRL-8031-3] (RIN: 2040-AE80) received February 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6864. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Process for Requesting Waiver of Mandatory Separation Age for Certain Federal Aviation Administration (FAA) Air Traffic Control Specialists [Docket No. FAA-2004-17334; SFAR No. 103] (RIN: 2120-AI18) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Government Reform and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on March 31, 2006]

Mr. NUSSLE: Committee on the Budget. House Concurrent Resolution 376. Resolution establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011 (Rept. 109-402). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on March 31, 2006]

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than May 26, 2006.

H.R. 1071. Referral to the Committee on Energy and Commerce extended for a period ending not later than May 26, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. ANDREWS introduced a bill (H.R. 5073) to amend chapter 44 of title 18, United States Code, to require microstamping of all firearms manufactured in or imported into the United States, and ballistics testing of all firearms in the custody of the Federal Government; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. PAYNE.
H.R. 4950: Ms. DEGETTE.
H. Con. Res. 318: Mr. CAPUANO.
H. Res. 749: Mr. EMANUEL.

SENATE—*Monday, April 3, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

As we begin another Senate session, most gracious Father, remind us that we never drift out of Your love and care. Faces may change and conditions may alter, but You are always there, just when we need You most. Thank You for protecting us from seen and unseen dangers, for being our refuge and strength.

Today, lead our Senators to do Your will. May their actions spring from thoughts that are pure, just, true, honest, and good. Give them the serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to know the difference.

Help each of us to remember that it is more blessed to give than to receive.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the majority leader, I have been asked to make the following announcement: We are going to resume debate right now on the committee substitute to the border security bill. There are a number of amendments pending. It is anticipated that there will be two votes likely to begin at 5:30. Members will be alerted when those votes are locked in with certainty, but that is the current expectation.

Senator FRIST has reminded everyone that this is the final week of legislative work prior to the Easter recess. We expect busy days with late sessions in order to complete the work on the pending legislation before the end of the week. Senator FRIST has made the explicit comment that Senators should plan for a full week of business with votes throughout the week.

We have already had quite a number of amendments filed. We know that the tempo of the Senate is to finish legislation, such as that which is pending now, when it is backed up to a recess. I have been authorized to say that we will be holding the votes to 20 minutes—15 minutes as prescribed by the rules of the Senate and 5 minutes over. We all have seen the votes run very late and take up a great deal of floor time. We will be voting with a 20-minute cutoff.

Senator LEAHY has asked me to express his view as well as mine that all Senators come forward with amendments so that we can evaluate them, make a determination as to which ones can be accepted and as to which ones will have to be debated and voted upon. We will be looking for time agreements. But we have a prodigious job ahead of us to finish the bill by the end of the week. We solicit the cooperation of all Members.

I will have more to say, but I yield at this point to the Democratic leader.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SECURING AMERICA'S BORDERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Bingaman amendment No. 3210 (to amendment No. 3192), to provide financial aid to local law enforcement officials along the Nation's borders.

Alexander amendment No. 3193 (to amendment No. 3192), to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

The PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. shall be equally divided between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am advised that consent has been worked out so that at 5:30 today, the Senate will proceed to a vote in relation to the Bingaman amendment No. 3210, to be followed by a vote in relation to the Alexander amendment No. 3193; provided further that no second degrees be in order to either amendment prior to those votes; and further that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDENT pro tempore. Is that a unanimous consent request? That has not been agreed to.

Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I had yielded to the Democratic leader expecting to have an opportunity to comment before the quorum call was put in order which I was unable to terminate. Now that I have the floor, I would like to report to my colleagues that we had a very productive hearing this morning on issues relating to immigration judicial review. The original draft of the chairman's mark had provided for cases to be consolidated in the Federal circuit. Since there was considerable controversy about that, it was decided that we ought to have a hearing.

We had five judges in today: the chief judge of the Federal circuit, the chief judge of the Second Circuit, a judge from the Ninth Circuit, a former chief judge of the Second Circuit, and a fifth judge from the U.S. District Court for the District of Arizona.

We heard a number of opinions on the desirability of having consolidation but perhaps an alternative to being in the Federal circuit. We are now considering those matters. We will be discussing them with other members of the committee. It may be that we will choose to revise the chairman's mark to provide that the cases will be evened out among the various circuits.

With the Ninth Circuit and the Second Circuit now having a disproportionate number, the suggestion was made by Judge Newman, former chief judge of the Court of Appeals for the Second Circuit, that there be a court created, perhaps to sit in Washington, although not indispensably so, where the judges would be selected from circuit judges and selected by the chief justice to maintain that judges review these matters as generalists as opposed to specialists. We will consider that.

We heard discussion about the chairman's mark on increasing the number of active judges on the Board of Immigration Appeal so that the full 23 would sit and the provision that they sit in panels so that they write opinions, not just a one-sentence decision, which is now the case and which puts a considerable burden on the courts of appeal. We also discussed the possibility of having greater independence of the immigration judges and the members of the Board of Immigration Appeal. In due course, we will be drafting a revised title and will be submitting that for consideration by the full body.

That is a very brief statement of the hearing that we held today. Again, I urge our colleagues who have amendments—Senator LEAHY joins me in that request—to come to the floor and debate them. We have a big job ahead of us to complete action on this bill before the end of the week.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 20 minutes from my colleague and friend, Senator LEAHY.

Mr. DORGAN. Will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

Mr. DORGAN. Mr. President, I ask unanimous consent that I—and I know the time is being divided—be recognized as the next Democratic speaker following Senator KENNEDY's presentation, intermingled with Republican speakers as well.

The PRESIDENT pro tempore. The Senator wishes to follow Senator KENNEDY?

Mr. DORGAN. I wish to follow the next Republican speaker.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, immigration is the story of American history. From the earliest days of our Nation, generation upon generation of immigrants have come to be part of a land that offers freedom and opportunity to those willing to do their part. Immigrants built our great cities. They cultivated our rich farmlands. They built the railroads and highways that bind America from sea to shining sea. They erected houses of worship to practice their faiths. They fought under America's colors in our wars. In fact, 60,000 immigrants are fighting in the U.S. Armed Forces in Iraq and Afghanistan today. Immigrants worked hard so that their children could embrace the ever-widening possibilities in our land. And over the centuries, immigrants came to America from every part of the globe and made the American dream. They created a Nation that is the envy of the world.

That is our history. But it is also our present and our future.

We heard the moving immigration story anew here in the Senate just last week as Senator DOMENICI eloquently described his family's immigrant roots. He told how his parents came from Italy with nothing. His father earned his citizenship through his service in the U.S. Army in the First World War. His mother remained an undocumented immigrant until much later in life. In fact, she was arrested by the immigration authorities many years after coming to America, but she was able to gain legal status, remain in the country and later become a citizen. The Domenicis worked hard, learned English, built a successful grocery business, and their children went on to have successful professional careers. And, as we know, one became a distinguished and respected United States Senator.

Last week, we also heard from Senator MARTINEZ of Florida of his family's flight from Cuba to begin new lives in America. Young MEL MARTINEZ was 15 years old when his family escaped from Cuba to seek a new life of freedom. Like millions before him, his family worked hard, learned English, and earned their success in Florida. And today, MEL MARTINEZ not only was a Cabinet Secretary in the administration but was elected by the people of Florida to serve as their United States Senator.

There are some in the Senate who seem to believe that immigrants are just criminals. In fact, the Frist bill that's before the Senate declares that all undocumented immigrants are criminals. The Frist bill would have declared Senator DOMENICI's mother to be a criminal and the Kyl amendment would disqualify her from earning American citizenship.

The facts tell a different story. Immigrants—including undocumented immigrants—continue to strengthen the fabric of America in thousands of different ways. As David Brooks observed in his column last week in the New York Times, Hispanic Americans and Hispanic immigrants in particular are less likely to divorce. Husbands and wives stay together and raise their children. Even though they may have less money than other Americans, they spend almost twice as much on music for their children, they spend more on gifts and family get-togethers, and they are more likely to support their elderly parents.

The path of progress that we witnessed with the Martinez and Domenici families is familiar even today. By the second generation, most immigrant families have reached the middle class and they pay more than enough taxes to make up for the costs of their parents' generation. By the third generation, 90 percent of the grandchildren of Hispanic immigrants speak English fluently, and 50 percent of them marry non-Hispanics. These patterns of assimilation are identical to those that characterized the children and grandchildren of Southern and Eastern European immigrants who came to the United States 100 years ago, and to the assimilation of German and Irish immigrants who came here 50 years before that.

In many ways, our economy is more dependent on immigration than ever before. The arrival of new and young immigrant workers helps explain why America's economy grows faster than most of the aging European nations. According to the Aspen Institute, immigration will be the only source of growth in the prime age labor force in America in the next two decades. So America's choice really is between immigration and economic stagnation.

However, even though immigration brings many benefits, there is no doubt that our current system is broken and fails to protect us and meet our Nation's needs. Our borders are out of control at a time of heightened concern about terrorism. Millions cross our borders and remain illegally, creating an underground society that is subject to abuse and that harms American wages and working conditions. Millions more enter through our airports and seaports as visitors but remain long after their visas expire. They come and remain because they wish to work and contribute, and our employers continue to offer them jobs. As a result, more than 11 million undocumented immigrants are living and working in America today.

Many in Congress suggest that the answer is simply more enforcement. Just build more fences and hire more patrols and it will solve the problem.

But we have tried that before and failed. We have spent more than $20 billion over the past decade to build fences and triple our border patrols, but illegal immigration went up, not down. In the 1980s, the rate of illegal immigration was 40,000 people a year. Today, it is more than half a million. And the probability that a border crosser will be apprehend has plummeted from 20 percent a decade ago to just 5 percent today.

An enforcement-only approach to solving our immigration problems may make a good campaign slogan. But in reality it is a failed strategy that threatens our security and threatens American wages.

That's why Senator McCAIN and I have proposed a comprehensive, common sense plan to make a real difference.

An effective immigration strategy must have three parts.

First, we must enhance and modernize our immigration enforcement capabilities, both at our borders and at worksites. To accomplish this, our bill enhances our capacity to monitor immigration flows and stop illegal entry. To do this, it doubles the number of Border Patrol agents over the next 5 years. And it builds roads, fences, and vehicle barriers in specific high-flow areas; adds significant new technology at the border to create a robust "virtual fence"; develops new land and water surveillance plans; authorizes new permanent highway checkpoints near the border; and expands the exit-entry security system to all land borders and airports.

Our bill increases our capacity to crack down on criminal syndicates that smuggle immigrants into the country and place them at great risk. To aid in this mission, it creates new Federal penalties for constructing border tunnels; new criminal penalties for evading or refusing to obey commands of immigration officers; and new criminal penalties for financial transactions related to money laundering or smuggling. And it creates new fraud-proof biometric immigration documents; increases access to anti-fraud detection resources; and improves coordination among Federal, State, local, and tribal efforts to combat alien smuggling.

Our bill increases cooperation with Mexico to strengthen migration control at Mexico's southern border to deter migration from Central America through Mexico and into the United States. And it requires cooperation with other governments in the region to deter international gang activity.

And our bill would reduce the job magnet in America by creating a universal electronic eligibility verification system which will allow employers to tell which individuals are authorized to work in the United States. It will substantially increase penalties against employers who fail to comply with eligibility verification rules and add 5,000 new enforcement agents to back up these provisions.

Second, we must address the presence of the 11 million undocumented workers who are here now.

It is clear that we are not going to send them back. Many have American citizen children and even grandchildren, and deporting them would rip families apart. The massive roundup of 11 million people would create havoc in our communities and cost $240 billion. It would require 200,000 buses in a convoy that would stretch from Alaska to San Diego.

These families want to continue working and contributing to our communities, and we should give them that opportunity not by offering an amnesty, but by allowing them to earn the right to remain.

So under our plan, to earn their legal status and eventually apply for citizenship, they must pay a $2000 fine, work for six years, pay their taxes, learn English and civics, pass rigorous criminal and security background checks, and get in the back of the line behind those who have been waiting patiently to qualify for green cards.

Unfortunately, yesterday on television Senator FRIST mischaracterized our commonsense proposal. He called it an amnesty, when in fact nothing is forgiven, nothing is pardoned. Undocumented workers must earn the privilege of legal status and a path to American citizenship.

And he said that our plan allows undocumented immigrants to jump to the front of the line, when our bill says plainly in black and white that they must wait in the back.

We should conduct this debate based on fact, not fiction—thoughtful policy and not bumper sticker slogans.

Earned legalization should not be available to criminal aliens and others who would undermine U.S. security, but we must not be fooled by the amendment offered last week by Senators KYL and CORNYN. Our bill already excludes from earned legalization criminal aliens and any immigrant representing a security risk to the United States. The Kyl-Cornyn amendment would also exclude literally millions of undocumented immigrants already living and working in this country because they previously failed to depart following an order to do so. Our analysis of DHS and INS statistics suggests that fully 95 percent of immigrants affected by the Kyl-Cornyn amendment would not be criminal aliens, but rather exactly the hardworking immigrants and families this program is designed to bring out of the shadows.

The third and final element of a successful immigration strategy is to address future immigration. We must provide a path to earned legalization for those already here. But we must also address the continuing needs of our employers for workers and the reality that people will continue to come here to improve their lives and contribute to America.

In the past, we have largely ignored these realities. We have turned our heads as people have come here to work and required them to remain in an underground economy.

The head-in-the-sand policy cannot be allowed to continue. It is harmful to these workers who are subject to abuse by employers. It is harmful to employers who never know if their workers may be sent home tomorrow, and most of all it is harmful to American workers whose wages are cut because employers can get away with hiring undocumented workers at lower pay.

Therefore, the plan that Senator McCAIN and I propose and that was adopted by the Judiciary Committee provides a strong and effective guest worker program for the future. It is far better for American workers if future immigrants come here legally with rights to fair wages and working conditions, rather than having to compete with illegal workers who are paid substandard wages. Isn't it better if an employer must pay an immigrant carpenter a standard wage like American workers than a substandard wage that drives down wages for everyone else? That is what our guest worker program would do.

It is estimated that the American economy demands about 400,000 new low-skilled immigrants each year, but our current immigration system grants only 5,000 visas to these workers. That is why we have more than 11 million undocumented workers today. There simply are not enough visas to go around.

To meet future needs, our guest worker program takes the commonsense step of starting with a 400,000 annual quota and allows the quota to be adjusted up or down in future years based on the needs of the economy.

Taking this realistic step would free up our enforcement efforts to focus not on those who yearn to breathe free—they should be welcomed as guest workers who contribute to America. We should concentrate our enforcement resources on those who would truly harm us—the criminals, the drug smugglers, and especially the terrorists. That should be the priority for our time, and that is the priority of the McCain-Kennedy legislation.

Enhanced enforcement, earned legalization for those who are here, and a realistic guest worker program for the future—that is a plan for success, and the American people know it. It is a plan that Time magazine reports is supported by more than three-quarters of the American people, and they support it because they know our three-part plan increases our security, respects our values, and strengthens our progress. In fact, poll after poll finds that between two-thirds and three-quarters of all Americans favor a new program to allow temporary visas for future essential workers, and an even higher proportion favor allowing undocumented immigrants into the United States to earn citizenship if they learn English, have a job, and pay taxes.

In contrast, in a Time magazine poll conducted last week, just one in four Americans favor making illegal immigration a crime and preventing anyone entering the country illegally from remaining in the country and working here. The American people want real comprehensive reform, not just more immigration enforcement.

All three of these changes are necessary if we are to address the root causes of undocumented immigration and break the cycle of illegality which now corrodes our immigration system. All three of these changes are necessary if we are to ensure that immigrant families today, as in the past, continue to live the American dream and contribute to our prosperity, our security, and our values. All three of these changes are necessary if we are to be true to our heritage as a nation of immigrants.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I believe we are going back and forth, but since there is no one on the other side of the aisle seeking to claim time, let me claim time on our side. I ask unanimous consent to speak for up to 25 minutes against our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, at a time when our country sees so much of the outsourcing of good jobs and now the proposal to continue importing cheap labor, I think it is a strange set of circumstances that has a proposal on the floor of the Senate saying let's deal with immigration and the immigration problem in this country by adding to the immigration bill a so-called guest worker program that would allow 400,000 additional people who now live outside our country to come into our country's labor force. They would do that with an escalator of potential 20 percent more than the 400,000 each year or, over 6 years, if they use the maximum, another 4.7 million immigrant workers into this country.

Open the newspaper these days and take a look at the news: outsourcing of American jobs; good American jobs that pay well, with benefits, retirement, and health care, going to China, Indonesia, Sri Lanka, Bangladesh—outsourcing American jobs. In addition to outsourcing good American jobs, we are also insourcing, importing cheap labor.

We now have 11 million immigrants in this country who are here illegally. This Chamber is full of talk these days about immigrants because we are on an immigration bill and will be until the end of this week. The question is, Where is the talk about American workers as we discuss the issue of immigrants and immigration reform? Where is the description of the plight of the American worker? Who is here describing the circumstances faced by American workers? There are many here speaking for immigrants, and I don't ever want to diminish the dignity or the worth of the immigrants who have come here over the life of this country and helped us build something very unusual on the face of this Earth.

This country is a country made up of immigrants. I think everyone who stands on this floor would likely describe their great-grandparents or their grandparents or great-great-grandparents who came here from somewhere—mine from Norway, for example, and Sweden. But what we have built on this Earth is a country that is unique and unusual. It is a country that has created a standard of living which is almost unparalleled in the world: good jobs that pay well, the creation of a middle class, an expanded middle class where people had good incomes and those good incomes allowed them to increase their standard of living.

Now we see a different kind of circumstance in our country. We see the largest corporations that have become the preeminent economic entities, very large corporations that have described a different set of circumstances for themselves. What they like to do is produce somewhere else—send their jobs to China, for example—and then send the product back to this country to sell and then send their income through a Grand Cayman Island bank so they don't have to pay taxes. They ship the jobs overseas, ship the products here, and run the money through the Cayman Islands.

In addition to all of that—and there is plenty of evidence that is going on wholesale; 3 million jobs lost to that sort of activity just in the last several years—in addition to that, at the same time these jobs are moving overseas and hurting the middle class in this country and shrinking opportunities for the people at the lowest rung of the economic ladder, we have people trying to get into this country.

Why? Our country is an attraction to them because this is a place they want to come to get a job and make some money. In much of the world, they pay various substandard wages—different economies, less developed countries, undeveloped countries—and so this country has become a magnet for people who want to come here.

I have described the circumstance some years ago when I was on a helicopter that ran out of gas somewhere between Honduras, Nicaragua, and El Salvador, up in the mountains in the jungles. After we ran out of power, after the fuel tank was empty, we landed, and the compesinos came to our helicopter to see who came through. I, through an interpreter, talked with some of them.

I talked with a woman who had three children. After describing who we were and asking about her life, I said: What is it you would like to do with your life?

She said: Oh, I would like to come to America; I would like to come to the United States.

Why would you like to do that, I asked?

Because that is where opportunity is, she said. Get a job, make some money, have opportunities for me and my children.

That is not unusual. It wasn't unusual to hear that in Nicaragua or El Salvador, and it wouldn't be unusual to hear that in most parts of the world. If we had no immigration laws at all and we said tomorrow to any one else of this world's population of roughly 6.3 billion who want to come here: Come on along, you are welcome in this country. Come and stay. Come and grab a job, if you like—why don't we do that? Why do we have immigration laws? Why do we have quotas of the number of people we can allow in each year—and we do allow people in—why do we have those numbers? Simply because we can't absorb a massive inflow of immigration from around the world willing to work at substandard wages. We can't absorb that. The social services that are required to attend to it, the jobs they take, we can't do that. So we have a process called immigration by which people legally come into this country.

People have come to this country illegally. It is estimated we now have 11 million people here illegally. I heard an actor—well, actually he is not much of an actor—but I heard this fellow on television yesterday on CBS, I believe it was, and he was doing his commentary about immigration. This is a fellow who has been wrong about most things, so it didn't surprise me what he said about immigration. He said: No one should call this illegal immigration. Well, I am sorry, but if people come here illegally, it is illegal immigration. We have 11 million people here illegally.

In addition, 1.1 million people tried to come across our southern border last year, but were stopped—1.1 million were stopped at our southern border trying to come into this country. In addition to that, somewhere between 400,000 and 700,000 people we estimate came into this country across the southern border illegally last year. Finally, above that number, 175,000 immigrated from Mexico last year legally. That is in addition to the other quotas from the other countries. So the fact is, we have a very significant number who come into this country, and many of them come in illegally.

So my colleagues bring an immigration bill to the floor and the President describes the need for an immigration bill, as well as the President of Mexico. What they say is: We can't arrest and detain and deport 11 million people. I understand that. I am not sure I know the solution to all of this, but I understand there is not going to be a sweep in this country to detain or deport or arrest 11 million people who are here illegally. We will have discussions about that portion of the bill and we will have amendments about that portion of the legislation. We will also have amendments about employer sanctions.

I was here when the previous immigration bill was passed. The presumption was that if you make it illegal for employers to hire illegal aliens then, in that circumstance, they will have to pay a significant fine—the employer will—and they won't be hiring them. If the job is not the magnet to come here, it will shut down immigration at the border. That was all nonsense. It didn't work. I think last year three immigration cases were brought by this administration against employers who hired illegal immigrants. There has been no enforcement at all. So we are going to have discussions and amendments about that portion of the legislation.

Let me talk about the other piece, if I might, and that other piece is a guest worker program attached to this, saying, In addition to all of the other things that will be done in this legislation, including making legal 11 million people who came here illegally or giving them legal status, we have an addition called a guest worker program. The guest worker program is the proposition that 400,000 additional workers will be allowed in. These are people who are now living outside of our country. They will be allowed into our country with a 20-percent escalator per year and, by the way, at the end of 6 the escalator works and they let these folks come in years, if, we will have 4.6 million additional guest workers who have come into this program in the 6-year period—4.6 million.

Why are people saying this is necessary? They are saying it is necessary because Americans won't take these jobs. We can't find Americans who will take these jobs. Well, why do you suppose that might be the case, if it is the case? I dispute that, but let's assume it is the case. One of the reasons is those jobs don't pay enough. Since the big businesses don't want to raise salaries at the bottom, they say the solution to not having to raise salaries is to bring in immigrant workers who will work for less. Let's not worry about the Americans. If we can't find Americans to take the jobs at the minimum wage and, by the way, this Congress has decided for 8 years it will not increase the minimum wage—those folks, the working poor and others who work at the bottom of the economic ladder, have not had an increase in the minimum wage in 8 years. So the U.S. Chamber of Commerce, big business, and others say, What we need to do is to have a separate and additional guest worker program. In addition to the 11 million people, we need to have a guest worker program that could reach 4.6 million people in the next 6 years.

Let me respond to this question of jobs that Americans won't do. This is what the research says. Construction jobs: 86 percent of the workers are American workers and other legal workers. Food preparation: 12 percent are illegal immigrants: 88 percent of the food preparation workers are American workers and other legal workers. Manufacturing: 91 percent American workers. Transport: 93 percent. These are the jobs that corporations and others say Americans won't take and, therefore, they have to bring in immigrant labor, new guest workers, 4.6 million additional people.

While we are doing that, let's take a look at this issue of change in income for the American people. This happens to measure 1979 to 2003. You can see the top 1 percent of the American income earners are doing very well—lots of extra income, massive growth in their income. The bottom fifth: almost no growth in 25 years. In fact, some studies show they have actually lost ground. This shows that they have been stagnant for 25 years. So at the same time we have people saying, We need to bring in more immigrant workers to take these low-income jobs, we have people at the lower end of the economic scale in this country—and we have the middle-income workers as well—struggling, trying to figure out, What do they do next? How do they find a good job?

About 30 years ago, the largest corporation in this country was General Motors. General Motors paid well, had good benefits, good retirement, good health care. Most people not only got good pay when they went to work there, they worked there for a lifetime. Now, the largest corporation is Wal-Mart—Wal-Mart. In the first year of employment, turnover I understand is about 70 to 80 percent. Wal-Mart pays very low wages. I believe the average income at Wal-Mart is $18,000 a year, and they pay very little benefits. Very few have health care. I think a third to just over a third have health care benefits, and those who do pay substantially more than is the employee's share in most other companies. That is what we have come to. So the middle-income workers are looking for a replacement for those jobs that have been shipped overseas.

I have spoken at length about the issue of outsourcing of jobs, and I won't do that today, but whether it is Huffy bicycles or Little Red Wagon Radio Flyer, Fig Newton cookies, Fruit of the Loom, or Levis or Tony Lama boots—I could go on forever—these are jobs Americans used to have, good jobs that paid well, almost always jobs with benefits—gone, gone to China for somebody who will earn 33 cents an hour, probably working in Shenzhen, China, 12 to 14 hours a day, 7 days a week, to produce the product and ship it back to Wal-Mart, Kmart, and Sears to be sold to the American public, and then have the same companies run their income through the Cayman Islands to avoid paying taxes. That is interesting but not very good for this country, and exactly the wrong strategy for the long-term economic health of America.

Employment rates for individuals lacking a high school diploma, you will see that nearly one-half of U.S.-born workers without a high school diploma are without a job. Immigrant workers, on the other hand, many of whom come here without a high school diploma, find work in high numbers. I have a picture of some immigrant workers that was given to me recently. These, by the way, were workers who came in by a contractor who hired them to help do work after Hurricane Katrina, undocumented workers who came into this country, and—by the way, at the hearing I held on this, one of the people who testified was a fellow who ran a Louisiana construction firm. His firm was hired by a Halliburton subcontractor to do electrical repair work in Louisiana after Hurricane Katrina. But the Halliburton subcontractor changed its mind, and they hired a good number of people to come in who were undocumented workers and who didn't have adequate training to do electrical work at this particular base. It is the sort of thing that is going on all the time, and I think it is hurting this country.

So the question is for this Congress, Who is going to talk about American workers? I know the subject is about immigration, but it has a profound impact on American workers. So who is going to come here today to talk about American workers?

We are told that the corporate strategy here is that they can't find additional American workers without paying higher wages and they don't want to pay higher wages because they want to keep costs down, so they are going to import additional workers. They are now called guest workers. By the way, these are nonagricultural, these guest workers. This is in addition to H-2A and H-2B workers, agricultural and nonagricultural, who will still exist under law. I haven't even described the people coming in under those two provisions. Yet we have people saying we must have this additional guest worker program.

I understand people listening and those who feel very strongly that we have to have this immigration bill, including the guest workers, who will say: What you are talking about is anti-immigrant. That couldn't be further from the truth. I indicated that I think immigrants contribute a great deal to this country. Most of us come as a result of some immigration back a generation or several generations in our family. But the question is: What are we going to do to fix this issue, and what are we going to do to balance the immigration legislation and the proposal for guest workers against the needs of American workers? I think what is going on here is going to pull the rug out from under American workers. I don't understand this at all.

Let me put up a chart that shows the average wages—perhaps I should show you the New York Times story of March 17, a couple of weeks ago, about a businesswoman in New York. Sister Ping is her nickname. She was sentenced to 35 years for running one of New York City's most lucrative immigrant smuggling rings and for financing the infamous Voyage of Golden Venture, the rusty freighter that ran aground with 300 starving immigrants in its hold. Sister Ping said she would be happier in prison in the United States than free in her rural village in China.

Let me describe what persuades Sister Ping and others to attempt to bring low-wage income earners to this country. A typical unskilled labor wage in Russia is 51 cents an hour. In Nicaragua, 37 cents an hour. In China, 33 cents an hour; in Bangladesh, 33 cents an hour; in India, 11 cents an hour; and in Haiti, 30 cents an hour. We are suggesting that we are short of workers here. We want another 400,000 plus 20 percent every year for 6 years, or 4.7 million additional workers because we don't have enough workers in this country.

What we don't have is enough courage and enough common sense to, first, increase the minimum wage and second, to tell those who are trying to employ immigrant labor at below standard wages, which they have done for years now, that you have to pay a decent wage at the bottom to get people to work, and that includes Americans. That includes our country's workers. If this Congress has some common sense, we don't need guest workers. That is the other side of this immigration debate, the extra guest workers. We don't need them. What we need employers to do is to pay a decent wage. What we need the Congress to do is to increase the minimum wage.

We need to understand that American workers have worth. They want jobs. What is happening to them is good jobs are being exported overseas for these kinds of wages overseas, and then low-income jobs in this country are now going to be filled and have been filled by immigrant labor. So we are importing low-wage workers for jobs here and exporting high-wage, good jobs for jobs there. I am telling you I think that is a strategy to injure this country's economy. It is a strategy to hurt low-income American workers. It has been going on for some while now. But this memorializes it in an immigration bill.

I don't understand at all why this is being seriously proposed. In fact, the President's proposal would have no limit. I talked about the 400,000 plus a 20-percent escalator per year for so-called guest workers who now live outside of our country who will be told to come on in legally. The Congress has a 400,000-person plus a 20-percent escalator which, as I indicated, would relate to about 4.7 million workers over 6 years. But the fact is, the President's proposal has no limit at all; the sky is the limit. I am telling you, this is a U.S. Chamber-big business strategy. It is probably good for them. It allows them to import cheap labor. It probably keeps their costs low. But I will tell you what else it does: It pulls the rug out from American workers in a way that is very unfair.

Having said all of that, it is not my intention to suggest that we don't have to deal with immigration issues. We do. I understand that. It is not my intention to suggest that anybody can round up or should even seriously consider rounding up 11 million people and deporting them. That is not going to happen. I was in the Congress when the Simpson-Mazzoli bill was passed dealing with immigration. It was going to fix immigration. Immigration problems have become much worse.

This proposal, the Simpson-Mazzoli proposal, was described as a proposal that would say that the attraction—the magnet—for immigrants coming into this country is a job. Take away the job, you take away the attraction or the magnet. How do you take away the job? You tell employers in this country, if you hire people who are here illegally, you are going to pay a real price for it. You are going to be slapped with a big fine. You are going to have a big problem.

Guess what—they didn't even get hit with a feather duster. Not a thing. As I said, last year there were three enforcement cases against American businesses that hired illegal labor. I just heard of one the other day in our part of the country. An employer from one of the big cities up near our area hired some illegal immigrants to come in and do a construction project. They were caught. The question was, for the local State's attorney, the question for the attorney general's office and others, is anything going to happen? No, nothing is going to happen. No action is going to be taken. It has been that way for years. The result is that the so-called Simpson-Mazzoli bill meant nothing.

My colleagues say now we are going to really enforce things at the border. If we have a guest worker provision, somehow we will not have additional people coming across the border because we will allow about 4.7 million of them in illegally in addition to the 11 million who are here. I don't understand why they believe allowing 450,000-plus a year, or 4.7 million in 6 years, potentially—how that is going to stop others who want to come in. We have an inexhaustible number of people working around the world at dirt-cheap wages. We have an inexhaustible appetite in this country, for businesses, apparently, to hire people at substandard wages. So how is it you are going to plug this border? I don't see it in this bill.

We are told we don't really plug the border. What you really do is invite up to 4.7 million additional people in, and therefore that cuts the appetite for people to come in. It is total nonsense. That is not going to do it at all. It just isn't. All it is going to do is undermine American workers at the bottom of the economic ladder. That is what it does. I don't understand why this issue is brought to the floor of the Senate with guest workers.

I mentioned the other day a story about FDR. Let me close with that.

Franklin Delano Roosevelt's funeral was being held. Before his funeral, his body lay in State here in the Capitol Building, and there were long lines to view the casket of Franklin Delano Roosevelt. The journalists were trying to get color pieces for their stories. A journalist walked up to a man who was holding his cap in his hands, a working man. He had been standing for some long while in line to file past the casket of Franklin Delano Roosevelt.

The journalist asked him: Did you know President Roosevelt?

The working guy said: No, but President Roosevelt knew me.

The question is, Who knows American workers now? Yes, President Roosevelt did know American workers. He is the person who got us the Fair Labor Standards Act. He stood up for American workers. Who knows American workers now? Is there any discussion about American workers as we talk about immigration on the floor of the Senate, a subject that will have such a profound impact on jobs in this country? Is there any discussion about American workers? I don't hear it, regrettably.

AMENDMENT NO. 3223 TO AMENDMENT NO. 3192

Mr. DORGAN. I am also today going to offer an amendment numbered 3223, which I believe is at the desk. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. DORGAN. I ask that we call up amendment No. 3223.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. SNOWE, Mr. SCHUMER, Mr. BURNS, and Mr. JEFFORDS, proposes an amendment numbered 3223 to amendment No. 3192.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20)

At the appropriate place, insert the following:

SEC. ___. TRAVEL TO CANADA.

(a) SHORT TITLE.—This section may be cited as the "Common Sense Cross-Border Travel and Security Act of 2006".

(b) TRAVEL TO CANADA WITHOUT PASSPORT.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

(1) in paragraph (1)—

(A) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary";

(B) by striking "This plan" and inserting the following:

"(B) DAY PASSES.—The plan developed under this paragraph shall include a system that would enable United States citizens to travel to Canada for a 24-hour period without a passport by completing an application for a 'day pass' at any port of entry along the land border between the United States and Canada, and certifying that there was not sufficient time to apply for a passport before the excursion. The traveler shall not be charged a fee to acquire or use the day pass.

"(C) IMPLEMENTATION.—The plan developed under this paragraph"; and

(2) by adding at the end the following:

"(3) MINORS.—United States citizens who are less than 18 years of age, when accompanied by a parent or guardian, shall not be required to present a passport when returning to the United States from Canada at any port of entry along the land border.".

(c) LIMIT ON FEES FOR TRAVEL DOCUMENTS.—Notwithstanding any other provision of law or cost recovery requirement established by the Office of Management and Budget, the Secretary and the Secretary of State may not charge a fee in an amount greater than $20 for any passport card or similar document other than a passport that is created to satisfy the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(d) ACCEPTANCE OF PASSPORT CARDS AND DAY PASSES BY CANADA.—The Secretary of State, in consultation with the Secretary, shall negotiate with the Government of Canada to ensure that passport cards and day passes issued by the Government of the United States for travel to Canada are accepted for such purpose by the Government of Canada.

Mr. DORGAN. Mr. President, this amendment is cosponsored by Senator SNOWE, SCHUMER, BURNS, and JEFFORDS. I will just briefly describe the amendment that I hope we will consider this week. It deals with cross-border traffic between the United States and Canada and the issue of the card that is being considered by the State Department in lieu of a passport that would be required for United States-Canada cross-border traffic.

The amendment is quite simple. It would provide, for children under 18—that is, 17 and under—who are accompanied by parents moving cross-border, they would not need one of these new cross-border cards. It would provide that there be an opportunity for the State Department to offer 3-day passes for those who are simply on a 1-day cross-border trip and would also provide that these new cards which would be required in lieu of passports cost no more than $20.

As you know, it takes over $90 to purchase a passport. That is not an inconsiderable sum. It takes some while to get a passport. If you have a family of four or five going up to Winnipeg or Regina, the northern part of our State—we have a 4000-plus mile border—for a family of four or five going to see a relative, if we have a passport requirement, that is pretty dramatic. We have always been able to use our driver's license, and the Department of Homeland Security says that is going to be replaced by a passport. We complained about that. They said: All right, what we will require is a passport card. We don't know the specifics of that card, but what we want to make sure of is that card not be prohibitive for families. I don't have any problem with requiring a standardized card, but I don't believe it should cost more than $20. I don't believe it should be required for children under 17 traveling with their parents. There also ought to be exceptional circumstances, with proper identification, for those who make day trips.

As I said, I am joined in this amendment by many of my colleagues from the border States, including Senator SNOWE from Maine, Senator SCHUMER from New York, Senator BURNS from Montana, and Senator JEFFORDS from Vermont. I hope we can have some discussion and debate and hope in the conduct of the debate on this immigration bill that we may include that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I sat here with interest, listening to the Senator from North Dakota. I think we agree on an awful lot. I may not agree with everything he said, but he made some very salient points with respect to the earlier laws we have passed on this issue of immigration and the amnesty—that is what it amounted to—that was given to certain folks who were included in the previous immigration bill the Senator addressed. He is exactly right. It didn't work back then. While there are provisions in this bill, some of which I may agree with—they may be good—there are certain other points in this which simply are not very good pieces of legislation

I would like to take a moment to speak on the amnesties that exist in the immigration bill passed by the Judiciary Committee that is now under discussion on the floor. Some in the Senate like to call it something else—earned adjustment or earned citizenship—to try to distinguish it from what Congress has done in the past. However, I believe that the legislation adopted by the Judiciary Committee is so similar to the 1986 Immigration Reform and Control Act passed by Congress, which everyone agrees is amnesty, that in fairness, what the Senate is being asked to consider today should likewise be called amnesty.

One reason why I am opposed to amnesty, or earned legalization, is because the last time Congress addressed what to do about the illegal population in our country, a similar approach was agreed upon, and it did not work. In the 1986 Immigration Reform and Control Act, increased enforcement, both at the border and in the interior of the U.S., and especially with regards to employer sanctions was mandated to eliminate the jobs magnet for so many illegal immigrants. In addition, the theory was that our increased border security would stem the tide of illegal immigrants coming into the country.

Coupled with this enforcement was an amnesty offered to illegal aliens who met specified requirements in order to bring them out of the shadows and allow them to acquire legal status. There were actually two amnesties included in the Immigration Reform and Control Act of 1986—the Legally Authorized Workers—LAW—program and the Special Agricultural Worker Program—SAW.

Similarly in the bill put forth by the Judiciary Committee, there are mandates for increased border security and interior enforcement as well as a strong emphasis on employer sanctions. Coupled with this also exists two amnesties: one for the estimated 11 million illegal aliens currently in the U.S. and another for illegal aliens working in agriculture.

The 1986 SAW Program required that illegal aliens work a certain number of hours in agriculture in order to obtain a temporary legal status. Then 1 to 2 years after obtaining a temporary legal status, those agricultural workers were given permanent residency status. Now, every Senator I have seen come to the floor has called this 1986 SAW program an amnesty, yet many maintain that the current Judiciary Committee proposal is not an amnesty.

However, the current agricultural program in the Judiciary Committee bill is constructed in much the same way: Illegal aliens who worked 150 hours in agriculture in the 2-year period ending on December 31, 2005, can obtain a temporary legal status, here called a blue card. Then by working 100 hours per year in agriculture for 5 years or by working 150 hours per year in agriculture for 3 years, that illegal alien will be given permanent resident status. So the only difference between a program that is unanimously agreed upon to be amnesty and one that is argued not to be is the requirement that the illegal aliens work in agriculture for 100 to 150 hours per year. The waiting time instead of 1 to 2 years is now 3 or 5, but that is it. The rest is the same.

These illegal aliens are not required to work in any other industry or for any greater amount of time than 100 hours per year or 150 hours per year. Not only that but they do not have to wait in line behind everyone outside the country trying to legally enter the U.S. in order to get their permanent resident status. Not only is this unfair, but it is a repeat of the 1986 approach, which is widely recognized as seriously flawed.

We should not repeat the mistakes we made before. I am not the only one who feels this way. I recently attended a naturalization ceremony in Atlanta, GA, and was moved to see a room full of people from all over the world raise their right hand and take an oath of allegiance to the U.S. It was clearly a proud day for these people and their loved ones. They had gone through the legal process and truly earned their citizenship. I was surprised at the number of new citizens who came up to me after the ceremony and asked me to reject the amnesty the Senate is now being asked to consider. These folks told me they felt it demeans the efforts they made to obey the law and wait in line to become a U.S. citizen. They realize what a valuable accomplishment they made.

The people I saw at that naturalization ceremony truly earned their citizenship. It does not seem fair to me to call the process those newly naturalized citizens followed "earned citizenship" and also to call what the Judiciary Committee is asking the Senate to consider "earned citizenship." There is a fundamental difference between the two and that should be recognized in the rhetoric of the Senate.

Another problem I have with the agricultural amnesty endorsed by the Judiciary Committee is that it does not seem to remedy the problem with fraud that was prevalent with the 1986 SAW program. Under the 1986 SAW program, illegal farm workers who did at least 90 days of farm work during a 12-month period could earn a legal status.

The illegal immigrants had to present evidence that they did at least 90 days of farm work, such as pay stubs or a letter from an employer or even fellow workers. Because it was assumed that many unauthorized farm workers were employed by labor contractors who did not keep accurate records, after a farm worker presented evidence that he had done qualifying farm work, the burden of proof shifted to the Government to disprove the claimed work.

The Government was not prepared for the flood of SAW applicants and had little expertise on typical harvesting seasons. Therefore an applicant who told a story like "I climbed a ladder to pick strawberries" had that application denied while those who said "I picked tomatoes for 92 days" in an area with a picking season of only 70 days, was able to adjust.

Careful analysis of a sample of SAW applications in California, where most applications were filed, suggests that most applicants had not done the qualifying farmwork, but over 90 percent were nonetheless approved.

The propensity for fraud is not remedied in the Judiciary Committee's bill and compounds bad policy with the ability for unscrupulous actors to take advantage of it.

I think the most important lesson to learn from the 1986 SAW program is that providing illegal immigrants who work on the farms in this country does not benefit the agricultural workforce for long. History shows that the vast majority of illegal workers who gain a legal status leave agriculture within a 5-year period. This means that under the Judiciary Committee's proposed agricultural amnesty, those who questionably performed agricultural work in the past will work at least 100 or 150 hours in agriculture per year for the next 3 to 5 years. But after that, particularly in light of the changes made to the H–2A program, I expect us to be in the same situation in agriculture that we are in today.

It is worth noting that the Immigration Reform and Control Act of 1986 created a Commission on Agricultural Workers—an 11 member bi-partisan panel comprised of growers, union representatives, academics, civil servants, and clergy—and tasked it with examining the impact the amnesty for Special Agricultural Workers had on the domestic farm labor supply, working conditions, and wages.

Six years after the Immigration Reform and Control Act was passed, the Commission found that the same problems in the agricultural industry persist: the living and working conditions of farm workers had not improved; wages remained stagnant; increasing numbers of new illegal aliens are arriving to compete for the same small number of jobs, thus reducing the work hours available to each worker and contributing to lower annual earnings; and virtually all workers who hold seasonal agricultural jobs are unemployed at some point during the year.

I think the experience of the SAW program should serve as a lesson to the Senate as we grapple with how to handle our current illegal population. I believe the amnesty approach endorsed by the Judiciary Committee is far too similar to the SAW Program in 1986 and will likely have the same result. That is why I have introduced an amendment that will take away the amnesty from the agricultural portion of the Judiciary Committee bill.

My amendment will allow illegal aliens to get blue cards in the same way that the Judiciary Committee prescribed. However, it requires that at the end of a 2-year period, those blue card workers must return to their home countries and enter the U.S. in a legal manner.

This 2-year period provides sufficient time for agricultural employers to organize their workforce so that they can send workers home in an orderly manner and not have a complete work stoppage. These workers can then enter the U.S. on a legal temporary worker program just like anybody else in the world.

They can stay here for a specified period of time and then when that time is up they will have to return to their homeland.

We know from past experience that agricultural workers do not stay in their agricultural jobs for long, especially when they gain a legal status and have the option to work in less back-breaking occupations. Therefore, the focus on agricultural immigration should be on the H–2A program. This is the program that regardless of what the Senate does with amnesty, will be relied upon by our agricultural employers across the country in the near future.

My amendment provides for a reasonable and responsible transition to the H–2A program, and I believe is an approach that will not repeat the mistakes of the past and is more in line with the way the vast majority of Americans believe we should deal with our large illegal population.

I send my amendment to the desk, and I will have more to say about that amendment in the future as we continue the debate on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there is a time allocation. How much time remains under the time of Senator LEAHY?

The PRESIDING OFFICER. There is 48 minutes 55 seconds remaining.

Mr. KENNEDY. I yield myself 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have probably 15 pages of names of different groups that support and now embrace the McCain-Kennedy legislation, now called our border security legislation. There are 430 different groups that have supported this legislation representing the faith community.

This chart is entitled "Evangelical Support Comprehensive Immigration Reform."

> We support comprehensive immigration reform, based on the biblical mandates, our Christian faith and values, and our commitment to civil and human rights.

These are 41 national, local, and individual evangelical leaders and groups. This is reflected also in other religious groups that have supported it, including a number of groups representing labor, business communities, men and women of faith who are supporting the comprehensive approach.

I will review very quickly, once again, the kind of worker protections we have put in this legislation. One of the principal reasons the church leaders have been so supportive is because they have followed and witnessed this program for so many years.

In the 1950s we had the Bracero Program which was a program that saw enormous human abuses of workers who were basically brought in here, doing sweat labor, without any rights at all, and then shipped back, for the most part, to Mexico. There was an extraordinary exploitation of individuals. That ended in the early 1960s. I was in the Senate when that program ended.

We still have enormous tensions between the workers and the farmers, particularly in California and a number of other Western States. We also have seen it on the east coast as a number of migrant workers have come up from Florida, through Georgia, through the Carolinas, even ended up coming into New York State and my own State in the form of apple pickers and other fruit pickers. They have followed the seasons.

But primarily this issue about agricultural workers has been focused, as has been spoken to eloquently by the Senator from California, Mrs. FEINSTEIN. She has played an indispensable role, along with Senator CRAIG, who has been a longtime sponsor of what we call the AgJOBS bill. We have votes on that legislation. A bipartisan majority of the members supported that legislation. That particular legislation has been altered to a very small extent and incorporated in the broader legislation. It is one of the important reasons to commend this legislation.

As I have mentioned in an earlier statement, we have a comprehensive approach toward our immigration challenge that we are facing in this country, but there is a very important AgJOBS issue. We had not addressed it in the McCain-Kennedy legislation because it appears to have a separate constituency, but we were able to get that incorporated through the leadership of Senator FEINSTEIN. It strengthened our package.

I mention, first of all, the protections that have been put in the agriculture comprehensive. Anyone who has followed the relationship between the farmers and the workers would understand it has been an extraordinarily strained relationship, to say the least. Caesar Chavez was the great leader of the farm workers. I had the opportunity to know, respect, and hold him in high regard. He was the leader for the farm workers for a great number of years. He is regarded almost as a saint among the farm workers.

There was enormous tension during a prolonged period of time, and in recent years there has been an accommodation between the two groups. Both of the groups—the farmers and agricultural workers—got together and made a proposal. This obviously has enormous implications. From my point of view, it has enormous implications because of what it will do. It will mean that men and women who work in that extraordinarily challenging and difficult agricultural area, which is backbreaking work, will be treated with the dignity and respect they deserve. And, second, it provides assurance to the farmers of a definite labor supply. Third, it gives the assurance that States such as California, the leading agricultural State, is going to have dependability and reliability in terms of the work force. That is going to mean better service to the consumers of agricultural products all across this country.

It is enormously valuable and very worthwhile and one of the compelling reasons for this legislation. Included in this legislation are very important protections that are not in there under the current H–2A program. Some people have talked about what is happening in agribusiness today in the H–2A program, and too much of that is true, but that will be altered and changed under the agricultural worker compromise.

There are specific provisions; again, in order to be eligible for this program individuals are going to have to demonstrate, they must already have a work record of more than 2 years. They will be able to work over a period of 3 years in the business after that period of time, 3 to 5 years, and after that, they can get on a glidepath toward citizenship. So total time for them would be a total of 10 to 12 years in order to earn the opportunity to be a citizen. That means they will have to pay the penalties, they will have to demonstrate they paid their taxes, that they have had no trouble with the law, and they have complied with the other provisions of the legislation. So there are very important protections.

If there were no other reasons for the support for this legislation, that particular provision, the AgJOBS legislation, is overwhelming in its importance and consequence in advancing the cause of justice for agricultural workers and also the assurance to farmers of a dependable and reliable workforce.

It has been stated a number of times by some Members perhaps who are not as familiar with the legislation as they might be, about the kind of protections that exist in the underlying legislation with regard to the guest worker program and how it would work. First of all, there has to be an advertisement in the United States to try and recruit American workers first. There has to be a certification of the effort under penalty of violating the law. They have to advertise to recruit American workers first. It is only after they have been unable to recruit American workers that they will be able to recruit workers, primarily in Mexico, but there is an allocation of workers, depending on the workforce in terms of other countries, and in limited numbers for other countries in Central America. There are even provisions in terms of the Asian nations. Those will be worked out through the embassies and through the department.

When this individual comes to the United States as a guest worker, they will have a tamper-proof identification card. The employer will know that individual has had his criminal record reviewed, that the person is found to be the individual as portrayed, and where there is employment that will be available to that individual in the United States. There are provisions included in the legislation that they are going to be covered by the prevailing wage, they will be covered by the Davis-Bacon provisions, they will be protected if they are going to work as what they call "service contract" employees, and their wages will be protected in those areas, as well.

Instead of having what we have at the present time—an undocumented alien worker recruited by an employer who can say: Look, you will work for me for $1, and if you do not like it I will turn you over to the immigration authority—this individual will be able to have the card and existing protections for wages which will have the corresponding effect. It will mean that all the wages are going to at least be enhanced because we will no longer have the downward drive in wages with the undocumented. And if that individual is feeling exploited in some way or being denied that or lied to, that individual will be able to take that same card and go to another job. That individual has to find that job within a period of time, some 45 days. In other words, we have drafted this legislation to take into account the exploitation which has existed in the past.

Under this particular provision, we will be avoiding that kind of exploitation. Under this provision we will be guaranteeing the protection of wages for that worker and permitting those who are undocumented to be able to acquire a card, as well.

Regarding the enforcement against employers who are interested in exploiting those workers, we have the mechanism to make sure those individuals are held accountable and prosecuted, which has never been done previously. It is important.

Our leader is here, and I will withhold my comments. I yield the floor.

The PRESIDING OFFICER. The Chair notifies the Senator from Massachusetts the time is expired.

The Senator from Nevada.

Mr. REID. Mr. President, what is the parliamentary status of the Senate?

The PRESIDING OFFICER. The time until 5:30 is equally divided. Your side has 36 minutes 19 seconds and the other side has 70 minutes 47 seconds.

At 4 o'clock the Senator from Maryland will be recognized to offer her amendment.

Mr. REID. Last summer, the Governors of Arizona and New Mexico declared states of emergency at their southern borders. I don't think anyone in this Chamber would disagree there is a crisis on our borders. There are, as indicated by the Governors of the two States of Arizona and New Mexico, an emergency.

We would all agree we should do something about this. We all agree we need to gain control of the chaos and restore order.

As do many Members of the Senate, I believe the approach endorsed by a bipartisan majority of the Judiciary Committee represents the best way to address our border crisis. It combines tough, effective enforcement with smart reforms to the immigration laws. It strengthens our borders, cracks down on employers who hire illegally, and brings undocumented immigrants out of the shadows of America.

It also requires these same people who are now living in the shadows to learn English, to have jobs, pay taxes, make sure they are not in trouble with the law. And even if they do that, they still go to the back of the line.

I strongly believe in tough and effective enforcement of our immigration laws. I also believe you cannot enforce laws that are unenforceable. Our current laws are unenforceable. I was at the borders just a few days ago, the California-Mexico border. It was very close to the Arizona border. There is chaos.

When I came into the port at San Ysidro, I had a tour of the facility, and just from a few hours' work the Border Patrol agents showed me what they had found that day. There was a little compact car. Somebody had scooped out the back of the car and built a canvas apparatus there. It was a small area, much smaller than the trunk of a car. It was very small. It was as though they had built a canvas basket, and five people had piled on top of one another and were hidden under that.

Another thing they showed us that happened just that day, within a matter of hours: in a truck, which was ostensibly a contracting truck—in fact, it was not—they had had a storage compartment hidden under cement bags with people in it.

The narcotics they find are, of course, another situation. We are talking about cargo being human beings. They showed me, as I have said, in a matter of hours, how difficult it is to stop people from coming. A million people come over that border every day. It is hard to comprehend. There are 24 lanes of traffic coming one way from Mexico into the United States—24 lanes of traffic.

The easy thing for all of us to say is: Get tougher, throw more money and more Border Patrol agents at the problem, and it will get better. That is not the answer. It seems appealing, but it is simply not true.

As I said, I support the strong enforcement measures included in the bipartisan Judiciary Committee bill, which are, by the way, close to identical to those included in the border security bill offered by the majority leader. I strongly believe we need to have additional Border Patrol agents. We have to modernize our computer system. We have to do many other things, most of which are included in this bill, to secure our border and enforce our immigration laws with respect to employers.

But I also believe that enforcement alone will not fix our broken immigration system. To those who say we should secure our borders first and then consider ways to reform our immigration laws, I say the only way to secure our borders is to reform our immigration laws. If we want to create laws that are enforceable, first we have to make them realistic.

There is widespread support for the approach the Judiciary Committee has established, including the support of most labor unions, the vast majority of businesses, religious groups, and immigrant community leaders.

Months ago, I held an event at the Las Vegas Chamber of Commerce building. I was stunned by the people appearing at that forum I held, but it did illustrate the broad support comprehensive immigration reform has from different sectors of the Las Vegas community. I think this is the same all over the country.

In addition to representatives of the Chamber of Commerce, there were people there from the Nevada Restaurant Association, the Culinary Union, which is a union of some 60,000 people in Las Vegas which prides itself in giving people who do the dirty work—people who park the cars, who do the janitorial work, make the beds—they pride themselves in these being good jobs, high-paying jobs. They have 60,000 union members.

In addition to that, we had representatives from hotels, including the MGM/Mirage Corporation, which, by the way, has the largest hotel in the world, the MGM Hotel, with 5,005 rooms in that one facility alone. We also had the bishop of the Catholic Diocese of Las Vegas. They were all there standing with me to confirm their support for realistic immigration reforms, the kinds we are now discussing in the Senate.

D. Taylor, the leader of the Culinary Union, the one I just spoke about, local 226, said at the time it had to be an important issue to get representatives of the Culinary Union and the Chamber of Commerce in the same room talking about the same subject.

Less than 2 weeks ago, I attended a similar event held at the Mandalay Bay Hotel/Convention Center in Las Vegas, where leaders of the Culinary Union and MGM/Mirage representatives stood together again with dozens of immigrants who are hotel workers to highlight the importance of immigrants to the Las Vegas economy. The representative of the Chamber of Commerce was an immigrant.

In the State of Nevada, the Culinary Union has been a strong supporter of the reforms we have in this legislation before the Senate. The Culinary Union, like all other unions in this country, understands that when there are people working illegally in our economy, it undercuts the wages and working conditions of everyone else.

The Las Vegas business community has been supportive of our efforts here in Washington to reform our immigration laws. That is an understatement. They depend on the hard work of immigrants in our community to get the work done. In Las Vegas, we have a very low unemployment level. It is estimated that Las Vegas will add almost 50,000 new hotel rooms, requiring 100,000 new workers.

Mr. President, the Culinary Union, like other unions in this country, as I said, understands the importance of people working legally. If we have illegal workers in our economy, it undercuts the wages of everyone else.

As I indicated, in Las Vegas, where we have very low unemployment, we expect to add in the next 5 or 6 years another approximately 50,000 new hotel rooms, requiring 100,000 new workers there alone. Nevada's restaurant industry is expecting an almost 4-percent gain in jobs this year alone.

I know that businesses I have been working with on this issue comply with their duties under the law and do everything they can to ensure that the workers they hire are legal. But they acknowledge we need legal immigrants to keep the economy expanding. I have worked closely with many of the resorts in Las Vegas, the Nevada Hotel and Lodging Association, the Nevada Restaurant Association, and others, and they will all tell you that reform of our laws is essential to our expanding economy.

Immigrants help create more jobs for American workers. They help expand our economy and provide labor for new businesses that will also employ Americans. Immigrant consumers spend money that keeps American businesses going. Immigrants employed at companies that also employ Americans help to make sure that American jobs stay in America more than being outsourced to other countries where there is cheaper labor.

It was probably 15, 18 years ago that a book was written by a journalist whom I have the greatest respect for. He has been the editor of US News & World Report. He has had many high-level jobs in the journalism field. But he wrote a book called "More Like Us." This was at the height of the Japanese economy, some saying taking over the world. People were saying then in America, we have to be more like the Japanese if we are going to succeed economically. James Fallows is the man about whom I just spoke who wrote this book. And he said, no, that is not true. We need to be more like us. We need to continue doing what America does best. One of the things America does that is far better than Japan and most any other country is we are a nation of immigrants. These immigrants, James Fallows has pointed out in this book, come to this Nation in limited numbers, and when they come here, they are striving to achieve.

We saw, all of us who are Members of the Senate, with the people coming here from Southeast Asia, from Vietnam, and other nations that were torn by war—the so-called boat people—we saw the kids graduating from high school who were the valedictorians, the salutatorians, the people who were doing so well in high school, and then were going into college with these grades that were better than anyone else. These were the kids from Southeast Asia who were here to prove to their parents and their family that they could succeed in America.

They even considered at UCLA, one time—I read this in an article in a weekly magazine—limiting the number of Asian students who could go to UCLA because people get in that school simply on the merits and Asians were, some thought at the time, getting more than their fair share of spots. It is because immigrants do well. And James Fallows pointed that out. We see it today more than at any other time.

For example, UNLV's Center for Business and Economic Research published a report in 2003, concluding that non-native Hispanic immigrants helped drive the Las Vegas economy, generating $15.5 billion in spending, contributing $829 million in State and local taxes and helping to create more than 200,000 jobs.

Finally, I want to talk about the support of the religious community for the reforms in this legislation we are discussing today. As I mentioned, one of the people who joined me last fall to emphasize his support for comprehensive immigration reform was the bishop of the Diocese of Las Vegas, Bishop Pepe. He and others in the religious community are supporting this effort because they know that reforming our immigration laws is the right thing to do. It is the American thing to do. It is the moral thing to do.

We have U.S. citizens and permanent residents who are separated from their family members for years, sometimes decades, because of long processing backlogs and legal limits on family immigration. That is why one of the things we need to do in this legislation—and we are doing it—is to make sure Immigration and Naturalization and the Border Patrol have the resources they need so people do not have to wait in line. Even after becoming qualified to become a citizen, in Las Vegas you have to wait for years, sometimes up to 5 or 6 years, for the papers to be processed because they are so understaffed.

We have 11 million people living in the shadows of our society. Many of these immigrants have been here for years, have children and spouses who are U.S. citizens or permanent residents. They pay taxes. They own property and are active, valuable members of our community. Virtually all of them came here to work. Our immigration laws, in many instances, force them to go into hiding. They live in fear every day that they will be deported and separated from their families and communities, separated from their children who are American citizens.

For those people who are already here, I believe we have to provide an opportunity for those who work hard, pay taxes, play by the rules, commit no crimes, learn English, and contribute to our economic growth, to earn the right to stay here—to earn the right to stay here.

We should encourage people to work here, and under the legislation that is pending before this body, there is a time when they have to go back to the country from which they came. Many people want to do this, and used to do this before we made it so dangerous for them to go back and forth across the border.

But for people who decide they want to stay here, they should not be allowed to jump to the front of the line but should be allowed to earn their legal status here, I repeat, if they pay fines and penalties, work steadily for years, learn English, and pass the necessary background checks.

As Americans, I do not think we want to forcibly uproot so many people who have put down their roots in communities for the same reason our parents and grandparents came: to make better lives for themselves and their families. We need to continue, as James Fallows said, to be "more like us," what has made America great.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3217 TO AMENDMENT NO. 3192

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I call up amendment No. 3217 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] for herself and Mr. WARNER, proposes an amendment numbered 3217.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers)

On page 174, between lines 15 and 16, insert the following:

SEC. 2 . EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109-13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2009".

Ms. MIKULSKI. Mr. President, I do rise, along with my very distinguished colleague from Virginia, Senator JOHN WARNER—we are bipartisan cosponsors—to offer an amendment that is much needed by small and seasonal businesses across the Nation.

Our amendment is needed.

We believe that it is supported by the Judiciary Committee. But most of all, the American people will agree that this amendment is much needed.

This is a bipartisan amendment. What does it do? First, it protects our borders by rewarding immigrants and employers who play by the rules, workers who come here on a seasonal basis but return to their families when they are finished with their job and go back home. These workers honor their legal commitment to come to work under legally supervised jobs and then they return home. No. 2, it does protect American workers by requiring that all employers recruit American workers before they hire these immigrants, and it makes sure that small business will be able to pay their U.S. workers 12 months out of the year. No. 3, it protects American jobs by keeping small and seasonal business open for business. It guarantees the labor supply that small businesses need during peak seasons is available, when they can't find Americans to take their jobs.

So No. 1, it protects our borders by allowing only those in this country who intend to go back home. It supports legal immigration. It is consistent with supporting a legal framework; it only allows workers to come into this country if they have played by the rules. And you can only come in if you can prove you are going to work for a good-guy American employer who has tried to recruit American workers. Also it does not raise the cap on seasonal workers. My amendment would allow employers to hire the workers who have played by the rules and returned home after the work is done, it allows these workers to be hired for another 3 years and not count against the annual cap of 66,000. It does not raise the annual cap of 66,000.

My amendment provides a helping hand to business by letting them apply for workers they have already trained and know will come back again year after year but return home year after year. It only applies to those who have already successfully participated in the H-2B visa program. They have received a visa and returned home to their families after their employment with a U.S. company.

This is not a new H-2B. It is essentially a 3-year exemption to allow those who have come back in and returned home to come back again, most often to the same employer like employers in my State of Maryland who work in the seafood industry. The H-2B program has kept small and seasonal business doors open when they face seasonal worker shortages that many coastal and resort States have been dealing with over years.

Small businesses across this country count on the H-2B program to keep their business afloat. When they cannot find local American workers to fill their seasonal needs, they then turn to the H-2B. Without being able to get the seasonal workers they need, these businesses would often go under. These businesses do try to hire American workers. Under the law, they must try to hire American workers. They would love to hire American workers. They have to demonstrate that they vigorously tried to recruit Americans. They have to advertise, give American workers a chance to apply. Their businesses have to prove to the Department of Labor that there are no Americans available for this work. Only then are they allowed to fill their vacancies with seasonal workers.

The workers these businesses bring in participate in the H-2B year after year, often working at the same companies—that has been the experience of the Maryland seafood industry about which I will talk later. Yet they cannot and do not stay in the United States. They return to their home countries and to their families. Then what happens? The U.S. employer must go through the whole process again the next year to get them back. It means an employer again has to prove they can't get U.S. workers and that they are willing to pay the prevailing wage for that industry.

Yet, this is not just a Maryland issue. It is not even a coastal issue, though we coastal Senators are hit pretty big time. But it is an issue that affects everyone—ski resorts out West and in the Northeast, quarries in Colorado, shrimpers in Texas and Louisiana, landscapers whose businesses are the busiest in spring and summer. Why is it important to Maryland? Being able to hire seasonal workers for our crab industry has been a way of life down on the eastern shore for more than 100 years. We have a lot of summer seasonal businesses in Maryland, on the eastern shore, in Ocean City and working on the Chesapeake Bay. Many of our businesses use the program year after year. First they hire all of the American workers they can, but they need additional help to meet seasonal demands. Without this help, they would be forced to limit services, lay off permanent U.S. workers or even worse close their doors.

Let me give a couple of examples. One is a business called J.M. Clayton. What they do is a way of life. It was started over 100 years ago. It is now run by the great-grandson of the founder J.M. Clayton. They work the waters of the Chesapeake Bay. They supply crabs, crabmeat, and other seafood to restaurants and markets and wholesalers all over this country. It is the oldest working crab processing plant in the world. By employing 65 H-2B workers, they can retain 30 full-time American workers all year long.

It is not just the seafood companies that have a long history. It is also the S.E.W. Friel cannery which began its business over 100 years ago. It is the last corn cannery left out of 300 on the shore. Ten years ago they couldn't find local workers. They turned to the H-2B. Since then, many workers come each season and then go home year after year. They have helped this country maintain its American workforce and paved the way for local workers to return to the cannery. There are now 190 seasonal workers, but there are 75 people working in the cannery full time, and an additional 70 farmers and additional suppliers.

This summer I went over to the shore, after we had a successful victory last year giving this legislation a temporary exemption, to meet with the Latino women. When I met with these women, I asked them: Why do you come and what does this program mean to you? They told me that by coming year after year—they know it is hard work—they can provide for their families. They know that when they come in April, they will be here until late September when our crab pots are put away and we pack up for another year. During the summer, they can earn money. They earn more money in one summer here than they can earn in 5 years in Mexico. And the money they take back year after year has enabled them to build a home, often dig wells in their own native village, even pool some of their money to build a community center. They come often as a family and often as a village to say: Are we going to the shore? We know Clayton. We know Phillips. They know where they are going to live. There are buses that take them to church every Sunday. They know where they are going to shop. They have access to translators. And in some places, they are actually being trained by the seafood industry to learn English so they can move up to some other positions.

Then they take this money, anywhere from 15, 20, $30,000—mostly 20—and they go back to primarily Mexico. They go back where their husbands and children have been waiting. It is what often keeps the family going. What they earn will pay to build that school, build those homes, clean up that village and is putting the men to work so the men have jobs, the men have dignity. They are not crossing the border illegally. They are building a life in their village. They want to be Mexican citizens, but they know they are here to help. First it is one sister and then the following sister who come to the Eastern Shore for a few months a year to make money so they can take care of their families and communities back home.

This is why this program works. The people who come are part of a family, part of a community in Mexico. They want to build a life in Mexico, but they can do it by helping us here.

Some might ask: Why do we need this extension? The chairman has included a temporary guest worker program in his bill. We need to make sure we do not forget the needs of small and seasonal businesses in this immigrant debate. I welcome the guest worker program that is before the Senate. Once the program is up and running, it will help the H-2B program. But right now we need to make sure there is no interruption so that companies can meet their hiring needs when American workers don't apply for these jobs, when the cap has already been reached. The first half of the cap of 33,000 was reached less than 3 months after employers could begin applying.

What we want to do, again, is protect our borders, look out for American jobs. And for those who want to come to this country and return home, follow the rules and follow the law, this amendment will provide the opportunity to do so. My amendment does all of this. Each Member of the Senate who has heard from their constituents will know what I am talking about. This will extend the H–2B waiver for 3 years.

It is a sound amendment. This is why it is strongly bipartisan. I urge at the appropriate time that the Senate adopt it.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to start my participation here by congratulating my distinguished colleague from Maryland and her senior Senator, Mr. SARBANES. It has been a great pleasure to work with both of them on this program through the years. I wonder if I might ask the principal sponsor of this amendment, Senator MIKULSKI, a question.

In this turbulent era of immigration and the search for solutions, this program could be described as a model program, one that has worked as it was intended, one that serves the small business community as it was intended, and welcomes within our borders these individuals, as my colleague says, largely from south of the border, Mexico, in a way that doesn't conjure up any fear or suspicion or any resentment in the communities when they come to do their work.

Would my colleague concur in my observation that this is a model program?

Ms. MIKULSKI. My good friend and cosponsor from Virginia is absolutely right. This is a model program. It does not stir up resentment because of three reasons. No. 1, it does protect our borders. No. 2, the local communities are enthusiastic about it because it has kept businesses open on our mutual eastern shore, the Chesapeake Bay, that have been running for over 100 years. The ladies go back home and then return again under appropriate legal authority.

It is a model program. If all immigration policy worked this well, we wouldn't be in such turbulent times.

Mr. WARNER. A further point of colloquy: Last time you and I joined with Senator SARBANES and others, Senator ALLEN on my side of the aisle, and just in the nick of time, we were able to get through that extension. It received a modest amount of publicity

I read the articles and trade interests. But I cannot recall anyone contacting my office who was out right opposed to the program. Does the Senator know of anyone who has stood up and said it has taken away work and any of that sort of confusion and criticism we are experiencing today in the larger measures of the immigration problems?

Ms. MIKULSKI. Mr. President, I say to the Senator from Virginia, when I was contacted, people didn't understand the program. When I clarified for them that this was not an amnesty program, that this was a guest worker program—and guest was the way they were treated; and like a guest, they went home when they were supposed to—and that it actually kept American jobs in this country, particularly the doors of business open, like the J.M. Clayton Company, they were relieved to hear about it. They were glad we had a Government program on immigration that actually worked. They saluted the ladies for their hard work and said: We are glad they obeyed the law, and all turbulence was settled.

Mr. WARNER. Mr. President, I am delighted that my colleague had experiences similar to mine.

I bring up one single aspect. I happen to be one who really enjoys crabmeat. I know that when so many of our crab houses came to us, they explained that if we lose what little market we have today, we are gone, because Venezuela has entered the market—I even saw crabmeat in the market this week, and I have been constantly studying it ever since I have been involved in this issue. But all of the crabmeat is coming from way beyond our shores. That is understandable now because the bay, which is the principal source of our crabmeat, is not quite ready for the harvesting. I would hate to see the famous blue crab disappear from our tables. It was about to disappear had we not gotten this program through last time; am I not correct on that?

Ms. MIKULSKI. The Senator is right. We have to fight for our market share because the competition is abroad and, quite frankly, they don't meet the quality standard. This program is not only for the crabs, but just think, for the people who are actually picking the crabs, they are putting people to work—the canning company, marketing, sales, the trucking industry, watermen, the people who run the marinas. This covers so many jobs on the Eastern Shore. This handful of seasonal workers helps leverage hundreds and hundreds of jobs on our shore.

We could talk to Senator STEVENS of Alaska. They have a business that harvests salmon roe, and their principal market is to the Japanese. The Japanese have to come in to inspect that roe to see if it can be exported. Nineteen Japanese come in every year under this program and then return home, primarily as inspectors. Because those 19 come, Alaska has a booming industry in exporting salmon roe. That is how this program works. Just a handful of guest workers leverages all this.

Mr. President, I support Amendment No. 3217, the Save Our Small and Seasonal Businesses Act of 2006, which would ensure that certain employers would continue to legally obtain the seasonal workers they desperately need. I am pleased to work with Senator MIKULSKI as a cosponsor on the amendment, and I am joined by Senator ALLEN.

Late in 2005, the Senate voted overwhelmingly, 94 to 6, to include our Save Our Small and Seasonal Businesses Act of 2005 as an amendment to the defense supplemental bill. This legislation, which was eventually signed into law by President Bush, helped to temporarily solve a serious problem facing small businesses, especially seafood operations in Virginia, as well as others across the Nation.

For each of the 2 years prior to our measure being signed into law, the statutory cap on H–2B visas was reached soon after the fiscal years began. In 2004, the cap was reached on March 20, and in 2005 the cap was reached on January 3.

As a result, many businesses, mostly summer employers, were unable to obtain the temporary workers they needed because the cap was filled prior to the day they could even apply for the visas. Consequently, these businesses sustained significant economic losses.

The fix that Congress provided in 2005 exempted from the 66,000 statutory cap workers who had worked under the H–2B visa program in prior years and who had adhered to the rules by returning to their home country when their visas expired. However, this legislation was only for 2 years.

As a result, on October 1, 2006, when the law expires, these employers and workers will face the same problem unless we adopt the amendment before us today.

In order to avoid this problem, our amendment simply extends the successful H–2B visa exemption to ensure the program will not revert to its troubled, original form while work continues on a permanent solution. This will allow our small and seasonal companies an opportunity to remain open for business until a new permanent fix within comprehensive immigration reform can be passed into law and fully implemented. Without these modifications, these employers will struggle to find the necessary employees to keep their businesses running.

Before I close, I want to be clear about the purpose of this amendment. There has been much said about Senator SPECTER's amendment and what it will or will not do. Regardless, his amendment will create a new H–2C temporary worker visa. In the long run, this new work visa will help ease the pressure on the H–2B visa program that exists today.

However, it is now April, and the current H–2B exemption expires in October, only a few months from now. Even if Congress were to pass an immigration bill and have it signed into law before then it will take many, many months if not years before any new visa programs can be ready to accept applications. This is an uncertainty that small businesses cannot afford.

Many employers across America, such as seafood processors, landscapers, resorts, pool companies, carnivals, and timber companies, rely upon the H–2B program. The seafood industry in Virginia, in particular, is dependent on this program to keep their business running. This industry has been built on decades of earned respect for their incomparable products. They represent traditions that have been in place for hundreds of years. These traditions have proven more successful than attempts to modernize or automate the process. Without access to the H–2B visa program, this traditional respect across the world will be lost, never to be regained.

The current system in place since 2005 has allowed these small and seasonal businesses opportunity to hire a legal workforce to supplement and maintain the full-time domestic workers they already employ. If we want these employers to stay in business, the current H–2B exemption must be extended until a permanent solution or a new visa program can be implemented. I strongly support this amendment, and I hope my colleagues in the Senate will join 5 with me to help these small and seasonal businesses by passing this legislation as quickly as possible.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I yield to Senator SARBANES, an original cosponsor of the bill.

The PRESIDING OFFICER. There is 6½ minutes remaining on the minority side.

The senior Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment offered by my colleague, Senator MIKULSKI, and I commend her once again for undertaking this initiative. In fact, as indicated in the colloquy with Senator WARNER, this amendment is met with general approbation, and I believe it is a tribute to my colleague that she worked out a very skillful legislative solution to a difficult problem.

This is a very measured and sensible solution to a real problem confronting small businesses struggling to find enough employees to operate during seasonal spikes in their workload. Many small businesses in Maryland and, indeed, around the country have seasonal increases in work. They often need a large number of workers for a portion of the year but do not retain these workers throughout the year. Therefore, temporary workers become essential to the vitality of these businesses.

In Maryland, the seasonal issue affects numerous industries, including, first and foremost, the seafood industry but also the hospitality, pool and construction industries. Seafood processors, for example, are busy in the summer and early fall but have little or no work in the winter. All of these businesses start out by trying to hire college students and local residents as extra workers to cover this need, but they often find themselves shortstaffed. That has been the standard experience, and this program is designed to address that—the temporary employees come from abroad to work for a few months and then return home.

As an essential part of this program, the H–2B program, this amendment my colleague offers today would simply extend for 3 years one of the very successful modifications to the H–2B program that was adopted by the Senate by a vote of 94 to 6 a year ago this month. Those modifications left the H–2B framework intact. They provided a fair and equitable means of distributing a scarce number of visas.

It is important—and I wish to underscore this to my colleagues—to note that employers must demonstrate that they have tried and failed to find available, qualified U.S. citizens to fill seasonal jobs before they can file an H–2B application.

The amendment approved last year, which is carried forward by this extension, had three important aspects:

First, it ensured that summer employers were not disadvantaged by allowing no more than 33,000—or no more than half—of the 66,000 H–2B—visas to be allocated in the first half of the year.

Second, temporary workers who have lawfully participated in the H–2B program in the previous 3 years were exempted from the annual numerical cap.

Third, the modification required the employer to pay a fraud prevention and detection fee and increased sanctions for fraud.

Senator MIKULSKI is seeking to carry these provisions forward. These visas are really for people who respect our laws and who work hard to provide services that benefit our economy and then return home to their families at the end of the season. All of that is an essential part of the program.

This extension is a necessary adjustment for small and seasonal businesses that rely on temporary workers. We must recognize that the success of one small business impacts another. It has a ripple effect through the economy and helps to maintain the vitality not only of our State's economy but of the Nation's economy.

Mr. President, as we debate the larger issues involved in immigration reform, I urge my colleagues to support this amendment. I again commend my colleague, Senator MIKULSKI, for coming forward with this amendment to address an important issue on which the Senate has already indicated its approval in past considerations. This is a very important amendment for our small businesses that require temporary seasonal workers. This is a very skillful legislative solution to a problem. I commend my colleague for bringing it forth, and I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I wish to take a minute or two.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Ms. MIKULSKI. I note that Senator ALEXANDER is here.

Mr. ALEXANDER. How many minutes would the Senator like—2 or 3 minutes?

Ms. MIKULSKI. Mr. President, is the Senator from Tennessee going to speak on this issue?

Mr. ALEXANDER. Not on this but on another matter. If the Senator needs more than a minute, I am glad to yield some of our time to the Senator.

Ms. MIKULSKI. I wish 3 minutes.

Mr. ALEXANDER. I yield 3 minutes to Senator MIKULSKI.

The PRESIDING OFFICER. Without objection, the Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. Mr. President, I wish to add as cosponsors Senators WARNER, GREGG, ALLEN, SARBANES, SUNUNU, THOMAS, STEVENS, REED of Rhode Island, LEVIN, SNOWE, JEFFORDS, THUNE, COLLINS, KENNEDY, and LEAHY.

Mr. President, I don't know if there will be any more who wish to speak on the minority side. Every now and then, we conform in a bipartisan amendment. I think the amendment speaks of its merits. It meets a need for our jobs in this country. It solves a problem in a practical way. It doesn't exacerbate any of the dark side of immigration. I hope at the appropriate time my colleagues will adopt this amendment.

I congratulate the chairman of the Judiciary Committee, Senator SPECTER, and the committee for the excellent bill they brought out. This in no way dilutes, diverts, or detours any aspect of their bill. Three cheers to the Senate for having an immigration bill that is in no way as punitive and tart and prickly as the House bill.

I think the Senate will proceed in a rational way. We need to protect our borders, protect American jobs. I believe there are sensible solutions for doing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wonder if the Senator will answer a question. We put in this bill—and Senator MIKULSKI offered a sense of this amendment last year and it won—to extend for 1 year these provisions. I thought in the bill that came out of committee we were dealing with it when we added 400,000 per year—more than doubling the number who would come in to work—who could be covered, I think, by this category. My question is, has the Senator been able to ascertain whether this would be in addition to the 400,000 who would be approved under the Judiciary Committee mark?

Ms. MIKULSKI. First of all, the answer is that this amendment will be the bridge until the Judiciary Committee legislation is actually up and running. The H-2B employers will use the H-2C visas you all created once the program is up and running. But it will not be up and running for October of this year, if, in fact, we get a bill. We don't know if we will get a bill. If we do get a bill—you know how sluggish that bureaucracy is in writing rules and regulations—this is a safety net.

Mr. SESSIONS. In effect, it would not continue as an addition on top of the expanded immigration provisions in the committee mark?

Ms. MIKULSKI. The Mikulski-Warner framework goes away when this bill is put into effect.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe Senator KYL and Senator CORNYN are coming to the Chamber to talk. I believe they have just arrived. I defer to Senator CORNYN and to Senator KYL. We will be voting tonight on an amendment about helping prospective citizens become Americans, those who are legally here. I would like to talk a few minutes about that before 5:30 p.m.

Mr. LEAHY. Will the Senator yield for a parliamentary inquiry?

Mr. ALEXANDER. Yes.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. There is 60 minutes remaining on the majority side for debate prior to two votes under the previous order at 5:30 p.m.

Mr. LEAHY. Mr. President, I ask unanimous consent—as far as I am floor manager on this side and a cosponsor of this amendment—that I may proceed for 3 minutes with the additional time not taken from the majority side.

Mr. ALEXANDER. Mr. President, we are happy to yield to the distinguished Senator from Vermont 3 of our minutes so he can make his remarks.

Mr. LEAHY. If the Senator will do that, that will work.

Mr. ALEXANDER. If it is all right with the Senator from Texas.

Mr. CORNYN. Mr. President, I certainly don't begrudge the Senator from Vermont the time. I just hope it won't cut into our time and that we will add time to both sides so it will be even, if I understood the request.

Mr. ALEXANDER. We have all the time remaining between now and 5:30 p.m.

The PRESIDING OFFICER. The majority controls 59 minutes.

Mr. CORNYN. I have no objection.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my friends from Tennessee and Texas for their courtesy.

I commend the Senator from Maryland. I enthusiastically—enthusiastically—cosponsor this amendment. It is going to bring relief to employers by easing the shortfall of seasonal workers. I know it is desperately needed in Vermont.

Last May we passed, and the President signed into law, assistance for small and seasonal businesses by enacting a special exemption. The amendment passed last May, offered by Senator MIKULSKI, cosponsored by myself, Senator JEFFORDS, and others, created an exemption to the cap for seasonal workers.

The Vermont ski, hotel, and conference industries rely on hiring foreign workers when they cannot find Americans to fill seasonal jobs. Over the past several years, the demand for these workers across the country has far exceeded the caps and has led to a severe shortage of workers which threatened the hospitality industry which is such an important part of Vermont's economy.

Senator MIKULSKI's amendment will simply extend the sunset date and give businesses in Vermont, Maryland, and other States the resources they need to compete and succeed. We need this relief in Vermont. The broad range of bipartisan support for this amendment shows how badly it is needed.

I thank the Senator for her persistent efforts. I thank my good friends on the other side of the aisle for the courtesy they showed a late arrival.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the majority has the remaining time until 5:30, at which time there will be two votes, one on Senator BINGAMAN's amendment and one on the Alexander amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent that Senator CORNYN be allowed the next 15 minutes, followed by Senator KYL, after which I be allowed up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Mr. President, I was on the floor last Friday describing what I believed to be a remarkable resemblance between the provisions that deal with the 12 million individuals who are currently in the United States in violation of our immigration laws and the amnesty that was granted in 1986 which was supposed to be the amnesty to end all amnesties. In other words, if we would just agree that the 3 million or so people who entered our country without legal authorization would be given amnesty, we would then have worksite verification and sanctions against employers who hired people in violation of the law, and this problem would go away.

As I pointed out then, the amnesty that was granted in 1986—everyone now acknowledges it was an amnesty. And the second thing I think everyone will nearly universally acknowledge is that amnesty was a complete and total failure. I, for one—and I believe there are others in this body—want to make sure we don't make the same mistake twice, and when we ask the American people to have confidence in us, in what we are trying to do to solve a very real problem, they don't take the attitude "fool me once, shame on you; fool me twice, shame on me." They don't want to believe, nor should they be asked to believe, that we are engaged in a sleight of hand or a trick.

So I believe it is very important that our colleagues focus not only on the amnesty of 1986, but to compare it with the proposal in the committee product which bears remarkable resemblance.

One of the areas where it does not resemble the 1986 amnesty is that the 1986 amnesty would bar felons and people who have committed at least three misdemeanors. As Senator KYL and I pointed out by way of our amendment, we seek to add that requirement back in so that felons and people who committed at least three misdemeanors would not be given an amnesty under the committee proposal.

But in this bill—this enormously complex and important bill—details matter. Another example is I reviewed the committee bill over the weekend, and I have some concern that the bill text does not reflect how the bill is actually being described by its proponents.

For example, section 602 of the bill states that illegal aliens must comply with the employment requirements. Yet there are no specific requirements for them to meet. Future temporary workers must be continuously employed, but no such requirement exists for illegal aliens. The alien could potentially be employed for one day and still end up qualifying for a green card and then put on a path to citizenship.

I urge my colleagues to look very carefully at this bill and to study it because here we found at least two examples of where the bill does not meet the description offered by its proponents: and, No. 2, that those who say that what this bill does for those who are currently here in violation of our immigration laws is not an amnesty, we find that it bears remarkable resemblance to what everyone acknowledged to be an amnesty in 1986 and what everyone pretty much universally acknowledges was a complete and total failure.

Illegal immigration has had a dramatic effect on many aspects of our society. It affects our schools, hospitals, and prisons. Dr. Donald Huddle, a Rice University economics professor, published a systematic analysis of those costs as of 1996 and concluded the estimated net cost to the American taxpayer was about $20 billion each year.

The population in our country that has stayed here in violation of our immigration laws has doubled since that study was done. So the financial impact picked up not by the Federal Government but by local school districts and local hospital districts and State and other local governments may be as high as $40 billion to $50 billion.

Last week, we heard a lot of debate about whether immigration reform needs to address the 12 million aliens already here who have come here or stayed here in violation of our laws and to create a new visa category that would allow future workers to enter our country legally.

As I said then, and I will say again now, I support comprehensive immigration reform and I believe our national security requires us to know who is in our country and what their intentions are once here. But I fear that a critical distinction in the debate is being glossed over, and that is whether work visas should be truly temporary or whether we should allow all migrant workers to remain here permanently.

First, let me say that there is obviously an important role for permanent immigrants, and I support legal immigration. I noted, as so many others have, that we are a nation of immigrants, and we are the better for it. I support, for example, moderate increases in legal permanent immigration, but I don't support a so-called temporary worker program which is neither temporary nor is it a worker program, but it is rather an alternative path to legal permanent residency and citizenship.

More than 23 million immigrants have been issued green cards since 1973, an average of about three-quarters of a million new green card holders each year. But there is also a role for temporary workers in addition to those people who want to immigrate here permanently. I feel strongly that we ought to distinguish between legal immigration, illegal immigration, and we ought to distinguish between people who want to come here temporarily and work but not give up their identity or their citizenship with their country of origin and those who want to be Americans.

For those who are permanently going to be immigrating to the United States, I sincerely want all of them to become Americans, and I joined in cosponsoring the amendment with the Senator from Tennessee to help them do that, so they can be assimilated, they can learn English, they can gain access to the kind of education that will allow them to become not only legal immigrants, but to become permanently assimilated into our society and productive citizens. I think we owe that to them and we owe that to ourselves.

But there is also a role for those who want to come here for a time and work and then return to their country of origin, people who have no intention of giving up their ties with their country or their culture or their family but who want to come and work for a time and then return with the savings and skills they acquired working in the United States.

We have heard a lot of discussion about that from sectors in the economy saying they depend on the workers who come from other countries but that they could work with a temporary worker program to satisfy those needs.

There are some who criticize saying that a true temporary worker program is futile and unworkable. They argue that temporary workers will never leave and so we must allow all of them to remain here permanently.

I strongly reject what I would interpret as an open borders argument. First, I think it is ridiculous for anyone to argue that the United States neither has the ability nor the will to enforce its immigration laws. Should we not put any limit on how long a visitor can stay in the United States, how long a student can remain in the United States? That argument is a disservice to the hundreds of millions of tourists, executives, workers, and students who do comply with our immigration laws.

The United States admits 500 million visitors a year, and only a fraction of a percentage makes the affirmative decision to violate our laws and to stay here.

I also believe that effective worksite enforcement will allow workers to work during the term of their visa but then to return once their visa expires. The 1986 amnesty promised that illegal workers would not be able to find work, but here we are today with 5 percent of our workforce using false documents. I will, therefore, not support any reform proposal unless I am confident that illegal workers will not be able to find employment in the United States but for legal channels.

If we actually believe we cannot enforce the law, if temporary doesn't mean temporary, if there is no distinction between legal and illegal, we are essentially raising a white flag and saying we will not enforce our own laws. I cannot imagine this great institution taking that position either affirmatively, expressly, or tacitly.

I also reject the argument that a true temporary worker visa is inconsistent with the natural migration patterns of workers. The American Lawyers Association states that before 1986, the average length of stay in the United States was only 1.7 years. Since 1986, the amnesty that was created in that year, the length of stay has increased to 3.5 years, up from 1.7 The bottom line is most workers do not want to stay for 6 years, much less permanently.

Douglas Massey, a professor at the University of Pennsylvania, argues that the 1986 amnesty:

> Succeeded in transforming a seasonal flow of temporary workers into a more permanent population of settled legal immigrants.

He wrote that, prior to 1986:

> Most immigrants sought to work abroad temporarily in order to mitigate and manage risks and acquire capital for a specific goal or purpose. By sending one family member abroad for a limited period of foreign labor, households could diversify their sources of income and accumulate savings from the United States earnings. In both cases, the fundamental objective was to return to their country of origin—in this case, he says: "Mexico."

He argues—and I agree—that the 1986 amnesty actually resulted in a decrease in circular migration.

The committee amendment on the floor would do exactly the same thing. It would destroy the incentive for circular migration and the benefits that would accrue—not just to the United States but to the country of origin, to whence the immigrant would return with the savings and skills they have acquired here.

In a survey by the Pew Hispanic Center of Mexicans Abroad, they support the argument that migrant workers would participate in a true temporary worker program. Indeed, 71 percent of those surveyed, which were 5,000 applicants for the matriculator consular card in the United States, 71 percent said they would participate in a temporary worker program, even if they knew that at the end of the period of their visas, they would have to return to their country of origin.

Finally, our country is enjoying a strong period of economic growth. The economy created almost a quarter of a million jobs in February and has created 2.1 million jobs over the past 12 months—almost 5 million new jobs since August 2003. The unemployment rate is 4.8 percent, lower than the average of the 1970s, the 1980s, and the 1990s. We may not always enjoy a strong economy, and a true temporary worker program allows our visa policy to adapt to the peaks and valleys of our economic needs.

I supported Senator KYL's amendment in the committee that would limit the number of temporary worker visas if unemployment reaches certain levels. But that amendment means nothing if all workers are on green cards or on a path to legal permanent residency or citizenship.

Everyone, it seems, describes their proposal as a guest worker or temporary worker program. But not all temporary worker programs—or at least those sold under the guise of a temporary worker program—are, in fact, temporary. It is important, both to our economy and to American native-born workers who compete with this new workforce, that we modulate and moderate the flow of workers into our country at a time when our economy can sustain them and not take jobs away from people who are born here or who are legal immigrants. It is also critical that we recognize the importance of the restoration of these circular migration patterns which, in fact, benefit countries such as Mexico and in Central America because they are literally being hollowed out: People permanently leaving those countries, making it difficult for them to generate jobs and grow their economy, so that people can stay home if they wish and not have to leave their family and their culture and their country in order to come to the United States to sustain themselves and their families.

My point is our colleagues and those in the news media and the American people listening should listen carefully to not only what people call their different sort of worker programs or visas but actually how they function, and insist that if colleagues are going to call a guest worker program a temporary worker program, that it is, in fact, temporary; and that if it is a guest program, that it not be someone who is going to permanently move in with us. Guests, in fact, ultimately are supposed to return and not stay.

I realize time is short for this portion of the debate, but I did want to make those points. I know there are other colleagues on the floor who wish to speak, and I will return and make additional comments on other aspects of this bill at a later time.

I yield the floor.

Mr. ALEXANDER. Mr. President, the Senator from Arizona, who has the next 15 minutes, has generously agreed to allow the Senator from Alabama to have up to 3 minutes. I ask unanimous consent that the agreement be modified so the Senator from Alabama has 3 minutes, Senator KYL has 15 minutes, and then I have 15 minutes after Senator KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we had a very fine hearing this morning. I think five Federal judges, and the Department of Justice represented, and a professor, to deal with a problem in our immigration system. Senator CORNYN has rightly said a bill is a bill is a bill, but what does it say? In Chairman SPECTER's mark, he dealt with a crisis in appeals in immigration. During the course of our committee markup, an amendment was offered that said that wasn't good and whatever, and we struck that reform. So the bill that would be the Judiciary markup bill on the floor does not have any action whatsoever to deal with this problem.

Since 2001, we have had a 601-percent increase in appeals, Bureau of Appeals, immigration appeals cases. Six times they have increased since the year 2000. It now takes, on average, 27 months for one of those cases to be handled because of the backlog.

Judge Bea of the Ninth Circuit Court of Appeals, who has one of the biggest backlogs in that circuit, said this this morning:

> Second, as petitioners and attorneys see appeals piling up in the circuit courts, they realize their appeals will be delayed. During the period of delay, events may change the alien's chances of staying in the country. Those changes may be personal, such as a marriage to a U.S. citizen or the birth of a child, or any number of other conditions that might affect their removability. Or those changes may be political, such as change in country conditions in the alien's home country, or legislative and administrative, such as immigration reform in the country, giving the alien new hopes to remain here. Even if the appeal lacks all merit, the backlog of cases in the circuit court provides an incentive to appeal by almost guaranteeing a delay in deportation, now on an average of 27 months.

What I would say to my colleagues is, If we are going to do something—and we should—we have to confront the problem of those who are here illegally and handle that in a humane and fair and decent way. But if the promise at the same time is we are going to fix the system that is broken today—Senator HARRY REID said he was down on the border and he said it was chaos and the laws are unenforceable. These are some of the examples of it. Senator SPECTER had language in to fix it. The language was stripped out. There is nothing in this bill before us that would deal with this problem. It is an example of some of the gaping holes that remain in this legislation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. KYL. Mr. President, Senator CORNYN and I have introduced legislation that is comprehensive in nature, and I wish to briefly describe some of the key provisions of that legislation because I believe we will have an opportunity to vote on it as an amendment to the pending bill at some point during our procedure.

In significant part, the bill before us embodies many of the provisions of our legislation that deal with border security. I want to emphasize at the beginning that almost all of us agree the first step we have to take in dealing with comprehensive immigration reform is securing the border. It is going to take time to get that done. It is going to take money and it is going to take will. The provisions of our bill provide a significant sum of money for more Border Patrol agents, more fencing—it is not a wall, but it does provide some additional fencing—and it provides for high technology to help with the border security, including unmanned aerial vehicles, sensors, cameras, and things of that sort.

It also requires that the Department of Homeland Security acquire more detention spaces so that people who come here from countries other than Mexico and, therefore, can't just be returned to the border, will actually be detained pending their removal to their own country. Today, if you are an illegal immigrant from China, for example, we can't take you down to the border with Mexico and drop you off there; we have to send you back to China. This costs a lot of money. It takes a long time. In fact, the Chinese Government is very slow to take Chinese citizens back. There are now some 39,000 Chinese citizens whom we apprehended who came here illegally, but who have not been returned to China. We don't have the detention space for all of them, so they are released on their own recognizance. Do you have any idea how many of them show up when it is time for them to go? The smart ones don't show up, obviously. So we need more detention space, and that is part of our legislation. The key point is that we provide the funding and the authorization necessary to get a handle on controlling the border and to deal with the apprehensions that occur as a result of that.

The next thing we do is to provide for more internal enforcement, and for all of the different parts of the Department of Homeland Security that have a responsibility for enforcing the law in the interior. Today, an illegal immigrant knows if you get about 60 miles north of the border, you are literally home free in your new home because we don't have the law enforcement officials to do anything about it. That is especially difficult at the employment site. As you know, we have laws against hiring illegal immigrants, but they are not enforced. I think there were something like three actions brought last year against however many million employers we have in this country. The bottom line is we need an enforcement mechanism to ensure that whoever is entitled to be employed here, the employer can verify their eligibility, that it is easy to do, and that it is foolproof.

So another part of our legislation is to provide a mechanism whereby it is the Government, not the employer, that decides who is eligible to be employed. Anybody with forged documents today can walk in to an employer and be hired, and the employer can't look behind those documents and see whether it is a forgery. That burden should be on the Government, particularly since the simplest way to verify eligibility is with a good Social Security number, which our bill provides for. The Social Security database today is, frankly, a mess. It needs to be cleaned up. It can be cleaned up so you don't have 10 different people all using the same phony number. In fact, we have over 100,000 people today using the number 000-00-0000. It doesn't take a real bright person to figure out there is something wrong with that situation.

So the database can be cleaned up and then the employer can simply by law—and this is what the Cornyn-Kyl bill requires—type in the number that has been given to the respective employee and determine electronically whether that is a valid number. If the electronic message comes back that it is not a valid number, then don't hire the person or you are going to be in big trouble under our bill. But if it comes back and says it is a valid number, then you only have one thing to do, and that is match the number with the individual standing before you. That can be done by a couple of mechanisms: with a driver's license, and—depending upon what gets written into the bill—with the date of birth and place-of-birth verification information as well. So you are verifying the employee's eligibility under the law and that the individual applying for the job is the person with that number. Those are key components to the legislation we have introduced.

We also think it is important to do two other key things We should provide for work requirements in the future, with a temporary worker program. Let us forget for a moment the illegal immigrants who are already here. What the Cornyn-Kyl bill says is we are going to create a new temporary program for unskilled labor such as we have for skilled labor today. Today if you are a computer company and you need some more software designers and you can't get any from American universities, you can apply under a special American program for temporary workers to come from China or India or wherever they may come from. But they are only here for a temporary period of time. When you need those workers, you can apply for the visas, but when there are no jobs for those kinds of temporary workers, then visas are not issued. So it depends upon whether there is a job available that you can't find an American to do.

We should do no more than that with regard to unskilled laborers because they present more potential problems in our society if times go bad and they don't have a job. So for unskilled, less educated workers, we need the same kind of temporary status, not permanent status. If, for example, in the construction industry—and I have a statistic here which I will cite in a moment—but we have a lot of illegal immigrants working in construction today. In my State of Arizona, we can't find enough people to build homes, there is such a housing boom right now. Under our program, we would be issuing more temporary work visas for people to come in and help us build homes. But I also know there have been many times when I have lived in Arizona that a good American citizen with good carpentry skills can't find a job. There are no jobs to be had. The housing market has fallen through the floor because we are in a recession and people are looking for work and they can't find it. In that situation it doesn't make sense to issue more temporary work visas for foreign workers, foreign construction workers In that case you wouldn't issue those permits because there is no job here. Under the notion that you should have a willing worker and willing employer, clearly if you don't have a job, you don't want to be issuing work permits.

Our program is designed to be flexible enough to issue permits when you need the workers and not to issue the visas when you don't need the workers.

Contrast it with the bill that is before us. There is no such flexibility. The number of visas is set, and it doesn't matter whether there is a job for the individual. People can still come into the country, and they are entitled to stay here forever, permanently. They are even put on a path to citizenship, even if there is no job here for them. That is not right. Our bill, as distinguished from that, is for temporary periods of time only.

Then, finally we deal with the illegal immigrants who are here already who could, by the way, join up for that temporary worker program. We don't penalize them to prevent them from doing that. All of the bills or proposals I have looked at, including the Cornyn-Kyl proposal, provide that on an effective date, the illegal immigrants who are here go check in someplace. There are different places where they can check in, but the bottom line is they turn in their bad documents and get a new document that would enable them to stay in the United States for a period of time. In our bill it is 5 years. The President has proposed a total of 3 plus 3, 6 years. The Kennedy and McCain bill that is part of the bill before us has another period of time. But all of them have them check in and get a temporary visa. Here, that is good for a period of time. You get to travel back and forth during that period of time with no restriction. That is fine. We allow the person to stay here for up to 5 years.

We do one other thing. There is a background check that is also provided in every bill. Under the bill that is before us, the background check is not followed up. That is to say, if you are a criminal, it doesn't matter. You can still participate in the program. Under the Cornyn-Kyl program, you would not be able to participate in the program if you are a criminal. We have an amendment pending that would make that the case for the bill that is on the Senate floor as well, so people who are so-called absconders—they have violated the judge's order to leave the country or who have committed a felony or three misdemeanors—would not be entitled to participate in the program.

In any event, under the Cornyn-Kyl bill you are allowed to stay in the country up to 5 years. You can return to your home country at any time and start participating in the temporary worker program. If you stay here for the full 5 years, you also have to be working. But, if you want to go home, for example, to Mexico and get a laser visa, which is what would be required, that is a matter of days, less than a week. If you have a job with an American employer, you take with you a certificate of employment. So you leave the United States, you go to a consular office in Mexico, obtain your laser visa, and then present that at the border to come back into the United States and resume your work. The whole thing should take no more than a week, probably less than that.

There are those who say: Why would people voluntarily participate in this program? I think it is fairly evident. We provide incentives for people to participate in it. The sooner you leave the United States and get your laser visa so that you can come in and work temporarily, the longer you could work in the temporary work program. We provide visas for up 2 years at a time. You can have a total of 6 years' worth of temporary work in the United States. So the sooner you start that process, obviously, the sooner you can start working under the temporary worker program.

What is hard about that? In addition, you would be able to take with you, after you have finished your temporary worker status, the money that has accumulated in a savings account that is paid through a system which is parallel to the Social Security system today. You pay into the system, it is like your own personal account, and you take that money with you when you voluntarily depart the United States when your temporary visa expires—or before that if you want to. So there are incentives for people to comply with the law.

Finally, there is this question of why people would report to be deported? I make it crystal clear that in our bill there is no deportation. I don't know what legislation they are talking about. I am not even sure there is any such thing in the House bill. In any event, the Cornyn-Kyl bill has no provision for deportation. It doesn't require people to report to be deported—nothing of the kind. It is the same kind of check-in that is present in all the other bills. You check in, you get your temporary document that enables you to stay in the country, and, again, it is for up to 5 years.

There is a Pew Hispanic research poll of Mexican immigrants here, who are illegal, who say that if they had an opportunity to continue to work here for up to 5 years—7 percent say they would then be willing to return home.

I think it is a myth to say that someone who came here simply to work and earn money for their family, let's say from Mexico or El Salvador or whatever country you want to make it, that they would be unwilling to return home under the relatively generous provisions that we have established in our legislation.

There are disincentives to stay beyond the time and there are incentives to leave within that period of time. You are entitled to become a temporary worker and, therefore, it seems to me, we are ascribing a pretty bad motive to people who would not voluntarily return to their home. In fact, to the extent that people say these are hard-working folks who just came here to work and make money, I am willing to accept that and therefore I think you don't all of a sudden change your mind after you get here and say: But I am not leaving no matter what you make the law to be.

If these folks are otherwise law-abiding folks, I think they would want to comply with the law as we have set it out.

The bottom line is, the Cornyn-Kyl bill provides a way for temporary workers to work in the United States. It provides a way for people who came here illegally to become legal, to stay here for up to 5 years, if they want, to continue to participate in the worker program after that, and, finally, if they decide they want to become legal permanent residents and therefore citizens of the United States, there is nothing that prohibits them from applying to do that as well. They would do it in the same way as you apply for it today. They wouldn't be given any advantage, nor would they be given any disadvantage under the Cornyn-Kyl legislation.

Might I inquire, under the unanimous consent agreement there is 15 minutes for my time. How much time do I have?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute remaining.

Mr. KYL. Then I will be happy to summarize. The bottom line is we are going to have the opportunity to vote on several different alternative proposals. The Cornyn-Kyl proposal is one we will be able to vote for. I believe it provides a reasonable alternative to the proposal on the floor. It treats people humanely and fairly but doesn't provide that people stay here permanently when there is no job for them, and certainly in our history we know there have been times when our economy is not as good as it is now, and there will not be a job for everyone.

Temporary work status, treating people humanely and fairly, providing for enforcement at the workplace, and, importantly, enforcement at the border, we think that is a good proposition. I hope when the time comes for us to consider our alternatives, my colleagues will give that a good opportunity, will discuss it thoroughly, and agree it is a good alternative to be discussing.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the agreement be modified to permit the Senator from Alaska to speak for 3 minutes before my 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 3217 TO AMENDMENT NO. 3192

Mr. STEVENS. Mr. President, I join Senator MIKULSKI in cosponsoring her amendment because it is of great importance to the State of Alaska.

Seasonal workers are vital to our Nation's economy. Without the services these workers provide, many of our businesses would cease to operate. These visas are particularly important to the seafood and hospitality industries.

Currently, the United States caps H-2B visas at 66,000 per year. Last year, Congress adopted the "Save Our Small Businesses Act," which allocates the seasonal visas more equitably between the winter and summer months. It also exempts certain returning Seasonal Workers from the cap, making more visas available to new workers.

Prior to the act's adoption, the H-2B visa cap was often met during the winter months, well before the summer season, resulting in a lack of available visas for much needed summer workers in the seafood and hospitality industry.

Alaska's salmon industry is especially vulnerable when there are not enough temporary seasonal visas for the summer months.

Salmon roe is a product that must be overseen by Japanese "Supervisor Technicians" who grade the salmon roe prior to sale to Japanese consumers. Due to the particular grading and processing demands of the roe, without the technicians and the special certification, the Japanese will not buy the Alaskan roe.

In some cases the value of the roe is greater than the flesh of the fish, so you can imagine how important it is to the salmon industry to get these technicians and certifications each year.

Senator MIKULSKI's amendment simply extends to 2009 the "Save Our Small Businesses Act." Securing a reasonable number of visas for seasonal industries is absolutely necessary.

I urge the Senate to vote in favor of this amendment.

AMENDMENT NO. 3193, AS MODIFIED, TO AMENDMENT NO. 3192

Mr. ALEXANDER. Mr. President, I ask for the regular order with respect to amendment No. 3193, the amendment we will be voting on later this afternoon.

The PRESIDING OFFICER. The amendment is now pending.

Mr. ALEXANDER. I have a modification of my amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The amendment (No. 3193), as modified, is as follows:

At the appropriate place, insert the following:

SECTION 644. STRENGTHENING AMERICAN CITIZENSHIP.

(a) SHORT TITLE.—This section may be cited as the "Strengthening American Citizenship Act of 2006".

(b) DEFINITION.—In this section, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in section 337(e) of the Immigration and Nationality Act, as added by subsection (h)(1)(B).

(c) ENGLISH FLUENCY.—

(1) EDUCATION GRANTS.—

(A) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this paragraph as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist legal residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(B) USE OF FUNDS.—Grant funds awarded under this paragraph shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the legal resident is enrolled.

(C) APPLICATION.—A legal resident desiring a grant under this paragraph shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(D) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(E) NOTICE.—The Secretary, upon relevant registration of a legal resident with the Department, shall notify such legal resident of the availability of grants under this paragraph for legal residents who declare an intent to apply for United States citizenship.

(F) DEFINITION.—For purposes of this subsection only, the term "legal resident" means a lawful permanent resident or a lawfully admitted alien who, in order to adjust status to that of a lawful permanent resident, must demonstrate a knowledge of the English language or satisfactory pursuit of a course of study to aquire such knowledge of the English langage.

(2) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to—

(A) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(B) influence the naturalization test redesign process of the Office of Citizenship (except for the requirement under subsection (h)(2)).

(d) AMERICAN CITIZENSHIP GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(A) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(B) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(i) to promote an understanding of the form of government and history of the United States; and

(ii) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(2) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, if the foundation is established under subsection (e), for grants under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) FUNDING FOR THE OFFICE OF CITIZENSHIP.—

(1) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this subsection as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship.

(2) DEDICATED FUNDING.—

(A) IN GENERAL.—Not less than 1.5 percent of the funds made available to the Bureau of Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(i) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(ii) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(B) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

(3) GIFTS.—

(A) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(B) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the functions described in paragraph (2)(A).

(f) RESTRICTION ON USE OF FUNDS.—No funds appropriated to carry out a program under this subsection (d) or (e) may be used to organize individuals for the purpose of political activism or advocacy.

(g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Chief of the Office of Citizenship shall submit an annual report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on the Judiciary of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this section and the amount of funding received by each such entity;

(B) an evaluation of the extent to which grants received under this section successfully promoted an understanding of—

(i) the English language; and

(ii) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(C) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section.

(h) OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.—

(1) REVISION OF OATH.—Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(B) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(2) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(3) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 6 months after the date of enactment of this Act.

(i) ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.—

(1) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(A) have made an outstanding contribution to the United States; and

(B) were naturalized during the 10-year period ending on the date of such recognition.

(2) PRESENTATION AUTHORIZED.—

(A) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in paragraph (1).

(B) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this subsection in any calendar year.

(3) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(4) NATIONAL MEDALS.—The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(j) NATURALIZATION CEREMONIES.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United

States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(2) VENUES.—In developing the strategy under this subsection, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(3) REPORTING REQUIREMENT.—The Secretary shall submit an annual report to Congress that includes—

(A) the content of the strategy developed under this subsection; and

(B) the progress made towards the implementation of such strategy.

Mr. ALEXANDER. Mr. President, this afternoon at 5:30 we will be casting two votes: one on Senator BINGAMAN's amendment which has to do with border security, the second is a different kind of amendment. It is an amendment about what I call the rest of the immigration story, helping prospective citizens become Americans.

I know border security is extremely important. We are starting with that because the principle of the rule of law is at stake. I know it is extremely important for us to create a temporary legal status, as has been discussed this afternoon by Senators CORNYN and KYL and SESSIONS, for students we welcome here to study and workers we welcome here to work. We are going to be talking today and this week about that.

But I submit the most important thing we will be discussing this week, and the most important part of any story on immigration, has to do with a different principle, and that is the three words right up here above the Presiding Officer's chair, "E Pluribus Unum," one from many, the motto of our country, the greatest achievement of the United States of America.

We have taken all this magnificent diversity from all over the world and we have turned it into one nation, a nation with a common heritage, a common history, a common language—something no other country in the world has been able to do nearly as well.

This amendment is about redoubling our efforts to help prospective citizens who are here legally to become Americans. The amendment reflects the work of several Senators in this Chamber. Senators CORNYN and ISAKSON and COCHRAN and SANTORUM and I, earlier, along with Senator MCCONNELL and Senator FRIST, had offered legislation we called the Strengthening American Citizenship Act, which I will describe in a minute.

In the last two Congresses, Senator SCHUMER and I introduced legislation that would take the oath of allegiance that a half million to a million new citizens take every year and put it into the law, give it the same sort of status extended to other important national symbols, such as the Star-Spangled Banner, our national anthem. Several of us here—Senator REID, Senator KENNEDY, Senator BYRD, and Senator BURNS—have been working to try to put the teaching of American history back in its rightful place in our schools so our children can grow up learning what it means to be American.

This is about helping prospective citizens become Americans. Becoming American is no small thing. We don't think about becoming French, or becoming English, or becoming Japanese, or becoming German because in most countries in the world you become a citizen, if you can at all, based upon your race, your ancestry, your background.

We are just the opposite here. You cannot become a citizen of the United States based upon your race, your ancestry, or your background. In fact, you only may become a citizen of the United States if you move here from another country by going through a series of steps, which includes pledging allegiance to the founding documents that embody the principles that unite us as Americans. We are united by ideals.

This debate this week is a good debate because it brings up many of those principles and ideals that unite us, and it is typical of most of our debates on this floor. Those ideals often conflict. We have the idea of a nation of immigrants conflicting with the rule of law here. That is why we are having a difficult time figuring out what to do about the 10 million or 11 million people who are here illegally.

We have to weigh the facts as we talk about how many temporary workers we want, and that we have the principle of laissez faire in our character. We have a free enterprise system. We want people to work. We want to attract them here. As a part of that principle of laissez faire, we have in the bill that Senator SPECTER reported two important provisions that make it easier for some of the brightest people outside of our country to come to our country and help create a higher standard of living for us.

We have some very outdated and nonsensical provisions in our immigration laws. If Werner von Braun showed up wanting to come to a university today, or a Werner von Braun of this generation, he would have to swear he was going to go home. We wouldn't want him to go home. We want the brightest people here in our universities and in our research institutes so they can help us create better jobs and a higher standard of living here. Otherwise, those jobs go to India, to China, and other parts of the world.

We have many principles at stake. Here is exactly what the amendment does we will be voting on this afternoon after Senator BINGAMAN's amendment. First, it would help legal immigrants who are embarked on a path toward citizenship to learn our common language—English—our history, and our way of Government by these provisions.

One, providing them with a $500 grant for an English course. There are a great many people here who want to learn English. I think it is a myth that those people who come to this country don't want to learn English. For older people who come here, it is harder. But in 2004, 1.142 million individuals participated in English literacy programs designed to help improve English language for immigrants. Seventy-one percent of those participants are Hispanics. Twenty-eight percent of all English literacy adult education programs reported having waiting lists. Thirty-five percent of those reported lists of 50 or more people on the waiting lists. We have a lot of people here who want to learn our common language, and we should want them to learn our common language. It is important to unite us as a country to do that.

Second, we would allow those who become fluent in English—not just basic in English but fluent and proficient in English—to apply for citizenship 1 year early; that is, after 4 years instead of 5. That is a major change. In order to become a citizen, one must be here 5 years under the present rules. One should have good character and pass a test about our Constitution and principles. None of that changes. Today, one must learn English—a basic level of understanding.

In addition to helping people learn English with grants which may be used in any accredited educational institution, why not give those who become proficient in English the incentive of becoming a citizen in 4 years? That is what this amendment would do. It would provide grants to organizations to offer courses in American history and civics so that new citizens could learn the principles that unite us as a country. It authorizes a new foundation to assist in these efforts. This is an area ripe for public-private opportunity. I think there are a great many people—many of whom may be immigrants themselves—who would want to contribute to a new foundation that would help new citizens learn more about our country.

We codify the oath of allegiance which new citizens swear when they are naturalized. This is a remarkable law. One-half million to a million new Americans this year will take the oath. They renounce where they come from, and they pledge allegiance to where they are coming. Of course, we are all proud of where we came from, but we are prouder still to be Americans. This provision puts this into law. It is essentially the same oath George Washington himself took in 1778 at Valley Forge and administered to his own officers. It is the same oath that millions upon millions of new citizens of this country have taken for 200 years. This would dignify it and make it a part of our law.

In addition, this amendment asks the Department of Homeland Security to work with the National Archives, the National Park Service, and others to carry out a strategy to highlight the ceremonies in which immigrants become American citizens.

I have been to many of those ceremonies. There is not a more moving experience anywhere in America—and these events happen virtually every day in some Federal courthouse, where 30, 45, or 70 prospective citizens will arrive in the courthouse. The judge will say something about our country and what this means, and then these men and women from all across the country, neatly dressed, many of them with tears in their eyes, raise their hands, having been here 5 years, shown good character, learned English, and passed the test about our Constitution and they renounce allegiance to where they have come from and they pledge allegiance to this country. Those ceremonies will be highlighted.

Finally, it establishes an award to recognize the contributions of outstanding new American citizens.

I would suspect that this new award would one day, perhaps very quickly, become as important as the Presidential Medal of Freedom because it will not be hard to find outstanding contributions by new immigrants to our country.

I see the Senator from New Mexico on the floor. He and I have heard it often said that of the 100 Americans who have won the Nobel Prize in physics, 60 are immigrants or the children of immigrants. Each of us knows of such a list, and for the President to be able to identify up to 10 such immigrants who have made great contributions to our country and to recognize them every year will make a difference.

How much will this cost? It won't cost the taxpayers a penny because these grants to help people learn English, which is the major cost, will be paid for by the visa fees that are paid each year.

This is an important amendment. I believe it is the most important subject we have before us: helping prospective citizens learn English, giving them an incentive to become a citizen in 4 years instead of 5, as they become proficient in English, providing grants to encourage the teaching of American history and civics, creating a new foundation to assist in that, codifying the oath of allegiance, highlighting the ceremonies in which citizens become new Americans, and then allowing the President to designate a handful of new Americans every year who contributed so much to our country.

During these next few weeks, we should enact legislation to secure our borders. Then we should create a legal status for workers and students. We welcome them to increase our standard of living, as well as export our values. But we should not complete our work on a comprehensive immigration law without remembering why we have placed that three-word motto above the Presiding Officer's Chair, without remembering that our unity did not come without a lot of effort, without noticing lessons from overseas in France and Great Britain that remind us it is more important today than ever to help prospective citizens become Americans.

I notice the Senator from New Mexico on the floor. The majority has all the time remaining, if the Senator from Pennsylvania wants to discuss it. I would be glad to yield some of that time to the Senator from New Mexico if wants to discuss his amendment.

Mr. SPECTER. Mr. President, we are about to vote on two amendments at 5:30. I believe both of these are good amendments. Senator ALEXANDER has proposed an amendment which will facilitate immigrants learning English. I think that is a very sound approach. Senator BINGAMAN has promoted an amendment which would enhance border control and funding. I believe both are good amendments.

I yield the floor for additional comment—I see Senator BINGAMAN rising—and give him an opportunity to speak. We are going to be voting in another 3 or 4 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President. I thank my colleagues for their courtesy. When the time comes, I will call up my amendment No. 3210. I gather there is a modification of that amendment at the desk. I ask unanimous consent that it be modified, if that is appropriate at this time.

The PRESIDING OFFICER. It is appropriate at this time.

Mr. BINGAMAN. I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so modified.

The amendment (No. 3210), as modified, is as follows:

At the appropriate place, insert the following:

TITLE —BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2006"

SEC. 02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. _03. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. _04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, this amendment establishes a competitive grant program in the Department of Homeland Security to help local law enforcement that is situated along our borders.

We see the situation in my State of New Mexico all the time—and have for many years—where local law enforcement agencies very much need assistance in combating border-related criminal activity. That is the smuggling of drugs into the country, the stealing of automobiles, a variety of criminal activity that occurs by virtue of the Federal Government's inability to properly secure our international borders. This is a responsibility that should not be dumped on local law enforcement.

The amendment I am offering, along with Senators DOMENICI and KYL, would provide for a $50-million-a-year grant program to local law enforcement to assist them with this very substantial burden they have and that should be the responsibility of the Federal Government.

I will speak, I gather, for another 60 seconds on this amendment once we get to it, but at this point I see the time for voting is about upon us. Therefore, I yield the floor.

Mr. SPECTER. Mr. President, we are scheduled to vote in 3 minutes. We have a good many amendments which have been filed so far. We are going to be looking to start the debate early tomorrow morning. I urge my colleagues who have amendments and who would like to debate them early—a good time to find time to debate is on Tuesday morning, which is a lot better than Thursday afternoon. I urge our colleagues to come forward and state their willingness to debate.

As I stated earlier, we are going to be holding the votes to 15 minutes plus the 5-minute grace period. We are going to be cutting them off at 20 minutes. We are going to establish that pattern on this bill, with the majority leader's authorization. We know the practice on some occasions has been to have the votes run 30 minutes or 35 minutes, a long time, which eats into the floor time. We have a big job ahead of us on this bill this week. I urge my colleagues to come within the 20-minute timeframe.

I ask unanimous consent that the second vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Senator ALLEN be added as a cosponsor to amendment No. 3206.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

AMENDMENT NO. 3210, AS MODIFIED

The pending amendment is the Bingaman amendment. Two minutes is equally divided.

Mr. BINGAMAN. Mr. President, I gather my amendment has been modified.

I call up amendment No. 3210, as modified.

The PRESIDING OFFICER. The amendment is pending.

Mr. BINGAMAN. Mr. President, this amendment, as I stated a few minutes ago, is an amendment to provide additional resources to local law enforcement agencies along our borders, both with Mexico and with Canada. The truth is, because of the increased activity there, because of the inability, the failure of the Federal Government to properly enforce our border and secure our borders, local law enforcement agencies, sheriffs, and city police agencies have a very substantial additional responsibility to deal with criminal activity. This amendment tries to help them with that by setting up a grant program. It is $50 million a year, which is probably not adequate, but it is a substantial improvement over what we currently have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this is a good amendment. I urge agreement of this amendment.

Mr. LEAHY. Mr. President, I commend the Senator from New Mexico on his amendment. It improves the bill being considered by the Senate. The Bingaman amendment enhances our efforts to be tough and smart in immigration reform by providing State and local law enforcement agencies with additional assistance.

The Judiciary Committee sent a bill approved by a bipartisan vote of 12-6 to the Senate. It is a bill that is strong on enforcement. It is stronger than the bill introduced by the senior Senator from Tennessee, who started from the same place as the committee bill but did not include some of the enforcement measures added by amendment during Committee consideration and neglected some of the bipartisan improvements that we made. For example, the Frist bill does not include a provision added by the Committee at the urging of Senator FEINSTEIN to make tunneling under our borders a federal crime. The committee bill adds new criminal penalties for evading immigration officers and the committee bill includes a Feinstein amendment to add 12,000 new border patrol agents, at 2,400 each year for the next 5 years.

The committee bill is enforcement "plus." It starts with strong enforcement provisions and border security to be sure, but it is also comprehensive and balanced. It confronts the problem of 12 million undocumented immigrants who live in the shadows. It values work. It respects human dignity. It includes guest worker provisions supported by business and labor. It includes a way to pay fines and earn citizenship that has the support of religious and leading Hispanic organizations.

I continue to work with Chairman SPECTER in a bipartisan way to enact the committee bill. Our bill provides a realistic and reasonable system for immigration. Our bill protects America's borders, strengthens enforcement and remains true to American values.

The committee bill wisely dropped controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling and other basic services that help undocumented aliens to possible prosecution under felony alien smuggling provisions of the criminal law. I thank so many in the relief and religious communities for speaking out on this matter. Those criminal provisions should be focused on the smugglers, and under the committee bill, that is what we did.

The Committee also voted down a measure that would have criminalized mere presence in an undocumented status in the United States. Illegal status is currently a civil offense with very serious consequences, including deportation, but criminalizing that status was punitive and wrong. It would have led to further harsh consequences and trapped people in permanent underclass status. These criminalization measures, which were included in the House-passed bill supported by congressional Republicans and are reflected in the Frist bill, have understandable sparked nationwide protests. They are viewed by many as anti-immigrant and inconsistent with American values and history. The committee bill, while tough on enforcement and on the smugglers, is smarter and fairer.

The Bingaman amendment adds to our product. It is a constructive amendment. I hope that it will be supported by all Senators, whether Republican, Democratic or Independent. Border law enforcement agencies deserve our support as they are confronted with border-related criminal activity. I thank the Senator for including both the northern and southern borders in his concerns and within the coverage of his amendment.

The amendment recognizes the failures of the Federal Government over the last few years and its failure to provide adequate security along our borders. As the Senator from New Mexico has said, when such failures impose costs on local communities, the Federal Government should help.

The peaceful demonstrations around the country over the last few weeks call on the Congress to recognize the human dignity of all and to do the right thing, in keeping with long-standing American values. We need a comprehensive solution to a national problem. We need a fair, realistic and reasonable system that includes both tough enforcement and immigration reform provisions. All Senators should be able to agree with these principles.

I was glad to hear that President Bush was speaking recently about the need for a path to citizenship and the need for a comprehensive bill. Of course, as we proceed through their sixth year in office, the Bush-Cheney administration has still not sent a legislative proposal to the Congress on these matters. Instead of waiting, we have done the hard work and are writing a tough, smart, comprehensive bill.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from New Mexico.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Ohio (Mr. VOINOVICH).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Colorado (Mr. SALAZAR) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 6, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—84

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Warner

NAYS—6

Bunning
Coburn
Gregg
Inhofe
Thomas
Vitter

NOT VOTING—10

Biden
Clinton
Graham
McCain
Nelson (FL)
Rockefeller
Salazar
Santorum
Voinovich
Wyden

The amendment (No. 3210), as modified, was agreed to.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3193, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes evenly divided on the Alexander amendment.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the last vote was more than 26 minutes. This is the first vote of the week. I say again, we are going to hold the votes to 15 and 5.

We are now prepared to move ahead to Senator ALEXANDER's amendment.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Tennessee is recognized for 1 minute on his amendment.

Mr. ALEXANDER. Mr. President, this is an amendment about the motto above the Presiding Officer's desk. It helps legal immigrants who are embarked on a path toward citizenship to learn our common language, English, to learn our history and our way of government, by providing them with grants. It allows legal residents to earn their citizenship in 4 years instead of 5 if they become fluent in English. It provides grants to organizations to offer courses in American history and civics, sets up a foundation to assist with that, codifies the oath of allegiance that immigrants take and dignifies the ceremonies in which immigrants become American citizens, and establishes an award to recognize the contributions of outstanding new American citizens.

The amendment reflects the work of a number of Senators. Senator SCHUMER and I have worked on the oath. Senator BYRD, Senator REID, Senator BURNS, and I have worked on American history. Senators CORNYN and COCHRAN and others have cosponsored the Strengthening American Citizenship Act.

Mr. President, I ask unanimous consent that Senator INHOFE be added as a cosponsor of the amendment, along with Senators FRIST, MCCONNELL, ISAKSON, COCHRAN, SANTORUM, and MCCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this is a good amendment, and I urge my colleagues to support it.

Before yielding back the remainder of the manager's 2 minutes, may I say that the majority leader has stated that we will go into session tomorrow morning at 9:45. We will be on the bill immediately. Whoever has an amendment, I suggest he contact me or my staff. We have a large staff in the Chamber ready to talk about amendments, to accept them where possible, and to set time limits to debate them where we cannot accept them.

I yield back the remainder of the 2 minutes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3193, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent. The Senator from Arizona (Mr. McCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Ohio (Mr. VOINOVICH).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. SALAZAR) would vote "yea."

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Vitter
Warner

NAYS—1

Thomas

NOT VOTING—8

Biden
McCain
Nelson (FL)
Rockefeller
Salazar
Santorum
Voinovich
Wyden

The amendment (No. 3193), as modified, was agreed to

Mr. LEVIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I come to the floor today to enter the debate on comprehensive immigration reform. It is a debate that will touch on the basic questions of morality, the law, and what it means to be an American.

I know that this debate evokes strong passions on all sides. The recent peaceful but passionate protests that we saw all across the country—500,000 in Los Angeles and 100,000 in my hometown of Chicago—are a testament to this fact, as are the concerns of millions of Americans about the security of our borders.

But I believe we can work together to pass immigration reform in a way that unites the people in this country, not in a way that divides us by playing on our worst instincts and fears.

Like millions of Americans, the immigrant story is also my story. My father came here from Kenya, and I represent a State where vibrant immigrant communities ranging from Mexican to Polish to Irish enrich our cities and neighborhoods. So I understand the allure of freedom and opportunity that fuels the dream of a life in the United States. But I also understand the need to fix a broken system.

When Congress last addressed this issue comprehensively in 1986, there were approximately 4 million illegal immigrants living in the United States. That number had grown substantially when Congress again addressed the issue in 1996. Today, it is estimated that there are more than 11 million undocumented aliens living in our country.

The American people are a welcoming and generous people. But those who enter our country illegally, and those who employ them, disrespect the rule of law. And because we live in an age where terrorists are challenging our borders, we simply cannot allow people to pour into the United States undetected, undocumented, and unchecked. Americans are right to demand better border security and better enforcement of the immigration laws.

The bill the Judiciary Committee has passed would clearly strengthen enforcement. I will repeat that, because those arguing against the Judiciary Committee bill contrast that bill with a strong enforcement bill. The bill the Judiciary Committee passed clearly strengthens enforcement. To begin with, the agencies charged with border security would receive new technology, new facilities, and more people to stop, process, and deport illegal immigrants.

But while security might start at our borders, it doesn't end there. Millions of undocumented immigrants live and work here without our knowing their identity or their background. We need to strike a workable bargain with them. They have to acknowledge that breaking our immigration laws was wrong. They must pay a penalty, and abide by all of our laws going forward. They must earn the right to stay over a 6-year period, and then they must wait another 5 years as legal permanent residents before they become citizens.

But in exchange for accepting those penalties, we must allow undocumented immigrants to come out of the shadows and step on a path toward full participation in our society. In fact, I will not support any bill that does not provide this earned path to citizenship for the undocumented population—not just for humanitarian reasons; not just because these people, having broken the law, did so for the best of motives, to try and provide a better life for their children and their grandchildren; but also because this is the only practical way we can get a handle on the population that is within our borders right now.

To keep from having to go through this difficult process again in the future, we must also replace the flow of undocumented immigrants coming to work here with a new flow of guestworkers. Illegal immigration is bad for illegal immigrants and bad for the workers against whom they compete.

Replacing the flood of illegals with a regulated stream of legal immigrants who enter the United States after background checks and who are provided labor rights would enhance our security, raise wages, and improve working conditions for all Americans.

But I fully appreciate that we cannot create a new guestworker program without making it as close to impossible as we can for illegal workers to find employment. We do not need new guestworkers plus future undocumented immigrants. We need guestworkers instead of undocumented immigrants.

Toward that end, American employers need to take responsibility. Too often illegal immigrants are lured here with a promise of a job, only to receive unconscionably low wages. In the interest of cheap labor, unscrupulous employers look the other way when employees provide fraudulent U.S. citizenship documents. Some actually call and place orders for undocumented workers because they don't want to pay minimum wages to American workers in surrounding communities. These acts hurt both American workers and immigrants whose sole aim is to work hard and get ahead. That is why we need a simple, foolproof, and mandatory mechanism for all employers to check the legal status of new hires. Such a mechanism is in the Judiciary Committee bill.

And before any guestworker is hired, the job must be made available to Americans at a decent wage with benefits. Employers then need to show that there are no Americans to take these jobs. I am not willing to take it on faith that there are jobs that Americans will not take. There has to be a showing. If this guestworker program is to succeed, it must be properly calibrated to make certain that these are jobs that cannot be filled by Americans, or that the guestworkers provide particular skills we can't find in this country.

I know that dealing with the undocumented population is difficult, for practical and political reasons. But we simply cannot claim to have dealt with the problems of illegal immigration if we ignore the illegal resident population or pretend they will leave voluntarily. Some of the proposed ideas in Congress provide a temporary legal status and call for deportation, but fail to answer how the government would deport 11 million people. I don't know how it would be done. I don't know how we would line up all the buses and trains and airplanes and send 11 million people back to their countries of origin. I don't know why it is that we expect they would voluntarily leave after having taken the risk of coming to this country without proper documentation.

I don't know many police officers across the country who would go along with the bill that came out of the House, a bill that would, if enacted, charge undocumented immigrants with felonies, and arrest priests who are providing meals to hungry immigrants, or people who are running shelters for women who have been subject to domestic abuse. I cannot imagine that we would be serious about making illegal immigrants into felons, and going after those who would aid such persons.

That approach is not serious. That is symbolism, that is demagoguery. It is important that if we are going to deal with this problem, we deal with it in a practical, commonsense way. If temporary legal status is granted but the policy says these immigrants are never good enough to become Americans, then the policy that makes little sense.

I believe successful, comprehensive immigration reform can be achieved by building on the work of the Judiciary Committee. The Judiciary Committee bill combines some of the strongest elements of Senator HAGEL's border security proposals with the realistic workplace and earned-citizenship program proposed by Senators MCCAIN and KENNEDY.

Mr. President, I will come to the floor over the next week to offer some amendments my own, and to support amendments my colleagues will offer. I will also come to the floor to argue against amendments that contradict our tradition as a nation of immigrants and as a nation of laws.

As FDR reminded the Nation at the 50th anniversary of the dedication of the Statue of Liberty, those who landed at Ellis Island "were the men and women who had the supreme courage to strike out for themselves, to abandon language and relatives, to start at the bottom without influence, without money, and without knowledge of life in a very young civilization."

It behooves us to remember that not every single immigrant who came into the United States through Ellis Island had proper documentation. Not every one of our grandparents or great-grandparents would have necessarily qualified for legal immigration. But they came here in search of a dream, in search of hope. Americans understand that, and they are willing to give an opportunity to those who are already here, as long as we get serious about making sure that our borders actually mean something.

Today's immigrants seek to follow in the same tradition of immigration that has built this country. We do ourselves and them a disservice if we do not recognize the contributions of these individuals. And we fail to protect our Nation if we do not regain control over our immigration system immediately.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have been talking about the immigration challenge that is facing this country. It is one that needs to be faced and dealt with, and I believe it is possible for us to achieve comprehensive reform. Unfortunately, the legislation before us today will not do the job. It will not be consistent with what I have heard from my Alabama voters or with what we have been telling our voters all over the country that we would do in immigration legislation.

Let me make a couple of points about this issue.

There are two aspects, I guess one can say. One aspect is what to do about those people who are here illegally and how should they be treated, which ones should be allowed to stay and which ones should not be allowed to stay and under what conditions.

Those are all very important matters for us to discuss in some depth and, frankly, we have not done that, not in any effective way. We passed that portion of the immigration bill last Monday after about 3 hours of debate, at 6 o'clock, and the bill was on the floor the next day or Wednesday, and what we actually passed out of committee was printed Wednesday night. So there was very little serious discussion about the bill.

It is a tremendous problem. We are dealing with 1.1 million people entering the country illegally being arrested each year by our Border Patrol agency—1.1 million. This is huge. We have a system, I heard the Democratic leader say earlier today, that is lawless and it is chaos. If we are going to deal comprehensively with the human situation we are facing, ought we not also deal with the challenges of the legal system and try to make our borders a lawful place instead of chaos?

First, I want to say, we can do this. It is not that difficult. We simply have to take down the "come on in" sign that is there, that "come on in illegally and sooner or later we are going to make you legal" sign. We need to create enforcement on the border and create good enforcement at the workplace, and then we can reach that tipping point where people find that it is better to get that biometric card and come to the right border crossing and go there and present it and go right in. And you can go right back home when you want to go home. It would work. It can be made to work.

Let me tell you the challenges that are in existence and why I think we haven't met those challenges. We have 1.1 million arrests. I think it is possible that if we get serious and send that clear message to the world that you have to come lawfully, we might see a lot fewer people attempt to come illegally. As a matter of fact, I am confident of that.

Another problem we have is those who are "other than Mexicans." It has been referred to now consistently as the catch-and-release policy. This is the deal: If you apprehend someone who is a Mexican, they can easily be taken back across the border, maybe that day or within a day or two. But what if someone is caught coming across the border from Brazil or the islands or China or someplace like that? It is a much more difficult problem. We have not done a good job of confronting it, and what has happened is, those people have been arrested at the border and many times they just turn themselves in to the agents. They take them 100 or so miles further inside the border, and they are released on bail and they are asked to come back to this hearing to explain why they are here illegally. Well, they don't come back. In fact, in one district, in one area, 95 percent of the people released after being caught didn't show up for their hearing.

Does that not make a mockery of the law? And they are not even putting their names into the National Crime Information Center—they haven't been. They say they are, but still only a small number are getting in the system so that if they are apprehended somewhere else in the country, they will be picked up. If you skip on a DUI charge, they put your name in the NCIC, and if you are stopped in Maryland or Virginia or New York or California, you will get a hit that you are wanted for a DUI somewhere. We are not doing that. That indicates a lack of interest in seeing that the law works. So that has to be fixed. They say they are going to fix it, but it hasn't been fixed.

In the appellate process—we had a hearing this morning—and Senator SPECTER had language in the bill that is before us today that would take a good step toward fixing the problem with appeals. In the committee, however, somebody offered an amendment to take it out, and it was taken out. This is the problem: In 4 years, there has been a 600-percent increase in the number of appeals in immigration cases. As a result, we have created a large backlog. This backlog has resulted in the unbelievable situation by which it takes 27 months now to get a decision. So we have a 600-percent increase and 27 months before you get an appeal decision out of the courts. Some of that is getting the transcript ready; some of that has been delays in the court system. So we had a proposal to fix that. It obviously has to be fixed if we are going to transition from a chaotic system to a lawful system. Wouldn't everybody agree with that? But that was taken out.

We are going to have to have jails and we are going to have to have increased Border Patrol agents and we are going to have to have increased barriers. This is so simple as to be without dispute, it seems to me. Good fences make good neighbors. Good fences make good neighbors, they say. When you have large numbers of people, in the millions, coming across—many of them coming across a specific area—a fence can make a huge difference. It made a huge difference in San Diego. I don't think anybody has breached that fence. Both sides of the fence now are growing and prospering terrifically. The property values have gone up, crime and violence and smuggling have all gone down, and it is so much better there. Nobody would want to take that fence down.

So I don't understand this idea in opposition to the fencing or any barriers whatsoever. It is something you can't talk about. The reason that is so is because people want to make those who believe fencing and barriers are legitimate are against any immigration. They want you to say that there shouldn't be any immigration. But the amendment I have offered that would deal with expanding fences similar to what the House of Representatives passed by a large vote would increase substantially the number of legal entry points. I am not trying to keep people from coming lawfully or to put up a barrier that says: America doesn't allow immigration anymore. That is not what we are doing. We are trying to tilt it from an unlawful to a lawful system.

Another thing that is very important is our local law enforcement officers. We have 600,000—750,000 State and local law enforcement officers in America. They have basically been told they should not contribute to the effort to deal with those who are here illegally. If they capture someone who is speeding or DUI or committing some other minor offense and they find out they are here illegally, nobody wants to come and get them and won't authorize the officers or encourage them even to participate and help. I do not believe we should mandate State and local officers to do anything they don't desire to do. They have plenty of choices to make in how they apply their resources. But if an officer is out doing his daily duties and he apprehends someone who is in this country illegally, why shouldn't the Federal Government come and get them? Why shouldn't they be thanked for it?

The opposition to that indicates to me—and the nature of it and the kind of resistance and pushback we are getting for that—indicates to me that there are a large number of people who say they want law enforcement in America but really don't. They don't have the will to see this thing through and make sure the system works.

Finally, let me tell you, it is very easy indeed for this Nation to get control of the workplace. This can be done and can be done very easily. American corporations obey the law, in general. There are some who don't, but most of them obey the law. What they have been told is they can't ask for people's identification today, they can't ask to find out whether they are legal or illegal, or they will be sued for some sort of civil rights violation, and they quit doing it. In fact, they are not required to do it, apparently, because they have never been punished for that.

In 2004, we had only four companies that were assessed a fine for hiring illegal workers in this country. Only four. Isn't that amazing? It indicates that there has been zero enforcement, zero will to make sure there is a lawful process occurring at the workplace.

What we need is clear language in our legislation and a clear commitment by this administration and the Department of Justice to take the law that we pass that clarifies all of this confusion that is out there and make sure there is a clear message to our businesses and, if they violate the law, to prosecute them or fine them. That can be done, and as soon as it starts being done, other businesses will clean up their act. They will not do it. You are not going to have to prosecute every company that is today hiring illegal workers because as soon as they know that it is not acceptable, that they will be prosecuted for it and fined for it, they will quit. That matter can be ended.

T.J. Bonner, the head of the Border Patrol employees group, says you need two things to make this system work, and he believes it absolutely can work. One is increased enforcement at the border, and two is to eliminate what he called the "magnet of the job." It is the job magnet that draws people across the border. Both of those can be eliminated very easily.

So what do we have in our bill, the bill that is on the floor today? We have legislation that will place each one of the 11 million people here, virtually every one of them, on a direct path to citizenship. They say: Well, it is not automatic; they have to earn their way. They are supposed to work. How many hours? Well, 150 days. How much work do you have to do each day? Well, 1 hour. So you work 150 hours a year, and that qualifies you as a working person. But either way, that is what people come here for, to work. So what kind of earning is that? That is the benefit. That is why people come. That is the magnet.

So they say that because they work, they earned the right to gain their complete citizenship by violating the American law, by coming here illegally, and then they are rewarded with every benefit this Nation can give them. They are rewarded with every social benefit, every welfare benefit, every medical care benefit, every legal benefit—even citizenship—rewarding them for coming in ahead of the line, ahead of those who stayed and waited their turn.

So my point about that is this: Let's keep focusing on that. Let's figure out what the right thing to do is for these people. I am just saying that those who come illegally should not get every single benefit that those who come legally do.

It is a myth that somehow a person here who is not a citizen is somehow mistreated and not appropriately treated. I had the great honor—and I have the great honor—to know Professor Harald Rohlig at the college I attended. He is in his eighties. He came here from Germany right after World War II. He is a great organ master. He has performed and recorded the entire work of Bach. He is one of the most delightful people I have ever had the pleasure to know, and a decent person. His wife died, and before that, she had decided she didn't want to become a citizen. But he decided—he always wanted to be a citizen. He wanted to be a citizen. He was in his eighties. Now, here he was, the head of the music department, recorded the entire works of Bach, and had done so many other wonderful things and was loved throughout the whole area, but he wasn't a citizen. He came in legally and was qualified and he, in his eighties, decided to become a citizen. The point of that story is you can be a great participant in America and have many wonderful things available to you, even if you are not a citizen.

My next point is this: We are moving toward one of the most historic and generous proimmigration pieces of legislation this Nation has ever had. As we study the numbers, assuming that those who qualify are only 11 million to 12 million, we are looking at the numbers that come in legally on top of that—on top of the ones who come now, we are going to have 400,000 per year. And they are supposedly guest workers. So we are told there are 400,000 guest workers, but they come in for 3 years with the automatic ability to apply for another 3 years. It is my understanding that if an employer desires an alien to get a green card, the employer can apply on behalf of the alien almost as soon as the alien begins work. And for the first time we have made it so that the guest workers, after 4 years, can apply for a green card themselves.

So within 4 years, anybody who comes in under this 400,000 per year, they will be allowed to get a green card, and a green card, of course, is an automatic step toward citizenship. It is just a matter of time after that—additionally, being able to speak English and not having been convicted of a felony or a serious crime—a felony.

We need to make sure. When we go through this tremendous move to regularize, it is what we calculate to be 30 million people in the next 10 years. Counting the ones who are not here now, counting the ones who are coming in, plus the 10 or 12 million who are here, we are talking about 30 million people. Are we certain? Will anyone come on this floor to explain and say with confidence: "Jeff, after we do all that, don't worry about illegal immigration, we have the border system under control now; we are not going to have any"? I don't think they can. I don't think they will. Because it is not secure under the legislation that is before us.

Second, many of the things in the legislation that are good, that call for increased Border Patrol officers or increased detention space, are not funded. We have not appropriated the money. When this legislation passes, which gives legal status to millions, we have no guarantee that any Congress will ever fund border control and security adequately. They have not yet. We have had that opportunity since 1986—20 years—and we haven't done it. I believe the American people have a right to be concerned about the bait and switch. It is like Lucy holding the football for Charlie Brown: Fool me once, shame on you; fool me twice, shame on me.

In 1986, I think that is basically what happened. We did the amnesty. We didn't mind calling it amnesty then. We acknowledged it was amnesty. This bill does exactly the same thing we did in 1986 in all significant and important respects, but they didn't get the enforcement at the border. Now, instead of 3 million people as we had in 1986, here illegally, we have 11 million.

By the way, I would note that in 1986, they estimated this would be 1 million to 1.5 million people claiming amnesty. When they opened it up and let people qualify, 3 million qualified, twice the number that was expected.

Some think we have 20 million people in our country illegally, and we could see quite a large number there move up.

I would say to my colleagues, we do not need to move forward with this legislation. A few tinkering amendments is not going to do the trick. What we need to do is decide what we are going to do about the people who are here, how we are going to handle them in a fair and just way that is consistent with our law. Second, we need to assure the American people in a confident and effective way that our borders will be fixed; we will have the computers, the aerial vehicles, the fencing, the barriers, the ability to deport people who do not live on our borders—so-called "other than Mexicans," OTMs—to China and Brazil and Ecuador and Haiti and El Salvador, that we are going to deal with those criminal gangs which are here.

Once we can do that with confidence, I think maybe we can reach an agreement and accord. It is within our grasp to do so. But I have not sensed the will to see it done.

We hear a lot of talk. I urge my colleagues, my citizens, to listen to the remarks that are made on the floor by those who want to justify how we have allowed this system to get out of control. Listen carefully to their promises to fix it. If you examine them carefully, I think you will find that they are not substantial enough and we are going to end up, again, as we did in 1986, getting the legalization without getting the enforcement.

I hope a lot of talk will continue in the days ahead. We will have a lot of debate on amendments on the floor, and as we move forward, I hope we get to the point where a bill could be passed such that we could go home to our constituents and with integrity say we have done something worthwhile—we have improved the situation.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ZACARIAS MOUSSAOUI

Mr. FRIST. Mr. President, today at 4 p.m. the jury in the Zacarias Moussaoui trial rendered their verdict that Mr. Moussaoui is eligible for the death penalty. It is reported that after the judge and jurors left the courtroom, Moussaoui shouted his defiance and declared his unyielding enmity toward this country.

Although none of us gets any satisfaction from the Moussaoui ordeal, I believe the jury delivered the just and appropriate verdict and I thank them for their service to their country.

In April of last year, Moussaoui pleaded guilty to conspiring with al-Qaeda to commit acts of terrorism using weapons of mass destruction and other terror-related crimes. He shares responsibility for the most heinous act of terrorism against America: Three thousand innocent Americans were murdered. Their loss is still a gaping wound in our hearts.

Nothing will ever bring these innocent Americans back, but today Zacarias Moussaoui received what he would deny all of us. Today justice was served.

TENNESSEE STORMS

Mr. FRIST. Mr. President, I end tonight saying a few words about the devastating storms that occurred last night in my home State of Tennessee. First and foremost, I offer my deepest condolences to the families who lost loved ones last night. My heart goes out to those families who are reeling in the aftermath of this sudden and totally unexpected tragedy. The people of

Tennessee grieve with you and our prayers are with you through this painful ordeal.

I let my fellow Tennesseans know I requested that the President have a quick review and approval of the State's request for assistance. I have also taken the opportunity to talk directly with acting FEMA Director David Paulison to expect my clear support for the State's request. Director Paulison is looking into the matter, of course. We had a good exchange. I appreciate FEMA's strong support.

Senator ALEXANDER and I stand ready to assist the State and local officials in any way possible to ensure our communities have the resources they need. We will pull together as Tennesseans and neighbors and together we will get through this awful crisis. Our thoughts and our hearts and prayers go out to others who have been affected by the storms in other States.

When I talked to Director Paulison today, he was describing that those storms were northwest of Tennessee, as well.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, last night, severe tornadoes and strong storms swept through west Tennessee. Dyer and Gibson Counties were the hardest hit. According to the Tennessee Emergency Management Agency, at least 23 individuals lost their lives in just those two counties. One of those killed was Jane King of Newbern, TN. She was a relative of Congressman JOHN TANNER, and our thoughts are with JOHN and Betty Ann Tanner and all of Jane King's family.

At least 70 people have been injured as a result of the storms. TEMA expects that number to rise. There is damage to at least 11 other counties in west Tennessee. Thousands of Tennesseans have lost their homes and their livelihoods. TEMA reports that 1,200 buildings were damaged or destroyed in the town of Bradford alone.

Tennessee Emergency Management Agency officials are on the ground in the counties affected. They are helping to survey damage. They are offering assistance. A state of emergency is in effect. The biggest need thus far is to get the roads clear. GEN Gus Hargett has assigned 30 members of the 230th Engineer Battalion of the Tennessee National Guard to assist with debris removal. The Dyersburg Armory is being used as a Red Cross processing site.

This afternoon, Senator FRIST and I sent a letter to President Bush asking for speedy review and approval of the State's request for Federal disaster assistance. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 3, 2006.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Last night devastating tornados swept through several West Tennessee communities. In Dyer and Gibson counties at least 23 individuals lost their lives. Many others lost their homes and livelihoods. State and local officials currently are assessing the damage. Many of the affected communities are in rural areas and it could take some time before the full extent of the damage is realized.

In anticipation of Tennessee Governor Phil Bredesen's request for Federal disaster assistance, we respectfully urge you to act as expeditiously as possible and approve Tennessee's request for federal assistance. It is our understanding that there is significant damage in many areas of West Tennessee, and local emergency responders and the Tennessee Emergency Management Agency, TEMA, are working to provide assistance to survivors. They will soon begin the process of assessing the damage to affected communities.

Thank you for your consideration of our request on behalf of Tennesseans suffering from these devastating and unforeseen events. Please let us know if you have any questions or need additional information.

Sincerely,

WILLIAM H. FRIST, M.D.,
Majority Leader, U.S. Senate.
LAMAR ALEXANDER,
U.S. Senate.

Mr. ALEXANDER. Mr. President, tomorrow Governor Bredesen and Congressman TANNER will be on the site. We will continue to be in touch with Governor Bredesen and provide whatever assistance we can. We will work closely with State and local officials.

My prayers are with the families who have suffered tremendous loss as a result of these storms, and I know we will see shining examples of the Tennessee volunteer spirit and neighbor helping neighbor as west Tennesseans rebuild their homes, their businesses, and their lives.

WESTERN HEMISPHERE TRAVEL INITIATIVE

Mr. STEVENS. Mr. President, I come to the floor to speak about this important amendment on the Western Hemisphere travel initiative.

The Western Hemisphere travel initiative was authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 based on the recommendation of the 9/11 Commission.

It mandates that the Department of Homeland Security, DHS, implement a new documentation program validating citizenship by January 1, 2008. Once executed, all U.S. citizens crossing the Canadian or Mexican Border into the United States will be required to carry a passport or other accepted documentation, such as a passcard, in order to verify their citizenship.

The DHS and the State Department are in the process of promulgating rules to implement this initiative and are considering executing the air and sea portion of this initiative by next January.

While the need to tighten security at our borders is an important undertaking, I am concerned that in their haste to accomplish this mission pursuant to a congressionally mandated timeline, DHS and the State Department may be overlooking serious concerns about the implementation of this initiative raised by border States and Canada.

They are evaluating two options in order to identify citizenship. The first would require a person entering the United States to present a passport. However, passports are expensive and require weeks to acquire. The second alternative is the issuance of a passcard, which would be slightly cheaper but would still require a background check and could only be used for travel between Canada, the United States, and Mexico.

Each of these options assumes that DHS and the State Department are able to process the flood of requests for passports and passcards. There is no reasonable way they could get all of these requests processed by the deadline, thereby adversely affecting travel and business for millions.

Take for example a military family reassigned from the lower 48 to Eielson Air Force Base, Alaska, who has to drive from the lower 48 through Canada with all of their belongings. This family may not have the opportunity or funds to acquire passport before traveling.

Alaska is the only State in the Nation that you have to pass through a foreign country to get to by land. I have a lot of concerns about how this initiative will affect travel.

Each year, a large number of people travel to Alaska from the lower 48 on the Alaska-Canada Highway, also known as the Al-Can. Each summer, we routinely see large numbers of RV's on the road with license plates from New York, Pennsylvania, Florida, California, everywhere. They are now going to need this card or a passport to get to another State. I worry about how that will affect our tourism, as well as the opportunity for Americans to visit one of the most beautiful places in this country.

These are just some of the situations which need to be considered before implementing this plan. I believe that DHS and the State Department are operating under an unrealistic time frame imposed by the act. We need to ensure that they have enough time to properly test and implement the system, which includes biometrics and new equipment for the borders, to ensure its effectiveness.

We share a special relationship with our friends in Canada, and I would hate to see a hastily imposed initiative negatively affect movement in and out of

Canada, or negatively affect our relationship with our neighbors.

The deadline Congress gave DHS is fast approaching, and with little progress made so far. I think we need to pass this amendment to give DHS more time.

There is just too much at stake to rush this, and I urge my colleagues to support this amendment.

ADDITIONAL STATEMENTS

RECOGNIZING THE RETAIL MERCHANTS ASSOCIATION OF GREATER RICHMOND

• Mr. ALLEN. Mr. President, I am pleased today to recognize the Retail Merchants Association of Greater Richmond, Incorporated, which has served the business community of Richmond for 100 years. What began as a small advocacy group founded by 12 merchants in 1906 has grown into a thriving organization that serves 4 cities and 10 counties in central Virginia.

The Retail Merchants Association of Greater Richmond has worked tirelessly to ensure that its companies grow and prosper. It has also demonstrated a commitment to serving the larger community of Greater Richmond by investing in institutions and programs that promote innovation, encourage fellowship and ensure the safety of its residents.

The Retail Merchants Association of Greater Richmond, recognizing the importance of leadership, cooperation, integrity and foresight, has truly been a positive force in making central Virginia a wonderful place to do business. I am confident that it will continue to serve the people of the Commonwealth of Virginia for many years to come.•

TRIBUTE TO PROFESSOR KEON CHI

• Mr. BUNNING. Mr. President, today I pay tribute to Dr. Keon Chi on his retirement from the political science department at Georgetown College in Georgetown, KY.

Since 1970, Dr. Chi has helped to enrich and prepare the students of Georgetown College. His keen insight into American and global political systems did much to give his students an idea of how people are governed.

Dr. Chi is a gifted academic. Some of his best work has been on the subject of privatization of state government functions. Because of this expertise, he was selected to serve on advisory panels and commissions on privatization for both the Commonwealth of Kentucky and the Federal Government.

I now ask my fellow colleagues to join me in congratulating Dr. Chi for his dedication and commitment to teaching and academics. In order for our society to continue to advance in the right direction, we must have professors like Keon Chi in our institutions of higher learning, in our communities, and in our lives. He is Kentucky at its finest.•

CENTRAL HIGH SCHOOL, NORWOOD YOUNG AMERICA, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor Central High School in Norwood Young America, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Central High School is truly a model of educational success. The school earned its Award for Excellence in Education for its interdisciplinary Holocaust Unit, which is required of all seniors for graduation.

The Holocaust Unit has been a hallmark of Central High School for over 10 years. Mr. Mark Lagergren, a social studies teacher at Central, developed the unit and has coordinated with several English teachers to teach it to all students.

Guest speakers, including Holocaust survivors, are invited to talk with the students; students are assigned to read and discuss several pertinent books; and students are required to produce a final, senior Holocaust project.

Ms. Kelly Street, an English teacher at Central High School and a Central High graduate, shared with me the impact the unit has had on her life, saying, "Before Mr. L's class we had heard references to the Holocaust, concentration camps and Hitler, but after his class we were mini-experts on the subject. I remember Mr. Lagergren's lectures and how powerful they were; I could actually feel his passion for such a harrowing part of history. How can any human being not feel something after seeing pictures and watching videos on the era, and then have those pictures and videos followed by the passionate clarification of a teacher who has dedicated his career to the study of the Holocaust? It was a blessing to be a part of it."

Ms. Street was very appreciative of survivors' personal accounts, and she credits Mr. Lagergren for having brought these survivors to share their profoundly personal stories.

Much of the credit for Central High School's success belongs to its principal, Ron Brand, and all the dedicated teachers. The students and staff at Central High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Central High School should be very proud of their accomplishments.

I congratulate Central High School in Norwood Young America for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

CENTURY ELEMENTARY SCHOOL, PARK RAPIDS, MINNESOTA

• Mr. DAYTON. Mr. President, I rise today to honor Century Elementary School, in Park Rapids, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Century Elementary School is truly a model of educational success. The school, which enrols a large percentage of children from low-income families, has achieved significant academic success.

Test scores in 2005 qualified the school for four stars in reading and five stars in mathematics from the Minnesota Department of Education. In addition to receiving three stars in both reading and mathematics for having made adequate yearly progress, the school received an additional star in reading and math for outstanding performance compared to schools with similar percentages of low-income pupils. It received another star in math for having more than 30 percent of its students scoring at Level 5 on their Minnesota Comprehensive Assessments, the highest possible level on these statewide tests.

The year 2005 was the second successive year in which Century School received four or five stars. Last year, the school received five-star status in reading and four-star status in mathematics.

The Park Rapids School District has also recognized the advantages of a full-day kindergarten program, and although the State funds a half-day program, the local school board has allocated sufficient funds to make possible the full-day program.

Century Elementary's success is even more remarkable considering the limited amount of funding available for the school district. The district has attempted to pass an operating levy referendum four times to make up for lack of adequate funding from the State of Minnesota, but these referenda failed to be approved. The district has been forced to lay off 42 teachers over the past 4 years accounting for a 30-percent reduction in total teachers.

Much of the credit for Century Elementary School's success belongs to its principal, Mitch Peterson, and the dedicated teachers. The students and staff at Century Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Century Elementary School should be very proud of their accomplishments.

I congratulate Century Elementary School in Park Rapids for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

WATERTOWN-MAYER HIGH SCHOOL, WATERTOWN, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Watertown-Mayer High School, in Watertown, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Watertown-Mayer High School is truly a model of educational success. The school offers a comprehensive curriculum in a four-period block schedule. College in the Schools, an honors program sponsored by the University of Minnesota, is offered in writing, fiction, American government, U.S. history, and German. Advanced math and science courses include advanced placement calculus I and II, advanced placement physics, chemistry, and advanced biology, ecology, and meteorology. Excellent vocational programs include industrial technical education, family and consumer science, business education, work experience, and agriculture/horticulture education.

As part of their academic program, highly motivated seniors can enroll in a comprehensive professional mentorship program, which offers real-life experiences, including mentorships with surgeons, physicians, nurses, business professionals, theater professionals, undercover law enforcement personnel, and teachers. These opportunities have helped many students explore their professional goals.

This year, carpentry students from Watertown-Mayer are building a model house, intended for sale at a public auction this spring. Proceeds of the sale will be used to buy tools and supplies to help continue these opportunities for future students.

The academic successes of Watertown-Mayer are reflected in students' test scores. Last year, Watertown-Mayer High School received five star ratings in both math and reading. Fewer than 7 percent of all Minnesota schools have rated so well in both math and reading.

Watertown-Mayer High School's goal is to "invest in the life of each and every student and to make a difference one child at a time." It is not the curriculum that resonates for graduates of Watertown-Mayer but, rather, their personal experiences with the dedicated people who guided their learning and who truly make the school one of Minnesota's finest.

Much of the credit for Watertown-Mayer High School's success belongs to its principal, Scott Gengler, and the dedicated teachers. The students and staff at Watertown-Mayer High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Watertown-Mayer High School should be very proud of their accomplishments.

I congratulate Watertown-Mayer High School in Watertown for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

GRAND RAPIDS HIGH SCHOOL, GRAND RAPIDS, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Grand Rapids High School, in Grand Rapids, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Grand Rapids High School is truly a model of educational success. With 1,240 students, the school is one of only 13 Minnesota high schools to offer the International Baccalaureate Program, which is distinguished in the field of international education and helps students to be active learners, well-rounded people, and engaged world citizens. The founding organization works with 1,742 schools in 122 countries to develop and offer three challenging programs to over 200,000 young people ages 3 to 19. Grand Rapids High School participates in the Diploma Program.

Grand Rapids High School offers a comprehensive curriculum that focuses on meeting students' wide range of needs. The school has embraced the national education reform effort known as Breaking Ranks II, which outlines the need for high schools to engage in the process of change that will ensure success for every high school student. Breaking Ranks II includes tools and recommendations in the areas of leadership for change, development of professional learning communities, the need to provide every student with meaningful adult relationships, and the development of personalized learning, to show students the meaning and relevancy of learning.

The Grand Rapids High School focuses on literacy and personalization of environment. The literacy team has coordinated the training of all staff to offer common reading strategies throughout the curriculum. Within 1 year, test scores in all areas have reflected students' progress.

The personalization of environment is designed to ensure that every student feels welcome, safe, and cared for. The school's BRAVE Team, Building Respect and Valuing Everyone, of students and staff take action to create an atmosphere of respect with the purpose of helping reduce stress caused by differences in levels of achievement.

Much of the credit for Grand Rapids High School's success belongs to its principal, Jim Smokrovich, and the dedicated teachers. The students and staff at Grand Rapids High School understand that in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Grand Rapids High School should be very proud of their accomplishments.

I congratulate Grand Rapids High School in Grand Rapids for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

CHURCHILL ELEMENTARY SCHOOL, CLOQUET, MINNESOTA

● Mr. DAYTON. Mr. President, I rise today to honor Churchill Elementary School, in Cloquet, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Churchill Elementary School is truly a model of educational success. The school has recognized the vital need to nurture children's love for reading. At the same time, the school has taken the initiative to find new, creative ways to improve children's reading academically. For "I Love To Read Month" in February, every classroom at Churchill Elementary established a goal for the amount of reading the students would collectively complete during the month. The children met every goal.

At Churchill Elementary, many planned activities help motivate pupils to read. On Valentine's Day, the school hosted a "Books for Breakfast." Families came to school to share a breakfast and reading time together. Earlier in the month, Churchill hosted a family reading night, for which families congregated in the media center to read books together.

These and other activities emphasize the importance of reading for each child's life. This year, during one week of the month, different mystery readers, including the police chief, the superintendent, and the Cloquet mayor, were invited to read a story over the school intercom. All events culminated with a celebration on March 2nd, Dr. Seuss' birthday.

The success of these initiatives is reflected in the reading test scores at Churchill Elementary. Last year, Churchill Elementary received four out of five possible stars from the Minnesota Department of Education for both reading and mathematics. Fewer than 20 percent of all schools in the State have rated so well in reading and math.

Much of the credit for Churchill Elementary School's success belongs to its principal, David Wangen, and the dedicated teachers. The students and staff at Churchill Elementary School understand that in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Churchill Elementary School should be very proud of their accomplishments.

I congratulate Churchill Elementary School in Cloquet for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together accompanying papers, reports, and documents, and were referred as indicated:

EC–6232. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Fiscal Year 2005 Defense Environmental Programs report; to the Committee on Armed Services.

EC–6233. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the status of female members of the Armed Forces for Fiscal Year 2005; to the Committee on Armed Services.

EC–6234. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 16 officers to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6235. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Daniel James III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6236. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Component Breakout" (DFARS Case 2003–D071) received on March 28, 2006; to the Committee on Armed Services.

EC–6237. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition of Ball and Roller Bearings" (DFARS Case 2003–D021) received on March 28, 2006; to the Committee on Armed Services.

EC–6238. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Competition Requirements for Federal Supply Schedules and Multiple Award Contracts" (DFARS Case 2004–D009) received on March 28, 2006; to the Committee on Armed Services.

EC–6239. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Contract Requirements" (DFARS Case 2003–D109) received on March 28, 2006; to the Committee on Armed Services.

EC–6240. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Performance of Acquisition Functions Closely Associated with Inherently Governmental Functions" (DFARS Case 2004–D021) received on March 28, 2006; to the Committee on Armed Services.

EC–6241. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Approval of Service Contracts and Task and Delivery Orders" (DFARS Case 2002–D024) received on March 28, 2006; to the Committee on Armed Services.

EC–6242. A communication from the Secretary of Agriculture, transmitting, the report of proposed legislation to amend and repeal certain portions of law governing the Commodity Credit Corporation (CCC) Export Credit Guarantee Programs, including the Supplier Credit Guarantee Program (SCGP); to the Committee on Agriculture, Nutrition, and Forestry.

EC–6243. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenhexamid; Pesticide Tolerance" (FRL No 7769–6) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6244. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpropimorph; Pesticide Tolerance" (FRL No 7761–3) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6245. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL No 7759–9) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6246. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerance" (FRL No 7769–1) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6247. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, proposed legislation relating to the statute of limitations for espionage offenses; to the Committee on the Judiciary.

EC–6248. A communication from Secretary of Agriculture, transmitting, pursuant to law, the Department's Office of Inspector General Semiannual Report covering the 6-month period that ended September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6249. A communication from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Records Management; Electronic Mail; Electronic Records; Disposition of Records" (RIN3095–AB39) received on March 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6250. A communication from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Declassification of National Security Information" (RIN3095–AB38) received on March 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6251. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended" (RIN1400–AC06) received on March 28, 2006; to the Committee on the Judiciary.

EC–6252. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Geological and Geophysical (G&G) Explorations of the OCS—Proprietary Terms and Data Disclosure" (RIN1010–AC81) received on March 28, 2006; to the Committee on Energy and Natural Resources.

EC–6253. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2006–13) received on March 28, 2006; to the Committee on Finance.

EC–6254. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulations Concerning Disclosure of Relative Values of Optional Forms of Benefit" ((RIN1545–BD97)(TD 9256)) received on March 28, 2006; to the Committee on Finance.

EC–6255. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled "Known and Potential Environmental Effects of Oil and Gas Drilling Activity in the Great Lakes"; to the Committee on Environment and Public Works.

EC–6256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the URL address of a document entitled "Enforcement First" received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC Emissions from Yeast Manufacturing" (FRL No. 8051–7) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6258. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definition of Volatile Organic Compounds" (FRL No. 8051-6) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration (PSD)" (FRL No. 8040–5) received on March 28, 2006; to the Committee on Environment and Public Works.

EC-6260. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 8050–2) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6261. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Methods" (FRL No. 8052–1) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6262. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes" (FRL No. 8051–3) received on March 28, 2006; to the Committee on Environment and Public Works.

EC–6263. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Notice 20 for Significant New Alternatives Policy Program" (FRL No. 8050-9) received on March 28, 2006; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 2489. An original bill to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, signed by the United States on June 12, 1998 (Rept. No. 109–226).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S.J. Res. 28. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower (Rept. No. 109–227).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment and with an amended preamble:

S. Con. Res. 60. A concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum (Rept. No. 109–228).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 2488. A bill to require the Nuclear Regulatory Commission to conduct an independent safety assessment of the Indian Point Nuclear Power Plant; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 2489. An original bill to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, signed by the United States on June 12, 1998; from the Committee on Foreign Relations; placed on the calendar.

By Mr. COLEMAN:

S. 2490. A bill to amend title 5, United States Code, to provide for a real estate stock index investment option under the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 2491. A bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 2492. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 2493. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 2494. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. BYRD, Mr. CHAFEE, Mr. OBAMA, Mr. ALLEN, and Mrs. DOLE):

S. 2495. A bill to authorize the National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor slaves and other persons that fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 2496. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. KENNEDY, and Mr. DURBIN):

S. 2497. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. LAUTENBERG):

S. Res. 420. A resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 370

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 424

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 527

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 527, a bill to protect the Nation's law enforcement officers by banning the Five-seveN Pistol and 5.7 x 28mm SS190 and SS192 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians.

S. 621

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 621, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 811

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 1263

At the request of Mr. BOND, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1719

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1719, a bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 2045

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2045, a bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil.

S. 2048

At the request of Mr. OBAMA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2048, a bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances.

S. 2083

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2418

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2418, a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

S. 2438

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2438, a bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes.

S. 2484

At the request of Mr. OBAMA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2484, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. LOTT) was withdrawn as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free-trade agreement between the United States and Taiwan.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day."

S. RES. 409

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 409, a resolution supporting democracy, development, and stabilization in Haiti.

S. RES. 419

At the request of Mr. FRIST, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 419, a resolution expressing the sense of the Senate that the new United Nations Human Rights Council fails to adequately reform the United Nations Commission on Human Rights, thus preventing that body from becoming an effective monitor of human rights throughout the world.

AMENDMENT NO. 3193

At the request of Mr. ALEXANDER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3193 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3204

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3204 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3205

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3205 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3206

At the request of Mr. KYL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 3206 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3210

At the request of Mr. BINGAMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 3210 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 3210 proposed to S. 2454, supra.

AMENDMENT NO. 3213

At the request of Mr. ALLARD, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. TALENT) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 3213 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3217

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 3217 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

At the request of Ms. MIKULSKI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Virginia (Mr. ALLEN), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Wyoming (Mr. THOMAS), the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3217 proposed to S. 2454, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 2490. A bill to amend title 5, United States Code, to provide for a real estate stock index investment option under the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Real Estate Investment Thrift Savings Act of 2006".

SEC. 2. REAL ESTATE STOCK INDEX INVESTMENT FUND.

(a) DEFINITION.—Section 8438(a) of title 5, United States Code, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(11) the term 'Real Estate Stock Index Investment Fund' means the Real Estate Stock Index Investment Fund established under subsection (b)(1)(F).".

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) a Real Estate Stock Index Investment Fund as provided in paragraph (5).".

(2) FUND REQUIREMENTS.—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

"(5)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which is a reasonably complete representation of the United States real estate equity markets.

"(B) The Real Estate Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index selected under subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Real Estate Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

(c) ACKNOWLEDGMENT OF RISK.—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking "or the Small Capitalization Stock Index Investment Fund," and inserting "the Small Capitalization Stock Index Investment Fund, or the Real Estate Stock Index Investment Fund,"; and

(2) by striking "and (10)," and inserting "(10), and (11),".

By Mr. BURNS:

S. 2494. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes; to the Committee on Finance.

Mr. BURNS. Mr. President, I rise today to introduce legislation to help provide more affordable health coverage to millions of Americans. This legislation makes commonsense changes that will create tax parity between employer-sponsored insurance and insurance purchased in the individual market.

As we are well aware, the Federal tax code's treatment of medical care has shaped the development of the private third-party system of financing health care in the United States. The tax code treats the self-employed, unemployed, and workers at companies that do not offer health insurance, most of which are small businesses, less generously than it treats workers at companies that do offer health insurance. Employer-sponsored insurance receives a tax subsidy that individually-purchased insurance does not, and as a result two-thirds of non-elderly Americans receive health insurance through their own or a family member's employer.

Of equal concern, the percent of employer-sponsored insurance has dropped from 69 percent in 2000 to 60 percent in 2005 due mainly to the rapid rise in health insurance premiums, which have increased more than 60 percent in real terms over the past 5 years alone. The percent of the non-elderly population with employer-sponsored insurance has correspondingly dropped, from 68 percent in 2000 to 63 percent in 2004. Consequently, more Americans must look to the non-group market for their health insurance needs.

To help rectify this disparity, the legislation I am introducing today would permit premiums for high-deductible plans purchased in conjunction with a qualifying health savings accounts (HAS) on the individual market to be deductible from income taxes. In addition, an income tax credit would offset payroll taxes paid on these premiums. As such, people who purchase their health benefits in the individual market would receive the same tax treatment as those who receive employer-sponsored insurance.

Perhaps one of the most widespread criticisms of HSA plans is that they are only helpful to those who are young, healthy, and wealthy. However, a recent survey conducted by America's Health Insurance Plans reveals this not to be the case. In that survey, it was shown that 50 percent of all people covered by HSA plans in the individual market are 40 years of age or older. Moreover, 31 percent of new enrollees in HSA plans were previously uninsured.

My legislation would provide substantial savings to middle and low income families. For example, a family in the 15 percent income tax bracket, and 15.3 percent payroll tax bracket, would receive a tax subsidy of over $1,500 towards the purchase of a $5,000 family insurance HSA-qualified policy.

Moreover, the income tax credit to offset payroll taxes is designed to help lower income workers. These hard-working Americans are more likely to work for firms that do not offer health insurance, and many have low enough incomes that they are paying no income taxes, but still must pay payroll taxes. My bill helps to give them the affordable and quality health benefits they deserve.

Since being enacted in the Medicare Modernization Act, health savings accounts have helped to provide millions of Americans with an additional option in meeting their health care needs. It is simply not fair that the law does not provide these plans with the same tax treatment provided to employer-sponsored insurance. If we are to seriously begin addressing the rapidly rising cost of health care, it is imperative that we take steps now to ensure that available health care plans are as affordable as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION OF PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

"(a) DEDUCTION ALLOWED.—In the case of an individual, there shall be allowed as a deduction for the taxable year the aggregate amount paid by such individual as premiums under a high deductible health plan with respect to months during such year for which such individual is an eligible individual with respect to such health plan.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given such term by section 223(c)(1).

"(2) HIGH DEDUCTIBLE HEALTH PLAN.—The term 'high deductible health plan' has the meaning given such term by section 223(c)(2).

"(c) SPECIAL RULES.—

"(1) DEDUCTION LIMITS.—

"(A) DEDUCTION ALLOWABLE FOR ONLY 1 PLAN.—For purposes of this section, in the case of an individual covered by more than 1 high deductible health plan for any month, the individual may only take into account amounts paid for such month for the plan with the lowest premium.

"(B) PLANS COVERING INELIGIBLE INDIVIDUALS.—If 2 or more individuals are covered by a high deductible health plan for any month but only 1 of such individuals is an eligible individual for such month, only 50 percent of the aggregate amount paid by such eligible individual as premiums under the plan with respect to such month shall be taken into account for purposes of this section.

"(2) GROUP HEALTH PLAN COVERAGE.—

"(A) IN GENERAL.—No deduction shall be allowed to an individual under subsection (a) for any amount paid for coverage under a high deductible health plan for a month if that individual participates in any coverage under a group health plan (within the meaning of section 5000 without regard to section 5000(d)).

"(B) EXCEPTION FOR PLANS ONLY PROVIDING CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.—Subparagraph (A) shall not apply to an individual if the individual's only coverage under a group health plan for a month consists of contributions by an employer to a health savings account with respect to which the individual is the account beneficiary.

"(C) EXCEPTION FOR CERTAIN PERMITTED COVERAGE.—Subparagraph (A) shall not apply to an individual if the individual's only coverage under a group health plan for a month is coverage described in clause (i) or (ii) of section 223(c)(1)(B).

"(3) MEDICAL AND HEALTH SAVINGS ACCOUNTS.—Subsection (a) shall not apply with respect to any amount which is paid or distributed out of an Archer MSA or a health savings account which is not included in gross income under section 220(f) or 223(f), as the case may be.

"(4) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE OF SELF-EMPLOYED INDIVIDUALS.—Any amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

"(5) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—Any amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.".

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence at the end the following new paragraph:

"(21) PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.—The deduction allowed by section 224.".

(c) COORDINATION WITH SECTION 35 HEALTH INSURANCE COSTS CREDIT.—Section 35(g)(2) of such Code is amended by striking "or 213" and inserting ", 213. or 224".

(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 224 as an item relating to section 225 and by inserting before such item the following new item:

"Sec. 224. Premiums for high deductible health plans.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 2. CREDIT FOR CERTAIN EMPLOYMENT TAXES PAID WITH RESPECT TO PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS AND CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.

(a) ALLOWANCE OF CREDIT.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. EMPLOYMENT TAXES PAID WITH RESPECT TO PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS AND CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the product of—

"(1) the sum of the rates of tax in effect under sections 3101(a), 3101(b), 3111(a), and 3111(b) for the calendar year in which the taxable year begins, multiplied by

"(2) the sum of—

"(A) the aggregate amount paid by such individual as premiums under a high deductible health plan which is allowed as a deduction under section 224 for the taxable year, and

"(B) the aggregate amount paid to a health savings account of such individual which is allowed as a deduction under section 223 for the taxable year.

"(b) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—

"(1) IN GENERAL.—The credit allowed under subsection (a) with respect to any individual for any taxable year shall not exceed the specified employment taxes with respect to such individual for such taxable year.

"(2) SPECIFIED EMPLOYMENT TAXES.—For purposes of this subsection, the term 'specified employment taxes' means, with respect to any individual for any taxable year, the sum of—

"(A) the taxes imposed under sections 3101(a), 3101(b), 3111(a), 3111(b), 3201(a), 3211(a), and 3221(a) (taking into account any adjustments or refunds under section 6413) with respect to wages and compensation received by such individual during the calendar year in which such taxable year begins, and

"(B) the taxes imposed under subsections (a) and (b) of section 1401 with respect to the self-employment income of such individual for such taxable year.

"(c) SPECIAL RULE FOR EMPLOYMENT COMPENSATION IN EXCESS OF SOCIAL SECURITY CONTRIBUTION BASE.—

"(1) IN GENERAL.—If the aggregate amount of employment compensation received by any individual during the calendar year in which the taxable year begins exceeds the contribution and benefit base (as determined under section 230 of the Social Security Act), the amount of the credit determined under subsection (a) (determined before application of subsection (b)) shall be equal to the sum of—

"(A) the amount determined under subsection (a) by only taking into account so much of the amount determined under subsection (a)(2) as does not exceed such excess and by only taking into account the rates of tax in effect under section 3101(b) and 3111(b), and

"(B) the amount determined under subsection (a) by only taking into account so much of the amount determined under subsection (a)(2) as is not taken into account under subparagraph (A) and by taking into account each of the rates of tax referred to in subsection (a)(1).

"(2) EMPLOYMENT COMPENSATION.—For purposes of this subsection, the term 'employment compensation' means, with respect to any individual for any taxable year, the sum of—

"(A) the wages (as defined in section 3121(a)) and compensation (as defined in section 3231(e)) received by such individual during the calendar year in which such taxable year begins, and

"(B) the self-employment income (as defined in section 1402(b)) of such individual for such taxable year.".

(b) INCREASE IN ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—Paragraph (4) of section 223(f) of such Code (relating to additional tax on distributions not used for qualified medical expenses) is amended to read as follows:

"(4) ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—

"(A) IN GENERAL.—The tax imposed by this chapter on the account beneficiary for any taxable year in which there is a payment or distribution from a health savings account of such beneficiary which is includible in gross income under paragraph (2) shall be increased by 30 percent of the amount which is so includible.

"(B) EXCEPTION FOR DISABILITY OR DEATH.—In the case of payments or distributions made after the account beneficiary becomes disabled within the meaning of section 72(m)(7) or dies, subparagraph (A) shall be applied by substituting '15 percent' for '30 percent'.

"(C) EXCEPTION FOR DISTRIBUTIONS AFTER MEDICARE ELIGIBILITY.—In the case of payments or distributions made after the date on which the account beneficiary attains the age specified in section 1811 of the Social Security Act, subparagraph (A) shall be applied by substituting '15 percent' for '30 percent'.".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or section 36" after "section 35".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and by inserting after the item relating to section 35 the following new items:

"Sec. 36. Employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts.

"Sec. 37. Overpayments of tax.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 2496. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator KENNEDY to introduce the Family Reunification Act, a measure designed to remedy a regrettable injustice in our immigration laws. A minor oversight in the law has led to an unfortunate, and likely unintended, consequence. Parents of U.S. citizens are currently able to enter the country as legal permanent residents, but our laws do not permit their minor children to join them. Simply put, the Family Reunification Act will close this loophole by including the minor siblings of U.S. citizens in the legal definition of "immediate relative." This legislation will ensure that our immigration laws can better accomplish one of the most important policy goals behind them—the goal of strengthening the family unit.

Congress took an important first step in promoting family reunification when it enacted the Immigration and Nationality Act. By qualifying as "immediate relatives," this law currently offers parents, spouses and children of U.S. citizens the ability to obtain immigrant visas to enter the country legally.

We can all agree that this is good immigration policy. Unfortunately, a "glitch" in this law has undermined the effectiveness of the important principle of family reunification. Each year, a number of families—in Wisconsin and across the country—are finding that they cannot take full advantage of this family reunification provision.

Today, U.S. citizens often petition for their parents to be admitted to the United States as "immediate relatives." As I have said, that is clearly allowed under current law. It is not always quite that simple, though. In a small number of cases, a problem arises because minor siblings of U.S. citizens do not qualify as an "immediate relative" under current law. So, a young man or woman can bring his parents into the country, but not his or her 5-year-old brother or sister. Because the parents are unable to leave a young child behind, the child is not the only family member who does not come to the United States. The parents—forced to choose between their children—are effectively prevented from coming as well. The result, then, is that we are unnecessarily keeping families apart by excluding minor siblings from the definition of immediate relative.

For example, one family in my home State of Wisconsin is truly a textbook example of what is wrong with this law. Effiong and Ekon Okon, both U.S. citizens by birth, requested that their parents, who were living in Nigeria, be admitted as "immediate relatives." The law clearly allows for this. Their father, Leo, had already joined them in Wisconsin, and their mother, Grace, was in possession of a visa, ready to join the rest of her family. However, Grace was unable to join her husband and sons in the United States because their 6-year-old daughter, Daramfon, did not qualify as an "immediate relative." Because it would be unthinkable for her to abandon her small child, Grace was forced to stay behind in Nigeria, separated from the rest of her family. That is not what this law was intended to accomplish.

It is difficult to determine the exact scope of this problem. Because minor siblings do not qualify for visas, the Department of Homeland Security, DHS, does not keep track of how many families have been adversely affected. What we do know, however, is that the cases in my home State are not unique. Though the number is admittedly not large, DHS has notified us that they run into this problem regularly, with the number reaching into the hundreds each year.

If only one family suffers because of this loophole, I would suggest that changes should be made. The fact that there have been numerous cases, probably in the hundreds, demands that we address this issue now, so we can avoid tearing even more families apart.

Many parts of our immigration laws are outdated and in need of repair. The definition of "immediate relative" is no different. Congress's intent when it granted "immediate relatives" the right to obtain immigrant visas was to promote family reunification, but the unfortunate oversight which Senator KENNEDY and I have highlighted has interfered with many families' opportunity to do just that. The legislation introduced today would expand the definition of "immediate relatives" to include the minor siblings of U.S. citizens. By doing so, we can truly provide our fellow citizens with the ability to reunite with their family members. This is a simple and modest solution to an unthinkable problem that too many families have already had to face, so I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF IMMEDIATE RELATIVE.

Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting "For purposes of this subsection, a child of a parent of a citizen of the United States shall be considered an immediate relative if the child is accompanying or following to join the parent." after "at least 21 years of age.".

By Mr. KOHL (for himself, Mr. KENNEDY, and Mr. DURBIN):

S. 2497. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today, with Senator KENNEDY and Senator DURBIN, to introduce the State Court Interpreter Grant Program Act of 2006. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective State court interpreter programs, helping to ensure fair trials for individuals with limited English proficiency.

States are legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Currently, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding State court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 18 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than "very well" was more than 21 million, approaching twice what the number was 10 years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a Committee established by the Supreme Court called the State's interpreter program "backward" and said that the lack of qualified interpreters "undermines the ability of the . . . court system to determine facts accurately and to dispensc justice fairly." When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation. And, because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court.

This legislation addresses this problem by authorizing $15 million per year, for the next five years, for a State Court Interpreter Grant Program. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a testament to that. When Wisconsin's program got off the ground in 2004, using State money along with a $250,000 Federal grant, certified interpreters were scarce. Now, just two years later, it has 43 certified interpreters. Most of those are Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language and Russian. The list of provisional interpreters—those who have received training and passed written tests—is much longer, including individuals trained in Arabic, Hmong, Korean, and other languages. All of this progress in only two years, and with only $250,000 of Federal assistance.

This legislation has the strong support of State court administrators and State supreme court justices around the country.

Our States face this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them are failing. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Court Interpreter Grant Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 34 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 420—EXPRESSING THE SENSE OF THE SENATE THAT EFFECTIVE TREATMENT AND ACCESS TO CARE FOR INDIVIDUALS WITH PSORIASIS AND PSORIATIC ARTHRITIS SHOULD BE IMPROVED

Mr. SMITH (for himself and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 420

Whereas psoriasis and psoriatic arthritis are serious, chronic, inflammatory, disfiguring, and life-altering diseases that require sophisticated medical intervention and care;

Whereas, according to the National Institutes of Health, between 5,800,000 citizens and 7,500,000 citizens of the United States are affected by psoriasis;

Whereas psoriasis and psoriatic arthritis are—

(1) painful and disabling diseases with no cure; and

(2) diseases that have a significant and adverse impact on the quality of life of individuals diagnosed with them;

Whereas studies have indicated that psoriasis may cause as much physical and mental disability as other major diseases, including—

(1) cancer;
(2) arthritis;
(3) hypertension;
(4) heart disease;
(5) diabetes; and
(6) depression;

Whereas studies have shown that psoriasis is associated with elevated rates of depression and suicidal ideation;

Whereas citizens of the United States spend between $2,000,000,000 and $3,000,000,000 to treat psoriasis each year;

Whereas early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage;

Whereas treating psoriasis and psoriatic arthritis presents a challenge for patients and health care providers because—

(1) no single treatment works for every patient diagnosed with the disease;

(2) some treatments lose effectiveness over time; and

(3) all treatments have the potential to cause a unique set of side effects;

Whereas, although safer and more effective treatments are now more readily available, many people do not have access to them; and

Whereas Congress as an institution, and the members of Congress as individuals, are in a unique position to help raise public awareness about the need for increased access to effective treatment options for psoriasis and psoriatic arthritis: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the need for enhanced public awareness of psoriasis;

(B) the adverse impact that psoriasis can have on people living with the disease; and

(C) the importance of an early diagnosis and proper treatment of psoriasis;

(2) supports the continuing leadership provided by the Director of the National Institutes of Health and the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases for identifying a cure and developing safer, more effective treatments for psoriasis and psoriatic arthritis; and

(3) encourages—

(A) researchers to examine the negative psychological and physical effects of psoriasis to better understand its impact on those who have been diagnosed with the disease; and

(B) efforts to increase access to treatments and care that individuals living with psoriasis and psoriatic arthritis need and deserve.

Mr. LAUTENBERG. Mr. President, I am pleased to join the junior Senator from Oregon in submitting this resolution to raise public awareness about and encourage medical research on psoriasis and psoriatic arthritis. This resolution also promotes greater access to care for those suffering from these disorders. It is my hope that Congress will continue to aid efforts in the medical community to diagnose, treat, and eventually cure this disease.

Psoriasis is a non-contagious, immune-mediated, lifelong skin disorder that has been diagnosed in more than 5 million men, women, and children in the United States. The source of psoriasis is believed to have a genetic component which triggers a faster growth cycle of skin cells that result in buildup; however, the exact cause is unknown.

Psoriatic arthritis is a condition associated with psoriasis. This disease is a chronic inflammatory disease of the joints and connective tissue, which causes stiffness, pain, swelling, and tenderness of the joints and the tissue around them. Without treatment, psoriatic arthritis can be potentially disabling and crippling. Approximately 10 to 30 percent of people with psoriasis develop psoriatic arthritis.

The National Institutes of Health, NIH, estimates that 5.8–7.5 million people are living with psoriasis. Each year, the United States spends $4.0 billion to treat psoriasis and psoriatic arthritis. Furthermore, about 56 million hours of work are lost each year by people who suffer from psoriasis. The National Institute of Mental Health has found that psoriasis can cause as much physical and mental disability as other major diseases. Researchers are still searching for a cure for psoriasis. In the meantime, we must continue to raise awareness, to support research efforts to cure this disease, and to treat those living with it.

I thank my colleagues for supporting this effort.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3220. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3221. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3222. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3223. Mr. DORGAN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. BURNS, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3224. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3225. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3226. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3227. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3228. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3229. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3230. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3231. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3232. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3233. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3234. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3235. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3236. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3237. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3238. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3239. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3240. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3241. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3242. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3243. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3244. Mr. STEVENS (for himself, Mr. LEAHY, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3245. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3246. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3247. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3248. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3249. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3250. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3251. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3252. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3253. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3254. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3255. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3220. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

After section 102, insert the following new section:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

Strike section 102(a).

SA 3221. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 233 and insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) EXPANSION OF DETENTION CAPACITY.—

(1) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "8,000" and inserting "20,000".

(2) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(A) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by paragraph (1).

(B) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(C) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(D) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(4) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(5) FUNDING TO CONSTRUCT OR ACQUIRE DETENTION FACILITIES.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(6) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(b) DETENTION STANDARDS.—

(1) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(2) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (1) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(3) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3222. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 18, strike "500" and insert "1,500".

On page 7, line 2, strike "1000" and insert "2,000".

On page 7, line 10, strike "200" and insert "400".

On page 8, strike lines 9 through 15 and insert the following:

preceding fiscal year), by 4,000 for each of fiscal years 2006 through 2011.

On page 8, after line 26, add the following:

(c) Detention and Removal Officers.—

(1) In general.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by paragraphs (2), (3), and (4).

(2) Codification of detention operations.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(3) Detention standards for nuclear family units and certain non-criminal aliens.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (2) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(4) Legal orientation to ensure effective removal process.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) Legal Personnel.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; DEFENSE ATTORNEYS.

(a) In General.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, add—

(1) at least 50 positions for attorneys in the Office of Immigration Litigation of the Department of Justice for the fiscal year;

(2) at least 50 United States Attorneys to litigate immigration cases in the Federal courts for the fiscal year;

(3) at least 200 Deputy United States Marshals to investigate criminal immigration matters for the fiscal year; and

(4) at least 50 immigration judges for the fiscal year.

(b) Defense Attorneys.—

(1) In general.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) Pro bono representation.—The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as are necessary to carry out this section, including the costs of hiring necessary support staff.

On page 171, between lines 17 and 18, insert the following:

SEC. 234. DETENTION POLICY.

(a) Directorate of Policy.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(b) Enhanced Protections for Vulnerable Unaccompanied Alien Children.—

(1) Mandatory training.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) Delegation to the office of refugee resettlement.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) Other policies and procedures.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

On page 220, line 22, strike "2,000" and insert "4,000".

On page 221, line 5, strike "1,000" and insert "2,000".

SA 3223. Mr. DORGAN (for himself, Ms. Snowe, Mr. Schumer, Mr. Burns, and Mr. Jeffords) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . TRAVEL TO CANADA.

(a) Short Title.—This section may be cited as the "Common Sense Cross-Border Travel and Security Act of 2006".

(b) Travel to Canada Without Passport.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is amended—

(1) in paragraph (1)—

(A) by striking "The Secretary" and inserting the following:

"(A) In general.—The Secretary";

(B) by striking "This plan" and inserting the following:

"(B) Day passes.—The plan developed under this paragraph shall include a system that would enable United States citizens to travel to Canada for a 24-hour period without a passport by completing an application for a 'day pass' at any port of entry along the land border between the United States and Canada, and certifying that there was not sufficient time to apply for a passport before the excursion. The traveler shall not be charged a fee to acquire or use the day pass.

"(C) Implementation.—The plan developed under this paragraph"; and

(2) by adding at the end the following:

"(3) Minors.—United States citizens who are less than 18 years of age, when accompanied by a parent or guardian, shall not be required to present a passport when returning to the United States from Canada at any port of entry along the land border.".

(c) Limit on Fees for Travel Documents.—Notwithstanding any other provision of law or cost recovery requirement established by the Office of Management and Budget, the Secretary and the Secretary of State may not charge a fee in an amount greater than $20 for any passport card or similar document other than a passport that is created to satisfy the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458).

(d) Acceptance of Passport Cards and Day Passes by Canada.—The Secretary of State, in consultation with the Secretary, shall negotiate with the Government of Canada to ensure that passport cards and day passes issued by the Government of the

United States for travel to Canada are accepted for such purpose by the Government of Canada.

SA 3224. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—WARTIME TREATMENT STUDY ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Wartime Treatment Study Act".

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

CHAPTER 1—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 711. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this chapter as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 712. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States

Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 711(e).

SEC. 713. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 714. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 715. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this chapter.

SEC. 716. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

CHAPTER 2—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 721. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this chapter as the "Jewish Refugee Commission").

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 722. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 721(e).

SEC. 723. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 724. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without

regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 725. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this chapter.

SEC. 726. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 3225. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE —INTERCOUNTRY ADOPTION REFORM

SEC. 01. SHORT TITLE.

This title may be cited as the "Intercountry Adoption Reform Act of 2006" or the "ICARE Act".

SEC. ___02. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2004, they adopted 23,460 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interest and that prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign-born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign-born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign-born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign-born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;

(2) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process to make it more citizen friendly and focused on the protection of the child.

SEC. ___03. DEFINITIONS.

In this title:

(1) ADOPTABLE CHILD.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section ___24(a) of this Act.

(2) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section ___11(b).

(3) COMPETENT AUTHORITY.—The term "competent authority" means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) FULL AND FINAL ADOPTION.—The term "full and final adoption" means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section ___25; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 26.

(6) OFFICE.—The term "Office" means the Office of Intercountry Adoptions established under section 11(a).

(7) READILY APPROVABLE.—A petition or certification is "readily approvable" if the documentary support provided along with such petition or certification demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

Subtitle A—ADMINISTRATION OF INTERCOUNTRY ADOPTIONS

SEC. ___11. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions.

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions.

(2) CONFLICTS OF INTEREST.—The individual appointed to be the Ambassador at Large shall be free from any conflict of interest that could impede such individual's ability to serve as the Ambassador.

(3) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs.

(4) REGULATIONS.—The Ambassador at Large may not issue rules or regulations unless such rules or regulations have been approved by the Secretary of State.

(5) DUTIES OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—Not later than September 1 of each year, the Secretary of State shall prepare and submit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of a United States citizen to adopt a child born in a foreign country.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born in a foreign country to determine whether that child is an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to intercountry adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers employed in a central office located in Washington, D.C. Within that office, there shall be 7 divisions corresponding to the 7 functions of the Office. The director of each such division shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.

(B) Northeast.

(C) Southwest.

(D) Southeast.

(E) Midwest.

(F) West.

(3) CHILD ADJUDICATION.—To the extent practicable, the division responsible for the adjudication of foreign-born children as adoptable shall be divided by world regions which correspond to the world regions used by other divisions within the Department of State.

(4) USE OF INTERNATIONAL FIELD OFFICERS.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) COORDINATION.—The Ambassador at Large shall coordinate with appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the duties of the Ambassador.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. ___12. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting "301, 302," after "205,".

SEC. 13. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

SEC. 14. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign-born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Secretary of Homeland Security immediately prior to the effective date of this Act, are transferred to the Secretary of State on the effective date of this Act and shall be carried out by the Ambassador at Large, under the supervision of the Secretary of State, in accordance with applicable laws and this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this subtitle.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign-born child prior to the date of enactment of this Act, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 15. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this Act, there are transferred to the Ambassador at Large for appropriate allocation in accordance with this Act, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. ___16. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this subtitle. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 17. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, or the Secretary of Homeland Security, or their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section 14 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this subtitle shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle B—REFORM OF UNITED STATES LAWS GOVERNING INTERCOUNTRY ADOPTIONS

SEC. ___21. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) AUTOMATIC CITIZENSHIP PROVISIONS.—

(1) AMENDMENT OF THE INA.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

"SEC. 320. CONDITIONS FOR AUTOMATIC CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES.

"(a) IN GENERAL.—A child born outside of the United States automatically becomes a citizen of the United States—

"(1) if the child is not an adopted child—

"(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years; and

"(B) the child is under the age of 18 years; or

"(2) if the child is an adopted child, on the date of the full and final adoption of the child—

"(A) at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present (as determined under subsection (b)) in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years;

"(B) the child is an adoptable child;

"(C) the child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States; and

"(D) the child is under the age of 16 years.

"(b) PHYSICAL PRESENCE.—For the purposes of subsection (a)(2)(A), the requirement for physical presence in the United States or its outlying possessions may be satisfied by the following:

"(1) Any periods of honorable service in the Armed Forces of the United States.

"(2) Any periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent.

"(3) Any periods during which such citizen parent is physically present outside the United States or its outlying possessions as the dependent unmarried son or daughter and a member of the household of a person—

"(A) honorably serving with the Armed Forces of the United States; or

"(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

"(c) FULL AND FINAL ADOPTION.—In this section, the term 'full and final adoption' means an adoption—

"(1) that is completed under the laws of the child's country of residence or the State law of the parent's residence;

"(2) under which a person is granted full and legal custody of the adopted child;

"(3) that has the force and effect of severing the child's legal ties to the child's biological parents;

"(4) under which the adoptive parents meet the requirements of section ___25 of the Intercountry Adoption Reform Act of 2006; and

"(5) under which the child has been adjudicated to be an adoptable child in accordance with section ___26 of the Intercountry Adoption Reform Act of 2006.".

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (66 Stat. 163) is amended by striking the item relating to section 320 and inserting the following:

"Sec. 320.Conditions for automatic citizenship for children born outside the United States".

(c) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1952.

SEC. ___22. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1431(a)(2)), as amended by section 21 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4) The Secretary of State, acting through the Ambassador at Large, shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(5) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State, acting through the Ambassador at Large, shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before the parents are matched with a child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee-for-service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State, acting through the Ambassador at Large, shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 23. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) NONIMMIGRANT CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt by the Office of International Adoption of the Department of State.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 101(a)(15) is further amended—

(A) by striking "or" at the end of subparagraph (U); and

(B) by striking the period at the end of subparagraph (V) and inserting "; or".

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

"(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

"(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the period necessary to complete the adoption.".

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking "10 years" and inserting "18 years"; and

(2) in clause (i), by striking "10 years" and inserting "18 years".

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. 24. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(3) The term 'adoptable child' means an unmarried person under the age of 18—

"(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

"(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

"(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

"(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

"(ii) who, as determined by the competent authority of the child's residence—

"(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

"(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

"(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

"(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

"(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

"(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

"(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.".

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting "and an adoptable child as defined in section 101(c)(3)" before "unless a valid home-study".

SEC. ___25. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section ___23(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 4 years have lapsed since the original application.

(d) DENIAL OF PETITION.—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) PETITIONER'S RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 26. ADJUDICATION OF CHILD STATUS.

(a) IN GENERAL.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section ___23(a) of this Act—

(1) the Ambassador at Large shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the definition of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Secretary of State shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) PROCESS FOR DETERMINATION.—

(1) IN GENERAL.—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) NOTICE OF INTENT.—If the Secretary of State determines that a certification submitted by the competent authority of the child's country of origin is not readily approvable, the Ambassador at Large shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) PETITIONERS RIGHT TO RESPOND.—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) DECISION.—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Secretary of State shall reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) RIGHT TO AN APPEAL.—Unfavorable decisions on a certification may be appealed through the appropriate process of the Department of State and, after the exhaustion of such process, to a United States district court.

SEC. 27. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by such staff; and

(3) travel and other expenses necessary to carry out this title.

Subtitle C—ENFORCEMENT

SEC. 31. CIVIL PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an amendment made by this title;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

SEC. ___32. CRIMINAL PENALTIES.

Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of section ___31(a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

SA 3226. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 316, strike line 2 and all that follows through "(d)" on page 317, line 12, and insert the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.".

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

"(J) an alien with a residence in a foreign country that the alien has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

"(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii))designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

"(ii) has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the physical or life sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.".

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (J)(ii), (L), or (V)".

(d) REQUIREMENTS FOR F-4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" before "No person";

(2) by striking "admission (i) whose" and inserting the following: "admission—

"(A) whose";

(3) by striking "residence, (ii) who" and inserting the following: "residence;

"(B) who";

(4) by striking "engaged, or (iii) who" and inserting the following: "engaged; or

"(C) who";

(5) by striking "training, shall" and inserting the following: "training,

"shall";

(6) by striking "United States: *Provided*, That upon" and inserting the following: "United States.

"(2) Upon";

(7) by striking "section 214(l): And provided further, That, except" and inserting the following: "section 214(l).

"(3) Except"; and

(8) by adding at the end the following:

"(4) An alien who qualifies for adjustment of status under section 214(m)(3)(C) shall not be subject to the 2-year foreign residency requirement under this subsection.".

(f)

On page 319, line 1, strike "(e)" and insert "(g)".

On page 320, strike line 3 and all that follows through "(f)" on line 21, and insert the following:

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before such alien's graduation;

"(B) the alien has earned a master's or doctorate degree or completed post-doctoral studies in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(h)

On page 321, lines 14 and 15, strike "an advanced degree" and insert "a master's or doctorate degree, or completed post-doctoral studies,".

On page 322, line 18, strike "an advanced degree" and insert "a master's or doctorate degree, or completed post-doctoral studies,".

On page 323, line 23, strike "an advanced degree" and insert "a master's or doctorate degree, or completed post-doctoral studies,".

SA 3227. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, line 11, strike "863 hours or".

SA 3228. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 362, line 19, strike "$400" and insert "$1000".

SA 3229. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 354, line 18, strike "$100" and insert "$1000".

SA 3230. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 350, line 22, strike "1" and insert "8".

SA 3231. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 360, beginning on line 10, strike all through page 381, line 11.

SA 3232. Mr. CHAMBLISS (for himself, and Mr. Isakson) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 405 of the amendment, strike line 1 and all that follows through line 9 on page 407, and insert the following:

"(A) In general.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the applicable State minimum wage.".

SA 3233. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 355, strike line 15 and all that follows through page 360, line 9, and insert the following:

(3) Civil penalties.—

(A) In general.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(B) Limitation.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

SA 3234. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 353, lines 8 and 9, strike "3 or more misdemeanors" and insert "misdemeanor".

SA 3235. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 391, strike line 6 and all that follows through page 392, line 23.

SA 3236. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 360, strike line 10 and all that follows through page 381, line 11, and insert the following:

(c) Period of Authorized Admission.—

(1) In general.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) Return to country.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) Eligibility for nonimmigrant visa.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) Loss of Employment.—

(1) In general.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) Return to country.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) Prohibition of Change or Adjustment of Status.—

(1) In general.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) Loss of eligibility.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant visa outside the United States.

SA 3237. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike lines 5 through 8 and insert the following:

(c) Study on the Use of Technology to Prevent Unlawful Immigration.—The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to—

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the plan required under subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3238. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION TRAINING FOR LAW ENFORCEMENT.

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by using law-enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(1) basic immigration enforcement training for State, local, and tribal police officers;

(2) training, mentoring, and updates authorized under section 287(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3239. Mr. INHOFE submitted an amendment intended to be proposed to

amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 54, after line 23, add the following:

Subtitle E—Immigration Enforcement Training

SEC. 151. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the "Project") described in this subtitle.

(2) PURPOSE.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(b) PROJECT DIRECTOR RESPONSIBILITIES.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's concepts;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Website developed under paragraph (1);

(C) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the various grounds for removal;

(vii) the types of false identification commonly used by illegal and criminal aliens;

(viii) the common methods of alien smuggling and groups that commonly participate in alien smuggling rings;

(ix) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(x) detention and removal procedures, including expeditious removal; and

(E) is accessible through the secure, encrypted on-line, e-learning Web site not later than 90 days of the date of enactment of this Act, and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course, by using on-line technology.

(c) PERIOD OF PROJECT.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(d) PARTICIPATION IN PROJECT.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course State, local, and tribal law enforcement officers from—

(1) Alabama;

(2) Colorado;

(3) Florida;

(4) Oklahoma;

(5) Texas; and

(6) at least 1, but not more than 3, other States.

(e) PARTICIPATING OFFICERS.—

(1) NUMBER.—A total of 100,000 officers shall have access to, enroll in, and complete the e-learning training course provided under the Project.

(2) APPORTIONMENT.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(3) SELECTION.—Participation in the Project shall—

(A) be equally apportioned between State, county, and municipal law enforcement agency officers;

(B) include, when practicable, a significant subset of tribal law enforcement officers; and

(C) include officers from urban, rural, and highly rural areas.

(4) RECRUITMENT.—Recruitment of participants shall begin immediately, and occur concurrently, with the e-learning training course's establishment and implementation.

(5) LIMITATION ON PARTICIPATION.—Officers shall be ineligible to participate in the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(B) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(6) ADDITIONAL REQUIREMENTS.—The law enforcement officers selected to participate in the e-learning training course provided under the Project—

(A) shall undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer; and

(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.

(f) REPORT.—

(1) IN GENERAL.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;

(C) the effectiveness of the e-learning training course with respect to student-officer performance;

(D) the convenience afforded student-officers with respect to their ability to access the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and

(E) the ability of the on-line, e-learning Web site to safeguard the student officers' private and personal information while providing supervisors with appropriate information about student performance and course completion.

SEC. 152. EXPANSION OF PROGRAM.

(a) IN GENERAL.—After the completion of the Project, the Secretary shall—

(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;

(2) annually enroll 100,000 new State, local, and tribal law enforcement officers in such e-learning training course; and

(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.

(b) LIMITATION ON PARTICIPATION.—An individual is ineligible to participate in the expansion of the Project established under this subtitle if the individual is employed by a State, local, or tribal law enforcement agency that—

(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SEC. 153. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.

(b) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subtitle.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3240. Mr. INHOFE submitted an amendment intended to be proposed to

amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 20 and 21, insert the following:

SEC. 107. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE.

(a) FINDINGS.—Congress finds the following:

(1) On July 17, 2002, 18 aliens who were present in the United States illegally, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department. The aliens were later released by officials of the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, 4 new agents at the Immigration and Naturalization Service office in Oklahoma City were hired.

(4) On January 30, 2003, Oklahoma's Immigration and Naturalization Service office added 6 new special agents to their staff.

(5) On September 22, 2004, officials of the Bureau of Immigration and Customs Enforcement of the Department authorized the release of 18 individuals who may have been present in the United States illegally and were in the custody of the police department of the City of Catoosa, Oklahoma. Catoosa Police stopped a truck carrying 18 individuals, including children, in the early morning hours on that date. Only 2 of the individuals produced identification. One adult was arrested on drug possession charges and the remaining individuals were released.

(6) Oklahoma has 1 Office of Investigations of the Bureau of Immigration and Customs Enforcement, which is located in Oklahoma City. In 2005, 12 agents of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

(7) Highway I-44 and U.S.-75 are major roads through Tulsa, Oklahoma, that are used to transport illegal aliens to all areas of the United States.

(8) The establishment of a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma, will help enforce Federal immigration laws in Eastern Oklahoma.

(9) Seven agents of the Drug Enforcement Administration and an estimated 22 agents of the Federal Bureau of Investigation are assigned to duty stations in Tulsa, Oklahoma, and there are no agents of the Bureau of Immigration and Customs Enforcement who are assigned to a duty station in Tulsa, Oklahoma.

(b) ESTABLISHMENT OF FIELD OFFICE IN TULSA, OKLAHOMA.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma.

SA 3241. Mr. INHOFE submitted an amendment to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 123, between lines 8 and 9, insert the following:

(c) CRIMINAL PENALTIES FOR FORGERY OF FEDERAL DOCUMENTS.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

"§515. Federal records, documents, and writings, generally

"Any person who—

"(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

"(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

"(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3),

shall be fined under this title, imprisoned not more than 10 years, or both.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

"515. Federal records, documents, and writings, generally.".

SA 3242. Mr. LEAHY submitted an amendment to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 507 and insert the following:

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

"(F)(i) an alien having a residence in a foreign country which, except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I) a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study (except for a graduate program described in clause (iv)) consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of not more than 24 months;

"(ii) the alien spouse and minor children of any alien described in clause (i) or (iv) if accompanying or following to join such an alien;

"(iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree; and

"(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause (i) except that the alien's actual course of study may involve a distance learning program, for which the alien is visiting the United States temporarily for a period not to exceed 30 days;".

SA 3243. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —FAMILY HUMANITARIAN RELIEF

SEC 1. SHORT TITLE.

This title may be cited as the "September 11 Family Humanitarian Relief and Patriotism Act".

SEC. 02. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary of Homeland Security may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary of Homeland Security grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. 03. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary of Homeland Security shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary of Homeland Security shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. 04. EXCEPTIONS.

Notwithstanding any other provision of this title, an alien may not be provided relief under this title if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. ___05. EVIDENCE OF DEATH.

For purposes of this title, the Secretary of Homeland Security shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. ___06. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this title.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this title, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

SA 3244. Mr. STEVENS (for himself, Mr. LEAHY, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAVEL DOCUMENT PLAN.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "June 1, 2009".

SA 3245. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 240, strike lines 11 through 13 and insert the following:

"(1) DISTRIBUTION OF FEES.—Of the fees collected under this section—

"(1) 98 percent shall be deposited in the Treasury in accordance with section 286(c); and

"(2) 2 percent shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006.

On page 333, strike lines 9 through 12 and insert the following:

"(4) USE OF FEES AND FINES.—Of the fees and fines collected under this subsection—

"(A) 98 percent shall be deposited in the Treasury in accordance with section 286(w); and

"(B) 2 percent shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006.

On page 477, after line 23, add the following:

SEC. 644. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) SHORT TITLE.—This section may be cited as the "Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006".

(b) PURPOSE.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA GRANT.—The term "IEACA grant" means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) ESTABLISHMENT OF INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP ASSISTANCE GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) USE OF FUNDS.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) INITIAL APPLICATION.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by this Act. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) ADJUSTMENT OF STATUS.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics; or

(iv) applying for United States citizenship.

(3) DURATION AND RENEWAL.—

(A) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew any grant awarded under this section in 1-year increments.

(4) APPLICATION FOR GRANTS.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise directed by an attorney.

(6) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded on a competitive basis.

(7) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall approve applications under this section in a manner that ensures, to greatest extent practicable, that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).

(8) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.

(e) LIAISON BETWEEN USCIS AND GRANTEES.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.

(f) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(g) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use funds made available under sections 218A(l)(2) and 218D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

SA 3246. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 403, insert the following:

(3) LIMITATION ON GRANTING OF VISAS TO H-2C NONIMMIGRANTS.—Notwithstanding any other provision of this Act or the amendments made by this Act, the Secretary may not grant a temporary visa to an alien described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as amended by section 402(a), pursuant to section 218A of the Immigration and Nationality Act, as amended by paragraph (1), until after the date that the Secretary certifies to Congress that—

(A) the Electronic Employment Verification System described in section 274A of the Immigration and Nationality Act, as amended by section 301(a), is fully operational;

(B) the number of full-time employees who investigate compliance with immigration laws related to the hiring of aliens within the Department is increased by not less than 2,000 more than the number of such employees within the Department on the date of the enactment of this Act and that such employees have received appropriate training;

(C) the number of full-time, active-duty border patrol agents within the Department is increased by not less than 2,500 more than the number of such agents within the Department on the date of the enactment of this Act; and

(D) additional detention facilities to detain unlawful aliens apprehended in United States have been constructed or obtained and the personnel to operate such facilities have been hired, trained, and deployed so that the number of detention bed spaces available is increased by not less than 2,000 more than the number of such beds available on the date of the enactment of this Act.

SA 3247. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROMOTING CIRCULAR MIGRATION PATTERNS.

(a) LABOR MIGRATION FACILITATION PROGRAMS.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into agreements, with the appropriate officials of foreign governments whose nationals participate in the temporary guest worker program authorized under section 218A of the Immigration and Nationality Act, as added by section 403 of this Act, for the purposes of jointly establishing and administering labor migration facilitation programs.

(2) PRIORITY.—The Secretary of State shall place a priority on establishing labor migration facilitation programs under paragraph (1) with the governments of countries that have a large number of nationals working as temporary guest workers in the United States under section 218A of such Act. The Secretary shall enter into such agreements not later than 3 months after the date of the enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary and the Secretary of Labor, to confer with appropriate officials of the foreign government to—

(i) establish and implement a program to assist temporary guest workers from the foreign country to obtain nonimmigrant status under section 101(a)(15)(H)(ii)(c) of such Act; and

(ii) establish programs to create economic incentives for aliens to return to their country of origin;

(B) the foreign government to—

(i) monitor the participation of its nationals in the temporary guest worker program, including departure from and return to their country of origin;

(ii) develop and promote a reintegration program available to such individuals upon their return from the United States; and

(iii) promote or facilitate travel of such individuals between their country of origin and the United States; and

(C) any other matters that the Secretary of State and the appropriate officials of the foreign government consider appropriate to enable nationals of the foreign country who are participating in the temporary work program to maintain strong ties to their country of origin.

(b) Bilateral Efforts With Mexico to Reduce Migration Pressures and Costs.—

(1) Findings.—Congress makes the following findings:

(A) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(B) Mexico comprises a prime source of migration to the United States.

(C) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(D) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(E) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(F) A majority of Mexican businesses are small- or medium-sized with limited access to financial capital.

(G) These factors constitute a major impediment to broad-based economic growth in Mexico.

(H) Approximately 20 percent of the population of Mexico works in agriculture, with the majority of this population working on small farms rather than large commercial enterprises.

(I) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(J) The Presidents of Mexico and of the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, established the Security and Prosperity Partnership of North America to promote economic growth, competitiveness, and quality of life throughout North America.

(2) Sense of Congress Regarding Partnership for Prosperity.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Security and Prosperity Partnership of North America to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(A) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(B) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(C) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(i) provide long term credit to borrowers;

(ii) develop a viable network of regional and local intermediary lending institutions; and

(iii) extend financing for alternative rural economic activities beyond direct agricultural production;

(D) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(E) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(F) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(G) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(H) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(I) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(3) Sense of Congress Regarding Bilateral Partnership on Health Care.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(A) increasing health care access for poor and under served populations in Mexico;

(B) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the region along the international border between the United States and Mexico;

(C) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(D) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

SA 3248. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454. to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DISCRETIONARY AUTHORITY.

Section 212(i) (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

"(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

"(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), if—

"(I) the alien demonstrates extreme hardship to the alien or the alien's parent or child; and

"(II) such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

"(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.".

SA 3249. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of the amendment, insert the following:

SEC. 2. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) In General.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) Determinations With Respect to Children.—

"(A) Use of Application Filing Date.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on the date of the enactment of this section.

"(B) Application Submission by Parent.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.".

(b) New Applications and Motions to Reopen.—

(1) New Applications.—Notwithstanding section 902(a)(1)(A) of the Haitian and Immigrant Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; and

(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) Motions to Reopen.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1), or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SA 3250. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FAMILY UNITY.

Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (C)(ii), by striking "between—" and all that follows and inserting the following: "between—

"(I) the alien having been battered or subjected to extreme cruelty; and

"(II) the alien's removal, departure from the United States, reentry or reentries into the United States, or attempted reentry into the United States."; and

(2) by adding at the end the following:

"(D) WAIVER.—

"(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under section 201 or 203 if such petition was filed not later than the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

"(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.".

SA 3251. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.

Section 213A (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(A), by striking "125 percent of"; and

(2) in subsection (f), by striking "125 percent of" each place it occurs.

SA 3252. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE I—STATE COURT INTERPRETER GRANT PROGRAM

SEC. 1. SHORT TITLE.

This title may be cited as the "State Court Interpreter Grant Program Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 34 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters; and

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this title.

(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section ___4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each of the highest State court of each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section ___4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. ___4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this title.

SA 3253. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—INSPECTIONS AND DETENTIONS

SEC. ___01. SHORT TITLE.

This title may be cited as the "Secure and Safe Detention and Asylum Act".

SEC. 02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The origin of the United States is that of a land of refuge. Many of our Nation's founders fled here to escape persecution for their political opinion, their ethnicity, and their religion. Since that time, the United States has honored its history and founding values by standing against persecution around the world, offering refuge to those who flee from oppression, and welcoming them as contributors to a democratic society.

(2) The right to seek and enjoy asylum from persecution is a universal human right and fundamental freedom articulated in numerous international instruments ratified by the United States, including the Universal Declaration of Human Rights, as well as the 1951 Convention relating to the Status of Refugees and the Convention Against Torture. United States law also guarantees the right to seek asylum and protection from return to territories where one would have a well-founded fear of persecution on account of one's race, religion, nationality, membership in a particular social group, or political opinion.

(3) The United States has long recognized that asylum seekers often must flee their persecutors with false documents, or no documents at all. The second person in United States history to receive honorary citizenship by Act of Congress was Swedish diplomat Raoul Wallenberg, in gratitude for his issuance of more than 20,000 false Swedish passports to Hungarian Jews to assist them flee the Holocaust.

(4) In 1996, Congress amended section 235(b) of the Immigration and Nationality Act, to authorize immigration officers to detain and expeditiously remove aliens without proper documents, if that alien does not have a credible fear of persecution.

(5) Section 605 of the International Religious Freedom Act of 1998 subsequently authorized the United States Commission on International Religious Freedom to appoint experts to study the treatment of asylum seekers subject to expedited removal.

(6) The Departments of Justice and Homeland Security fully cooperated with the Commission, which reviewed thousands of previously unreleased statistics, approximately 1,000 files and records of proceeding related to expedited removal proceedings, observed more than 400 inspections, interviewed 200 aliens in expedited removal proceedings at seven ports of entry, and surveyed 19 detention facilities and all eight asylum offices. The Commission released its findings on February 8, 2005.

(7) Among its major findings, the Commission found that, while the Congress, the Immigration and Naturalization Service, and the Department of Homeland Security developed a number of processes to prevent bona fide asylum seekers from being expeditiously removed, these procedures were routinely disregarded by many immigration officers, placing the asylum seekers at risk, and undermining the reliability of evidence created for immigration enforcement purposes. The specific findings include the following:

(A) Department of Homeland Security procedures require that the immigration officer read a script to the alien that the alien should ask for protection—without delay—if the alien has any reason to fear of being returned home. Yet in more than 50 percent of the expedited removal interviews observed by the Commission, this information was not conveyed to the applicant.

(B) Department of Homeland Security procedures require that the alien review the sworn statement taken by the immigration officer, make any necessary corrections for errors in interpretation, and then sign the statement. The Commission found, however, that 72 percent of the time, the alien signs his sworn statement without the opportunity to review it.

(C) The Commission found that the sworn statements taken by the officer are not verbatim, are not verifiable, often attribute that information was conveyed to the alien which was never, in fact, conveyed, and sometimes contain questions which were never asked. These sworn statements look like verbatim transcripts but are not. Yet the Commission also found that, in 32 percent of the cases where the immigration judges found the asylum applicant were not credible, they specifically relied on these sworn statements.

(D) Department of Homeland Security regulations also require that, when an alien expresses a fear of return, he must be referred to an asylum officer to determine whether his fear is "credible." Yet, in nearly 15 percent of the cases which we observed, aliens who expressed a fear of return were nevertheless removed without a referral to an asylum officer.

(8) The Commission found that the sworn statements taken during expedited removal proceedings were reliable for neither enforcement nor protection purposes because Department of Homeland Security management reviewed only the paperwork created by the interviewing officer. The agency had no national quality assurance procedures to ensure that paper files are an accurate representation of the actual interview. The Commission recommended recording all interviews between Department of Homeland Security officers and aliens subject to expedited removal, and that procedures be established to ensure that these recordings are reviewed to ensure compliance.

(9) The Commission found that the Immigration and Naturalization Service (INS) issued policy guidance on December 30, 1997, defining criteria for decisions to releasing asylum seekers from detention. Neither the INS nor the Department of Homeland Security, however, had been following this, or any other discernible criteria, for detaining or releasing asylum seekers. The Study's review of Department of Homeland Security statistics revealed that release rates varied widely, between 5 percent and 95 percent, in different regions.

(10) In order to promote the most efficient use of detention resources and a humane yet secure approach to detention of aliens with a credible fear of persecution, the Commission urged that the Department of Homeland Security develop procedures to ensure that a release decision is taken at the time of the credible fear determination or as soon as or as soon as feasible thereafter. Upon a determination that the alien has established credible fear, identity and community ties, and that the alien is not subject to any possible bar to asylum involving violence, misconduct, or threat to national security, the alien should be released from detention pending an asylum determination. The Commission also urged that the Secretary of Homeland Security establish procedures to ensure consistent implementation of release criteria, as well as the consideration of requests to consider new evidence relevant to the determination.

(11) In 1986, the United States, as a member of the Executive Committee of the United Nations High Commissioner for Refugees, noted that in view of the hardship which it involves, detention of asylum-seekers should normally be avoided; that detention measures taken in respect of refugees and asylum-seekers should be subject to judicial or administrative review; that conditions of detention of refugees and asylum seekers must be humane; and that refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as criminals.

(12) The USCIRF Study found that the Department of Homeland Security detains the vast majority of noncriminal asylum seekers, as well as other noncriminal aliens, under inappropriate and potentially harmful conditions in jails and jail-like facilities. This occurs in spite of the development of a small number of successful nonpunitive detention facilities, such as those in Broward County Florida and Berks County, Pennsylvania.

(13) The Commission found that nearly all of the detention centers where asylum seekers are detained resemble, in every essential respect, conventional jails. Often, aliens with no criminal record are detained alongside criminals and criminal aliens. The standards applied by Bureau of Immigration and Customs Enforcement for all of their detention facilities are identical to, and modeled after, correctional standards for criminal populations. In some facilities with "correctional dormitory" set-ups, there are large numbers of detainees sleeping, eating, going to the bathroom, and showering out in the open in one brightly lit, windowless, and locked room. Recreation in Bureau of Immigration and Customs Enforcement facilities often consists of unstructured activity of no more than one hour per day in a small outdoor space surrounded by high concrete walls.

(14) A study conducted by Physicians for Human Rights and the Bellevue/New York University Program for Survivors of Torture found that the mental health of asylum seekers was extremely poor, and worsened the longer individuals were in detention. This included high levels of anxiety, depression, and post-traumatic stress disorder. The study also raised concerns about inadequate access to health services, particularly mental health services. Asylum seekers interviewed consistently reported being treated like criminals, in violation of international human rights norms, which contributed to worsening of their mental health. Additionally, asylum seekers reported verbal abuse and inappropriate threats and use of solitary confinement.

(15) The Commission recommended that the secure but nonpunitive detention facility in Broward County Florida Broward provided a more appropriate framework for those asylum seekers who are not appropriate candidates for release.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To ensure that personnel within the Department of Homeland Security follow procedures designed to protect bona fide asylum seekers from being returned to places where they may face persecution.

(2) To ensure that persons who affirmatively apply for asylum or other forms of humanitarian protection and noncriminal detainees are not subject to arbitrary detention.

(3) To ensure that asylum seekers, families with children, noncriminal aliens, and other vulnerable populations, who are not eligible for release, are detained under appropriate and humane conditions.

SEC. 03. DEFINITIONS.

In this title:

(1) ASYLUM OFFICER.—The term "asylum officer" has the meaning given the term in section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)).

(2) ASYLUM SEEKER.—The term "asylum seeker" means any applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or any alien who indicates an intention to apply for asylum under that section and does not include any person with respect to whom a final adjudication denying asylum has been entered.

(3) CREDIBLE FEAR OF PERSECUTION.—The term "credible fear of persecution" has the meaning given the term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(4) DETAINEE.—The term "detainee" means an alien in the Department's custody held in a detention facility.

(5) DETENTION FACILITY.—The term "detention facility" means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(6) IMMIGRATION JUDGE.—The term "immigration judge" has the meaning given the term in section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).

(7) STANDARD.—The term "standard" means any policy, procedure, or other requirement.

(8) VULNERABLE POPULATIONS.—The term "vulnerable populations" means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers as described in paragraph (2).

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under Article 3 of the United Nations Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), including applicants for visas under subparagraph (T) or (U) of section 101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(G) Unaccompanied alien children (as defined by 462(g) of the Homeland Security Act (6 U.S.C. 279(g)).

SEC. 04. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by Department of Homeland Security employees exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall include the written statement, in its entirety, being read back to the alien in a language which the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recordings shall be made in video, audio, or other equally reliable format.

(d) INTERPRETERS.—The Secretary shall ensure professional certified interpreters are used when the interviewing officer does not speak a language understood by the alien.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

SEC. 05. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "the Secretary of Homeland Security or" before "the Attorney General"; and

(B) in paragraph (2)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by striking "but" at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

"(C) the alien's own recognizance; or

"(D) a secure alternatives program as provided for in section _____09 of this title; but";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

"(b) DECISIONS TO DETAIN.—

"(1) IN GENERAL.—In the case of a decision to detain under subsection (a), the following shall apply:

"(A) The decision to detain or release shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that detention.

"(B) An initial decision as to whether to detain or release shall be served upon the alien within 72 hours of the alien's detention or, in the case of aliens subject to section 235(b)(1)(B)(iii)(IV), within 72 hours of the credible fear determination.

"(C) All decisions to detain shall be subject to redetermination by an Immigration Judge within 2 weeks from the time the alien was served with the decision under subparagraph (B). The alien may request further redetermination upon the availability of new evidence.

"(D) The criteria to be considered by the Secretary and the Attorney General in making the release or parole decisions shall include—

"(i) the alien does not pose a risk to public safety or national security;

"(ii) the alien has established his identity; and

"(iii) the alien has established a likelihood to appear for immigration proceedings.

"(2) APPLICATIONS OF SUBSECTIONS (a) AND (b).—This subsection and subsection (a) shall apply to all aliens in the custody of the Department of Homeland Security who are not subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A and who do not have a final order of removal.";

(4) by amending subsection (c), as redesignated, to read as follows:

"(c) REVOCATION OF BOND OR PAROLE.—The Secretary may, at any time, revoke a bond, parole, or decision to release an alien made under subsection (b), rearrest the alien under the original warrant, and detain the alien.";

(5) in subsection (d), as redesignated—

(A) by striking "Attorney General" and inserting "Secretary" each place it appears; and

(B) in paragraph (2), by inserting "or for humanitarian reasons," after "such an investigation,";

(6) in subsection (e), as redesignated, by striking "Attorney General" and inserting "Secretary"; and

(7) in subsection (f), as redesignated, by striking "The Attorney General's discretionary judgment" and inserting "The decisions of the Secretary or the Attorney General".

SEC. ___06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered by the Department of Justice Executive Office for Immigration Review.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this subsection shall be implemented by the Executive Office for Immigration Review and shall be based on the Legal Orientation Program in existence on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear interview. The pro bono counseling and legal assistance programs developed pursuant to this subsection shall be based on the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. 07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as verbal or physical abuse or harassment, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SHACKLING.—Procedures limiting the use of shackling, handcuffing, solitary confinement, and strip searches of detainees to situations where it is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees, including review of grievances by officials of the Department who do not work at the same detention facility where the detainee filing the grievance is detained.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential "toll-free" numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—Prompt and adequate medical care at no cost to the detainee, including dental care, eye care, mental health care, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department that maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities for all detained asylum seekers.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the special characteristics of noncriminal, nonviolent detainees, and ensure that procedures and conditions of detention are appropriate for a noncriminal population; and

(2) ensure that noncriminal detainees are separated from inmates with criminal convictions, pretrial inmates facing criminal prosecution, and those inmates exhibiting violent behavior while in detention.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where they work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. 08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this title referred to as the "Office").

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and report to, the Secretary.

(3) EFFECTIVE DATE.—The Office shall be established and the head of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Office shall—

(A) undertake frequent and unannounced inspections of detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department of Homeland Security;

(iii) the Civil Rights Office of the Department of Homeland Security; or

(iv) any other relevant office of agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Office shall annually submit a report on its findings on detention conditions and the results of its investigations to the Secretary, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives.

(B) CONTENTS OF REPORT.—

(i) ACTIONS TAKEN.—The report described in subparagraph (A) shall also describe the actions to remedy findings of noncompliance or other problems that are taken by the Secretary, the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, and each detention facility found to be in noncompliance.

(ii) RESULTS OF ACTIONS.—The report shall also include information regarding whether the actions taken were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department of Homeland Security;

(2) the Civil Rights Office of the Department of Homeland Security;

(3) the Privacy Officer of the Department of Homeland Security;

(4) the Civil Rights Section of the Department of Justice; and

(5) any other relevant office or agency.

SEC. 09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program. For purposes of this subsection, the secure alternatives program means a program under which aliens may be released under enhanced supervision to prevent them from absconding, and to ensure that they make required appearances.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

(2) UTILIZATION OF ALTERNATIVES.—The program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(1)(D), or who are released pursuant to section 236(d)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Department shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program. In designing the program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

SEC. 10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department of Homeland Security detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to meaningful programmatic and recreational activities;

(E) detainees are permitted contact visits with legal representatives, family members, and others;

(F) detainees have access to private toilet and shower facilities;

(G) prison-style uniforms or jumpsuits are not required; and

(H) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for parents and minor children are not physically separated.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Priority for placement in less restrictive facilities shall be given to asylum seekers, families with minor children, vulnerable populations, and nonviolent criminal detainees.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 12. EFFECTIVE DATE.

Except as otherwise provided, this title shall take effect 6 months after the date of the enactment of this Act.

SA 3254. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231.

SA 3255. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 7 and 8, insert the following:

"(b) CERTAIN ACTIONS NOT TREATED AS VIOLATIONS.—A person who, before being apprehended or placed in a removal proceeding, applies for asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be prosecuted for violating section 1542, 1544, 1546 or 1548, before the application is adjudicated in accordance with the Immigration and Nationality Act. A person who is granted asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be considered to have violated section 1542, 1544, 1546 or 1548.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, April 12, 2006 at 1:30 p.m. in the hearing room of the Wyoming Oil & Gas Conservation Commission building located at 2211 King Boulevard in Casper, WY.

The purpose of the hearing is to receive testimony regarding the legislative, economic, and environmental issues associated with the growth and development of the Wyoming coal industry.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke or Shannon Ewan.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Immigration Litigation Reduction" on Monday, April 3, 2006, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Panel I: The Honorable Paul R. Michel, Chief Judge United States Court of Appeals for the Federal Circuit, Washington, DC; The Honorable John M. Walker, Jr., Chief Judge, United States Court of Appeals for the Second Circuit New Haven, CT; The Honorable Carlos T. Bea, Circuit Judge, United States Court of Appeals for the Ninth Circuit, San Francisco, CA; The Honorable Jon O. Newman, Senior Judge, United States Court of Appeals for the Second Circuit, Hartford, CT; The Honorable John McCarthy Roll, District Judge, United States District Court for the District of Arizona, Tucson, AZ.

Panel II: Jonathan Cohn, Deputy Assistant Attorney General, Civil Division, Department of Justice, Washington, DC, and David Martin, Professor of Law, University of Virginia Charlottesville, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent at 10 a.m. on Tuesday, the Senate proceed to executive session and an immediate vote on the confirmation of calendar No. 600, Michael Chagares, to be a United States circuit judge for the Third Circuit; provided further that following that vote, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 4, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m., Tuesday, April 4. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to executive session as under the previous order, with the debate divided equally until 10 a.m. I further ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, this evening we have continued to work on agreements for the border control bill. We need to make significant progress tomorrow, and Senators should be prepared for late nights throughout the week. At 10 a.m. tomorrow morning we will vote on a circuit judge who was reported by the Judiciary Committee last week. I hope we can follow up that vote with agreements to vote on other amendments to the border security measure. Therefore, votes will occur throughout Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, April 4, 2006, at 9:45 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO JESSICA SELESTINE JENKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Jessica Selestine Jenkins. I hope my colleagues will join me in recognizing the impressive accomplishments of this young woman.

Jessica Selestine Jenkins was born on September 10, 1987 in Brooklyn, NY. She is the daughter of proud parents, Moszetia Ahay and Ronald Jenkins.

Jessica is a role model for her family and young people in her community. In her quiet and studious manner, Jessica was educated in the private and public schools of Brooklyn, NY. She attended Phyls Academy, Parkway Elementary School, Ebenezer Junior High School and Boys and Girls High School.

Jessica has always maintained honor roll status throughout her schooling. She is a 2005 Arista Honor Roll graduate of Boys and Girls High School with an average of 91 percent. Her awards, plaques and recognitions are numerous. Some of her most cherished are the Martin Luther King Essay and Community Service Award, the Elliot Spitzer Triple "C" Award, Student of the Month, Community Service Award and Perfect Attendance Award to name a few. Jessica is a member of Berean Baptist Church where she participates in the Youth Ministry.

Jessica loves to work with and teach children. She has been employed with the Berean Summer Day Camp since 2003. Her favorite scripture is "Train up a child in the way he should go, and when he is old he would not depart from it." (Proverbs 22:6) Her favorite song is "All of My Help Cometh From the Lord." Her favorite motto is, "I can do all things through Christ who strengthens me." Jessica is presently a freshman at New York City College of Technology where she is studying to be a registered nurse. She chose this field because of her desire to help others and make a difference in someone's day and/or life. Jessica's hobbies include reading, listening to music and dancing.

Jessica's proud younger siblings, Jani and Jeffery Ahay look up to her as a great sister.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Jessica Selestine Jenkins.

IN RECOGNITION OF ROBERT J. LEVINSOHN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Mr. Robert J. Levinsohn, an outstanding New Yorker who has devoted himself in service to others throughout his career. Robert Levinsohn has distinguished himself both as an attorney in private practice and as a driving force behind New York County's pioneering role in fostering a reform of its judicial culture, rendering it free of corruption and unwarranted partisan political influence.

A member of our Nation's greatest generation, Robert J. Levinsohn proudly served his country in the United States Army during World War II. He went on to graduate with a bachelor of arts degree from Yale College in 1946 and from the Columbia University School of Law in 1948, where he was named editor of the prestigious Columbia Law Review.

In 1952, Robert J. Levinsohn joined Proskauer Rose LLP, one of the Nation's oldest, largest and most highly respected law firms, and one of the first in the Nation to develop a specialized practice in tax law, which became Mr. Levinsohn's area of professional expertise. Named a partner of the firm in 1963, he continues to represent clients in the firm's New York office to this day. In addition, Mr. Levensohn's professional qualifications and impeccable reputation for probity and integrity have led his colleagues to name him to numerous leadership positions in the New York State and City Bar Associations as well as the New York County Lawyers' Association.

A lifelong activist devoted to the highest ideals of the Democratic Party, Robert J. Levinsohn naturally assumed a series of important positions of leadership in the world of politics and public policy. An active member and longtime Executive Committee member of the Lexington Democratic Club, one of the first political organizations in the Nation devoted to reform of the political and judicial system, Mr. Levinsohn also served as president of the Columbia Law School Democratic Club; president of the New York Young Democratic Club; chief campaign legal aide to the late, much beloved, Manhattan Congressman William Fitts Ryan; cochairman of the Committee for Democratic Voters and of the New Democratic Coalition; cochairman of the New York County Democratic Committee's Law Committee; vice chairman and member of the New York City Council Districting Commission; and a delegate to New York County Democratic Party judicial conventions for more than 35 years. Throughout his professional and civic obligations, Mr. Levinsohn remains devoted to his beloved wife, Louise Katz.

It is in Robert Levinsohn's extraordinary success in reforming New York's judicial and political culture that he will undoubtedly bestow his most enduring legacy on the citizens of our Nation's greatest metropolis. A leader of Manhattan's postwar political reform movement from its first origins, Mr. Levinsohn helped spearhead the drive to remove the taint of political influence from New York's judicial branch. The key to this movement's ultimate success was the reform of the process selecting nominees for judicial office through the establishment of nonpartisan judicial screening panels. This long-sought goal of civic activists like Mr. Levinsohn was finally realized in 1977 under the leadership of former New York County Democratic Party Chairwoman Miriam Bockman.

The judicial reform package promoted so ably by Robert J. Levinsohn and like-minded advocates of good government succeeded in establishing "doubleblind" independent judicial screening panels that effectively removed partisan political considerations from the judicial nominating process in New York County. Mr. Levinsohn's efforts to ensure the independence of the judiciary was further ratified after a fellow reform advocate, Congressman Edward I. Koch, was elected mayor of New York City and instituted a merit selection process for mayoral appointees to the bench. The reforms advocated by Robert J. Levinsohn have now become a model which is the envy of every other county in the Empire State.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to our civic and political life made by Mr. Robert J. Levinsohn, a true reformer in the finest traditions of our great republic.

A TRIBUTE TO SALVATORE J.A. SCLAFANI, M.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Salvatore J.A. Sclafani, MD, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Dr. Sclafani received his Bachelor of Science from Fordham University in 1968 and undertook his medical education at the Upstate campus of SUNY, graduating in 1972. He completed his residency in Diagnostic Radiology at Downstate/Kings County in 1976. He is a diplomate of the American College of Radiology with a certificate of added qualifications in Interventional Radiology.

Dr. Sclafani is a Fellow of the Society of Interventional Radiology and a member of numerous other medical societies. He is a past President of the American Society of Emergency Radiology.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dr. Sclafani has published more than 150 papers in scientific journals and authored or co-authored more than 20 textbooks. He is currently the Section editor of Radiology for the Journal of Trauma and has served on the editorial boards of the Journal ofInterventional Radiology, and Emergency Radiology. Dr. Sclafani has presented at almost 200 invitational lectures in the U.S. and has lectured extensively on 4 continents. He has taught countless radiologists the techniques of Interventional Radiology during his 9 visits to the Peoples' Republic of China.

Dr. Sclafani is recognized for his work in the uses of Radiology in traumatized and emergency patients and has either developed techniques or set standards for the use of Interventional Radiology in the control of hemorrhage after trauma. He is most recognized for his development of a method of treating without the use of open surgery patients who have sustained a ruptured spleen. Other collaborations have led to an awareness of the value of physiological monitoring of the injured elderly, a non-operative approach to exsanguinating hemorrhage after pelvic fractures and management schemes for vascular injuries of the head and neck.

In 1989, Dr. Sclafani became an honorary police surgeon of the New York Police Department after a celebrated "save" by Interventional Radiology of a patrolman who had sustained a near fatal gunshot wound of the internal carotid artery. This event brought national public recognition to Kings County Hospital as an innovator in trauma care and the techniques were featured in the New York Times Science Section.

Dr. Sclafani has spent his entire career working among the indigent and was honored by the New York Academy of Medicine for his contributions to urban health.

Participating in the Trauma Service of Kings County since 1976, he is its senior member. He is currently the Chief of Radiology at Kings County Hospital Center and Chairman of the Department of Radiology of the Downstate Medical Center where he directs more than thirty radiologists and 29 residents. He is also President of the Medical Board of Kings County Hospital Center.

Dr. Sclafani was born and raised in Brooklyn to which he has dedicated his entire career. He currently resides in Park Slope, Brooklyn with his wife, Georgia Sclafani with whom he raised 2 sons, Paul and Ross. He lived in the pediatric examining room of his father, Anthony Sclafani, MD in Bensonhurst during the first 4 years of his life and lived above the waiting room of his father's office until the age of 13. Thus, he considers the hospital his second home and its patients his family.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Sclafani, as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Dr. Sclafani's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

IN RECOGNITION OF THE AMERICAN SOCIETY TO PREVENT CRUELTY TO ANIMALS ON THE OCCASION OF ITS 140TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the American Society for the Prevention of Cruelty to Animals. This august institution is celebrating its 140th anniversary this month, and all Americans should salute its remarkable success as the first organization dedicated to the protection of animals in the Western Hemisphere.

Over the course of the last 140 years, the American Society for the Prevention of Cruelty to Animals, or ASPCA, has helped change the way Americans think about animals. The society came into being on April 10, 1866 when its founder, the diplomat and philanthropist Henry Bergh, succeeded in securing it a charter from the New York State Legislature. Just 9 days later, Mr. Bergh and his colleagues from the ASPCA convinced the legislature to pass a new law preventing acts of cruelty to animals and giving the society the power to enforce it. This burst of activism succeeded in focusing public attention on the plight of animals throughout the United States, and its activities helped spawn similar efforts across the Nation.

Headquartered on Manhattan's Upper East Side, the American Society for the Prevention of Cruelty to Animals has expanded its services over the decades to encompass a humane education program and a government affairs initiative that lobbies for the enactment of laws to provide better protections to animals. The ASPCA provided the city of New York with animal control services for a century, rescuing countless animals in its ambulances, providing them with medical care in its clinics, and sheltering and placing them in new homes whenever possible. The society's humane approach to law enforcement established a model that has been adopted by cities, towns, and villages across the United States.

Today, the American Society for the Prevention of Cruelty to Animals is one of the largest humane societies in the world. Its New York City headquarters house an animal hospital, shelter, and adoption center. Law enforcement officers for the American Society for the Prevention of Cruelty to Animals continue to serve as the primary enforcers of anti-cruelty statutes in our Nation's greatest metropolis.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to the well-being of both animals and humans made by the American Society for the Prevention of Cruelty to Animals.

A TRIBUTE TO ANTONIO D. MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Antonio D. Martin and I hope my colleagues will join me recognizing the accomplishments of this outstanding member of the community.

Tony Martin's approach to leadership is formulated in his fervent belief in the concept of teamwork, as demonstrated by his track record as a healthcare executive.

A 20-year veteran of the New York City Health and Hospitals Corporation, HHC, the largest municipal healthcare system in the United States, Mr. Martin was appointed chief operating officer of Queens Hospital Center, QHC, in July 1999 and executive director in 2002. Under his direction, the hospital successfully completed the construction and opening of a new state-of-the-art facility in January 2002, which has since expanded to a total of 243 beds. In the spring of 2005, QHC volunteered to be one of the first city hospitals to undergo an unannounced Joint Commission on the Accreditation of Healthcare Organizations, JCAHO, survey, successfully completing the rigorous 4-day examination. This acknowledges the hospital's firm compliance with regulatory JCAHO standards at all times.

His overriding mission has been to make Queens Hospital Center the hospital of choice in the borough, and to broaden its appeal beyond the traditional populations within its surrounding community. Specific initiatives include a comprehensive disease management initiative that empowers patients to manage their chronic illnesses, as well as an overall redesign of the hospital's ambulatory care services to better expedite patient visits.

Managing an annual operating budget of $230 million, Mr. Martin currently oversees three Centers of Excellence within the hospital for Cancer Care; Women's Health; and Diabetes. For the past 3 years, he has aggressively promoted the technological advancement of the Queens Cancer Center of Queens Hospital, his objective being to present it as the premier cancer care facility in the borough. In addition, a new Ambulatory Care Pavilion is scheduled to open its doors in 2006, and a total of four family health centers affiliated with QHC are now offering comprehensive primary care services within the hospital's neighboring communities.

From April 1998 until July 1999, Mr. Martin served as deputy executive director of Network Behavioral Health for the Brooklyn/Staten Island Network of HHC, including Kings County Hospital Center, East New York Diagnostic and Treatment Center, Sea View Hospital and Nursing Home, Dr. Susan Smith McKinney, and Bedford-Stuyvesant Alcohohsm Treatment Center.

Prior to his Network position, Mr. Martin was the executive director of East New York Neighborhood Family Care Center, ENYNFCC, in Brooklyn from 1990 to 1998. Under his leadership, ENYNFCC successfully received its article 28 designation from the

New York State Department of Health in 1993, and became the East New York Diagnostic and Treatment Center, ENYDTC. He was the administrator for the Medical Records Department at Kings County Hospital and previously the acting director of Medical Records at Metropolitan Hospital, both of which arc HHC facilities.

Mr. Martin recently served, along with other esteemed African-American leaders, as the healthcare executive on a regional panel addressing the current state of the African-American male. He was a delegate for the Health and Human Services, HHS-International Conference on Ethnic Health. He has received numerous awards for community service, most recent among them the Center for the Women of New York's "Good Guy" Award, 2004, the Metropolitan New York Association of Diabetes Educators "CEO of the Year" Award, 2004, and the NAHSE Award from the National Association of Health Service Executives, an organization of leaders in the healthcare field, 2002. Professional memberships are sustained with the following organizations: the Health Association of New York State, HANYS, East New York-Brownsville H.I.V. Steering Committee; New York Association of Ambulatory Care; Community Health Care Association of New York State, CHCANYS; National Association of Public Hospitals, NAPH; and the American Hospital Association, AHA.

Mr. Martin holds a master's degree in health service administration and policy from the New School for Social Research in New York City.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Antonio D. Martin, as he offers his talents for the betterment of our local and international communities.

IN REMEMBRANCE OF CESAR E. CHAVEZ

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor Mr. Cesar Estrada Chavez. Seventy-nine years ago one of the greatest civil rights leaders of our time was born near Yuma, Arizona. A man that embodied the strength to fight for civil rights, Cesar Chavez dedicated his life to the liberty and justice of farm workers across America.

Mr. Chavez dedicated his life to teaching others that persistence, hard work, faith, and willingness to sacrifice one's self breaks down barriers. He committed himself to achieving justice and equality for all farm workers and paved the way for momentous social change.

Mr. Chavez began early in his life dealing with injustice and inequality; his family was forced off their land and subjected to working in fields all over California. He attended 37 schools, never succeeding past the eighth grade. Despite his tribulations, he was able to instill his passion for education in the hearts of all that he touched. Mr. Chavez taught that the love for justice is inherent in each and every one of us and that it is the most amazing and true part of being human.

In 1962, Mr. Chavez put his beliefs into action and formed what is known today as the United Farm Workers. His efforts initiated one of the greatest social movements of our time; fighting for safe and fair working conditions, reasonable wages, decent housing and the outlaw of child labor for farm workers everywhere.

Mr. Chavez embraced nonviolent tactics to help focus national attention on the problems that existed for farm workers. The non-violent tactics Mr. Chavez utilized included fasting, marching, rallying, picketing and boycotting. The vast attention that was drawn to the plight of the farm workers educated America of the great pain and exploitation the farm workers endured to produce food for millions of American families.

Mr. Chavez was said to have given his last ounce of strength defending the farm workers before he died in his sleep on April 23, 1993.

Cesar E. Chavez is honored throughout America for his tireless work to help those that could not help themselves. In my hometown of Houston, every year we celebrate the life and times of Mr. Cesar E. Chavez by holding a Hispanic Pride parade. An event sponsored by the community and an event to bring us together and celebrate as one.

We honor him today in life and in death for his leadership, his vision, his bravery, and his unselfish commitment to the principles of social justice and respect for human dignity. He will forever live on as an inspiration to those of us who seek to create a better world, and his legacy is one which serves to remind us that "Together all things are possible." Si se puede!

A TRIBUTE TO KATHIE T. RONES, M.D., M.P.H., FACP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished physician, Dr. Kathie T. Rones. It is an honor to represent Dr. Rones in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Dr. Rones is currently the Medical Director at Kings County Hospital Center a position she has held since 1996. Dr. Rones manages a staff of over a thousand doctors and hundreds of residents. As the busiest trauma in the State of New York, King's County has a minimum of 120,000 emergency room visits a year.

Dr. Rones is a Senior Clinical Associate Dean and Assistant Professor of Medicine at SUNY Downstate. Prior to her appointment as Medical Director, Dr. Rones served as Chief of Ambulatory Care Services and Director of the Medical Clinic at King's County and more recently as the Medical Director of Bronx Lebanon Hospital Center-Ambulatory Care Network. Dr. Rones went to Medical School at Brown University and earned her M.D. in 1980.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and selfless service of Dr. Rones as she continues to offer her selfless health services for the betterment of the community.

Mr. Speaker, may our country continue to benefit from the actions of altruistic community leaders such as Dr. Kathie T. Rones.

TRIBUTE TO THE LATE TRUEMAN KIRK PEEK

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. McKEON. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Trueman Kirk Peek.

Every once in a while, a person comes along who has the capacity to positively influence people, the community, and life in general. Kirk Peek was just such a man. It saddens me to say that, tragically, he perished in a plane crash on January 17, 2006.

Kirk was born on August 14, 1938 in Unionville, Missouri. Very patriotic and dedicated to our country, he joined the Marines in 1956. He was an avid outdoorsman and after his discharge, Kirk settled in Lone Pine, CA. A 41-year resident, he was the community's beloved barber and his shop was considered the unofficial center of town. People went to Kirk's barbershop for a friendly chat, to find shelter from inclement weather, shoot pool, or to pick up dry cleaning. Kirk was not always there, but the door was never locked. His shop was also a sort of self-help bank as well because frequently the cash register wasn't locked either. As Lone Pine's informal ambassador, Kirk welcomed tourists and his barbershop felt like a second home for many people.

Kirk was involved in several organizations over the years including the Lions Club, Mt. Whitney Golf Club, Little League, the volunteer fire department, Lone Pine Chamber of Commerce, Inyo Associates, and the Lone Pine Booster Club. Appointed to the Inyo County Board of Education in 1998, Kirk felt it was an honor to serve and he continually provided astute insights, wise counsel, and humble leadership.

An accomplished pilot, Kirk flew almost everywhere. He loved to fly and said it gave him a sense of spirituality and a sense of awe. He felt at home in the air and he would always make sure his plane was available for a friend in need.

Although Kirk will be remembered as a gregarious, honest, and caring man who was generous with his time and talents in order to help others, Kirk's lasting legacy rests in his family. He was a dedicated husband to his wife, Judy, and a loving father to daughter, Beth, as well as a devoted grandfather to Sara and Daniel Blodgett. Sadly, Kirk's son, Phillip Shawn Peek, passed away in 1991.

When Oscar Wilde said, "Some people cause happiness wherever they go," he could have been talking about Trueman Kirk Peek. With his contagious sense of fun and enthusiastic love of life, Kirk always brought out the best in people. He had a genuine affection for others and made friends wherever he went. And those friends deeply miss Kirk and mourn his passing.

A TRIBUTE TO PATRICIA DEANS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Patricia Deans, a decorator, designer, economist, coordinator, organizer and entrepreneur. I hope my colleagues will join me in recognizing her accomplishments.

Patricia was born in Wilson, NC in 1941 and is the oldest daughter of Samuel and Helen Ruth Reid. Patricia graduated from Charles H. Darden High School and moved to New York in 1959. In September 1963, she graduated from Adelphi Business School and began working in the health care profession where she remained for 30 years. She is the mother of three children, Sharon, Walter and Sean, and the proud grandmother of nine grandchildren.

As a community advocate, she is involved with the following organizations: National Association for the Study of African-American Life and History; National Juneteenth Observance Foundation, state coordinator; Solid Waste Advisory Board, SWAB, Brooklyn Borough President's appointment May, 1996; Glenmore Plaza Tenant's Association, president; Brownsville Heritage House Inc., first vice president; Faith Hope and Charity Community Services, Inc., secretary; Brooklyn Public Library Friends Group; Stone Avenue and Brownsville Branches; Multi-Cultural Committee for District 23, member; Youthbuild Brownsville, member.

Patricia's art exhibits have touched both children and senior citizens. Mt. Ararat-Presentation Church Community Senior Citizen Center exhibited her art during its Thanksgiving Convocation for resident leaders.

Patricia's work, which has a multi-cultural focus—Kwanzaa, Dr. Martin Luther King's Celebration, Hispanic Heritage and Black History Month to name a few—is also exhibited at the Brownsville Heritage House. Founded by Mother Rosetta Gaston in March 1981 at the age of 96, Brownsville Heritage House was to be a beacon of hope to the Brownsville Community. Patricia's commitment is to safeguard and enhance the work started by Mother Gaston. One of Patricia's greatest objectives is to see Brownsville Heritage House become to Brooklyn what the Schomburg Center is to Harlem. She desires to see children take advantage of the rich heritage contained within its walls. Patricia wants more people to become aware that Brownsville Heritage House, located on the third floor of the Stone Avenue Branch Library, is the first library built for children and therefore should have landmark status.

Patricia's art graced the Fort Greene Senior Citizen Center and other venues around the city as well as a library dedication at PS/IS 332, which was attended by the former first lady of New York City, Mrs. Joyce Dinkins along with other dignitaries.

Patricia's strong belief in improving the quality of life in urban and rural environment led her into becoming an entrepreneur in July 1994. She saw the need for community based partnerships to provide opportunities for the elderly, the children and the homeless. By pooling resources, sharing gifts and talents, the end results will provide multiple opportunities and empowerment for this population.

To further this quest, Patricia conducts workshops, consults on arts, education, restoration and environmental community development through the use of intergenerational instruction.

Mr. Speaker, Patricia Dean's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during rollcall votes 74, 75, and 76, taken last week.

Had I been present, I would have voted "no" on rollcall 74, the motion to instruct conferees on H.R. 4297; "yes" on rollcall 75, final passage of H. Res. 742; and "yes" on rollcall 76, the motion to table H. Res. 746).

A TRIBUTE TO MARIE I. HOLNESS-FLEMMING, LCSW

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Marie Isabel Holness-Flemming, Senior Associate Director of Social Work Services at North Brooklyn Health Network. I hope my colleagues will join me in recognizing her accomplishments.

Ms. Holness-Flemming is an accomplished professional, dedicated to helping people cope with illness and crisis. As a social work professional for over 20 years she has worked with and developed programs to service a wide variety of populations such as critical ill newborns, the elderly, persons with HIV/AIDS, victims of violence and substance abuse.

Ms. Holness-Flemming was born in Panama City, Republic of Panama to Boswell and Vera Holness. At the age of two, she immigrated with her family to the U.S. where they settled in the Bronx. Education, highly valued in her household, Ms. Holness-Flemming was a New York State Regent Scholarship winner. She went on to attend Union College In Schenectady, New York obtaining a Bachelor of Science degree in Biology and Psychology. After working for several years with preschool children as a day care teacher, she returned to academia and obtained a Master of Social Work degree from Hunter College School of Social Work.

Pursuing her interest in children, she worked for a child-abuse prevention agency focusing on "at risk" families in order to prevent children from entering the foster care system. Understanding that violence in the household was not only directed toward the children, she developed support groups for victims of domestic violence in an effort to empower women to protect themselves as well as their children. In 1987, she then joined the social work staff at Lincoln Medical and Mental Health Center where she served for 14 years in a variety of positions moving from direct practice to program development and administration. She worked as a Social Work Supervisor, Discharge Planning Coordinator, and Coordinator for HIV AIDS testing counseling programs, Director of Social Work and Associate Director for the Emergency Department. Ms. Holness-Flemming was honored by the Generations+Health Network as one of its outstanding women in March 2001.

Currently, at the North Brooklyn Health Network, Ms. Holness-Flemming is responsible for the social work staff at Woodhull Medical Center's Chemical Dependency Program and Cumberland Diagnostic and Treatment Center's Mental Health Program. She was instrumental in the implementation of the department's computer-based discharge planning program and has developed an ongoing education program for staff to ensure they are informed and are providing quality care. She is involved in a number of community outreach projects to promote closer ties to the surrounding community. Ms. Holness-Flemming is a member of the hospital's Ethics Committee and Acute Care Flow team. She is a member of the National Association of Social Workers, NASW, and the Counsel of Social Work Adminstrators.

Ms. Holness-Flemming is a member of St. Peter's Episcopal Church and the Homeowner Association where she has assisted in numerous food and clothing drives. She has volunteered time to assist the elderly in nursing homes and worked with the homeless. Ms. Holness-Flemming counts her family as her primary support system. She still resides in the Bronx with her husband of eight years, Tony Flemming, and her mother. In her free time she enjoys gardening, reading, watching ballet and modem dance and going to museums.

Mr. Speaker, Marie Isabel Holness-Flemming's selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 4, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 5

Time to be announced
Veterans' Affairs
Business meeting to consider the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary of Veterans Affairs for Benefits.
S–216, Capitol

9:30 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine Department of Defense's role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.
SR–222

Environment and Public Works
To hold hearings to examine the nominations of Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation, and James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances, and William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator, both of the Environmental Protection Agency.
SD–628

Foreign Relations
To hold hearings to examine the Indian separation plan and the administration's related legislative proposal, relating to U.S.-India atomic energy cooperation.
SH–216

Indian Affairs
To hold hearings to examine the problem of methamphetamine in Indian country.
SR–485

10 a.m.
Health, Education, Labor, and Pensions
Bioterrorism and Public Health Preparedness Subcommittee
To hold hearings to examine all hazards medical response.
SD–430

Finance
To hold hearings to examine the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.
SD–215

Homeland Security and Governmental Affairs
To hold hearings to examine S. 2459, to improve cargo security.
SD–342

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for Sergeant At Arms, U.S. Capitol Police, and Capitol Guide Service.
SD–138

2 p.m.
Appropriations
Commerce, Justice, Science and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Justice.
SD–192

2:30 p.m.
Appropriations
Energy and Water Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for Army Corps of Engineers.
SD–124

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine Islamist extremism in Europe.
SD–419

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine various avenues of Federal funding for museums including authorized programs, grantmaking agencies and earmarks.
SD–342

Commerce, Science, and Transportation
Global Climate Change and Impacts Subcommittee
To hold hearings to examine the current and future role of science in the Asia Pacific Partnership.
SD–562

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the 2005 wildfire season and the Federal land management agencies' preparations for the 2006 wildfire season.
SD–366

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.
SR–222

APRIL 6

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for Environmental Protection Agency.
SD–124

Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of the Treasury.
SD–138

10 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers.
SD–562

Aging
To hold hearings to examine employment and community service for low income seniors.
SD–106

10:30 a.m.
Finance
To hold hearings to examine challenges and opportunities relating to health care coverage for small businesses.
SD–215

Appropriations
Homeland Security Subcommittee
To hold hearings to examine the United States Coast Guard's role in border and maritime security.
SD–192

1:30 p.m.
Appropriations
District of Columbia Subcommittee
To hold hearings to examine healthcare in the District of Columbia.
SD–138

2 p.m.
Appropriations
Energy and Water Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the National Nuclear Security Administration.
SD–192

Foreign Relations
To hold hearings to examine the nomination of Mark C. Minton, of Florida, to be Ambassador to Mongolia.
SD–419

Judiciary
Intellectual Property Subcommittee
To hold hearings to examine proposals for a legislative solution relating to orphan works.
SD–226

Veterans' Affairs
To hold hearings to examine the VA's 5-year capital construction plan.
SR–418

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine the effectiveness of the Small Business Administration, focusing on SBA programs and their financial impact on the budget and economy.
SD–342

Finance
Long-term Growth and Debt Reduction Subcommittee
To hold hearings to examine if America is saving enough to be competitive in the global marketplace relating to saving for the 21st century.
SD–215

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1510, to designate as wilderness certain lands

within the Rocky Mountain National Park in the State of Colorado, S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, S. 1957, to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 2034 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, S. 2252, to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States, and S. 2403, to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision.

SD-366

Armed Services
SeaPower Subcommittee

To hold hearings to examine Navy Shipbuilding in review of the defense authorization request for fiscal year 2007.

SR-232A

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH-219

3:30 p.m.
Armed Services
Strategic Forces Subcommittee

To hold hearings to examine military space programs in review of the defense authorization request for fiscal year 2007.

SR-222

APRIL 25

9:30 a.m.
Agriculture, Nutrition, and Forestry

To hold hearings to examine the state of the biofuels industry.

SR-328A

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine fostering innovation in math and science education.

Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD-138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.

SD-138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine accelerating the adoption of health information technology.

Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD-138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

POSTPONEMENTS

APRIL 5

2 p.m.
Judiciary

To hold hearings to examine judicial nominations.

SD-226

SENATE—*Tuesday, April 4, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of time and eternity, we praise and honor Your Name. You give strength and hope to the weary. You are more than we can comprehend, yet You dwell with those who have contrite spirits.

Bless the Members of this body. Keep them steadfast and always excelling in the things that glorify You. Remind them that those who serve You will not labor in vain.

Although we do not know what this day will bring, we trust You to use us as instruments of Your will. Consecrate our actions with the power of Your love.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 4, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, at 10 a.m., we will proceed to a vote on the confirmation of Michael Chagares to be a U.S. circuit judge for the Third Circuit.

Following that vote, we will resume debate on the border security bill. We have four first-degree amendments pending to the bill at this time, and we expect to begin votes on those amendments today. The chairman is ready to dispose of those amendments so that we can consider additional amendments to the bill. This is the final week before the Easter break. However, I believe it is ample time to consider this bill, if we get everybody's cooperation and participation. If we can consider amendments under reasonable time agreements, then we can make substantial progress each day and evening in order to finish our work on the bill. Having said that, we will have votes each day this week, with late-night sessions possible as we move forward on the bill.

TENNESSEE STORMS

Mr. FRIST. Mr. President, on Sunday evening, severe storms and tornadoes struck the western part of Tennessee, leaving a damage trail 25 miles long and a quarter to a half mile wide throughout Dyer County. It really struck two counties, Dyer and Gibson. The assessment is underway. About 2,000 homes and businesses have been destroyed or suffered substantial damage, a devastating blow to these small rural communities which have suffered the greatest impact from the storm. There have been reported 23 fatalities that have been confirmed as a result of the tragedy. A number of other Tennesseans—right now, the count is roughly 82—have been injured, 17 critically. This morning, I offer my deepest sympathy to the loved ones, the families that have been affected. My thoughts go out to those recovering from these unforeseen events.

Governor Bredesen has requested a major disaster declaration for the State, and yesterday I asked the President for expeditious review and approval of Tennessee's request for assistance. I spoke yesterday with the Acting Director of FEMA, David Paulison, as well to express my strong support for the State's request. I will continue working with the administration and my colleagues in the Tennessee delegation to ensure State and local officials have the resources they need to assist our communities.

Again, our thoughts and prayers go out to all of the families affected.

IMMIGRATION REFORM

Mr. FRIST. Mr. President, I wish to comment on the immigration reform debate. Our borders are dangerously porous, and our immigration system is flatout broken. That is why it is so important for us to debate and focus on the issue of immigration reform and to bring that debate to closure over the course of this week. It is my hope that by Friday we will have a bill that is fair and equitable, that gives priority to our security concerns and at the same time respects America's strong and proud immigrant tradition. We are a nation of the rule of law and a strong nation of immigrant heritage.

Last October, I met with a number of Senators, including Senators CORNYN and MCCAIN, to discuss my intention to bring the immigration issue to the floor this spring. Why? Because the system is broken. There are millions of people coming across our borders, 25 percent growth last year in illegal immigrants coming across our borders. It is broken. It is broken at the borders, in the interior. And our temporary worker program is broken.

I laid out at that time a specific plan for border security where we had broad agreement and then build on the consensus of border security with a comprehensive approach that included what happens on the interior: that is, the worksite, workplace enforcement, as well as, in the third dimension, fixing the temporary worker program.

Over last week and the first part of this week, we have followed the plan laid out last October. We started with strong border control and expanded to interior and worksite enforcement, as well as what I hope will be a fair, equitable, commonsense temporary worker program. All three elements are necessary.

I am optimistic that by staying focused and by working together—again, this is not a partisan issue, as the Democratic leader knows in talking to his caucus and as I know in talking to my caucus, this is not a Republican or Democratic issue; it is a challenge for all of us to put together a workable, realistic immigration reform bill—we can forge a plan that deals effectively with our national security, that protects the rule of law, and that recognizes that our economic interests can be reflected in strong legal immigration programs.

What we cannot support, however, is amnesty. To me, amnesty is when you give someone who has clearly broken the law a leg up on the pathway to citizenship. Giving illegal immigrants a special path to citizenship essentially

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

rewards people who have broken the law. It simply doesn't make sense when you have other law-abiding people around the world who are being disadvantaged. You are punishing people who follow the law. To give amnesty, as we did in the 1980s and as some propose to do today, simply sends a strong signal to the world or to anybody who would like to come to America that they don't need to obey the law; if you sneak into this country, eventually there is going to be another round of amnesty. That aggravates the problem. It creates a magnet to attract people to this country illegally.

Twelve million illegal immigrants now reside in the United States. We hear the figures—11 million, 12 million, or is it 21 million? We don't really know because they are illegal immigrants. We don't know what their names are. We don't know where they are. We don't know exactly what they are doing. One of the goals has to be to bring them out of the shadows.

What has become increasingly clear from our discussion in the Senate is that this is not a monolithic group, these 12 million people. Forty percent have been here longer than 10 years. In all likelihood, they are much better assimilated, maybe fully assimilated into our society today. Forty percent have been here less than 5 years. It may be that we will need to break down this group and look at it. Maybe the 40 percent who have been here for greater than 5 years should have some access to a green card, and the 40 percent who have only been here a few months or maybe even a couple years could be dealt with differently. It is not a monolithic group. A successful, realistic immigration program has to acknowledge the different groups and treat them accordingly. Only then do I believe that we can succeed in getting the 12 million people out of the shadows, encouraging them to identify themselves and then function within the system.

In addition, I support a strong and fair temporary worker program that allows people to fill what employment needs we have, to learn a skill, to send money home, to return to their hometowns to help build and develop their communities. As I said last October, we need this three-pronged approach which begins with border security, strengthens workplace enforcement, and offers a fair and realistic temporary worker program for the hardworking men and women who come to this country to earn for their families back home. All three elements are vital. All three require action. Only a comprehensive approach will fix this broken system.

I look forward to continuing our debate this week. I am optimistic that by working together and applying a little common sense, we will come up with a plan that gets the job done and makes America safer and more secure.

Mr. DURBIN. Mr. President, I would like to respond briefly to the majority leader.

Pending before the Senate is a historic piece of legislation, maybe one of the most important bills we have considered in years. We are trying to fix a broken immigration system. It is entirely broken. Everyone concedes that our borders are out of control. At this point, we cannot control the flow of people across our borders, and we have no idea who is coming and going and staying in America. We couldn't afford that in normal circumstances. We can't afford it, certainly, when we are facing a war on terrorism where security is paramount.

The bill we have before us says: Let's fix the borders. Let's make sure we have the appropriate number of officers on the borders, the technology so that people are not coming across illegally. Let's do it right.

After 5 years of failure under this administration, we need to have borders that are better and stronger, and we need to know who is coming.

Secondly, we have to acknowledge that there are 11 or 12 million people in America who are not legally recognized. They are here. They are working every day. They are an important part of our economy, but they are not legally recognized. The question before us is, How do we bring them out of the shadows to the point where we know who they are, where they live, and where they work? The only way to do that is to create an opportunity for them to reach legal status. But it is something they have to earn, not just automatically, not amnesty, no free ride. Don't put them in the front of the line but say to them: If you are willing to struggle hard for 10 or 11 years and meet those requirements, we will give you a chance for the legal pathway to citizenship. That is what this bill is all about.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MICHAEL A. CHAGARES TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session.

The clerk will report.

The legislative clerk read the nomination of Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided for debate.

Mr. LAUTENBERG. Mr. President, I rise to express my support for the confirmation of Michael Chagares to a seat on the U.S. Court of Appeals for the Third Circuit.

A Federal judge must be fair, impartial, and well-qualified. I strongly believe that if you look at Mr. Chagares' record and his appearance before the Senate Judiciary Committee, it is obvious that he is the right person for this assignment.

Mr. Chagares is currently in private practice, but he served in the U.S. Attorney's office in New Jersey for 14 years.

Through hard work and diligence, he rose to become the head of the civil division, where he supervised and managed all civil cases on behalf of the United States Government, its agencies and officials. He oversaw litigation, directed legal positions to be taken in court, and approved settlements.

Before he became head of the civil division, Mr. Chagares directed the Affirmative Civil Enforcement Unit of the U.S. Attorney's Office for several years. During his tenure in the U.S. Attorney's office, Mr. Chagares received a number of awards and commendations, including two director's awards for superior performance as an assistant U.S. Attorney.

Mr. Chagares is a graduate of Seton Hall Law School in Newark, where he has also taught as an adjunct professor since 1991.

His familiarity with the Third Circuit goes back to the late 1980s, when he worked as a law clerk for the honorable Morton Greenberg.

The Third Circuit is based in Philadelphia, and it considers appeals from Federal district courts in Pennsylvania, New Jersey and Delaware. It is a vitally important court, and his is an important seat, as he will replace Michael Chertoff, who left the court to serve as Secretary of the Department of Homeland Security.

I hope my colleagues agree with me that Mr. Chagares is more than qualified for this position, and I hope they will join me in voting for his confirmation.

Mr. MENENDEZ. Mr. President, I rise in strong support of the nomination of Michael A. Chagares to be a Circuit Judge on the U.S. Court of Appeals for the Third Circuit.

It is an honor that another person from my home State of New Jersey has been called to serve this Nation by the administration. The confirmation of a judge to a lifetime appointment is a vital responsibility given to this body by the Constitution and one that I take very seriously.

Mr. Chagares has been nominated to replace the current Secretary of Homeland Security, Michael Chertoff, on the

Third Circuit. No matter one's political persuasion, we all take pride in the honor that has been bestowed on a fellow New Jerseyan.

Mr. Chagares is a New Jersey native who graduated from Gettysburg College and Seton Hall School of Law, with honors. Upon graduation, he clerked for Judge Greenberg on the Third Circuit. Over the past 15 years, Mr. Chagares has served the public with distinction in the U.S. Attorney's Office for the District of New Jersey and has also worked in private practice.

In addition, he is a popular Professor of both appellate advocacy and civil trial practice at Seton Hall. I believe this popularity is a testament to his ability to both convey the essence of the subject matter and do it in a way that excites a new generation of lawyers.

The American Bar Association has rated Mr. Chagares as "well qualified" for the position that he has been nominated. It is a view that I share as well.

I am pleased to see that people of his quality are willing to serve our Nation in the administration of justice, and join Senator LAUTENBERG in commending him to the Senate.

Mr. President, I urge my colleagues to support the nomination of Mr. Chagares to be a judge on our Nation's Third Circuit Court of Appeals.

Mr. LEAHY. Mr. President, this morning, the Senate will confirm Michael Chagares to a lifetime appointment to the U.S. Court of Appeals for the Third Circuit. This confirmation will bring the total number of judicial appointments since January 2001 to 235, including the confirmations of 2 Supreme Court Justices and 44 circuit court judges. Of course, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate. In the other 45 months, under Republican control, only 135 judges have been confirmed. Ironically, the Senate was almost twice as productive under Democratic leadership as under Republican leadership.

Recently, President Bush withdrew the nominations of Judge Henry Saad to the Sixth Circuit Court of Appeals and Judge Daniel P. Ryan to the Eastern District of Michigan. These withdrawals are long overdue and bring to a close a sad chapter in history of judicial confirmations when the President and the chairman of the Judiciary Committee ignored opposition to nominations by the home State Senators.

Even with negative blue slips opposing the nominations in 2003 from the home State Senators, the former Judiciary Committee chairman took the position to ignore them and proceed with hearing and to force the Saad nomination through the committee on a party-line vote. That was the first time the committee voted on a nominee with two negative blue slips and it may have been the first time any chairman and any Senate Judiciary Committee proceeded with a hearing on a judicial nominee over the objection of both home State Senators. It is certainly the first time in the last 50 years, and I know it was the first time during my 32 years in the Senate.

When Chairman HATCH chaired this committee and we were considering the nominations of a Democratic President, one negative blue slip from one home State Senator was enough to doom a nomination and prevent a hearing on that nomination. Indeed, among the more than 60 Clinton judicial nominees who this committee did not consider there were several who were blocked in spite of the positive blue slips from both home State Senators. So long as one Republican Senator had an objection, it appeared to be honored, whether that was Senator Helms objecting to an African-American nominee from Virginia or Senator Gorton objecting to nominees from California.

The blue-slip policy in effect, and enforced strictly, by the Republican chairman during the Clinton administration operated as an absolute bar to the consideration of any nominee to any court unless both home State Senators had returned positive blue slips. No time limit was set, and no reason had to be articulated. Remember, before I became chairman in June of 2001, all of these decisions were being made in secret. Blue slips were not public, and they were allowed to operate as an anonymous hold on otherwise qualified nominees. In the 106th Congress alone, more than half of President Clinton's circuit court nominees were defeated through the operation of the blue slip or other such partisan obstruction.

Perhaps the best documented abuses occurred in the Sixth Circuit, when the nominations of Judge Helene White, Kathleen McCree Lewis, and Professor Kent Markus to that court were blocked. Judge White and Ms. Lewis were themselves Michigan nominees. Republicans in the Senate prevented consideration of any of President Clinton's nominees to the Sixth Circuit for years. When I became chairman in 2001, I ended that impasse. Under Democratic leadership, in spite of the abuses by Republicans, we proceeded to consider and confirm 2 nominees to the Sixth Circuit among the 17 circuit judges we were able to confirm in our 17 months. We have continued to confirm judges, and the vacancies that once plagued the Sixth Circuit have been cut dramatically. Where Republican obstruction led to 8 vacancies on that 16-judge court, Democratic cooperation has allowed these vacancies to be filled and only 2 remain. The Sixth Circuit currently has more judges and fewer vacancies than it has had in years.

Ignoring the opposition of Michigan's Senators, President Bush renominated Judges Saad and Ryan in 2005 rather than nominate consensus nominees for those vacancies that could be easily confirmed. In fact, Judge Ryan's nomination was not withdrawn until last week even though he received a majority "not qualified" rating from the American Bar Association in March 2005. I look forward to the White House reconsidering its confrontational posture and working with the Senate to send to the Senate well-qualified nominees who can be confirmed with the support of Michigan's Senators.

These are not the only nominations the President has withdrawn recently. Last month, the President also withdrew the nomination of James Payne to the Tenth Circuit Court of Appeals after information became public about that nominee's rulings in a number of cases in which he appears to have had a conflict of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA but by online journalists.

As I discussed last month, at a minimum that case and the other withdrawals reinforce concerns about this White House's poor vetting process for important nominations which became apparent with the withdrawals of Bernard Kerik to head Homeland Security, Harriet Miers to the Supreme Court, and Claude Allen to be a Fourth Circuit judge. It was not the administration's vetting but reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination. Democratic Senators resisted the nomination of Allen, a Virginian, because the President was seeking to appoint someone from another State to a Maryland seat on the Fourth Circuit. Unfortunately, rather than being thorough in selecting lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans, all too often this White House seems more interested in rewarding cronies and picking political fights.

As today's confirmation demonstrates, Democrats in the Senate cooperate with this White House when it focuses on sending the Senate qualified consensus nominees. Unfortunately, as the recent withdrawals demonstrate, this White House too often does not want to cooperate with us.

I congratulate the nominee and his family on his confirmation today.

Is all time yielded back on the nomination?

Mr. DURBIN. I yield back all time on the minority side and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 86 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Cochran
Rockefeller

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KYL. Mr. President, I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. Without objection, under the previous order, the President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, we have a number of people who want to speak on both sides, and the distinguished chairman is here. I was going to ask unanimous consent—let me discuss one thing first before I do—to first allow the two distinguished Senators from Florida to speak briefly on a matter not involving immigration but involving——

Mr. CRAIG. Does that have to do with basketball?

Mr. LEAHY. A group by the name of the Gators.

But before they do that—I hope to maybe go back and forth—I would like to ask to be able to lock in on this side, realizing that we will probably go the traditional way, back and forth on the bill on both sides, that it would be Senators NELSON, MENENDEZ, LIEBERMAN, SALAZAR, DURBIN, and KENNEDY.

What I was going to recommend is we ask people to be able to speak in 15-minute blocks, each one of them speaking for 15 minutes, realizing that if we work it this way, I would imagine the distinguished chairman would want 15 minutes on his side, and go back and forth.

So I would propound that following discussion by Senators NELSON and MARTINEZ, recognizing the significant accomplishment for Florida, we have 15 minutes a side for discussion and that the Senators on our side in the slotted times be Senator NELSON of Florida, Senator MENENDEZ, Senator LIEBERMAN, Senator SALAZAR, Senator DURBIN, and Senator KENNEDY.

Mr. SPECTER. Mr. President, reserving the right to object, and I may well object, the question that comes to my mind is, When are we going to proceed to consider amendments and try to move the bill? When the distinguished ranking member says to give the chairman a chance to speak—I have spoken enough. We went on this bill on Wednesday afternoon and we spoke all day Thursday, and there weren't too many speakers around on Friday, but there was an opportunity to speak. And we were here yesterday afternoon, and not too many speakers pursued an opportunity to speak.

So the question that I have—and perhaps I can better talk to Senator LEAHY about it privately—when are we going to move to amendments? We need to finish this bill this week, and I would like to move to amendments.

Mr. LEAHY. Mr. President, I have the floor.

Mr. SPECTER. Wait a minute. I don't know who has the floor, but I will yield to you.

Mr. LEAHY. No, no. Finish what you were saying.

Mr. SPECTER. Mr. President, Senator KYL is ready to offer an amendment. Senator ALLARD is ready to offer an amendment. I see Senator KENNEDY with his portfolio; maybe he has an amendment. I would like to move to amendments to try to move the bill.

Mr. LEAHY. Mr. President, I know there are amendments on both sides. I have already stated my admiration for the way the Senator from Pennsylvania moved this bill through the committee and on to the floor. I would like to have finished the bill last week, and I share his sense of urgency to finish. I suspect there will be discussions about this in both the caucuses this noon. I wonder if possibly the Senator from Pennsylvania and I, and whomever else he would like, could try to sit down and work out an order for amendments so that we can move forward. But that probably will not happen until after the caucuses, and I thought we could at least have others speak. I have spoken, and I will include another statement for the legislative record this morning. But I think if we get Senators down here to talk about it, we can also work out the time for amendments.

Mr. KYL. Mr. President, would the Senator from Vermont yield for a question from me regarding this unanimous consent request?

Mr. LEAHY. Of course.

Mr. KYL. That would not preclude the offering of an amendment by unanimous consent?

Mr. LEAHY. Mr. President, for offering an amendment, it would require, of course, unanimous consent. I have not included, just because it gets too complicated—that is why I wanted to work out with the distinguished chairman when such amendments might be offered. It would allow Senators to speak, but any Senator speaking, if they wanted to offer an amendment, would still require unanimous consent then. Rather than trying to micromanage this all the way down the line, I will let each Senator make that request.

Mr. KYL. I thank the Senator. I just wanted to get an amendment pending but not to speak on it.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. Mr. President, we are only going to move ahead if we come to an understanding; I recognize that. If the Senator from Vermont wants to have a speaking sequence, I will not object, and we can retreat from here into his cloakroom to try to figure out when we are going to move the bill. We are giving up almost 2 hours; perhaps we can work this evening to make up that time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLARD. Mr. President, I have an amendment I am ready to offer, and I would like to speak to that amendment. So the way the agreement is being put together now, I will be expected not to offer that amendment until after we have had more discussion between both sides; is that correct?

Mr. SPECTER. Mr. President, I think Senator ALLARD accurately states it. When he has his 15 minutes, nothing will stop him from talking about the amendment.

Mr. LEAHY. That is right.

Mr. SPECTER. And he can lay the groundwork so that when he does offer the amendment later, he will not have to speak quite as long.

Mr. LEAHY. Mr. President, the Senator from Pennsylvania states it accurately. A number of Senators, I suspect, on both sides are going to talk about amendments they intend to offer. Unanimous consent will not be given for anybody to offer an amendment on either side during this time, but I would encourage Senators to talk about the amendments they intend to offer.

Mr. KYL. Mr. President, I object to the request.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. LEAHY. Mr. President, any Senator can object. I have been told that there are those on the Republican side who would object to a Democrat offering an amendment, so I suspect there would be similar objections here. But any Senator can speak about his or her amendment. Any Senator can offer an amendment. Any Senator can make an objection. But insofar as there are going to be objections on the Republican side to some Democratic amendments, and vice versa—there is a Democratic amendment pending, of course, that of Senator MIKULSKI—I thought, until we get to the caucus, at least we could accomplish something by talking about the amendments we want to offer.

I will again make a unanimous consent request that after the two distinguished Senators from Florida speak about the Gators, there be 15 minutes a side to talk on the bill or amendments Members wish to offer. And if we do that, again, I realize we would alternate. On the Democratic side it would be Senator NELSON of Florida, Senator MENENDEZ, Senator LIEBERMAN, Senator SALAZAR, Senator DURBIN, and Senator KENNEDY.

I renew that request.

Mr. KYL. Mr. President, might I direct an inquiry to the Senator from Vermont?

Mr. LEAHY. Certainly, Mr. President.

Mr. KYL. If the Senator from Vermont would agree to have the two Senators from Florida speak to their State's accomplishment, as you noted it, perhaps we could then work out the rest of it. I simply have an amendment I want to lay down and not to speak to it, but I hope nobody would object to that. That is what I wish to discuss with the Senator. Can we amend the unanimous consent request to get the conversation started and we can go back and see what we can work out to accommodate Senators?

Mr. LEAHY. Mr. President, I ask unanimous consent the two Senators from Florida be allowed to speak at this point about the Gators as in morning business, but I will then again request at least on our side we have an order of speakers as I have noted.

I ask unanimous consent now simply that the two distinguished Senators from Florida be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Florida.

CONGRATULATING THE FLORIDA GATORS

Mr. NELSON of Florida. Mr. President, for anyone who watched on national TV or was privileged to be there in Indianapolis to see the game, there is a profound respect that is now accorded to the University of Florida Gators basketball achievement of being the national champions.

What teamwork. What individual accomplishment. But in that individual accomplishment, what teamwork. For all of that, certainly, a great deal of credit has to be given to the coach.

Florida has long been known as a football powerhouse. But the basketball coach of the University of Florida has now made it, in athletic history, a basketball powerhouse.

Floridians are celebrating this morning, as they have celebrated throughout the night, and with just occasion. The Florida Gators, coming in, were not at the top seed. Indeed, at the beginning of the season the Florida Gators were not even ranked. Yet this incredible talent, all melded together in extraordinary teamwork, has produced a national champion.

This Senator joins with my colleague from Florida and we offer our heartiest congratulations. Later in the day we will be jointly offering a resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I join my colleague from Florida in congratulating the University of Florida, the Florida Gators, Jeremy Foley, the athletic director, Billy Donovan, the brilliant head coach, and all the members of that very distinguished team in their first historic national championship in basketball for a Florida school.

As a dyed-in-the-wool Florida State Seminole, I must say I take my hat off to the Gators. Today is a day for all Floridians to rejoice in this accomplishment and this victory.

In this accomplishment we have seen not only the magnificent leadership of the coach—and I think he ought to be recognized nationally for that—but also this team that worked and performed in such an unselfish way. We hear the phrase, "they were an unselfish team." In this day and time, when it is the "me" culture—so much of it is about me, me, me—these guys played as a team. They passed the ball to each other, they contributed as a team, and all were able to make a contribution. The average margin of victory in the tournament was 16 points, which speaks volumes for this very tremendously competitive tournament.

But focusing on Billy Donovan, he is only 40 years old and is now competing in his second National Championship game—the unusual feat of doing it as a player with Providence and now doing it as a coach for the University of Florida. John Wooten, the much heralded and historic coach at UCLA who actually led the Bruins to victory against Florida State in 1972 in the final game, was at UCLA for 15 years before he won his first national title. Billy Donovan is way ahead of that mark.

Today is a terrific day to rejoice, for all Floridians to rejoice for this great accomplishment of teamwork, of a job well done. I will be very happy to join with the senior Senator from Florida in a joint resolution that we will make part of the record.

I want to make sure all in Gainesville and throughout the State know how proud we are here in the Nation's Capitol of the accomplishment of those young men who played so well and displayed such good sportsmanship and unselfishness.

I yield the floor.

SECURING AMERICA'S BORDERS ACT—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, now that we are back on the immigration bill, I thought I might for a few moments discuss in general some of the provisions in it that I think are extremely important and that are being discussed by a good number of my colleagues. I understand the Senator from Colorado wishes to discuss in general an amendment he will offer later. I hope no one would object to that because it does not actually offer the amendments but allows the debate to move forward while the chairman and the ranking member are determining the schedule of events here.

Mr. LEAHY. Mr. President, will the Senator from Idaho yield, without losing the floor, for a suggestion?

Mr. CRAIG. I yield for that purpose.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, may it be in order to ask consent that when the distinguished Senator has finished speaking, the senior Senator from Florida be then recognized to speak, all sides retaining their rights, of course, on the offering of amendments?

Mr. CRAIG. With the understanding following that the Senator from Colorado will be recognized? Does that fit his schedule?

Mr. ALLARD. That will work out fine for me.

Mr. LEAHY. I ask further consent that following the distinguished Senator from Colorado the distinguished Senator from New Jersey, Mr. MENENDEZ, be then recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, for at least a few moments this morning, we have an order to continue discussion on this critically important legislation. Let me say in general that S. 2454, attempting to be a comprehensive reform of national immigration law, setting forth very strict border control efforts, authorizing tremendous expenditures for the purpose of controlling our borders, is a bill that finally is awakening the Senate. Some of us have been engaged in the debate on immigration for a good number of years, but many of my colleagues have, for whatever reason, chosen not to be. They are busy. But there is no question in my mind and I think the minds of almost every Senator today that the American people have said immigration reform is a priority, border control is a priority: Congress, get with it. We no longer can, nor should we, tolerate within our boundaries whatever that number is—7 million, 8 million, 9 million? If you want to listen to Lou Dobbs on television, he will say it is 20 million. Lou Dobbs doesn't know, nor do we know, exactly how many undocumented foreign nationals are here.

We do know some fundamental basics. If we do not control our borders, if we do not control in-migration, in time we can lose our character as a country. We are a nation of immigrants and we are proud of it. We are, as has been said by many, over a historic period of time, a melting pot of the world. It has proved us as a nation to be unique. It has given us our strength. It makes us something no other nation is. How many people can become Japanese? How many people can become an Italian? How many people can become a German? Any one of those nationalities can become an American. Why? It is the uniqueness of our country.

But in becoming an American, we have always put parameters around it. We have always said you had to study, you had to learn, you had to move yourself into the American culture and the American dream. You had to have, and we allowed, an assimilation. What we have lost in the last two decades by not controlling our borders is that very assimilation in the style with which it operated in the past.

Many of us, and most Americans, wish to regain that. It isn't that we deny our heritage; we are tremendously proud we are a nation of immigrants. We want to continue that tradition. It is our strength. But in doing so, you control your borders, you control the in-migration, and you do so in an orderly fashion.

If we control our borders, if we are successful in shutting them down and only allowing to move through that which is legal, in an orderly fashion, what do we do then? With the unknown number of some 8 or 10 million foreign nationals who are here illegally, what do we do with them? Mr. President, 99 percent of them are hard workers. Many have been here for years. They are a part of our economy. They are a part of our lifestyle. Most of them are contributors. Very few of them are detractors.

A few are. A few are criminals, and they ought to be arrested, if we can find them, and they ought to be thrown out of the country. But what do we do if we take all the rest and toss them out? Who fills those jobs? Who meets those demands? Who does the kind of work about which the average American citizen today says, "I won't do that," yet it is critically important—for the food on the supermarket shelves of America, for the beds in the resorts and the hotels, for the landscape, for construction, for the oil patch. You name it. Illegal foreign nationals are everywhere in our economy today whether we like it, whether we are willing to admit it. They are here in part because of our negligence, but they are also here because they have been needed, because our economy asked them to come and there were no restrictions for them to gain entry other than to walk across a border that was unguarded and uncontrolled.

In that act they broke the law, our law. This bill tries to fix it. I can't tell you on face value it does. What I do know is it will take billions of dollars and a lot of trained personnel to go job site by job site to secure those who are illegal and to move them through a process toward legality or out of the country. I am not sure we are prepared to do that yet.

I am convinced of one thing: We can control the borders and we should.

Starting nearly 5 years ago, I recognized this in American agriculture because American agriculture came to me. I have worked with them closely on a variety of issues. And they said: Senator, nearly 70 percent of our workforce is illegal and we know it, and it is wrong and we want to fix it because we don't want to be operating on a shaky base. We need these people to pick the crops, to harvest the crops, and to process the crops. We need them on a timely basis. They need to be reliable. The current system is broken and it doesn't allow it. It only identifies 40-some thousand legal agricultural workers a year, and there are 1.2 million that are necessary. The system is broken.

I began to work with them. We worked collectively and came up with a bill. We worked with Democrats and Republicans, House and Senate. We worked with Hispanic groups, we worked with labor unions, we worked with the farm organizations, and we produced a bill known as AgJOBS. We looked at all of the compromises that had to be made. We tried to recognize those who had been here illegally but had been here for a long while, and those who were just coming and going—the day laborers on the Mexican-Arizona-California border who come across to work for the day and go back across at night to their homes.

This is a phenomenally complicated issue. S. 2454 is the bill that I and others crafted known as AgJOBS.

For just a few more minutes, I will walk you through one portion of it. It is a two-part bill.

It deals with those who are currently here working in agriculture, and then it goes over and reforms the H-2A guest worker program, to streamline it, to take out the bureaucracy, to make it function in a way that is the kind of program that many are talking about today, a seasonal worker, guest worker program, to come to work, to go home but to recognize the need to treat those folks humanely, to offer to them the jobs that Americans won't do, to assist where we can, to recognize that our economy needs them and they ought to be dealt with appropriately.

How do we then deal with this 8 million? Let me talk to you this morning not about 8 million but about 1.2 million, just a small window but I believe an opportunity while looking through that window to see what the rest of America is like and in part what those 8 million illegals might be like. It is to recognize them, it is to identify them, it is to have them come forward if they have been here 3 years—since 2003—working and can demonstrate that they worked for 150 days in agriculture and then to allow them to earn the right to stay by continuing to work in agriculture for another 150 days up to 5 years.

It is a pilot program. It allows only 1.2 million during that 5-year period. It allows them to adjust and to gain a blue card—legal working status.

Is it amnesty? Well, somebody will call it that. Others have already called it that. I call it earning a status. They have to pay a fine. They have to pay a $500 fine. They have to have a background check. If they have a legal record of misconduct and criminal conduct, they don't qualify. They will have to be deported.

So there is a true tightening of the relationship with these workers, but it is a clear understanding that those workers are needed and necessary in the workforce. Agriculture, like no other business, is what it is at the time it is. By that I mean when the fruit is ripe, you pick it. If it isn't picked, it rots on the vine.

Much of what we do in agriculture is hand labor. It is intensive, hard work, backbreaking in the hot Sun kind of labor. The average American citizen says: I don't do that kind of work anymore but, oh, do we love the abundance of the supermarket shelf.

There are people who will do that work. Many of them are here as migrant workers, illegal foreign nationals doing just that work. They see it as an opportunity because any job in America is better than an entry job in Mexico. They come here, earn money, and 90 percent of them want to go home after they have earned their money. They go back to their nation, Mexico. They can live better than they have ever lived because of the money they earned in America—in the United States. But 90 percent of them say: We don't want to become American citizens. We want to come and work. We are Mexicans. We like being Mexicans. We are proud of that.

The story goes on and on. I will spend more time on the details of this issue.

There are those offering amendments to change the AgJOBS provision. Some may pass, I don't know. I believe we have a quality product that has been years in the making, not only before the Judiciary Committee but Democrats and Republicans alike. Farm workers and farm organizations and American agriculture have been meeting for 5 years to try to identify the problem and to correct it. That work effort is here in this bill. It is a quality work effort. It is one that ought to be defended. It is one that clearly recognizes all of the differences in the American economy today and the uniqueness of agriculture.

Let me close with this thought. The average illegal in our country today will say when asked—and they have been asked by people they trust—how long do you stay in an agricultural job? It has been said by some—and I believe it is true because it has been said by those who are here in those jobs—they say: We see agriculture as the door to entry. We stay there a couple of years. We learn the ropes. We get to know your country a little better, and then we go out to other jobs—construction, home building, the service industry and oil patch, and a variety of other areas across the country where day laborers, backbreaking labor, hard labor is required as the uniqueness of that particular place of employment.

So agriculture is kind of the window, the door of entry that many come and work in before they go elsewhere. That is why it is important, no matter what we do, that we try to get this right, to control our borders, to begin to identify where the borders are controlled, where people go, and what our needs are and what their needs are and to treat them appropriately and humanely.

That is the essence of a part of the bill. Other amendments will come as we work through this bill in the coming hours and in the coming days.

To all of my fellow citizens who are listening and watching, the Senate is now focused. You have asked us to deal with immigration in one form or another. There are 100 different ideas on how we get it done, some very Draconian and some very forward-looking. I think AgJOBS kind of fits in the middle. I think it kind of sorts out the problem. It is a realistic, practical approach to identify how the fruit of America literally gets picked in a reasonable, responsible fashion while at the same time treating those who do that work in a humane and appropriate way.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, is it my understanding that I will not offer the amendment but will speak on it?

Mr. LEAHY. Mr. President, the Senator from Florida is correct. I am told that amendments will be offered on the side. It would be either the Democrat side or the Republican side. There would be objection but Senators agree to speak about amendments and are encouraged to speak about amendments they intend to offer.

Mr. NELSON of Florida. Mr. President. I thank the Senator. At some point I will be offering amendment No. 3220 and amendment No. 3221. I want to take this opportunity to explain those amendments as we are coming down to the moment of truth and what we are going to do on an immigration bill.

It has been the position of this Senator that we have two goals to achieve. It is essential in immigration reform that we achieve both of these goals. One is the protection of our borders, not only for the purpose of immigration but also for the purpose of protection from terrorists infiltrating the country. The other goal is the protection of our economy.

Where we have in effect American amnesty, as my colleague from Florida has already described, under the existing situation with 11 million illegal aliens or undocumented workers in this country and nothing has been done about it—in effect, amnesty is the de facto situation.

How do you accommodate the economic needs of major industries in this country with the workforce that they need and have 11 million undocumented workers come out of the shadows so that they can have a legal status? That is the balance that we are trying to achieve.

On the one hand, border security, on the other hand, the provision of an economic workforce that will keep the economic engine of this country humming.

I might say that three of the major industries that employ undocumented workers are three big industries in the Presiding Officer's State and in my State of Florida: that is, agriculture, the construction industry, and the service industry, particularly the travel and tourism industry which is very apparent in our States.

Finding that right balance is what this is all about. What I want to do is offer a couple of amendments that will help us enhance our border security provisions more so than the existing committee bill that has come out of the judiciary. Specifically, what I would like to see based on the GAO report and also the inspector general's report, which both recommended that with the enhanced electronic surveillance and new kinds of technological devices such as unmanned aerial vehicles, that we integrate all of this in more of a comprehensive system that can talk to each other.

For example, if we are talking about electronic sensors on a fence, the electronic signal goes off. Instead of that just coming, as the committee bill would provide, to a Department of Homeland Security employee who then would have to notify someone, that electronic signal would automatically be integrated to activate cameras in that particular area. And you would have this integrated technological system. That is one of the amendments I will be offering to automatically activate, in this particular example, a camera to focus itself on the direction of the triggered sensor rather than relying on a DHS employee wasting time trying to find the right spot and focus the camera.

Another example would be to require the sensing equipment on an unmanned aerial vehicle be fully integrated with the systems used by DHS personnel on the ground so the images and the data are sent automatically to multiple ground stations. We have seen in the past where DHS has unsuccessfully exercised its discretion to implement and integrate an automated program as evidenced by the report from GAO and also the inspector general's report. That is why this amendment is going to be necessary to enhance what the Judiciary Committee has already done.

Later on I will offer amendment 3221. This amendment is going to address the problem we have now, which is absolutely inexplicable and inexcusable at what our border people are forced to do. They arrest someone who has illegally come into this country. They arrest them and then release them. Not back in their country of origin; they release them in America. And then guess who doesn't show up when their immigration hearing is called. It defies common sense. This catch-and-release program we have now is not effective or efficient. It is bewildering. In some areas of the border, up to 90 percent of the captured aliens are released after being caught by DHS. Of course, of those 90 percent who are released, only 10 percent appear for their subsequent immigration court hearings. That is simply not acceptable.

How are we going to remedy this? The Judiciary Committee bill started the process. What they are offering is to build some new facilities or detention facilities. The committee does not build enough. What I am suggesting is we build facilities with an additional 20,000 detention beds over and above what the committee is recommending so we can begin to get control, get our arms around this immigration system. If it is not possible for DHS to secure further detention space quickly enough, this amendment, which I will offer, will require DHS to examine other secure alternatives to detention.

This amendment will also ensure that there are no questions on whether detention facilities are safe, if they are clean, if they are secure, and if they are consistent with DHS policies and consistent with America's tradition of providing secure, safe, clean facilities to people fleeing persecution from other countries.

I will offer two commonsense amendments that my colleagues will accept. Clearly, it is intended as an enhancement to improve the committee bill. Hopefully then we can come out with a good work product and address this immigration chaos we have in this country at this moment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, in this debate on immigration reform, there are three basic goals I have in mind. No. 1, and foremost, I want us to seal our borders. I wish to see us identify the illegal aliens we have in this country. We don't know for sure how many are in this country. We hear a lot of numbers thrown out. Originally it was 8 to 10 million and now it seems the common number being thrown around is 11 million. But when you get right down to it, nobody knows how many illegal immigrants we have in this country. We need to identify those individuals to help reach some reasonable conclusions.

The third goal is to do it in a manner that does not disrupt our economy.

And, finally, I don't believe we should have amnesty.

I have a couple of amendments I am going to be presenting to the Senate. The first amendment is an attempt to put together a plan. We direct the agencies to come together with a plan on how they are going to manage immigration, both from a diplomatic point of view as well as from a border immigration point of view. That particular amendment I hope will be accepted as a managers' amendment. I don't expect it to be controversial.

The other amendment I will talk about this morning I hope to call up later today for a vote. That is amendment numbered 3216. I will not call it up this morning, but I will debate it in the Senate and describe the amendment as to what it does.

I rise today to share with my colleagues six words I believe will be as surprising to others as to me. Those words are "advocacy of terrorism not always exclusionary."

Am I reading these from a terrorist handbook? No. Am I reading them from the United States law passed by the Congress and signed by the President? Most certainly not. Am I reading it from a how-to book on exploiting loopholes in the United States visa system? I may as well be.

Colleagues, believe it or not, I am reading from our very own Department of State Foreign Affairs Manual. The same Foreign Affairs Manual issued to the Department's 25,000 employees located in more than 250 posts worldwide. Even more alarming, this is from the chapter that instructs our consular officers to whom visas should be issued.

Visas are, of course, the ticket foreigners, including terrorists, need to enter the United States. This instruction says to the consular officer deciding whether to issue a visa that they need not deny a visa to an individual who advocates terrorism. I, for one, cannot imagine a more pertinent ground for denial. If advocacy of terrorism is not grounds for exclusion, then I don't know what is.

Not only am I concerned about the message this sends to our dedicated consular officers, I am just as concerned about the message this sends to terrorists. It says to them, feel free to lay the groundwork for an attack at home, apply for a visa, and come to America to finish the job. This is not the message the United States should be conveying to terrorists. This Congress has already passed important legislation denying visas to terrorists, including in the PATRIOT and REAL ID Acts. The REAL ID Act, signed into law on May 11, 2005, specifically states one who endorses or espouses terrorist activity is inadmissible. The REAL ID Act became public law on May 11 of last year, 8 days after publication of this manual. Yet today, more than 10 months later, the State Department is still instructing its consular offices that advocacy of terrorism may not be a ground for exclusion.

Certainly, the State Department needs to send a message that we in Congress are serious about securing our borders and particularly serious about preventing known advocates of terrorism, people who are most likely to wish harm to our country, from entering into the United States. Admittance to the United States is a privilege; it is not a right. My amendment says if you advocate terrorism, you lose the privilege of coming to the United States, recognizing, of course, that special circumstances under which someone who meets these criteria may nonetheless need to be admitted. My amendment does nothing to change the authority of the Secretaries of State and Homeland Security in consultation with the Attorney General to waive an individual's inadmissibility when they deem it in the interest of the United States.

I will urge my colleagues to join me in voting for this amendment that slams the door shut on the face of advocates of terrorism who seek to cross the borders into our country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, from the district I had the honor of representing over 13 years in the House of Representatives, one can see the Statue of Liberty. Ellis Island is a place that has been the gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success.

Like millions of Americans, my own parents came to this country fleeing tyranny in Cuba and searching for freedom. Because of this debate we continue today, this has a special and personal interest to me.

America has a proud tradition as a nation of immigrants and a nation of laws. Unfortunately, our current immigration law and systems are broken and have failed us. We need tough, smart, and comprehensive immigration reform that reflects current economic and social realities, that respects the core values of family unity and fundamental fairness, and that upholds our tradition as a nation of immigrants.

We need to aggressively curtail crossings at the border. We need tough border security and enforcement measures that prevent undocumented immigration so our immigration system is safe, legal, orderly, and fair to all.

Our goal should be neither open borders nor closed borders but smart borders. In a post-September 11 world, our efforts must be tough and swift to ensure the borders of the United States are controlled. Unfortunately, that is not the case right now. We have all heard about and seen what is happening along our borders. Crimes are up in our border communities and overpowering local law enforcement's ability to address these challenges.

So-called "coyotes" or human smugglers charge thousands to bring people into this country illegally. Because of this, organized criminal organizations have entered the business of trafficking humans into the United States. In fact, there are reports there is more money in smuggling undocumented aliens into our Nation than smuggling drugs. That is why the first step of any immigration reform proposal must be to secure our lax and broken immigration system.

Our porous and dangerous border and uneven enforcement of our Nation's current laws are significant security risks. Immigration reform is needed to protect America and restore the rule of law.

It is unbelievable, however, under the nature of that reality that when we look at the Clinton administration in 1999, 417 businesses were cited for undocumented immigration violations. If we look at the Bush administration in 2004, only three employers were issued notices by the Bush administration. That is why I support stronger immigration enforcement, not only at our borders but at our workplaces as well.

We must take full command of both human capital and technology to truly secure the borders. This can be done by stronger screening at our consulates and ports of entry, better use of technology, such as unmanned aerial vehicles along our borders, and ensuring that our border agencies have both the necessary staff and the resources to do their jobs.

Time and time again, we in Congress have passed many of these provisions into law. The question is not whether we will pass them again but whether we will actually provide the funding to make these security improvements a reality.

Over a year and 3 months ago, President Bush signed into law the Intelligence Reform and Terrorism Prevention Act.

I was one of the conferees on that bill. I would remind our colleagues that it contained over 40 sections and 100 pages of immigration-related provisions. These tough but smart, new measures included, among others, adding thousands of additional Border Patrol agents, Immigration and Customs investigators, detention beds, and criminalizing the smuggling of immigrants, just as the 9/11 Commission recommended.

Now, I am sure the American people assume that their Government not only implemented but also fully funded these tough measures to secure our borders and ensure our Nation's safety. Unfortunately, the President and this Congress have chosen not to do so. In fact, as part of the fiscal year 2006 appropriations process, Congress has only funded 1,500 of the 2,000 new Border Patrol agents called for this year by that law, less than half of the 800 immigration enforcement investigators, less than half of the 8,000 additional detention beds required. So much for being tough and for fully funding what has already been passed and called for.

While the Senate must be tough and smart in the legislation it passes, I do not want it to be mean-spirited. I was still a Member of the House of Representatives last December when that body considered the Sensenbrenner bill, H.R. 4437. Beyond the heated rhetoric that existed during the debate on that legislation, the bill itself was shortsighted and even mean-spirited.

Since it makes a felon out of anyone who is here in an undocumented status, it would require the most massive roundup and deportation of people in the history of the world. I believe that is both highly unlikely and impractical on many levels, including due to both the budgetary and economic impact on our Nation and its economy.

That bill would also criminalize citizens of the United States. Under the guise of a much broader definition of smuggling, that bill could allow the Government to prosecute almost any American who has regular contact with undocumented immigrants.

Under the Sensenbrenner bill, an American citizen who helps an undocumented alien under any of these circumstances would be found guilty:

A rape crisis counselor who is assisting a woman who has been raped would be guilty of a crime for "assisting"; the church group that provides food aid, shelter, or other assistance to members of its community would be guilty of a crime for "assisting or encouraging"; an aid worker who finds an illegal entrant suffering from dehydration in the desert and drives that person to a hospital would be guilty of a crime for "transporting"; a counselor who assists a victim of domestic violence and her children would be guilty of a crime for "assisting or encouraging": Catholic Charities or other faith-based groups or lawyers who give advice on immigration procedures would be guilty of a crime.

I don't believe any of those provisions are the Christian values we so often hear talked about on the Senate floor. Because of those very troubling provisions, I certainly could not vote for that legislation. In doing so, I hoped that the Senate would work not as Democrats or Republicans but as Americans to bring our policies in line with our Nation's ideals and values.

History is replete with examples of the United States of America being a welcoming nation. But, unfortunately, the public dialog through the years has been less than welcoming. Over the decades, the influx of immigrants of various ethnicities has caused concerns and in many cases heated comments against such immigrants to our Nation. In some cases, there were even laws enacted to limit or ban certain ethnicities from being able to come to the land of opportunity.

Before the American revolution, Founding Father Benjamin Franklin wrote of the influx of German immigrants to Philadelphia. He said:

> Those who come hither are generally the most stupid of their own nation.

Henry Gardner, the Governor of Massachusetts, in the middle of the 19th century, saw the Irish as a "horde of foreign barbarians."

Finally, a 1925 report of the Los Angeles Chamber of Commerce stated that Mexicans are suitable for agricultural work "due to their crouching and bending habits . . . , while the white is physically unable to adapt himself to them."

We should not stand for rhetoric that focuses solely on the weak and says nothing about those who benefit the most from immigrants' contributions—the corporations and, ultimately, all of us, the consumers of these goods and services. Let's face it, we are all a part of the equation that contributes to this unfortunate situation in which we currently find ourselves—the fortunate among us in our country who have nannies to care for our children, maids to clean our hotels, motels, and even our homes, landscapers who maintain our lawns, and so many others who make a difference in our daily lives. Yet they seem to be invisible to us. Yet they, too, those who employ them, are part of the problem as well.

It does not end with the rhetoric. There has been a concerted effort over the past few years, through piecemeal proposals, to make our civil servants do things they do not even have the proper training to do. These efforts have included anything from trying to make our caregivers and doctors into police officers and our school teachers into INS and border security agents.

Changes to our immigration system cannot be done in a patchwork approach. They need to be undertaken in a comprehensive manner that can provide us with a safe and orderly immigration system that preserves family values, rewards hard work and sacrifice, and is in the national interest and benefits all Americans.

Now, let me be clear. I am first and foremost for hiring any American who is willing to do any job that is available in this country, any American who wants to do the backbreaking work that is so needed in our agricultural sector, to clean the bathrooms in our hotels on their hands and knees, and to do the work in our meat-packing plants across our Nation. These are done largely by immigrants. They should be available to any American who wants to do it first.

But many of us know all too well this is not the case. Like my parents—and I am sure many others here—immigrants have not come to this country to be taken care of. They have come to work hard—very hard—to provide for their families, and all they want is a better life for their children.

It is in the national interest to have all those here seeking the American dream to be able to fully participate and contribute to American society. Those who bend their back every day picking the fruits and vegetables that end up on our kitchen tables are part of America. Those who, through the sweat of their labor, dig the ditches that lay the infrastructure for the future are part of America. Those who are on their knees cleaning the hotel and motel rooms for our travelers are part of America. Those who plucked the chicken or deboned the meat we had for dinner last night are part of America. And those whose steady hands and warm hearts help the aged, the sick, and disabled meet their daily needs are part of America.

These men and women who, through hard work and sacrifice, are seeking the American dream need to be brought out of the darkness and into the light of America's promise. It is in the national security interest of the United States to know who is here to seek the American dream versus who is here to destroy it.

That is why I support the comprehensive immigration reform proposal that was reported out of the Senate Judiciary Committee in a bipartisan manner. It is perfect? No. But it is tough, smart, and balanced, unlike either the Sensenbrenner bill or the bill offered by the majority leader.

The Judiciary-reported bill will enforce our laws, protect our national and homeland security, while also reflecting current economic realities and respecting the core values of family unity and fundamental fairness. It secures our borders through the increased use of aerial vehicles and sensors, while increasing the number of Border Patrol agents and immigration enforcement investigators. The Judiciary Committee bill has very strong border security and enforcement provisions that go even beyond the bill offered by the majority leader. For example, it makes tunneling under our borders a Federal crime, adds new criminal penalties for evading immigration officers, makes manslaughter an aggravated felony, and adds 12,000 new Border Patrol agents over the next 5 years. This bill provides a way for future workers to safely migrate to the United States in a legal process, works with labor and worker protections, and addresses the family backlog so that families can be reunited.

The Judiciary Committee legislation would also allow the possibility for temporary guest worker permits. Those who try to portray the bill as amnesty are, I believe, moving us in a direction to seek to, in essence, express the sense of fear. In fact, the Judiciary Committee legislation would punish those who are here in an undocumented status by requiring them to meet all of the following requirements before they can even join the path toward earned legalization. They would have to pay a couple thousand dollars in fines and fees. They would have to pass a criminal background check. They would have to go to the back of the line behind all applicants waiting for green cards. They would have to pay any and all back taxes. They would have to remain continuously employed going forward. They would have to pass a medical exam, and, yes, they would have to learn English and learn U.S. history and government.

So as Senator GRAHAM stated, this is an 11-year path—an 11-year path—to earned citizenship, not amnesty.

There is a broad and diverse coalition supporting the comprehensive immigration reform in the Judiciary bill. This unusual coalition includes individuals and organizations from our business, civic, civil rights, faith, immigrant, and labor communities.

So in closing, let me commend Senators SPECTER, LEAHY, KENNEDY, GRAHAM, and all the Senators on the Judiciary Committee for the work they did in producing a bill that moves us much closer to once again controlling our borders, while upholding our tradition as a nation of immigrants and laws.

However we got here, from wherever we came, we know that we are now in the same boat together as Americans. And together, hopefully, this Senate will act to make this journey a safe, orderly, and legal process that preserves and fulfills that American dream for all.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I rise today to speak about the crucial issue we are addressing as a nation and as a U.S. Senate, this immigration question.

I continue to have grave concerns about many of the provisions that are now before us. I am going to talk about some of those general concerns, and then I am going to outline two specific amendments I will be offering on the floor of the Senate that help meet them.

It is often said that Americans have a very poor sense of history; we do not read history much; we do not remember past mistakes and past lessons; we don't learn from history. I am afraid much of the debate and activity on this question on the floor of the Senate is another example of that because we went through very much the same sort of debate in 1986, the last time the Congress addressed illegal immigration in a major way and passed a more limited amnesty program.

It is instructive to look back and read those debates. It is enormously instructive to understand the arguments pro and con, during that debate in this very Chamber. And if one does that, one gets an eerie sense of history repeating itself. Unfortunately, it is a history of mistakes and missed opportunities which only made the problem worse. I encourage all of my Senate colleagues to go back to those debates, to read those words and statements and the arguments pro or con to get a sense of that history.

In terms of supporters' arguments for the legislation in 1986, many of exactly the same arguments were made. If we deal with this problem one time, if we create this program and deal with then 3 million illegal workers and immigrants in this country, we can solve it once and for all, and then we will have a true enforcement mechanism that will never let the problem recur or grow again—an interesting set of arguments, the same arguments we are hearing now.

What has happened since 1986? On that, the history and the record should be crystal clear. We didn't solve the problem back then. We passed major legislation which included an amnesty program, and the problem grew by 400 or 500 percent, a problem that was maybe 3 million illegal workers in our country back then. Even after so many of them were granted amnesty and given legal status, what do we face now? We face 12 million, perhaps more, illegal immigrants in this country.

What is the simple lesson of that bit of history? The simple lesson is that we never got real with border security. We never got real with enforcement. And perhaps the most important lesson—that anything akin to an amnesty program is going to encourage a lot more of that illegal activity which we are still not fully prepared to deal with on our borders.

The simple but basic conclusion I reached from that important history is that we need to address border security and enforcement first. We need to get real and prove ourselves on that side of the equation first because we have never effectively addressed that in the past, including 1986.

My plea to all of my colleagues is that we address this major issue in a simple two-step approach. First, let's do what there is wide consensus on, let's pass important border security provisions. Let's pass important and vital enforcement provisions, including those which go directly at employers who break our law by hiring illegals. And let's prove to ourselves and our constituents that this can and will be done.

Talk is cheap. And if it is cheap anywhere, perhaps it is cheapest, quite frankly, in the Congress. We talk a good game about this issue. We talk about enforcement in the context of this debate. But the simple fact is that we have never proven ourselves on the issues of enforcement and border security.

Talk is cheap. When we talk about authorization language, we all know authorization language is one thing, but appropriating the money to have true border security and true enforcement is quite a different and more challenging step. So let's not just talk. Let's act and let's prove ourselves. Let's do that before we run headlong into other provisions that are being debated, such as provisions that would be tantamount to amnesty.

I will offer two amendments—one a broad global amendment and one a much more focused amendment—that are both consistent with this general philosophy that talk is cheap and that we need to act and prove ourselves with regard to border security and enforcement before we run headlong into these other issues.

My first amendment is No. 3264. It does several essential things with regard to the Specter substitute No. 3192 currently before the Senate. It would strike what is often called the temporary worker program in the Specter substitute. It would also strike the title VI amnesty program in the Specter substitute. It would direct different elements of our Government to study important issues that have come up in the debate so we have a fuller sense of the implications of what some would rush headlong into.

Specifically, it would direct three studies to be done within 1 year of enactment of this bill. First, the Department of Labor would study the need for guest workers on a sector-by-sector basis and the impact of any proposed temporary worker program on wages and employment opportunities available to American workers. Clearly, in this country there are needs in our economy that are not adequately being met by American citizen workers. But just as clearly, opening ourselves full throttle with a very broad amnesty program or a very broad temporary worker program that would grow automatically over time has the risk of bringing down wages and opportunities for American workers. We need a much more careful and precise examination by some entity such as the Department of Labor on a sector-by-sector basis as to what the consequences of this would likely be.

Secondly, my amendment would propose a GAO study establishing minimum criteria for effectively implementing a temporary worker program and determining whether the Department of Homeland Security has the capability to enforce such a program. If GAO determines that Homeland Security does not effectively have that capability right now, then they should determine what additional manpower and resources would be required to ensure effective implementation.

Again, some on this floor are proposing a mammoth change to our immigration policy—a new temporary worker program—without our having a precise idea of what manpower and other authorities Homeland Security needs to implement and enforce such a program. We need to know that on the front end. We need to have that in place on the front end before we rush headlong into any temporary worker program.

The third study my amendment would mandate is a Department of Homeland Security study to determine whether border security and interior enforcement measures enacted as part of this act are being properly implemented and whether they are effective in securing U.S. borders and curbing illegal immigration. We often talk a good game in terms of border security. We often talk a good game in terms of enforcing the laws presently on the books in the interior of the country. But we need a much more precise sense of what it will really take to bring enforcement to all of those provisions—proper, full implementation. We need to hear from DHS in a lot more detail about what they will need—manpower, authority—to actually implement and make this work before we rush headlong into temporary worker, amnesty, and other provisions.

I will offer a second amendment on the floor. That will be No. 3265. That is a much more focused micro-amendment. The first amendment I described is a broad amendment to meet the major objections I have with the Specter substitute. The second amendment is much more narrow. It specifically addresses the following issue: Right now, the Specter bill requires that illegal aliens prove they have been employed since January 7, 2004, in order to take the next steps toward citizenship.

How does one prove that? Well, they can show IRS records. That is one possibility. They can show Social Security records—that is another—or other records maintained by Federal, State, or local governments. Their employer can attest that they have been working. That is yet another possibility, although one has to wonder how often that is going to happen since we are talking for the most part about illegal workers. Their labor union, daycare center, and other organizations can attest that they have been dealing with these people inside the country since at least January 7, 2004. But that is not the only thing they can produce.

If all else fails, they can do the following: They can have a nonrelative sign an affidavit, an attestation, that they have been in this country since January 7, 2004. Anyone who is not blood-related to them may do so. Clearly, this is an open-ended invitation to fraud and abuse. Clearly, having such an affidavit as a possibility with no supporting documentation, with no testimony from any Federal Government agency or State government or local government agency is a wide-open invitation for abuse. So my second amendment will simply close this door to fraud and strike the sworn affidavit or attestation provision in the language currently on the floor.

I urge all of our colleagues to look carefully at these two amendments. More broadly speaking, I urge my colleagues to think long and hard about the lessons of history with regard to this particular issue. We have history to study. Let's not ignore it. Let's not ignore those lessons and plunge headlong into repeating the mistakes of history, particularly those of Congress's action in 1986, because the only difference in so many of the provisions now before us from those in 1986 is that this would be on a far broader and grander scale, the problem having at least quadrupled since those mistakes of 1986.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the Judiciary Committee's superb product, the immigration reform, border security bill. I also wish to speak on an amendment Senator BROWNBACK and I intend to offer. I gather we are not offering amendments now, but this is an opportunity to speak on this amendment. This would address America's treatment of people who come here seeking asylum.

I am pleased to be working with Senator BROWNBACK. Over the years, my colleague from Kansas has done so much good work to protect the rights of refugees overseas and those who seek asylum on our shores for a host of reasons—that they might escape persecution for reasons of faith or politics. Senator BROWNBACK is a partner I am truly proud to be working with on this matter.

This amendment rises out of a report that was issued in February of last year by the U.S. Commission on International Religious Freedom. It is a Commission established by law, by act of Congress. One of its duties is to issue annual and often more frequent reports. This report last February raised very serious concerns, objections about insufficient protections for asylum seekers arriving in this country. The Commission reported an unacceptable risk that genuine asylum seekers were being turned away because their fears and the real dangers of being returned to their home countries were not fully considered. The Commission also found that while asylum seekers are having their applications considered, they are often detained for months in maximum-security prisons without ever having had a chance before an immigration judge to request release on bond.

The Commission described conditions of detention that are completely unacceptable for a just nation to impose on people who are trying to escape war, oppression, religious persecution, even torture.

The amendment I am honored to be offering with Senator BROWNBACK will implement the Commission's most important recommendations. It calls for sensible reforms that will safeguard the Nation's security, improve the efficiency of our immigration detention system, and ensure that people fleeing persecution are treated in accordance with this Nation's most basic values. Remember, our purpose was stated in the original American document, the Declaration of Independence, which said that the Government was being formed to secure the rights to life, liberty, and the pursuit of happiness which were the endowment of our Creator, not just to every American but to every child of God. this Nation has been, over the decades, a land of refuge where people seek freedom and sanctuary from the deprivations they endured in the countries they were in. It is our attempt in this amendment to revitalize and make more credible and honest and true the asylum process that our country has to implement those ideals.

The amendment we are introducing would implement quality assurance procedures to ensure that Government employees carefully and accurately record the statements of people who say they have a fear of returning to their countries. Aliens not subject to mandatory detention would be entitled to a hearing—basic American due process—to determine whether they could be released. Providing bond hearings for low-risk aliens will also free up space for the cases that really ought to be incarcerated.

The amendment also promotes secure alternatives to detention of the type that the Department of Homeland Security, I am pleased to say, has already begun to implement. These new programs and procedures would also make our use of detention space more effective and efficient at an average cost of $90 per person per day. But, of course, that is the average. Often it is much higher. Detention beds have always been scarce.

Provisions in the legislation before us—the Judiciary Committee proposal—would vastly increase the number of aliens being held in detention. The underlying bill, which I strongly support, is a tough bill. It is so tough that it will inevitably increase the number of people who are not in legal status who will be held in detention. Our immigration system will need to prioritize available space because it is limited for aliens who pose a risk of flight, a threat to public safety, or are otherwise subject by law to mandatory detention.

For those who may remain detained, we are obliged as a just society to provide humane conditions at immigration facilities and jails used by the Department of Homeland Security.

The amendment we are introducing includes modest requirements to ensure decent conditions, consistent with our best American values, especially for asylum seekers, families with children, and other vulnerable populations. It requires improvements in areas such as access to medical care and limitations on the use of solitary confinement. It creates a more effective system within the Department of Homeland Security for seeing and inspecting these facilities.

The United States has been, is, and hopefully always will be a land of refuge for those seeking liberty. Many of our Nation's Founders, of course, fled here themselves to escape persecution for their political opinions, their religious beliefs, or even their ethnicity. Since that time, the United States has honored its history and its founding values by standing against persecution around the world, offering refuge to those who flee from oppression and welcoming them as contributors to American society.

That brings me now briefly to the larger immigration debate before us this week. I want to start with a bit of history. It was in March of 1790 that the first Congress of the United States began debating an immigration and naturalization act that would spell out how new arrivals could become citizens of our new Nation. The main requirement of the law finally approved was that an immigrant needed to live in the United States for 2 years and in the State in which he settled for 1 year to attain legal status. The Senator from Pennsylvania at the time, Mr. William Maclay, thought immigration would be such a benefit to the new Nation that he wanted those residency requirements removed. Senator Oliver Ellsworth of Connecticut, who I believe occupied the seat in the Senate that I am honored to occupy now in the succession, wanted the residency requirement kept in. Senator Maclay of Pennsylvania lost the debate and, frustrated, wrote in his diary afterward:

> We Pennsylvanians act as if we believe that God made of one blood all families of the earth. But the Eastern people——

Parenthetically, he must have been referring to us nutmakers from Connecticut——

> seem to think that he made none but New England folks.

I am sure Senator Ellsworth would have objected to that diary entry on behalf of himself and the people of Connecticut.

Today, this Senator from Connecticut is proud to stand with one of the two Senators from Pennsylvania today, the chairman of the Judiciary Committee, Senator SPECTER, and my fellow New Englander, ranking member of the Judiciary Committee, Senator LEAHY, in supporting the balanced, strong, practical, progressive immigration reforms that they have reported out of the Judiciary Committee.

I thank them and congratulate them on this balanced and bipartisan bill. I also give special tribute to Senators KENNEDY and MCCAIN for all of the work they did in introducing their initial legislation, which I was proud to be an original cosponsor of, much of which has now been embraced in the Judiciary Committee bill.

The proposed legislation before us, the underlying bill, would enhance our national security, promote our economic well-being, and create a fair and just path to citizenship for those who come here to work hard, pay their taxes, respect the law, and learn the English language.

We all agree we have to do more to secure our borders and control illegal immigration. What we are doing now simply doesn't work. This debate has to be about practical solutions, about fixing that problem. That means we will never fix our broken borders without fixing our broken immigration system, in my opinion.

People talk about this as a choice between better border security and immigration reform. That is a false choice. Not only do we need both, unless we have both we will not achieve either better border security or the practical immigration reform we need.

The bill reported out of the Judiciary Committee contains all of the essential security and enforcement provisions in the bill introduced by the majority leader. Both bills substantially increase Border Patrol and immigration enforcement personnel, detention beds, border fences, resources for border security systems and technologies. Both bills create new criminal penalties or make existing penalties more severe. Both bills establish new mandates and authorities for detaining and deporting aliens.

However, the Judiciary Committee bill omits a couple of parts of the majority leader's bill which ought to be omitted—those that criminalize the so-called Good Samaritan behavior toward undocumented immigrants and those who would criminalize the undocumented immigrants that we have. To me, that is foolish; it will not work. In fact, it will push the undocumented immigrants further into the shadows because now their status is not only a violation of immigration law but it would be a crime. It would subject them to much greater exploitation by employers in this country and, in that sense, constitute increasingly difficult competition for Americans who want to work. But overall, this bill on border security contains all of the provisions, except those two, in the majority leader's proposal to toughen border security.

I think history should have told us something—that as important as tough border security measures are, they are not going to solve the problem of illegal immigration because people want so desperately to come here. I have said before, and I will say it again: With very few exceptions, the 11 million undocumented immigrants that we have in the country today came to America for the same reasons my grandparents did. But my grandparents arrived at Ellis Island and they were let in. Why did the undocumented come then and today? For freedom, for opportunity, for a better life for their children—to be Americans. Think about it: freedom, opportunity, and a better life for our children, which are American values and the American dream.

I think history has shown us that border security ought to be toughened, but it is not going to stop this flow. Let me cite this statistic for you to prove it. In recent times, from 1993 to 2004, the number of Border Patrol agents was tripled because of concerns about illegal immigration. Spending on border enforcement quadrupled. We have 10,835 Border Patrol agents and almost $4 billion a year is spent—quadrupled on border enforcement. What happened to the number of undocumented immigrants in that time? It has doubled, from 4.5 million to 9.3 million. The reason, obviously, is that as long as we fail to provide legal channels to these people who desperately want to come to this country, they are going to find some way to come here illegally. They are going to come here to work.

You have all seen the Pew Charitable Trust studies that show that 95 percent of the working-age men who are undocumented immigrants have full-time, year-round jobs. In fact, they make up 5 percent of the American workforce overall.

So the reforms this bill adopts, creating a path to earn citizenship, not only is the right thing to do for our economy, but it is consistent with our values. It is also the most practical thing to do to deal with the problem of illegal immigration and border security and, as others have said, would free up resources at the border to stop the few coming over who come in for bad reasons. Particularly, I focus on potential terrorists and those who want to deal in controlled substances, drugs, in this country.

I will wrap up now because I see my friend and colleague and supporter of this legislation, the Senator from Colorado, on the floor. I support it strongly. I think we have an extraordinary opportunity in this Senate to do something right this week, and to do something practical to fix the immigration crisis in our country. The immigration system is not working now and this bill gives you an opportunity to make it work. I know there has been discussion of possible compromises. I think the Judiciary Committee bill itself is a compromise, and a good strong one. Although the particular compromises that have been floated in the last 24 hours I don't accept, I am encouraged by them because they speak to momentum in favor of coming together across party lines, regional lines—every line you could imagine—as Americans, to do what is right and practical, and to assist our security and our economy.

I close with a wonderful quote I found from Thomas Jefferson going back to the initial days of immigration when he said:

> Born in other countries, yet believing you could be happy in this, our laws acknowledge, as they should, your right to join us in society.

It is that spirit Jefferson articulated right at the beginning of the American experience that I think challenges us, informs, and elevates the proposal before us. We have a real opportunity to act on that ideal this week. I can't help but go back to what that wise Senator from Pennsylvania once said: God, in fact, made all the families of Earth of one blood.

I yield the floor and thank the Chair.

The PRESIDING OFFICER (Mr. BURR). The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset, I recognize my friend from Connecticut and agree with his comments and applaud his voice of moderation and centrist views. Those are the kinds of views that are bringing together the coalition that ultimately will allow us to succeed in passing comprehensive immigration reform in the Senate.

I want to speak about two issues today. One is about the law and order aspects of this bill, and the second is to refer to the nature of this debate we are seeing around the country on immigration.

The first point I want to make is that the Judiciary Committee bill which was produced with great work on the part of both Democrats and Republicans is, in fact, a law and order bill. For those people who have said it is not, they are wrong. This is a law and order bill because what it does is it takes the immigration issues we are facing in this country and addresses the strengthening of our borders. It also addresses the enforcement of our immigration laws within the interior of the United States. And finally, it applies penalties and registration to those who are here illegally in our country. So I believe the appropriate characterization we should be giving this legislation is that it is a law and order bill.

I want to review some of the aspects of border security which are very important. All of us know that today we are involved in this debate because we have broken borders, both to the South and to the North. It is not just the border between the United States and Mexico we are addressing today, but it also is the border with Canada. It is a system of broken borders we have in this country today.

What this legislation does is toughen border security in ways we have not done for the last 20 years. In this post-9/11 world, it seems to me there can be no higher imperative for our Nation's calling than to make sure we are doing everything we can to protect the Nation and protect our homeland. How can we do that if we have porous borders? That is what this legislation, the Judiciary Committee bill, before the Senate does. It addresses that issue of border security.

It adds 12,000 new Border Patrol agents. These officers will help double the number of law enforcement officials we have working on the borders to make sure we have secure borders.

It creates additional border fences in places that are vulnerable, where we see significant crossings in some of the major cities between the North and the South, but we know with these additional fences in vulnerable areas that we can increase border security.

It provides new criminal penalties for a whole range of activities, including the construction of tunnels which have been found in California and other places so that those who are involved in the construction of the tunnels will be subject to some very heavy criminal penalties.

It adds new checkpoints and points of entry so we can make sure the flow of people from one country to another is, in fact, being checked and that we can, in fact, make sure they are legal entrants into our country.

It expands the security system at all land borders as well as our airports.

One of the law and order legs of this stool is the fact that we will have much more strengthened border security if we are able to get this immigration reform package through the Senate.

The second aspect of this legislation, which I think stands tall for law and order, is the enforcement of our immigration laws. For far too long we have turned and looked the other way when our immigration laws have been broken.

This immigration bill produced by the Judiciary Committee will have us look in the right direction. It will have us stand tall and say: We are going to enforce our immigration laws.

It adds 5,000 new investigators within the interior of this country to make sure we are enforcing those immigration laws. That more than doubles the capacity of our interior enforcement with respect to immigration.

It establishes 20 new detention facilities so we can process those who are caught here illegally for violation of our immigration laws.

It reimburses the States that now have the responsibility, in many cases, of apprehending and detaining aliens. This legislation will provide assistance to the States for that detention.

It requires a faster deportation process so that once there is someone who is caught illegally, they are subject to deportation in a prompt process.

It creates additional criminal penalties for gang members, for money laundering, and for those who are involved in human trafficking. We go after that lawlessness which has been created by the broken borders we have today.

It increases document fraud detention and, as the President said, for people who are here under the guest worker program, they will have a tamperproof card so we can make sure the fraudulent business that has been created is something we stop.

It expands authority to remove suspected terrorists from the United States.

And it is strong in pushing for the employer sanctions which are now part of the law and adds some additional employer sanctions.

It is a tough immigration law enforcement bill that addresses the issues within our interior.

The third point I want to make with respect to this bill, which is a law and order bill, has to do with the fact that we penalize those who have broken the law. Some people have decided they want to call this legislation amnesty legislation. There is nothing that could be further from the truth. It is a falsehood to say this legislation provides amnesty.

For those who have broken the law, we require them to pay a penalty. It is a substantial monetary fine. We in America who have worked in law enforcement know that many Americans, when they break the law, have to pay some kind of civil penalty. Here the penalty that is proposed for those illegally here today is $1,000. In addition to paying the penalty, we require these people to register with the Government. As American citizens, none of us are required to register with the Government. We, in this bill, however, require the undocumented people who are in this country to register with the U.S. Government. So we have penalties and we have registration.

There is a whole host of other items included in this part of the legislation that address the 11 million undocumented workers in this country, including the requirement that they obtain a temporary work visa, that they provide an additional $1,000 penalty, that they pass a background check and remain crime free while in the United States, that they pay all back taxes, that they learn English, that they learn American history and Government, that they pass a medical exam, and that they prove they are continuously employed with a temporary guest visa.

When we look at all these requirements, what we are doing is creating a system where for an 11-year-period these people are going to be punished and they are going to go through what I call a purgatory of time. It is an 11-year waiting period before they are eligible to obtain citizenship.

So this legislation ought to be correctly characterized as legislation that stands up for law and order, that addresses our broken borders and the lawlessness that comes from those broken borders.

I wish to briefly also address the tenor of the debate in the United States of America with respect to this issue of immigration reform, which we are debating in Washington, DC, and across our great Nation.

I think President Bush had it right when he talked about this issue a few days ago. He said:

> When we conduct this debate, it must be done in a civil way. It must be done in a way that brings dignity to the process. It must be done in a way that doesn't pit one group of people against another. It must be done in a way that recognizes our history.

That is what President Bush said about the kind of debate we ought to be having in America today on immigration.

Yet the reality is that the kind of debate that is going on in some places in America is a debate that is very vitriolic and is very poisonous. It serves to divide our country as opposed to uniting our country.

I myself have been the subject of many of these attacks by telephone and e-mails as well. I am sure, as many of my colleagues who are working in the Senate today. Some of those attacks that have been launched against me have said I should simply go back to Mexico because I am a "spic." I resent that because my family founded a great part of this country, including the city of Santa Fe, NM, some 400 years ago. My family has supported this country through war and depression and a whole host of different ways.

Like all Americans, I believe we are equal and that we should be celebrating the diversity that makes us a strong country. So the kind of comments and the kind of poison that sometimes comes from these comments we are getting from around the country, including my own State of Colorado, is not helpful for us as we move forward to create comprehensive immigration reform.

I have received other kinds of comments such as from someone calling from my State:

> I am not a racist against Mexicans. I want all minorities kicked out.

Another one:

> Put all the illegal aliens on trains and deport them out of the country. They come in vans. Railcars would be a step up.

Those are just a few samples of the thousands of negative messages I have received in my office as we have engaged in this debate.

I go back to the President's statement that as we move forward in this debate on this Senate floor and in this country, we should appeal to the better angels of people to ensure we can have a civil debate about a very important issue, that goes to the heart of America's national security, that addresses the economic realities that are addressed in the package that came out of the Judiciary Committee, and that also addresses the humanity involved in the immigration chaos in which we find ourselves.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

SECURING AMERICA'S BORDERS ACT—Continued

Mr. DURBIN. Mr. President, I have been advised that amendments are not being accepted at the moment, so I will withhold it until the appropriate time. I ask unanimous consent to speak to the amendment so that my colleagues will be apprised of its contents.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, last December, Senator BROWNBACK of Kansas and I went to Africa and went to a part of Africa I had never visited before. It is a part most Americans are not familiar with. It is called the Democratic Republic of Congo. We have known of it throughout history as the Congo. It is a huge expanse of country, with its capital of Kinshasa in the western part of the Democratic Republic of Congo, and then in the far eastern regions is a section of the world that has been hit hard time and again by devastating loss.

In the area around Goma, in the eastern part of Congo, a few years ago they were hit by a volcano that left 2½ feet of lava in this poor town, destroying most of the buildings that were there. They have been victims of disease, of all of the trappings of poverty, which we are aware of in the continent of Africa, while at the same time there has been an ongoing war, which has killed so many innocent people. It is amazing, the resilience and the courage of the people in east Congo.

Senator BROWNBACK and I went there because we had heard that, with little fanfare in the West, 1,000 people a day were dying in this part of the world from all of the different events I have just noted. We went to a hospital in Goma, which is known as the Docs' Hospital, run by a Protestant church, in an effort to provide some basic health care in the Congo. We met with some amazing doctors who work for the Government of the Congo.

Some of you who are fans of the "Oprah" show from Chicago may know she has focused on a problem they are addressing which is known as obstetric fistula. This is a terrible injury a woman sustains when she is either sexually assaulted or at too young an age goes through a prolonged labor before delivering a baby and has problems that can be very devastating to her personally. So many of the women in this region of the world come to this hospital in Goma in the hopes of a surgery. There is a very modern surgical suite there financed by the United Nations but very few doctors. They have one surgeon.

I asked the doctor who was there: How many doctors do you have in this region of the world for the people who live here?

He said: We have 1 doctor for each 165,000 people. One doctor.

I said: How many surgeons?

He said: Oh, that is hard.

He did a quick calculation, and he said: I believe we have 1 surgeon for every 3 million people who live here. There is 1 surgeon for every 3 million people.

Imagine if we only had one surgeon for the city of Chicago. That is comparable in terms of numbers.

I talked to him for a while about this challenge and the fact that there are not nurses and doctors and surgeons necessary to treat these poor people. He talked to me about some of the challenges they face, not just the matter of being paid by the Government, if you are lucky—no more than $600 a month—but also the lure of the West on these doctors.

We need doctors desperately in the United States. I represent a State with rural communities that are anxious to bring in doctors. We are not really that picky when it comes to their national origin. If they are competent, well-trained doctors, they will take them from anywhere in many of the small towns I represent. My State is not unlike many other States. But what we find here is this situation where our immigration laws are written in a way to attract doctors from those parts of the world most in need of doctors at the present time. So as Africa and Asia and other parts of the world deal with the global AIDS epidemic and terrible medical problems such as tuberculosis and malaria, the doctors who could successfully treat the people living there are lured from those low-paying jobs in desperate circumstances, with limited medical facilities, to the very best opportunities in the United States.

I thought about that as I flew back from Africa: What is the fair thing to do? We need doctors in the United States, that is for sure, but they desperately need them in the developing parts of the world, and we are luring these doctors away. We are draining away this medical talent from a part of the world that needs it the most.

I am going to be offering an amendment later on to this immigration bill, and the purpose of this amendment is twofold.

First, it would require health care professionals and medical and nursing students who are applying for legal permanent residency or a temporary visa to attest whether they have committed to return to their home country. I believe that is important because if someone, for example, in Congo has their surgical residency—it costs about $50,000—paid for by the Government of the Congo with the understanding that they will stay and serve for a certain number of years, we should honor that contract. I think that Government has gone out of its way to provide the most basic need of every person on Earth—medical care—and for the United States to step in and say: We will ignore that commitment you made to the Government that paid for your education because we want you to come to the United States I believe is wrong. So this amendment would say that we have to honor those commitments made by those who said: For the cost of my education, I will work for a year or 2 years or 3 years in the country that paid for it. That is No. 1.

No. 2, with this amendment, we would allow doctors and nurses who are legal permanent residents to return temporarily to help countries of citizenship or to reside in certain developing countries to work as health care professionals. What that means, of course, is if you are here in the United States as a legal permanent resident, you can return to a country that is desperately in need of doctors without jeopardizing your right to come back to the United States. So those who feel a special bond with their home country can go in a medical crisis, help the people, and then come back to the United States without penalty.

These are two changes which are not massive but are important because they address, first, keeping your word. If you say: I will help the people of this country if you pay for my medical education, you should keep your word, and the United States should not ignore the fact that you have made that promise.

Secondly, if you are here in the United States and want to return to help people in some of the poorest parts of our world, we should say we want you to do that. It is a compassionate decision on your part that we will honor and not penalize you for in terms of your legal residency here in the United States.

I believe this amendment addresses two aspects of the problem that are important, but as I reflected on it, there is much more to this.

Why is it that we bring in so many medical professionals from other countries around the world? The obvious answer is we are not graduating enough doctors, we are not graduating enough surgeons, specialists, nurses, health care practitioners, to meet the need in the United States. So in addition to keeping an eye on the needs of the world, we need to focus our attention as well on the needs of the United States. That means in the bills that we are considering relating to education and scholarships, assistance and encouragement, we need to put in place programs which will help these health care professionals complete their education in the United States.

Now, what does that mean? Let me give you one illustration. I was born in East St. Louis, IL. I am very proud of my hometown. It was a blue-collar town. It has gone through some extremely tough times. Just 2 weeks ago, I returned to East St. Louis Senior High School, which is six blocks from where I grew up. We met with students to talk about a number of things.

A group came up to me afterward. These were six male students at East

St. Louis Senior High School, and they said: Senator, we want to talk to you about our school.

I said: Sure. What do you want to talk about?

They said: Why is it that at our school in East St. Louis, the students don't have personal computers, and yet, just up the hill in Belleview, they do? Why is it that in our school we don't have the equipment in our chemistry lab or our physics lab that we need to really learn these subjects, while in schools just a few miles away they do?

The answer is obvious: It is the way we finance education in America. There are school districts that have and school districts that have not and, sadly, in many respects, East St. Louis is one of those school districts that do not have the basics when it comes to some of the equipment they need so their students can be well trained.

If we are serious about having enough doctors and nurses and health care professionals, we have to be serious about the education we provide for the students across America. I believe we are falling dreadfully short.

No Child Left Behind tests students across America to find out where they are deficient, where they are falling behind. That is a good thing. Kids hate to take tests; I always hated to take a test. But if you can't measure it, you wonder if there is real value. In this situation, a test at least tells you whether a student is progressing. Equally important, the tests are divided in schools, so it isn't just the average score you are reading; you will read the score for majority students, minority students, those who are special education students, those who are taking English as a second language. You may find that the average score is comforting, but when you break out the groups, there are some that need extra attention, extra help.

The problem is that the President encouraged us to pass No Child Left Behind, which tests for and identifies the problem, but then the administration refuses to send resources to deal with it. So now we have school districts testing kids right and left, coming up with results, some of them being labeled as failing schools, and they turn to us and say: Well, will you give us a helping hand? You put mandates on us, such as treating special education students, and instead of providing 40 percent of the cost of that education as you promised, you are only providing 18 percent. And now you identify students within our schools who are falling behind in testing, and yet no resources come forward—resources for smaller classroom sizes, resources for tutoring and mentoring, resources for afterschool programs and summer programs.

So if we are serious about being competitive in the 21st century, if we are serious about producing the health care professionals and engineering specialists and scientists we need to make sure we are competitive in this world, we must be serious about education at East St. Louis Senior High School and every school across America. We must focus our resources on America. A strong America begins at home, and it begins at home with our schools. It has been the ladder for generation after generation in America.

As I stand here, we spend $2 billion a week on the war in Iraq. I voted for every penny for it. Although I voted against the resolution to go to war, it was my feeling that if it were my son or daughter in uniform, I would give them everything they needed to come home safely with their mission accomplished. But it is an expensive undertaking with no end in sight.

We decided—the President decided—that for our national security purposes, we would have to shoulder this burden of $400 billion. That is what the war has cost us to date, approximately. I will leave here in a moment and go to the Senate Appropriations Committee, where we have been asked for another $100 billion for the war in Iraq. I am confident it will pass quickly with bipartisan support. But if we are coming down to the basics in America, we have sacrificed things we need in our country in order to strengthen the country of Iraq. We have put billions of dollars on the plate for hospitals and schools and infrastructure to rebuild this country, while America has fallen short in many of the same areas.

So when we deal with this amendment on the future of health care in the world and in America, we need to focus on fairness when it comes to immigrants, health care professional immigrants from other countries. We need to create opportunities for health care professionals to help in other countries, but we need to focus resources in America on making us strong as a nation right here at home. That means strengthening our schools, demanding of our kids that they not only do well on tests but stand by them to help if they are not doing well so they can improve and do better on the next test, and make a commitment as a nation for that to happen.

According to the World Health Organization, Africa loses 20,000 health professionals a year. It is part of a brain-drain. The United States is the largest consumer of health care professionals from some of the poorest places in the world, followed by France, Germany, and Great Britain. In the United States, we deal with rural and inner-city health care shortages, which we need to continue to address. But we understand now that many nursing schools have long waiting lists of qualified applicants. We don't have the capacity in many of our schools—nursing, medical schools, and the like—so we need to expand that base within our own country to produce those who can teach and those who can learn to serve us in medical professions in the years to come.

Let me give an example of another country aside from the Congo, which I mentioned earlier. Ethiopia has only 3 doctors for every 100,000 people and 20 nurses; 3 for every 100,000 people. In the United States, we have 549 doctors for every 100,000 people and 773 nurses. Yet according to Ambassador Randall Tobias, who has been confirmed as the U.S. Director of Foreign Assistance, there are more Ethiopian-trained doctors in Chicago than in the country of Ethiopia.

In the Democratic Republic of Congo, which I mentioned earlier, there were severe shortages of doctors and medical professionals at a time when those areas were desperately fighting the global AIDS epidemic. In Zambia, nearly a quarter of the adult population is infected with HIV/AIDS. But Zambia has lost over 90 percent of its doctors who graduated from medical school in the 1980s and 1990s and emigrated out of the country to the West and to Europe.

Secretary of State Condoleezza Rice recently said:

> HIV/AIDS is not only a human tragedy of enormous magnitude, it is also a threat to the stability of entire countries and entire regions of the world.

We must make certain that we have the resources available through the Global Fund, through our PEPFAR appropriations, as well as appropriations to USAID and other agencies. But we also have to make certain that when a country overseas that is battling disease, that is trying to provide the most basic health care for its citizens, is doing its best, we should not be luring away their health care professionals who promised they would stay. I think we can extend America's health care capacity. We can do it with a strategy that includes good education for our children, focusing on math, science, and critical languages but also making certain our professional schools can generate the doctors and nurses we need.

Today, with this amendment, we would take two modest steps in the right direction by passing the amendment to require would-be immigrants to fulfill pledges of service and to offer members of the Diaspora community who are working here a chance to share their badly needed skills. Imagine living in a country with 3 doctors for every 100,000 people. Then ask yourself what can we do about it. This amendment is a start.

Mr. President, I ask unanimous consent that Senator KENNEDY be recognized as the next Democratic speaker for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The order is to recognize the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senate had a rough kind of order in terms of speaking. I was told that this was the time to speak even in terms of other Senators. I intended to speak now. I ask unanimous consent that the Senator be recognized after I finish.

Does that help the Senator?

Mr. ENSIGN. Mr. President, if the Senator will yield, how long will he speak?

Mr. KENNEDY. Probably 20 minutes.

Mr. ENSIGN. Would the Senator mind if I went for maybe 2 or 3 minutes?

Mr. KENNEDY. I have no objection.

Mr. ENSIGN. Mr. President, to be fair, realizing that there will be objection to laying down amendments, I would speak maybe 2 or 3 minutes total.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, at the end of my remarks, I will ask to lay the pending business aside. Let me speak for a moment on the issue of immigration.

We are dealing with one of the most difficult issues that we will consider this year. It is difficult from a political standpoint, and it is difficult from a policy standpoint.

If we could poll all 100 Senators, we would probably have 100 different ways of solving the problem of illegal immigration.

However, I think we can all agree that we need to secure our borders. This should be our number one priority, and our national security depends on it. Then, we can begin to consider other reforms.

I, personally, believe it is important that we first secure all of our borders, including our Southern border, our Northern border, and our ports. Once we have secured our borders, as part of a comprehensive reform effort, we can then consider a temporary worker program. This program should require the worker to be continuously employed. It should also ensure that workers are contributing members of society, and are working to become proficient in English. In addition, this program should encourage the worker to have health care coverage.

I have drafted several amendments that are different from the current underlying bill. It is important that these amendments and other legislative proposals be considered for debate.

It is unfortunate that the other side is blocking the amendment process on the bill. They don't want to take some tough votes. I understand that. However, immigration reform is a critical issue facing our country. We must have a full debate in the Senate, which includes an opportunity to bring up amendments, have votes on them, and then determine how to proceed. I, and many of my colleagues, have several amendments that I believe will be very constructive to this process.

Many of us want a verifiable database from which employers can search for the legal work status of their employees. It may be several years before we can actually have that database up and running. The technical problems associated with the database are not addressed in the current underlying bill. I believe some of my colleagues have offered an amendment to address this important issue, and I believe my colleagues should be heard.

We also have to look at Social Security. Two of my amendments address serious issues related to Social Security.

In order to qualify for full Social Security retirement benefits, a worker must work a minimum of 10 years. Under current law, individuals who work in the United States illegally, and later obtain legal employment status, can use their illegal work history to qualify for benefits.

The promise of Social Security is for citizens and legal residents of the United States. It was not intended for individuals who enter our country illegally, purchase fraudulent green cards and documentation on the black market, and use them to get jobs. At a time when the solvency of our Social Security system is in question, it is wrong to allow those who have broken our laws to receive credit for their illegal work history.

In addition, I have serious concerns about the proposed Totalization Agreement with Mexico and its impact on the Social Security Trust Fund. The effects of the Totalization Agreement depend on the specific terms and language included in the agreement. We do not know the terms of the agreement and will not know the exact terms until the President submits the agreement to Congress. We also don't know the exact cost of a Totalization Agreement with Mexico. I am concerned that if this agreement were to go into effect, it could severely impact the Social Security Trust Fund and threaten the retirement benefits of hard-working Americans. This issue needs to be addressed in the context of this debate.

I believe there are many technical problems with this bill that must be debated on the Senate floor. These issues should be addressed out in the open so that the American people can see what is being discussed. Unfortunately, this process is not going forward because the amendment process is being blocked.

I ask unanimous consent that the pending amendments be laid aside, and that I would be allowed to offer an amendment at this point.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENSIGN. Mr. President, in closing, I realize that there are many differences in this chamber. Both Republicans and Democrats have different views on various aspects of this legislation. I believe it is absolutely critical that we move this process forward, that we allow for full debate on the Senate floor, and that we allow amendments to be debated and voted on.

I encourage my colleagues to think about how we proceed, as this is a critical issue facing our country.

I yield the floor, and I thank the Senator from Massachusetts for yielding.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator. From my own personal experience, the Senator has been very much involved and engaged in the provisions of the legislation—and has been during the consideration that we had in the Judiciary Committee.

Mr. President, I remind Members about where we are at the present time with the proposal passed out of the Judiciary Committee 12 to 6, bipartisan.

We had some 6 days of markups. We considered hundreds of different amendments. I was looking over a number of the amendments that had been considered and offered. There may be a few that weren't, but just about all of those were considered at one time or another before the Judiciary Committee. We held 7 days of hearings, listened to all different individuals who had a variety of different opinions on a wide variety of different subjects.

The basic legislation that we are considering here, in one form or another, has been out there for more than 2½ years prior to the 2004 election. I introduced legislation that had a number of parts of this legislation. Senator McCAIN introduced legislation, and Senator DASCHLE and Senator HAGEL worked together.

After the elections in 2004–2005, Senator McCAIN and I worked together in May of 2005 and presented this legislation.

This issue has been before both our committee with extensive hearings. We had a markup as a result of the action of the chairman of our committee. We had the opportunity to take some action on this.

I know there are those who would like to discuss this and discuss and continue to discuss. Sometimes this institution has to take action. I am very hopeful we will be able to do that in these next couple of days.

Some Senators have tried to frame the debate on immigration between the Judiciary Committee bill and Senator FRIST's bill as a debate between those who would be tough on enforcement and those who would not.

We all recognize that our current immigration enforcement system is broken. Enforcement provisions is an area where a good deal of consensus has already emerged in this Chamber.

Both bills under consideration would enhance our capacity to monitor the immigration flows and stop illegal entry. They would double the number of Border Patrol agents over the next 5 years; add significant new technology at the border to create a "virtual fence"; develop new land and water surveillance plans; authorize new highway checkpoints near the border; and expand the exit-entry security system to all land borders and airports.

Both bills would increase our capacity to crack down on criminal syndicates that smuggle immigrants into the country and place them at great risk. They would create new criminal penalties for evading or refusing to obey commands of immigration officers and new criminal penalties for financial transactions involving money laundering or smuggling. They would create new fraudproof biometric immigration documents; direct increased resources to antifraud detection; and improve coordination among Federal, State, local, and tribal agencies to combat alien smuggling.

Both bills would increase cooperation with Mexico to strengthen that country's southern border to prevent illegal migration from Central America through Mexico into the United States. Both bills would facilitate cooperation with other governments in the region to prevent international gang activity.

In addition, both bills would reduce the job magnet in America by creating a universal electronic eligibility verification system so that employers can determine whether potential employees are authorized to work in the United States—very important. That does not exist today, and it is the basis of a great deal of the abuse that currently exists. It is one of the principal reasons the 1986 act was a failure.

They had a provision to adjust the status of amnesty in 1986, but there would also be the requirement for ensuring that we were going to have the vigorous enforcement. It never happened, never existed because we were unable to develop the kind of verification that is so important. We do that under this legislation.

Both bills will substantially increase the penalties on employers that fail to comply with eligibility verification rules. And both bills will add 5,000 new enforcement agents to back up these provisions. We have had virtually no enforcement whatsoever. That has existed under Republican and Democratic administrations. But under this legislation, we will.

The Frist bill places greater emphasis on border fencing, a method of immigration control which we believe has proven ineffective over the last 10 years. The Judiciary Committee bill imposes new penalties on individuals who construct, finance, or use unlawful tunnels under the border. We believe this approach is important for enforcement. Senator FEINSTEIN has said these tunnels are one of the various methods immigrants now use to circumvent border fencing.

The real difference between these two bills involves what we do in addition—in addition—to these tough, new enforcement measures. Over the last week, we have heard two very different answers to this question, reflecting fundamentally different views of immigrants and the steps we should take to reform.

The Frist bill follows the lead of the House of Representatives. It treats immigrants as criminals. In fact, the Frist bill declares that all undocumented immigrants are criminals. It goes further than that, actually making it a felony to provide undocumented immigrants with nonemergency humanitarian assistance.

In bipartisan votes, two-thirds of the members of the Judiciary Committee rejected these measures because they conflict with our basic values, and they would do nothing to actually reduce the number of undocumented immigrants in this country. This is one reason why at least 184 religious groups support comprehensive reform with a path toward permanent status instead.

This is what they call the Cardinal Mahony provision, where Cardinal Mahony says his challenge is to deal with and help the poor, not to check their immigration status. When a mother consults and asks the cardinal, "My child is sick. Should I be going outside the country and returning to Mexico?" and Cardinal Mahony would say, "Your responsibility is to your child," that is aiding and abetting someone from returning to Mexico, and under the House bill they would be guilty of a felony. We are doing that for those who are members of the clergy, humanitarian organizations, nonprofit organizations. It is absolutely wrong. As Cardinal Mahony said, it is the most vicious piece of legislation he has ever seen.

So our bill is not just tough on immigration enforcement; it also takes the necessary steps to make enforcement effective. We have tried enforcement, and what we have seen over the last 10 years is how it has failed.

Ten years ago, there were 40,000 illegal immigrants who were coming into the United States. Now there are more than 400,000. We have spent $20 billion. We have increased border guards 300 percent over that period of time. We have created 66 miles of fencing along the border in the South. We have 1,800 miles to go along the Mexican border, 4,200 miles to go along the Canadian border on this.

We have to try. This has been a bankrupt policy. And to try to just do enforcement—enforcement only—is not going to work. How many more billions of dollars do we have to spend?

Our program is so much more efficient. The reason why is, we give focus and attention to those who are the troublemakers, the criminals, and those who are going to be dangerous to Americans.

The Border Patrol will be targeted in using its resources on those who are a danger to the United States, not chasing gardeners around the desert in the Southwest, which is happening now. That is a very major difference.

People who talk about national security understand this. That is why Secretary Chertoff testified we needed a comprehensive approach. That is an understanding. We understand this is a national security issue. As well as preserving and protecting our borders, it is a national security issue. We understand that. We have taken the steps in our enforcement provisions to make sure that is the case.

It is also dealing with our whole march toward progress in terms of opening up economic opportunity. And most importantly, I think it is a value issue about how we are going to treat individuals who work hard, love their family, play by the rules, pay their taxes, want to study English, want to be good citizens, and in many instances enlist in the military forces—70,000 of them over in Iraq and Afghanistan, in the service. Many are serving in Afghanistan.

That is the profile. That is generally the profile of what we like for our fellow Americans. Ninety-eight percent of the undocumented male workers are working today in the United States of America. These are hard-working people, trying to provide for their families.

It is interesting, to divert for a minute, the incidents, for example, of families staying together is much higher among those groups than the native population. There is a greater expenditure in education as to their children than among the native population, a much greater expenditure in terms of music and the arts as compared to the native population, a much greater evidence of attendance to church and religion as compared to the native population.

These are hard-working individuals who want to play by the rules. Under our particular legislation, they have to conform to the rules or they are out, and they have to do it for 11 years before they become a citizen—11 years—without running into any trouble, paying their taxes and doing what needs to be done. That is what is in our effort.

First, we strengthen the enforcement at the border and within the United States. We all agree with that point.

Second, we provide a path to legal status which will bring the 11 million undocumented immigrants already within the United States out of the shadows, and disrupt the culture of illegality which now corrodes our system.

Third, we must provide legal channels for future immigration flows so that U.S. employers who are unable to attract native workers are not tempted to hire illegal immigrants. And those procedures are outlined.

I have heard many speak about the guest worker program, and they have not read the bill. For the most part, they have to advertise in the United States in their area or region in terms of the worker, and then the individual who is selected has to meet all of the other various criminal background checks, other kinds of security checks.

They come to the United States, and rather than being exploited—as the workforce is today—as an undocumented, they are guaranteed the worker protections in the legislation in terms of prevailing wage, Davis-Bacon, other provisions, service contract provisions.

So rather than depressing wages—as exists today, and without this legislation will continue—this elevates them. That is enormously important.

I want to mention a particular provision in our bill that is extremely important: that is, the Judiciary Committee took the long overdue step of enacting what we call the DREAM Act. Under the DREAM Act, undocumented immigrant children would be given an opportunity to become American citizens if they can prove good moral character, if they have graduated from high school, and if they go on to college or join the military.

Many of my constituents in Massachusetts are undocumented children who would benefit from this act. I wish to share three of their stories, provided by the Massachusetts Immigrant & Refugee Advocacy Coalition:

Mario has lived in Chelsea, MA, for the past 7 years. He is a stellar student, patient caretaker for his 4-year-old brother, and a leader in the community. Mario is currently facing deportation. In Mario's own words:

> I did not make the choice to come to this country; however, over time this country has become my home. My time in the U.S. has consisted of nothing but hard work and positive service to the community and all I want is for that to continue. I see this country as my home, and I have always striven to do the right thing. I know that I have a lot to offer this country if I am only given the chance to do so.

Jessica was brought to this country when she was 3 years old, originally from the Dominican Republic. She graduated last year with honors from Madison Park High School in Boston but was unable to pursue her dream of studying psychology because of her status. Jessica was a member of the National Honor Society and an officer in the Marine JROTC. Jessica says going to college is the only way for her to secure a better future for herself and her family. The United States is the only country she has ever known.

Flavio graduated last year from the Burke High School in Dorchester. He made a complete turnaround from 9th grade to his sophomore year—he turned Ds and Fs into all As and Bs. When asked about his amazing turnaround, he responds that his mother sent him to this country to do something with his life and that is what he decided to do. He is a member of the National Honor Society, honor roll, captain of the track and soccer teams. He was accepted at Roxbury Community College but was not able to attend because of lack of access to financial aid or scholarships. Flavio's parents sent him to the U.S. at the young age of 11, hoping he would have a better life here than in Cape Verde.

These kids aspire to U.S. citizenship, and America benefits when they have a chance to earn it.

The Judiciary Committee bill includes enhanced enforcement, earned legalization for those who are here, and a realistic guest worker program for the future. This is a real comprehensive plan for repairing our broken immigration system, and it is not a campaign slogan.

First, many of those who oppose real comprehensive reform have mischaracterized our arguments in recent days, and they have introduced a number of amendments which would undermine our reform efforts. So let me set the record straight.

First, let me set the record straight on amnesty. Our bill does not provide undocumented immigrants with amnesty. Amnesty, by definition, is an automatic pardon or free pass granted to a group of individuals without requiring any actions in return.

Mr. President, I understand I only have 5 minutes left, 4½ minutes. Am I correct?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has 13 minutes left.

Mr. KENNEDY. Thirteen.

Well, in any event, let me go through very quickly the earned legalization requirements.

First, you must have entered and continuously resided in the U.S. before January 2004; must remain continuously employed; must pay $2,000 in penalties; must pass security background checks; must pass a medical exam; must learn English; must learn U.S. history and government; must pay all back taxes; must get to the back of the line behind all applicants waiting for green cards; and, after obtaining a green card, must wait another 5 years before becoming eligible to apply for naturalization.

There it is. Amnesty means pardon and forgiveness. This is what they have to do.

They have to continue to earn for 11 years. That is the fastest you can gain it, 11 years. And you have to earn it every day by not only paying your penalties but meeting the security checks, learning English and history, paying all of the taxes. That is what is included. That is why many of us who are supporters of it resent, quite frankly, the distortion and misrepresentation that has been made on the floor. I have listened to it. Here in this Chamber people have mischaracterized our legislation, and then they differ with it.

It is interesting because so many of our Republican friends have been able to understand the legislation. George Will understands this. Brit Hume, who is a commentator on FOX, certainly understands it. He spelled it out. Bill Kristol, who is a conservative spokesman, understands it. He actually supports it. The list goes on. They understand what this is about. That is why it is troublesome when we hear some of our colleagues on the other side repeatedly misstate what this is about. I can understand if you state correctly what it is about and you differ with it. I will differ with you, but I can understand and respect it. But what is happening is a complete distortion and misrepresentation as to what we have.

On law enforcement, this is the language from the legislation: The requirement to eliminate the visa backlog. If the backlog of applications for family-based and employer-based immigrant visas is not eliminated within the 6 years following the date of enactment, as predicted under the formula set out in title V, the amendments made by the title, the Secretary shall hold in abeyance an application—that means you go to the end of the line—submitted by an alien granted conditional nonimmigrant work authorization.

Those are the two aspects of it: the one that sets out the requirements of what an individual is going to have to do in 11 years and this provision in the legislation that says they will go effectively to the back of the line. That is how we deal with the 11 million individuals who are here. I have listened a little bit to the arguments against this provision, but what we have not heard is what the other side is for.

You are against our provision. What are you for? Are you for deportation? Where is your $240 billion—that is the best estimate—to move these individuals out? Who are they? They are the parents of American citizens, in many instances, disrupting families, disrupting relationships that have been going on for years. It would take the buses to go from San Diego to Anchorage, AK, bumper to bumper, if we were to deport 11 million people at $240 billion.

They are all so eloquent, those who differ with us. But you never hear what they are for. They just happen to be against this provision which is an essential part of this whole effort. That is something which is important.

I see my friend and colleague here who wants to address the issue. I have other comments, but I will come back a little later in the afternoon and address them. I hope we can move along. I know there are a number of amendments that have been examined and are acceptable. I hope we move those along. I hope we move to a point where we can have some votes and make a determination on the judgment of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say about my colleague, the senior Senator from Massachusetts, that in the 44 years he has been here, he has been one of the Senate's—the Senate's, probably—leading spokespeople for a fair, sensible, value-based approach to immigration. I have been here for a couple of the fights on immigration we have had, having come to the Senate in 1985. But I have never seen somebody as careful and as deliberative and as thoughtful about how to balance the equities that are involved in this issue and, most importantly, somebody who never forgets what defines this country. It is not just immigrants who understand what Senator KENNEDY has been fighting for. It is those who really understand, such as the people Senator KENNEDY was talking about—Bill Kristol, George Will and others, conservatives who understand the values as well as the pragmatic issues which define this question of immigration. So I thank my colleague for his many years of leadership on this and for the experience which he brings to the debate.

Obviously, this debate matters enormously to our country. There is no doubt that Americans in every State in the Union and people around the world are watching what we do and how we do it. We have witnessed a remarkable demonstration of public protest and of civic participation in cities across America. In the Senate, in our communities, we are once again wrestling with difficult issues. These are not easy. Nobody is suggesting they are easy. But the question of immigration reform is an issue that goes to the heart of who we are as a people and that defines us as a nation. It is an issue that has historically divided us, revealing that sometimes humanity and courage are side by side with isolationism and fear and sometimes, sadly, even bigotry.

We may be divided today, as we try to figure out how we are going to go forward here, but I don't think there is any Senator who disagrees about our past and our heritage as a nation of immigrants, of people who have come to the United States in search of a better life and freedom, of opportunity, and who want to have their voices heard. We also all agree that our current immigration system is broken. We agree that more resources have to be sent to the border in order to strengthen enforcement, to add more Border Patrol agents, and invest in new technologies.

I spent a number of years as a prosecutor. I didn't have to deal directly with immigration at the county level, but I certainly saw what a lack of resources did, in a prosecutor's office, to our ability to pick the crimes that we were prosecuting, our ability to prioritize certain kinds of crimes to move through the judicial system. The fact is, had it not been back in those days for an extraordinary infusion of Federal dollars through the Law Enforcement Assistance Administration, we never could have done half the things we did—like priority prosecution so you could take any felony from arrest to conviction in 90 days. Federal money made that difference: where we could have a rape counseling unit, one of the first in the country, Federal money made that difference: where we could have a victim witness assistance program so people would be helped through the criminal justice system, Federal money made that difference.

Here we are with less border guards on our 2,000-mile border than we have police officers in the City of New York. They don't have the resources. So as we stand here and debate this issue in the Senate, we need to be honest about our own responsibility for the situation we find ourselves in today. This is not something a Republican President did or a Democratic President did or a Republican Congress/Democratic Congress. It is something the United States has allowed to take shape over the last 30, 40, 50 years. It is not new. And you can't come in and sort of bring down a wall and say: OK, we are going to do enforcement and forget about the magnet that already exists, the inequities that have already been put in place because a whole bunch of people knew the borders were porous, because a whole bunch of people knew employers would hire them if they came here illegally which, incidentally, is against the law. But where are the prosecutors prosecuting that in the past? It hasn't been happening.

So our system is broken. What we need to do, consistent with our values and history as a country that has welcomed and honored immigrants, is to deal with the current situation in a realistic, open, fairminded way that tries to find the common ground between us.

I believe we can do that, but it is a problem we have to think about from both sides. I have spent some time in the last months, knowing this debate was going to take place, meeting with members of the Congressional Hispanic Caucus and trying to understand how people are thinking about this. How does somebody who has come into the country, who has been here for 15 years, 20 years, who has raised their kids, whose kids have friends, who has gone to the local school, who is going to college now, how do they see this? How do we all see this?

We have 11 million, approximately, undocumented immigrants living and working in the United States. The Nation's employers want these people, evidently, because they are hiring them. It is against the law to hire them, but they are hiring them. How many Americans have gone down to a street corner and hired somebody or had somebody mow the lawn or somebody come over to the house to clean out the garage or do something and paid them cash?

The fact is, there are low-skilled, low-wage jobs that a whole bunch of Americans don't want to necessarily fill. I know during the 1990s, we reached an unemployment level of about 2 percent plus in Massachusetts. I believe it was around 4 percent as a nation, effectively full employment in the United States. Still there were a whole bunch of low-wage jobs people didn't want to do. There simply aren't enough visas for the people who want to come in to do those jobs and for the jobs that people want to have done to fill. And with the lure of higher paying jobs than in their home countries, workers come in to fill them. That is a centuries-old reality, not just here but in countries all around the world.

The system that employers are supposed to use to verify the legal status of employees is fundamentally weak. It is subject to exploitation by everybody. The workers can exploit it by getting false documents, and the employers can exploit it by ignoring documents that they know are false or by avoiding the requirement to comply with the law.

Our challenge here in the Senate is not to demagog this issue. It is not to say: Boy, if we just enforced the border, that is the whole deal.

It is not the whole deal. Everybody who has thought about this issue in any serious way knows that is not the whole deal. If we are going to deal with 11 million undocumented workers who are currently living in the shadows in America and be fair to our history and our values, we have to create a comprehensive reform program. Some people on the other side of the aisle suggest all we have to do is shut down the border and that is it, just shut the border. They believe the approximately 11 million undocumented immigrants currently living and working in America are going to return home. Are they serious? People who have a job, paid their dues, paid their taxes, didn't get in trouble, kids are in high school about to graduate or in college, they are going to pack up and go home? Back to what?

For those who won't leave voluntarily, these people believe we are going to have all our police officers and everybody go out and find them and round them up and deport them. How would you do that? How do you find 11 million people who are living in the shadows? How are you going to compel them to leave? What are you going to say to their children and grandchildren and the businesses and the communities that depend on them? What is the image going to be around the world? You can see the cartoons as the United States is busy rounding up these folks, herding them into buses, sending them back.

George Will summed this up pretty well in his column last week. He wrote:

> Of the nation's illegal immigrants—estimated to be at least 11 million, a cohort larger than the combined populations of 12 States—60 percent have been here at least five years. Most have roots in their communities. Their children born here are U.S. citizens.

Those children, because they were born in the United States, are U.S. citizens; that is what our Constitution says. So are we going to separate parents and grandparents from American citizen children?

> We are not going to take the draconian police measures necessary to deport 11 million people. They would fill 200,000 buses in a caravan stretching bumper-to-bumper from San Diego to Alaska—where, by the way, 26,000 Latinos live. And there are no plausible incentives to get 11 million to board the buses.

That is what George Will said.

Mr. President, offering up border enforcement as a panacea is a great political talking point. You can go out, and there are places where people will stomp their feet and clap their hands and say: Isn't that true? But it is not a real strategy, it is not a way to fix our broken immigration system.

I am also troubled by the anti-immigrant statements made during this debate, which expose a limited understanding of the role of immigrants and immigrant workers and the role that they play in the fabric of our economy and our society and our communities. Most troubling is, I think, that these statements are statements that are made to try to divide people. For example, arguing against the need for immigrant labor, Congressman DANA ROHRABACHER said:

> Let the prisoners pick the fruits. We can do it without bringing in millions of foreigners.

According to Congressman BOB BEAUPREZ:

> If we continue down this path that the Senate has established. . . . we will have created the biggest magnet ever. It would be like a dinner bell, "come one, come all."

Congressman STEVE KING says that anyone who supports a guest worker proposal should be "branded with a scarlet letter A," for "amnesty."

Congressman TOM TANCREDO wants to turn America into a gated community, warning people that among the people crossing our borders are "people coming to kill me and you and your children." He laments the "cult of multiculturalism" and worries that America is becoming a "Tower of Babel."

I would like TOM TANCREDO to go over to Iraq, where there are 70,000 legal immigrants serving this country, and ask them how they feel about a "Tower of Babel" and about the values of this country.

These statements do not reflect the contribution that immigrants have made to our country over centuries. They don't reflect the contributions that they make today. Most of us in this country—almost all of us in this country descend from immigrants. That is who we are. I am privileged to be married to an immigrant, who didn't become an American citizen until, I think, she was 24 or 25 years old.

I know how loyal people can become to a country that welcomes them and gives them the ability to fulfill the American dream. The vast majority of the American people understand the value that immigrants provide to our country. They understand that enforcement alone is not going to work, and they have taken to the streets to make their voices heard. Half a million people demonstrated in Los Angeles to protest an enforcement-only approach to immigration reform, far surpassing the number of people who protested the Vietnam war. More than 10,000 people participated in the "Day Without Latinos" rally in Milwaukee, WI, leaving their jobs and marching through downtown. Similar walkouts occurred in other parts of the country with students and laborers protesting enforcement-only immigration proposals such as the House bill. Churches and humanitarian organizations have become actively involved in the fight for comprehensive immigration reform. In fact, yesterday I spoke with Hispanic evangelical leaders from across the country about their concerns regarding the immigration crisis in our country. Cardinal Roger Mahoney, the archbishop of Los Angeles, has spearheaded an effort by the Roman Catholic Church to defy the House bill that criminalizes immigrants and the organizations that help those immigrants.

You heard my colleague, Senator KENNEDY, talk about what would happen if somebody reaches out to the poor, the needy, the sick, which is a fundamental tenet of any religion. And this bill in the House wants to criminalize that.

The people are making their voices heard. They understand what is at stake in this debate. They understand the role that immigrants play in this country, and they are fighting to ensure that we end up with a fair humanitarian, realistic solution. Now, while some people look at enforcement only—incidentally, let me say that during the election of 2004, I spoke up as forcefully as I could in New Mexico, Arizona, Colorado, and lots of places where there are lots of immigrants. I consistently said that you have to have comprehensive reform. I didn't just talk about earned legalization or about guest workers; I talked about the need to crack down on businesses that are illegally hiring people. We need to have a simple and honest way for people to know who is applying for work.

This is common sense, particularly in a post-9/11 world, where it is important for American security to know who is coming into our country. So we need to do that. You cannot look at enforcement-only but rather the comprehensive bill like that which is being considered on the floor of the Senate. I am encouraged by what the Judiciary Committee, in a bipartisan bill, did, which is now a full substitute to Senator FRIST's bill, and that is the bill offered by Senator SPECTER.

As Senator KENNEDY and others have said, the Specter amendment has the four cornerstones of real immigration reform. You cannot do it without all four. No. 1, you have to have a strengthening of our border enforcement. That means using all of the latest technology to build a virtual fence—use the sensors that we have available in the military, use the cameras and technology, and use more human presence to add to the Border Patrol that is currently there; make sure enough vehicles are there, which is an amendment I intend to offer if we get into the substantive part of the debate. It has been much neglected through the years by all in strengthening the border.

Second, regulate visas in order to meet the work flow needs. And you have to do it in a more effective way than we have in the past.

Third, you have to provide a path for legalization for people who have been here for a long period of time, played by the rules, raised their families and have children who are American citizens. We need to find a way to do that so that it is not, as some of our colleagues on the other side of the aisle say, opening the door and making a fool of the law. I am not for doing that. The law has to mean something.

Indeed, in this bill, from 2004 forward, there is no eligibility for people to have earned legalization. It shuts the door after 2004. It brings down a wall but in a comprehensive way that has a starting point that says: OK, we acknowledge that for a long period of time we didn't have a realistic system, we were not able to stop people from coming in. What is the fairest way to deal with this problem, to send notice in the future that this is a new get-tough policy in the United States and a policy that will be backed up by adequate border security, by a realistic visa program that commands respect of people, and by a legitimate effort to bring people out of the shadows, which also commands the respect of people everywhere.

Finally, we need to help employers enforce our laws. You have to have a way for the employer not to be turned into a police officer but to easily, and with certainty, be able to determine whether the documents they are looking at are real and whether the person they are looking at, presenting the documents, is the person that it purports to be.

Mr. President, the Specter amendment is tough on border security. It is important because this debate has gone on as if there is a bill out there that is for border security—the Frist bill and the House bill—and this other bill that somehow is not. That is not accurate. The Specter amendment is tough on enforcement and border security. Almost every provision of the other bill—the Frist bill—is in there. And it is unfair to assume that it doesn't have strong enforcement provisions.

The Specter substitute doubles the size of the Border Patrol by adding 12,000 new agents over the next 5 years. It doubles interior enforcement by adding 5,000 investigators over the next 5 years. It adds new technology at the border to create the virtual fence that I talked about. It expands the exit and the entry system at all land and airports. It mandates a new land and water surveillance plan, and it increases the criminal penalties for violating our immigration laws.

That is a tough bill with tough enforcement. It also addresses the reason that undocumented workers come to this country. They come to this country looking for jobs, and the demand for labor in our country is one of the things that pulls them here. So workers cross the border because we don't have enough visas to be able to permit people to cross legally, so they come illegally. Guess what. They get a job when they get here. That is illegal.

One of the key elements to stopping the illegal flow of workers across the border is to increase the number of visas for people to come legally and also to have an adequate ability for the employer to have no excuse for not knowing the legality of the people who work with them. There should be a no-fault system here, where there is an automatic presumption of the employer's ability to enforce.

The temporary worker program that is created by the Specter substitute, in my judgment, will help to regularize the flow of immigrant workers in and out of this country. I understand some people fear allowing temporary workers into the United States. They think it will hurt American workers and depress their wages. Again, that is a phony "bogeyman." That is a red herring in this debate. Either people have not read the temporary worker program or they chose to allow themselves to be completely misled by it.

The temporary program has labor protections and it has market wage requirements. The worker has to receive at least the same wage as someone similarly situated or at the prevailing wage level for that job, whichever is greater. So there is a wage enforcement mechanism that will not allow that depression.

The workers will receive a 3-year visa, reviewable for 3 years, and have the ability to curb employer abuse by switching jobs. And in addition, after working 4 years, they can petition for a green card. So the temporary worker program meets the labor needs of employers while at the same time remaining flexible enough to accommodate changes in the marketplace.

Equally important is reducing the backlog of people who are waiting for visas. Mr. President, 260,000 new family visas and 150,000 new employment visas will be added each year. Thirty percent of the employment visa pool will be reserved for essential workers. And perhaps most importantly, those currently waiting for visas will be processed before any of the current undocumented workers.

This is critical. When people talk about this somehow being an amnesty, they are completely ignoring the 10 steps you have to go through—the last of which is the most important of all—that you go to the end of the line. You don't somehow get a free pass card that automatically puts you in; you go to the end of the line.

So the numbers of documented people are already there ahead of those who are undocumented; and if you are coming in undocumented, you not only have to learn English, have a health exam, and have a security background check, and you not only have to be legitimately employed and all these things, but you also go to the end of the line. That is not an amnesty.

The Judiciary Committee bill also provides a realistic way to deal with the 11 million undocumented workers who are already here. Senator KENNEDY went through those 10 different steps. I will not repeat them now, except to emphasize the last point I made about the back of the line.

I think those are pretty onerous burdens. They are tough burdens. They require all back taxes to be paid—tough burdens. It is not forgive and forget. It is meet a standard. It is live up to a standard.

The final piece of the immigration reform puzzle is how do we create a workable employer verification system. We don't want to, but we need to, unfortunately, rely on employers to be part of the system. We don't want to turn them into immigration bureaucrats. We don't want to turn them into police officers, but it is inevitable if we are going to have a legitimate comprehensive system that when somebody presents credentials to an employer, the employer can't cheat, the employer can't look for a way around it.

The employer has to be part of this system of the values of America that say there are people waiting in line, there are people going through the visa system. We are spending money on the border. We need you to be part of this system. It is going to take an educational effort by chambers of commerce and small business associations and other efforts around the country so that there is an ethic in America that is not willing to cheat. And if that ethic was put in place, we would do more to stop illegal immigration than any other single item because people won't be able to find the work. I personally think it is the single most important part, together with the Border Patrol component itself, of having a comprehensive immigration program.

Currently, however, employers don't have a reliable system for checking the validity of Social Security numbers, and we know how many Social Security numbers have been stolen. We have a problem for all Americans with the theft of Social Security numbers. So we need to deal with that problem even as we deal with this question of verification of employees.

The Specter substitute creates a system that will enable employers to quickly and accurately verify a potential employee's legal status. The last immigration reform we passed in 1986 was intended to address the root causes of illegal workers coming across to the United States, but it failed to draw all the illegal workers out of the shadows, and that really has helped lay the groundwork to people's cynicism and skepticism, which I understand, about today's system.

The reason we are in the crisis we are in today is because we have never really been comprehensive. That is the problem. I believe the Specter substitute amendment that the Judiciary Committee worked so hard to create and pass in a bipartisan fashion does not make the same mistake that was made in 1986.

There is one other aspect of the bill I would like to mention before yielding the floor. I have supported for many years the DREAM Act. The DREAM Act will enable young people who have spent most of their lives in the United States, who believe in our country and have stayed out of trouble, to have a chance to get a crack at higher education, which is essential. It gives incredibly bright and capable young people a real chance at success, and it gives our country well-educated, hardworking citizens. I think including the DREAM Act in comprehensive immigration reform makes sense, and I am pleased the Judiciary Committee, led by the efforts of Senator DURBIN, included it.

There are a number of amendments—I am not going to go into all of them now—but there are a number of amendments on Border Patrol, making sure the Border Patrol agents have sufficient tools, GPS, other items. Also, I want to eliminate the ability of the administration to have a completely unreviewable authority to make the full decision on an individual's life. The Secretary of Homeland Security, the Attorney General, and consular officials who currently have the sole and final authority really will have an undue impact on detention, deportation, citizenship determinations, and other issues. We need to somehow not have concentrated power in so few hands.

In the end, the Specter bill is a comprehensive bill. It has the chance of bipartisan support. I think it is a courageous bill. I congratulate the Chair and the members of the committee who fought so hard to come up with something under difficult circumstances, and I hope we are going to be able to get a chance to fix that bill and amend that bill appropriately on the floor. I hope that will be the vehicle the Senate proudly embraces as a reflection of the values of our country and the proper amount of respect for the history we have traveled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I begin by expressing my appreciation to the Senator from Massachusetts for the kind things he has had to say about the so-called Specter bill, the committee bill. But we can't move forward on legislating with that bill until there is an opportunity for Members of the Senate to offer amendments. We do not have a system where a Senator, even ARLEN SPECTER, offers a bill and it becomes the will of the Senate, it is passed by the Senate without having Senators having an opportunity to offer amendments.

It appears now late on Tuesday afternoon, almost 4 o'clock, that there is a calculated effort by some not to permit this bill to go forward.

We started on this bill on Wednesday afternoon, but we couldn't vote on Thursday until we had sort of a bed check vote. That means one which was going to be unanimous but not a meaningful incursion into the tough issues to try to start to work the will of the Senate. We had a vote at 3 o'clock on Thursday afternoon, but all day Thursday, most of the day, was consumed by debate and not very pointed debate, fairly generalized debate which didn't advance the legislative process very much at all.

Then on Friday, the Senate was in session, but nobody was around. We couldn't offer amendments because the other side of the aisle, the Democrats, wouldn't permit us to.

Then yesterday we structured a couple of amendments on which there was really no objection and voted on them pretty much pro forma.

We are searching for a way to bring up amendments to vote on today and couldn't do that. Then this morning, as the record will show, the distinguished ranking member of the Judiciary Committee offered a unanimous consent request for speeches. When we discussed the matter, we were told that there wouldn't be any opportunity for votes until the party caucuses were finished.

So we twiddled our thumbs, bided our time until 2:30, and then the majority leader called a meeting of Senate Republican Senators to try to find a compromise among disagreements within the Republican caucus. He was waiting for a call back. Finally, we had word that the minority leader had a news conference, and this is what happened, in part, at the news conference. I have a transcript.

> Question: Senator SPECTER was very frustrated this morning at a press conference, saying that work is not really being done because the Democrats are not letting there be votes on amendments, and he can't get agreement on votes on some of the major amendments.
>
> Could you tell us why it is that your strategy suggests—

And then an interruption by Senator REID.

> Maybe ARLEN SPECTER has been so good at what he did in committee that we shouldn't be worried about a lot of amendments.

It would be nice if ARLEN SPECTER was so good, we wouldn't have to worry about a lot of amendments. But let me confess, admit to the totality of the circumstance, that I am not that good, or perhaps I am that good, but my colleagues don't think I am that good and they want to offer amendments. Other Senators want to offer amendments to my bill, so that when Senator REID says maybe he is so good we shouldn't be worried about a lot of amendments, people want to offer amendments. Two are on the floor now, Senator KYL and Senator CORNYN.

Then there was a question by one of the reporters not identified:

> But if the shoe was on the other foot, wouldn't you be asking for your day on the floor?

Senator REID:

> The shoe's not on the other foot.

That is a pretty conclusive answer. A little while later in the press conference:

> Senator REID, Republicans are saying that you're not allowing amendments to be voted on the floor. Is there a reason for that?

Senator REID:

> Well, first of all, at my caucus I indicated to those people there who are interested in understanding where the amendments are, want to offer amendments, to talk to Senator LEAHY's staff, Senator KENNEDY's staff, Senator DURBIN's staff. They're putting together all those amendments.
>
> And we're happy to take a look at amendments that don't damage the integrity of the bill. But if it's going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

I have been around here a while, but I have a hard time understanding that last sentence. I have a hard time understanding:

> And we're happy to take a look at amendments that don't damage the integrity of the bill.

The integrity of the bill under Senate procedures is established by votes by Members on amendments. That is how you establish the integrity of the bill.

Then Senator REID goes on:

> But if it's going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

I don't believe there is the power or authority in any Senator or group of Senators to validate, conclude that what other Senators want to offer by way of amendment denigrates the bill and is the basis for not having votes.

We have pending 100 amendments. It is an exact number. It just happens to be 100 precisely. There are 6 amendments pending at the present time: Senator FRIST on the study on border deaths; Senator KYL on nonimmigrant work authorization; Senator CORNYN on a second-degree amendment to Senator KYL's amendment on nonimmigrant work authorization; Senator ISAKSON on no guest worker program without border security; Senator MIKULSKI on extension of returning worker exemption; Senator DORGAN on Canada travel without passport.

There had been a suggestion that we would vote on Senator KYL's amendment side by side with an amendment by the Democrats. Although I believe such an amendment has been produced by the Democrats, they are unwilling to permit us to vote on it side by side.

Mr. KYL. Mr. President, will the Senator yield for the purpose of a unanimous consent request?

Mr. SPECTER. Mr. President, I will on the condition that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, to verify what the chairman of the Judiciary Committee has just said, I ask unanimous consent that we proceed to the regular order for a vote on amendment No. 3206, which is the amendment I offered last Friday to which Senator SPECTER just referred. There is a second-degree amendment that was offered by Senator CORNYN, and there is the text of an amendment that I have possession of that was, I believe, produced by Senator KENNEDY that would be the Democrat side-by-side amendment, and we could vote on that amendment after the vote on the second-degree amendment and my amendment No. 3206. So we can determine right now whether the Democratic leadership is preventing us from having votes on amendments, such as the amendment that I filed last Friday.

I ask unanimous consent that we proceed to the regular order and that my amendment No. 3206 then be pending and proceed to a vote on that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, will the chairman of the Judiciary Committee yield for the purpose of my propounding another unanimous consent request?

Mr. SPECTER. I so yield on the stipulation I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, this unanimous consent request is simply to send to the desk amendment No. 3246, an amendment that Senator CORNYN and I would like to send to the desk.

Mr. REID. What is the question?

Mr. KYL. To lay aside the current business and send to the desk amendment No. 3246.

Mr. REID. I object.

Mr. KYL. There is objection heard to that?

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I renew the unanimous consent request by the Senator from Arizona, Mr. KYL, for a vote on his pending amendment at 4:30 p.m.

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I renew the unanimous consent request by the Senator from Arizona for a vote on his amendment at 5 o'clock.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. I renew the request of the Senator from Arizona for a vote on his amendment at midnight.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. We are witnessing here a new procedure in the Senate that I am not familiar with, and that is legislating by press conference.

What we have before the Senate now is a rare moment of bipartisanship. We have a bill that came from the Judiciary Committee in a bipartisan fashion. It is strong bipartisan legislation that strengthens our national security. We need to move forward.

We have reviewed the list of amendments filed by both sides. There are several good-faith amendments that are intended to improve the bill without damaging the integrity of the committee product or which are not designed to score political points. We are ready to schedule votes on these amendments at the right time.

However, it is important that we take advantage of the bipartisan momentum behind this bill and keep moving forward. We must not allow this strong bipartisan legislation to be torpedoed for reasons that probably are very partisan. We on this side are united behind a comprehensive immigration reform bill, a bill that is bipartisan, and we are ready for prompt action on this bill. So I object to voting at midnight.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed with a colloquy with the distinguished Democratic leader, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I very much appreciate the high compliment by the Senator from Nevada to this superb bipartisan bill crafted by Senator LEAHY and myself, and I wish to see the bill passed. I have worked very hard on it, including a marathon markup last Monday.

May I ask the Senator from Nevada when is the right time to consider amendments?

Mr. REID. As I said, Mr. President, staffs are looking at it. It is my understanding there are 70 to 100 amendments that have been filed; is that right?

Mr. SPECTER. One hundred.

Mr. REID. We are in the process of looking at those. As you have to do on any bill, you have to decide, when you have a bill that is as large as this, what amendments are going to be decided to be voted upon. It can't be decided on one side; it has to be decided by both sides. The only way we are going to get votes on amendments on this most important bill is to have both sides agree on them, and we are in the process of doing that right now.

I indicated—as the distinguished Senator from Pennsylvania indicated—in my caucus today, I said that staff would be working just as I outlined. It can't be done in 5 minutes or 10 minutes; it will take a little bit of time. But this is an important bill. It deals with our national security, it deals with a guest worker program, and it deals with a path to legalization for 11 million or so people.

I will say to my friend, the distinguished chairman of the Judiciary Committee, that I think the work the Judiciary Committee did on this piece of legislation is extraordinary. It is good. Frankly, I was very pleasantly surprised at the complexity of the bill and how good it was. I like the bill as it is. That is my personal feeling. So I am willing, as I have indicated, to work with Senator LEAHY and his staff, Senator KENNEDY and his staff, Senator DURBIN and his staff, and we will look at these amendments and see if we can agree on a bipartisan basis what amendments should be decided here—or voted upon, I should say.

Mr. KYL. Mr. President, will the distinguished chairman of the Judiciary Committee yield for a question, please?

Mr. SPECTER. I do, on the condition that I don't lose my right to the floor.

Mr. KYL. Mr. President, I think I misspoke a while ago and talked about the amendment that I introduced last Friday—actually, it was last Thursday—that Senator CORNYN and I, and I believe Senator GEORGE ALLEN is a cosponsor—introduced, amendment No. 3206.

My question to the chairman is this: In the bill, there is a variety of benefits that are provided to illegal immigrants who are in the United States today in that they are allowed to gain a legal status which can lead to legal permanent residency, sometimes called a green card, from which one can apply for citizenship. There are some conditions attached to that. Is it not correct that the amendment Senator CORNYN and I offered simply adds to those requirements, or those benefits, the additional requirement that the individual seeking the benefit not have been convicted of a felony or three misdemeanors, or have violated a judge's order of departure from the United States?

Mr. SPECTER. Mr. President, the statement made by the Senator from Arizona is correct.

Mr. KYL. Mr. President, to the chairman of the Judiciary Committee, in your view, is that an amendment that is germane and relevant and very specific in that it would add one more requirement to the conditions that are allowed—with the benefits—that are allowed under the bill, and would it be your view that in no way would that be a nongermane or nonrelevant kind of amendment?

Mr. SPECTER. Mr. President, I would respond in the affirmative. I would add that this isn't an amendment which, in Senator REID's words, denigrates this bipartisan bill. I would say it enhances the bill.

Mr. KYL. Mr. President, if I could ask another question. As you know, there have been some competing bills filed, perhaps the two most comprehensive being the bill that was worked on in the committee and that came out of the committee in an amended form, and a bill Senator CORNYN and I introduced which, when introduced, was far more comprehensive, but some of the provisions of our bill were added to the bill that came out of the Judiciary Committee. Would it be your view it would be entirely appropriate for the Members of the Senate to have an opportunity to vote on the bill Senator CORNYN and I introduced and, therefore, that we ought to be given an opportunity to lay down our bill, an opportunity which would be denied if we continue this exercise of having objections to unanimous consent requests to lay down amendments?

Mr. SPECTER. Mr. President, the Senator from Arizona asks something that is preeminently correct, and that is the way the Senate functions. Senators have a right to offer amendments, and the so-called Kyl-Cornyn bill is the product of very extensive thinking, analysis, and preparation. A good part of it was incorporated into the chairman's mark. And certainly Senator KYL and Senator CORNYN are within their rights in asking for a vote on it.

Mr. KYL. Mr. President, if I could ask a final question of the chairman of the Judiciary Committee. Notwithstanding the fact that through your good offices a bill was shepherded through the committee, a bill which you support and are prepared to vote on and vote for, it would be your view that a denial of our opportunity to offer an amendment as an alternative would be improper and inappropriate and an obstructionist tactic to prevent the Senate from working its will in having an opportunity to consider differing points of view on this important and complex subject?

Mr. SPECTER. Mr. President, yes.

Mr. CORNYN. Mr. President, would the Senator yield for a question?

Mr. SPECTER. I would, again, on the condition that I don't lose my right to the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection.

Mr. CORNYN. Mr. President, I ask the distinguished chairman of the Judiciary Committee if the offering of amendments during the course of a bill's consideration on the floor is the usual procedure to determine where consensus lies and in determining what the will of the Senate ultimately is, and whether the refusal of the Democrats to allow votes on these amendments is obstructing the work of the Senate?

Mr. SPECTER. Mr. President, the answer is decisively, obviously, yes.

Mr. CORNYN. And, Mr. President, if the Senator would yield for another question.

Mr. SPECTER. I do, on the same condition.

Mr. CORNYN. We are running up against a Friday deadline with a 2-week recess of the Senate long standing, and if we are unsuccessful in allowing any votes on amendments which are necessary to move this bill forward, where do you believe the blame would lie for the Senate's inability to successfully finish its work this week on this comprehensive border security and immigration reform bill?

Mr. SPECTER. Mr. President, I would respond by saying the blame would lie with those who have lodged objections to very reasonable unanimous consent requests, several of which we have heard here this afternoon.

Mr. CORNYN. Mr. President, if the Senator would yield for a final question.

Mr. SPECTER. I do, on the same condition.

Mr. CORNYN. Isn't it true that this bill for the first time manifests a tremendous Federal commitment to live up to the Federal Government's responsibility to provide additional Border Patrol agents and additional technology along the border to enable the United States of America to finally secure its borders and potentially prevent the incursion of criminals, even terrorists, and that each day that goes by, because of our inability to complete our business here on the floor, potentially exposes the country to further jeopardy in that regard?

Mr. SPECTER. Mr. President, my answer to that question is in the affirmative.

Mr. President, proceeding with the discussion with the distinguished Senator from Nevada, the Democratic leader, when he says there would be votes at the right time, the Kyl-Cornyn amendment was filed last Thursday. I agree with him that it takes time to analyze amendments, but hasn't there been sufficient time for the Kyl-Cornyn amendment to be analyzed and to enable the Democrats on the opposition or a side-by-side amendment, or whatever course they choose, to come forward and let us proceed?

Mr. REID. Mr. President, responding to my friend, it seems quite unusual that these crocodile tears are being poured out now because amendments aren't being considered. We have waited for years to have an amendment considered on raising the minimum wage. We have waited months and months to have a debate on amendments on stem cell research. I have trouble accepting the plaintive cries from the other side of the aisle in not having their amendments heard. With this Republican-dominated Senate, we have been unable to offer amendments, only two of which I have mentioned. We have tried and tried and tried.

This is the Senate, and we have 100 amendments pending. And the mere fact that the distinguished junior Senator from Arizona offers an amendment he believes strongly in does not mean it takes precedence over the other 100 amendments that have been offered. This is a procedure that has been followed for many years.

I would further say I simply don't accept the explanation of the amendment the distinguished junior Senator from Arizona has offered on this bill. First, the Kyl amendment, as amended by Senator CORNYN, would make classes—various individuals who would become part of a class of undocumented immigrants—ineligible for conditional nonimmigrant status and to earn their legalization; for example, immigrants who came through the visa program who overstayed their visas. Is that what we want to do? I don't want to do it: Make immigrants subject to expedited removal at the point of arrival. And did you know one of the definitions of aggravated felon that is in this legislation is somebody who has twice overstayed their visa?

So I like the bill we have before the Senate. I don't accept this amendment—the Kyl amendment—as one that improves the bill. It hurts the bill. It hurts the very foundation and what I believe is the spirit of this legislation.

I do not accept the fact that this good legislation which is now before the Senate will be improved by the Kyl amendment as modified by the amendment of the distinguished Presiding Officer. I believe the bill before us is a good bill and we should stick with it. That is what I want to do.

Mr. SPECTER. Mr. President, the response—or the words spoken; it was not a response—the words spoken by the distinguished Democratic leader are interesting, but they do not answer the question. The question was, have you had enough time to take a position on the Kyl amendment? And your analysis—

Mr. REID. The answer to the distinguished Senator is yes, I have had time.

Mr. SPECTER. Wait a minute. I am speaking here, and I will not interrupt you, Senator REID.

Mr. REID. I apologize very much.

Mr. SPECTER. Your analysis states that you had enough time to analyze it, review it, and you are opposed to it. When you mention stem cells, you are right. We should have voted on stem cells some time ago. I think I have complained more than you have about that. And you are right about the minimum wage. It ought to be raised. And I think you voted for it every time, but no more often than I have.

But we are now faced with the immigration bill. When you say that the Kyl amendment will not improve the immigration bill, my question to you is, isn't the way you express that by voting against it, by leading the charge against it, as opposed to preventing a vote on it? Isn't that the way the Senate functions?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, with all due respect to the distinguished chairman of the Judiciary Committee, he has been in this body a lot longer than I have, but I still understand the rules of the Senate. At this stage, as a Senator from the State of Nevada, I am not ready to move forward on the Kyl amendment. I do not have to explain in any more detail than I have why I do not want to move forward on it. I do not agree with the amendment. I don't think it is going to benefit this legislation pending before the Senate. I am going to do what I can to prevent a vote on it. I can't be more direct than that to the distinguished chairman of the Judiciary Committee.

Mr. LEAHY. Will the Senator yield?

Mr. SPECTER. In a moment I will, to Senator LEAHY.

When the Senator from Nevada says he doesn't have to explain, he is wrong. He thinks he does have to explain because this is a Senate proceeding by press conference. The Senator from Nevada accurately characterized some of the legislative process on this bill as legislation by press conference. Of course that has never happened before. I mean, it would just be antithetical to the workings of the Senate.

It is hard to walk down that corridor without holding a press conference involuntarily. You either hold a press conference or you are rude.

I can't do more by way of gesturing without drawing an objection from Senator BYRD. I once acknowledged the presence of the Penn State national champions in the gallery, and it was found by the rules that I was out of line.

But we do this all the time, and sometimes by design. A microphone is set up there frequently, and we go there voluntarily, and we utilize the ink and electronic equipment of the media. This little discussion here—more accurately called a charade—is for the media because we want to put some pressure on the Democrats to let us vote.

Senator REID has come out here to defend his position because he thinks he has to, because if he didn't think he had to, he wouldn't be here. He is too parsimonious with his time, which is very valuable. I daresay he has a long list of calls to return and a long list of calls to make and a lot of business to transact, and he came out to the floor because he thought he needed to state his position that there is a battle and that he is defending himself against the charge that the Democrats are stalling and holding up this bill.

It is late now. It is 4:20 on Tuesday afternoon. We only have—let's see—we only have Wednesday, Thursday, Friday, Saturday, and Sunday. We only have 5 days in this week to finish this bill.

I yield to the Senator from Vermont with the stipulation that I don't lose my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized.

Mr. LEAHY. As the Senator from Pennsylvania knows better than anyone here, we can accomplish a great deal when we are able to work together. He and I and key members of the Republican Party and the Democratic Party worked very closely in the Judiciary Committee to report a bipartisan piece of legislation to the full Senate.

We reported a bipartisan bill, and I would like to vote on that. Here on the floor, we have voted on several amendments. We voted on the Frist amendment, the Bingaman amendment, the Alexander amendment. A Mikulski amendment is pending, which I believe could pass. We hope the other side will consent to take up Senator NELSON's amendment. Senator BROWNBACK and Senator LIEBERMAN have an amendment on detention and asylum. There is a Collins amendment, a Republican amendment on athletes; a Bond amendment; and another Republican amendment on natural science graduate students. Each one could be offered and voted on. There are a number of others we are working on.

I made a suggestion this morning to ask unanimous consent that Senators be allowed to talk about amendments they planned to offer. A Democratic Senator might speak for 15 minutes and then alternate with the Republican side, and so on, back and forth. The junior Senator from Arizona objected to that proposal. He has an absolute right, of course, to object.

I hoped that if Senators could come here and talk about amendments they hoped to offer, we might be able to work out some amendments in the usual way.

Up until the last few years, when there has been single-party control in Washington, we were always able to share one side's amendments with the other, to see if there were areas of compromise. We would work out a schedule on complicated bills like this one. Certainly, this is the practice followed by the distinguished Senator from Pennsylvania in committee. Because he ran it in such a fair way, and because Senators on both sides of the aisle were able to discuss their amendments, the distinguished Senator from Pennsylvania and the full committee were able to report a bipartisan bill. Unfortunately, we seem to have lost the ability to do that here.

If we could go back to the traditional manner of doing things, the better way of doing things, practices similar to those followed by the distinguished senior Senator from Pennsylvania, we could get somewhere.

As I said, we have already adopted a number of amendments. This is the practice I was suggesting when I received an objection this morning. I was hoping to set up a series of votes.

I am not suggesting that the Senator from Arizona was not within his rights. Of course, he was within his rights to object. But once he did, we lost the ability to set up that procedure which, I believe, in my own experience, would have let some amendments go through.

The distinguished Senator from Pennsylvania has been more than generous. The Senator from Pennsylvania has the floor. I yield to him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. KYL. Will the Senator from Pennsylvania yield for a question to me without giving up his right to the floor?

Mr. SPECTER. I do. I will have a comment to make about what Senator LEAHY has had to say, but first I will yield to the Senator from Arizona on the condition that I do not lose my right to the floor.

Mr. KYL. I appreciate that. Because the Senator from Vermont referred to me and referred to my objection earlier today, let me ask the Senator, the chairman of the committee, is it not correct that my unanimous consent request this morning, in response to his, was that the two Senators from Florida be allowed to address the achievement of their Gators basketball team while the chairman of the Judiciary Committee, the ranking member of the Judiciary Committee, and any other members of leadership who needed to be a part of it, begin discussing exactly what the Senator from Vermont just now was saying needed to be discussed—namely, the order of speakers and the order of amendments that would be considered? And is it not further true that the Democratic side said that could be done only after the two lunches that would conclude sometime around 2:15 this afternoon? So it was not my objection to the speaking order request of the Senator from Vermont that precluded him or anyone else from discussing with you or anyone else the proper order of speaking or offering of amendments or voting on amendments; is that not correct?

Mr. SPECTER. Mr. President, the Senator from Arizona accurately states the situation.

Mr. KYL. Mr. President, may I ask another question of the chairman of the committee?

Mr. SPECTER. Under the same condition.

Mr. KYL. Given the fact that the distinguished minority leader has, I am sure unintentionally, but nonetheless mischaracterized my amendment. No.

3246, wouldn't it be a better process to understand the nature of the amendments to discuss them and to debate them under the regular order and then have a vote up or down rather than through the process we are undertaking right now, which is at best a very indirect approach to discussion and in any event doesn't lead to a vote up or down on the amendments?

Mr. SPECTER. Mr. President, the Senator from Arizona is correct. That is the way the Senate functions under our rules.

Mr. KYL. Finally, one final question, Mr. President, to the chairman of the Judiciary Committee. Is it not true that one of the critical elements of the legislation we are considering right now has yet to be added to the bill because the jurisdiction was felt to be in the Finance Committee and that the amendment, which would become a separate title of the bill dealing with employee eligibility verification, has yet to be offered as an amendment and clearly will need to be offered as an amendment, debated, considered, and hopefully approved before any legislation that purports to be comprehensive immigration reform could be voted on and passed by this body?

Mr. SPECTER. Mr. President, again, the Senator from Arizona accurately states the situation.

Mr. KYL. I thank the Senator.

Mr. LEAHY. Mr. President, will the Senator from Pennsylvania yield for another question?

Mr. SPECTER. I do under the same condition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, let's be factual here. The suggestion was made by the Senator from Vermont that we have an order of speakers on both sides. These would be Senators who have amendments that they want to offer. They would discuss them on the floor with the idea that perhaps a bipartisan group could meet after the caucus meetings and talk about how we might sequence the amendments. I would note, however, for the Senators here, the meeting after the caucus was a closed-door meeting to which only Republicans were invited.

It is somewhat difficult to schedule Republican or Democratic amendments in such a meeting. This one-sided meeting was completely different than the business meetings the Senator from Pennsylvania held in the Judiciary Committee, which were successful in getting a bill to the floor.

I urge the Republican and Democratic leaders to look at the model followed by the Senator from Pennsylvania in committee, which reported a bill to the floor.

Mr. SPECTER. Mr. President, the distinguished Senator from Vermont is correct. We did have a closed-door meeting with only Republican Senators present. I know they have a superior procedure among the Democrats and never have a closed meeting where only Democratic Senators are present. I know there is an operational rule where at least one Republican Senator has to be present whenever the Democrats meet.

That is supposed to be a laugh line.

Of course we meet with only Republicans. When the distinguished Senator from Vermont, the distinguished ranking member, was commenting earlier about missing the St. Patrick's Day recess, I seldom disagree with him, but I have to say by way of addendum that he forgot to mention that we missed the August recess preparing for the confirmation of Chief Justice Roberts. He didn't mention that we missed the December recess preparing for the confirmation hearing of Justice Alito. He didn't mention that we missed the January recess because of the Judiciary Committee hearing on Justice Alito. While our colleagues took a little time off in August to meet with constituents and work with perhaps a little play, they had December off, they had January off—not the Judiciary Committee. We were working. So there was not anything unusual about the St. Patrick's Day recess to find the Judiciary Committee at work. The staff worked very late hours. Then we scheduled a markup on the day before the recess ended, when the custom is to come back very late on Monday.

The Senator from Vermont had to leave his cherished farm to come to Washington Sunday night to be here early Monday morning for our session.

We were given an impossible job to finish the bill on Monday. We surprised a lot of people. We did it.

Then there was a little consternation about what to do next. The committee bill is on the floor, and it is a good bill, but it is not a perfect bill. Even if it were a perfect bill, it would still be subject to amendment, and ultimately we will get to it.

Mr. LEAHY. Mr. President, will the Senator yield without his losing the floor?

Mr. SPECTER. Mr. President, consistent with not losing the floor, when are we going to vote on these amendments?

Mr. LEAHY. Mr. President, of course the Senator from Pennsylvania and the Senator from Vermont were both here, missing all those recesses. As much as I have enjoyed the company of my friend for over a quarter of a century, I did not enjoy it so much that I wanted to miss those recesses. There are several amendments that we could vote on in the next couple of hours, as far as I am concerned. I would be happy to do that.

Mr. SPECTER. Starting at 6:30?

Mr. LEAHY. No, starting right now. We have one pending. I mentioned that several Senators, including a majority of Senators from the Republican side of the aisle, have amendments that we could be voting on.

Mr. SPECTER. Mr. President, I ask unanimous consent that we proceed to a vote on the Kyl amendment at 4:40.

Mr. DURBIN. Mr. President, I object. Will the chairman yield for a question without losing the floor?

Mr. SPECTER. On the same condition.

Mr. DURBIN. Let me commend the chairman of the Judiciary Committee. It is the hardest working committee on Capitol Hill. I am glad I am on it. I look at others and they seem to have a lot of time off and we don't. I am a member of that committee. I respect the chairman for all we have done and tried to do in a short period of time.

Let me say to the chairman that I am troubled by one of his comments during the course of this conversation. That was the comment that what Senator KYL seeks to do would improve the bill. I would suggest to the chairman that a careful review of the Kyl amendment will find that it defeats the purpose of a major portion of this bill.

If that is the intent—to strip from this bill a path to legalization—then I think it is a much different bill than the one which we approved 12 to 6 out of our committee, a bill which the chairman supported and which I supported on a bipartisan basis, and which Senator KYL of Arizona opposed.

Let me be specific. The Kyl-Cornyn amendment which they are seeking to bring to the floor eliminates the path to legalization for potentially millions of undocumented immigrants who have committed no crime. It eliminates it from this bill. It creates a condition for qualification to be eligible for that path that would be, frankly, impossible for many to meet. Let me tell you what I mean.

I ask the chairman if he would still believe this improves the bill. Proponents of the Kyl-Cornyn amendment claim that the Judiciary Committee bill would allow criminals to become permanent residents. I think the chairman knows, as most people do, that the bill expressly lays out in specific words those crimes which would disqualify a person from a path to legalization. I could go through this long list, but I will not, other than to tell you that every crime of moral turpitude, and many others, would disqualify one from this legal pathway.

What the Kyl-Cornyn amendment really does is undermine the earned citizenship program in the bill. It prevents potentially millions who are in the United States from applying for legal status because of status violations and not crimes. The vast majority of undocumented immigrants who would be affected by the Kyl-Cornyn amendment are not criminals but rather the exact classes of immigrants which we intended to help with title VI of the Judiciary Committee bill.

Our analysis of the Department of Homeland Security data shows that over 95 percent of the people who would be affected by the Kyl-Cornyn amendment have committed no crime. The only crime they have committed is the fact that they are undocumented in America today.

I ask the chairman how it would improve the bill to remove the path for legalization for 95 percent of the people who would be affected by the Kyl-Cornyn amendment. If the Kyl-Cornyn amendment passes, the United States will still have a crisis of illegality, and we will not have what we hoped in the committee, a balanced approach which allows those who are currently here a long, arduous but legal way to reach their citizenship at some point in their lives.

Mr. SPECTER. Mr. President, I feel complimented that the distinguished Senator from Illinois has only disagreed with one thing I have said, because I have said quite a few things. If that implies that he agrees with the other things I have said, then he agrees with quite a lot of what I have said.

With respect to the specific, yes. I don't believe that the Kyl-Cornyn amendment would destroy the bill as characterized by the Senator from Illinois.

Let me add that the Senator from Illinois is a member of the committee and has been a very active and contributory member of the committee, and the committee has accomplished quite a lot because of the cooperation of Senator DURBIN, Senator LEAHY, and other Democrats and Republicans. It has been a very hard-working committee.

It is my hope to expedite the process of working on the bill. For that purpose, I am going to again ask unanimous consent that we vote on the Kyl amendment now.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, in order to try to bring the Senators to the floor to move along, I move——

Mr. KYL. Mr. President, will the Senator yield for a question before he does that?

Mr. SPECTER. I do.

Mr. KYL. Mr. President, if I could ask this question of the chairman of the committee because the Senator from Illinois just made a comment about what the pending amendment would do. The pending amendment specifies that a person who has committed a felony or three or four misdemeanors would be ineligible to participate in the program. The Senator from Illinois knows that under existing law people convicted of crimes of moral turpitude, certain drug offenses, and other multiple crimes are already prohibited from participating in the program.

But I ask the chairman of the committee if I may lay this predicate for the question: The INS Attorney Manual provides Department of Homeland Security attorneys with random examples of crimes that have been held not to be crimes of moral turpitude by the Board of Immigration Appeals and, therefore, whether this sample list of crimes would be excluded from the bill that came out of the Judiciary Committee and, therefore, people who have committed crimes such as this would still be eligible to participate in the program and be put on the path to citizenship.

The sample includes burglary, loan sharking, involuntary manslaughter, assault and battery, possession of an unregistered sawed-off shotgun, riot, kidnaping, certain types not involving ransom, making false statements to a U.S. agency, contributing to the delinquency of a minor, abandonment of a minor child, alien smuggling, reentry after deportation, draft evasion, desertion from the Armed Forces, contempt of Congress, and contempt of court.

Many of these decisions, according to the manual, involve fines, distinctions of the technical element of state or foreign companies and sometimes crimes which are defined as crimes of moral turpitude.

That list goes to the specific crimes in the statute. You would have to determine whether a crime of moral turpitude was involved in order to know whether the individual would be permitted to take advantage of the underlying bill.

If an individual has committed a felony or three or four misdemeanors, under the amendment we have filed they would be ineligible.

I ask the chairman of the committee whether it would be wise public policy for someone who has committed a felony and has been convicted of committing a felony or three or four misdemeanors should participate in the program which would ultimately lead to citizenship.

Mr. SPECTER. Mr. President, I respond to the Senator's question by saying I think he has articulated sound public policy, and I support his amendment.

AMENDMENT NO. 3206

I now call for the regular order with respect to Kyl amendment No. 3206.

The PRESIDING OFFICER. The Senator has that right.

The amendment is now pending.

Mr. SPECTER. Mr. President, in moving to table the Kyl amendment, which I am about to do, I do so only to bring the Senators to the floor to try to move the process along. I intend to vote against tabling the Kyl amendment, but I do so, to repeat, to try to get the process moving. I like what the distinguished ranking member said about his willingness to start the votes soon. I hope we can move to that procedure.

I move to table Kyl amendment No. 3206. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, if I may direct a question to the Senator from Illinois, the assistant minority leader, does he wish to have Senator REID speak before we vote on the amendment?

Mr. DURBIN. Yes, I do.

Mr. SPECTER. Mr. President, I ask unanimous consent that we await Senator REID's arrival to speak on the amendment and that we then vote on the motion to table.

Mr. LEAHY. Mr. President, before we do that, I believe the distinguished Senator from Connecticut wishes to speak.

Mr. SPECTER. May I amend my unanimous consent request? May we limit the time to 30 minutes equally divided, and at the end of the 30 minutes we go to a vote on my motion to table the Kyl amendment?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. DURBIN. Mr. President, parliamentary inquiry: Were the yeas and nays ordered on this vote?

The PRESIDING OFFICER. Yes, they were.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The minority leader.

Mr. REID. Mr. President, I apologize for being late. I was occupied when Senator SPECTER started talking about an event that I had out in the hall, and I thought it was important I come back to the floor. I came to spend a few minutes talking about some of his assertions.

But now what I want to focus on for a minute—Senator KYL stood and told the merits of his amendment, with a very brief outline he gave.

Senators KYL and CORNYN claim the Judiciary Committee bill would allow criminals to become residents. This simply is not true. The Judiciary Committee bill, like the McCain-Kennedy bill upon which it is based, already denies earned legalization to broad categories of aliens who have committed crimes or are a security risk to our country. Immigrants denied legalization include—and this is only a partial list—immigrants convicted of "crimes of moral turpitude: aggravated assault, assault with a deadly weapon, fraud, larceny, and forgery; immigrants convicted of controlled substance offenses: sale, possession, and distribution of drugs, drug trafficking; immigrants convicted of theft offenses, including shoplifting; immigrants convicted of public nuisance offenses; immigrants with multiple criminal convictions;

immigrants convicted of crimes of violence; immigrants convicted of counterfeiting, bribery, or perjury; immigrants convicted of murder, rape, or sexual abuse of a minor; immigrants convicted of espionage or sabotage; immigrants believed to have engaged in terrorist activity, which is broadly defined; immigrants with any association with terrorist activity or representatives of a terrorist organization; spouses and children of individuals who are inadmissible as a terrorist; immigrants known to have acted in ways that are deemed to have adverse foreign policy consequences."

What the Kyl-Cornyn amendment does is undermine the earned citizenship program in the committee bill, which I strongly believe in. It would prevent millions of Mexicans, Central Americans, Irish, and other nationals from applying for legal status because of status violations, not crimes. The vast majority of undocumented immigrants who would be affected by this amendment are not criminal aliens but, rather, the exact classes of immigrants intended to be covered by title VI of the Judiciary Committee bill.

Our analysis shows that over 95 percent of the people potentially affected by this amendment are individuals whose only crime—and "crime" is very loosely construed for purposes of this discussion—is being in the United States out of status—95 percent.

If the Kyl-Cornyn amendment passes, the United States will still confront a crisis of illegality and it will deny the will of the American people, three out of four of who favor earned legalization for immigrants who work, pay their taxes, learn English, and stay out of trouble.

This bill before this body is a very fine piece of legislation. It sets a very strict standard to protect our national security. Our borders will be protected better than they have ever been protected. It will allow places such as Las Vegas, NV—and Las Vegas is not the only place. They are going to build within the next few years, 4 to 5 years, 50,000 new hotel rooms. They will need a minimum of 100,000 new workers. This legislation will allow that to happen. There are places all over America that are faced not with numbers that are as huge as that but with big numbers.

Finally, what this legislation that is now before the Senate does is it allows 11 million-plus people not to have to live in the shadows of America. It is a path to earned legalization—not like the old amnesty that was done when I served in the House of Representatives—but a path toward legalization. Stay out of trouble. Pay your taxes. Have a job. Learn English. Go to the back of the line.

We are here trying to protect the integrity of a bill that is bipartisan in nature and one of the best things to happen to this partisan atmosphere we find ourselves in. It is a bipartisan bill. Last week, we stood on this floor—and I do not think "boasted" is the right word—and talked about how good it was we were able to pass a bipartisan bill that improved the situation dealing with the ethics of this body and this country. Why can't we continue on a bipartisan basis on this committee-reported bill?

So for individuals to come to this floor and think we are doing something that is anti-Senate, anti-American, because we do not want to vote on an amendment that I think guts this bill does not mean there is anything wrong with those of us who believe this is what we should not do. And it does not take away from the good faith of my friend from Arizona. He thinks he is doing the right thing. I disagree with him a lot. I think what he is doing is wrong. I think it hurts this bill. And I am going to do everything I can to protect this bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, let me yield some time to myself.

With all due respect, I disagree with my colleague, who has said the amendment would deny most of the people whom the bill is intended to benefit the benefits of the bill: namely, legal permanent residency and citizenship.

That is only true if most of the people who are supposed to receive benefits under the bill have committed a felony or three misdemeanors or have violated a court order to leave the country when they have been ordered to do so, or have not complied with a prior order of the DHS to depart if they are not eligible to participate in the program.

These are not the people we should be seeking to give the benefits of the program to. These are precisely the people who have demonstrated either they are criminals or that when you have given them the chance to comply with an immigration order, they have refused to do so. I do not think the Senator intended to say these are exactly the people we want to benefit under this program.

There are two large classes of people who would be potentially denied the benefits of the program by our amendment. The first is, instead of referring to crimes of moral turpitude or violation of a crime relating to a controlled substance—which are the two specific categories in the bill—we say any felony or three misdemeanors.

And examples of crimes, as I said before, that are not covered by the controlled substance or moral turpitude sections are: burglary; loan sharking; involuntary manslaughter; assault and battery; possession of an unregistered sawed-off shotgun; riot; kidnaping; abandonment of a minor child; alien smuggling; reentry after deportation, as I said; draft evasion; desertion from the Armed Forces; and others. These are crimes that would not be picked up in the pending bill.

So while it is true some crimes are covered and, therefore, some criminals would not get the benefits called for in this pending legislation, it is also true many others who have committed these other kinds of crimes would not in any way be restricted from participating in the benefits of the law.

The second group is those who have committed immigration violations, not just people who are in some status violation. Let me make that crystal clear. It is not simply because you overstayed your visa. There are only two categories here. You have not complied with a prior Department order and, therefore, are not eligible to participate in the program.

In the hearing, by the way, of our subcommittee, we showed that between 80 and 85 percent of those released on bail failed to appear and comply with removal orders. Clearly, this has to demonstrate a disrespect for orders from immigration courts and should not be allowed to continue. These are exactly the kind of people you do not want to be participating in the program because they have already demonstrated a willingness to violate immigration law after being ordered to do so.

Secondly, those who have not only failed to depart after being ordered—they have entered illegally, but that is not what we are talking about here. Entering illegally does not count under this amendment to deny them benefits. Rather, you have to have done that and been ordered by the court to depart as a result of some violation and further refused to comply with the judge's order.

So this is not just a status violation. Merely coming here illegally would not be covered by this amendment, period. You would have to commit a felony—been convicted of a felony, three misdemeanors, or have intentionally violated an order of the court to depart after having been ordered to do so by the court.

I think what this amendment does is to make it crystal clear that the intention of the Senate is that people participating in the program not be convicted criminals or people who have deliberately violated a court order dealing with departure from the United States.

It is interesting that most of the language we took came from the 1986 bill, and for some reason that language was omitted from the bill that is pending before the Senate. So it seems to me if we are going to at least get to most of the people we would not want to participate in this program, we would want to deny that right to those who have committed serious crimes, such as the ones I have articulated here.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to take the time allocated to me to address the larger issue of this bill; although, clearly, the amendment being offered by our colleagues from Arizona and Texas impacts the larger question: the decision of whether we deal with a part or the whole of the immigration issue.

You can make a case, obviously, that by just dealing with border security issues, you are dealing with an important and essential element of immigration reform. I would quickly argue that if you just deal with border security and do not also deal with the phenomena of 11 million people who are here illegally, you would only be addressing half of the issue—a legitimate half of the issue—without any kind of recourse or plan on how you ultimately deal with the fact that we have 11 to 12 million people who are here under an illegal status.

So I appreciate the work of my colleague from Arizona, and I would be urging colleagues to vote no on the motion to table because I think we ought to have a bit more time to analyze and discuss exactly what the implications of this amendment are.

Mr. President, I rise to address the issue of comprehensive immigration reform. I want to acknowledge the work of those on the Judiciary Committee who have done a fabulous job, in my view, through extensive hearings and a very worthwhile markup session. I watched almost every minute of it. I was deeply impressed with our colleagues, Republicans and Democrats, who addressed this issue.

Let me be clear from the outset—something we need to say over and over and over and over again—immigration reform is first and foremost about protecting America's national security, our economy, and our citizens from the myriad of challenges we are going to face in the 21st century. We have no higher priority than those: to protect our national security, to protect our borders, and to protect our economy.

Therefore, any discussion of immigration reform must begin with an emphatic declaration of our intentions here: to secure our borders; to protect our citizens from a flood of people arriving here, albeit with good motives. But it is unrealistic to assume that any nation in this world can have open borders—unlimited for people who want to come here. So I believe it is extremely important we state that case at the outset.

But I also believe that it is an enormously complex and difficult issue. It is that very complexity that leads us to the concerns expressed by some of my colleagues. There is a very real temptation to deal only with certain aspects of immigration and to put off the more difficult matters to some future time and date. That is exactly what the other body did back in December when they passed a bill dealing only with the issue of border security and enforcement and neglected entirely dealing with the phenomena of 11 million human beings who reside in this country today without documentation.

Which brings me to the legislation currently before the Senate. One version, introduced by our colleague, Senator FRIST, mainly addresses border security and enforcement. Certainly, these are critical components of any immigration reform package. No bill should be considered comprehensive without them at all. But Senator FRIST's bill does not go nearly far enough toward addressing the other monumental challenges we face on immigration, including the presence of more than 11 million human beings, undocumented, in the United States, who need to be brought out of the shadows and into the open.

In my view, turning our backs on this reality is the same thing as turning our backs on providing border security. If we had a bill before us that only dealt with how we handle 11 million people who are here illegally and not border security, that would be a flawed piece of legislation. The fact that you are dealing with just border security is equally flawed. We need to have both parts here if we are going to succeed.

Thankfully, of course, Senator SPECTER has provided us, along with the Judiciary Committee members, with an approach that does address both pieces of this problem. Is it an imperfect bill? Absolutely. Does it need more work? Absolutely. But clearly, it is one that brings the balance of dealing with border security, national security, and economic security, as well as realistically trying to deal with the 11 million undocumented workers who have come to our country.

The Specter amendment toughens our borders. We clearly need to do more to control these borders and to prevent individuals from illegally entering our country because, fundamentally, border control is a national security issue. The Specter amendment would provide advanced border security technologies to assist those tasked with protecting these frontiers. The Specter amendment would also improve our ability to enforce immigration laws by making structural reforms and increasing personnel and funding levels where they are needed most. I won't go into all the details here, but 12,000 new agents along that border will clearly help.

My good friend from Texas, Senator CORNYN, and I were privileged to attend a meeting in Mexico a few weeks ago, an interparliamentary meeting that I have attended for 26 years—odd years here, even years in Mexico. We were both deeply impressed with a document prepared by our colleagues in Mexico that has been signed by all five candidates for President of Mexico, which will be holding elections on July 2, as well as the major parties in Mexico. It is a rather short document. I will ask for it to be included in the RECORD. Senator CORNYN and I actually sent this to each of our colleagues to look at. But our friends from Mexico list national security, border security, as one of the guiding principles in what must be a part of any immigration reform proposal. It is worth reading because these issues are not only our concern but their concern as well. If Mexico is unwilling or incapable of helping us keep our borders secure, then this legislation will not work.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Mexican Congress adopted this document as a Concurrent Resolution]

MEXICO AND THE MIGRATION PHENOMENON

In Mexico, as in other countries and regions of the world, migration is a complex and difficult phenomenon to approach. The diverse migration processes of exit, entrance, return and transit of migrants are all present in our country.

Given the extent and the characteristics of today's migration phenomenon, which will continue in the immediate future and given the implications that it represents for our country's development, a new vision and a change are necessary in the way Mexican society has approached, thus far, its responsibilities toward the migration phenomenon.

Over the last years, the magnitude reached by Mexican migration and its complex effects in the economic and social life of Mexico and the United States, have made the migration phenomenon increasingly important for the national agendas of both countries, and a priority issue in the bilateral agenda.

From the outset of the Administration, the government of President Fox put forward a proposal to the Mexican public opinion and to the highest authorities in the United States, regarding a comprehensive plan aimed at dealing with the diverse aspects of migration between the two countries. Mexico based its proposal on the principle of shared responsibility, which acknowledges that both countries must do their share in order to obtain the best results from the bilateral management of the migration phenomenon.

In 2001, the governments of both nations intensified the dialogue and set in motion a process of bilateral negotiations with the intent of finding ways to face the multiple challenges and opportunities of the phenomenon: these actions were taken with the objective of establishing a new migration framework between the two countries.

However, the terrorist attacks of September 2001 against the United States, criminal acts which were unmistakably deplorable, altered the bilateral agenda on migration. On the one hand, the link between migration and national security—mainly along the shared border—is now an essential issue of that agenda. On the other hand, the participation in the migration debate of varied political actors—especially legislators of both countries—has increased.

The debate that is currently taking place in the United States, concerning a possible migration reform, represents an opportunity for Mexico and for the bilateral handling of the phenomenon. It also encourages a deep analysis of the consequences that this process can have for our country and its migration policy.

Based on a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of the migration phenomenon, senators and congressmen, members of the academia, experts in migratory issues, and representatives of civil society organizations, agreed to initiate an effort that seeks to build a national migration policy, founded over shared diagnoses and platforms. Accordingly, the group has held a series of discussions titled Prospects and Design of Platforms for the Construction of a Mexican Migration Policy.

The ideas expressed in this document are the result of those discussions. They intend to bring up to date Mexico's migration position and to offer some specific guidance regarding the process of migration reform in the United States.

PRINCIPLES

Based on the discussions held, the participants agreed upon the following set of principles that should guide Mexico's migration policy:

The migration phenomenon should be fully understood by the Mexican State—society and government—because it demands actions and commitments that respond to the prevailing conditions.

The migration phenomenon has international implications that demand from Mexico actions and international commitments—in particular with the neighboring regions and countries—which, in accordance with the spirit of international cooperation, should be guided by the principle of shared responsibility.

Mexico's migration policy acknowledges that as long as a large number of Mexicans do not find in their own country an economic and social environment that facilitates their full development and well-being, and that encourages people to stay in the country, conditions for emigrating abroad will exist.

Mexico must develop and enforce its migration laws and policy with full respect for the human rights of the migrants and their relatives, notwithstanding their nationality and migration status, as well as respecting the refugee and asylum rights, in accordance with the applicable international instruments.

The increased linkage between migration, borders and security on the international level, is a reality present in the relationship with our neighboring countries. Hence, it is necessary to consider those three elements when drawing up migration policies.

Mexico is committed to fighting all forms of human smuggling and related criminal activities, to protecting the integrity and safety of persons, and to deepening the appropriate cooperation with the governments of the neighboring countries.

The migration processes that prevail in Mexico are regionally articulated—in particular with Central America—and therefore the Mexican migration policy should deepen its regional approach.

RECOMMENDATIONS REGARDING THE COMMITMENTS THAT MEXICO SHOULD AGREE ON

Main recommendations considered by the group in order to update Mexico's migration policy:

Based on the new regional and international realities regarding immigration, transmigration and emigration, it is necessary to evaluate and to update the present migration policy of the Mexican State, as well as its legal and normative framework, with a timeline of fifteen to twenty years.

It is necessary to impel the economical and social development that, among other positive effects, will encourage people to stay in Mexico.

If a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border without documents because of the impossibility of obtaining them, Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels.

Based on international cooperation, Mexico must strengthen the combat against criminal organizations specialized in migrant smuggling and in the use of false documents, as well as the policies and the legal and normative framework for the prevention and prosecution of human smuggling, especially women and children, and the protection of the victims of that crime.

It is necessary to promote the return and adequate reincorporation of migrants and their families to national territory.

Mexico's migration policy must be adjusted taking into account the characteristics of our neighboring countries, in order to safeguard the border and to facilitate the legal, safe and orderly flow of people, under the principles of shared responsibility and respect for human rights.

Order and security in Mexico's north and south borders must be fortified, with an emphasis on the development of the border regions.

Reinforce cooperation with the United States and Canada through the Security and Prosperity Partnership for North America, and with the regional bodies and mechanisms for the treatment of the phenomenon, like the Regional Conference on Migration and the Cumbre Iberoamericana.

The review and, if necessary, adjustment of the judicial and institutional framework, in order to adequately respond to the present and the foreseeable conditions of the migration phenomenon; this will require the creation of a specialized inter-institutional mechanism of collaboration.

The creation of permanent work mechanisms for the Executive and Legislative Branches, with the participation of academic and civil society representatives that allow the development and fulfillment of Mexico's migration agenda.

ELEMENTS RELATED TO A POSSIBLE MIGRATION REFORM IN THE UNITED STATES

Mexico does not promote undocumented migration and is eager to participate in finding solutions that will help us face the migration phenomenon. Accordingly, the group decided to express certain thoughts about what is Mexico's position in case a migration reform takes place in the United States.

Acknowledging the sovereign right of each country to regulate the entrance of foreigners and the conditions of their stay. It is indispensable to find a solution for the undocumented population that lives in the United States and contributes to the development of the country, so that people can be fully incorporated into their actual communities, with the same rights and duties.

Support the proposal of a far-reaching guest workers scheme, which should be one of the parts of a larger process that includes the attention of the undocumented Mexicans that live in the United States.

In order for a guest workers program to be viable, Mexico should participate in its design, management, supervision and evaluation, under the principle of shared responsibility.

A scheme aimed to process the legal temporary flow of persons, will allow Mexico and the United States to better combat criminal organizations specialized in the smuggling of migrants and the use of false documents, and to combat, in general, the violence and the insecurity that prevail in the shared border. Likewise, Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration.

Mexico should conclude the studies that are being conducted to know which tasks will help with the implementation of a guest workers program, regarding the proper management of the supply of potential participants, the establishment of supporting certification mechanisms, and the supervision and evaluation of its development.

Mexico acknowledges that a crucial aspect for the success of a temporary workers program refers to the capacity to guarantee the circular flow of the participants, as well as the development of incentives that encourage migrants to return to our country. Mexico could significantly enhance its tax-preferred housing programs, so that migrants can construct a house in their home communities while they work in the United States.

Other mechanisms that should be developed are the establishment of a bilateral medical insurance system to cover migrants and their relatives, as well as the agreement of totalization of pension benefits, which will allow Mexicans working in the United States to collect their pension benefits in Mexico.

Mexico could also enhance the programs of its Labor and Social Development Ministries, in order to establish social and working conditions that encourage and ease the return and reincorporation of Mexicans into their home communities.

This working group aims to become a permanent body of study, debate and development of public policies for the handling of the migration phenomenon.

Mr. DODD. The other provision I wish to address in the brief time I have available goes beyond the border security issue that the Specter amendment clearly addresses. Individuals have come to our country looking for work, and we know from surveys that 94 percent of undocumented males in this country are in fact working. These are not unemployed people who are looking for first-time jobs; these are people with jobs who saw a better opportunity in coming across our borders.

I know it has been said, but every one of us here can tell family stories going back a generation or more, regardless of where we have come from, on why our forebears came here. Mostly it was for economic reasons, in the past, or political reasons that made it difficult for our forebears to remain in the countries of their birth.

I acknowledge that people have come here illegally. That is wrong, and we need to put a stop to it. The Specter amendment also acknowledges that fact. It doesn't give these people a free ride at all. Instead, it would penalize illegal immigrants by requiring undocumented workers to pay fines, pay all back taxes, submit themselves to background checks, and learn English. But then it does allow them to move out of that status. That is one of the differences.

If we add an additional burden, which our friends from Arizona and Texas are implying here, that if you came in under a legal visa and you have overstayed that visa, then you can never move out of that status again regardless of whether you have complied with these other provisions, it seems to me we are only compounding our problems.

Certainly, this legislation also provides an avenue for undocumented workers to come out in the open, to earn legalization. Earning legal status wouldn't be an easy process. An individual who takes advantage of this program would have to work for 6 years before he or she could even receive a green card. At that point, they would be put at the back of the line of some 3.5 million people who are legally seeking entry into the United States as I speak. They would come first. These undocumented workers would come after those people had been approved. It would take a minimum of 5 additional years of steady employment before the individual could finally become an American citizen. That is 11 years. That is certainly not a light process to go through. With a pathway to citizenship—not amnesty at all but an earned pathway—we will provide incentives to undocumented workers to come out of the shadows of society.

Why is that important? For many reasons. Because the presence of so many individuals without documentation in our country creates enormous challenges for law enforcement. It undermines worker protections. It is bad for security. It is bad for American workers. It is bad for undocumented immigrants themselves. Moreover, it is impossible to adequately protect U.S. national security if we don't know who is living within our borders. And by bringing undocumented workers into the open, we will help law enforcement professionals and our security services do their jobs: protecting the American people and enforcing our laws—there is no higher priority we have than that. And if we have a process that goes on for 11 years, a pathway, we begin to assist in that effort.

As I said, among other provisions, the Specter amendment would double the size of the Border Patrol over 5 years, adding 12,000 new agents to patrol our borders. It would expand the number of interior enforcement officers by 1,000 per year over each of the next 5 years. It would utilize advanced technologies to improve surveillance along the border, creating a virtual fence to detect and apprehend people who are illegally attempting to enter this country. And it would create new and increased penalties for individuals trying to subvert our borders with tunnels or who attempt to smuggle people into the U.S.

I support these measures. But they are only one part of the bigger equation. We also have to find a way to deal with the more than 11 million undocumented individuals living within our borders.

These are predominantly individuals who have come to the U.S. to make a living, and to support themselves and their families. Ninety-four percent of undocumented men, according to a March 7, 2006, Pew poll, choose to work. These are, for the most part, hardworking individuals, who are not here to flood the welfare rolls or collect our charity. They are here to work and to contribute. They want what all of our families wanted when they came to the U.S.—a piece of the American dream.

I acknowledge that they came here illegally and this is wrong. And so does the Specter amendment. It wouldn't give them a free ride. Instead, it would penalize illegal immigrants by requiring undocumented workers to pay fines. It would require them to pay all back taxes, submit themselves to background checks, and learn English.

But critically, this legislation also provides an avenue for undocumented workers to come out into the open, to earn legalization. Earning legal status wouldn't be an easy process either. An individual who takes advantage of this program would have to work for 6 years before he or she could even receive a green card. At that point, they would be put at the back of the line—behind everyone who has come here legally—and it would take a minimum of 5 additional years of steady employment before the individual could finally become an American citizen. That's 11 years in total.

With a pathway to citizenship, not an amnesty but an earned pathway, we will provide incentives to undocumented workers to come out of the shadows of our society. Why is this so important?

Because the presence of so many individuals without documentation in our country creates enormous challenges for law enforcement and undermines worker protections. It is bad for our security, bad for the American worker, and bad for undocumented immigrants themselves.

Moreover, it is impossible to adequately protect U.S. national security if we don't know who is living within our borders. By bringing undocumented individuals out into the open, we will help law enforcement professionals and our security services do their job: protecting the American people and enforcing our laws. We will also help prevent the type of workplace abuses that are bad for everyone, Americans and immigrants alike.

Despite what has been said on this floor, not all people seek to come permanently to the U.S. Many seek temporary work here and desire to return home when that work is complete.

There are legitimate concerns that temporary workers might displace American workers who are available and willing to take a job. That should never be the case. Wherever possible, American jobs should be filled first and foremost with American workers.

The Specter amendment addresses this reality. It creates a new temporary worker classification to meet the needs of American businesses. It would also strengthen procedures to help ensure that no American workers are displaced when temporary workers are hired.

As I have said, the Specter amendment is truly comprehensive legislation. It would be impossible to discuss every provision in the bill at length. So I would just like to comment briefly on a few additional items of interest.

First, I am pleased that the Judiciary Committee included provisions of the DREAM Act in its legislation. I've long supported the DREAM Act, which in my view is a common sense measure, allowing undocumented students under the age of 16, who were brought into this country illegally through no fault of their own, a chance to complete higher education.

Qualifying students, however, will have had to live in the U.S. for at least 5 years prior to the date of enactment of this legislation. If they earn and advanced degree or serve our country in the Armed Forces, they would then be granted permanent status and allowed to petition for citizenship. Every student deserves a chance to learn and to serve a cause greater than themselves. This measure will give many deserving children that opportunity.

Finally, I would like to highlight a provision included in the Specter amendment that is receiving somewhat less attention. Throughout my tenure in the Senate, I've tried to raise awareness about western hemisphere affairs. Indeed during all my years in this body, I have served as a member of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs—even, for a time, as chairman. One thing I would note about the immigration issue, from a regional perspective, is that many of the problems we are facing—drug trafficking, crime, and insecurity—are also affecting our neighbors in the hemisphere. Just like us, they are struggling to address these seemingly intractable problems every day.

That is why I am pleased that in its bill, the Judiciary Committee included measures to help our neighbors. In particular, the Specter amendment would establish programs to help Guatemala and Belize fight human smuggling and gain control of their tenuous borders. It would also encourage strategic coordination across the hemisphere to fight the growing problem of gang violence. In my view, these are critically important provisions, and I hope we can do more to help some of our closest neighbors on these issues. Because in reality, we cannot solve our problems here without also addressing the roots of the problems abroad.

Unless we act now to address the enormous challenge posed by illegal immigration, the problem is only going to get worse. The Specter amendment isn't perfect—I think most of my colleagues would agree with that statement—but I do believe it is a critical measure that will help to resolve many of the challenges we face with respect to illegal immigration. I again thank my colleagues for their hard work and leadership on this issue.

My hope is that we strike that balance between border security, economic security, national security, and then also designing, as we have with the Specter amendment, a process that will allow for these people to move out of the shadows into the open, and into a legal status. It is a difficult path, a cumbersome path, but a path that will allow them to achieve that status at the end of the road.

I urge adoption of the Specter amendment, and I urge that we not table the Kyl amendment at this point, that we need to examine this issue even more carefully.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The time of the Senator has expired.

The Senator from Texas.

Mr. CORNYN. May I inquire how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. CORNYN. I ask to be notified when there is 2 minutes remaining and that that time be given to the Senator from Arizona.

The PRESIDING OFFICER. The Chair will so notify.

Mr. CORNYN. Mr. President, I know the Senator from Connecticut cares passionately about conditions. So do I, and so do all the Members of the Senate about trying to find a solution. We have dramatic differences between the solutions which have been proposed here and those which have been proposed by the House. But the way I interpret what the House did, it is to send a message to the Senate that first and foremost we need to build a foundation of border security to stop the people streaming across our border—yes, in search of a better life, but we know that mingled amongst those people who come here for economic reasons because they have, perhaps, no hope and no opportunity where they live, there may be a criminal. There may be a terrorist. While there are many people who do care passionately about trying to find a comprehensive solution to this problem, the kind of slow-boating we have seen so far during this debate isn't helping us get to that solution.

In fact, we have had three votes on amendments since this bill came to the floor. To those who say: Yes, we want to find a solution; yes, the bill that is on the floor is a good start, but maybe it is not perfect; the best way for us to proceed is to have some votes and to have some debate—that is the way this body, sometimes noted as the greatest deliberative body on Earth, is supposed to work. That is the way democracy works. I may win some of those votes. I may lose some. But let's have debate. Let's build a consensus in the country by building a consensus in this body about where we ought to go to find a solution, and then let majorities govern. Let's reconcile our differences with the House and then send a bill to the President that he will sign that is consistent with our values, consistent with our security interests, and consistent with our economic interests. That is what I want to do.

I believe many on the floor of the Senate want to do that. But what we have seen by the fact that the Democratic leadership has objected to allowing us to set aside pending amendments or have votes on pending amendments up until this point is that we have had three votes, and we are running out of time. The leader has allocated 2 weeks to debate this bill and hopefully to finish it by Thursday night or Friday, when we begin the next 2-week recess. But I am getting the distinct impression that the desire is not so much to pass a bill but, rather, to block the kind of democratic process I just described a moment ago from even occurring, to prevent Senators from offering their suggestions by way of amendment and offering those to the Members for an up-or-down vote on the Senate floor. It bears some resemblance to some of the obstruction we have seen in the past, particularly when it comes to judicial nominations. It prevents the Senate from working its will. It prevents us from protecting the American people.

When I say "protecting the American people," I am advised that today, according to current numbers on illegal immigration across our borders, we have about 2,300 people coming each day into our country across our broken borders. Last year, it was 1.1 million people, but today and each day that we fail to protect our borders, each day we fail to deal with this very complex but urgent and important problem, we have 2,300 more people coming across our broken borders. I hope and pray that it is not someone who is bent on doing some harm to innocent life.

We know in a post-9/11 world that those who would exploit our broken borders could, if they had the desire, perhaps commit another heinous act like 9/11 within our country. We know that recently, there were those from this body who were investigating the possibility: Can you smuggle the ingredients of a dirty bomb across our borders? Indeed, they were able to do so by producing false identification. So we know America is vulnerable. But how irresponsible would it be to block the ability of this body to consider this bill, to pass it in due course, and to get it on the President's desk?

I fear there are those who want to jam this bill, as it is currently written, down the throats of those of us who have a different idea or prevent us from having those votes which are important to letting the process work. None of us has the authority to dictate to others what kind of legislation is going to pass out of this body. I am afraid that is what we are seeing. Those who preferred this particular approach in the Judiciary Committee bill are trying to jam it through the Senate, trying to deny those of us who have different ideas from presenting those ideas and offering them for a vote on the Senate floor.

This particular motion to table the amendment Senator KYL and I have proposed is illustrative of the important changes and improvements that need to be made to this bill. Indeed, if you compare this to 1986, the last time Congress passed an amnesty that failed completely, you will see a lot of similarities between the bill on the floor and that amnesty in 1986—except, believe it or not, the bill that is presently before the Senate is even worse. In 1986, the law said that if you are a convicted felon, if you have committed three misdemeanors, you are not eligible for amnesty. This bill on the floor does not provide that exclusion from the general grant of amnesty.

Furthermore, there are some who say: OK, convicted felons, people who commit misdemeanors, but don't exclude from the grant of amnesty the 4- to 500,000 people who have had their day in court, who are so-called absconders, who are under final orders of deportation, because it wouldn't be fair to exclude them from this general grant of amnesty.

I disagree. I believe if you have had one bite at the apple or if you have had your day in court, you have had due process of law but you have demonstrated your unwillingness to comply with the lawful order of a court, then you should not be given amnesty so that you can remain in this country because if you are demonstrating by your very first acts, once you have come to this country, that you have no respect for our laws, then how are we to expect that you will ever have respect for other laws that are important for public safety and for the welfare of the American people?

Among these 4- to 500,000 people who would be included as absconders that this motion to table seeks to prevent us from excluding under the general grant of amnesty, in 2004, the Immigration and Customs Enforcement detention and removal operations removed 165,000-plus aliens from the United States. Of those 165,000-plus, 65,000 had been previously formally removed or deported at least one time before. So not only are the people who are sought to be excluded from this general grant of amnesty guilty of violating our laws, many of them are guilty of violating it on a serial basis.

The PRESIDING OFFICER. Two minutes remains on the Senator's side.

Mr. CORNYN. I urge our colleagues not to table this important amendment, that we have an up-or-down vote on the Senate floor as soon as possible.

Mr. KYL. Mr. President, is there any time remaining on the other side?

The PRESIDING OFFICER. No.

Mr. KYL. Mr. President, I will take a couple of minutes to close. I gather this will be a 100-to-nothing vote not to table. I agree with the Senator from Texas. We should not table the amendment, but we should have a vote up or down on it. If you don't like it, then vote against it.

I will make something very clear. If you came across the border from Mexico into the United States, into Texas, Arizona, California or New Mexico, and you came across illegally, this amendment has nothing whatsoever to do with you—unless you also are a criminal or you have been convicted of a felony or of three misdemeanors or you are an absconder—that is to say, after you came into the country illegally, and you were ordered to leave by a judge, and you refused to leave. Those are the circumstances this amendment applies to. It doesn't apply to you if all you did was come in illegally. In other words, that status is not implicated by this amendment.

We simply seek to deny the benefits of this legislation—legal permanent residency and a pathway to citizenship—to people convicted of a felony, three misdemeanors or, in this category of an absconder, which the Senator from Texas talked about. Why is this important? It is because there are a certain number of people who have violated such an order. They have failed to leave the country when they were ordered to do so.

According to the testimony before the subcommittee I chair in the Judiciary Committee, about a month ago, the statistics are now that about 10 percent of the people entering the country illegally are criminals; it is between 10 and 15 percent. They are serious criminals. I hope that my colleagues vote "no" on the motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kyl amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 99, as follows:

[Rollcall Vote No. 87 Leg.]

NAYS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—1

Rockefeller

The motion was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

Mr. ALEXANDER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will turn to the chairman in a moment, but we are in an unusual situation. When we step back and look at this bill, we see we have an important bill that is a national security issue, an issue of fairness and equity, and we have a good bill on the floor that does not have 60 votes. That is pretty clear today, after all of the discussions. Yet we are not allowed—in spite of having good amendments which can make this bill even better, we are not being allowed to move those amendments forward at all.

It is very clear by the last vote where the vote was. I think almost unanimous, that people are not serious about moving these amendments forward one at a time. I think it is disrespectful to the body itself because they are good amendments on both sides of the aisle that need to be debated and that need to come to a vote, and we are not allowed to do that. It is coming from the other side of the aisle.

I think that we need to get serious about it. It needs to be a dignified debate and a civil debate. Right now, we are not going to finish the bill. It is in effect being blocked by the other side because we are not allowed to get amendments to the floor so that at some point this bill could reach a threshold of 60 votes.

So I am very frustrated now, and I think colleagues on both sides of the aisle are. I know the chairman is. We had about 2 hours of debate earlier this afternoon that made it very apparent that the other side is trying to stop the bill. I just plead with our colleagues to come together and have both sides be able to offer their amendments.

It is Tuesday. If we work tonight and we work Wednesday and Thursday and Friday, we can pass a bill that will address border security, that will address interior enforcement and worksite enforcement, and that will address the issue of a temporary worker program that is fair to the 12 million or 13 million or 11 million people out there today who are here illegally.

That is what can be achieved. But the other side is basically delaying, postponing, obstructing, and not allowing us to consider amendments, and that is all that we ask.

Mr. ALEXANDER. The Democratic leader.

Mr. REID. Mr. President, I think it takes a lot to criticize the fact that Republicans are offering amendments and we wouldn't allow votes on them. This has been the history of the Republican-controlled Senate for years: not allowing us to have votes on amendments that we offer, or wanted to offer. How many amendments have there been? Minimum wage. Dubai Ports, health care in many different areas such as stem cell, prescription drugs, and importation of prescription drugs. So there may be some logical issues that could be propounded as to why the majority doesn't like what is going on here. But the fact that we are not allowing votes on amendments should fall on deaf ears because we are experts at trying to offer amendments and not having votes on them.

So I repeat what I said a little while ago. We have on the Senate floor today a bipartisan piece of legislation. Over here, we are united. We like the bill. The vast majority of us in the minority really like this bill, the one that is before the Senate right now. For example, the Kyl amendment, which was not tabled—it was moved in an effort to table their own amendment, which was somewhat surprising to me, but it wasn't tabled. The Kyl amendment, as I have explained on the floor before, would defeat a very good bipartisan bill. It would take what I believe, from my eyes, is the integrity of the bill, it would take it away.

This is a good bill, a bill that has strong enforcement. It provides for guest workers, and those in America who are interested in business support this. For example, the Chamber of Commerce, including the National Chamber of Commerce, supports those provisions in this bill, and then, of course, the path to legalization, which is so American, not anti-American—the path to legalization for these people.

I don't believe we should do amnesty. I was part of that in 1986 and it didn't work very well, and that is an understatement. This is not amnesty, what is in this bill. I like it. The vast majority of the minority likes it.

So we are willing to have our efforts rise or fall on this bill that is before the Senate. We are not going to allow amendments like Kyl-Cornyn take out what we believe is the goodness of this bill.

Mr. ALEXANDER. The majority leader.

Mr. FRIST. Mr. President, I interpret what the Democratic leader said to be that we have a bill on the floor that is a good bill and a solid bill but that the other side of the aisle does not want to give us the opportunity to amend that bill in any way, that they just want to flat out deny that. And I say—and that is my question—that the other side really just wants one vote, and it is on a bill that is a good bill, but we haven't given everybody here the opportunity to participate and debate and amend. That is my interpretation. I think that is wrong. I say that because we just voted 99 to 0 not to table the Kyl amendment.

So the Kyl amendment is pending, and it is the regular order of business that has been pending Thursday, Friday, Saturday, Sunday, Monday, Tuesday—6 days, 7 days it is pending, and they will not give us a vote, an up-or-down vote on the Kyl amendment. It is as simple as that.

The signal is that we are not going to consider any amendments. In fact, the statement is that we are not going to consider any amendments. Let us go straight and see if this underlying bill has a 60-vote cloture; is that correct?

Mr. REID. Mr. President, I will be happy to respond to that. I will respond to the distinguished majority leader. We have had three votes on Frist-Reid, Bingaman, and the other was—anyway, we have had three amendments, and they are amendments that we would be happy to sit down and discuss, as I indicated earlier, and—the other is the Alexander amendment, thank you—sit down and find a way we can proceed.

We have Mikulski-Warner, Dorgan-Snowe-Burns, the Bond amendment, I think it is Collins, Brownback-Lieberman have an amendment, Stevens-Leahy have an amendment. So there are some amendments we could work on.

But let me just say this: We are happy to try to work something out. It is my belief—and people could disagree. It is certainly everyone's right to disagree. I don't think some of these amendments, some of these amendments I have talked about, would take away what I call the integrity of the bill. But I do say to my friend—and he is my friend, the distinguished majority leader—we have had example after example in the last many years where there is legislation on this floor and we are not allowed to offer amendments. We offer them once in a while, we don't get votes on those, and we are not allowed to offer amendments.

As my mother would say, they are getting a taste of their own medicine.

Mr. FRIST. Mr. President, again, I would ask—the Kyl amendment was not tabled, so it is the pending amendment. And I would ask if the other side would be willing to give us a rollcall vote on that amendment. It is not tabled at this juncture.

Mr. REID. The answer is no.

Mr. FRIST. The answer is no. That is the first one.

Let us go to the Mikulski amendment, the next one that has been pending for X number of days, and I would ask that we consider the Mikulski amendment and take it to a vote and vote on it right now.

Mr. REID. Mr. President, as I said just a few minutes ago, I would be happy to have the two managers, with the appropriate staff—I have listed a number of amendments here: Mikulski-Warner-Snowe, Dorgan-Burns, Bond, Collins, Brownback, Stevens-Leahy, maybe the Allard amendment, which I haven't read in its entirety, but I think that is appropriate. I think what we should do—there are a number of these, and you may have some others on the other side that we could work out and set up a sequence of when we should vote on these, how much time should be used in debate. I would be happy to do that.

Mr. FRIST. Mr. President, I think it is clear. We are seeing in essence a stonewalling of the bill on the other side, an important bill that is of national security. There are four amendments—the Kyl-Cornyn amendment is the official amendment. We are being denied an up-or-down vote. The next one is Isakson; we are ready to vote on that. The next one is Dorgan; we are ready to vote on that. The next one is Mikulski; we are ready to vote on that. We are ready to vote on all four of those.

What it sounds like to me is that the Democratic leader wants to pick our amendments and then we will consider and we will think about it, knowing—knowing—that we have Tuesday night, Wednesday, Thursday, and Friday to complete this bill. We are making no progress whatsoever because they are not allowing us to vote on amendments in the order that they are there. So it is apparent to me—and I agree, we will let the managers work on it, but it is apparent to me that the Democrats are not serious about passing a bill that affects the security of this Nation.

Mr. ALEXANDER. The minority leader.

Mr. REID. Mr. President, the Democrats are very serious about passing a bill that affects the security of this Nation—this legislation and other legislation but particularly this legislation. We believe that the first provision of this legislation, which we talked about from the very beginning, is border security, security for our Nation. This legislation that is now before the Senate will do that. But in addition to that, we want enforcement plus.

So as I have indicated, we want to pass the legislation right now. We would be happy to vote on this bill right now.

Mr. President, I ask unanimous consent that the bill before the Senate be moved to third reading right now and vote on it.

Mr. SPECTER. Mr. President, I object.

Mr. ALEXANDER. Objection is heard.

Mr. SPECTER. Mr. President, it would be a travesty of the procedures of the Senate to vote on this bill without giving Senators an opportunity to file amendments. It would just be—it is hard to find the right characterization—a travesty, unheard of, unthinkable, unprecedented, idiotic—strike idiotic; the Supreme Court has that word for its own—but our procedure is to vote on amendments.

Mr. President, I ask the distinguished Democratic leader if he would agree to start voting tomorrow morning at 9:30 on the list of amendments he identified. Senator LEAHY and I are prepared to work through the night and start voting tomorrow morning at 9:30 on those amendments.

Mr. REID. Those that I mentioned?

Mr. SPECTER. The ones you mentioned.

Mr. REID. I would be happy to work with our manager, and with Senator KENNEDY, and come up with the sequence of how we should vote on these and how much time should be spent on each amendment. I would be happy to vote on that.

Mr. SPECTER. May we start the voting tomorrow morning at 9:30?

Mr. REID. I don't know; 9:30, or sometime tomorrow morning, if we work out a sequence on these. That would be fine with me.

Mr. SPECTER. So we will start voting tomorrow morning sometime on the sequence of amendments that you have identified. And may we carry that further on other amendments which are pending? You haven't identified any other amendments——

Mr. FRIST. Mr. President, reserving the right to object, the courtesy to colleagues here should be at least to include the ones that are pending that I have read: Kyl-Cornyn, Dorgan, and Mikulski, that have been pending for days and days, rather than allowing the Democratic leader to cherry-pick amendments to vote on.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, the use of words of the distinguished chairman of the Judiciary Committee—"travesty, unprecedented, unthinkable"—whatever those were, those are words I am going to remember. I should have come up with those before on all the many times that we were unable to offer amendments on legislation that was pending before the Senate. But I think, as usual, the distinguished chairman of the Judiciary Committee did an outstanding job of describing what happens when people are not allowed to offer amendments. We are experts at recognizing when we are not able to offer amendments.

As I say, again, we have a number of amendments we would be happy to vote on. My friend, the majority leader, said he wanted to add in those that are pending, and we could not agree to that.

Mr. SPECTER. Could I ask the distinguished Democratic leader if we can establish a procedure where the distinguished ranking member and I—we are the managers of the bill—go through the list of amendments and decide a sequencing of votes on these amendments—there must be more than those identified by the Senator from Nevada—and try to get the bill rolling with the votes, as you say, starting sometime tomorrow morning?

Mr. REID. I have the greatest confidence in our ranking member, PAT LEAHY. I have spoken in his behalf on this floor so many times I can't count it, but we have, in addition to Senator LEAHY, 44 other members of our caucus. I am not going to give you and Senator LEAHY carte blanche as to what amendments would be offered and in what order.

Mr. DOMENICI. Senator SPECTER, would you yield for 1 minute?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. REID. I am happy to yield to my friend, the distinguished Senator from New Mexico, for a statement of 1 minute or 2 minutes, whatever he cares to speak.

Mr. DOMENICI. I didn't want to ask you because what I was going to say you wouldn't like.

Mr. REID. I may not like what you say, but I like you.

Mr. DOMENICI. Thank you very much. I tell you, I really cannot believe what I heard here today. I have been here 34 years, and I cannot believe what I have heard today. I have heard a minority leader say we are peeved because we have not had what we think is a fair shake over the last couple of years since you have been running this place, so we are going to manage this bill from the minority leader chair, and there are going to be no amendments considered unless the minority, the ranking minority Member of the Senate puts his imprimatur on them.

Mr. LEAHY. Imprimatur.

Mr. DOMENICI. No matter how important the bill is—imprimatur, no matter what it is. I said it the Italian way. You said it the French way. You all know what it meant: stamp of approval. Stamp of approval.

I have never heard of such a thing, never saw Senators standing around—they were in awe. What is he talking about?

The bill that is before us, he likes. He has had a caucus, and those Senators on the other side said this is a neat bill, this is what we want to pass, and we sure don't want any amendments offered and voted on that stir up that thing we like so much to any extent because we don't want to get our Senators in any trouble. We don't want them voting on any of these kinds of things that muddle up this bill. So our leader is going to stand up here and say we have just changed the Senate, and we are going to do it this way. There will be no amendments unless HARRY REID, elected as the minority leader of the Senate, says, "OK."

Fellow Senators, I don't believe it. As a matter of fact, I thought when the distinguished leader of the other side, who is my dear friend—dear friend, he knows that—when he got up and answered our leader and started with this business about minimum wage and these other things—I thought he had a nothing case. I thought, my God, he's dreaming them up. He has nothing to say.

What does that have to do with this bill, the minimum wage, the way we didn't let amendments come up on that? It has nothing to do with this bill, one of the most important bills confronting America. It has been said that it is at the turning point of relationships between Mexico and America. And we have one Senator who has looked at the bill and said: It is good for our side of the aisle. We like it just like it is, and we don't care what the rules of the Senate are, there will be no amendments. We are in charge.

I am sorry, Mr. Leader. You were right. You said it too mildly. I goofed up some words, but I said it right, and Senator REID is not right on this one. He is right many times. This is not right. He is not right. He should not do this. The Senate should not let him do it.

If there is some way to not let him do it, he should not be permitted to do it. He knows we can't do that. He knows we cannot do that. He is too smart about the rules of the Senate. He knows we cannot say he cannot do it. But the Senate should say he cannot do it. I am telling you Senators, Democrats and Republicans, you should say he cannot do that.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. REID. Mr. President, I have said nonchalantly, to put it in perspective, how much I appreciate the work of the members of the Judiciary Committee on this bill.

I am not going to spend a lot of time on this other than to say I think it is so important that we understand the time people have spent on this issue. The Senator from Massachusetts, Senator KENNEDY, has been working on this issue of immigration for 35 years. He has seen what has happened in years past with all the different pieces of legislation. I can remember legislative battles on the Senate floor that we had with disputes between him and Alan Simpson, the distinguished former Senator from Wyoming, who everyone knows was such a good Senator, with such a great sense of humor.

Senator LEAHY has, I think, done such an admirable job of being ranking member on this committee.

We have gotten work done on this committee that no one ever expected could be done. And the principal reason that work was able to be accomplished is because of the relationship that was developed between the chairman and ranking member, Senator SPECTER and Senator LEAHY.

If someone had come to me a month ago and said we would be in the status we are on this immigration bill, I would have said: No, I don't think that could be accomplished. I do not think we can get a bill out of that committee.

But as I have said publicly, and certainly I have said it to the distinguished majority leader, I thought his bill alone, dealing with enforcement only, was inappropriate and not good. I was surprised—but pleasantly surprised—with the work product that came out of the Judiciary Committee.

Even when the distinguished majority leader said that he and the ranking member would work during the week that we had off to see if they could come up with a proposal, I kept checking with Senator LEAHY and other members of the Judiciary Committee. And they felt there was a lot of movement.

When that committee met on Monday, there were compromises made, and a bipartisan bill came before the Senate; again, pleasantly surprising me and, to me, proving that when people work together to accomplish a goal and there is a partnership between those leading the committee, members of the committee usually go along with that leadership as they did in this instance.

I appreciate the good work, and I support this legislation.

CLOTURE MOTION

Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the Specter substitute amendment No. 3192.

Patrick J. Leahy, Edward M. Kennedy, Robert Menendez, Frank R. Lautenberg, Joseph I. Lieberman, Carl Levin, Maria Cantwell, Barack Obama, Tom Harkin, Hillary Rodham Clinton, John F. Kerry, Dianne Feinstein, Richard Durbin, Charles E. Schumer, Harry Reid, and Daniel K. Akaka.

Mr. REID. I yield the floor.

Mr. LEAHY. Mr. President, the Senate has taken significant and constructive steps over the past week toward fixing our Nation's broken immigration system. On March 27, the Senate Judiciary Committee reported a comprehensive and bipartisan package that is tough but smart.

We sent to the Senate a bill that includes critical law enforcement and border security measures—tougher than the bill introduced by the majority leader earlier last month. Our bill, which was passed by a strong bipartisan 12-to-6 vote in committee, also includes realistic solutions for the problem of the millions of undocumented presently living inside our borders. We do not offer these aliens amnesty but create an incentive for them to come out of the shadows, register, and earn the opportunity to obtain legal status over the course of 11 years.

Over the past week, we have taken strides to see these proposals passed into law. I thank the many Senators who have come to the floor to speak in support of the committee bill. Senators MCCAIN and KENNEDY, who did the hard work of drafting many of these measures, have made strong statements explaining why the committee bill is not an offer of amnesty but represents an earned path to legalization and eventual citizenship. Senator FEINSTEIN spoke about how this bill is tough on enforcement but pragmatic in its temporary worker and legalization programs.

I thank Senator DURBIN for his eloquent statement last week describing the DREAM Act, which is included in the committee bill. Senator LINCOLN, Senator SALAZAR, and Senator OBAMA have all come to speak in favor of the "enforcement-plus" measures in the bipartisan bill.

We have voted to approve several amendments that further strengthen the bill. Senator BINGAMAN's amendment to bolster national security by assisting local law enforcement in border States was approved overwhelmingly yesterday. So was Senator ALEXANDER's amendment to strengthen citizenship programs, and last week, we passed a Frist-Reid amendment to study the tragic deaths occurring at the border between the United States and Mexico.

I hope we will vote next on the important amendment offered by Senator MIKULSKI with a long list of cosponsors from both sides of the aisle. The Mikulski amendment will bring relief to employers by easing the shortfall of seasonal workers.

I hope we will also vote on amendments that will be offered by Senator BILL NELSON to add additional enforcement provisions to the Committee bill.

We have before us an opportunity to take a historic vote on a realistic and reasonable system for immigration. Our bill protects America's borders, strengthens enforcement, and remains true to American values. We should pass this bill this week.

Mr. BYRD. Mr. President, today, I speak on the Specter-Leahy substitute to S. 2454, the Frist border security bill.

At the present time, the Frist bill contains no amnesty for illegal aliens. However, if the Specter-Leahy substitute is adopted, it would effectively attach a massive amnesty for 8 to 12 million illegal aliens and provide those illegal aliens with a path to U.S. citizenship. According to immigration experts, the pending substitute amendment—with its guest-worker program and amnesty for undocumented aliens—would open the gates to 30 million legal and illegal immigrants over the next decade.

I oppose this amnesty proposal—absolutely and unequivocally. I urge the Senate to pass a clean border security bill like the House did—without amnesty, without a guest-worker program, and without an increase in the annual allotment of permanent immigrant visas.

For more than 4 years, the Nation has wondered how 19 terrorists managed to penetrate our border defenses to carry out the September 11 attacks. It chills the blood to think of those terrorists crossing our borders not once, but several times, in the months before the attack—easily outsmarting our border security checks to plot their dastardly scheme. They walked among us as tourists, students, and business travelers. Three of them even stayed in the United States as illegal aliens.

Today, more than 4 years later, our country remains dangerously exposed to terrorists seeking to penetrate our border defenses. Since September 2001, an estimated 2 million new illegal immigrants have successfully beaten our border and interior security, and are now settled in the United States. That's 2 million new illegal immigrants since the Government pledged to regain control of the border after the 9/11 attacks.

Our immigration agencies are plagued with management and morale problems. They still do not have an exit-entry system with interoperable, biometric watch lists to accurately identify who is entering the country. We still cannot tell who is leaving the country. The requirement for foreign visitors to use biometric, machine-readable passports continues to be delayed, exempting millions of aliens each year from background checks. The administration, still, stubbornly refuses to support the resources our border and interior enforcement agencies need to effectively do their jobs.

Meanwhile, the immigrant population continues to surge. The Center for Immigration Studies calculates that 1.5 million immigrants are settling both legally and illegally in the United States each year. The U.S. Census Bureau projects that immigration will be a major cause of the population of the United States increasing to 400 million people in less than 50 years.

The National Research Council estimates that the net fiscal cost of this massive immigration ranges from $11 billion to $22 billion per year, with the infrastructure of our Nation—our schools, our health care system, our transportation and energy networks—increasingly unable to absorb this untenable surge in the population.

Many tout the additional border and interior enforcement personnel authorized since September 2001, but the President's budget has not come anywhere close to funding those authorizations. Homeland security expenditures have been capped at levels that prohibit the Congress from adequately filling the gaps. Senator GREGG and I have had to fight for every additional nickel and dime that goes into our border security. It is never enough.

Immigration enforcement in the United States remains decidedly half-hearted. We are pulling our punches. Tougher border security mandates are signed into law, but then not fully funded. Statutory deadlines are set, but then indefinitely postponed. Undocumented aliens are denied Social Security cards, but then issued driver's licenses and taxpayer identification numbers. Employers are warned not to hire illegal labor, but then allowed to sponsor, without penalty, their illegal workforce for legal status. Funds are not requested to perform even the barest level of work site enforcement. We send troops abroad ostensibly so that we don't have to fight terrorists on American streets, but then we turn a blind eye to millions of unauthorized, undocumented, unchecked aliens—any one of whom could be a potential terrorist.

When lawmakers and the so-called pundits comment that our current system is unworkable, it's because we haven't really tried to make it work. The contradictions in our immigration policies are undeniable. Lawmakers decry illegal immigration, but then advocate amnesty proposals which only encourages more illegal immigration. Advocates may try to distance themselves from that word—"amnesty". They may characterize their proposals as "guest worker" programs or "temporary visas", but the effect is the same—to waive the rules for lawbreakers, and to legalize the unlawful actions of undocumented workers and the businesses that illegally employ them.

Amnesties are the dark and sinister underbelly of our immigration process. They tarnish the magnanimous promise of a better life enshrined on the base of the Statue of Liberty. They minimize the struggle of all those who dutifully followed the rules to come to this country, and of all those who are still waiting abroad to immigrate legally. Amnesties undermine that great egalitarian and American principle that the law should apply equally and fairly to everyone. Amnesties perniciously decree that the law shall apply to some, but not to all.

Amnesties can be dangerous, dangerous proposals. Amnesties open routes to legal status for aliens hoping to circumvent the regular security checks. By allowing illegal aliens to adjust their status in the country, we allow them to bypass State Department checks normally done overseas through the visa and consular process. One need only look to the 1993 World Trade Center bombing, where one of the terrorist leaders had legalized his status through an amnesty, to clearly see the dangers of these kinds of proposals.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, in the interior, and in its processing of immigration applications. It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks. The pending proposal would shove 30 million legal and illegal aliens—many of whom have never gone through a background check—through our border security system, in effect, flooding a bureaucracy that is already drowning. It's a recipe for utter disaster.

Amnesties beget more illegal immigration—hurtful, destructive illegal immigration. They encourage other undocumented aliens to circumvent our immigration process in the hope that they too can achieve temporary worker status. Amnesties sanction the exploitation of illegal foreign labor by U.S. businesses, and encourage other businesses to hire cheap and illegal labor in order to compete.

President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the same promises we hear today—that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigration. It didn't work then, and it won't work today. The 1986 amnesty failed miserably. After 1986, illegal immigrant population tripled from 2.7 million aliens, to 4 million aliens in 1996, to 8 million aliens in 2000, to an estimated 12 million illegal aliens today.

In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers. The result is always the same: For every group of illegal aliens granted amnesty, a bigger group enters the country hoping to be similarly rewarded.

The pending substitute amendment embodies this same flawed model. It's more of the same: More amnesties, more guest worker programs, more unfunded mandates on our immigration agencies. We ought to be focusing on how to limit the incentives for illegal immigration, and erase the contradictions in our immigration policies that encourage individuals on both sides of the border to flout the law and get away with it.

What's backwards about the pending substitute amendment is that it is actually rewarding illegal aliens. It rewards illegal behavior. It authorizes illegal aliens to work in the country. It grants illegal aliens a path to citizenship. It pardons employers who illegally employ unauthorized workers. It even repeals provisions in current law designed to deny cheaper, in-state tuition rates to illegal aliens.

The pending amendment is a big welcome mat for illegal immigrants. It is a misguided and dangerous proposal that would doom this Congress to the failures of previous Congresses.

The economist John Maynard Keynes once described the qualification for an economist as being the ability to study the present, in the light of the past, for the purpose of looking into the future. Patrick Henry echoed those sentiments more than a century earlier when he said:

> I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging the future but by the past.

Our Nation's experience shows that amnesties do not work. They are dangerous proposals that reward and encourage illegal immigration. Our experience shows that we cannot play games with our border security or American lives could be lost.

I will oppose the Specter-Leahy substitute amendment, and I urge my colleagues to do likewise.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 18, 2006, in Savannah, GA, Travis McLain, was beaten by Charles Pickett in what appears to be a crime motivated by hate. McLain suffered a concussion and lost several teeth when he was attacked in a local parking garage. McLain has stated that Pickett used anti-gay language while attacking him. Georgia Equality, the state's largest gay rights organization is calling this attack an anti-gay hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like the RECORD to reflect that I was necessarily absent for the votes on Senator BINGAMAN's amendment, No. 3210, vote No. 84, and Senator ALEXANDER's amendment, No. 3193, vote No. 85, on Monday, April 3, 2006. Had I been present for these votes, I would have voted in favor of both amendments.

GLOBAL CLIMATE CHANGE

Mr. FEINGOLD. Mr. President, today the Senate Energy and Natural Resources Committee is holding a conference to delve into some of the policy questions that have delayed efforts to move forward with legislation addressing global warming. As many Americans have realized—even in the face of an absolute void of leadership from this current administration—one of the greatest challenges currently facing us is how to reduce our contributions to global climate change before it is too late for changes to matter. In fact, the majority of the American public believes that they have an individual role to play in being a part of the solution. And the public is looking to us, their elected leaders, to provide the framework for change.

As many people know, Senators LIEBERMAN and MCCAIN have been the longtime champions of raising awareness of global warming. Today's conference, under the leadership of Senators DOMENICI and BINGAMAN, demonstrates that more and more elected officials are willing to take a stand in recognizing the imminent need for action. Along with my constituents, I hope that the time will soon come when a majority of the U.S. Congress is willing to follow their lead.

On the heels of today's conference, another Senate committee is scheduled to consider the issue of global warming. Tomorrow, the Commerce Committee's Global Climate Change and Impacts Subcommittee will hear about the administration's approach to the issue. While the administration favors developing and sharing new zero and low-carbon technologies with developing nations, I submit that our citizens are looking for bold action that addresses more than how we will help developing countries—they want to know what we plan to do domestically.

Mr. President, if there ever was a time when it was all right to ignore global warming, that time has long passed. We have got to get real about this issue—and getting real will require a commitment to reducing our dependence on oil instead of continually talking about opening up a wildlife refuge for oil drilling. For, if we continue turning our backs on the reality of climate change, we might as well be turning our backs on our grandchildren—and this is why I am optimistic that the Senate's treatment of global warming is nearing its own tipping point, a point after which we will provide the leadership that our constituents are increasingly expecting from us.

TRIBUTE TO TIM PETTY

Mr. SANTORUM. Mr. President, I would like to take a moment and acknowledge the dedicated service of Tim Petty, director of information resources for the U.S. Senate Republican Conference, which I chair. Tim is moving on to become a Deputy Assistant Secretary at the U.S. Department of Interior, and today is his last day serving the Senate.

Since 1999, Tim has served as an integral team leader in the creation and development of the Internet technology department established by the Senate Republican Conference. This department was created to help the Conference implement a comprehensive technology strategy to help the Republican leadership efficiently and effectively use evolving Internet communication capabilities.

Over the course of the past 7 years, Tim has led efforts and worked in collaboration with Senate and leadership offices in transforming the way the conference communicates and disseminates information using 21st century strategies and technology. Tim is always thinking of the next step, the next tool, the next idea.

Highlights of just a few of Tim's many accomplishments at the Senate include a 2002 overhaul of the leadership's Intranet, known as the TrunkLine. This successful redesign and restructuring of the Intranet enhanced the ability of staff members to find key information provided from the Leadership, which helps strengthen communication strategies and overall messaging. In 2004, the TrunkLine was recognized by a prominent Internet usability report as one the top 10 government Intranets in the world. Only 3 of the top 10 Intranets selected were from the United States.

In keeping with the vision of helping offices with their technology strategies, Tim led an initiative involving online database access that allowed all Senate offices to develop their own dynamic Web sites. Many offices are now able to more fully manage their own Web sites and share information as a result of this effort.

One of Tim's primary objectives over the past 2 years has been enhancing the conference's ability to utilize wireless communications. A year ago the Republican Cloakroom began posting key legislative updates to the TrunkLine which then generates notices to wireless devices instantaneously when a legislative bill is hotlined. Prior to this change, notifications were done through a telephone broadcast system.

Another technological communications tool Tim initiated for the conference is videoconferencing, which has allowed Senators to talk to State offices, meet with students in their classrooms, and to participate in conferences and meetings of constituents in real time.

Tim also recognized the value of blogging and has implemented a strategy to reach beyond the usual media to take advantage of reaching a new audience with the Republican message.

Tim's leadership in the area of technology strategy has been invaluable to our conference. I appreciate his enthusiasm and tireless efforts to help move an institution known for holding onto traditions into the 21st century. I wish him the very best in his new service.

ADDITIONAL STATEMENTS

TRIBUTE TO KATHLEEN M. FOLEY BARRETT

• Mr. KERRY. Mr. President, I rise today to honor the life and service of an inspiring trooper from the Massachusetts State Police, Kathleen M. Foley Barrett. Kathleen dedicated 27 years of her life to protecting the people of Massachusetts, and I join her colleagues and family in paying tribute to a career defined by compassion, professionalism, and a sustained love of police work.

A native of Cambridge, MA, Kathleen was raised and educated in Weymouth. Initially she considered nursing school, but Kathleen's passion for police work started her on a career path that few women were encouraged to follow at the time. Kathleen ultimately earned the chance to join the 62nd Recruit Training Troop in November 1980.

After working on the force for 5 years, Kathleen was promoted to the level of master trainer on the State Police K–9 Unit. She bonded instantly with the specially trained canine teams and rose to such prominence that her expertise was called upon to lead seminars and provide instruction on cadaver work. Beyond the borders of Massachusetts, Kathleen was called upon to help the Royal Canadian Mounted Police and the rescue efforts following the September 11th terrorist attacks in New York. Two thousand four brought the unfortunate cancer diagnosis that would ultimately claim her, but even that news could not keep her from coming to the aid of her fellow citizens in the wake of Hurricane Katrina.

Kathleen loved police work, and her colleagues loved her. Over the course of her career she belonged to the State Police Association of Massachusetts, the North American Police Work Dog Association, and the International Association of Police Work Dogs. Her love of animals defined her private life as well as her professional one, and she enjoyed swimming with manatees and feeding bottleneck tigers at Florida's Amazing Exotics Education Center.

As the cancer progressed and the end approached, law enforcement officers from around the Commonwealth and across the country made sure Kathleen knew how much she was valued and respected. State Police Colonel Thomas G. Robbins honored her at her bedside with the Colonel's Award of Excellence, a tribute bestowed on only seven troopers in Massachusetts history. Officers of every stripe bowed their heads upon news of her death on March 23, 2006.

Mr. President, Kathleen's characteristic perseverance stands as an inspiration and challenge to us all. She lived an American life, one of service and struggle, and throughout it all she was guided by an unshakable commitment to her family, her job, and her colleagues. We are thankful for her time with us, we are better for her time here, and I join every Massachusetts State trooper in serving witness to the loss of an exemplary law enforcement officer.●

HONORING THE COLORADO UNIVERSITY SKI TEAM

● Mr. ALLARD. Mr. President, I am honored to recognize the University of Colorado—CU—ski team for claiming their 17th national ski championship title at the 53rd Annual NCAA Championship. I am also extremely proud that the CU ski team has been invited to participate in the National Student-Athlete Day activities at the White House on April 6. This is an incredible honor for these young athletes, their coaches, their parents, and the University of Colorado.

The CU ski team overcame insurmountable odds to claim their 17th national ski championship. This year's ski team was the first team in U.S. history to win the national title without a full 12-skier team. This year's team broke and set the largest comeback record in NCAA ski team history—winning the title after being ranked sixth following the first full day of competition. Battling injury, illness, and an underdog status, the CU ski team went on to claim a national victory with a 98-point lead—the fourth largest margin of victory in NCAA ski team history. CU team skiers also claimed four individual titles and eight All-American honors. These team members deserve national recognition for their focus, determination, and spirit.

It is this team's spirit, leadership, and record of achievement that will be honored by President Bush on National Student-Athlete Day, this April 6th. The CU ski team is being honored for their excellence in academics and athletics as well as for their contributions to their community. National Student-Athlete Day also represents an opportunity to recognize the parents, teachers, and coaches who have helped mold and challenge these outstanding student-athletes. This honor is representative of the University of Colorado under the outstanding leadership and commitment of University president Hank Brown, CU athletic director Mike Bohn, and Colorado ski team head coach Richard Rokos. Due to the talent, dedication, and leadership of the CU athletes, coaches, and university leadership, the University of Colorado is back on top of the collegiate skiing world.

Congratulations to the University of Colorado, the ski team, the coaches, and the community that has supported this team throughout this winning, landmark season.

On behalf of the State of Colorado, I am proud to honor and commemorate the University of Colorado's ski team and request that my colleagues join me in paying tribute to the University of Colorado and these outstanding young men and women.●

LADY BULLDOGS

● Mr. THUNE. Mr. President, today I rise to honor the women's gymnastics team from Madison Central High School. In February, the Lady Bulldog gymnasts won their 12th straight South Dakota State championship.

The Lady Bulldogs already held the record for consecutive South Dakota Prep Team Titles in any sport with their win last year. The Madison gymnastics program is currently in second place nationally for most consecutive victories and is now just one win shy of the national record. The Lady Bulldogs is the only team in the top 10 nationally that have an active winning streak.

I would like to take this opportunity to recognize the hard work and dedication of so many in the Madison Central School District: Coach Maridee Dossett; Athletic Director Bud Postma; Principal Sharon Knowlton; and Superintendent Dr. Frank Palleria. The efforts put forth by these individuals have made it possible for the students to participate and perform at the highest level. I would also like to commend the gymnasts' parents for all the support and time they have put into the program.

Most of all I would like to congratulate the women who won this years State Championship and the women who have been a part of this impressive program. You have created an atmosphere that is conducive to success and made the most of your opportunity. Again, congratulations and the best of luck as you look toward next season.●

TRIBUTE TO ROBERT CLEVERLY

● Mr. BURNS. Mr. President, I rise today to honor and recognize a man who has dedicated his life to education, Mr. Robert Cleverly. Bob was responsible for establishing the Close-up Foundation program at Ennis High School and has been involved in the program for over 20 years. During those years he has also been instrumental in establishing the Close-up program in numerous Montana schools. Bob was chosen by the Close-up Foundation in 1996 and 1997 and awarded the Linda Myers Chozen Award for Teaching Excellence in Civic Education. This award honors teachers and administrators who have demonstrated outstanding leadership, innovation, and commitment to the foundation's citizenship mission. In addition to his Close-up advocacy, Bob was a history teacher at Ennis High School for 38 years and is credited with organizing the first aid and CPR program. Bob was active in the school's extra curricular activities as a very successful football coach, taking several teams to statewide level competition and winning two State championships. As a result of his coaching abilities and team organization skills, Bob was inducted into the Montana Coaches Hall of Fame.

Education is crucial to the future of America, and it is teachers like Bob who make education their priority, devoting their life to the future of our youth. Bob has been taking students to Washington, DC, for over 20 years with the Close-up program, giving students of Montana a firsthand view on how our Federal Government works, while experiencing the history our Nation's Capital has to offer. At great loss to Montana's high school students, this will be Bob's last year in the Close-up program, but thanks to his hard work, many Montana students for years to come will be able to explore our Nation's Capital through the Close-up program. I personally thank Bob and acknowledge his dedication, for he has gone above and beyond his civic duty.

We are proud as well as fortunate to have educators like Bob Cleverly in Montana, who are willing to dedicate their lives to educate and prepare our children for the future.●

TRIBUTE TO JAMES C. BARBIERI

● Mr. LUGAR. Mr. President, today I mark the passing of a great Hoosier newspaperman and civic leader, James C. Barbieri.

My condolences go out to his wife Barbara, his son Chuck, his daughter Cindi, and his four grandchildren and one great grandchild. They shared this remarkable man with the wonderful community of Bluffton, IN, which also mourns his passing.

Beginning in 1950, Jim Barbieri worked almost every job conceivable at the Bluffton, IN, News-Banner. He was a reporter, advertising salesman, and circulation director. He became general manager of the venerable Wells County publication in 1975 and then coowner, president, and publisher in 1986.

It was not unusual that on any given day he might write every page-1 story, the editorial, and if someone called in sick, he would pick up a delivery route, too. He was always available because he only missed 1 day of work over a 50-year stretch.

Born and raised in Park Ridge, IL, he attended DePauw University in Indiana where he was editor of the student newspaper. After serving his country in the Army during the Korean War, Jim worked briefly at The Chicago American before coming to Bluffton.

In 2005, the Hoosier State Press Association awarded Jim the Charlie Biggs Commitment to Community Award.

Jim Barbieri had that venerable smalltown newspaperman ready opinion on virtually everything that passes us by in life. Whether it was roads, parks, or the time Indiana should set its clocks in the summer, Jim used his unique forum to editorialize. I knew he was always looking over my shoulder providing ready comment on anything I did in the State, national, or international arena.

On visits to Bluffton, Jim Barbieri would cover the community event I was attending and then, in an extensive interview, explore my thoughts on the issues of the day. He would then exhaustively report all of it in the newspaper astutely and accurately.

He did not cease to impress all with his indefatigability. At the celebration of his 50 years with The News-Banner, Jim wrote this poem:

So that the way I work may be out of date,
But don't try to bend me and make me go straight.
Let me go on in my very old fashion
Covering the news with an old time passion.
The style in which my career has been blest,
To you may be faulty, but I (gave) it my best.
When God takes me home at the end of my years,
He'll not straighten me out and pop all my gears.
He'll say "you, reporter, for the sins that you bring,
We'll take you like you are with a bent angelic wing."
And we all know that Heaven could not run well
Without a journalist to give them all hell.
So in the celestial press room we bid you to trod,
But don't ever misquote Peter or misspell God.●

RETIREMENT OF ANTHONY FELICIA, JR.

● Mr. CARPER. Mr. President, I rise today in recognition of Anthony Felicia, Jr., upon his retirement as vice president of R&D and clinical administration for AstraZeneca. Tony's dedication and ability have won him the respect of friends and coworkers alike, along with the gratitude of many in the first State. He has been, and remains, a trusted friend of Delaware.

A native of Syracuse, NY, Tony was born on August 26, 1950, to Anthony and Maryann Felicia. He received his bachelor's degree from the State University of New York and completed his master's degree at Syracuse University.

Tony has been with AstraZeneca and the former Zeneca Pharmaceuticals and ICI for 28 years and has worked in operations, quality assurance, supply chain management, facilities and engineering, production operations, and international planning. Prior to Tony's employment with ICI in 1978, he worked for Bristol Laboratories in Syracuse, NY, from 1973 to 1977, where he held various quality assurance and production positions.

Throughout his career, Tony has provided strong leadership and served as a role model to many. One of the numerous highlights of his outstanding career was the pivotal role he played in helping to bring AstraZeneca's U.S. headquarters to Delaware during my time as Governor. I will always remember how Tony's main concern was making sure that the move was the right decision for his fellow employees and their families, as well as for shareholders. His hard work and down-to-earth personality made him a pleasure to work with during this critically important time. Both AstraZeneca and the first State are better off because of his efforts.

While his professional accomplishments are worthy of our admiration, it is within his personal life that Tony truly stands as an example to us all. Tony has volunteered a great deal of his time to support a number of nonprofit and business organizations within the Delaware community, including Easter Seals, Delaware Technology Park, and the American Heart Association. Tony is currently in his sixth year of service as the president of the board of trustees for the Delaware Museum of Natural History. He also served on the Newark City Council from 1992 to 1998.

His leisure interests include playing golf, helping his children, and enjoying the beauty of Delaware at his beach house in Bethany. Now that he has more free time, Tony plans to spend more time with his parents in Syracuse, NY. He also is starting a corporate consulting company and will remain active within the Delaware business community.

Tony lives with his wife Susan in Hockessin, DE. They have five children, Brian, Carrie, Heather, Meghan, and Dylan.

Through his tireless efforts, Tony Felicia has made a positive difference in the lives of thousands of individuals and enhanced the quality of life for our State. Upon his retirement, he will leave behind a legacy of commitment to public service for both his children and for generations that will follow. I thank him for the friendship that we share, and I congratulate him on a truly remarkable and distinguished career. I wish him and his family only the very best in all that lies ahead for each of them.●

HONORING DR. CARL TAYLOR

● Mr. SESSIONS. Mr. President, I would like to make some remarks today about a committed and pioneering individual, Dr. Carl Taylor, the assistant dean and director of the Center for Strategic Health Innovation at the University of South Alabama. Dr. Taylor earned a bachelor's degree in political science from Marshall University, a juris doctor from the University of Miami, and is a Fellow at the Royal Institution in London. He serves on the State of Alabama's Department of Public Health bioterrorism advisory board and has been the principal investigator on nearly a dozen disaster related grants, including the grant that developed the Alabama incident management software system which he superbly presented recently to the Senate Subcommittee on Bioterrorism and Public Health Preparedness.

This software system, referred to as AIMS, is an online hospital surge capacity and surge capability management tool used to support public health efforts during large-scale disaster response. This easy-to-use system shows which hospitals have available beds, staff, and equipment in real time while allowing hospitals to request help or offer assistance to one another. During Hurricane Katrina, AIMS was the software tool used by the Alabama Department of Public Health to manage information from 83 hospitals and 7 medical needs shelters. AIMS was vital to Alabama's outstanding performance in delivering quality medical care to vulnerable individuals in a time of crisis.

I commend Dr. Taylor for his leadership and creativity in developing this system that has application for the entire country. His work has the potential to save lives and reduce cost. This spirit of ingenuity is what keeps America strong.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submiting a treaty which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar del Plata, Argentina, on November 4, 2005. I transmit also, for the information of the Senate, the report prepared by the Department of State with respect to the Treaty.

The Treaty is the first bilateral investment treaty (BIT) concluded since 1999 and the first negotiated on the basis of a new U.S. model BIT text, which was completed in 2004. The new model text draws on long-standing U.S. BIT principles, our experience with Chapter 11 of the North American Free Trade Agreement (NAFTA), and the executive branch's collaboration with the Congress in developing negotiating objectives on foreign investment for U.S. free trade agreements. The Treaty will establish investment protections that will create more favorable conditions for U.S. investment in Uruguay and assist Uruguay in its efforts to further develop its economy.

The Treaty is fully consistent with U.S. policy towards international and domestic investment. A specific tenet of U.S. investment policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment and most-favored-nation treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation and for the minimum standard of treatment. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investment; freedom of investment from specified performance requirements; and the opportunity of investors to choose to resolve disputes with a host government through international arbitration. The Treaty also includes extensive transparency obligations with respect to national laws and regulations, and commitments to transparency and public participation in dispute settlement. The Parties also recognize that it is inappropriate to encourage investment by weakening or reducing the protections afforded in domestic environmental and labor laws.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 4, 2006.*

MESSAGE FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 609. An act to amend and extend the Higher Education Act of 1965.

The message also announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of December 18, 2005, the Speaker appoints the following member of the House of Representatives to the Congressional Award Board: Mr. CHOCOLA of Indiana.

The message further announced that pursuant to 20 U.S.C. 2103(b), the order of the House of December 18, 2005, and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Board of Trustees of the American Folklife Center in the Library of Congress for a term of 6 years, effective April 1, 2006: Mr. William L. Kinney of South Carolina.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 609. An act to amend and extend the Higher Education Act of 1965.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Banking, Housing, and Urban Affairs by unanimous consent, and ordered placed on the calendar:

S. 598. A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-287. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the reduction in troop strength of the Army National Guard and proposed cuts in the force structure of the Air National Guard; to the Committee on Armed Services.

SENATE RESOLUTION 229

Whereas, on January 18, 2006, the Secretary of the Army announced a plan to eliminate 6 combat brigades from the Army National Guard nationwide and to reduce the authorized troop strength of the Army National Guard from 350,000 to 333,000; and

Whereas, substantial cuts in the force structure of the Air National Guard may be proposed as part of the Federal budget and Quadrennial Defense Review processes; and

Whereas, our nation and the Commonwealth of Pennsylvania rely on the National Guard like never before to fight the global war on terrorism and to respond to domestic emergencies; and

Whereas, the National Guard offers tremendous capabilities as an essential part of our nation's total force for national defense while at the same time being available to the Governor to respond to emergencies in the Commonwealth of Pennsylvania; and

Whereas, the National Guard costs less than 5 percent of our nation's defense budget but provides the only military force shared by the Federal Government and the states; and

Whereas, the proposed elimination of combat brigades from the Army National Guard represents a shortsighted and ill-advised approach that will adversely affect national defense, homeland security and the ability to respond to state emergencies; and

Whereas, the 3 combat brigades of Pennsylvania's 28th Keystone Division have served with distinction at home and abroad since the September 11, 2001, attacks on the United States; and

Whereas, the Army has recognized the capabilities of the Pennsylvania Army National Guard by designating the 56th Brigade as the first and only Army National Guard Stryker Brigade Combat team in the nation; and

Whereas, major elements of Pennsylvania's 2nd Brigade Combat Team are currently deployed to one of the most dangerous areas of Iraq, the 55th Brigade deployed to Europe in Operation Keystone after the 9/11 attacks, and elements of the 56th Brigade deployed to Kosovo; and

Whereas, in response to Hurricane Katrina, virtually the entire 56th Brigade and other elements of the Pennsylvania Army and Air National Guard deployed to the Louisiana Gulf Coast region on short notice and provided vital emergency support; and

Whereas, the 3 combat brigades of the Pennsylvania Army National Guard are aligned to provide emergency response to the Pennsylvania Emergency Management Agency's 3 regions; and

Whereas, more than 4,000 airmen of the Pennsylvania Air National Guard have performed close to 8,000 individual deployment events since 9/11, including initial war fighting support to Operation Enduring Freedom and Operation Iraqi Freedom while supporting Operation Noble Eagle protecting our sovereign airspace at home; and

Whereas, major changes to the branch, organization or allotment of National Guard units require the approval of the Governor as commander-in-chief; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to maintain the combat capabilities and force structure of the National Guard; and be it further

Resolved, That the Senate urge the Secretary of Defense to reconsider and withdraw the proposed elimination of 6 combat brigades from the Army National Guard; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-288. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to enacting the "School Energy Crisis Relief Act"; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 13

Whereas, the "School Energy Crisis Relief Act," established in S.1997 and H.R. 4158, authorizes the U.S. Secretary of Energy to create a federal program of energy assistance grants to public school districts; and

Whereas, the "School Energy Crisis Relief Act" is designed to award school energy grants to the school districts that have experienced the highest percentage' increase or expenditure increase in transportation and heating fuel costs among all school districts in each state for a specific time period during the 2005-2006 school year, in comparison to the same time period during the 2004-2005 school year; and

Whereas, many public agencies across the country are struggling to cope with a dramatic, unexpected surge in their energy costs, with schools facing an additional burden in that they operate large fleets of buses and heat large, sprawling buildings, and urban school districts are especially burdened by some of the nation's oldest, and often least, energy-efficient buildings; and

Whereas, these unanticipated energy costs are a great challenge, and many public school boards throughout the United States are facing a choice between paying their higher energy bills or cutting instructional staff and programs; and

Whereas, the "School Energy Crisis Relief Act" would allow the U.S. Secretary of Energy to award grants to public school districts that are among the top 10 percent of all districts in their' state for numbers or percentages of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 US.C. 6333(c)); and

Whereas, the grant amounts would be awarded based on the population of children between the ages 5 and 17 of that state according to the most recent federal decennial census, in comparison to all other states, as well as the regional cost of transportation and heating fuel in comparison with the average national cost, as determined by the most recent statistical data from the U.S. Energy Information Administration; and

Whereas, it is in the best interest of this State to support the enactment of the "School Energy Crisis Relief Act," in order to reduce the financial burden of higher heating and transportation costs affecting our Public school districts' now therefore be it

Resolved by the Senate of the State of New Jersey:

1. The Senate of the State of New Jersey memorializes the U.S. Congress and President to enact S. 1997 and H.R. 4158, the "School Energy Crisis Relief Act," which establishes a federal program of energy assistance grants to local school districts.

2. Duly authenticated copies of this resolution, signed by the, President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority leaders of the United States Senate and the United States House of Representatives, and each member of the United States Congress elected from this State.

POM-289. A resolution adopted by the Board of Chosen Freeholders, Bergen County, State of New Jersey relative to denouncing the sale of six major United States port operations to Dubai Ports World; to the Committee on Commerce, Science, and Transportation.

POM-290. A resolution adopted by the Township of Belleville, State of New Jersey, entitled "Resolution Opposing Governmental Approval or Approval by the Committee on Foreign Investments for the Sale of Peninsular and Oriental Steam Navigation Co. to Dubai Ports World"; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2012. A bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes (Rept. No. 109-229).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself, Mr. Schumer, and Mr. Enzi):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties; to the Committee on Finance.

By Mr. KERRY:

S. 2499. A bill to provide for the expeditious disclosure of records relevant to the life and assassination of Reverend Doctor Martin Luther King, Jr; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mrs. Clinton, Mr. Lautenberg, and Mr. Kerry):

S. 2500. A bill to enhance the counseling and readjustment services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEWINE:

S. 2501. A bill for the relief of Manuel Bartsch; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. Wyden):

S. 2502. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. Thomas):

S. 2503. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs; to the Committee on Finance.

By Mr. KENNEDY:

S. 2504. A bill to eliminate child poverty; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DeWine, and Mr. Voinovich):

S. 2505. A bill to suspend temporarily the duty on aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical; to the Committee on Finance.

By Mr. OBAMA (for himself, Mr. Durbin, Mrs. Clinton, and Mr. Kerry):

S. 2506. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. Levin) (by request):

S. 2507. A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. Biden, Mr. Leahy, Mr. Kennedy, Mr. Kerry, Mr. Salazar, Mr. Lautenberg, Mr. Harkin, Mr. Nelson of Florida, Mr. Inhofe, and Mr. Coleman):

S. Res. 421. A resolution calling on the Government of Afghanistan to uphold freedom of religion and urging the Government of the United States to promote religious freedom in Afghanistan; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. Akaka, Mr. Allen, Mr. Baucus, Mr. Bayh, Mrs. Boxer, Mr. Bunning, Mr. Burr, Ms. Cantwell, Mrs. Clinton, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Cornyn, Mr. Craig, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Hagel, Mr. Isakson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Martinez, Mr. Menendez, Ms. Mikulski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Salazar, Mr. Santorum, Ms. Snowe, Mr. Specter, Ms. Stabenow, and Mr. Stevens):

S. Res. 422. A resolution designating April 21, 2006, as "National and Global Youth Service Day", and for other purposes; considered and agreed to.

By Mr. INHOFE (for himself and Mr. Coburn):

S. Res. 423. A resolution designating April 8, 2006, as "National Cushing's Syndrome Awareness Day"; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. Dayton):

S. Con. Res. 85. A concurrent resolution honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. Chambliss, the name of the Senator from Texas (Mr. Cornyn) was added as a cosponsor of S. 25, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 633

At the request of Mr. Johnson, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 696

At the request of Mr. BURNS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 696, a bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 908, supra.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1396

At the request of Mr. ALLEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1396, a bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

S. 1405

At the request of Mr. NELSON of Nebraska, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1677

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1677, a bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for college tuition expenses and to expand such deduction to include expenses for books.

S. 1687

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1864

At the request of Mr. TALENT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2322

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2327

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2327, a bill to require the FCC to issue a final order regarding white spaces.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from North Carolina (Mrs. DOLE), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2381

At the request of Mr. FRIST, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2381, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority.

S. 2401

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2416

At the request of Mr. BURNS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2471

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2471, a bill to suspend temporarily the duty on Basic Red 1 Dye.

S. 2472

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2472, a bill to suspend temporarily the duty on Basic Red 1:1 Dye.

S. 2473

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2473, a bill to suspend temporarily the duty on Basic Violet 11 Dye.

S. 2474

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2474, a bill to suspend temporarily the duty on Basic Violet 11:1 Dye.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 371

At the request of Mr. THOMAS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 371, a resolution designating July 22, 2006, as "National Day of the American Cowboy".

AMENDMENT NO. 3204

At the request of Mr. INHOFE, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. COBURN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 3204 intended to be proposed to S. 2454. a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3213

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3213 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3217

At the request of Ms. MIKULSKI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3217 proposed to S. 2454. a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3225

At the request of Ms. LANDRIEU. the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of amendment No. 3225 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3226

At the request of Mr. BOND. the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3226 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3249

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 3249 intended to be proposed to S. 2454. a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself. Mr SCHUMER, and Mr. ENZI):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties; to the Committee on Finance.

Mr. THOMAS. Mr. President, today I rise to introduce a taxpayer privacy bill.

Much attention has been focused recently on IRS-proposed changes to regulations regarding taxpayer privacy. Interestingly. these proposed changes have been widely—and incorrectly—reported as changing the law to allow tax preparers to sell taxpayer information to third parties for marketing purposes. In fact, an IRS regulation put into place more than 30 years ago already allows confidential taxpayer information to be shared in this manner, as long as the taxpayer consents.

The public uproar that has surrounded the proposed changes to this regulation makes it clear that taxpayers are not aware of this fact and expect that their return information will be kept confidential. Confidentiality of taxpayer information is a key underpinning of our voluntary tax system, encouraging taxpayers to provide complete and honest returns.

The complexity of the tax code has resulted in 60 percent of all returns being completed by paid preparers. The process is a very intimidating one for most. Given the stress and vulnerability of taxpayers during the process, and the high dollar value of confidential taxpayer information, I am concerned that financially-motivated tax preparers may present the taxpayer with a stack of papers for the taxpayer to sign, including, unbeknownst to the taxpayer, a consent form to share the information with third parties. The taxpayer could easily be under the impression that all of the papers are required to be signed in order to have the return prepared, completely undermining the requirement of signed, informed consent.

In an era of lightning-fast electronic communication—in which information can travel around the world and back in a matter of seconds—and the proliferation of identity theft, it seems to me that we ought to bring the law in line with taxpayer expectations. When this regulation was promulgated back in 1974. our citizens weren't anywhere nearly as vulnerable to this crime as they are today. We have made changes with regard to credit reports and individuals' access to them, we have removed Social Security numbers from drivers' licenses and medical ID cards, and we need to similarly remove the threat of taxpayer information being shared in ways that are not condoned by the individual taxpayer. This bill would do just that by prohibiting tax preparers from both soliciting consent and sharing tax return information with third parties.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF TAX PREPARERS DISCLOSING TAX RETURN INFORMATION.

(a) IN GENERAL.—Paragraph (3) of section 7216(b) of the Internal Revenue Code of 1986 (relating to regulations) is amended to read as follows:

"(3) REGULATIONS.—

"(A) IN GENERAL.—Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary under this section.

"(B) PEER REVIEWS.—The regulations under this section shall permit (subject to such conditions as such regulations shall provide) the disclosure or use of information for quality or peer reviews.

"(C) DISCLOSURE TO THIRD PARTIES.—

"(i) IN GENERAL.—The regulations under this section shall not permit the disclosure or use of information for purposes of facilitating the solicitation of the taxpayer's use of any services provided or facilities furnished by a person unless—

"(I) such person is a person described in subsection (a) or a person who is a member of the same affiliated group (within the meaning of section 1504) as such person, and

"(II) the taxpayer has granted consent to such disclosure or use.

"(ii) SOLICITATION OF CONSENT.—The regulations under this section shall not permit any person described in clause (i)(I) to request the consent of a taxpayer to disclose or use information for any purpose other than a purpose described in clause (i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

By Mr. KERRY:

S. 2499. A bill to provide for the expeditious disclosure of records relevant to the life and assassination of Reverend Doctor Martin Luther King, Jr.; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, today, on the anniversary of Dr. Martin Luther King, Jr.'s assassination, I am pleased to join with my colleague in the House, Congresswoman CYNTHIA MCKINNEY to introduce the Martin Luther King, Jr., Record Collections Act. This act will ensure the expeditious disclosure and preservation of records relevant to Dr. King's life and death. Fully releasing these records—many of which are not subject to disclosure until 2038—will shed significant light on a turning point in American history. My friend, Representative JOHN LEWIS. explained its necessity quite eloquently:

> I. too, was the subject of unwarranted FBI surveillance during the Civil Rights Movement. Because we do not know this part of our history, it is clear that we are beginning to repeat it. Recently, we became aware of the administration's domestic spying program that has targeted peace groups that are carrying on the nonviolent action of Dr. King. It is time that we know our history, and passage of the Rev. Martin Luther King, Jr. Records Act will take us one step closer to uncovering that history.

Judge Joseph Brown, the last presiding judge in James Earl Ray's post-conviction relief proceedings, also supports this legislation. He believes that it is important to:

> . . . fully release the still classified historical record surrounding the life and death of

the late Dr. King. In light of the disturbing records and documents that came to light in James Earl Ray's petition before me and in consideration of the recent furor over the power and authority granted to certain officials under the guise of the Homeland Security Act, it might prove most illuminating to review the historical record relative to the exercise of purportedly similar power and authority by the U.S. officials 40 years ago. The American public, the citizens of the Land of the Free and Home of the Brave deserve this access to the historic record surrounding the life and death of Dr. King.

Our legislation will create a Martin Luther King Records Collection at the National Archives. This will include all records—public and private—related to the life and death of Dr. King, including any investigations or inquiries by Federal, State, or local agencies. The records will be organized in a central directory to allow the public to access them online from anywhere in the world. The documents will be overseen by a review board consisting of at least one professional historian, one attorney, one researcher, and one representative of the civil rights community.

The MLK Records Review Board, a five-member independent agency, will be responsible for facilitating the review and transmission of all related records to the Archivist for public disclosure. Members will be nominated by the President and approved with the advice and consent of the Senate. It will have the power to direct government offices to locate and organize related records and transmit them for review or release. It will also have the power to investigate the facts surrounding the transmission or possession of records, take testimony of individuals in order to fulfill their responsibilities, request the Attorney General to subpoena private persons or government employees to compel testimony or records and require agencies to account in writing for any previous or current destruction of related records. In addition, the Board can request that the Attorney General petition any court in the U.S. or abroad to release any sealed information or physical evidence relevant to the life or death of Dr. King, and to subpoena such evidence if it is no longer in the possession of the government. The MLK Records Review Board will also be required to provide annual reports to Congress, the President, the Archivist, and all government agencies whose records have been reviewed, and to the public. The Board must terminate its work no later than 5 years from the passage of the Act unless it votes to extend for an additional 2-year term.

The reason for having such a Board is to ensure that someone is responsible for finding all relevant records and that the records do not disclose any sensitive information. It is particularly important to have a Board like this given recent revelations by the New York Times that the government has begun removing thousands of declassified documents on a wide range of historical subjects from public access at the National Archives. There has perhaps never been a more urgent time to bring the records on Dr. King into the light of day. According to the National Archives, about 9,500 records totaling more than 55,000 pages have been withdrawn from the public shelves and reclassified since 1999. We need to ensure that the records relating to the life and death of Dr. Martin Luther King, Jr., do not suffer the same fate. They are too important to us at this point in American history.

Dr. King challenged the conscience of my generation, and his words and his legacy continue to move generations to action today. His love and faith is alive in the millions of Americans who volunteer each day in soup kitchens or in schools, and those who refused to ignore the suffering of thousands they'd never met when Hurricane Katrina destroyed lives and communities. His vision and his passion are alive in churches and on campuses when millions stand up against the injustice of discrimination or the indifference that leaves too many behind.

The best way to honor the memory of Dr. King is to finish his work at home and around the world. And the first step to furthering his legacy is to know the full body of it. I hope that my colleagues will join me in this very important effort: to preserve and learn from records relating to the life and death of Dr. Martin Luther King, Jr.

By Mr. AKAKA (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. KERRY):

S. 2500. A bill to enhance the counseling and readjustment services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today on behalf of our Nation's veterans and returning servicemembers to introduce the Healing the Invisible Wounds Act of 2006. This legislation will enhance the counseling and readjustment services provided by the Department of Veterans' Affairs (VA). And it will protect the rights of veterans to receive PTSD compensation—now or in the future.

Many of the men and women who served in Iraq and Afghanistan are suffering from some of the most severe physical injuries. However, even more of these brave servicemembers have invisible wounds—difficulties with adjusting to not being on the battlefield or dealing with long-lasting visions and experiences that they encountered. My bill is intended to ensure that these men and women receive the readjustment counseling and mental health services necessary to transition into what we hope to be a full and productive life after combat.

This issue is especially relevant following the release of a mental health care study conducted by the Army Institute of Research which revealed that as many as 35 percent of Iraq war veterans received mental health care services in the year after their return home. The study concluded that the high rate of using of mental health care services among Operation Iraqi Freedom veterans after deployment highlights challenges in ensuring that there be adequate resources to meet the mental health needs of returning veterans.

As we all know, the transition period for these soldiers is extremely critical. So critical that it can, in some cases, mean the difference between short-term readjustment issues and severely chronic psychological conditions. This bill supports and encourages greater cooperation between VA and the Department of Defense. DoD, through the expansion of innovative Reunion and Re-entry activities carried out by Vet Center staff. These activities provide members of the National Guard and Reserves with counseling services during the transition from their deployment overseas to civilian life.

Demobilization often occurs so rapidly for these returning servicemembers that they sometimes do not receive or are overwhelmed by the benefits information they need. It is understandable that our servicemembers are much more focused on being reunited with their loved ones than caring about what benefits they are eligible to receive. My bill provides a comprehensive approach by providing group session counseling, a one-hour private counseling session, a presentation to family members about counseling-related matters, and other services that are deemed appropriate by the Secretaries of Veterans Affairs and Defense. My bill ensures that these services are provided no later than 14 days upon return and that servicemembers be retained on active duty until they receive these crucial counseling services.

In order to provide feedback and reflection about how to better serve veterans in this capacity, my bill requires a report from VA. The report would detail the costs associated with the provision of counseling services, an assessment of the efficacy of the services provided to meet the readjustment needs of veterans, and a survey-based assessment regarding the satisfaction of veterans receiving these services, that would include the manner in which these services are provided.

Servicemembers have paid a great price in defending freedom. Access to treatment and counseling to heal invisible wounds must be considered a continuing cost of war. In that spirit, this legislation would authorize $180 million for the provision of readjustment counseling services. Colleagues, if there's one lesson we've learned thus far, it is that the earlier we provide these services, the better chance we have of preventing more serious mental health conditions. We need to invest in our future now. If we don't provide these services, we will be paying a much, much higher price in the future.

The safe counseling havens of VA include Vet Centers, which are great conduits for the delivery of these types of transition activities. All Vet Centers are staffed by veterans who can relate to the experiences that these OIF/OEF veterans commonly share.

In 2005, Vet Centers cared for more than 44.900 veterans of the Global War on Terrorism in Afghanistan and Iraq. In addition, Vet Centers provided bereavement counseling to more than 800 surviving family members of over 525 servicemembers who were killed while on active duty serving their country. Despite increases in the number of veterans coming to Vet Centers for care, the budget for the program has remained relatively stagnant.

My bill would also address PTSD benefits for veterans. Instead of being proactive and allocating resources to address these challenges while at the same time caring for older veterans, a fear of rising costs prompted a reactionary response from many in Washington. Some policy makers believe that reducing veterans' compensation for PTSD by reexamining 72,000 previously awarded claims might be a good way to save money. This is a bad idea.

Many times, VA compensation is the only source of income for severely disabled veterans and their families. I am thankful that VA set aside its plan to move forward with the PTSD Review late last year. However, there are ongoing efforts to re-evaluate how PTSD is compensated. The Institute of Medicine and Disability Benefits Commission are currently reviewing veterans' disability compensation. This bill requires the Secretary of Veterans Affairs to submit a report to Congress 6 months prior to modifying how PTSD is compensated under the disability compensation rating system. Veterans will no longer have to worry that the administration will cut disability compensation in order to save money.

Through budget shortfalls and constraints, we must remain steadfast in ensuring that our servicemembers and their families do not suffer in silence from the invisible wounds that they receive in the name of freedom. Many of us fail to give invisible wounds the attention they require. I urge my colleagues to join me in taking another step towards healing our veterans by enacting this important measure.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healing the Invisible Wounds Act of 2006".

SEC. 2. NOTICE AND WAIT ON MODIFICATION OF HANDLING OF POST-TRAUMATIC STRESS DISORDER UNDER DISABILITY COMPENSATION RATING SYSTEM.

The Secretary of Veterans Affairs may not implement any modification in the manner in which Post-Traumatic Stress Disorder (PTSD) is handled in the rating of service-connected disabilities for purposes of the payment of compensation under chapter 11 of title 38, United States Code, until the date that is six months after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on such proposed modification.

SEC. 3. COUNSELING FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES RETURNING FROM DEPLOYMENT IN A COMBAT THEATER.

(a) EXPANSION OF REUNION AND RE-ENTRY FROM COMBAT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall provide to each member of the National Guard and Reserves described in subsection (b) the counseling services described in subsection (c) upon the return of such member from a deployment in a combat theater.

(2) PURPOSE OF SERVICES.—The purpose of the counseling services provided under this section is to assist members of the National Guard and Reserves described in subsection (b) in making the readjustment to civilian life in the United States upon their return from a combat theater.

(b) COVERED MEMBERS OF THE NATIONAL GUARD AND RESERVES.—A member of the National Guard and Reserves described in this subsection is any member of the National Guard or the Reserves who serves on active duty in a combat theater.

(c) COUNSELING TO BE PROVIDED.—The counseling services to be provided under this subsection shall include the following:

(1) A session of group counseling provided to such member together with such other number of members as the Secretary determines appropriate for the purpose of this section.

(2) A session, of not less than one hour duration, of private counseling provided to such member.

(3) A presentation on counseling-related matters, including on the readjustment counseling and related mental health services available under section 1712A of title 38, United States Code, provided to the family of such member.

(4) Such other counseling services as the Secretary determines appropriate for the purpose of this section.

(d) MEANS OF PROVIDING COUNSELING.—Counseling services shall be provided under this section through the personnel of the centers (commonly referred to as "vet centers") providing readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

(e) TIMING OF COUNSELING.—The counseling provided to a member of the National Guard and Reserves under paragraphs (1) and (2) of subsection (c) shall be provided not later than 14 days after the date of the return of the member to the member's home following a deployment to a combat theater.

(f) RETENTION ON ACTIVE DUTY PENDING COUNSELING.—A member of the National Guard and Reserves described in subsection (a) shall be retained on active duty in the Armed Forces until the provision of the counseling required to be provided under paragraphs (1) and (2) of subsection (c).

(g) ADDITIONAL COUNSELING.—The Secretary shall ensure that the centers referred to in subsection (d), as part of the discharge of their functions under section 1712A of title 38, United States Code, provide, and have sufficient resources to provide, such follow-up and additional counseling services to veterans described in subsection (a) as such veterans shall request from such centers, in accordance with applicable law.

(h) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the commencement of the provision of counseling services under this section, the Secretary shall submit to the appropriate committees of Congress a report on the provision of such services under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include information as follows:

(A) The cost of the provision of counseling services under this section.

(B) An assessment of the efficacy of such services in meeting the readjustment needs of veterans described in subsection (a).

(C) An assessment (based on surveys or such information as the Secretary considers appropriate) of the satisfaction of veterans described in subsection (a) with the services provided under this section, including the manner in which such services are provided.

(D) The number of followup visits for counseling and services of veterans described in subsection (a) and the number of visits of family members of such veterans for counseling and services.

(E) Such recommendations as the Secretary considers appropriate in order to enhance the services provided under this section, including the manner in which such services are provided.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Veterans' Affairs and Armed Services of the Senate; and

(2) the Committees on Veterans' Affairs and Armed Services of the House of Representatives.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007, such sums as may be necessary for the provision of counseling services under this section.

SEC. 4. FUNDING FOR VET CENTERS.

There is authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007, $180,000,000 for the provision of readjustment counseling and related mental health services through centers (commonly referred to as "vet centers") under section 1712A of title 38, United States Code.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2502. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SMITH. Mr. President, I rise today to introduce legislation that will provide a win-win for the environment and for the farmers and ranchers who receive their irrigation water from the North Unit Irrigation District in central Oregon. My colleague, Senator RON WYDEN, joins me in cosponsoring this bill. Companion legislation is also being introduced today in the House of Representatives by Congressman GREG WALDEN.

This legislation represents an opportunity to benefit nearly nine hundred farm and ranch families as well as the fish and wildlife resources of the Deschutes and Crooked Rivers. It will do so by removing a limitation in North Unit's Federal water contract with the Bureau of Reclamation. This limitation prevents the Distict and its patrons from participating in a conserved water project pursuant to the laws of the State of Oregon.

Removing this contract restriction will enable North Unit to conserve its water supplies further through the implementation of conserved water projects. In order to comply with State law, the District would return a specific percentage of the "conserved" water back to the Deschutes River permanently as instream flows for fish, wildlife, or other purposes. A related change would enable the District to use Deschutes Project water on acreage in its service area that is currently irrigated with Crooked River water. The savings from these two changes could ultimately allow the District to reduce its reliance on its privately developed Crooked River supplies.

Located in central Oregon's Deschutes Basin, the farm and ranch families of the North Unit Irrigation District are the embodiment of the Federal Reclamation program. Working small and medium parcels of land, they raise grass seed, carrot seed, and alfalfa hay, as well as cattle, sheep, and horses. The overriding limitation to their ability to compete successfully in the international marketplace is a shortage or water. For these families, conservation is the most efficient means to alleviate their shortage and succeed in the market.

After self-financing over eight million dollars in canal lining and other measures to increase the efficiency of their limited water supplies, North Unit would like to participate in a state water conservation program. Unfortunately, the District's Federal contract prevents it from doing so. This point has been confirmed to me by officials with the Bureau of Reclamation, an agency of the Department of the Interior. Therefore, North Unit's contract must be amended. Since Congress actually legislatively executed the District's contract in a 1954 statute, it is Congress, and not the Department of the Interior, that must remove this contract restriction.

These targeted contract changes are specific to the North Unit Irrigation District's contract. For the landowners served by the District, these changes will enable them to use their water resources more efficiently, maintain their competitiveness in the market, and benefit the fish and wildlife resources of both the Deschutes and Crooked Rivers. Our efforts are supported by the Oregon Water Resources Department, which has jurisdiction over State water rights issues. I urge my colleagues to support this legislation, and I will press for its timely consideration.

By Mrs. LINCOLN (for herself and Mr. THOMAS):

S. 2503. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today with my colleague, Senator CRAIG THOMAS, to introduce the Disabled Veterans Tax Fairness Act. This much-needed legislation would protect disabled veterans from being unfairly taxed on the benefits to which they are entitled, simply because their disability claims were not processed in a timely manner. This legislation is supported by the Military Coalition, a group representing more than 5.5 million members of the uniformed services and their families.

While the Department of Veterans Affairs (VA) resolves most of its filed disability claims in less than a year, there are also instances of lost paperwork, administrative errors, and appeals of rejected claims that often delay thousands of disability awards for years on end. When this occurs, disability compensation is awarded retroactively and for tax purposes, a disabled veteran's previously received taxable military retiree pay is re-designated as nontaxable disability compensation. Thereby, the disabled veteran is entitled to a refund of taxes paid and must file an amended tax return for each applicable year.

Unfortunately, under current law the IRS Code bars the filing of amended returns beyond the last three tax years. As a result, many of our disabled veterans are denied the opportunity to file a claim for repayment of additional years of back taxes already paid—through no fault of their own—even though the IRS owes them a refund for the taxes that were originally paid on their retiree pay.

The Disabled Veterans Tax Fairness Act of 2006 would add an exception to the IRS statute of limitations for amending returns. This exception would allow disabled military retirees whose disability claims have been pending for more than 3 years to receive refunds on previous taxes paid for all the years their claim was pending. Specifically, the bill would extend the IRS three year period of limitation for amending returns to one year from the date a VA determination is issued.

My father and grandfather both served our Nation in uniform and they taught me from an early age about the sacrifices our troops and their families have made to keep our Nation free. This is particularly true for our disabled veterans. During a time when a grateful Nation should be doing everything it can to honor those who have sacrificed so greatly on our behalf, the very least it can do is ensure they and their families are not unjustly penalized simply because of bureaucratic inefficiencies or administrative delays which are beyond their control. This situation is unacceptable and our veterans deserve better.

That is why I am proud to introduce this legislation today to provide relief to our Nation's veterans. It is the least we can do for those whom we owe so much, and it is the least we can do to reassure future generations that a grateful Nation will not forget them when their military service is complete.

By Mr. OBAMA (for himself, Mr. DURBIN, Mrs. CLINTON, and Mr. KERRY):

S. 2506. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, this is National Public Health Week, and the American Public Health Association and its over 200 partner organizations and sponsors have organized events to raise awareness about the importance of public health in this nation. This year, the theme of National Public Health Week, "Designing Healthy Communities: Raising Healthy Kids," focuses on building healthy communities to promote and protect the health of our children.

This focus on building healthy communities is both timely and critical. We are losing ground with respect to the health of our Nation's children. Studies have found that the percentage of overweight children and adolescents has more than doubled in the last few decades; without intervention, 1 in 3 children born in 2000 can expect to develop diabetes in their lifetime. My home State of Illinois has the unfortunate distinction of having the highest number of lead-poisoned children. And other diseases and conditions, including high blood pressure and asthma, are on the rise in young populations.

As bleak as the health situation is for so many children, there is good news. Many of these diseases and health conditions are completely preventable or can be delayed for many, many years. The American Public Health Association and countless other expert organizations have told us, and shown us, that if we make a real commitment to and investment in building healthy communities, we can substantially improve the health of our children and adults. Today I am introducing the Healthy Places Act of 2006, which will do just that.

The Healthy Places Act of 2006 focuses on the built environment, which includes our homes, schools, workplaces, parks and recreation areas, business areas, and transportation systems. Where we work, live, and play has tremendous implications for our health, and improvements to these environments will lead to: greater opportunities for physical activity and a reduction in injuries because of safe sidewalks, biking paths, and parks; less reliance on personal automobiles which reduces toxic emissions; better access to fresh fruits and vegetables which leads to healthier nutrition; and the planning and building of "green" homes and buildings which decreases energy consumption.

Like many other States, Illinois has already begun to take steps to improve the environment. City leaders in Chicago have recognized that many low-income families have no access to fresh foods and medicine because there are no grocery stores and pharmacies in their neighborhoods. Retail Chicago, an initiative of the city's Department of Planning and Development, is now using redevelopment funds to entice local developers to bring grocery stores and pharmacies into these neighborhoods.

The Lieutenant Governor's initiative "Six Weeks to a Greener Illinois" is another fine example. Now in its 4th week, this effort has encouraged Illinoisans to participate in making the State a healthier place to live, and rewarded those communities that are already taking steps to do so.

The Healthy Places Act of 2006 would expand these and other efforts to improve the planning and design of communities that can promote healthier living. It establishes and supports health impact assessment programs, which would assist States and local communities in examining potential health effects of major health policy or programmatic changes. The newly created Interagency Working Group on Environmental Health would facilitate communication and collaboration on projects among the agencies in order to better address environmental health issues. In addition, the bill creates a grant program to address environmental health hazards, particularly those that contribute to health disparities. Finally, the Healthy Places Act provides additional support for research on the relationship between the built environment and the health status of residents as recommended by two Institute of Medicine's reports: "Does the Built Environment Influence Physical Activity?" and "Rebuilding the Unity of Health and the Environment: A New Vision of Environmental Health for the 21st Century".

As the health of our children continues to decline, and our health expenditures continue to soar, it is imperative that the Congress take action, and focusing on building healthier communities is a necessary step in this regard. I encourage all of my colleagues to join me and support passage of this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 421—CALLING ON THE GOVERNMENT OF AFGHANISTAN TO UPHOLD FREEDOM OF RELIGION AND URGING THE GOVERNMENT OF THE UNITED STATES TO PROMOTE RELIGIOUS FREEDOM IN AFGHANISTAN

Mr. DURBIN (for himself, Mr. BIDEN, Mr. LEAHY, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. LAUTENBERG, Mr. HARKIN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas under the Taliban Government of Afghanistan, individuals convicted of promoting faiths other than Islam, or expressing interpretations of Islam differing from the prevailing orthodoxy, could be imprisoned and those converting from Islam could be tortured and publicly executed;

Whereas the United States has more than 22,000 members of the Armed Forces stationed in Afghanistan and whereas 282 members of the Armed Forces have given their lives in Afghanistan since Operation Enduring Freedom began in that country;

Whereas Abdul Rahman, a citizen of Afghanistan, was arrested and accused of apostasy for converting to Christianity 16 years ago and threatened with execution;

Whereas the prosecutor in this case, Abdul Wasi, stated in court that Abdul Rahman "is known as a microbe in society, and he should be cut off and removed from the rest of Muslim society and should be killed.";

Whereas, while it was a welcome development that charges against Abdul Rahman were dropped, he was forced to seek asylum in Italy;

Whereas, despite his release, religious freedom and those who would practice it in Afghanistan remain in jeopardy;

Whereas religious freedom is a fundamental principle of democracy;

Whereas the Constitution of Afghanistan does not fully guarantee freedom of thought, conscience, religion, or belief;

Whereas, on several occasions throughout Afghanistan's constitution drafting process, the United States Commission on International Religious Freedom raised concerns that the constitution's ambiguity on issues of conversion and religious expression could lead to unjust criminal accusations against Muslims and non-Muslims alike;

Whereas charges of blasphemy since 2002 have justified those concerns;

Whereas the International Religious Freedom Report 2005 published by the Department of State does not list Afghanistan among those countries cited for "State Hostility Toward Minority or Nonapproved Religions", "State Neglect of Societal Discrimination or Abuses Against Religious Groups", or "Discriminatory Legislation or Policies Prejudicial to Certain Religions" and notes that "[t]he new Constitution provides for freedom of religion, and the Government generally respected this right in practice";

Whereas the International Religious Freedom Report 2005 states that conversion from Islam is "in theory – punishable by death" in Afghanistan;

Whereas the case of Abdul Rahman, other instances of religious persecution or discrimination against minorities, and ambiguities within the Constitution of Afghanistan appear to warrant closer scrutiny in the International Religious Freedom Report 2006; and

Whereas Afghanistan is a party to the International Covenant on Civil and Political Rights, which reads in part, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.": Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes freedom of religion as a central tenet of democracy;

(B) respects the right of the people of Afghanistan to self-government, while strongly urging the Government of Afghanistan to respect all universally recognized human rights;

(C) condemns the arrest of Abdul Rahman and other instances of religious persecution in Afghanistan;

(D) commends the dropping of charges against Abdul Rahman; and

(E) strongly urges the Government of Afghanistan to consider the importance of religious freedom for the broader relationship between the United States and Afghanistan; and

(2) it is the sense of the Senate that the President and the President's representatives should—

(A) in both public and private fora, raise concerns at the highest levels with the Government of Afghanistan regarding the violations of internationally recognized human rights, including the right to freedom of religion or belief, in Afghanistan; and

(B) ensure that the International Religious Freedom Report 2006 for Afghanistan fully addresses the issue of religious persecution in that country, including the arrest of Abdul Rahman.

SENATE RESOLUTION 422—DESIGNATING APRIL 21, 2006, AS "NATIONAL AND GLOBAL YOUTH SERVICE DAY", AND FOR OTHER PURPOSES

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. SANTORUM, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 422

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) encourage young citizens to embark on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year ;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 18th consecutive year in 2006;

Whereas young people in the United States and in many other countries are volunteering more than any other generation in history;

Whereas the children and youth of the United States not only represent the future of the Nation, but also are leaders and assets today;

Whereas the children and youth of the United States should be valued for the idealism, energy, creativity, and unique perspective that they use when addressing challenges found in their communities;

Whereas a fundamental and conclusive correlation exists between youth service, lifelong adult volunteering, and philanthropy;

Whereas through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decision-making, teamwork, needs-assessment, and leadership;

Whereas service-learning, an innovative teaching method that combines community service with curriculum-based learning, increases student achievement while strengthening civic responsibility;

Whereas several private foundations and corporations in the United States support service-learning because they understand that educated, civically-engaged communities tend to be economically prosperous and good places to do business;

Whereas sustained investments by the Federal Government, business partners, schools, and communities fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day, with the support of 51 lead agencies, hundreds of grant winners, and thousands of local partners, engages millions of young people worldwide;

Whereas National and Global Youth Service Day will involve 38 international organizations and 110 national partners, including 8 Federal agencies and 6 organizations that offer grants to support National and Global Youth Service Day;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 7th year; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage the youth of the United States in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of United States youth and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 21, 2006, as "National and Global Youth Service Day"; and

(3) calls on the citizens of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful decision-making opportunities today as an investment for the future of the United States.

SENATE RESOLUTION 423—DESIGNATING APRIL 8, 2006, AS "NATIONAL CUSHING'S SYNDROME AWARENESS DAY"

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was considered and agreed to:

S. RES. 423

Whereas Cushing's Syndrome annually affects an estimated 10 to 15 people per million, most of whom are currently between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction in the body or by taking glucocrticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, or as an immunosuppressant following transplantation;

Whereas the syndrome may also result from pituitary adenomas, ectopic ACTH syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and ultimately lead to diabetes, high blood pressure, depression, osteoporosis, and death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms are mirrored in milder diseases, thereby delaying important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8th, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's "Great American" series, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Cushing's Syndrome; Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2006, as "National Cushing's Syndrome Awareness Day";

(2) recognizes that all Americans should become more informed and aware of Cushing's Syndrome;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Cushing's Understanding, Support & Help Organization.

SENATE CONCURRENT RESOLUTION 85—HONORING AND CONGRATULATING THE MINNESOTA NATIONAL GUARD, ON ITS 150TH ANNIVERSARY, FOR ITS SPIRIT OF DEDICATION AND SERVICE TO THE STATE OF MINNESOTA AND THE NATION AND RECOGNIZING THAT THE ROLE OF THE NATIONAL GUARD, THE NATION'S CITIZEN-SOLDIER BASED MILITIA, WHICH WAS FORMED BEFORE THE UNITED STATES ARMY, HAS BEEN AND STILL IS EXTREMELY IMPORTANT TO THE SECURITY AND FREEDOM OF THE NATION

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 85

Whereas the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, 2 years before Minnesota became the 32nd State in the Union;

Whereas the First Minnesota Infantry regiment was among the first militia regiments in the Nation to respond to President Lincoln's call for troops in April 1861 when it volunteered for 3 years of service during the Civil War;

Whereas during the Civil War the First Minnesota Infantry regiment saw battle at Bull Run, Antietam, and Gettysburg;

Whereas during a critical moment in the Battle of Gettysburg on July 3, 1863, 262 soldiers of the First Minnesota Infantry, along with other Union forces, bravely charged and stopped Confederate troops attacking the center of the Union position on Cemetery Ridge;

Whereas only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War;

Whereas the Minnesota National Guard was the first to volunteer for service in the Philippines and Cuba during the Spanish-American War of 1898, with enough men to form 3 regiments;

Whereas 1 of the 3 Minnesota regiments to report for duty in the War with Spain, the 13th Volunteer regiment, under the command of Major General Arthur MacArthur, saw among the heaviest fighting of the war in the battle of Manila and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines;

Whereas after the cross-border raids of Pancho Villa and the attempted instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard;

Whereas the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 42nd "Rainbow" Division;

Whereas the first Air National Guard unit in the Nation was the 109th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921;

Whereas a tank company of the Minnesota National Guard from Brainerd, Minnesota, was shipped to the Philippines in 1941 to shore up American defenses against Japan as World War II neared;

Whereas these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March;

Whereas men of the Minnesota National Guard's 175th Field Artillery, as part of the 34th "Red Bull" Division, became the first American Division to be deployed to Europe in January of 1942;

Whereas when the 34th Division was shipped to North Africa, it fired the first American shells against the Nazi forces;

Whereas the 34th Division participated in 6 major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking the most enemy-defended hills of any division in the European Theater as well as having more combat days than any other division in Europe;

Whereas the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm;

Whereas Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including 1,100 troops who have seen service in Bosnia, Croatia, and Kosovo;

Whereas the Minnesota National Guard has participated in keeping America safe after September 11, 2001, in numerous ways, including airport security;

Whereas the Duluth-based 148th Fighter Wing's F-16s flew patrols over cities after September 11, 2001, for a longer time than any other air defense unit;

Whereas over 11,000 members of the Minnesota National Guard have been called up for full-time service since the September 11, 2001, terrorist attacks;

Whereas as of March 20, 2006, Minnesota National Guard troops are serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq;

Whereas more than 600 Minnesota National Guard troops have been deployed to Afghanistan in Operation Enduring Freedom;

Whereas members of the Minnesota National Guard, serving in the 1st Brigade Combat Team of the 34th Infantry Division, have been a part of the State's largest troop deployment since World War II, with more than 2,600 citizen soldiers called to service in support of Operation Iraqi Freedom;

Whereas the Minnesota National Guard has greatly contributed not only to battles but to the suppressing of violent riots, such as the 1947 national meat processors strike, in which they aided helpless police officers, and the fight against natural disasters such as the Red River flood in 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and helped sandbagging efforts; and

Whereas on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its historical and recent accomplishments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors and congratulates the Minnesota National Guard for its spirit of dedication and service to the State of Minnesota and to the Nation on its 150th anniversary; and

(2) recognizes that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3256. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3257. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3258. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3259. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3260. Mr. DOMENICI (for himself, Mr. KYL, Mr. BINGAMAN, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3261. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3262. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3263. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3264. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3265. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3266. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3267. Mr. NELSON, of Nebraska (for himself, Mr. SESSIONS, Mr. BYRD, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3268. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3269. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3270. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3271. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3272. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3273. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3274. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3275. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3276. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3277. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3278. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3279. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3280. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3281. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3282. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3283. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3284. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3285. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3286. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3287. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3288. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3289. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3290. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3291. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3292. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3293. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3297. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3298. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3299. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3300. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3301. Ms. CANTWELL (for herself, Mr. CRAPO, Mr. JEFFORDS, Mr. CRAIG, Mrs. MURRAY, Mr. BAUCUS, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3302. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3303. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3304. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3305. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3306. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3307. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3308. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3309. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3310. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3311. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3256. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—RAPID RESPONSE

Subtitle A—Rapid Response Measures

SEC. 01. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 02. ELIMINATION OF FIXED DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

The Secretary of Homeland Security shall ensure that no United States Border Patrol agent is precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances where the temporary use of fixed deployment positions is necessary.

SEC. _03. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 04. CONTROL OF UNITED STATES UNITED STATES BORDER PATROL ASSETS.

The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

SEC. 05. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a "panic button" and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 06. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 07. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all law enforcement personnel working in every area where United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times. Each portable communications device shall be equipped with a "panic button" and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of the agent in distress.

SEC. _08. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. _09. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. _10. BORDER ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. Officers shall be strongly encouraged, but not mandated, to wear such body armor whenever practicable. All body armor shall be replaced at least every 5 years.

SEC. _11. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the Department's policies allow all such officers to carry weapons that are suited to the potential threats that they face.

SEC. 12. UNIFORMS.

The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

Subtitle B—Recruitment and Retention of Additional Immigration Law Enforcement Personnel

SEC. 21. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

"(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

"(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

"(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.".

SEC. _22. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. _23. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 8401(17) of title 5, United States Code, is amended—

(A) in subparagraph (C)—

(i) by striking "and" at the end; and

(ii) by striking "subparagraph (A) and (B)" and inserting "subparagraph (A), (B), (E), or (F)"; and

(B) by inserting after subparagraph (D) the following:

"(E) an employee (not otherwise covered by this paragraph)—

"(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

"(ii) who is authorized to carry a firearm; and

"(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;".

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(20) of title 5, United States Code, is amended in the matter preceding subparagraph (A) by inserting after "position." the following: "For the purpose of this paragraph, an employee described in the preceding sentence shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).".

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (as defined in the amendments) on or after that date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) DEFINITIONS.—In this subsection:

(A) INCUMBENT.—The term "incumbent" means an individual who—

(i) is first appointed as a law enforcement officer before the date of enactment of this Act; and

(ii) is serving as a law enforcement officer on that date.

(B) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code, as a result of the amendments made by subsection (a).

(C) PRIOR SERVICE.—The term "prior service", with respect to an incumbent who retires from Government service, means any service performed before the date on which a written notice is to be submitted under paragraph (2)(B).

(D) SERVICE.—The term "service" means service performed as a law enforcement officer.

(2) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—For purposes other than purposes described in subparagraph (B), service that is performed by an incumbent on or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer, irrespective of the manner in which the service is treated under subparagraph (B).

(B) RETIREMENT.—For purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, service that is performed by an incumbent before, on, or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer if an appropriate written notice of the election of the incumbent to retire from Government service is submitted to the Office of Personnel Management by the earlier of—

(i) the date that is 5 years after the date of enactment of this Act; or

(ii) the date of retirement of the incumbent.

(3) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) AMOUNT OF CONTRIBUTIONS.—An incumbent who makes an election described in paragraph (2)(B) may, with respect to prior service performed by the incumbent, contribute to the Civil Service Retirement and Disability Fund an amount equal to the difference between—

(i) the individual contributions that were actually made for that service; and

(ii) the individual contributions that would have been made for that service under the amendments made by subsection (a).

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid—

(i) all prior service of the incumbent shall remain fully creditable as law enforcement officer service; but

(ii) the resulting annuity shall be reduced in a manner similar to the manner described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(4) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (2)(B), the agency in or under which the incumbent was serving at the time of any prior service shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to that service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date on which a written notice is to be submitted under paragraph (2)(B).

(5) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer before the end of the 3-year period beginning on the date of enactment of this Act.

(6) REGULATIONS.—The Office shall promulgate regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (3) or (4) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) is first appointed as a law enforcement officer before the date of enactment of this Act; and

(II) serves as a law enforcement officer after the date of enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual described in clause (i), who dies before making an election under paragraph (2)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(7) RULE OF CONSTRUCTION.—Nothing in this subsection applies in the case of a reemployed annuitant.

SA 3257. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 7 and 8, insert the following:

"(b) CERTAIN ACTIONS NOT TREATED AS VIOLATIONS.—A person who, before being apprehended or placed in a removal proceeding, applies for asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be prosecuted for violating section 1542, 1544, 1546 or 1548, before the application is adjudicated in accordance with the Immigration and Nationality Act. A person who is granted asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be considered to have violated section 1542, 1544, 1546 or 1548.

SA 3258. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231.

SA 3259. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings totaled more than 50 per cent of all criminal filings for the 12-month period ending September 30, 2004.

SA 3260. Mr. DOMENICI (for himself, Mr. KYL, Mr. BINGAMAN, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 10 and 11, insert the following:

"(5) DEPUTY UNITED STATES MARSHALS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.".

On page 7, between lines 3 and 4, insert the following:

"(4) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (5) of subsection (a).".

SA 3261. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 54, after line 23, add the following:

Subtitle E—Border Infrastructure and Technology Modernization

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 152. DEFINITIONS.

In this subtitle:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 153. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 154; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 154. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 155. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 156. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 157. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 153(a);

(2) to carry out section 153(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 155(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 156(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(4) to carry out section 155(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 156, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this subtitle may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this subtitle.

SA 3262. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SPECIAL RULE FOR MEXICO.

(a) IN GENERAL.—No alien who is a citizen or national of Mexico shall be eligible for any immigration benefit under this Act, or under any amendment made by this Act, until the date on which the Government of Mexico enters into a bilateral agreement with the Government of the United States in accordance with subsection (b).

(b) REQUIREMENTS FOR BILATERAL AGREEMENT.—The bilateral agreement referred to in subsection (a) shall require the Government of Mexico—

(1) to accept the return of a citizen or national of Mexico who is ordered removed from the United States not later than 5 days after such order is issued;

(2) to cooperate with the Government of the United States—

(A) to identify, track, and reduce—

(i) gang membership and violence in the United States and Mexico;

(ii) human trafficking and smuggling between the United States and Mexico; and

(iii) drug trafficking and smuggling between the United States and Mexico; and

(B) to control illegal immigration from Mexico into the United States;

(3) to provide the Government of the United States with—

(A) the passport information and criminal record of any citizen or national of Mexico who is seeking admission to the United States or is present in the United States; and

(B) admission and entry data maintained by the Government of Mexico to facilitate the entry-exit data systems maintained by the United States; and

(4) to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under this Act, or any amendment made by this Act, to ensure that such citizens and nationals are not exploited while working in the United States.

(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the bilateral agreement described in this section and the activities of the Government of Mexico to carry out such agreement.

SA 3263. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle A of title VI, insert the following new subtitle:

Subtitle A—Guest Worker Status for Unauthorized Aliens

SEC. 601. NEW GUEST WORKER CATEGORY.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(W) an alien who—

"(i) maintained a residence in the United States on December 31, 2005;

"(ii) was not legally present in the United States on December 31, 2005;

"(iii) is performing labor or services in the United States; and

"(iv) meets the requirements of section 218D.".

(b) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking "or" at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and "or".

SEC. 602. CHANGE OF STATUS FOR UNAUTHORIZED ALIENS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218 the following new section:

“SEC. 218D. CHANGE OF STATUS FOR UNAUTHORIZED ALIENS.

“(a) In General.—The Secretary of Homeland Security shall grant nonimmigrant status under section 101(a)(15)(W) to an alien who is in the United States illegally if such alien meets the requirements of this section.

“(b) General Requirements.—An alien may be eligible for a change of status under this section if the alien meets the following requirements:

“(1) Presence.—

“(A) In general.—An alien must establish that the alien was physically present in the United States on December 31, 2005 was not legally present in the United States on that date, and has remained in the United States since that date.

“(B) Evidence.—An alien may provide evidence to meet the requirement for presence under subparagraph (a), including—

“(i) a record maintained by the Federal government or a State or local government;

“(ii) a record maintained by an employer;

“(iii) a housing lease or contract;

“(iv) medical documentation; and

“(v) sworn and certified affidavits.

“(2) Employment.—

“(A) In general.—An alien shall establish that the alien was employed in the United States on December 31, 2005, and has not been unemployed in the United States for 30 or more consecutive days since that date.

“(B) Evidence.—An alien may provide evidence to meet the requirement for employment under subparagraph (a), including—

“(i) a record maintained by the Federal government or a State or local government;

“(ii) a record maintained by an employer; and

“(iii) sworn and certified affidavits.

“(3) Medical examination.—An alien shall, at the alien's expense, undergo a medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

“(c) Application Content and Waiver.—

“(1) Application form.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining a change of status under this section.

“(2) Content.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for a change of status under this section, the Secretary shall require that the alien—

“(A) provide answers to questions concerning the alien's criminal history and gang membership, immigration history, and involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the Government of the United States;

“(B) provide any Social Security account number or card in the possession of the alien or relied upon by the alien; and

“(C) provide any false or fraudulent documents in the alien's possession.

“(3) Waiver of rights.—

“(A) Authority to request.—The Secretary shall request that an alien include with the application a waiver of rights that states that the alien, in exchange for the benefit of obtaining a change of status under this section, agrees to waive any right—

“(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

“(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under this section.

“(B) Refusal to waive.—The Secretary may refuse to grant nonimmigrant status to an alien under this section because an alien does not submit the waiver described in subparagraph (A).

“(C) Knowledge.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions, statements, and terms of the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(4) Application fee and fines.—

“(A) Requirement to pay.—An alien applying for a change of status under this section shall pay—

“(i) a $250 visa issuance fee in addition to the cost of processing and adjudicating such application; and

“(ii) a fine of $1000.

“(B) Construction.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

“(d) Admissibility.—

“(1) In general.—In determining an alien's eligibility for a change of status under this section—

“(A) the alien shall establish that the alien—

“(i) except as provided in subparagraph (B), is admissible to the United States; and

“(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion;

“(B) paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply to the admissibility of such alien;

“(C) the Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

“(2) Waiver fee.—An alien who is granted a waiver under subparagraph (C) shall pay a $100 fee upon approval of the alien's visa application.

“(e) Ineligible.—An alien is ineligible for the change of status provided by this section if the alien—

“(1) is subject to a final order of removal under section 240;

“(2) failed to depart the United States during the period of a voluntary departure order under section 240B;

“(3) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

“(4) fails to comply with any request for information made by the Secretary of Homeland Security; or

“(5) commits an act that makes the alien removable from the United States.

“(f) Implementation and Application Time Periods.—

“(1) In general.—The Secretary of Homeland Security shall ensure that the application process for an adjustment of status under this section is secure and incorporates antifraud protection.

“(2) Application.—An alien must submit an initial application for a change of status under this section not later than 3 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006. An alien that fails to comply with this requirement is ineligible for a change of status under this section.

“(3) Completion of processing.—The Secretary of Homeland Security shall ensure that all applications for a change of status under this section are processed not later than 3 years after the date of the application.

“(4) Location.—An alien applying for a change of status under this section need not depart the United States in order to apply for such a change of status.

“(g) Failure to Act.—An alien unlawfully in the United States who fails to apply for a change of status pursuant to this section or fails to depart from the United States prior to the date that is 6 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006 is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(h) Security and Law Enforcement Background Checks.—

“(1) Biometric data.—An alien may not be granted a change of status under this section unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security.

“(2) Background checks.—The Secretary of Homeland Security may not grant a change of status under this section until all appropriate background checks, including any that the Secretary, in the Secretary's discretion may require, are completed to the satisfaction of the Secretary of Homeland Security.

“(i) Duration, Extension, and Reentry.—

“(1) Duration and extension.—The period of authorized admission for an alien granted a change of status under this section shall be 3 years, and may be extended for 2 additional 3-year periods if the alien remains employed with an employer who complies with the requirements of the Comprehensive Immigration Reform Act of 2006 and the amendments made by that Act.

“(2) Application for extension.—

“(A) In general.—An alien granted a change of status for a 3-year period under this section who is seeking an extension of such status shall submit an application for such extension no more than 90 days and no less than 45 days before the end of such 3-year period. The application shall provide evidence of employment with an employer that complies with the requirements of the Comprehensive Immigration Reform Act of 2006 and the amendments made by that Act.

“(B) Fee.—An alien who submits an application for an extension described in subparagraph (A), shall pay a $100 fee with such application.

“(3) Reentry.—Unless an alien is granted a change of status or adjustment of status pursuant to subsection (n), an alien granted a change of status pursuant to subsection (a) shall, upon the expiration of the time period for authorized admission under this section, leave the United States and be ineligible to reenter the United States, or receive any other immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, until the alien has resided continuously in the alien's home country for a period of not less than 3 years.

"(j) STANDARDS FOR DOCUMENTATION.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the document issued to provide evidence of status under this section shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document.

"(2) CONSULTATION.—The Secretary of Homeland Security shall consult with the head of the Forensic Document Laboratory and such other Federal agencies as may be appropriate in designing the document.

"(3) USE OF DOCUMENT.—The document may serve as a travel, entry, and work authorization document during the period of its validity.

"(k) FAILURE TO DEPART.—

"(1) INADMISSABILITY FOR FAILURE TO DEPART.—Subject to paragraph (2), an alien who fails to depart the United States prior to the date that is 10 days after the date that the alien's authorized period of admission under this section ends is not eligible for and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years.

"(2) EXCEPTION.—The prohibition in paragraph (1) may not be applied to prohibit the admission of an alien under section 208 or 241(b)(3) of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

"(l) TRAVEL OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—An alien granted a change of status under this section and the spouse or child of such alien admitted pursuant to subsection (o)—

"(A) may travel outside of the United States; and

"(B) may be readmitted without having to obtain a new visa if the period of authorized admission under this section has not expired.

"(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) may not extend the period of authorized admission in the United States permitted for an alien under this section or for the spouse or child of such alien admitted under subsection (o).

"(m) EMPLOYMENT.—

"(1) IN GENERAL.—An alien granted a change of status under this section may be employed by any employer that complies with the requirements of the Comprehensive Immigration Reform Act of 2006 and the amendments made by that Act.

"(2) CONTINUOUS EMPLOYMENT.—

"(A) REQUIREMENT FOR EMPLOYMENT.—An alien granted a change of status under this section who fails to be employed for 30 consecutive days is ineligible for reentry or employment in the United States unless the alien departs the United States and is admitted for reentry under a provision of this Act or any other provision of law.

"(B) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) for an alien and authorize the alien for employment without requiring the alien to depart the United States.

"(n) LIMITATION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

"(1) IN GENERAL.—An alien described in paragraph (2) may apply for any visa, adjustment of status, or other immigration benefit, other than for an adjustment of status for lawful permanent resident, that the alien qualifies for after the alien has resided lawfully in the United States pursuant to a change of status granted as described in subsection (a) for a period of not less than 5 years, and such alien may not be required to return to the alien's home country in order to obtain such a visa, adjustment of status, or other immigration benefit.

"(2) REQUIREMENTS TO APPLY.—An alien described in this paragraph is an alien who—

"(A) has been granted a change of status under subsection (a); and

"(B) during the 5-year period ending on the date of the enactment of the Comprehensive Immigration Reform Act of 2006—

"(i) was physically present in the United States; and

"(ii) was unemployed for no more than 30 consecutive days.

"(o) FAMILY MEMBERS.—

"(1) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under this section may be admitted to the United States—

"(A) as a nonimmigrant for the same amount of time, and on the same terms and conditions, as the alien granted a change of status under this section; or

"(B) under any other provision of law, if such family member is otherwise eligible for admission.

"(2) APPLICATION FEE.—The spouse or child of an alien admitted under this section who is seeking to be admitted pursuant to this subsection shall submit, in addition to any other fee authorized by law, an additional fee of $100.

"(p) NUMERICAL LIMIT.—There shall be no numerical limitation on the number of visas or number of aliens granted any change of status or adjustment of status under this section, including a visa issued or a change of status or adjustment of status granted pursuant to subsection (n).

"(q) PENALTIES FOR FALSE STATEMENTS.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for a change of status under this section and knowingly or willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(r) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who files an application for nonimmigrant status under subsection (a)—

"(A) shall be granted employment authorization pending final adjudication of the alien's application;

"(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application;

"(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

"(D) may not be considered an unauthorized alien until such time as the alien's application is denied.

"(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien who files an application for nonimmigrant status under subsection (a) under this section with a counterfeit-resistant document of authorization that—

"(A) meets all current requirements established by the Secretary of Homeland Security for travel documents; and

"(B) reflects the benefits and status set forth in paragraph (1).

"(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The head of each relevant Federal agency shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

"(s) DISSEMINATION OF INFORMATION ON ADJUSTMENT.—During the 12 months following the issuance of final regulations relating to this section, the Secretary of Homeland Security, in cooperation with entities approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall disseminate such information to employers and labor unions to advise such employers and labor unions of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

"(t) EMPLOYER PROTECTIONS.—

"(1) IMMIGRATION STATUS OF ALIEN.—An employer of an alien who applies for an adjustment of status under this section shall not be subject to civil or criminal tax liability relating directly to the employment of such alien prior to such alien's adjustment of status under this section.

"(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws shall not be subject to civil or criminal liability pursuant to section 274A for employing such unauthorized aliens prior to such aliens' adjustment of status under this section.

"(3) APPLICATION OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.".

(b) INITIAL RECEIPT OF APPLICATIONS.—The Secretary shall begin accepting applications for a change of status under section 218D of the Immigration and Nationality Act, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.

(c) TECHNICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 615(b), is further amended by inserting after the item relating to section 218H, the following:

"Sec. 218D. Change of status for unauthorized aliens.".

SEC. 603. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this subtitle, may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subtitle.

SA 3264. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title VI.

On page 225, beginning on line 17, strike all through page 277, line 21, and insert the following:

(d) OTHER STUDIES AND REPORTS.—

(1) STUDY BY LABOR.—The Secretary of Labor shall conduct a study on a sector-by-sector basis on the need for guest workers and the impact that any proposed temporary worker or guest worker program would have on wages and employment opportunities of American workers.

(2) STUDY BY GAO.—The Comptroller General of the United States shall conduct a study regarding establishing minimum criteria for effectively implementing any proposed temporary worker program and determining whether the Department has the capability to effectively enforce the program. If the Comptroller General determines that the Department does not have the capability to effectively enforce any proposed temporary worker program, the Comptroller General shall determine what additional manpower and resources would be required to ensure effective implementation.

(3) STUDY BY THE DEPARTMENT.—The Secretary shall conduct a study to determine if the border security and interior enforcement measures contained in this Act are being properly implemented and whether they are effective in securing United States borders and curbing illegal immigration.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in cooperation with the Secretary of Labor and the Comptroller General of the United States, submit a report to Congress regarding the studies conducted pursuant to paragraphs (1), (2), and (3).

SA 3265. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 327, strike lines 2 through 6 and insert the following:

"(ii) business records; or

"(iii) remittance records.

SA 3266. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of law, the Secretary shall permit an employee of Customs and Border Protection or Immigration and Customs Enforcement who carries out the functions of Customs and Border Protection or Immigration and Customs Enforcement in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area prior to the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 3267. Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, Mr. BYRD, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Border Security and Interior Enforcement Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—SOUTHWEST BORDER SECURITY

Sec. 101. Construction of fencing and security improvements in border area from Pacific Ocean to Gulf of Mexico.
Sec. 102. Border patrol agents.
Sec. 103. Increased availability of Department of Defense equipment to assist with surveillance of southern international land border of the United States.
Sec. 104. Ports of entry.
Sec. 105. Authorization of appropriations.

TITLE II—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

Subtitle A—Additional Federal Resources

Sec. 201. Necessary assets for controlling United States borders.
Sec. 202. Additional immigration personnel.
Sec. 203. Additional worksite enforcement and fraud detection agents.
Sec. 204. Document fraud detection.
Sec. 205. Powers of immigration officers and employees.

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

Sec. 211. Entry-exit system.
Sec. 212. State and local law enforcement provision of information regarding aliens.
Sec. 213. Listing of immigration violators in the National Crime Information Center database.
Sec. 214. Determination of immigration status of individuals charged with Federal offenses.

Subtitle C—Detention of Aliens and Reimbursement of Costs

Sec. 221. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 222. Federal custody of illegal aliens apprehended by State or local law enforcement.
Sec. 223. Institutional Removal Program.

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

Sec. 231. Congressional affirmation of immigration law enforcement authority by States and political subdivisions of States.
Sec. 232. Immigration law enforcement training of State and local law enforcement personnel.
Sec. 233. Immunity.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance and Validity

Sec. 301. Curtailment of visas for aliens from countries denying or delaying repatriation of nationals.
Sec. 302. Judicial review of visa revocation.
Sec. 303. Elimination of diversity immigrant program.
Sec. 304. Completion of background and security checks.
Sec. 305. Naturalization and good moral character.
Sec. 306. Denial of benefits to terrorists and criminals.
Sec. 307. Repeal of adjustment of status of certain aliens physically present in United States under section 245(i).
Sec. 308. Grounds of Inadmissibility and Removability for Persecutors.
Sec. 309. Technical Corrections to SEVIS Reporting Requirements.

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

Sec. 401. Short title.
Sec. 402. Findings.

Subtitle B—Employment Eligibility Verification System

Sec. 411. Employment Eligibility Verification System.
Sec. 412. Employment eligibility verification process.
Sec. 413. Expansion of employment eligibility verification system to previously hired individuals and recruiting and referring.
Sec. 414. Extension of preemption to required construction of day laborer shelters.
Sec. 415. Basic pilot program.
Sec. 416. Protection for United States workers and individuals reporting immigration law violations.
Sec. 417. Penalties.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

Sec. 421. Verification responsibilities of the Commissioner of Social Security.

Sec. 422. Notification by commissioner of failure to correct social security information.
Sec. 423. Restriction on access and use.
Sec. 424. Sharing of information with the commissioner of Internal Revenue Service.
Sec. 425. Sharing of information with the Secretary of Homeland Security.

Subtitle D—Sharing of Information

Sec. 431. Sharing of information with the Secretary of Homeland Security and the Commissioner of Social Security.

Subtitle E—Identification Document Integrity

Sec. 441. Consular identification documents.
Sec. 442. Machine-readable tamper-resistant immigration documents.

Subtitle F—Effective Date; Authorization of Appropriations

Sec. 451. Effective date.
Sec. 452. Authorization of appropriations.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

Sec. 501. Alien smuggling and related offenses.
Sec. 502. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.
Sec. 503. Improper entry by, or presence of, aliens.
Sec. 504. Fees and Employer Compliance Fund.
Sec. 505. Reentry of removed alien.
Sec. 506. Civil and criminal penalties for document fraud, benefit fraud, and false claims of citizenship.
Sec. 507. Rendering inadmissible and deportable aliens participating in criminal street gangs.
Sec. 508. Mandatory detention of suspected criminal street gang members.
Sec. 509. Ineligibility for asylum and protection from removal.
Sec. 510. Penalties for misusing social security numbers or filing false information with Social Security Administration.
Sec. 511. Technical and clarifying amendments.

Subtitle B—Detention, Removal, and Departure

Sec. 521. Voluntary departure reform.
Sec. 522. Release of aliens in removal proceedings.
Sec. 523. Expedited removal.
Sec. 524. Reinstatement of previous removal orders.
Sec. 525. Cancellation of removal.
Sec. 526. Detention of dangerous alien.
Sec. 527. Alternatives to detention.
Sec. 528. Authorization of appropriations.

SEC. 2. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such holding.

TITLE I—SOUTHWEST BORDER SECURITY

SEC. 101. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

(a) In General.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) is amended to read as follows—

"(1) Border security improvements.—

"(A) Border zone creation.—

"(i) In general.—In carrying out subsection (a), the Secretary of Homeland Security shall create and control a border zone, along the international land border between the United States and Mexico, subject to the following conditions:

"(I) Size.—The border zone shall consist of the United States land area within 100 yards of such international land border, except that with respect to areas of the border zone that are contained within an organized subdivision of a State or local government, the Secretary may adjust the area included in the border zone to accommodate existing public and private structures.

"(II) Federal land.—Not later than 30 days after the date of the enactment of the Border Security and Interior Enforcement Improvement Act of 2006, the head of each Federal agency having jurisdiction over Federal land included in the border zone shall transfer such land, without reimbursement, to the administrative jurisdiction of the Secretary of Homeland Security.

"(III) Consultation.—Before installing any fencing or other physical barriers, roads, lighting, or sensors under subparagraph (B) on land transferred by the Secretary of Defense under subclause (II), the Secretary of Homeland Security shall consult with the Secretary of Defense for purposes of mitigating or limiting the impact of the fencing, barriers, roads, lighting, and sensors on military training and operations.

"(ii) Other uses.—The Secretary may authorize the use of land included in the border zone for other purposes so long as such use does not impede the operation or effectiveness of the security features installed under subparagraph (B) or the ability of the Secretary to carry out subsection (a).

"(B) Reinforced fencing.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for—

"(i) the construction along the southern international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward to the Gulf of Mexico, of at least 2 layers of reinforced fencing; and

"(ii) the installation of such additional physical barriers, roads, lighting, ditches, and sensors along such border as may be necessary to eliminate illegal crossings and facilitate legal crossings along such border.

"(C) Priority areas.—With respect to the border described in subparagraph (B), the Secretary shall ensure that initial fence construction occurs in high traffic and smuggling areas along such border.".

(b) Conforming Amendments.—Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) as amended by subsection (a) is further amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security";

(2) in subsection (b), by striking the heading and inserting "Border Zone Creation and Reinforced Fending—"; and

(3) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 102. BORDER PATROL AGENTS.

Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended—

(1) by striking "2010" both places it appears and inserting "2011"; and

(2) by striking "2,000" and inserting "3,000".

SEC. 103. INCREASED AVAILABILITY OF DEPARTMENT OF DEFENSE EQUIPMENT TO ASSIST WITH SURVEILLANCE OF SOUTHERN INTERNATIONAL LAND BORDER OF THE UNITED STATES.

(a) Increased Availability of Equipment.—The Secretary of Defense and the Secretary of Homeland Security shall develop and implement a plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with Department of Homeland Security surveillance activities conducted at or near the southern international land border of the United States.

(b) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall submit a report to Congress that contains—

(1) a description of the current use of Department of Defense equipment to assist with Department of Homeland Security surveillance of the southern international land border of the United States;

(2) the plan developed under subsection (a) to increase the use of Department of Defense equipment to assist with such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by Department of Defense under such plan during the 1-year period beginning after submission of the report.

SEC. 104. PORTS OF ENTRY.

To facilitate legal trade, commerce, tourism, and legal immigration, the Secretary of Homeland Security is authorized to—

(1) construct additional ports of entry along the international land border of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated $5,000,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1103), as amended by section 101. Such sums shall be available until expended.

(b) Border Patrol Agents.—There are authorized to be appropriated $3,000,000,000 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), as amended by section 102.

(c) Ports of Entry.—There are authorized to be appropriated $125,000,000 to carry out section 104.

(d) Conforming Amendment.—Section 102(b)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is repealed.

TITLE II—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

Subtitle A—Additional Federal Resources

SEC. 201. NECESSARY ASSETS FOR CONTROLLING UNITED STATES BORDERS.

(a) Personnel.—

(1) Customs and border protection officers.—In each of the fiscal years 2007 through 2011, the Secretary of Homeland Security shall increase by not less than 250 the

number of positions for full-time active duty Customs and Border Protection officers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (1).

(b) TECHNOLOGICAL ASSETS.—

(1) ACQUISITION.—The Secretary of Homeland Security shall procure unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 for each of fiscal years 2007 through 2011 to carry out paragraph (1).

(c) BORDER PATROL CHECKPOINTS.—Notwithstanding any other provision of law or regulation, temporary or permanent checkpoints may be maintained on roadways in border patrol sectors close to the international land borders of the United States in such locations and for such time period durations as the Secretary of Homeland Security, in the Secretary's sole discretion, determines necessary.

SEC. 202. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), for each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department of Homeland Security investigating alien smuggling and immigration status violations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) TRIAL ATTORNEYS.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department of Homeland Security who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) ASSISTANT ATTORNEY GENERAL FOR IMMIGRATION ENFORCEMENT.—

(A) ESTABLISHMENT.—There is established within the Department of Justice the position of Assistant Attorney General for Immigration Enforcement. The Assistant Attorney General for Immigration Enforcement shall coordinate and prioritize immigration litigation and enforcement in the Federal courts, including—

(i) removal and deportation;

(ii) employer sanctions; and

(iii) alien smuggling and human trafficking.

(B) CONFORMING AMENDMENT.—Section 506 of title 28, United States Code, is amended by striking "ten" and inserting "11".

(2) LITIGATION ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice above the number of such positions for which funds were made available during the preceding fiscal year.

(3) ASSISTANT UNITED STATES ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of Assistant United States Attorneys to litigate immigration cases in the Federal courts above the number of such positions for which funds were made available during the preceding fiscal year.

(4) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges above the number of such positions for which funds were made available during the preceding fiscal year.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

SEC. 203. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a) above the number of such positions in which funds were made available during the preceding fiscal year.

(b) FRAUD DETECTION.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for Immigration Enforcement Agents dedicated to immigration fraud detection above the number of such positions in which funds were made available during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated during each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 204. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—The Secretary of Homeland Security shall provide all customs and border protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary of Homeland Security shall provide all officers of the Bureau of Customs and Border Protection with access to the Forensic Document Laboratory.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 205. POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.

Section 287(a) of the Immigration and Nationality Act (8 U.S.C. 1357(a)) is amended—

(1) by striking paragraph (5) and the 2 undesignated paragraphs following paragraph (5);

(2) in the material preceding paragraph (1)—

(A) by striking "(a) Any" and inserting "(a)(1) Any"; and

(B) by striking "Service" and inserting "Department of Homeland Security";

(3) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(4) by inserting after subparagraph (D), as redesignated by paragraph (3), the following:

"(E) to make arrests—

"(i) for any offense against the United States, if the offense is committed in the officer's or employee's presence; or

"(ii) for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

"(2) Under regulations prescribed by the Attorney General or the Secretary of Homeland Security, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States.".

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

SEC. 211. ENTRY-EXIT SYSTEM.

(a) INTEGRATED ENTRY AND EXIT DATA SYSTEM.—Section 110(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(b)(1)) is amended to read as follows:

"(1) provides access to, and integrates, arrival and departure data of all aliens who arrive and depart at ports of entry, in an electronic format and in a database of the Department of Homeland Security or the Department of State (including those created or used at ports of entry and at consular offices);".

(b) CONSTRUCTION.—Section 110(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(c)) is amended to read as follows:

"(c) CONSTRUCTION.—Nothing in this section shall be construed to reduce or curtail any authority of the Secretary of Homeland Security or the Secretary of State under any other provision of law.".

(c) DEADLINES.—Section 110(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(d)) is amended—

(1) in paragraph (1), by striking "December 31, 2003" and inserting "October 1, 2006"; and

(2) by amending paragraph (2) to read as follows:

"(2) LAND BORDER PORTS OF ENTRY.—Not later than October 1, 2006, the Secretary of Homeland Security shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at all land border ports of entry. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.".

(d) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—Section 110(f)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(f)(1)) is amended by adding at the end: "The Secretary of Homeland Security shall ensure that any officer or employee of the Department of Homeland Security or the Department of State having need to access the data contained in the integrated entry and exit data system for any lawful purpose under the Immigration and Nationality Act has such access, including access for purposes of representation of the Department of Homeland Security in removal proceedings under section 240 of such Act and adjudication of applications for benefits under such Act.".

(e) Biometric Data Enhancements.—Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the automated biometric fingerprint identification system (IDENT) of the Department of Homeland Security and the integrated automated fingerprint identification system (IAFIS) of the Federal Bureau of Investigation fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all 10 fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), as amended by this section.

SEC. 212. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION REGARDING ALIENS.

(a) Violations of Federal Law.—A statute, policy, or practice that prohibits, or restricts in any manner, a law enforcement or administrative enforcement officer of a State or of a political subdivision therein, from enforcing Federal immigration laws or from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the investigative or enforcement duties of the officer or from providing information to an official of the United States Government regarding the immigration status of an individual who is believed to be illegally present in the United States, is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644).

(b) State and Local Law Enforcement Provision of Information About Apprehended Illegal Aliens.—

(1) Provision of information.—

(A) In general.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), each law enforcement agency of a State or of a political subdivision therein shall provide to the Department of Homeland Security the information listed in paragraph (2) for each alien who is apprehended in the jurisdiction of such agency and who cannot produce the valid certificate of alien registration or alien registration receipt card described in section 264(d) of the Immigration and Nationality Act (8 U.S.C. 1304(d)).

(B) Time limitation.—Not later than 15 days after an alien described in subparagraph (A) is apprehended, information required to be provided under subparagraph (A) shall be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(C) Exception.—The reporting requirement in paragraph (A) shall not apply in the case of any alien determined to be lawfully present in the United States.

(2) Information required.—The information listed in this subsection is as follows:

(A) The alien's name.

(B) The alien's address or place of residence.

(C) A physical description of the alien.

(D) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(E) If applicable—

(i) the alien's driver's license number and the State of issuance of such license;

(ii) the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document;

(iii) the license number and description of any vehicle registered to, or operated by, the alien; and

(iv) a photo of the alien and a full set of the alien's 10 rolled fingerprints, if available or readily obtainable.

(3) Reimbursement.—The Secretary of Homeland Security shall reimburse such law enforcement agencies for the costs, per a schedule determined by the Secretary, incurred by such agencies in collecting and transmitting the information described in paragraph (2).

(c) Technical and Conforming Amendments.—

(1) Illegal immigration reform and immigrant responsibility act of 1996.—

(A) Technical amendment.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(i) in subsections (a), (b)(1), and (c), by striking "Immigration and Naturalization Service" each place it appears and inserting "Department of Homeland Security"; and

(ii) in the heading by striking "**IMMIGRATION AND NATURALIZATION SERVICE**" and inserting "**DEPARTMENT OF HOMELAND SECURITY**".

(B) Conforming amendment.—Section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546) is amended by striking the item related to section 642 and inserting the following:

"Sec. 642. Communication between government agencies and the Department of Homeland Security.".

(2) Personal responsibility and work opportunity reconciliation act of 1996.—

(A) In general.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is amended—

(i) by striking "Immigration and Naturalization Service" and inserting "Department of Homeland Security"; and

(ii) in the heading by striking "**IMMIGRATION AND NATURALIZATION SERVICE**" and inserting "**DEPARTMENT OF HOMELAND SECURITY**".

(B) Conforming amendment.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642) is amended by striking the item related to section 434 and inserting the following:

"Sec. 434. Communication between State and local government agencies and the Department of Homeland Security.".

(d) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.

SEC. 213. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the National Crime Information Center.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary of Homeland Security has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) or (b)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) detained by a Federal, State, or local law enforcement agency whom a Federal immigration officer has confirmed to be unlawfully present in the United States but, in the exercise of discretion, has been released from detention without transfer into the custody of a Federal immigration officer;

(D) who has remained in the United States beyond the alien's authorized period of stay; and

(E) whose visa has been revoked.

(2) Removal of information.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary of Homeland Security under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(b) Inclusion of Information in the National Crime Information Center Database.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or the alien has already been removed; and".

SEC. 214. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) Responsibility of United States Attorneys.—Beginning 2 years after the date of the enactment of this Act, the office of the United States attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file

and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with the Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2012, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

Subtitle C—Detention of Aliens and Reimbursement of Costs

SEC. 221. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department of Homeland Security. The detention facilities shall be located so as to enable the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 222. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY.

"(a) IN GENERAL.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an illegal alien; and

"(B) if the individual is an illegal alien, either—

"(i) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the illegal alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.

"(b) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the criminal or illegal alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained illegal alien during the period between the time of transmittal of the request described in subsection (a) and the time of transfer into Federal custody.

"(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended illegal aliens from the custody of those States and political subdivisions of States which routinely submit requests described in subsection (a) into Federal custody.

"(e) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or where appropriate, the political subdivision in which the agencies are located has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

"(f) ILLEGAL ALIEN DEFINED.—In this section, the term 'illegal alien' means an alien who—

"(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

"(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

"(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

"(B) comply with the conditions of any such status;

"(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

"(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 223. INSTITUTIONAL REMOVAL PROGRAM.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary of Homeland Security shall continue to operate the

Institutional Removal Program or develop and implement any other program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary of Homeland Security shall extend the institutional removal program to all States. Each State should—

(A) cooperate with officials of the Federal Institutional Removal Program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey the information collected under subparagraph (B) to officials of the Institutional Removal Program.

(b) IMPLEMENTATION OF COOPERATIVE INSTITUTIONAL REMOVAL PROGRAMS.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), is amended by adding at the end the following:

"(d) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State are authorized to—

"(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

"(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

"(e) TECHNOLOGY USAGE.—Technology such as videoconferencing shall be used to the maximum extent practicable in order to make the Institutional Removal Program available in remote locations. Mobile access to Federal databases of aliens, such as the automated biometric fingerprint identification system (IDENT) of the Department of Homeland Security, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

"(f) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Border Security and Interior Enforcement Improvement Act of 2006, the Secretary of Homeland Security shall submit to Congress a report on the participation of States in the Institutional Removal Program and in any other program carried out under subsection (a).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Institutional Removal Program—

"(1) $30,000,000 for fiscal year 2007;

"(2) $40,000,000 for fiscal year 2008;

"(3) $50,000,000 for fiscal year 2009;

"(4) $60,000,000 for fiscal year 2010; and

"(5) $70,000,000 for fiscal year 2011 and each fiscal year thereafter.".

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

SEC. 231. CONGRESSIONAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT AUTHORITY BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

SEC. 232. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) TRAINING MANUAL AND POCKET GUIDE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(2) AVAILABILITY.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) APPLICABILITY.—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.

(4) COSTS.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under this subsection.

(b) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness of the Department of Homeland Security, on-site training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) ONLINE TRAINING.—The head of the Distributed Learning Program of the Federal Law Enforcement Training Center shall make training available for State and local law enforcement personnel via the Internet through a secure, encrypted distributed learning system that has all its servers based in the United States.

(3) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(c) COOPERATIVE ENFORCEMENT PROGRAMS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

(d) DURATION OF TRAINING.—Section 287(g)(2) of the Immigration and Nationalization Act (8 U.S.C. 1357(g)(2)) is amended by adding at the end "Such training may not exceed 14 days or 80 hours of classroom training.".

(e) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising the inherent authority of the officer to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out the law enforcement duties of the officer.

(f) TECHNICAL AMENDMENTS.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 233. IMMUNITY.

(a) PERSONAL IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State, or of a political subdivision of a State, shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law. The immunity provided by this subsection shall only apply to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer's official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of such agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance and Validity

SEC. 301. CURTAILMENT OF VISAS FOR ALIENS FROM COUNTRIES DENYING OR DELAYING REPATRIATION OF NATIONALS.

(a) IN GENERAL.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by adding at the end the following new subsection:

"(e) PUBLIC LISTING OF ALIENS WITH NO SIGNIFICANT LIKELIHOOD OF REMOVAL.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain a public listing of every alien who is subject to a final order of removal and with respect to whom the Secretary or any Federal court has determined that there is no significant likelihood of removal in the reasonably foreseeable future due to the refusal, or unreasonable delay, of all countries designated by the alien under this section to receive the alien. The public listing shall indicate whether such alien has been released from Federal custody, and the city and State in which such alien resides.

"(2) DISCONTINUATION OF VISAS.—If 25 or more of the citizens, subjects, or nationals of any foreign state remain on the public listing described in paragraph (1) throughout any month—

"(A) such foreign state shall be deemed to have denied or unreasonably delayed the acceptance of such aliens;

"(B) the Secretary of Homeland Security shall make the notification to the Secretary of State prescribed in subsection (d) of this section; and

"(C) the Secretary of State shall discontinue the issuance of nonimmigrant visas to citizens, subjects, or nationals of such foreign state until such time as the number of aliens on the public listing from such foreign state has—

"(i) declined to fewer than 6; or

"(ii) remained below 25 for at least 30 days.".

(b) TECHNICAL AMENDMENT.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)(D), by inserting "or the Secretary of Homeland Security" after "Attorney General";

(2) in subsection (c)—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) by striking "Commissioner" and inserting "Secretary"; and

(3) in subsection (d)—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) by inserting "of State" after "notifies the Secretary".

SEC. 302. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ", except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B)".

SEC. 303. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking "(a), (b), or (c)," and inserting "(a) or (b),";

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking "(a), (b), or (c)" and inserting "(a) or (b)"; and

(5) in subsection (g), by striking "(a), (b), and (c)" and inserting "(a) and (b)".

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking "(a), (b), or (c)" and inserting "(a) or (b)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 304. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court shall not—

"(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court,

until such background and security checks as the Secretary may in his discretion require have been completed to the satisfaction of the Secretary.".

SEC. 305. NATURALIZATION AND GOOD MORAL CHARACTER.

(a) NATURALIZATION REFORM.—

(1) BARRING TERRORISTS FROM NATURALIZATION.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(g) No person shall be naturalized who the Secretary of Homeland Security determines, in the Secretary's discretion, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and shall be binding upon, and unreviewable by, any court exercising jurisdiction under the immigration laws over any application for naturalization, regardless whether such jurisdiction to review a decision or action of the Secretary is de novo or otherwise.".

(2) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—The last sentence of section 318 of such Act (8 U.S.C. 1429) is amended—

(A) by striking "shall be considered by the Attorney General" and inserting "shall be considered by the Secretary of Homeland Security or any court";

(B) by striking "pursuant to a warrant of arrest issued under the provisions of this or any other Act:" and inserting "or other proceeding to determine the applicants inadmissibility or deportability, or to determine whether the applicants lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced:"; and

(C) by striking "upon the Attorney General" and inserting "upon the Secretary of Homeland Security".

(3) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) of such Act (8 U.S.C. 1154(b)) is amended by adding at the end "No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could (whether directly or indirectly) result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(4) CONDITIONAL PERMANENT RESIDENTS.—Section 216(e) of such Act (8 U.S.C. 1186a(e)) and section 216A(e) of such Act (8 U.S.C. 1186b(e)) are each amended by inserting before the period at the end of each such section ", if the alien has had the conditional basis removed under this section".

(5) DISTRICT COURT JURISDICTION.—Section 336(b) of such Act (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section (as such terms are defined in regulations issued by the Secretary), the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary for the Secretary's determination on the application.".

(6) CONFORMING AMENDMENTS.—Section 310(c) of such Act (8 U.S.C. 1421(c)) is amended—

(A) by inserting ", not later than 120 days after the date of the Secretary's final determination" before "seek"; and

(B) by striking the second sentence and inserting "The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, for purposes of an application for naturalization, whether an alien is a person of good moral character, whether an alien understands and is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed on or after, such date.

(b) BAR TO GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(A) by inserting after paragraph (1) the following new paragraph:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or section 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and which shall be binding upon any court regardless of the applicable standard of review;";

(B) in paragraph (8), by inserting ", regardless whether the crime was classified as an aggravated felony at the time of conviction" after "(as defined in subsection (a)(43))"; and

(C) by striking the first sentence in the undesignated paragraph following paragraph (9) and inserting "The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good moral character. The Secretary and the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.".

(2) AGGRAVATED FELONY EFFECTIVE DATE.—Section 509(b) of the Immigration Act of 1990 (Public Law 101–649), as amended by section 306(a)(7) of the Miscellaneous and Technical

Immigration and Naturalization Amendments of 1991 (Public Law 102-232)), is amended to read as follows:

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 29, 1990, and shall apply to convictions occurring before, on, or after such date.".

(3) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM ACT.—Section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3741) is amended by striking "adding at the end" and inserting "inserting after paragraph (8) and before the undesignated paragraph at the end".

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other benefit or relief or any other case or matter under the immigration laws pending on, or filed on or after, such date; or

(B) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The amendments made by paragraph (3) shall take effect as if included in the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638).

SEC. 306. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following new section:

"SEC. 219A. PROHIBITION ON PROVIDING IMMIGRATION BENEFITS TO CERTAIN ALIENS.

"Nothing in this Act or any other provision of law shall permit the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraphs (A)(i), (A)(iii), (B), or (F) of sections 212(a)(3) or subparagraphs (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.".

(b) INADMISSIBILITY ON SECURITY AND RELATED GROUNDS.—Section 212(a)(3)(B)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)(I)) is amended by inserting "is able to demonstrate, by clear and convincing evidence, that such spouse or child" after "who".

SEC. 307. REPEAL OF ADJUSTMENT OF STATUS OF CERTAIN ALIENS PHYSICALLY PRESENT IN UNITED STATES UNDER SECTION 245(i).

Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is repealed.

SEC. 308. GROUNDS OF INADMISSIBILITY AND REMOVABILITY FOR PERSECUTORS.

(a) GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION.—

(1) PERSECUTION.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(A) in the header, by striking "NAZI"; and

(B) by inserting after clause (iii) the following new clause:

"(iv) PARTICIPATION IN OTHER PERSECUTION.—Any alien who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion is inadmissible.".

(2) RECOMMENDATIONS BY CONSULAR OFFICERS.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) by striking "and clauses (i) and (ii) of paragraph (3)(E)" both places it appears and inserting "or 3(E)".

(b) GENERAL CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(4)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) in the header, by striking "NAZI"; and

(2) by striking "or (iii)" and inserting "(iii), or (iv)".

(c) BAR TO GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking "or";

(2) in paragraph (9), as added by section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741), as amended by section 305(b)(3) of this Act, by striking the period at the end and inserting a semicolon and "or"; and

(3) inserting after paragraph (9), as added by section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741), as amended by section 305(b)(3) of this Act, and before the undesignated paragraph at the end the following new paragraph:

"(10) one who at any time has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

(d) VOLUNTARY DEPARTURE.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) in subsection (a)(1), by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B)" and inserting "removable under section 237(a)(2)(A)(iii), subparagraph (B) or (D) or section 237(a)(4), or section 212(a)(3)(E)."; and

(2) in subsection (b)(1)(C), by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B)" and inserting "removable under section 237(a)(2)(A)(iii), subparagraph (B) or (D) of section 237(a)(4), or section 212(a)(3)(E).".

(e) AIDING OR ASSISTING CERTAIN ALIENS TO ENTER THE UNITED STATES.—Section 277 of such Act (8 U.S.C. 1327) is amended by striking "or 212(a)(3) (other than subparagraph (E) thereof)" and inserting ", section 212(a)(3)".

SEC. 309. TECHNICAL CORRECTIONS TO SEVIS REPORTING REQUIREMENTS.

(a) PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.—

(1) IN GENERAL.—Section 641(a)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)(4)) is amended—

(A) by striking "Not later than 30 days after the deadline for registering for classes for an academic term" and inserting "Not later than the program start date (for new students) or the next session start date (for continuing students) of an academic term"; and

(B) by striking "shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation." and inserting "shall report to the Secretary of Homeland Security any failure to enroll or to commence participation by the program start date or next session start date, as applicable.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Except as provided in subparagraph (B), section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

(B) EXCEPTIONS.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended—

(i) in subsections (b), (c)(4)(A), (c)(4)(B), (e)(1), (e)(6), and (g) by inserting "Secretary of Homeland Security or the" before "Attorney General" each place that term appears;

(ii) by striking the heading of section (c)(4)(B) and inserting "SECRETARY OF HOMELAND SECURITY AND ATTORNEY GENERAL"; and

(iii) in subsection (f), by inserting "the Secretary of Homeland Security," before "the Attorney General".

(b) CLARIFICATION OF RELEASE OF INFORMATION.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), as amended by subsection (a), is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (G), by striking "and" at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon and "and"; and

(C) by adding at the end the following new subparagraph:

"(I) any other information the Secretary of Homeland Security determines is necessary."; and

(2) in subsection (c)(2), by adding at the end "Approved institutions of higher education or other approved educational institutions shall release information regarding alien students referred to in this section to the Secretary of Homeland Security as part of such information collection program or upon request.".

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 401. SHORT TITLE.

This title may be cited as the "Employment Security Act of 2006".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State, and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is a primary cause of illegal immigration.

(2) The use of modern technology not available in 1986, when the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) created the I-9 worker verification system, will enable employers to rapidly and accurately verify the identity and work authorization of their employees and independent contractors.

(3) The Government and people of the United States share a compelling interest in protection of United States employment authorization, income tax withholding, and social security accounting systems, against unauthorized access by illegal aliens.

(4) Limited data sharing between the Department of Homeland Security, the Internal Revenue Service, and the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises that seek judicial protection against injury to their wages and working conditions due to unlawful employment of illegal alien workers and the United States enterprises that utilize the labor or services provided by illegal aliens, especially where lack of resources constrains enforcement of Federal immigration law by Federal immigration officials.

Subtitle B—Employment Eligibility Verification System

SEC. 411. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) In General.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

"(7) Employment Eligibility Verification System.—

"(A) In general.—The Secretary of Homeland Security shall establish and administer a verification system, known as the Employment Eligibility Verification System, through which the Secretary—

"(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

"(ii) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

"(B) Initial response.—The verification system shall provide verification or a tentative nonverification of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

"(C) Secondary verification process in case of tentative nonverification.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final verification or nonverification within 10 working days after the date of the tentative nonverification. When final verification or nonverification is provided, the verification system shall provide an appropriate code indicating such verification or nonverification.

"(D) Design and operation of system.—The verification system shall be designed and operated—

"(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

"(ii) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

"(iii) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

"(iv) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

"(I) the selective or unauthorized use of the system to verify eligibility;

"(II) the use of the system prior to an offer of employment; or

"(III) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

"(E) Responsibilities of the Commissioner of Social Security.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

"(F) Responsibilities of the Secretary of Homeland Security.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

"(ii) When a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the time periods specified in subparagraphs (B) and (C), in order to ensure that no fraudulent use of a social security account number has taken place. If the Secretary has selected a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

"(G) Updating information.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

"(H) Limitation on use of the verification system and any related systems.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than the enforcement and administration of the immigration laws, the Social Security Act, or any provision of Federal criminal law.

"(I) Federal tort claims act.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

"(J) Protection from liability for actions taken on the basis of information.—No person or entity shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.".

(b) Repeal of Provision Relating to Evaluations and Changes in Employment Verification.—Section 274A(d) (8 U.S.C. 1324a(d)) is repealed.

(c) Effective Date.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 412. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) In General.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting "(A)" after "Defense.—", and by adding at the end the following:

"(B) Failure to seek and obtain verification.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

"(i) Failure to seek verification.—

"(I) In general.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(8)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

"(II) Special rule for failure of verification mechanism.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

"(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (b)(7)(B) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.";

(2) by amending subparagraph (A) of subsection (b)(1) to read as follows:

"(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Secretary by regulation, that it has verified that the individual is not an unauthorized alien by—

"(i) obtaining from the individual the individual's social security account number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under paragraph (2), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

"(ii)(I) examining a document described in subparagraph (B); or

"(II) examining a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and, if the document bears an expiration date, that expiration date has not elapsed. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and is sufficient to meet the first sentence of this paragraph, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce another document.";

(3) in subsection (b)(1)(D)—

(A) in clause (i), by striking "or such other personal identification information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section"; and

(B) in clause (ii), by inserting before the period "and that contains a photograph of the individual";

(4) in subsection (b)(2), by adding at the end the following: "The individual must also provide that individual's social security account number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under this paragraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.";

(5) by amending paragraph (3) of subsection (b) to read as follows:

"(3) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

"(A) IN GENERAL.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity shall—

"(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual or the date of the completion of verification of a previously hired individual and ending—

"(I) in the case of the recruiting or referral of an individual, three years after the date of the recruiting or referral;

"(II) in the case of the hiring of an individual, the later of—

"(aa) three years after the date of such hiring; or

"(bb) one year after the date the individual's employment is terminated; and

"(III) in the case of the verification of a previously hired individual, the later of—

"(aa) three years after the date of the completion of verification; or

"(bb) one year after the date the individual's employment is terminated;

"(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of previously hired individuals, the date specified in subsection (b)(8)(B), or before the recruiting or referring commences; and

"(iii) not commence recruitment or referral of the individual until the person or entity receives verification under subparagraph (B)(i) or (B)(iii).

"(B) VERIFICATION.—

"(i) VERIFICATION RECEIVED.—If the person or other entity receives an appropriate verification of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final verification of such identity and work eligibility of the individual.

"(ii) TENTATIVE NONVERIFICATION RECEIVED.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the process for secondary verification provided under paragraph (7). The nonverification will remain tentative until a final verification or nonverification is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonverification becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(iii) FINAL VERIFICATION OR NONVERIFICATION RECEIVED.—If a final verification or nonverification is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a verification or nonverification of identity and work eligibility of the individual.

"(iv) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

"(v) CONSEQUENCES OF NONVERIFICATION.—

"(I) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonverification regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

"(II) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under subclause (I), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

"(vi) CONTINUED EMPLOYMENT AFTER FINAL NONVERIFICATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonverification, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).";

(6) by amending paragraph (4) of subsection (b) to read as follows:

"(4) COPYING AND RECORD KEEPING OF DOCUMENTATION REQUIRED.—

"(A) LAWFUL EMPLOYMENT DOCUMENTS.—Notwithstanding any other provision of law, a person or entity shall retain a copy of each document presented by an individual to the individual or entity pursuant to this subsection. Such copy may only be used (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection and shall be maintained for a time period to be determined by the Secretary of Homeland Security.

"(B) SOCIAL SECURITY CORRESPONDENCE.—A person or entity shall maintain records of correspondence from the Commissioner of Social Security regarding name and number mismatches or no-matches and the steps taken to resolve such mismatches or no-matches. The employer shall maintain such records for a time period to be determined by the Secretary.

"(C) OTHER DOCUMENTS.—The Secretary may, by regulation, require additional documents to be copied and maintained."; and

(7) by amending paragraph (5) of subsection (b) to read as follows:

"(5) Use of attestation form.—A form designated by the Secretary to be used for compliance with this subsection, and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter or of title 18, United States Code.".

(b) Investigation Not a Warrantless Entry.—Section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) is amended by adding at the end the following: "An investigation authorized pursuant to subsections (b)(7) or (e) of section 274A is not a warrantless entry.".

(c) Effective Date.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 413. EXPANSION OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM TO PREVIOUSLY HIRED INDIVIDUALS AND RECRUITING AND REFERRING.

(a) Application to Recruiting and Referring.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(A), by striking "for a fee";

(2) in subsection (a)(1), by amending subparagraph (B) to read as follows:

"(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).";

(3) in subsection (a)(2) by striking "after hiring an alien for employment in accordance with paragraph (1)," and inserting "after complying with paragraph (1),"; and

(4) in subsection (a)(3), as amended by section 702, is further amended by striking "hiring," and inserting "hiring, employing," each place it appears.

(b) Employment Eligibility Verification for Previously Hired Individuals.—Section 274A(b) of such Act (8 U.S.C. 1324a(b)), as amended by section 411(a), is amended by adding at the end the following new paragraph:

"(8) Use of employment eligibility verification system for previously hired individuals.—

"(A) On a voluntary basis.—Beginning on the date that is 2 years after the date of the enactment of the Employment Security Act of 2006 and until the date specified in subparagraph (B)(iii), a person or entity may make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the person or entity, as long as it is done on a nondiscriminatory basis.

"(B) On a mandatory basis.—

"(i) Initial compliance.—A person or entity described in clause (ii) shall make an inquiry as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date 3 years after the date of the enactment of the Employment Security Act of 2006.

"(ii) Person or entity covered.—A person or entity is described in this clause if it is a Federal, State, or local governmental body (including the Armed Forces of the United States), or if it employs individuals working in a location that is a Federal, State, or local government building, a military base, a nuclear energy site, a weapon site, an airport, or that contains critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))), but only to the extent of such individuals.

"(iii) Subsequent compliance.—All persons and entities other than a person or entity described in clause (ii) shall make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity that have not been previously subject to an inquiry by the person or entity by the date 6 years after the date of the enactment of the Employment Security Act of 2006.".

SEC. 414. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking "imposing", and inserting a dash and "(A) imposing";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.".

SEC. 415. BASIC PILOT PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "at the end of the 11-year period beginning on the first day the pilot program is in effect" and inserting "2 years after the date of the enactment of the Employment Security Act of 2006".

SEC. 416. PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS.

Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) Protection of right to report.—Notwithstanding any other provision of law, the rights protected by this subsection include the right of any individual to report a violation or suspected violation of any immigration law to the Secretary of Homeland Security or a law enforcement agency.".

SEC. 417. PENALTIES.

(a) Civil and Criminal Penalties.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended to read:

"(4) Civil and criminal penalties.—

"(A) Knowingly hiring unauthorized aliens.—Any person or entity that violates subsection (a)(1)(A) shall—

"(i) in the case of a first offense, be fined $10,000 for each unauthorized alien;

"(ii) (in the case of a second offense, be fined $50,000 for each unauthorized alien; and

"(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

"(B) Continuing employment of unauthorized aliens.—Any person or entity that violates subsection (a)(2) shall be fined in accordance of title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.".

(b) Paperwork or Verification Violations.—Section 274A(e)(5) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read:

"(5) Paperwork or verification violations.—Any person or entity that violates subsection (a)(1)(B) shall—

"(A) in the case of a first offense, be fined $1,000 for each violation;

"(B) in the case of a second violation, be fined $5,000 for each violation; and

"(C) in the case of a third and subsequent violation, be fined $10,000 for each such violation.".

(c) Government Contracts.—Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) Government contracts.—

"(A) Employers.—

"(i) In general.—If the Secretary of Homeland Secretary determines that a person or entity that employs an alien is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a 2-year period.

"(ii) Waiver.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and Attorney General, may waive the application of this subparagraph or may limit the duration or scope of the debarment imposed under it.

"(iii) Prohibition on judicial review.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

"(B) Contractors and recipients.—

"(i) In general.—If the Secretary of Homeland Security determines that a person or entity that employs an alien and holds a Federal contract, grant, or cooperative agreement is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. Prior to debarring the employer, the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise the head of each agency holding such a contract, grant, or cooperative agreement with person or entity of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(ii) Waiver.—After consideration of the views of the head of each such agency, the Secretary of Homeland Security may, in lieu of debarring the employer from the receipt of new a Federal contract, grant, or cooperative agreement for a period of 2 years, waive application of this subparagraph, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation.

"(iii) Prohibition on review.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

"(C) CAUSE FOR SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this paragraph shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(D) APPLICABILITY.—The provisions of this paragraph shall apply to any Federal contract, grant, or cooperative agreement that is effective on or after the date of the enactment of the Employment Security Act of 2006.".

(d) CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(f)(1)) is amended to read as follows:

"(1) CRIMINAL PENALTY.—Any person or entity engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 3 years and not more than 5 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels. The amount of the gross proceeds of such violation, and any property traceable to such proceeds, shall be seized and subject to forfeiture under title 18, United States Code.".

(e) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Subsections (b)(2) and (f)(2) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) are amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

SEC. 421. VERIFICATION RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.

The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, however in no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

SEC. 422. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall promptly notify the Secretary of Homeland Security of the failure of any individual to provide, upon any request of the Commissioner made pursuant to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), evidence necessary, under such section to—

(1) establish the age, citizenship, immigration or work eligibility status of the individual;

(2) establish such individual's true identity; or

(3) determine which (if any) social security account number has previously been assigned to such individual.

SEC. 423. RESTRICTION ON ACCESS AND USE.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

"(I)(i) Access to any information contained in the Employment Eligibility Verification System established section 274A(b)(7) of the Immigration and Nationality Act, shall be prohibited for any purpose other than the administration or enforcement of Federal immigration, social security, and tax laws, any provision of title 18, United States Code, or as otherwise authorized by Federal law.

"(ii) No person or entity may use the information in such Employment Eligibility Verification System for any purpose other than as permitted by Federal law.

"(iii) Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of information in such Employment Eligibility Verification System in violation of clause (i) or (ii) shall be fined not more than $10,000 per individual injured by such violation. The Commissioner of Social Security shall establish procedure to ensure that 60 percent of any fine imposed under this clause is awarded to the individual injured by such violation.".

SEC. 424. SHARING OF INFORMATION WITH THE COMMISSIONER OF INTERNAL REVENUE SERVICE.

Section 205(c)(2)(H) of the Social Security Act (42 U.S.C. 405(c)(2)(H)) is amended to read as follows:

"(H) The Commissioner of Social Security shall share with the Secretary of the Treasury—

"(i) the information obtained by the Commissioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children; and

"(ii) information relating to the detection of wages or income from self-employment of unauthorized aliens (as defined by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud by such persons incident to the administration of immigration, social security, or tax laws of the United States.

Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.".

SEC. 425. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) AMENDMENT TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), as amended by section 423, is amended by adding at the end the following new subparagraph:

"(J) Upon the issuance of a social security account number under subparagraph (B) to any individual or the issuance of a Social Security card under subparagraph (G) to any individual, the Commissioner of social security shall transmit to the Secretary of Homeland Security such information received by the Commissioner in the individual's application for such number or such card as the Secretary of Homeland Security determines necessary and appropriate for administration of the immigration laws of the United States.".

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—

(1) FORMS AND PROCEDURES.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

"(f) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual's own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion on any application, document, or form provided under or required by the immigration laws.".

(2) CENTRAL FILE.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code) if earnings are reported on or after January 1, 1997, to the Commissioner of Social Security on a social security account number issued to an alien who is not authorized to work in the United States, the Commissioner shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(3) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where a social security account number does not match the name in the Social Security Administration record. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where the individual has more than one person reporting earnings for the individual during a single tax year and where a social security number was used with multiple names. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner, so long as the Secretary certifies that the purpose of the search or manipulation is to obtain information likely to assist in identifying individuals (and their employers) who—

"(i) are using false names or social security numbers; who are sharing among multiple individuals a single valid name and social security number;

"(ii) are using the social security number of persons who are deceased, too young to work or not authorized to work; or

"(iii) are otherwise engaged in a violation of the immigration laws.

"(B) The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision of law (including section 6103 of title 26, United States Code). The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations reported by the Secretary.".

Subtitle D—Sharing of Information

SEC. 431. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 6103(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE OF INFORMATION RELATING TO VIOLATIONS OF FEDERAL IMMIGRATION LAW.—

"(A) Upon receipt by the Secretary of the Treasury of a written request, by the Secretary of Homeland Security or Commissioner of Social Security, the Secretary of the Treasury shall disclose return information to officers and employees of the Department of Homeland Security and the Social Security Administration who are personally and directly engaged in—

"(i) preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or

"(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

"(iii) any investigation which may result in the proceedings enumerated in clauses (i) and (ii) above.

"(B) LIMITATION ON USE AND RETENTION OF TAX RETURN INFORMATION.—

"(i) Information disclosed under this paragraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

"(ii) Should the proceeding for which such information has been disclosed not commence within 3 years after the date on which the information has been disclosed by the Secretary, the information shall be returned to the Secretary in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the information that has been retained.".

(b) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following new subsection:

"(i) NO-MATCH NOTICE.—

"(1) NO-MATCH NOTICE DEFINED.—In this subsection, the term 'no-match notice' means a written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

"(2) PROVISION OF INFORMATION.—

"(A) REQUIREMENT TO PROVIDE.—Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner shall provide the Secretary of Homeland Security with information relating to employers who have received no-match notices and, upon request, with such additional information as the Secretary certifies is necessary to administer or enforce the immigration laws.

"(B) FORM OF INFORMATION.—The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(C) USE OF INFORMATION.—A no-match notice received by the Secretary from the Commissioner may be used as evidence in any civil or criminal proceeding.

"(3) OTHER AUTHORITIES.—

"(A) VERIFICATION REQUIREMENT.—The Secretary, in consultation with the Commissioner, is authorized to establish by regulation requirements for verifying the identity and work authorization of an employee who is the subject of a no-match notice.

"(B) PENALTIES.—The Secretary is authorized to establish by regulation penalties for failure to comply with this subsection.

"(C) LIMITATION ON AUTHORITIES.—This authority in this subsection is provided in aid of the Secretary's authority to administer and enforce the immigration laws, and nothing in this subsection shall be construed to authorize the Secretary to establish any regulation regarding the administration or enforcement of laws otherwise relating to taxation or the Social Security system.".

Subtitle E—Identification Document Integrity

SEC. 441. CONSULAR IDENTIFICATION DOCUMENTS.

(a) ACCEPTANCE OF FOREIGN IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), for purposes of personal identification, no agency, commission, entity, or agent of the executive or legislative branches of the Federal Government may accept, acknowledge, recognize, or rely on any identification document issued by the government of a foreign country, unless otherwise mandated by Federal law.

(2) AGENT DEFINED.—In this section, the term "agent" shall include the following:

(A) A Federal contractor or grantee.

(B) An institution or entity exempted from Federal income taxation under the Internal Revenue Code of 1986.

(C) A financial institution required to ask for identification under section 5318(l) of title 31, United States Code.

(3) EXCEPTIONS.—

(A) IN GENERAL.—An individual who is not a citizen or national of the United States may present for purposes of personal identification an official identification document issued by the government of a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States, if—

(i) such individual simultaneously presents valid verifiable documentation of lawful presence in the United States issued by the appropriate agency of the Federal Government;

(ii) reporting a violation of law or seeking government assistance in an emergency;

(iii) the document presented is a passport issued to a citizen or national of a country that participates in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by the government of such country; or

(iv) such use is expressly permitted another provision of Federal law.

(B) NONAPPLICATION.—The provisions of paragraph (1) shall not apply to—

(i) inspections of alien applicants for admission to the United States; or

(ii) verification of personal identification of persons outside the United States.

(4) LISTING OF ACCEPTABLE DOCUMENTS.—The Secretary of Homeland Security shall issue and maintain an updated public listing, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of paragraph (3)(A).

(b) ESTABLISHMENT OF PERSONAL IDENTITY.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a comma and "or"; and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except—

"(A) in the case of a person who is not a citizen of the United States—

"(i) the person simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of the Federal Government;

"(ii) the person is reporting a violation of law or seeking government assistance in an emergency; or

"(iii) such use is expressly permitted by Federal law.".

SEC. 442. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL, ENTRY, AND EVIDENCE OF STATUS DOCUMENTS**";

(2) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the Attorney General" and inserting "The Secretary of Homeland Security"; and

(B) by striking "visas and" each place it appears and inserting "visas, evidence of status, and";

(3) by striking subsection (d) and inserting the following:

"(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of immigrant, nonimmigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and incorporate a biometric identifier to allow the Secretary of Homeland Security to electronically verify the identity and status of the alien.

"(e) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

"(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) are not made pursuant to law, the Secretary of Homeland Security is authorized to implement and collect a fee sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

"(3) EXCEPTION.—The fee described in paragraph (2) may not be levied against nationals of a foreign country if the Secretary of Homeland has determined that the total estimated population of such country who are unlawfully present in the United States does not exceed 3,000 aliens.".

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173; 116 Stat. 543) is amended by striking the item relating to section 303 and inserting the following:

“Sec. 303. Machine-readable, tamper-resistant travel, entry, and evidence of status documents.”.

Subtitle F—Effective Date; Authorization of Appropriations

SEC. 451. EFFECTIVE DATE.

Except as otherwise specially provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

SEC. 452. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

SEC. 501. ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended to read as follows:

“SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

“(a) CRIMINAL OFFENSES AND PENALTIES.—

“(1) PROHIBITED ACTIVITIES.—Whoever—

“(A) assists, encourages, directs, or induces a person to come to or enter the United States, or to attempt to come to or enter the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to or enter the United States;

“(B) assists, encourages, directs, or induces a person to come to or enter the United States at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such person has official permission or lawful authority to be in the United States, knowing or in reckless disregard of the fact that such person is an alien;

“(C) assists, encourages, directs, or induces a person to reside in or remain in the United States, or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

“(D) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, where the transportation or movement will aid or further in any manner the person's illegal entry into or illegal presence in the United States;

“(E) harbors, conceals, or shields from detection a person in the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States;

“(F) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the person is in fact seeking to enter the United States without official permission or lawful authority; or

“(G) conspires or attempts to commit any of the preceding acts,

shall be punished as provided in paragraph (2), regardless of any official action which may later be taken with respect to such alien.

“(2) CRIMINAL PENALTIES.—A person who violates the provisions of paragraph (1) shall—

“(A) except as provided in subparagraphs (D) through (H), in the case where the offense was not committed for commercial advantage, profit, or private financial gain, be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both;

“(B) except as provided in subparagraphs (C) through (H), where the offense was committed for commercial advantage, profit, or private financial gain—

“(i) in the case of a first violation of this subparagraph, be imprisoned for not more than 20 years, or fined under title 18, United States Code, or both; and

“(ii) for any subsequent violation, be imprisoned for not less than 3 years nor more than 20 years, or fined under title 18, United States Code, or both;

“(C) in the case where the offense was committed for commercial advantage, profit, or private financial gain and involved 2 or more aliens other than the offender, be imprisoned for not less than 3 nor more than 20 years, or fined under title 18, United States Code, or both;

“(D) in the case where the offense furthers or aids the commission of any other offense against the United States or any State, which offense is punishable by imprisonment for more than 1 year, be imprisoned for not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

“(E) in the case where any participant in the offense created a substantial risk of death or serious bodily injury to another person, including—

“(i) transporting a person in an engine compartment, storage compartment, or other confined space;

“(ii) transporting a person at an excessive speed or in excess of the rated capacity of the means of transportation; or

“(iii) transporting or harboring a person in a crowded, dangerous, or inhumane manner,

be imprisoned not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

“(F) in the case where the offense caused serious bodily injury (as defined in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of title 18, United States Code, if the conduct occurred in the special maritime and territorial jurisdiction of the United States) to any person, be imprisoned for not less than 7 nor more than 30 years, or fined under title 18, United States Code, or both;

“(G) in the case where the offense involved an alien who the offender knew or had reason to believe was an alien—

“(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

“(ii) intending to engage in such terrorist activity,

be imprisoned for not less than 10 nor more than 30 years, or fined under title 18, United States Code, or both; and

“(H) in the case where the offense caused or resulted in the death of any person, be punished by death or imprisoned for not less than 10 years, or any term of years, or for life, or fined under title 18, United States Code, or both.

“(3) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

“(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

“(1) IN GENERAL.—Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

“(2) ALIEN DESCRIBED.—A alien described in this paragraph is an alien who—

“(A) is an unauthorized alien (as defined in section 274A(h)(3)); and

“(B) has been brought into the United States in violation of subsection (a).

“(c) SEIZURE AND FORFEITURE.—

“(1) IN GENERAL.—Any property, real or personal, that has been used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

“(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

“(e) ADMISSIBILITY OF EVIDENCE.—

“(1) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the violation lacks lawful authority to come to, enter, reside, remain, or be in the United States or that such alien had come to, entered, resided, remained or been present in the United States in violation of law:

“(A) Any order, finding, or determination concerning the alien's status or lack thereof made by a federal judge or administrative adjudicator (including an immigration judge or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed thereunder.

“(B) An official record of the Department of Homeland Security, Department of Justice, or the Department of State concerning the alien's status or lack thereof.

“(C) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

“(2) VIDEOTAPED TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

“(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or the regulations prescribed thereunder. Such term does not include any such authority secured by fraud or otherwise obtained in violation of law, nor does it include authority that has been sought but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside, remain, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(2) The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present, or any country from which or to which the alien is traveling or moving.".

(b) Clerical Amendment.—The item relating to section 274 in the table of contents of such Act is amended to read as follows:

"Sec. 274. Alien smuggling and related offenses.".

SEC. 502. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) Prohibition.—

(1) In general.—Chapter 27 of title 18, United States Code, is amended by adding at the end a new section as follows:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) Prohibition.—A person shall be punished as described in subsection (b) if such person—

"(1) attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint; or

"(2) intentionally violates an arrival, reporting, entry, or clearance requirement of—

"(A) section 107 of the Federal Plant Pest Act (7 U.S.C. 105ff);

"(B) section 10 of the Act of August 20, 1912 (7 U.S.C. 164(a));

"(C) section 7 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2806);

"(D) the Agriculture and Food Act of 1981 (Public Law 97-98; 95 Stat. 1213);

"(E) section 431, 433, 434, or 459 of the Tariff Act of 1930 (19 U.S.C. 1431, 1433, 1434, and 1459);

"(F) section 10 of the Act of August 20, 1890 (21 U.S.C. 105);

"(G) section 2 of the Act of February 2, 1903 (21 U.S.C. 111);

"(H) section 4197 of the Revised Statutes (46 U.S.C. App. 91); or

"(I) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(b) Penalties.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 5 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) Conspiracy.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) Prima Facie Evidence.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(2) Conforming amendment.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(b) Failure To Obey Border Enforcement Officers.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) Failure To Obey Lawful Orders of Border Enforcement Officers.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

SEC. 503. IMPROPER ENTRY BY, OR PRESENCE OF, ALIENS.

(a) In General.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in the section heading, by inserting "**UNLAWFUL PRESENCE;**" after "**IMPROPER TIME OR PLACE;**";

(2) in subsection (a)—

(A) by striking "Any alien" and inserting "Except as provided in subsection (b), any alien";

(B) by striking "or" before (3);

(C) by inserting after "concealment of a material fact," the following: "or (4) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder,"; and

(D) by striking "6 months" and inserting "one year";

(3) by amending subsection (c) to read as follows:

"(c)(1) Whoever—

"(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(B) knowingly misrepresents the existence or circumstances of a marriage—

"(i) in an application or document arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder, or

"(ii) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals);

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

"(2) Whoever—

"(A) knowingly enters into two or more marriages for the purpose of evading any provision of the immigration laws; or

"(B) knowingly arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws;

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

"(3) An offense under this subsection continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(4) For purposes of this section, the term 'proceeding' includes an adjudication, interview, hearing, or review."

(4) in subsection (d)—

(A) by striking "5 years" and inserting "10 years";

(B) by adding at the end the following: "An offense under this subsection continues until the fraudulent nature of the commercial enterprise is discovered by an immigration officer."; and

(5) by adding at the end the following new subsections:

"(e)(1) Any alien described in paragraph (2)—

"(A) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both, if the offense described in such paragraph was committed subsequent to a conviction or convictions for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony;

"(B) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

"(C) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 60 months or more, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

"(2) An alien described in this paragraph is an alien who—

"(A) enters or attempts to enter the United States at any time or place other than as designated by immigration officers;

"(B) eludes examination or inspection by immigration officers;

"(C) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact; or

"(D) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder.

"(3) The prior convictions in subparagraph (A), (B), or (C) of paragraph (1) are elements of those crimes and the penalties in those subparagraphs shall apply only in cases in which the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime, and the criminal trial for a violation of this section shall not be bifurcated.

"(4) An offense under subsection (a) or paragraph (1) of this subsection continues until the alien is discovered within the United States by immigration officers.

"(f) For purposes of this section, the term 'attempts to enter' refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.".

(b) Rule of Construction.—Nothing in the amendment made by subsection (a) may be construed to limit the authority of any

State or political subdivision therein to enforce criminal trespass laws against aliens whom a law enforcement agency has verified to be present in the United States in violation of this Act or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 504. FEES AND EMPLOYER COMPLIANCE FUND.

(a) EQUAL ACCESS TO JUSTICE FEES.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

“(w) FEES AND COSTS.—The provisions of section 2412, title 28, United States Code, shall not apply to civil actions arising under or related to the immigration laws, including any action under—

“(1) any provision of title 5, United States Code;

“(2) any application for a writ of habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision; or

“(3) any action under section 1361 or 1651 of title 28, United States Code, that involves or is related to the enforcement or administration of the immigration laws with respect to any person or entity.”.

(b) EMPLOYER COMPLIANCE FUND.—

(1) ESTABLISHMENT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended by subsection (a), is further amended by adding at the end the following new subsection:

“(x) EMPLOYER COMPLIANCE FUND.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account which shall be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’)

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all monetary penalties collected by the Secretary of Homeland Security under section 274A.

“(3) USE OF FUNDS.—Amounts deposited into the Fund shall be used by the Secretary of Homeland Security for the purposes of enhancing employer compliance with section 274A, compliance training, and outreach.

“(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.”.

(2) CONFORMING AMENDMENT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 431(b), is further amended by adding at the end the following new subsection:

“(j) DEPOSITS OF AMOUNTS RECEIVED.—Amounts collected under this section shall be deposited by the Secretary of Homeland Security into the Employer Compliance Fund established under section 286(x).”.

SEC. 505. REENTRY OF REMOVED ALIEN.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking all that follows “United States” the first place it appears and inserting a comma;

(B) in the matter following paragraph (2), by striking “imprisoned not more than 2 years,” and inserting “imprisoned for a term of not less than 1 year and not more than 2 years,”; and

(C) by adding at the end the following: “It shall be an affirmative defense to an offense under this subsection that (A) prior to an alien's reembarkation at a place outside the United States or an alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to the alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, such alien was not required to obtain such advance consent under this Act or any prior Act.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “imprisoned not more than 10 years,” and insert “imprisoned for a term of not less than 5 years and not more than 10 years,”;

(B) in paragraph (2), by striking “imprisoned not more than 20 years,” and insert “imprisoned for a term of not less than 10 years and not more than 20 years,”;

(C) in paragraph (3), by striking “. or” and inserting “; or”;

(D) in paragraph (4), by striking “imprisoned for not more than 10 years,” and insert “imprisoned for a term of not less than 5 years and not more than 10 years,”; and

(E) by adding at the end the following: “The prior convictions in paragraphs (1) and (2) are elements of enhanced crimes and the penalties under such paragraphs shall apply only where the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime and the criminal trial for a violation of either such paragraph shall not be bifurcated.”;

(3) in subsections (b)(3), (b)(4), and (c), by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears;

(4) in subsection (c)—

(A) by inserting “(as in effect before the effective date of the amendments made by section 305 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-597)), or removed under section 241(a)(4),” after “242(h)(2)”;

(B) by striking “(unless the Attorney General has expressly consented to such alien's reentry)”;

(C) by inserting “or removal” after “time of deportation”; and

(D) by inserting “or removed” after “reentry of deported”;

(5) in subsection (d)—

(A) in the matter before paragraph (1), by striking “deportation order” and inserting “deportation or removal order”; and

(B) in paragraph (2), by inserting “or removal” after “deportation”; and

(6) by adding at the end the following new subsection:

“(e) For purposes of this section, the term ‘attempts to enter’ refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to criminal proceedings involving aliens who enter, attempt to enter, or are found in the United States, after such date.

SEC. 506. CIVIL AND CRIMINAL PENALTIES FOR DOCUMENT FRAUD, BENEFIT FRAUD, AND FALSE CLAIMS OF CITIZENSHIP.

(a) CIVIL PENALTIES FOR DOCUMENT FRAUD.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended—

(1) in subparagraph (A), by striking “$250 and not more than $2,000” and inserting “$500 and not more than $4,000”; and

(2) in subparagraph (B), by striking “$2,000 and not more than $5,000” and inserting “$4,000 and not more than $10,000”.

(b) FRAUD AND FALSE STATEMENTS.—Chapter 47 of title 18, United States Code, is amended—

(1) in section 1015, by striking “not more than 5 years” and inserting “not more than 10 years”; and

(2) in section 1028(b)—

(A) in paragraph (1), by striking “15 years” and inserting “20 years”;

(B) in paragraph (2), by striking “5 years” and inserting “6 years”;

(C) in paragraph (3), by striking “20 years” and inserting “25 years”; and

(D) in paragraph (6), by striking “one year” and inserting “2 years”.

(c) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “not more than 25 years” and inserting “not less than 25 years”

(B) by inserting “and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life,” after “section 2331 of this title)),”;

(C) by striking “20 years” and inserting “imprisoned not more than 40 years”;

(D) by striking “10 years” and inserting “imprisoned not more than 20 years”; and

(E) by striking “15 years” and inserting “imprisoned not more than 25 years”; and

(2) in subsection (b), by striking “5 years” and inserting “10 years”.

(d) CRIMES OF VIOLENCE.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

“CHAPTER 52—ILLEGAL ALIENS

“Sec.
“1131. Enhanced penalties for certain crimes committed by illegal aliens.

“§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

“(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking crime (as such terms are defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

“(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

“(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

“52. Illegal aliens .... 1131”.

SEC. 507. RENDERING INADMISSIBLE AND DEPORTABLE ALIENS PARTICIPATING IN CRIMINAL STREET GANGS.

(a) INADMISSIBLE.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

“(J) CRIMINAL STREET GANG PARTICIPATION.—

“(i) IN GENERAL.—Any alien is inadmissible if—

“(I) the alien has been removed under section 237(a)(2)(F); or

“(II) the consular officer or the Secretary of Homeland Security knows, or has reasonable ground to believe that the alien—

“(aa) is a member of a criminal street gang and has committed, conspired, or threatened to commit, or seeks to enter the United States to engage solely, principally, or incidentally in, a gang crime or any other unlawful activity; or

“(bb) is a member of a criminal street gang designated under section 219A.

“(ii) Definitions.—In this subparagraph:

“(I) Criminal street gang.—The term ‘criminal street gang’ means an ongoing group, club organization or informal association of 5 or more persons who engage, or have engaged within the past 5 years in a continuing series of 3 or more gang crimes (1 of which is a crime of violence, as defined in section 16 of title 18, United States Code).

“(II) Gang crime.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for 1 year or more, in any of the following categories:

“(aa) A crime of violence (as defined in section 16 of title 18, United States Code).

“(bb) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(cc) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(dd) Any conduct punishable under section 844 of title 18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

“(ee) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.”.

(b) Deportable.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) Criminal street gang participation.—

“(i) In general.—An alien is deportable if the alien—

“(I) is a member of a criminal street gang and is convicted of committing, or conspiring, threatening, or attempting to commit, a gang crime; or

“(II) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

“(ii) Definitions.—For purposes of this subparagraph, the terms ‘criminal street gang’ and ‘gang crime’ have the meaning given such terms in section 212(a)(2)(J)(ii).”.

(c) Designation of Criminal Street Gangs.—

(1) In general.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

“SEC. 219A. DESIGNATION OF CRIMINAL STREET GANGS.

“(a) Designation.—

“(1) In general.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(J)(ii)(I).

“(2) Procedure.—

“(A) Notice.—

“(i) To congressional leaders.—Seven days before making a designation under this subsection, the Attorney General shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group or association, and the factual basis therefore.

“(ii) Publication in federal register.—The Attorney General shall publish the designation in the Federal Register 7 days after providing the notification under clause (i).

“(B) Effect of designation.—A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

“(3) Record.—In making a designation under this subsection, the Attorney General shall create an administrative record.

“(4) Period of designation.—

“(A) In general.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

“(B) Review of designation upon petition.—

“(i) In general.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

“(ii) Petition period.—For purposes of clause (i)—

“(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

“(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) Procedures.—Any criminal street gang that submits a petition for revocation under this subparagraph shall provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

“(iv) Determination..—

“(I) In general.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

“(II) Publication of determination.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

“(III) Procedures.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

“(C) Other review of designation.—

“(i) In general.—If in a 4-year period no review has taken place under subparagraph (B), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) Procedures.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) Publication of results of review.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

“(5) Revocation based on change in circumstances.—

“(A) In general.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (b) and (c) of paragraph (4) if the Attorney General finds that—

“(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

“(ii) the national security of the United States warrants a revocation.

“(B) Procedure.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

“(6) Effect of revocation.—The revocation of a designation under paragraph (5) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

“(7) Use of designation in hearing.—If a designation under this subsection has become effective under paragraph (2)(B), an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

“(b) Judicial Review of Designation.—

“(1) In general.—Not later than 60 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

“(2) Basis of review.—Review under this subsection shall be based solely upon the administrative record.

“(3) Scope of review.—The court shall hold unlawful and set aside a designation the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

"(D) lacking substantial support in the administrative record taken as a whole; or

"(E) not in accord with the procedures required by law.

"(4) Judicial review invoked.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

"(c) Relevant Committee Defined.—As used in this section, the term 'relevant committees' means the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.".

(2) Clerical amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

"Sec. 219A. Designation of criminal street gangs.".

SEC. 508. MANDATORY DETENTION OF SUSPECTED CRIMINAL STREET GANG MEMBERS.

(a) In General.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(1) by inserting "or 212(a)(2)(J)" after "212(a)(3)(B)"; and

(2) by inserting "or 237(a)(2)(F)" before "237(a)(4)(B)".

(b) Annual Report.—Not later than March 1 2007, and annually thereafter, the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the number of aliens detained under the amendments made by subsection (a).

SEC. 509. INELIGIBILITY FOR ASYLUM AND PROTECTION FROM REMOVAL.

(a) Inapplicability of Restriction on Removal to Certain Countries.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting "who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) or who is" after "to an alien".

(b) Ineligibility for Asylum.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking "or" at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

"(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) (relating to participation in criminal street gangs); or".

(c) Denial of Review of Determination of Ineligibility for Temporary Protected Status.—Section 244(c)(2) of such Act (8 U.S.C. 1254a(c)(2)) is amended by adding at the end the following:

"(C) Limitation on judicial review.—There shall be no judicial review of any finding under subparagraph (B) that an alien is described in section 208(b)(2)(A)(vi).".

SEC. 510. PENALTIES FOR MISUSING SOCIAL SECURITY NUMBERS OR FILING FALSE INFORMATION WITH SOCIAL SECURITY ADMINISTRATION.

(a) Misuse of Social Security Numbers.—

(1) In general.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(A) in paragraph (7), by adding after subparagraph (C) the following:

"(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records), to any person; or";

(B) in paragraph (8), by adding "or" at the end; and

(C) by inserting after paragraph (8) the following:

"(9) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number that purports to be a social security account number;

"(10) willfully acts or fails to act so as to cause a violation of section 205(c)(2)(C)(xii);

"(11) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof, or a person acting as an agent of such an agency or instrumentality (or an officer or employee thereof or a person acting as an agent thereof) in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C); or

"(12) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x) or (xi) of section 205(c)(2)(C).".

(2) Effective dates.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act, as added by paragraph (1), shall apply with respect to each violation occurring after the date of the enactment of this Act. Paragraphs (10), (11), and (12) of section 208(a) of such Act, as added by paragraph (1)(C), shall apply with respect to each violation occurring on or after the effective date of this Act.

(b) Report on Enforcement Efforts Concerning Employers Filing False Information Returns.—The Commissioner of Internal Revenue and the Commissioner of Social Security shall submit to Congress an annual report on efforts taken to identify and enforce penalties against employers that file incorrect information returns.

SEC. 511. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Terrorist Activities.—Section 212 (a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended—

(1) by striking "Subclause (VII) of clause (i)" and inserting "Subclause (IX) of clause (i)"; and

(2) in subclause (II), by striking "consular officer or Attorney General" and inserting "consular officer, Attorney General, or Secretary of Homeland Security".

(b) Clarification of Ineligibility for Misrepresentation.—Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

Subtitle B—Detention, Removal, and Departure

SEC. 521. VOLUNTARY DEPARTURE REFORM.

(a) Encouraging Aliens to Depart Voluntarily.—

(1) Authority.—Subsection (a) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(A) by amending paragraph (1) to read as follows:

"(1) In lieu of removal proceedings.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, in lieu of being subject to proceedings under section 240, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4).";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1) the following new paragraph:

"(2) Prior to the conclusion of removal proceedings.—After removal proceedings under section 240 are initiated, the Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, prior to the conclusion of such proceedings before an immigration judge, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4)."; and

(E) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

(2) Voluntary departure period.—Such section is further amended—

(A) in subsection (a)(3), as redesignated by paragraph (1)(C)—

(i) by amending subparagraph (A) to read as follows:

"(A) In lieu of removal.—Subject to subparagraph (C), permission to depart voluntarily under paragraph (1) shall not be valid for a period exceeding 90 days. The Secretary of Homeland Security may require an alien permitted to depart voluntarily under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) in subparagraph (B), by striking "subparagraphs (C) and (D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(iii) in subparagraphs (C) and (D), by striking "subparagraph (B)" and inserting "subparagraph (C)" each place it appears;

(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(v) by inserting after subparagraph (A) the following new subparagraph:

"(B) Prior to the conclusion of removal proceedings.—Permission to depart voluntarily under paragraph (2) shall not be valid for a period exceeding 60 days, and may be granted only after a finding that the alien has established that the alien has the means to depart the United States and intends to do so. An alien permitted to depart voluntarily under paragraph (2) must post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive posting of a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will be a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure."; and

(B) in subsection (b)(2), by striking "60 days" and inserting "45 days".

(3) Voluntary departure agreements.—Subsection (c) of such section is amended to read as follows:

"(c) Conditions on Voluntary Departure.—

"(1) Voluntary departure agreement.—Voluntary departure will be granted only as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) Concessions by the Secretary.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security in the exercise of discretion may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) Failure to comply with agreement and effect of filing timely appeal.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including a failure to timely post any required bond), the alien automatically becomes ineligible for the benefits of the agreement, subject to the penalties described in subsection (d), and subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b). However, if an alien agrees to voluntary departure but later files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences thereof, but the alien may not again be granted voluntary departure while the alien remains in the United States.".

(4) Eligibility.—Subsection (e) of such section is amended to read as follows:

"(e) Eligibility.—

"(1) Prior grant of voluntary departure.—An alien shall not be permitted to depart voluntarily under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) Additional limitations.—The Secretary of Homeland Security may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class or classes of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(2) or (b) for any class or classes of aliens. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court may review any regulation issued under this subsection.".

(b) Avoiding Delays in Voluntary Departure.—

(1) Alien's obligation to depart within the time allowed.—Subsection (c) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

"(4) Voluntary departure period not affected.—Except as expressly agreed to by the Secretary of Homeland Security in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.".

(2) No tolling.—Subsection (f) of such section is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(c) Penalties for Failure To Depart Voluntarily.—

(1) Penalties for failure to depart.—Subsection (d) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended to read as follows:

"(d) Penalties for Failure To Depart.—If an alien is permitted to depart voluntarily under this section and fails voluntarily to depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the following provisions apply:

"(1) Civil penalty.—

"(A) In general.—The alien will be liable for a civil penalty of $3,000.

"(B) Specification in order.—The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record.

"(C) Collection.—If the Secretary of Homeland Security thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law.

"(D) Ineligibility for benefits.—An alien will be ineligible for any benefits under this title until any civil penalty under this subsection is paid.

"(2) Ineligibility for relief.—The alien will be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249.

"(3) Reopening.—

"(A) In general.—Subject to subparagraph (B), the alien will be ineligible to reopen a final order of removal which took effect upon the alien's failure to depart, or the alien's violation of the conditions for voluntary departure, during the period described in paragraph (2).

"(B) Exception.—Subparagraph (A) does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture.

"The order permitting the alien to depart voluntarily under this section shall inform the alien of the penalties under this subsection.".

(2) Implementation of existing statutory penalties.—The Secretary of Homeland Security shall implement regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act, as amended by paragraph (1).

(d) Voluntary Departure Agreements Negotiated by State or Local Courts.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended by adding at the end the following new subsection:

"(g) Voluntary Departure Agreements Negotiated by State or Local Courts.—

"(1) In general.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection at any time prior to the scheduling of the first merits hearing, in lieu of applying for another form of relief from removal, if the alien—

"(A) is deportable under section 237(a)(1);

"(B) is charged in a criminal proceeding in a State or local court for which conviction would subject the alien to deportation under paragraphs (2) through (6) of section 237(a); and

"(C) has accepted a plea bargain in such proceeding which stipulates that the alien, after consultation with counsel in such proceeding—

"(i) voluntarily waives application for another form of relief from removal;

"(ii) consents to transportation, under custody of a law enforcement officer of the State or local court, to an appropriate international port of entry where departure from the United States will occur;

"(iii) possesses or will promptly obtain travel documents issued by the foreign state of which the alien is a national or legal resident; and

"(iv) possesses the means to purchase transportation from the port of entry to the foreign state to which the alien will depart from the United States.

"(2) Review.—The Secretary shall promptly review an application for voluntary departure for compliance with the requirements of paragraph (1). The Secretary shall permit voluntary departure under this subsection unless the State or local jurisdiction is informed in writing not later that 30 days after such application is filed, that the Secretary intends to seek removal under section 240.".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the date of the enactment of this Act.

(2) Exception.—The amendment made by subsection (b)(2) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is entered on or after such date.

SEC. 522. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.

(a) In General.—

(1) Bonds.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

"(2) may, upon an express finding by an immigration judge, that the alien is not a flight risk and is not a threat to the United States, release the alien on a bond—

"(A) of not less than $5,000 release an alien; or

"(B) if the alien is a national of Canada or Mexico, of not less than $3,000; or.".

(2) Conforming amendment.—Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by inserting "or the Secretary of Homeland Security" after the "Attorney General" each place it appears.

(3) Report.—Not later than 2 years after the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the number of aliens who are citizens or nationals of a country other than Canada or Mexico who are apprehended along an international land border of the United States between ports of entry.

(b) Detention of Aliens Delivered by Bondsmen.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following new paragraph:

"(8) EFFECT OF PRODUCTION OF ALIEN BY BONDSMAN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall take into custody any alien subject to a final order of removal, and cancel any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall take effect on the date of the enactment of this Act and the amendment made by subsection (b) shall apply to all immigration bonds posted before, on, or after such date.

SEC. 523. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) of such Act (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 524. REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.

Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

"(5) REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.—

"(A) REMOVAL.—The Secretary of Homeland Security shall remove an alien who is an applicant for admission (other than an admissible alien presenting himself or herself for inspection at a port of entry or an alien paroled into the United States under section 212(d)(5)), after having been, on or after September 30, 1996, excluded, deported, or removed, or having departed voluntarily under an order of exclusion, deportation, or removal.

"(B) JUDICIAL REVIEW.—The removal described in subparagraph (A) shall not require any proceeding before an immigration judge, and shall be under the prior order of exclusion, deportation, or removal, which is not subject to reopening or review. The alien is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of sections 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.".

SEC. 525. CANCELLATION OF REMOVAL.

Section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)) is amended by adding at the end the following:

"(7) An alien who is inadmissible under section 212(a)(9)(B)(i).".

SEC. 526. DETENTION OF DANGEROUS ALIEN.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended—

(1) in subsection (a), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears;

(2) in subsection (a)(1)(B), by adding after clause (iii) the following:

"If, at that time, the alien is not in the custody of the Secretary (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary.".

(3) by amending clause (ii) of subsection (a)(1)(B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(4) by amending subparagraph (C) of subsection (a)(1) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(5) in subsection (a)(2), by adding at the end "If a court orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary in the exercise of discretion may detain the alien during the pendency of such stay of removal.";

(6) in subsection (a)(3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or perform affirmative acts, that the Secretary prescribes for the alien, in order to prevent the alien from absconding, or for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(7) in subsection (a)(6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(8) by redesignating paragraph (7) of subsection (a) as paragraph (10) and inserting after paragraph (6) of such subsection the following new paragraphs:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary, in the Secretary's discretion, may parole the alien under section 212(d)(5) of this Act and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) APPLICATION OF ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The rules set forth in subsection (j) shall only apply with respect to an alien who was lawfully admitted the most recent time the alien entered the United States or has otherwise effected an entry into the United States.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraphs (6), (7), or (8) or subsection (j) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right."; and

(9) by adding at the end the following new subsection:

"(j) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—

"(1) APPLICATION.—The rules set forth in this subsection apply in the case of an alien described in subsection (a)(8).

"(2) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether the aliens should be detained or released on conditions for aliens who—

"(i) have made all reasonable efforts to comply with their removal orders;

"(ii) have complied with the Secretary's efforts to carry out the removal orders, including making timely application in good faith for travel or other documents necessary to the alien's departure; and

"(iii) have not conspired or acted to prevent removal.

"(B) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraphs (3) and (4). The determination—

"(i) shall include consideration of any evidence submitted by the alien and the history of the alien's efforts to comply with the order of removal; and

"(ii) may include any information or assistance provided by the Secretary of State or other Federal agency and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

"(3) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

"(A) INITIAL 90-DAY PERIOD.—The Secretary of Homeland Security in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(B) EXTENSION.—

"(i) IN GENERAL.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90-day period authorized in subparagraph (A)—

"(I) until the alien is removed if the conditions described in subparagraph (A) or (B) of paragraph (4) apply; or

"(II) pending a determination as provided in subparagraph (C) of paragraph (4).

"(ii) RENEWAL.—The Secretary may renew a certification under paragraph (4)(B) every six months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under such paragraph.

"(iii) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification described in clause (ii), (iii), or (v) of paragraph (4)(B) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iv) HEARING.—The Secretary may request that the Attorney General provide for a hearing to make the determination described in clause (iv)(II) of paragraph (4)(B).

"(4) CONDITIONS FOR EXTENSION.—The conditions for continuation of detention are any of the following:

"(A) The Secretary determines that there is a significant likelihood that the alien—

"(i) will be removed in the reasonably foreseeable future; or

"(ii) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal.

"(B) The Secretary certifies in writing any of the following:

"(i) In consultation with the Secretary of Health and Human Services, the alien has a highly contagious disease that poses a threat to public safety.

"(ii) After receipt of a written recommendation from the Secretary of State, the release of the alien is likely to have serious adverse foreign policy consequences for the United States.

"(iii) Based on information available to the Secretary (including available information from the intelligence community, and without regard to the grounds upon which the alien was ordered removed), there is reason to believe that the release of the alien would threaten the national security of the United States.

"(iv) The release of the alien will threaten the safety of the community or any person, the conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

"(I) the alien has been convicted of one or more aggravated felonies described in section 101(a)(43)(A) or of one or more crimes identified by the Secretary by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least five years; or

"(II) the alien has committed one or more crimes of violence and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

"(v) The release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony.

"(C) Pending a determination under subparagraph (B), if the Secretary has initiated the administrative review process no later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(5) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary in the exercise of discretion may impose conditions on release as provided in subsection (a)(3).

"(6) REDETENTION.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to cooperate in the alien's removal from the United States, or if, upon reconsideration, the Secretary determines that the alien can be detained under paragraph (1). Paragraphs (6) through (8) of subsection (a) shall apply to any alien returned to custody pursuant to this paragraph, as if the removal period terminated on the day of the redetention.

"(7) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry into the United States but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary in the exercise of discretion may decide not to apply subsection (a)(8) and this subsection and may detain the alien without any limitations except those imposed by regulation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 527. ALTERNATIVES TO DETENTION.

The Secretary of Homeland Security shall implement pilot programs in the 6 States with the largest estimated populations of deportable aliens to study the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders.

SEC. 528. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

SA 3268. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 324, after line 22, add the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

"(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

"(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) MAINTENANCE OF INFORMATION.—

"(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(g) DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.".

(h) EFFECTIVE DATE.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 3269. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 5, strike "$1,000" and insert "$5,000".

On page 341, line 17, strike "$1,000" and insert "$10,000".

SA 3270. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 8, strike "21" and insert "14".

On page 341, line 17, strike "21" and insert "14".

SA 3271. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 5, strike "$1,000" and insert "$5,000".

On page 333, line 8, strike "21" and insert "14".

On page 341, strike line 17 and insert the following: "least 21 years of age shall pay a fee of $10,000,".

SA 3272. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 342, strike line 25 and all that follows through page 343, line 7, and insert the following: "alien meets the requirements of section 312.".

SA 3273. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 6 and 7, insert the following:

"(6) MEDICAL EXAMINATION.—An alien may not be granted conditional nonimmigrant status under this section unless the alien undergoes, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

On page 341, strike line 23 and all that follows through page 342, line 2.

SA 3274. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 327, strike lines 2 through 6 and insert the following:

"(ii) business records; or

"(iii) remittance records.

SA 3275. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 326, strike lines 4 and 5 and insert the following:

"(2) EVIDENCE OF EMPLOYMENT.—An alien

On page 326, strike line 19 and all that follows through page 327, line 6.

SA 3276. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike line 7 and all that follows through "(3)" on line 16, and insert "(2)".

On page 334, line 21, strike "(4)" and insert "(3)".

SA 3277. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 337, strike line 19 and all that follows through "(j)" on page 338, line 23, and insert "(i)".

SA 3278. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 338, strike lines 19 through 22.

SA 3279. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 338, lines 17 and 18, strike ", when such information is requested in writing by such entity".

SA 3280. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 338, beginning on line 17, strike ", when such" and all that follows through line 22.

SA 3281. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 276, line 8, strike "visa—" and all that follows through line 12, and insert the following: "visa by the alien's employer.".

SA 3282. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 324, strike lines 1 through 17.

SA 3283. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . H-1B EMPLOYER FEE.

Section 214(c)(9)(B) (8 U.S.C. 1184(c)(9)(B)) is amended by striking "$1,500" and inserting "$2,000".

SA 3284. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) Internal Corruption: Benefits Fraud.—Section 453 of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking "the Bureau of" each place it appears and inserting "United States";

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) establishing the Office of Internal Corruption Investigation, which shall—

"(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

"(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

"(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

"(D) request such information or assistance from any Federal, State, or local governmental agency as may be necessary for carrying out the duties and responsibilities under this section;

"(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

"(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

"(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

"(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(G) investigate criminal allegations and noncriminal misconduct;

"(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

"(I) be under the direct supervision of the Director.";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

"(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

"(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

"(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

"(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud."; and

(3) by adding at the end the following:

"(c) Annual Report.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

"(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

"(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).".

(b) Use of Immigration Fees to Combat Fraud.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: "Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).".

SA 3285. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. NATIONAL CENTER FOR WELCOMING NEW AMERICANS.

(a) Establishment.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, may establish the National Center for Welcoming New Americans, an organization duly established at the University of Northern Iowa.

(b) Purposes.—The purposes of the National Center for Welcoming New Americans shall be—

(1) to promote the integration of new immigrants and refugees in communities, institutions, faith-based organizations, and workplaces;

(2) to provide training to new immigrants and refugees with respect to culturally appropriate social and health services;

(3) to create publications for new immigrants and refugees, United States citizens, and institutions; and

(4) to establish a national clearinghouse to collect and disseminate information relating to best practices in immigrant integration in the United States and abroad.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 3286. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 342, strike lines 3 through 21, and insert the following:

"(5) Payment of income taxes.—

"(A) In general.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) Applicable federal income tax liability.—For purposes of subparagraph (A), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed for any year during the period of employment required by section 218D(b)(1)(B) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS cooperation.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

On page 364, strike lines 6 through 25, and insert the following:

(D) Payment of income taxes.—

(i) In general.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal income tax liability" means liability for Federal income taxes owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3287. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 3 and 4, insert the following:

"(2) PAYMENT OF INCOME TAXES.—

"(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of subparagraph (A), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed during the period of employment required by paragraph (1)(B) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

On page 342, strike lines 3 through 21, and insert the following:

"(5) PAYMENT OF INCOME TAXES.—

"(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of subparagraph (A), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed for any year during the period of employment required by section 218D(b)(1)(B) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

On page 364, strike lines 6 through 25, and insert the following:

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal income tax liability" means liability for Federal income taxes owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3288. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 340, between lines 5 and 6, insert the following:

"(k) DEADLINE FOR APPLICATION.—

"(1) SCHEDULE TO ACCEPT APPLICATIONS.—Not later than 90 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security shall begin accepting and processing applications for conditional nonimmigrant work authorization and status under this section.

"(2) SCHEDULE FOR SUBMISSION OF APPLICATIONS.—The Secretary may not grant conditional nonimmigrant work authorization and status under this section to an alien unless the alien submits an application for such authorization and status during the 180-day period beginning on the date the Secretary begins accepting applications under paragraph (1).

"(l) AUTHORITY TO REMOVE.—Notwithstanding any other provision of law, an alien who is not lawfully present in the United States who does not submit an application for conditional nonimmigrant work authorization and status during the period described in subsection (k)(2) shall be subject to immediate removal from the United States.".

SA 3289. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 5, strike "a $1,000 fine." and insert "a fine, as follows:

(i) For an alien submitting such application during the 60-day period beginning on the date the Secretary begins accepting such applications, the alien shall pay a fine of $1000.

(ii) For an alien submitting such application during the 30-day period beginning on the date the period described in clause (i) ends, the alien shall pay a fine of $2000.

(iii) For an alien submitting such application during the 30-day period beginning on the date the period described in clause (ii) ends, the alien shall pay a fine of $3000.

(iv) For an alien submitting such application during the 30-day period beginning on the date the period described in clause (iii) ends, the alien shall pay a fine of $4000.

(v) For an alien submitting such application after the date the period described in clause (iv) ends, the alien shall pay a fine of $5000.

SA 3290. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 32, between lines 5 and 6, insert the following:

(b) MOBILE IDENTIFICATION SYSTEM.—

(1) REQUIREMENT FOR SYSTEMS.—Not later than October 1, 2007, the Secretary shall deploy wireless, hand-held biometric identification devices, interfaced with United States Government immigration databases, at all United States ports of entry and along the international land borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2007 to carry out this subsection.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (2) shall remain available until expended.

SA 3291. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHMENT OF A NATIONAL PUBLIC ACHIEVEMENT PILOT PROGRAM FOR NEW IMMIGRANTS AND CROSS-CULTURAL UNDERSTANDING.

(a) FINDINGS.—Congress finds that—

(1) it is desirable to educate new immigrants about American civic rights and duties;

(2) fostering civic dialogue between new immigrants and American citizens will help to bring new immigrants into the fabric of the communities in which they live;

(3) for over 15 years, the Public Achievement program at the University of Minnesota has given people the opportunity to be producers and creators of their communities;

(4) through that program, participants have learned basic methods for becoming civically engaged citizens;

(5) the Public Achievement program was created in 1990 as a partnership between the city of St. Paul, Minnesota and the Center for Democracy and Citizenship at the Humphrey Institute of Public Affairs;

(6) as of the date of enactment of this Act, public achievement programs have been established in the States of Minnesota, New York, Colorado, Florida, New Hampshire, Wisconsin, California, and Missouri;

(7) internationally, the Public Achievement program (and similar programs) are active in Northern Ireland, Turkey, Palestine, Israel, Poland, Moldova, Ukraine, Romania, Bulgaria, Serbia, Macedonia, Albania, Kosovo, and Scotland;

(8) the Public Achievement program has been recognized nationally as a promising model of youth civic engagement by the National Commission on Civic Renewal and in the Civic Mission of Schools report by the Carnegie Corporation of New York and the Center for Information and Research on Civic Learning and Engagement (CIRCLE);

(9) the Public Achievement program model of civic engagement can serve as a valuable model for educating new immigrants about their civic rights and duties;

(10) working alongside American-born citizens to practice the skills of citizenship, new immigrants involved in public achievement programs will begin to understand and embrace American civic values;

(11) through public achievement programs, American citizens will put their values into action and gain understanding of and appreciation for new cultures; and

(12) through public work and reflection, immigrants and American citizens will form ideas about freedom, democracy, citizenship, and other ideals that are at the core of American society.

(b) ESTABLISHMENT.—The Director of the Bureau of Citizenship and Immigration Services shall establish a National Public Achievement Pilot Program for new immigrants and cross-cultural understanding that is carried out at elementary, middle, and high schools in the United States for the purposes described in subsection (c).

(c) PURPOSES.—The purposes of the National Public Achievement Pilot Program for new immigrants and cross-cultural understanding shall be—

(1) to develop civic skills and engage immigrants and American citizens in creative opportunities for enhancing public life;

(2) to promote sustained productive efforts between people of different backgrounds, views, and interests;

(3) to educate new immigrant groups regarding methods to become involved in local and national civics, while teaching others about the culture of such groups; and

(4) to enable American citizens and immigrants to work with civic, educational, community-based, and faith-based organizations dedicated to creating a broad culture of citizenship, civic renewal, and intercultural understanding.

SA 3292. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ____. ACCESS FOR SHORT-TERM STUDY.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting "Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed $35.".

(2) TECHNICAL AMENDMENTS.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) in the third sentence, by striking "Attorney General's" and inserting "Secretary's".

(b) RECREATIONAL COURSES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

(c) LANGUAGE TRAINING PROGRAMS.—

(1) REQUIREMENT FOR ACCREDITATION.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking "a language" and inserting "an accredited language".

(2) REQUIREMENT FOR REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1). Such regulations shall—

(A) except as provided in subparagraphs (C) and (D), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) be accredited by an accrediting agency recognized by the Secretary of Education;

(B) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary with documentation regarding the specific subject matter for which the program is accredited;

(C) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program that is not accredited as described in subparagraph (A) during the 2-year period beginning on the date of the enactment of this Act; and

(D) permit a language training program established after the date of the enactment of this Act and that is not accredited as described in subparagraph (A) to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 2-year period beginning on the date such language training program is established.

SA 3293. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ENHANCED PENALTIES FOR SLAVERY.

Chapter 77 of title 18, United States Code, is amended—

(1) in section 1581(a), by striking "or if" and inserting "the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If";

(2) in section 1583, by striking "or if" and inserting "the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If";

(3) in section 1584, by striking "or if" and inserting "the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If";

(4) in section 1589, by striking "or if" and inserting "the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If";

(5) in section 1590, by striking "or if" and inserting "the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If"; and

(6) in section 1591(b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) if the offense resulted in the death of the victim, a fine under this title, death or imprisonment for not less than 30 years and not more than life, or both;".

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON QUARTERS OF COVERAGE EARNED BY AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL WHILE THAT INIDIVIDUAL IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) IN GENERAL.—Section 213(a)(2)(B)(i) of the Social Security Act (42 U.S.C. 413(a)(2)(B)(i)) is amended—

(1) by striking "and no quarter" and inserting ", no quarter"; and

(2) by inserting before the semicolon the following: ", and no quarter any part of which includes wages paid to an individual or self-employment income earned by an individual while the individual was not assigned a social security account number consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i) or was not described in section 214(c)(2) shall be a quarter of coverage".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed on or after the date of enactment of this Act.

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 20% of the money appropriated in any given year shall be available to states along the Northern border of the United States.

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUFFIEIENCY OF REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3297. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —BORDER HEALTH SECURITY

SEC. ___01. SHORT TITLE.

This Act may be cited as the "Border Health Security Act of 2006".

SEC. 02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term "border area" has the meaning given the term "United States-Mexico Border Area" in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. ___03. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. ___04. BORDER HEALTH DEMONSTRATION PROJECTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to fund demonstration projects to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) demonstration programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other demonstration programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. ___05. PROVISION OF RECOMMEDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-3) is amended by adding at the end the following:

"(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concering issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.".

SEC. ___06. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational public health infrastructure and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

SA 3298. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.

The Secretary shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico, to remain in New Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

SA 3299. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—

(1) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title:

"(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

"(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

"(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

"(v) an estimate of the number of individuals who will be affected by the agreement,

"(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

"(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and   establishing totalization arrangements between the social security system established by title II of such Act and the social security system of   , transmitted to the Congress by the President on   , is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the proceeding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after April 1, 2006.

(b) BIENNIAL GAO REPORT ON IMPACT TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(6) Not later than January 1, 2007, and biennially thereafter, the Comptroller General of the United States shall submit a report to Congress and the President with respect to each such agreement that has become effective that—

"(A) compares the estimates, statements, and assessments contained in the report submitted to Congress under paragraph (2) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on the estimated income and expenditures of the social security system established by this title; and

"(B) contains such recommendations for adjusting the methods used to make the estimates, statements, and assessments required for reports submitted under paragraph (2) as the Comptroller General determines necessary.".

SA 3300. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 221 of the amendment, strike line 23 and all that follows through page 225, line 16 and insert the following:

SEC. 401. STUDY AND REPORT ON IMMIGRATION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, titles IV, V, and VI shall not take effect until the date that is 30 days after the date that the report required by subsection (c)(3) is submitted to the appropriate congressional committees.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study of—

(A) the impacts to the infrastructure of the United States and quality of life of the people of the United States of—

(i) policies related to the admission of aliens to the United States and to changes in immigration status of aliens in the United States; and

(ii) the entry of aliens into the United States illegally; and

(B) the changes to such impacts that may result from any proposal to increase in the number of such admissions, changes in immigration status, or entries.

(2) CONSULTATION.—The Secretary shall consult with the Secretaries of Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, Transportation, and the Treasury and the Administrator of the Environmental Protection Agency in conducting the study required by paragraph (1).

(3) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report, after the Comptroller General of the United States has reviewed such report, on the findings of the study required by paragraph (1). The report shall include the following:

(A) An estimate of the populations of legal and illegal immigrants in the United States as a percentage of the total population of the United States, and the manner in which the provisions of this Act and any amendments made by this Act may affect such percentage.

(B) The projected impact of legal and illegal immigration on the size of the total population of the United States during the 50-year period beginning on the date of enactment of this Act, including such impact to the regions of the United States that are likely to experience the largest increases in immigration and the manner in which the provisions of this Act and any amendments made by this Act may affect such impact.

(C) An assessment of the impacts of the admission of aliens to the United States, and the entry of aliens into the United States illegally, as of the date of enactment of this Act, and an assessment of the changes to such impacts that may result from the provisions of this Act and any amendments made by this Act that increase the number of such admissions, with respect to each of the following:

(i) The natural environment of the United States, including the consumption of nonrenewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, including an estimate of the public expenditures required to maintain standards in each such area, and the degree to which standards will deteriorate if such expenditures are not made.

(ii) The rates of employment and wages in the United States, particularly in industries that historically have employed large numbers of alien workers, and an estimate of the public costs associated with any decrease to such rates.

(iii) The need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet such need, and the impact on the mobility of people in the United States if such expenditures are not made.

(iv) The quality of education in the United States, including the ability to enroll in school, and to maintain class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain median standards in such areas, and the degree to which such standards will deteriorate if such expenditures are not made.

(v) The rates of homeownership, cost of housing, and the demand for low-income and subsidized housing in the United States, the public expenditures required to maintain median standards in such areas, and the degree to which such standards will deteriorate if such expenditures are not made.

(vi) The cost of health care and health insurance and the ability to access to quality health care in the United States, an estimate of the public expenditures required to maintain median standards in such areas, and the degree to which such standards will deteriorate if such expenditures are not made.

(vii) The effectiveness of the criminal justice system in the United States and an estimate of the public expenditures associated with the criminal justice system.

(D) The comments of the Comptroller General of the United States.

SA 3301. Ms. CANTWELL (for herself, Mr. CRAPO, Mr. JEFFORDS, Mr. CRAIG, Mrs. MURRAY, Mr. BAUCUS, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) Initiative Required.—

(1) In general.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) Relation with southwestern border prosecution initiative.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) Provision and Allocation of Funds.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) Use of Funds.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) Definitions.—In this section:

(1) Case disposition.—The term "case disposition"—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(2) Eligible northern border entity.—The term "eligible northern border entity" means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) Federally declined-referred.—The term "federally declined-referred"—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) Federally initiated.—The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SA 3302. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 21 and 22, insert the following new section:

SEC. 412. GLOBAL HEALTHCARE COOPERATION.

(a) Global Healthcare Cooperation.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

"(a) In General.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien to reside in a candidate country during the period the eligible alien is working as a health care worker in a candidate country and the eligible alien and the spouse or child of the eligible alien who are absent from the United States during the period the eligible alien is working as a health care worker in a candidate country, shall be considered, during such period—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) Definitions.—In this section:

"(1) Candidate country.—The term 'candidate country' means a country that the Secretary of State determines is—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved; or

"(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

"(2) Eligible alien.—The term 'eligible alien' means an alien who—

"(A) has been lawfully admitted to the United States for permanent residence;

"(B) is a health care worker; and

"(C) demonstrates an ability and willingness to reside in certain candidate countries and work as a health care professional.

"(c) Family Members.—Notwithstanding any other provision of this Act, an eligible alien and the spouse or child of an eligible alien may—

"(1) reside outside the United States during the time the eligible alien is working as a health care professional in a candidate country; and

"(2) reenter the United States.

"(d) Duration.—

"(1) In general.—Except as provided under paragraph (2), an eligible alien may work in a candidate country as described in subsection (a) for a period of not more than 24 months.

"(2) Extension of time.—The Secretary of Homeland Security may extend the 24-month period referred to in paragraph (1) if the Secretary determines that—

"(A) the extension is in the national interest of the United States; or

"(B) other extraordinary circumstances warrant the extension.

"(e) CONSULTATION WITH THE SECRETARY OF STATE.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

"(f) PUBLICATION.—The Secretary of State shall publish—

"(1) not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, a list of candidate countries; and

"(2) an amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".

(b) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of persons participating in the Global Healthcare Cooperation Program.".

(c) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section and the amendments made by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services for each of the fiscal years 2007 and 2008, such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 413. ATTESTATION BY HEALTH CARE WORKERS.

Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

"(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a health care worker, including a physician, is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period that the alien is obligated to perform labor as a health care worker in another country, such as an obligation undertaken in a contract of service agreed to as part of the alien's education or training.

"(ii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that an obligation under clause (i) was incurred involuntarily, under coercion, or in other extraordinary circumstances.".

SA 3303. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 99, strike lines 12 through 16 and insert the following:

"(4) ATTEMPT.—Whoever attempts to commit

SA 3304. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 273, strike lines 14 through 17 and insert the following:

(1) in subparagraph (A)(ix) (as added by section 508(c)(1)(B)(ii)), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) under section 101(a)(15)(H)(ii)(a) may not exceed 90,000; and

"(D) under section 101(a)(15)(H)(ii)(c)

SA 3305. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 99, strike lines 12 through 15 and insert the following:

"(4) DURATION OF OFFENSE.—

"(A) IN GENERAL.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(B) APPLICABILITY.—Subparagraph (A) shall apply only to offenses that occur after the date of enactment of this Act.

SA 3306. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 287 of the amendment, strike line 6 and all that follows through page 294, line 4.

SA 3307. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary of the Interior, shall provide—

(A) increased Customs and Border Protection personnel to secure Federal land and units of the National Park System along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to Federal land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on land under the jurisdiction of the Department of the Interior that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary of the Interior to ensure that the training is appropriate to the mission of the National Park Service or the relevant agency of the Department of the Interior to minimize the adverse impact on natural and cultural resources from border protection activities.

(b) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary of the Interior shall develop and submit to the Secretary an inventory of costs incurred by the National Park Service relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(c) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service for an appropriate cost recovery mechanism relating to items identified in subsection (b); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S. C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(d) BORDER PROTECTION STRATEGY.—The Secretary and the Secretary of the Interior shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) land under the jurisdiction of the United States Fish and Wildlife Service; and

(3) other relevant land under the jurisdiction of the Department of the Interior.

SA 3308. Mr. CORNYN (for himself, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike line 9 and all that follows through page 221, line 18 and insert the following:

SA 3309. Mr. CORNYN (for himself, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 13 and all that follows through page 335, line 11, and insert the following:

"(g) TREATMENT OF APPLICATNS DURING REMOVAL PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for a grant of status under this title unless a final administrative determination has been made.

SA 3310. Mr. CORNYN (for himself, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table: as follows:

Beginning on page 337, strike line 19 and all that follows through page 338, line 22.

SA 3311. Mr. KYL (for himself, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 276, strike line 4 and all that follows through page 277, line 21, and insert the following:

"(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 5, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Problem of Methamphetamine in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 4, 2006, at 10 a.m., to conduct a hearing on "A Current Assessment of Money Laundering and Terrorist Financing Threats and Countermeasures."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 4, 2006, at 3 p.m., to conduct a hearing on "Reform of FHA's Title I Manufactured Housing Loan Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 4, 2006, at 10 a.m. on TSA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 4, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Preparing Your Taxes: How Costly Is It?".

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 4, 2006, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND TERRORISM

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on International Operations and Terrorism be authorized to meet during the session of the Senate on Tuesday, April 4, 2006, at 10 a.m., hold a closed briefing on Counterterrorism Priorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on April 4, 2006, at 2:30 p.m., in open session to continue to received testimony on health benefits and programs in review of the Defense authorized request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMITTEE ON SEAPOWER

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on April 4, 2006, at 3:30 p.m., in open session to received testimony on the posture of the U.S. transportation command in review of the Defense authorization request for fiscal year 2007 and future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on April 4, 2006, at 10 a.m., in open session to receive testimony on missile defense programs in review of the Defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator BAUCUS, I ask unanimous consent that the following list of fellows and interns with the Finance Committee staff be allowed on the Senate floor for the duration of debate on the immigration reform bill: Lesley Meeker, Britt Sandler, Lauren Shields, Laura Kellams, and Deidra Henry-Spires.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 598

Mr. BENNETT. Mr. President, I ask unanimous consent that calendar No. 374, S. 598, now be referred to the Banking Committee and then immediately discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMOTING FREEDOM OF RELIGION IN AFGHANISTAN

Mr. BENNETT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 421, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 421) calling on the government of Afghanistan to uphold freedom of religion and urging the Government of the United States to promote religious freedom in Afghanistan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, in the past week, the world has witnessed the arrest, the imprisonment, the threatened execution, and eventually the release of a man in Afghanistan named Abdul Rahman. His so-called crime? Apostasy. He was threatened with capital punishment because 16 years ago, while working on a humanitarian mission in Pakistan, he converted to Christianity.

Abdul Rahman has thankfully been released, and charges against him have been dropped. However, religious freedom remains in jeopardy in Afghanistan as do those who might choose to practice it.

I have great respect for President Karzai and the state he is trying to build. I respect the right of Afghanistan to its own laws and legal system.

But it will be a great tragedy if the overthrow of the Taliban government results in its replacement by a state that professes democracy but falls so far short of such an essential democratic standard: the freedom of belief.

We have over 22,000 troops in Afghanistan. Two hundred and eighty-two Americans have given their lives in that country since Operation Enduring Freedom began.

Freedom must, by definition, include freedom of religion.

It is our responsibility to make that utterly clear. As President Bush has stated, "We expect [the government of Afghanistan] to honor the universal principle of freedom. It is deeply troubling that a country we helped liberate would hold a person to account because they chose a particular religion over another."

The United States Commission on International Religious Freedom raised concerns during the drafting of Afghanistan's constitution that it opened the door for cases such as this. Those concerns extend to both members of religious minorities and to members of the country's majority Muslim community who might dare to express an interpretation of Islam that differs from the prevailing orthodoxy. Sadly, these apprehensions have been borne out.

The State Department's International Religious Freedom Report for 2005 noted that conversion from Islam is "in theory" punishable by death in Afghanistan. Although charges against Mr. Rahman were fortunately dropped, clearly such a punishment is more than simply theoretical.

Afghanistan is a party to the International Covenant on Civil and Political Rights, which reads in part, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Today, I am introducing a resolution calling on the Government of Afghanistan to live up to the principles it has endorsed in that covenant. This resolution also urges the Government of Afghanistan to consider the importance of religious freedom for the broader relationship between our two countries, and it expresses the sense of Congress that the President and his representatives should raise these human rights issues both publicly and privately.

In 1864, Abraham Lincoln wrote a grieving mother who had lost 5 sons in a single day in battle. He sought to offer her consolation for "so costly a sacrifice upon the altar of freedom." Two hundred and eighty-two Americans have made that sacrifice in Afghanistan. Countless Afghans died in the struggle against Soviet invaders and others in resistance against the brutal regime of the Taliban. It is my fervent hope that Afghanistan lives up to the promise of its own pledge to uphold human rights: freedom of worship must be part of any true enduring freedom.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas under the Taliban Government of Afghanistan, individuals convicted of promoting faiths other than Islam, or expressing interpretations of Islam differing from the prevailing orthodoxy, could be imprisoned and those converting from Islam could be tortured and publicly executed;

Whereas the United States has more than 22,000 members of the Armed Forces stationed in Afghanistan and whereas 282 members of the Armed Forces have given their lives in Afghanistan since Operation Enduring Freedom began in that country;

Whereas Abdul Rahman, a citizen of Afghanistan, was arrested and accused of apostasy for converting to Christianity 16 years ago and threatened with execution;

Whereas the prosecutor in this case, Abdul Wasi, stated in court that Abdul Rahman "is known as a microbe in society, and he should be cut off and removed from the rest of Muslim society and should be killed.";

Whereas, while it was a welcome development that charges against Abdul Rahman were dropped, he was forced to seek asylum in Italy;

Whereas, despite his release, religious freedom and those who would practice it in Afghanistan remain in jeopardy;

Whereas religious freedom is a fundamental principle of democracy;

Whereas the Constitution of Afghanistan does not fully guarantee freedom of thought, conscience, religion, or belief;

Whereas, on several occasions throughout Afghanistan's constitution drafting process, the United States Commission on International Religious Freedom raised concerns that the constitution's ambiguity on issues of conversion and religious expression could lead to unjust criminal accusations against Muslims and non-Muslims alike;

Whereas charges of blasphemy since 2002 have justified those concerns;

Whereas the International Religious Freedom Report 2005 published by the Department of State does not list Afghanistan among those countries cited for "State Hostility Toward Minority or Nonapproved Religions", "State Neglect of Societal Discrimination or Abuses Against Religious Groups", or "Discriminatory Legislation or Policies Prejudicial to Certain Religions" and notes that "[t]he new Constitution provides for freedom of religion, and the Government generally respected this right in practice";

Whereas the International Religious Freedom Report 2005 states that conversion from Islam is "in theory - punishable by death" in Afghanistan;

Whereas the case of Abdul Rahman, other instances of religious persecution or discrimination against minorities, and ambiguities within the Constitution of Afghanistan appear to warrant closer scrutiny in the International Religious Freedom Report 2006; and

Whereas Afghanistan is a party to the International Covenant on Civil and Political Rights, which reads in part, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.": Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes freedom of religion as a central tenet of democracy;

(B) respects the right of the people of Afghanistan to self-government, while strongly urging the Government of Afghanistan to respect all universally recognized human rights;

(C) condemns the arrest of Abdul Rahman and other instances of religious persecution in Afghanistan;

(D) commends the dropping of charges against Abdul Rahman; and

(E) strongly urges the Government of Afghanistan to consider the importance of religious freedom for the broader relationship between the United States and Afghanistan; and

(2) it is the sense of the Senate that the President and the President's representatives should—

(A) in both public and private fora, raise concerns at the highest levels with the Government of Afghanistan regarding the violations of internationally recognized human rights, including the right to freedom of religion or belief, in Afghanistan; and

(B) ensure that the International Religious Freedom Report 2006 for Afghanistan fully addresses the issue of religious persecution in that country, including the arrest of Abdul Rahman.

NATIONAL AND GLOBAL YOUTH SERVICE DAY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 422, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 422) designating April 21, 2006, as National and Global Youth Service Day, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise to support a resolution designating April 21, 2006, as National and Global Youth Service Day. This resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on April 21 and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts.

National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year. On this day, youth from across the United States and the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

In Alaska, the following groups will engage youth in community service activities in observance of National and Global Youth Service Day:

One, Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth by fulfilling Five Promises: Caring Adults, Safe Places, Healthy Start, Equitable Education for Marketable Skills, and Opportunities to Serve, is sponsoring the annual Kids' Day event. Over 20 interactive exhibits will be staffed by youth, including booths where young people can see how easily an egg cracks without wearing a seatbelt, discover why bike helmets are important, and see just how clean their hands really are.

Two, eighth graders from the Neon Team at Goldenview Middle School in Anchorage are creating colorful cards with spring-themed haiku poems. At least 120 students will donate cards to social service agencies, hospitals, and community support organizations throughout Anchorage. The purpose of this project is to spread Springtime cheer to those in the Anchorage community who may not otherwise experience a joyful Spring.

Three, members of Alaska Youth for Environmental Action, a statewide youth organization associated with the National Wildlife Federation, are developing a project to inform and involve youth in the use of energy efficient light bulbs. Young people throughout the State will petition their local communities for support and will encourage the use of energy efficient light bulbs.

Many similar and wonderful activities will be taking place all across the Nation.

I thank my colleagues—Senators Akaka, Allen, Baucus, Bayh, Boxer, Bunning, Burr, Cantwell, Clinton, Cochran, Coleman, Collins, Cornyn, Craig, Dodd, Dole, Domenici, Dorgan, Durbin, Feingold, Feinstein, Hagel, Isakson, Johnson, Kennedy, Kerry, Landrieu, Lautenberg, Levin, Lieberman, Lott, Martinez, Menendez, Mikulski, Murray, Nelson of Florida, Nelson of Nebraska, Salazar, Santorum, Snowe, Specter, Stabenow, and Stevens—for standing with me as original cosponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 422

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) encourage young citizens to embark on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 18th consecutive year in 2006;

Whereas young people in the United States and in many other countries are volunteering more than any other generation in history;

Whereas the children and youth of the United States not only represent the future of the Nation, but also are leaders and assets today;

Whereas the children and youth of the United States should be valued for the idealism, energy, creativity, and unique perspective that they use when addressing challenges found in their communities;

Whereas a fundamental and conclusive correlation exists between youth service, lifelong adult volunteering, and philanthropy;

Whereas through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decision-making, teamwork, needs-assessment, and leadership;

Whereas service-learning, an innovative teaching method that combines community service with curriculum-based learning, increases student achievement while strengthening civic responsibility;

Whereas several private foundations and corporations in the United States support service-learning because they understand that educated, civically-engaged communities tend to be economically prosperous and good places to do business;

Whereas sustained investments by the Federal Government, business partners, schools, and communities fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day, with the support of 51 lead agencies, hundreds of grant winners, and thousands of local partners, engages millions of young people worldwide;

Whereas National and Global Youth Service Day will involve 38 international organizations and 110 national partners, including 8 Federal agencies and 6 organizations that offer grants to support National and Global Youth Service Day;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 7th year; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage the youth of the United States in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of United States youth and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 21, 2006, as "National and Global Youth Service Day"; and

(3) calls on the citizens of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful decision-making opportunities today as an investment for the future of the United States.

NATIONAL CUSHING'S SYNDROME AWARENESS DAY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 423, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 423) designating April 8, 2006 as National Cushing's Syndrome Awareness Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, I rise today along with my colleague, Tom Coburn, to proudly support a resolution designating April 8, 2006, as National Cushing's Syndrome Awareness Day. I have long been dedicated to quality health care and therefore seek to raise awareness of this debilitating disorder that affects an estimated 10 to 15 people per million.

My desire to see my Oklahoma constituents and all Americans receive the best possible health care is evidenced by my involvement in various health related issues. I have always been a champion of rural health care providers. In 1997, I was one of the few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. At that time, I made a commitment to not allow our rural hospitals to be closed and am pleased we finally addressed that important issue in the Medicare Modernization Act of 2003 by providing great benefits for rural health care providers as well as a voluntary prescription drug benefit to seniors. In 2003, I also cosponsored the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 11, the Patients First Act, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. There are solutions to alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits, and I am committed to this vital reform.

I have also worked with officials from the Center for Medicare and Medicaid Services to expand access to lifesaving implantable cardiac defibrillators. I supported legislation to increase the supply of pancreatic islet cells for research and co-sponsored a bill to take the abortion pill RU-486 off the market in the United States.

I also introduced S. 96, the Flu Vaccine Incentive Act, to help prevent any future shortages in flu vaccines. My bill removes suffocating price controls from government purchasing of the flu vaccine while encouraging more companies to enter the market. Also, my bill frees American companies to enter the flu vaccine industry by giving them an investment tax credit towards the construction of flu vaccine production facilities.

Additionally, I have consistently cosponsored yearly resolutions designating a day in October as National Mammography Day and a week in August as National Health Center Week to raise awareness regarding both these issues.

As the Federal Government invests in improving hospitals and healthcare initiatives, I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past 3 years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

I rise before the Senate to seek your help in raising awareness of Cushing's Syndrome, which is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol. Though it can lead to death, Cushing's Syndrome often goes undiagnosed or misdiagnosed because the initial symptoms are shared with a number of milder ailments. These symptoms include, but are not limited to, abnormal weight gain, skin changes, fatigue, diabetes, high blood pressure, depression and osteoporosis.

Cushing's Syndrome can take a variety of forms. Normally, the hypothalamus, a part of the brain which is about the size of a small sugar cube, stimulates the pituitary gland, the adrenal glands, and then the kidneys which release cortisol into the bloodstream. High levels of cortisol can result from overproducing cortisol or from taking glucocorticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, and other inflammatory diseases.

Doctors can detect Cushing's Syndrome through a series of tests, often using x rays to examine adrenal or pituitary glands to locate tumors. However, since awareness of the syndrome is low, doctors do not always run these tests, and patients do not know to ask for them. Therefore, treatment often comes later than it should for victims of Cushing's Syndrome. Potential treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, or reducing the dosage of glucocorticoid hormones.

The need for heightened awareness of Cushing's Syndrome was brought to my attention by constituents who suffer from this dangerous disease. For the sake of these individuals and for the benefit of sufferers in your own State and around the Nation, I ask my colleagues to join me in this effort to raise awareness of Cushing's Syndrome.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 423) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 423

Whereas Cushing's Syndrome annually affects an estimated 10 to 15 people per million, most of whom are currently between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction in the body or by taking glucocorticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, or as an immunosuppressant following transplantation;

Whereas the syndrome may also result from pituitary adenomas, ectopic ACTH syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and ultimately lead to diabetes, high blood pressure, depression, osteoporosis, and death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms are mirrored in milder diseases, thereby delaying important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8th, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's "Great American" series, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Cushing's Syndrome: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2006, as "National Cushing's Syndrome Awareness Day";

(2) recognizes that all Americans should become more informed and aware of Cushing's Syndrome;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Cushing's Understanding, Support & Help Organization.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109–9

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty, transmitted to the Senate on April 4, 2006, by the President of the United States:

Investment Treaty with Uruguay (Treaty Document No. 109–9).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar del Plata, Argentina, on November 4, 2005. I transmit also, for the information of the Senate, the report prepared by the Department of State with respect to the Treaty.

The Treaty is the first bilateral investment treaty (BIT) concluded since 1999 and the first negotiated on the basis of a new U.S. model BIT text, which was completed in 2004. The new model text draws on long-standing U.S. BIT principles, our experience with Chapter 11 of the North American Free Trade Agreement (NAFTA), and the executive branch's collaboration with the

Congress in developing negotiating objectives on foreign investment for U.S. free trade agreements. The Treaty will establish investment protections that will create more favorable conditions for U.S. investment in Uruguay and assist Uruguay in its efforts to further develop its economy.

The Treaty is fully consistent with U.S. policy towards international and domestic investment. A specific tenet of U.S. investment policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment and most-favored-nation treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation and for the minimum standard of treatment. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investment; freedom of investment from specified performance requirements; and the opportunity of investors to choose to resolve disputes with a host government through international arbitration. The Treaty also includes extensive transparency obligations with respect to national laws and regulations, and commitments to transparency and public participation in dispute settlement. The Parties also recognize that it is inappropriate to encourage investment by weakening or reducing the protections afforded in domestic environmental and labor laws.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 4, 2006.*

HONORING FORMER PRESIDENT DWIGHT D. EISENHOWER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 386, S.J. Res. 28.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 28) approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 28) was ordered to be engrossed for a third reading, was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 28

Whereas section 8908(b)(1) of title 40, United States Code provides that the location of a commemorative work in the area described as Area I shall be deemed authorized only if approved by law not later than 150 days after notification to Congress and others that the commemorative work may be located in Area I;

Whereas section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note) authorizes the Dwight D. Eisenhower Memorial Commission to establish a memorial on Federal land in the District of Columbia to honor Dwight D. Eisenhower; and

Whereas the Secretary of the Interior has notified Congress of her determination that the memorial should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of the commemorative work to honor Dwight D. Eisenhower, authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note), within Area I as depicted on the map referred to in section 8908(a) of title 40, United States Code, is approved.

NEGRO LEAGUES BASEBALL MUSEUM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 387, S. Con. Res. 60.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 60) designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

There being no objection, the Senate proceeded to consider of the concurrent resolution which was reported from the Committee on Energy and Natural resources with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. CON. RES. 60

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;

Whereas the Negro Leagues Baseball Museum project began in the 1980s, through a large scale, grass roots, civic and fundraising effort by citizens and baseball fans in the Kansas City metropolitan area;

Whereas the first Negro Leagues Baseball Museum was located at 1615 East 18th Street in the historic "18th and Vine District", which was designated by the city of Kansas City, Missouri, in [1988, as] *1988, as* historic in nature and the birthplace of the Negro Leagues;

Whereas the current Negro Leagues Baseball Museum was opened at 1616 East 18th Street in 1997, with a dramatic expansion of core exhibition and gallery space and over 10,000 square feet of new interpretive and educational exhibits;

Whereas the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and numerous foreign countries;

Whereas there remains a need to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation played in the lives of these individuals and their fans; and

Whereas a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as "America's National Negro Leagues Baseball Museum";

[(2) supports the Negro Leagues Baseball Museum in their efforts to recognize and preserve the]

(2) supports the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;

(3) recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;

(4) commends the ongoing development and visibility of the "Power Alley" educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;

(5) asks all Americans to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America's national pastime.

Mr. BENNETT. I ask unanimous consent that the committee-reported amendment be agreed to, the concurrent resolution as amended be agreed to, the amendment to the preamble be agreed to, the preamble as amended be agreed to, the motions to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The concurrent resolution (S. Con. Res. 60), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 60

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;

Whereas the Negro Leagues Baseball Museum project began in the 1980s, through a large scale, grass roots, civic and fundraising effort by citizens and baseball fans in the Kansas City metropolitan area;

Whereas the first Negro Leagues Baseball Museum was located at 1615 East 18th Street in the historic "18th and Vine District", which was designated by the city of Kansas City, Missouri, in 1988 as historic in nature and the birthplace of the Negro Leagues;

Whereas the current Negro Leagues Baseball Museum was opened at 1616 East 18th Street in 1997, with a dramatic expansion of core exhibition and gallery space and over 10,000 square feet of new interpretive and educational exhibits;

Whereas the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and numerous foreign countries;

Whereas there remains a need to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation played in the lives of these individuals and their fans; and

Whereas a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as "America's National Negro Leagues Baseball Museum";

(2) supports the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;

(3) recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;

(4) commends the ongoing development and visibility of the "Power Alley" educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;

(5) asks all Americans to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America's national pastime.

ORDERS FOR WEDNESDAY, APRIL 5, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, April 5; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then resume consideration of S. 2454, the border control bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Tomorrow, the Senate will continue to debate the border control bill. Based on the comments by the bill managers earlier today, we are hopeful that we will be considering and voting on amendments tomorrow morning and throughout the day, starting with the four pending amendments that have been waiting in the queue for several days. There was a cloture motion filed by the minority leader. Rule XXII requires that all first-degree amendments to the substitute now be filed at the desk by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Wednesday, April 5, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, April 4, 2006:

THE JUDICIARY

MICHAEL A. CHAGARES, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

HOUSE OF REPRESENTATIVES—*Tuesday, April 4, 2006*

The House met at 12:30 p.m.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 4, 2006.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

ADMINISTRATION SHOVELS

Mr. DEFAZIO. Mr. Speaker, well, it is budget week here in Washington and on the Republican side of the aisle they are issuing shovels.

Now, the shovels here in Washington have two purposes. One is to shovel certain substances to obscure what they are really doing, and the other is to dig the debt hole of the United States of America, the indebtedness of the American people, yet deeper while languishing programs that are important to average folks while the wealthy get more.

This budget would reserve substantial funding for tax cuts for the richest among us. It would reserve tax cuts so that we can extend the tax where people who own stock that pays dividends would pay a much lower rate of tax than an American who works for, say, $30,000 a year in wages and salary.

It would extend the capital gains tax cuts which again primarily benefit people over $300,000 a year. For someone who earns, 50, $60,000 a year, the average tax break in capital gains is $50 since we exempt people's principal residence. That is where most middle class people have their capital. They do not have a whole lot of other investments. They are kind of struggling to get by. This budget is not going to help.

This budget would borrow every penny. We are taxing working people more than we need to collect money for Social Security. The theory is that money is being set aside to pay for the retirement of the baby boom, the coming change in the demographics of the society, the crisis the President talked about in funding Social Security.

Well, what are the President and Republicans doing with the $192 billion extra we will collect in Social Security taxes this year only from people who earn $94,000 a year or less? They are going to spend it. They are going to spend part of it on tax cuts for people who earn a heck of a lot more than $94,000 a year.

This deficit-producing budget is going to do an incredible disservice to our Nation. It will give us a new record and, of course, there have been many records under the Bush administration, and this will set the record of the five consecutive years of largest deficits in the history of the United States, from the small government folks down there at 1600 Pennsylvania Avenue.

Now, true, a lot of it is done in emergency supplementals. They cannot anticipate. This budget, for instance, says, unlike the President who says it will be a future President who decides when and if the United States withdraws from Iraq, the Republican budget, as honest as the day is long, says that we will spend $50 billion next year on Iraq and Afghanistan. Of course, that is quite a bit less than half of what we spent this year. So maybe they know something the President does not know and America does not know about the withdrawal timetable, or maybe it is more dishonest bookkeeping where we will have yet another unanticipated expense for the war in Iraq and the ongoing problems of pacifying Afghanistan.

So this budget is rife with these sorts of things. The total deficit this year will be $543 billion, including borrowing $192 billion of hard-earned money that is going to pay for supposedly future Social Security retirement. And over 5 years they are going to raise the debt of the United States of America. Again, it has been raised. Four times in the last 5 years, the debt ceiling has been raised. It is a 65 percent increase in the indebtedness of the United States of America.

This President has accumulated more foreign debt than the 42 Presidents that preceded him in office. Record after record after record is falling to the Republican leadership and the Republicans in the White House, something that they can be proud of. All so they can feed tax cuts for people who earn over a million bucks a year. That is really a great way to run a country.

They are anticipating with this budget, again even with dishonest bookkeeping, that we will be up to $11.3 trillion of debt by 2011. That would be about $27,000 for every American. $27,000 of debt. That would have more than doubled the debt since George Bush took office. Doubling the debt in that short period of time is, again, quite an accomplishment. It took 42 Presidents and more than 200 years to accumulate a significant debt and the President is going to manage to double it in a mere 5 years.

So hopefully we can take away the shovels, we can pull aside the veils, we can reveal to America what is going on and we can pass a budget that meets the priorities of the American people, not a privileged few.

PUBLIC BROADCASTING

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, more than 87 million Americans tune into public television each week and 30 million listen to public radio. And they depend on this Congress to provide some of the economic resources so that in every community across the country people can listen to those thousand public radio and television stations for programs that inform and inspire.

For help with reading, job training, for the latest digital services, for local news and information, for dozens of other reasons. These stations around the country determine their own program schedules. They often produce their own programming. We, in Oregon, are immensely proud of Oregon Public Broadcasting for its award winning programming. They respond to community needs and leverage local support that is so important.

While the Corporation for Public Broadcasting distributes its annual appropriations from Congress in accordance to a statutory formula for which

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

almost 72 percent of the funds go directly to local public radio and television stations, the Federal appropriations while it only accounts for 15 percent of the entire costs, it leverages critical investments from State and local governments, from universities, businesses and foundations, and most important, from millions of viewers and listeners of public television and radio. They add their dollars to this core vital Federal support, writing checks to allow the public broadcasting to continue. However, we have faced issues of major reduction in this funding which would have immediate and severe impacts on our community and constituents.

Last month, 126 bipartisan Members signed a letter in support for $430 million in funding for the Corporation for Public Broadcasting. This is a modest amount by reckoning of the vast sums that are thrown around here in Washington, DC, but it has a critical impact. It is going to be essential that we provide the core funding for the Corporation For Public Broadcasting and hopefully retain the practice of advanced funding which costs the Treasury nothing but gives public broadcasting certainty over time so that they can plan on allowing for the changes and development that they need.

There has been a modest request that has been suggested, $30 million above the fiscal 2006 funding. This is going to not even cover the additional electricity costs that public television must bear to operate both a digital and analogue transmitter. That transition to digital technology is also important for Congress to focus on. It is not cheap.

Public broadcasting has led the way. They have raised more than $1.1 billion from all sources for this purpose. We are asking for a little additional money, an increase of $10 million this year. This can have a critical impact, not just on the clarity of the broadcast that is received by people in their homes, but there is also an opportunity to replace and update the television interconnection system, known as the Next Generation Interconnection System, that the Department of Homeland Security has been testing as a foundation for a new digital emergency alert system. Not just better service for people at home, but an important potential addition to our homeland security.

Last but by no means least deals with educational technology. In the No Child Left Behind legislation passed in 2001, Congress authorized two programs, Ready to Learn and Ready to Teach. Ready to Learn harnesses television's universal reach to improve early childhood learning, while Ready to Teach uses technology to develop more highly-qualified teachers to measurably increase student standards. It is important to make sure that we support Ready to Learn, which received a small increase last year, focused on literacy and teacher professional development. Ready to Teach last year actually sustained a cut. It is requested that funding for both programs be increased in fiscal 2007 to $32 million for Ready to Learn and $15 million for Ready to Teach.

Last year we had to come to the floor with a strong bipartisan vote where 87 Republicans joined with every single Democrat to restore Draconian cuts to public broadcasting. This year it is more important than ever for education, for the Public Broadcasting Service, and for national security that we not have to go through that effort.

I urge my colleagues to look carefully at the requests that have been made for public broadcasting and join with us this year in assuring a strong funding base that will leverage hundreds of millions of dollars across America and provide the services Americans deserve.

REMEMBERING MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Georgia (Mr. LEWIS) is recognized during morning hour debates for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, 38 years ago Martin Luther King, Jr., was taken by from us by an assassin's bullets. He had gone to Memphis, Tennessee to call for economic justice for working people in America and for the sanitation workers there.

Mr. Speaker, it is difficult for me to find the right words to express my feelings about Martin Luther King, Jr. He was a man, my friend. He was my inspiration, my leader, my colleague, and my brother.

Martin Luther King, Jr., more than any other American of the 20th century had the power to bring people together to do good, black and white, rich and poor, young and old, Protestant, Catholic and Jews.

He could inspire with his words, with his vision, and his leadership. He could fill ordinary people with the extraordinary vision that they had the power to build a new, more fair, more just America.

His message was love. His weapon was truth. His method was creative nonviolence. And his goal, Mr. Speaker, was the Beloved Community, a community of justice, a Nation at peace with itself. In a sense he spoke a strange language, a philosophy of passive resistance to evil and the use of nonviolence in the struggle for good.

He was far too advanced in his concepts of love and peace for the violent times in which he lived, perhaps too advanced for us to understand even today. But, Mr. Speaker, the assassins of Martin Luther King, Jr., did not kill the dream of peace. They did not kill the dream of an open society. They did not kill the dream of a Beloved Community.

The movement that Martin Luther King, Jr., led was too right. It was too necessary to be buried with his body. We know that his voice was stilled 38 years ago today, but his message of love, of peace, and of the good society continue to resonate all around the world.

Mr. Speaker, we here in the people's House, we know that Dr. King's dream has not been fulfilled. But that is why it must be our task to renew our commitment to the values of his vision, the values of peace, love and justice.

If Dr. King were here today he would say we must find a way to support courageous legislation, legislation that will redirect the priorities and the tremendous resources of this Nation, not to oppress but to uplift, not to divide but to bring together, not to enslave but to set free. He would say we must use the resources of this great Nation, our talents, our minds, and our votes to work for the good of all humankind.

Through the life of Martin Luther King, Jr., through his noble efforts, he injected new meaning and new dignity into the very veins of our society. We are a better people. We are a better Nation because he lived.

☐ 1245

GLOBAL WARMING

The SPEAKER pro tempore (Mr. MURPHY). Pursuant to the order of the House of January 31, 2006, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to discuss the urgent need for the House of Representatives to address global warming. As you can see from last week's cover of Time magazine, both popular and scientific consensus indicate that the United States must act now to mitigate this problem.

In fact, a poll released yesterday by Environmental Defense indicates that more than 70 percent of Americans polled believe that global warming is real and a problem that they are willing to do something about.

Mr. Speaker, it is time for a national policy on global warming. America must lead the global effort. As I speak, our colleagues in the other chamber are holding a day-long conference on this issue. They have also debated legislation and had several votes on bills designed to curb greenhouse gas emissions. It is time, in fact it is long overdue, for the United States House of Representatives to join the debate.

In my home State of New Mexico, we may already be seeing the dramatic effects of global warming. In the drought seasons of 2002 and 2003, we had major die-offs of our State tree, the pinon. Scientists predict that this major die-off is only the prelude to life in a warmer future. Also, as seen in this picture, dramatic melting has already been seen in icecaps, glaciers and sea ice on both poles and in high mountain regions across the globe. Scientists are in almost unanimous agreement that these events are directly related to the build-up of carbon dioxide in the atmosphere from the burning of fossil fuels.

Mr. Speaker, last week the Honorable TOM PETRI and I introduced H.R. 5049, the Keep America Competitive Global Warming Policy Act. Our bill will help America curb our emissions and spur innovation to keep us in the global technological lead. The bill is an economy-wide, upstream, cap-and-trade policy that covers all greenhouse gas emissions.

However, to provide some certainty to the economy, the bill provides for an unlimited number of additional safety valve allowances. These allowances will be sold by the Treasury Department at a fixed and reasonable price, which will escalate over time. The escalation of the safety valve price is tied to the emissions-control activities of the five largest developing country greenhouse gas emitters. This will ensure that the rest of the world joins us in this effort. In that way, our policy will not put America at a global disadvantage.

We know that there may be less emissions reduction with a safety valve than without one. However, the cost certainty and the modest starting up cost of the safety valve allowances provide assurance this policy will not result in undue economic harm. We believe it is better to have a policy that works slowly yet surely rather than one that might prove economically unworkable.

Many companies, including the largest utility in my home State of New Mexico, have expressed the need for a safety valve in any mandatory greenhouse gas emissions control legislation.

While the safety valve and a cap-and-trade program are critical to the short-term success of curbing emissions, conservation, research and technology are some of the long-term solutions of global warming. Our bill creates an advanced research projects agency inside the Department of Energy. The goal of the E-ARPA is to explore the truly out-of-the-box, high-risk, high-payoff research that will be necessary if we are to get to a low or no carbon dioxide or greenhouse gas world.

Mr. Speaker, we know that despite our best efforts some will probably be negatively impacted by this policy. That is why our legislation allocates allowances to those people, entities and localities that may incur dislocations because of this legislation.

Finally, we also set aside allowances for auction that will be used to ensure that the legislation is revenue neutral.

Mr. Speaker, this bill is modest, certain and efficient. It commits America to reducing its greenhouse gas emissions by having emitters internalize the costs associated with global warming. This monumental step of putting a price on all greenhouse gases will stabilize emissions and eventually reduce them and finally put the United States on the road towards curbing the effects of global warming.

I urge my colleagues in the House to cosponsor this comprehensive and economically rational legislation and help break the stalemate that exists on the global warming issue.

NATIONAL PUBLIC HEALTH WEEK

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from California (Mr. HONDA) is recognized during morning hour debates for 5 minutes.

Mr. HONDA. Mr. Speaker, I rise today in honor of National Public Health Week. Since 1995, national, State and local public health professionals highlight an important public health issue every April to raise awareness about leading health problems affecting our Nation.

This year, the theme of National Public Health Week focuses on what is called the "built environment," which refers to building healthy communities to protect and enhance our children's life.

The built environment is any infrastructure with which children come in contact on a daily basis including homes, schools, parks, roads, walkways and businesses.

Enhancements to the built environment include access to primary health services, regular physical activity, safe places to play, and safe routes to walk or bike to school, smoke-free communities and homes, and toxin-free schools.

Health challenges include the quality of and access to schools and housing, economic opportunities, social capital, air and water, and opportunities for physical activity.

As Chair of the Congressional Asian Pacific American Caucus, I am particularly concerned about how the built environment affects communities of color, native communities, and linguistically isolated communities.

Members of these communities are more likely to live, work, and play in environments which have detrimental health effects, often vastly disproportionate to their percentage of the population.

For example, asthma is one of the major causes of illness and disability in the United States. Although asthma is only slightly more prevalent among minority children than among whites, it accounts for three times the number of deaths.

Low socioeconomic status, exposure to urban environmental contaminants, and lack of access to medical care contribute to the increase of deaths in minority communities.

African Americans living in low-income neighborhoods have particularly high rates of asthma, as do Native Hawaiians living in Hawaii.

America must invest more resources and be more creative in order to eliminate racial and ethnic health disparities.

We need to provide access to health care for the 45 million uninsured, more than half of whom are racial and ethnic populations.

We need to provide linguistically and culturally competent services, and we need to stop gutting the health care safety net.

Neighborhoods and communities across the United States are segregated by race and socioeconomic status, which exacerbates the underlying social and economic inequities that perpetuate health inequities. Without significant investment in the built environment for children and underserved communities, these health inequities will continue.

I am pleased to see that the American Public Health Association, the leading public health organization in the United States, has been able to disseminate the message about the interconnectedness between health and the built environment, and hope that this reality is integrated into the public health debate.

I look forward to working with all those involved with National Public Health Week to ensure policies to promote all children's health.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 55 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the Jewish-Christian scriptures, You call forth Your people to move out from blood-stained doorways into the wandering freedom of the desert, until they found a promised land.

By the spirit You led Jesus into the desert to discover Your living presence through fasting and prayer.

Guide Your people in these days of grace in and through the political ways of Congress. May the trials of argumentative discussions and the discipline of compromise lead Your people across the barren land of uncertainty. Shape within them new resolves of faithful service, and open for them paths of greater justice and new-found peace.

Help us, O Lord, to renew the covenant of old which makes us Your own, even now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DEMOCRATS AND CONFUSING SENIORS ABOUT MEDICARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to discuss the new Medicare prescription drug benefit. Under this historic program, seniors are receiving the drugs they need at reduced cost. So far, more than 27 million Medicare beneficiaries are now getting coverage and saving money on their prescription drugs. Even more amazing is that 380,000 new beneficiaries are signing up each week.

This is a program that is working for most seniors, and any early problems are quickly being corrected. The new drug coverage offers more and better choices at a lower cost. Premiums have been lowered to an average of $25 a month, down from the $37 that was previously estimated. Yet Democrats continue their coordinated campaign of confusion. On the one hand they are telling seniors that the prescription drug program is a disaster, and then in the same breath they are urging them to sign up. Mr. Speaker, this reminds me of someone turning to you and saying, "Hey, this milk tastes bad. Try it."

Seniors are hearing from Democrats that the milk is bad, yet they are being asked to taste it. It is no wonder some seniors are confused. I would be, too.

MAKING THE TAX CUTS PERMANENT

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Madam Speaker, I rise today to give the American people some straight talk on why we need to make the tax cuts permanent. As tax day rapidly approaches, President Bush urged Congress to make the tax cuts permanent, and with good reason. If Congress does not make the tax cuts permanent, a family of four in central Florida making $50,000 would see their taxes go up by nearly 50 percent.

It is no accident that we have a strong and vibrant economy today. During President Bush's first term, Congress acted to lower income tax rates across the board, cut taxes on capital gains and dividends, and eliminate the marriage penalty.

Now, what have we seen as a result? We have seen 5 million new jobs created in the last 2½ years. We have seen an unemployment rate that is lower than the average unemployment rate in the 1970s, 1980s, and 1990s. We have seen home ownership rise to 69 percent, the largest record in history. So don't believe the hype. Our government has received more revenue after the tax cuts than we received before the tax cuts. Let's make these tax cuts permanent and keep our economy strong.

CONGRATULATIONS TO NORTH COLLEGE HILL TROJANS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, at this time last year I predicted that I would be standing here once again to congratulate Coach Jamie Mahaffey and his North College Hill Trojans. Well, they proved me right after winning back-to-back Division III Ohio State high school basketball championships.

Just this past weekend, North College Hill captured its second State championship with a convincing 90–73 triumph over Cleveland Villa Angela-St. Joseph. The victory topped off an impressive 26–1 season, including a number three national ranking by USA Today and a unanimous number one ranking in the final Ohio Associated Press State poll.

The Trojans made their road to Columbus look easy, defeating their opponents by an average of 33 points a game and knocking off the reigning Division I State champions from Ohio and Kentucky. In fact, statistics like these have already brought calls for a three-peat next year.

It gives me great pleasure to congratulate the North College Hill Trojans, the players, coaches, parents, fans, teachers, and administrators on bringing the championship back to the Cincinnati area. We are very proud of you, North College Hill.

AMERICAN FLAGS BANNED AT HIGH SCHOOL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, students at Skyline High School in Colorado are banned from waving the American flag. The principal is reported as saying, "These flags were being used as a symbol of bigotry, a symbol of hostility. They were being used to inflame different groups, and we're not going to tolerate that."

This principal is more concerned about hurting the feelings of people illegally in the U.S. than he is about Americans' freedom of expression. This principal is obviously unaware the flag was offensive to the British who were also illegally in the U.S. When the British reinvaded the United States in 1814 and were illegally on American soil, they marched on Washington waving the British flag, and they burned this very building. The British then sailed upriver to Fort McHenry and were offended by this defiant American flag that was flying. They tried to shoot it down, but Old Glory flew, and we have it down the street in the National Archives, bullet holes and all. We got our National Anthem from the glory of the Star Spangled Banner at Fort McHenry.

The American flag cannot be banned in America. How absurd. What flag do you fly there at that high school, the white flag of surrender so as not to offend anyone illegally in the United States? Good thing the commander at Fort McHenry didn't care about what the British thought and was proud to be an American. And that's just the way it is.

RESPECTING CAPITOL POLICE

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, last week we finally saw the Democratic Party roll out their ideas about how we should secure America, and they put a very heavy emphasis on how important they thought it was to support our first responders.

How ironic it was, then, on that very same day to hear allegations that a Democrat Member of this House struck a Capitol Police officer, and how disheartening to hear the response of the Democratic leader of this House. It was, she said, no big deal.

To those who might agree with the Democrats that allegedly assaulting a Capitol Hill Police officer is no big deal, I would respectfully remind them that just a few years back two members of the Capitol Police were shot and killed in the line of duty by a deranged man who was trying to attack the majority whip, and that during moments of danger and evacuation Capitol Police stand their posts while the rest of us seek to secure ourselves and the safety of others.

This is only my second term here, so the Capitol Police don't always recognize me and occasionally they do check my identity. They stop me and check my identity. No problem.

Madam Speaker, I wish to go on record as supporting the jobs that the brave men and women in the Capitol Police do to protect all of us, and let me just say to them thank you.

MEDICARE PART D

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise and share yet another story of success regarding the Medicare part D prescription drug benefit. Today I would like to tell you about Lola Squires of Cedartown, Georgia.

Lola is a widow and lives on a fixed income. As you can imagine, every dollar of her monthly budget is precious to her livelihood. Due to chronic illness, Lola was paying $1,000 a month for her prescription drugs, which used up almost all of her income.

Lola is now enrolled in a Medicare part D plan. As my office was assisting her, we learned that she did qualify for the extra help due to her limited resources, and I am happy to report, as of today, Lola is paying a mere $27 a month for her medication. $27 a month. That is a saving of more than $900 every month for Lola.

Madam Speaker, the Medicare part D success stories are pouring in. Seniors have until May 15 to enroll in a plan without penalty; so in the next few weeks, it is absolutely essential that Congress put real people over partisan politics and help our seniors get the medicine they need to stay well.

INDONESIA IS A STRATEGIC FRIEND

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, as supporters of freedom confront terrorism worldwide, it is appropriate to recognize the Republic of Indonesia's extraordinary efforts to advance democracy. Newly appointed Ambassador Sudjadnan Parnohadiningrat recently made a convincing presentation in the Washington Diplomat regarding the significance of his country, which is the world's third largest democracy of over 220 million and the world's largest Muslim population which spreads across 17,000 islands.

Despite al Qaeda terrorist attacks and economic collapse, and the catastrophic tsunami, Indonesia has rebounded with fair and free elections and an economic growth rate from 5.5 to 6 percent annually. America is fortunate to be a friend and partner of Indonesia, a dynamic nation which joins us in working for regional peace and winning the war on terrorism.

In conclusion, God bless our troops, and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

PROVIDING FOR THE APPOINTMENT OF PHILLIP FROST AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. EHLERS. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 81) providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 81

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manuel L. Ibanez of Texas on May 4, 2006, is filled by the appointment of Phillip Frost of Florida. The appointment is for a term of 6 years, beginning on the later of May 5, 2006, or the date of the enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

House Joint Resolution 81 provides for the appointment of Phillip Frost to serve on the Board of Regents of the Smithsonian Institution.

This 17-member board, which governs the Smithsonian Institution, is comprised of the Chief Justice and Vice President of the United States, three Members each from the House and Senate, and nine citizens who are nominated by the Board and approved jointly in a resolution of Congress.

Our first regent nominee, Phillip Frost, founded Ivax Corporation, and has served as the Chief Executive Officer and Chairman of the Board since 1987; he also served as President of Ivax from 1991 to 1995. Before founding Ivax, Dr. Frost chaired the Department of Dermatology at the Mount Sinai Medical Center of Greater Miami from 1972 to 1990. His other work involved joining the University of Miami School of Medicine faculty in 1966. Among his many accomplishments, Dr. Frost was named the 2001 National Entrepreneur of the Year by Ernst & Young.

A native of Philadelphia, Dr. Frost attended the University of Paris from 1955 to 1956. He received his Bachelor's Degree from the University of Pennsylvania and his medical degree from the Albert Einstein College of Medicine in New York in 1961.

Dr. Frost and his wife Patricia, who currently serves as Chair of the Smithsonian National Board, have displayed a genuine commitment to the arts through personal leadership and philanthropy. In 1986, they gave their entire 113-piece collection of American abstract art to the Smithsonian American Art Museum.

Dr. Frost has experience serving on a variety of boards and possesses significant fiscal experience with matters of government oversight.

☐ 1415

I believe the Smithsonian can benefit greatly from Phillip Frost's financial, educational, and leadership experience. And I urge my colleagues to support House Joint Resolution 81.

Madam Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

I too rise in support of House Joint Resolution 81 to appoint Dr. Phillip Frost of Florida for a 6-year term as a citizen regent of the Smithsonian Institution.

Dr. Frost, who is a medical doctor, is a noted collector of American abstract art and a philanthropist, who, since 1987, as was mentioned, has served as the chairman of the board and CEO of the IVAX Corporation, which develops and markets pharmaceutical products.

Dr. Frost and his wife, Patricia, gave their 113-piece collection of American abstract art to the Smithsonian American Art Museum in 1986. In another major philanthropic donation, they previously gave a $33 million gift to the University of Miami for its school of music. Subsequently, the school of music was named after Dr. Frost and his wife, Patricia.

Dr. Frost's broad background in medicine, science, business, and culture will be a valuable asset to the Smithsonian.

And, Madam Speaker, just as a personal aside, I have a personal relationship with Dr. Phil Frost. He is a renowned philanthropic contributor both in the community in south Florida and across this country. I have worked with him on several projects and also would like to note his deep commitment and involvement in the Jewish community in south Florida, and I am privileged to be able to stand before this House today and ask unanimous support for this resolution.

I urge my colleagues to support House Joint Resolution 81 so that this joint resolution can be signed into law before the May meeting of the Smithsonian regents.

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of House Joint Resolution 81, which appoints Dr. Phillip Frost as a Citizen Regent of the Board of Regents of the Smithsonian Institution. Dr. Frost and his wife Patricia have long been ardent supporters of the arts, especially in my Congressional District of South Florida.

Dr. Frost grew up living above his father's shoe store as a child in Philadelphia. While in college at the University of Pennsylvania, he traveled to Paris for a year to study French Literature. While in Paris, his life long commitment to the arts began.

Dr. Frost came to South Florida to complete a one-year senior residency at Jackson Memorial Hospital in Miami. Fortunately for South Floridians, he has remained for over forty years. In 1966, he joined the faculty of the University of Miami School of Medicine. From there he moved on to Mount Sinai Medical Center in 1972, chairing their Department of Dermatology until 1990.

Dr. Frost's success in medicine translated into business, and he has used his success to enhance the South Florida Community. Dr. Frost has distinguished himself nationally as a business leader. It came as no surprise that in 2001; he received the National Ernst & Young Entrepreneur of the Year Award.

Dr. Frost's contributions to our community in South Florida have been invaluable. Dr. Frost has been a huge supporter of the University of Miami's Music Department, which is now named after he and his wife.

In 1993, Florida International University presented him with an honorary degree for his many contributions in medicine, business, and community service. He also has been a strong advocate of the Miami Art Museum.

I would like to commend Dr. Frost for his dedication to enriching the lives of South Floridians through the arts. I urge my colleagues to support House Joint Resolution 81 and promote Dr. Frost as a Citizen Regent of the Board of Regents of the Smithsonian Institution.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield back the balance of my time.

Mr. EHLERS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the joint resolution, H.J. Res. 81.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. WASSERMAN SCHULTZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. EHLERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 81.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR THE REAPPOINTMENT OF ALAN G. SPOON AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. EHLERS. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 82) providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 82

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan G. Spoon of Massachusetts on May 4, 2006, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

House Joint Resolution 82 provides for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

Alan Spoon has served as a member of the Smithsonian's National Museum of Natural History Board of Regents since 2000 and, by all accounts, has done an excellent job. His diverse background in finance, management, and technology has served the institution very well. We would be privileged to have him continue to serve as a member.

Mr. Spoon has a unique skill-set, stemming from his 25 years of service in various dynamic business atmospheres. Mr. Spoon currently serves as a managing partner of Polaris Venture Partners, which invests in Internet-related businesses, networking, biotechnology, and medical technology.

Prior to his position with Polaris, he served in a variety of capacities at The Washington Post Company. These included positions as president, chief financial officer, chief operating officer, president of Newsweek, head of newspaper marketing, and head of corporate business development.

Prior to serving on the Board of Regents, Mr. Spoon served on the National Museum of Natural History's Board of Directors. Mr. Spoon received his BA at M.I.T., his MS at M.I.T.'s Sloan School of Management, and his JD from Harvard Law School.

In light of his distinguished service with the Smithsonian Institution, I urge my colleagues to support House Joint Resolution 82 and reappoint Mr. Spoon to an additional 6-year term.

Madam Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

I too support H.J. Resolution 82 to reappoint Alan G. Spoon of Massachusetts for a new 6-year term as a citizen regent of the Smithsonian Institution.

I want to mention that my colleague, the Hon. Congressman BARNEY FRANK, joins me in the support of this resolution as well.

Alan Spoon was previously appointed to the Board of Regents by Congress in 2000. He is a member of the executive committee of the board and chairman of the Finance and Investment Committee. As was mentioned, Mr. Spoon is the managing partner of Polaris Venture Partners, an investment company, and was previously president of The Washington Post Company. Prior to that experience, Mr. Spoon also served as president of Newsweek magazine, an impressive accomplishment. He also brings previous experience to the Smithsonian as a member of the National Museum of Natural History's advisory board.

I believe the Smithsonian will continue to benefit from Alan Spoon's financial, marketing, and management background and continuing experience on the Board of Regents.

I urge my colleagues to support House Joint Resolution 82 so that this joint resolution can be signed into law before the May meeting of the Smithsonian regents.

Madam Speaker, I yield back the balance of my time.

Mr. EHLERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr.

EHLERS) that the House suspend the rules and pass the joint resolution, H.J. Res. 82.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 82.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

Mr. LEACH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 703) recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant.

The Clerk read as follows:

H. RES. 703

Whereas April 26, 2006, marks the 20th anniversary of the Chernobyl nuclear disaster;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas the Chernobyl Forum, an initiative launched by the International Atomic Energy Agency and supported by the World Health Organization, the United Nations Development Program, and other United Nations agencies, as well as by the governments of Ukraine, Belarus, and Russia, examined the scientific evidence of the human health affects and the environmental impact of the Chernobyl nuclear disaster;

Whereas the findings of the Chernobyl Forum, issued in September 2005, significantly added to the understanding of the health consequences and economic impact caused by the Chernobyl nuclear disaster;

Whereas the Chernobyl Forum found that approximately 5,000,000 people live in areas of Ukraine, Belarus, and Russia that were contaminated by radioactivity;

Whereas the populations of the affected areas who were exposed as children have experienced significant increases in thyroid cancer;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the aftermath of the Chernobyl nuclear disaster;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community are committed to overcoming the extensive consequences of the Chernobyl nuclear disaster;

Whereas the United States has sought to help the people of the affected areas through various forms of assistance;

Whereas humanitarian assistance and public health research into the consequences of the Chernobyl nuclear disaster will continue to be needed in the coming decades when a large number of latent health effects are expected to emerge;

Whereas the United States strongly supports improving nuclear safety in Ukraine;

Whereas, in 1997, the United States, the European Union, and Ukraine developed the Shelter Implementation Plan for the purpose of protecting people and the environment from the dangers of the large quantity of highly radioactive material contained in the Chernobyl nuclear power plant;

Whereas as the United States is the largest single country donor to the Chernobyl Shelter Fund, which was created with the purpose of funding the Shelter Implementation Plan, having pledged a total of $203,000,000; and

Whereas the most critical component of the Shelter Implementation Plan will be the construction of a new shelter designed to better protect people and the environment from the radioactive remains of the Chernobyl nuclear power plant: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 20th anniversary of the Chernobyl nuclear disaster and expresses sympathy for the ongoing effects of the disaster, including adverse health consequences and deaths;

(2) calls upon national and international health organizations to focus their research into the public health consequences of the Chernobyl nuclear disaster into areas identified by the Chernobyl Shelter Fund, so that the global community can benefit from the findings of such research;

(3) supports continued United States assistance to the Chernobyl Shelter Fund, the Shelter Implementation Plan, construction of a facility to store spent nuclear fuel, and other efforts to mitigate the consequences of the Chernobyl nuclear disaster; and

(4) urges other countries and the European Union to continue to provide assistance to the Chernobyl Shelter Fund, the Shelter Implementation Plan, construction of a facility to store spent nuclear fuel, and other efforts to mitigate the consequences of the Chernobyl nuclear disaster.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Res. 703, a resolution introduced by Congressman ELTON GALLEGLY, the chairman of the Subcommittee on Europe and Emerging Threats of the House International Relations Committee. House Resolution 703 recognizes the 20th anniversary of the Chernobyl nuclear disaster and supports continued efforts to control radiation and mitigate the adverse health consequences related to this terrible accident.

I would like to commend Mr. GALLEGLY for his hard work on this resolution as well as that of Mr. WELDON of Pennsylvania; Ms. KAPTUR of Ohio; Mr. LEVIN of Michigan; as well as our distinguished ranking member, Mr. LANTOS of California, for their great interest in ensuring that the international community lives up to its obligations to assist Ukraine and other countries in the region to overcome the continuing health, environmental, and economic problems caused by the Chernobyl accident.

In just a few weeks, on April 26, the world will mark the 20th anniversary of the Chernobyl power plant accident, the most devastating civilian nuclear disaster in human history. This disaster caused serious radiological, health, and socioeconomic consequences for the people of Ukraine, Belarus, and Russia. Millions of people, children in particular, suffered severe and debilitating health defects and were forced to flee from their homes.

Although 20 years have passed, the lives and health of individuals within the affected areas continue to be heavily burdened by the aftermath of the nuclear disaster. Ukraine must not only provide care for those affected but also ensure that the radioactive waste and environmental destruction from the explosion do not pose a threat to the region.

The sarcophagus currently encasing the remnants of the destroyed reactor is in disrepair and may collapse at any time. In response to this emergency, the United States, the European Union, and Ukraine developed the Shelter Implementation Plan for the purpose of protecting people and the environment from the large quantity of highly radioactive material contained in the reactor.

The most critical component of the Shelter Implementation Plan will be the construction of a new shelter designed to better protect the surrounding area from leakage of radioactive remains. The total cost of the shelter could well be in excess of $1 billion. In addition, Ukraine must still deal with the health and economic impact of the Chernobyl disaster, including the treatment of thousands of people who were exposed as children and have experienced significant increases in thyroid cancer.

This legislation expresses the sympathy of the House for the ongoing effects of the disaster. In addition, H. Res. 703 calls upon the U.S. and other countries to continue to provide assistance for the construction of a new shelter and a facility to store spent nuclear fuel, and other efforts to mitigate the many adverse consequences of the Chernobyl disaster.

Madam Speaker, Ukraine is an important ally of the United States. Since the Orange Revolution, our bilateral relationship has been characterized by closer cooperation on trade issues, the strengthening of democratic institutions, and the fight against the proliferation of weapons of mass destruction. It is important that the House go on record in support of the Ukrainian people in their effort to overcome the negative economic and social impact resulting from this tragic accident.

Again, I would like to commend the work of Congressman GALLEGLY on this issue and for the introduction of this important resolution.

Madam Speaker, I urge the support of House Resolution 703.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this resolution.

April 2006, marks the 20th anniversary of the catastrophic accident at the Chernobyl nuclear power plant in Ukraine. At the time of this disaster, Ukraine was still under the iron domination of the Soviet Union. When the accident occurred, we saw the stock Soviet response to all major disasters: cover it up, regardless of the consequences to the innocent civilians living in the region. It was not until radioactive particles were being detected in Finland that the Soviets were forced to admit that the Chernobyl reactor No. 4 was burning.

While the authorities were engaged in a political coverup, scores of brave rescue and emergency workers were attempting to douse the burning reactor and hastily construct a concrete cover over the reactor, the so-called sarcophagus that is now in danger of collapse.

According to a United Nations study, Madam Speaker, more than 200,000 emergency workers were exposed to high levels of radiation and some 2,200 will ultimately die from radiation-caused illness during their lifetimes.

The Chernobyl accident also caused some 4,000 cases of thyroid cancer, the majority of which have occurred in individuals who were children or adolescents at the time of the accident.

On December 15, 2000, with the encouragement of the United States and the international community, the President of Ukraine decided to shut down the last functioning reactor at Chernobyl, thus effectively closing the entire nuclear plant and putting an end to a shameful Soviet legacy.

☐ 1430

The Soviet response to the Chernobyl disaster should serve as an important reminder to future generations of the folly of totalitarian regimes and the need to ensure that democracy remains at the core of our foreign policy. Instead of covering up toxic chemical slicks traveling silently down China's waterways towards crowded cities, Beijing should move towards openness and transparency to save lives; and rather than pretending that the destruction of 700,000 homes in Zimbabwe was a cleanup operation, Zimbabwe's totalitarian leaders should be empowering the young people in these slums to become the next generation of democratic leaders in southern Africa.

Madam Speaker, the Chernobyl disaster has many lessons for our age, and our resolution is an important reminder of the importance of freedom and democracy worldwide. I urge all of my colleagues to support this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in strong support of this resolution. It is important to not only remember those that perished in this terrible tragedy, but to keep in mind that individuals in the affected area are still suffering.

Although the world's worst nuclear disaster occurred at Chernobyl nuclear power station in Northern Ukraine, the wind carried 70 percent of the radioactive material into the neighboring country of Belarus. This disaster has impacted the region economically, socially, and medically.

I would like to recognize the efforts of Chernobyl Children's Project International, a not-for-profit organization that works with the people of Belarus to help them overcome the lingering effects of the Chernobyl nuclear disaster. This organization provides humanitarian and medical aid to over three million children the United Nations recognizes as suffering from the Chernobyl disaster. In addition, I would like to recognize Children of Chernobyl which is an organization that works to provide a respite from ongoing exposure to radiation by bringing children to the United States to stay with host families for the summer.

In my district, Annandale United Methodist Church has worked with Children of Chernobyl since 1993. Annandale area host families have opened their homes and hearts and allowed children from the effected region to stay with them for the summer to get some much needed rest. These children significantly benefit from the clean water, healthy food, fresh air, and love that Annandale area families provide. The children return to their homes with a new understanding of American culture as well as new clothes, shoes and other necessities. During the children's visit, Northern Virginia area doctors donate their time to provide the children with medical care, dental checkups and vision and orthopedic care.

It is important that here in America we continue to support the recovering from the Chernobyl disaster. Twenty years after this tragic accident, we are observing the devastating affects of long term exposure to radiation, and I urge my colleagues to support this important resolution.

Mr. LEVIN. Madam Speaker, I rise in strong support of this resolution marking the 20th Anniversary of the Chernobyl nuclear disaster. I am proud to be a co-sponsor of this important legislation.

On April 26th, 1986 the Chernobyl Nuclear Facility's Reactor Number Four exploded, releasing over 100 tons of radioactive material in what remains the world's worst nuclear accident. We may never know the full extent of the damage this accident has done to the health of people living in the surrounding areas or to the environment. It is clear, though, that the deaths attributable to the Chernobyl disaster number in the thousands and that millions of people in Ukraine, Russia and Belarus have been exposed to radioactive contamination.

It is important as we remember the victims of Chernobyl that we also recognize the ongoing consequences of the disaster and the work that still needs to be done. We must continue to help those people in the areas affected by radioactive fallout. The populations exposed to this fallout have experienced significant increases in thyroid cancer, still births and birth defects, as well as economic hardship resulting from the impact of the disaster on local economies.

The United States must also continue to support the Chernobyl Shelter Fund and the Shelter Implementation Plan. A new shelter for Reactor Number 4 is essential to mitigating further health and environmental consequences from the radioactive materials inside the facility. To date, the U.S. has pledged over $200 million to the Shelter Fund, helping to ensure that this work will be completed.

The resolution before us supports these efforts, and recognizes that although this disaster occurred two decades ago, there is still much more we must do to help the Government of Ukraine and the affected populations cope with its consequences. I urge all of my colleagues to support it.

Mr. WELDON of Pennsylvania. Madam Speaker, 20 years ago the world witnessed one of the last crimes of the Soviet communist regime against its own people. The biggest nuclear catastrophe in human history was kept secret from Soviet civilians, who were exposed to massive amounts of radiation that exceeded the medically tolerable norm by 100 times.

On April 25–26, 1986, many firefighters sacrificed their lives to put out the huge fire caused by the explosion. Thirty-one died. Their heroism prevented a European Hiroshima.

In 1986, the Soviet Government let millions of people in Ukraine, Belarus and Russia conduct their daily lives as usual—completely unprepared, unwarned, and unprotected. On May 1, 4 days after the catastrophe, citizens of Kiev, Minsk, Gomel, and dozens of other cities went outdoors celebrating Labor Day, an official holiday in the Soviet Union. Only days later the civilian population was gradually informed of the disaster's extent.

By that time, millions of people, including infants and children, had received high doses of radiation. Dozens were doomed to suffer painful deaths in the years to come. Thousands are still coping with health problems caused by exposure during those tragic days, including thyroid and breast cancer, and tumors.

The ultimate prognosis for millions remains unclear.

20 years later, grave danger remains at Chernobyl. 200 tons of highly radioactive nuclear waste in Reactor #4 remains separated from the outside world by a "Shelter" that was determined to be reliable only until 2006.

Today's occasion is an opportunity for all people of goodwill to commemorate Chernobyl victims—both civilians, and the brave individuals who sacrificed their lives to save those exposed to radiation.

European nations and Japan should follow the U.S. example and live up to their pledge to contribute to creation of the Shelter–2. This barrier would be effective for another 100 years, and has been approved by the Ukrainian government and international experts. The cost is estimated to be $1 billion, which is a small price to pay given the price-tag in dollars and lives of another radiological disaster.

Ms. KAPTUR. Madam Speaker, as the world prepares to commemorate the 20th anniversary of the Chernobyl nuclear disaster, I rise in support of the H. Res. 703 Recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant. I applaud the leadership of Congressmen GALLEGLY, HYDE, LANTOS and WEXLER on this important issue.

Twenty years ago this month, a human error triggered an explosion at the Chernobyl Power Plant's Reactor No. 4, causing the worst civilian nuclear catastrophe in the history of mankind, one which transcended geographic boundaries. Immediately after the explosion, increased levels of radiation were registered as far as Japan and the United States. The hardest hit were the people of Ukraine, Belarus, and western Russia, collectively taking close to 70 percent of the radioactive fallout.

The scope of devastation that followed was truly unprecedented. More than 600,000 emergency workers, liquidators, risked their lives putting out the reactor's inferno that raged for 10 days while exposing themselves to extremely high and deadly doses of radiation. Hundreds of thousands of people were forced to leave their homes because of radioactive contamination. More than 5 million people in Ukraine, Belarus and western Russia found themselves coping with life in towns and villages contaminated by iodine and cesium. Thousands of square miles of agricultural land and forests had to be removed from use because of contamination.

Twenty years after the initial fallout, Chernobyl has not been relegated to history books. Twenty years later, it continues to cause human suffering, environmental and economic hardship.

The disaster at Chernobyl has triggered a well documented epidemic of thyroid cancer, particularly among those who were infants and teenagers at the time of the explosion. Long latency periods for other types of cancers and ailments suggest that the toll on human health in the affected populations is a developing story, and not a thing of the past.

The consequences to the environment, as well as agriculture are equally devastating. Shortly after the fallout, short-lived iodine deposits onto vegetation entered into the food supply, mainly through milk, delivering large doses of internal radiation to consuming public. As for long-lived long-lived cesium, that will remain a problem for decades to come.

The Chernobyl disaster has been causing tremendous economic hardships as well, with Ukraine and Belarus spending up to 5 percent of their respective GDP on mitigation of its consequences. Environmental and economic degradation in the affected regions, increased health care costs, loss in productivity of human capital add to the heavy burdens of Chernobyl's enduring legacy.

As scientists and researchers continue their pursuit of a greater understanding of Chernobyl's long term consequences on human health and environment, it is important that we avoid closing the page on Chernobyl by rushing to speedy conclusions. Instead, I join many of my constituents in urging caution in accepting as definitive and conclusive some of the findings of the IAEA-led Chernobyl Forum report, particularly in the area of health consequences. Our Ukrainian colleagues in particular, encourage long term commitment to researching and analyzing Chernobyl's legacy. The whole world stands to benefit as together, we advance our understanding of man-made environmental disasters of this scope.

Another important aspect of Chernobyl's legacy is its impact on energy policy choices that are before the Government of Ukraine. It is my belief that Ukraine's long term energy security is not feasible without renewed emphasis on renewable energy. We share the same concerns in U.S., and both of our countries share great potential for development of bio-fuels, and other renewable energy technologies, such as fuel-cells, wind power.

It is also critically important that we address the issue of completing the Shelter Implementation Plan with the urgency and efficiency it deserves. President Yuschenko has highlighted this priority in his address to the Joint Session of the U.S. House of Representatives and Senate. It is often said that the next Chernobyl can be Chernobyl itself—the decaying concrete-and-steel sarcophagus, hastily constructed after the accident to secure the Reactor No. 4, has an estimated warranty of 20 years. That time is now, as the structural integrity of the encasement causes great concern. It is not just an Ukrainian issue, but indeed an issue of European security. As the largest single country donor to the Chernobyl Shelter Fund, the U.S. provides important leadership in this multi-national donor effort. I urge the redoubling of efforts by all stakeholders to the Shelter Implementation Plan to ensure its timely completion.

The Congressional Ukrainian Caucus is stepping up to the plate in commemorating the somber milestone of the 20th anniversary of Chernobyl. I am grateful to my colleagues and our Caucus Co-Chairs, Congressmen WELDON, LEVIN and BARTLETT, for their strong leadership and support in organizing events commemorating Chernobyl's anniversary. They include a special commemorative photo exhibit Chernobyl: 20 which documents the human experience there over the past 20 years, looking through the lenses of the world's top photographers. The exhibit is scheduled to open at the Rayburn Foyer on April 26, 2006 at 10 a.m.; an in-depth briefing, scheduled for April 27, 2006, 2 p.m–6 p.m, will explore a broad range of Chernobyl issues, including impact on human health and agricultural/food systems, environmental, economic and social rehabilitation in the affected regions, U.S. and international assistance, Chernobyl Shelter Implementation Plan progress; and finally, the Congressional reception honoring the tireless work of NGOs dedicated to improving human condition in the effected regions, scheduled for the evening of April 27, 2006, 6 p.m.–8 p.m.

The U.S. has provided assistance in remediation efforts in the aftermath of the catastrophe, followed by technical, humanitarian and economic assistance in the subsequent years that. One of the objectives of the briefing on Chernobyl is to review past U.S. assistance to the countries stricken by Chernobyl disaster, and identify current priorities that require continued commitment and financial support.

Life in the Chernobyl affected regions of Ukraine, Belarus and western Russia would have been a much more difficult challenge were it was not for the tireless work of many NGOs that go wherever they see human needs and opportunities to improve people's lives. Many lives were not just improved, but saved, because of the work of such organizations as Children of Chernobyl Relief and Development Fund and Chernobyl Children's Project International. This month, these charities send multi-million dollar convoys and airlifts of valuable medical equipment and medicine to Ukraine and Belarus, over the past decade bringing more than $100 million worth of medical supplies to those in need. This example of human compassion and resilience in the face of adversity is truly a hopeful sign for all survivors of the Chernobyl catastrophe.

I am submitting for the RECORD the respective statements of Children of Chernobyl Relief and Development Fund and Chernobyl Children's Project International in connection with H. Res. 703.

Finally, I would like to mention the political dimension of this catastrophe. When the nuclear reactor at Chernobyl blew up 20 years ago, Ukraine, Belarus, Russia and other countries were part of the closed Soviet society, one where secrecy prevailed and freedom was denied. In my view, there was a direct link between the inefficiencies of the Soviet system, indeed its criminal disregard for the environment and for its citizens, and the disaster we commemorate today. In many ways, Chernobyl was a wake-up call for the Soviet Union, for the world. We dare not fall asleep again. We must continue to support Ukraine's democracy and ease her transition to the European Union; we must align ourselves with the brave people of Belarus who are trying to advance their own beleaguered country; and must build a strong relationship with Russia so that the authoritarian practices of the past that led to such disastrous results can be transformed to a more open, hopeful society, whose future will be of unlimited potential.

The occasion of the Chernobyl' s 20th anniversary offers a unique opportunity to step back in time and reflect on fragility of human life as we interact with powers of nature and technology. Let us be thoughtful and mindful of the lessons of Chernobyl in our everyday actions.

CHILDREN OF CHORNOBYL RELIEF FUND

The Children of Chornobyl Relief and Development Fund wishes to add its support to House Resolution No. 703: "Recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant".

For the past sixteen years our organization has been working to address the human legacy of the world's worst environmental accident. Relying almost exclusively on private contributions, CCRDF has delivered over $53 million dollars worth of medical supplies, state-of-the-art technology and physician training programs to help save the lives of children stricken with thyroid cancer, leukemia, birth defects, and early childhood diseases.

The children who are undergoing treatment in our 20 partner hospitals offer painful but eloquent testimony to the critical need for continuing medical aid to the Chornobyl survivors. It is now well established that the nuclear disaster caused an epidemic in thyroid cancer beginning in the 1990s. Children and adults who were exposed to radioactive iodine were stricken at a rate of 80 times higher than normal. Over 9,000 additional children in Ukraine have been diagnosed with precancerous conditions. But thyroid cancer is just one of many health problems confronting the Chornobyl communities. Fully one-third of all children in some provinces suffer from endocrine disorders or tumors that require medical or surgical intervention. Children who live in contaminated territories suffer from immune deficiencies and depleted levels of killer-T cells at a much higher rate than children from relatively clean zones.

Recent studies by Ukrainian and Israeli scientists have shown that the children born to Chornobyl nuclear cleanup workers—the so-called "liquidators" have a seven-fold increase in chromosome damage as compared to their siblings born prior to the Chornobyl accident. There is growing evidence that birth defects have doubled in the wake of Chornobyl, and the rate of some birth defects, such as spina bifida and cataracts are even higher. The Ukrainian-American Association for the Prevention of Birth Defects under the direction of an eminent geneticist from Alabama—Dr. Wolodymyr Wertelecki has been tracking birth defects among a very large population of newborns in the provinces of Rivne and Volyn in northwestern Ukraine. They have found an epidemic of spina bifida, and a wide range of other deformities that are ordinarily extremely rare. Although USAID has discontinued funding for Dr. Wertelecki's research centers, we believe that his program has proven its value. The next stage could be even more important as Dr. Wertelecki's team is developing programs to reduce the incidence of birth defects through prenatal programs and the introduction of folic acid into local foodstuffs.

The United States could play a vital role in creating a nationwide birth defects registry in Ukraine and Belarus. Our government could also help to save the lives of thousands of youngsters who are born each year with congenital heart defects by providing training and technology to diagnose these life-threatening conditions at birth or in early childhood.

We have seen how even modest investments can have a dramatic impact on infant survival and cancer remission rates at several of our partner hospitals. In Kharkiv Children's Hospital No. 16, for instance, the recovery and remission rates for childhood leukemia have improved from a dismal 5 per cent in 1991 (a virtual death sentence) to 75 per cent in 2004 thanks to the installation of modern equipment such as a blood cell separator and a full protocol of chemotherapeutic agents. We have created model neonatal intensive care units in Poltava and Lviv and Dnipropetrovsk, where infant mortality has dropped by as much as 45 to 80 per cent, even as the hospitals began to take on a larger volume of infants with more difficult pathologies. By raising the standard of care, we have also stimulated citizen initiatives, private philanthropy and indigenous government programs that were virtually unheard of during the Soviet era.

Thanks to the generous support of the Ukrainian-American community, and thanks to corporate donors such as John Deere, Monsanto, Philip Morris and UMC, we have been able to bring doctors the tools and training they needed to achieve quantum leaps in the kind of care they can provide their patients.

Unfortunately, Chornobyl's legacy is likely to endure long after this 20th Anniversary. We have to remember that the 20-year latency period for many forms of cancer is just beginning to toll, and already, Chornobyl liquidators are dying of oncological illnesses at a rate almost triple the rate of working age males in Ukraine. Of the 34,000 liquidators who have died in Ukraine to date, 25% died of various forms of cancer as compared to a rate of 9% for most Ukrainians. Our colleagues at the National Institute of Pediatrics and Obstetrics and Gynecology in Kyiv have found evidence of cesium-137 and strontium-90 in placentas and breastmilk, showing that newborn infants are being directly exposed to highly dangerous radioactive materials at their most vulnerable stage. We need to remember that the half-life for these elements is 30 years, so they will be with us for many years to come.

In the coming years, the United States Government should make significant efforts to strengthen Ukraine's medical infrastructure, and to invest in better maternal and children's health. We must also provide funding for independent research studies that will look at a wide range of other health problems such as the accumulation of radionuclides in the gastro-intestinal tract of youngsters who live in areas contaminated with radioactive materials.

For our part, we will do everything in our power to reduce the impact of Chornobyl by giving Ukrainian children a fighting chance to overcome even the most daunting illnesses. We thank you for your consideration.

ALEXANDER B. KUZMA
Executive Director

CHERNOBYL CHILDREN'S PROJECT
INTERNATIONAL,
New York, NY.

Chernobyl Children's Project International supports House Resolution No. 703: "Recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant."

Chernobyl Children's Project International has worked with health care institutions and communities in Belarus for fifteen years. A partnership between Ireland and the United States, we have delivered over $70 million in humanitarian and medical aid. Working with citizens of Belarus, we provide a children's cardiac surgery program, community care programs for disabled children, nursing and therapeutic programs and training, foster homes and hospice services.

In Belarus, 1.8 million people continue to live in radiation-contaminated zones—over 420,000 of them children. Our work keeps us in close contact with scientists, researchers, NGOs and physicians in Belarus who have first hand knowledge of the social, economic, and health needs of the communities they serve. They observe and have documented increases in cancer, birth defects, and cardiac and immune disorders since the Chernobyl disaster. Data from experts and health professionals in the affected regions is often overlooked by their counterparts in the West. The Belarusian Academy of Sciences reports that among children, morbidity, sicknesses have increased by almost one-third, new cancers by 1.5 times, and blood diseases by 1.5 times. Sixty to 70 percent of Belarusians who live in contaminated zones who have been checked at the Belarusian Institute of Radiation Medicine have critical levels of radiation in their bodies.

Although the link between the Chernobyl disaster and thyroid cancer has by now been firmly established, it is important to note that it took years for this epidemic to emerge. Screening and early intervention programs have thus been able to minimize but not erase the human toll of thyroid cancer. The first warnings were sounded by the medical and NGO communities in Belarus and Ukraine well before the link between the disease and the disaster were widely acknowledged, and in fact initial reports of increases were dismissed.

The latency period for the emergence of many cancers is 20+ years, and today respected researchers and clinicians are voicing concern over the emergence of birth defects, non thyroid cancers and blood and immune disorders.

The Chernobyl Forum report made an important contribution to the understanding of the consequences of the Chernobyl disaster by highlighting the complex interplay of factors that impact the quality of life in Chernobyl affected regions, and by encouraging the international community to focus on projects that address poverty, lack of economic opportunity, inadequate health care, and environmental degradation. While we support this holistic approach, it is far too soon to say that we know all there is to know about the long term health effects of Chernobyl. We strongly submit that the U.S. Government and the international community must acknowledge the need for further research and to continue to examine the health effects of the Chernobyl disaster.

KATHY RYAN,
Executive Director/USA.

Mr. KUCINICH. Madam Speaker, I rise in support of H. Res. 703, but I feel compelled to qualify my support to ensure the people of Ukraine continue to receive support in the wake of this tragedy.

To understand the gravity of the worst nuclear accident in history, let's review what happened on April 26th, 1986. While testing the reactor, a series of mishaps led to a large chemical explosion that resulted in the 1,000-ton cover blowing off the top of the reactor.

Ultimately, fifty tons of uranium fuel from the reactor core vaporized immediately, and were blasted high into the atmosphere; a further 70 tons of uranium and 900 tons of highly radioactive graphite were dispersed into the area around the reactor, starting more than 30 fires; the 800 tons of graphite that remained in the reactor core caught fire at once, creating a radiological inferno that would burn for 10 days, sending a continuous plume of lethal radionuclides roiling into the sky.

The Soviet government would wait nearly three full days before acknowledging that an accident had taken place, and did so only after the drifting plume set off radiation alarms in a nuclear plant in Sweden. Nine million people were exposed to radiation in Belarus, Russia and Ukraine.

The contaminants, which included plutonium isotopes with a half-life of 24,360 years, eventually traveled around the globe, depositing radioactive material as far away as the lakes of Japan and the hill farms of north Wales. The long-lived radioactivity released was more than 200 times that of the atomic bombs dropped on Hiroshima and Nagasaki.

The economic consequences of the accident remain a massive burden on the countries most affected; Belarus and Ukraine continue to spend around 6% of their Gross National Product on trying to deal with the consequences of the accident.

I have concerns with the following clause in H. Res. 703 because it sanctions an attempt to downplay the health effects on millions of innocent people.

"Whereas the findings of the Chernobyl Forum, issued in September 2005, significantly added to the understanding of the health consequences and economic impact caused by the Chernobyl nuclear disaster;"

The Chernobyl Forum study understates the health consequences of Chernobyl. The authors excluded more than 30,000 anticipated cancer deaths from the collective doses in all other countries in the Northern Hemisphere. Over 6,000 thyroid cancer cases have been diagnosed so far in Belarus, Russia and Ukraine, and more are anticipated. Recent scientific studies are revealing an increased incidence of solid cancers, including breast cancer, as well as cardiovascular and ophthalmic effects. These effects have long latency periods of more than 20 years.

In the Rivne region of Ukraine, 310 miles west of Chernobyl, doctors say they are coming across an unusual rate of cancers and mutations. There is a 30 percent incidence rate amongst people in the highly radiated areas that have physical disorders, including heart and blood diseases, cancers and respiratory diseases. Nearly one in three of all the newborn babies have deformities.

It took some 600,000 workers for recovery and clean-up operations, all of them exposed to high levels of radiation. Studies show that almost 35,000 people who took part in the cleanup of Chernobyl have died in the years since the catastrophe. The rate of death from cancer was nearly three times as high as in the rest of the population.

The conflicting scientific studies suggest much more research needs to be done. But it is essential that we do not minimize the effects of this disaster without cause.

I am concerned that any effort to downplay the effects of this disaster may jeopardize the U.S. financial commitment to Ukraine and the innocent victims. I cannot support anything that might permit the U.S. to abandon the Belarus, Russia and Ukraine victims of Chernobyl.

Mr. SMITH of New Jersey. Madam Speaker, I rise this afternoon to join Chairmen HYDE and GALLEGLY, Mr. LANTOS and others in commemorating the Chernobyl disaster, a tragic event that has left a legacy of pain and suffering felt by the people of Ukraine and Belarus to this day. I welcome this resolution and especially its emphasis on encouraging national and international health organizations to focus their research on the public health consequences of Chernobyl.

As Co-Chairman of the Helsinki Commission, I can recall the Commission hearing I chaired on the 10th anniversary of Chernobyl, at which witnesses, including then Ukrainian Ambassador Yuri Shcherbak offered compelling testimony addressing the health and demographic consequences of the world's worst nuclear disaster. I am pleased to inform colleagues that on the 25th of this month the Helsinki Commission will hold a hearing commemorating Chernobyl. I am pleased that Ukrainian Ambassador Shamshur has accepted my invitation to testify along with health experts and others.

Madam Speaker, as a strong advocate of the health of all children, including the unborn, Chernobyl is of special concern.

In Ukraine and Belarus, there is growing evidence of a steep increase in birth defects, especially an alarming 4-fold increase in spina bifida that has been documented by the Ukrainian-American Association for the Prevention of Birth Defects. Many other forms of birth defects have doubled since Chernobyl, including cataracts, deformed limbs and fingers, and cleft palates. Recent Israeli-Ukrainian studies have shown that children born to Chernobyl liquidators have a 7-fold increase in chromosome damage as compared to their siblings born prior to the Chernobyl disaster.

Last year, I authored language that was included in the State Department Authorization Act authorizing funding for assistance to improve maternal and prenatal care, especially for the purpose of helping prevent birth defects and pregnancy complications. The monies would be for individuals in the Republic of Belarus and Ukraine involved in the cleanup of the region affected by the Chernobyl disaster. We need to make sure that Chernobyl health studies and efforts to prevent birth defects through the distribution of folic acid and better prenatal care receive sufficient funding. These are funding priorities that I will continue to pursue.

Madam Speaker, the public health research community was caught off guard by the massive 80-fold increase in thyroid cancer among Chernobyl children in Belarus in 1993, and the world community needs to remain vigilant for other forms of cancer that may begin to emerge now that the 20-year latency period has ended.

We need to remember that the half-life of radioactive cesium is 30 years. Thousands of children are still being exposed to dangerously high levels of radionuclides in contaminated areas of southern Belarus and northern Ukraine, as well as far-flung areas in Scandinavia and Eastern Europe that also suffered from radioactive fallout. There is still much that remains to be done to overcome the devastating effects of Chernobyl, and it is important for the international community—both governments and nongovernmental organizations—to remember that Chernobyl is not just a Ukrainian, Belarusian or Russian problem. The fallout will require continued international attention and commitment.

I also want to take this opportunity to commend the work of nongovernmental organizations that devote considerable time and effort in helping the victims of Chernobyl. One such organization is the Children of Chernobyl Relief and Development Fund, which has worked tirelessly to provide state-of-the-art medical technology, physician training and humanitarian aid to give Ukrainian children a fighting chance to overcome cancer and leukemia.

Finally, I welcome the resolution's support for continued U.S. assistance to the Chernobyl Shelter Fund, the Shelter Implementation Plan, and other efforts to mitigate the consequences of the Chernobyl disaster. We need to do everything possible to protect people and the environment from the large quantity of radioactive remains of the Chernobyl nuclear power plant even as we work to assist the victims of the world's worst nuclear disaster.

Mr. TAYLOR of North Carolina. Madam Speaker, I would like to commend my colleagues on the Committee on International Relations for their work on House Resolution 703, which recognizes the 20th anniversary of the Chernobyl nuclear disaster. I strongly support this resolution, which serves as an important reminder of the work yet to be done to ensure a better future for people living in parts of Ukraine, Belarus, and Russia, and other areas, who have been affected by the disaster.

As the resolution makes clear, the United States must continue its work with other countries and international organizations to provide assistance to mitigate the consequences of the Chernobyl nuclear disaster. At the same time, as the resolution points out, it is also imperative that we support research into the public health consequences of the disaster so that the international community might benefit from the findings of such research.

It is in this spirit that I would like to recognize the Chernobyl Research and Service Project, an initiative underway by a coalition including the U.S. Department of Energy, the Ukrainian government, Duke University, the University of North Carolina at Asheville, and RTI International. By studying the effects of human exposure to radiation, this project has a number of critical objectives. In addition to protecting the health and welfare of workers involved in the Chernobyl clean-up effort, the Chernobyl Research and Service Project aims to provide information that will lead to the development of more sensitive tests to detect and measure radiation exposure and its effects in the human population, as well as the development of more powerful treatment for victims of radiation exposure, among other things.

Today, as we remember the Chernobyl disaster, it is my sincere hope that programs such as the Chernobyl Research and Service Project continue in an effort not only to improve the lives of those affected by the catastrophic event that took place 20 years ago this month, but also to ensure that we are better prepared in the future.

I urge my colleagues to join me in support of this significant resolution.

Mr. LEACH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 703.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SUPPORT FOR GOOD FRIDAY AGREEMENT AND CONTINUED POLICE REFORM IN NORTHERN IRELAND

Mr. LEACH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 744) expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process.

The Clerk read as follows:

H. Res. 744

Whereas the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and the Republic of Ireland;

Whereas the parties to the Good Friday Agreement made a clear commitment to "partnership, equality, and mutual respect" as the basis for moving forward in pursuit of lasting peace in Northern Ireland;

Whereas the parties to the Good Friday Agreement also affirmed their "total and absolute commitment to exclusively democratic and peaceful means" in pursuit of lasting peace in Northern Ireland;

Whereas inclusive power-sharing based on these defining qualities is essential to the viability and advancement of the democratic process in Northern Ireland;

Whereas paramilitary activity by both traditions in a democratic society undermines the trust and confidence that are essential in a political system based on inclusive power-sharing in Northern Ireland;

Whereas on September 26, 2005, the International Independent Commission on Decommissioning (IICD) confirmed the Irish Republican Army had destroyed its full arsenal of weapons;

Whereas the Good Friday Agreement called for police reform and establishment of a "new beginning" in policing in Northern Ireland with an effective, accountable, and fair police service capable of attracting support from the entire community, maintaining law and order, and adhering to the principle of the protection of human rights;

Whereas the new Police Service of Northern Ireland (PSNI) has made great strides in becoming an integrated, professional, and impartial police force under civilian control and responsive to all community concerns, and has worked to protect both communities from violence;

Whereas significant further work in police reform, and in fostering community acceptance of the PSNI, must still be accomplished;

Whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in the peace process and have committed themselves to its implementation; and

Whereas the Government of the United States continues to strongly support the peace process in Northern Ireland: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland;

(B) commends the Prime Minister of the United Kingdom Tony Blair and the Irish Taoiseach Bertie Ahern for their leadership and persistence in seeking a peaceful resolution in Northern Ireland;

(C) commends the Sinn Fein leadership in successfully urging the Irish Republican Army to end its armed struggle and verifiably put its weapons beyond use;

(D) commends Sir Hugh S. Orde, Chief Constable of the Police Service of Northern Ireland (PSNI), for his leadership and for working to protect both communities;

(E) commends the PSNI for the institution of the Historical Enquiries Team, which will provide a thorough and independent examination of unresolved deaths that occurred in connection with the Troubles from 1968 to 1989;

(F) commends Nuala O'Loan and the Police Ombudsman's Office for the work they have done in promoting human rights in law enforcement and in fostering community confidence in the PSNI; and

(G) commends the work of the Northern Irish Policing Board and its District Partnerships for promoting genuine community policing in Northern Ireland; and

(2) it is the sense of the House of Representatives that—

(A) all groups and organizations should end their involvement in paramilitary activity;

(B) all political parties in Northern Ireland should—

(i) agree to share power with all parties according to the democratic mandate of the Good Friday Agreement; and

(ii) commit to work in good faith with all the institutions of the Good Friday Agreement, which established the Northern Ireland Assembly and an inclusive Executive, the North-South Ministerial Council, and the British-Irish Inter-Governmental Conference, for the benefit of all the people of Northern Ireland;

(C) since policing reform is a significant part of winning public confidence and acceptance in the new form of government in Northern Ireland, all political parties should cooperate fully with the PSNI in preventing and investigating crimes; and

(D) the Government of the United Kingdom and the Government of Ireland should work to achieve full implementation of the Good Friday Agreement, including devolution of policing and justice, the normalization of the security presence, and of the Independent Commission on Policing in Northern Ireland reforms, including long-term senior-level exchanges between the Garda Siochana, the police service of the Republic of Ireland, and the PSNI.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Res. 744, a resolution introduced by International Relations Committee Chairman HENRY HYDE. H. Res. 744 expresses support by the House for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland. In addition, it supports continued police reform in Northern Ireland, which is a critical element in the implementation of the Good Friday Accords.

At this time, I would like to commend Chairman HENRY HYDE, as well as Representatives ELTON GALLEGLY and CHRIS SMITH as well as our distinguished ranking members TOM LANTOS and JOE CROWLEY for their work on this measure and more importantly their commitment to this singularly important peace process. I would like to also note the important role of Mr. WALSH of New York and Mr. NEAL of Massachusetts as the Chair and Cochair of Ireland-related caucuses. H. Res. 744 also has broad-based support among those House Members who long have been concerned about finding a peaceful solution to the conflict in Northern Ireland.

Madam Speaker, since 1969, over 3,200 have died as a result of terrorism and political violence in Northern Ireland. For years, the British and Irish governments, assisted by the United States, sought to facilitate a peaceful settlement to the conflict. Finally, in April of 1998, the long-warring Catholic and Protestant factions in Northern Ireland signed the Good Friday Agreement. Just over a month later, strong majorities in both the north and south of Ireland endorsed the agreement in a referendum.

The Good Friday Agreement calls for the transfer of power from London to Belfast and the establishment of the Northern Ireland Assembly and Executive Committee, in which Unionists and Nationalists share power. It also contains provisions on disarmament, reformed policing, human rights, prisoners, and demilitarization by British Armed Forces.

Madam Speaker, while the Good Friday Agreement provides a blueprint for achieving peace and justice in Northern Ireland, its full implementation has proved difficult. The devolved Northern Ireland government has been suspended since October 2002 amid a loss of trust on both sides of the conflict.

Unionists remain skeptical about the IRA's commitment to disarmament and nonviolence. As a result, they have so far refused to join the power-sharing institutions such as the Executive Committee, which was created by the Good Friday Agreement for the purpose of exercising executive authority in Northern Ireland.

On the other hand, Nationalists worry about the pace of police reforms. They have refused to join the Policing Board, the independent oversight body that ensures the Police Service of Northern Ireland is effective, accountable and impartial.

That leaves us at a standstill in the peace process. The Unionists do not have confidence as to the IRA's intentions and commitment to nonviolence. The Nationalists still do not have confidence in the police service and they question the Unionists' commitment to share power with Catholics.

This legislation directly addresses these issues and clearly endorses the Good Friday Agreement as the exclusive framework for a lasting peace in Northern Ireland.

Specifically, House Resolution 744 states that it is the sense of the House that all groups and both communities should end their involvement and paramilitary activity.

Second, the legislation calls on all political parties to agree to share power and work in good faith with the power-sharing institutions established by the Good Friday Agreement.

Third, since police reform is a significant part of winning public confidence in the new government in Northern Ireland, all political parties should cooperate fully with the Police Service of Northern Ireland.

Lastly, House Resolution 744 calls on the governments of the United Kingdom and Ireland to work together to achieve full implementation of the Good Friday Agreement.

The language of the resolution puts a shared onus on both sides, Nationalists and Unionists alike, to take the difficult next steps that will move the peace process forward and lead to the implementation of the Good Friday Agreement.

Madam Speaker, this is an important piece of legislation that provides support for the Northern Ireland peace process at a critical time.

Again, I commend Chairman HYDE for introducing this resolution and for quickly bringing it to the floor for consideration.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. I would first like to thank my good friends and colleagues, Chairman HYDE and Congressman CHRIS SMITH, for their tireless advocacy of peace and justice in Northern Ireland.

Madam Speaker, over the past several years the peace process in Northern Ireland has taken many twists and turns. The Good Friday Accord, designed to bring an end to the conflict in Northern Ireland, has been declared dead time and again. During the past few months, however, we have witnessed very promising developments in our efforts to fully implement the Good Friday Accord, which was signed almost 8 years ago.

In July of last year, the Irish Republican Army announced that it would forswear violence. The IRA followed up on that announcement by decommissioning a substantial portion of its weapons cache last fall. After these dramatic events, we all hoped and expected that the Good Friday Accord would be fully implemented.

It is becoming increasingly clear now that we have reached another impasse. Sinn Fein has refused to support the police in Northern Ireland or to encourage Catholic Republicans to join the police service. The Democratic Unionist Party has refused to enter local government with Sinn Fein or even to talk with them.

Meanwhile, Madam Speaker, despite the positive moves on the part of Sinn Fein, the Unionist paramilitary groups have yet to follow up with a no-violence pledge and disarmament agreement.

Our resolution addresses all of these outstanding issues. It challenges all the parties to renounce violence and to disarm, and it calls on all sides to fully engage in police reform.

Madam Speaker, after many setbacks, substantial pressure has finally developed to fully implement the Good Friday Accord. Our resolution is designed to support this forward movement and to help pave the way to a time when the conflict in Northern Ireland is only a subject for the history books.

I strongly support this resolution, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. LEACH. Madam Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. WALSH), who chairs the Friends of Ireland Committee and who has played such a central role on Irish issues in this Congress.

Mr. WALSH. Madam Speaker, I thank the gentleman from Iowa for yielding time to me and for his leadership on all issues relating to the International Relations Committee. I would especially like to thank Chairman HYDE and Ranking Member LANTOS for their leadership and the entire International Relations Committee and their staff for their hard work and effort in getting this important resolution to the floor at such a critical period in the Northern Ireland peace process.

The timing of this resolution could not be more appropriate. We are fast approaching the eighth anniversary of the Good Friday Agreement, and recent media reporting suggests that the British and Irish governments are working to restore a devolved government that has been under suspension since the police raids and the Unionist walkout of October 2002.

As one of 35 million Irish Americans in this country, I can't tell you how pleased and encouraged I am with these developments. For far too long, the people of Northern Ireland have been denied an equal voice and equal representation in government. It is time for the Assembly and Executive to be up and running and the people's business to be addressed.

Her island's citizens have spoken. They expressed their views for a shared future by overwhelmingly approving the Good Friday Accords by a margin of 95 percent in the Republic of Ireland and 71 percent in Northern Ireland. It is time for Northern Ireland's political leadership to acknowledge their wishes and fully carry them out.

In the last few years, progress has been spotty, but, nonetheless, there has been progress. That progress must continue without any backward steps or delays. I believe recognizing a few key leaders that have nurtured this progress can help highlight and strengthen this initiative.

First I would commend Prime Minister Tony Blair of Great Britain and the Republic of Ireland's Taoiseach, Bertie Ahern. Northern Ireland has no better friend than these two men. They have been understanding to all viewpoints and fair to all political denominations and respectful of all traditions. They have been firm in conviction and steadfast in their beliefs; and, most importantly, they have been true leaders committed to a lasting peace. Both men deserve recognition and praise for their work.

Second, the leadership of Sinn Fein for their role in facilitating the complete decommissioning of the IRA's weaponry. This was certainly no small task. Sinn Fein has never received the full credit it deserves for delivering this historic moment. Sinn Fein made the commitment, the commitment was delivered in full, and that commitment has been verified by the International

Monitoring Commission and the International Commission on Decommissioning led by General de Chastelain.

I have read reports of individuals being skeptical and wary of this declaration, but the facts speak for themselves. The IRA has abandoned its armed struggle in pursuit of its goals by political means. This must be fully acknowledged. Continued challenge does nothing but obstruct and inhibit the peace process.

I would like to add also, Madam Speaker, that the members of the Democratic Unionist Party, the DUP, led by Dr. Ian Paisley, will be here today meeting with Members of Congress, and we welcome them. We are delighted that they are here. We are excited about hearing their vision for the future of Northern Ireland, and they will be here to express that and develop personal relationships. Many of them are members of Parliament, in addition to being elected members of the legislative assembly in Northern Ireland.

Finally, the Policing Service in Northern Ireland, under the leadership of Hugh Orde and Nuala O'Loan, deserves recognition. Northern Ireland has experienced a dramatic improvement in policing over the last 8 years, with the current Catholic to Protestant employment percentage up 18 percent since the restructuring, and the police recruit ratio holding firm at 50-50.

It is imperative that people in all communities recognize that the Policing Service, while not perfect, is certainly not the Policing Service of old. They must begin to develop a relationship of trust and confidence in their police. It is only through this type of relationship that the community will be best served.

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Madam Speaker, again it gives me great pleasure to stand before you today in order to praise the Good Friday Agreement as the framework for peace in Northern Ireland and to recognize the remarkable progress that has been achieved.

I would also like to recognize the efforts of all the Members of Congress, House and Senate, and Presidents of both parties for their commitment to this process. I commend the efforts of all past leaders who have put personal and political ramifications aside for the greater good of Northern Ireland and urge all current leaders to continue to move forward. I urge adoption of this resolution.

Mr. LANTOS. Madam Speaker, I yield 3 minutes to our distinguished colleague and my good friend, the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Madam Speaker, I thank my colleague from California for bringing this important legislation and resolution to the floor and I thank my colleagues that have been working on this for years.

I have been in Congress for 10 years now and during that 10 years we have been working on peace in Ireland. Many of us that are Irish call it "the troubles" which have continued over these years. And every time there seemed to have been a little bit of sunlight and we actually thought that peace would finally come to Northern Ireland, and we certainly fought and worked for that. But the Good Friday Agreement is certainly an important piece of legislation and it gave the goal and certainly the hope to the people of Ireland, and I think that is probably the most important thing.

There have been many bumps in the road over the years with the Good Friday Agreement, but it was the people of Northern Ireland, it was the people that basically said, let's go forward. So each time that we saw, as I call it, a bump in the road or a stop sign, it was the people of Ireland that said let's go forward. I happen to think we are at the crossroads now. And I happen to think that with all the people here in Congress especially, I support the things that have been said from my colleagues that we are honestly going to see hopefully peace come.

Ireland economically has done very well and we will continue to support them to do that. But I have to say when the IRA agreed to give up its weapons last February, I think that was certainly the biggest step that we could have asked. The people remain cautious in Ireland, but I do believe the IRA is showing good faith.

In February the Independent Monitoring Commission released a report. The report found that security forces believe that the IRA held on to weapons and is still intelligence gathering. In spite of that, the IMC stated that the IRA seemed to be moving in the right direction.

It is important that the people in Ireland who are working towards peace know that they have the support of the United States in these efforts. I encourage the Irish people to continue their work in the peace process, and I am proud to support this legislation.

We here in Congress carry a great deal of weight. The people of Ireland do trust us. They appreciate us being with them during the good times and the bad times. I would like to say thank you to my colleague, Mr. WALSH, for all the great work in bringing us over to Ireland to meet with all political groups so we can try to see peace in our lifetime.

The Policing Commission has always been a stumbling stone, and yet when we have gone there and we have met and we have seen young Irish Catholic men and women joining the police force and the same on the Protestant side and learning how to be together, there is great hope in the future for all of us. But Northern Ireland and Ireland is going to win in the end, and the United States, I am happy to say, had a lot to do with that.

Mr. LEACH. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), who has been such a leader on so many issues, including those that relate to Ireland.

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend, Chairman LEACH, for yielding me time and for his leadership on this and on so many other resolutions and initiatives as well on behalf of human rights.

Mr. LANTOS, it is great to see you again on the floor, not unexpected. You are always here fighting the good fight on behalf of human rights.

Madam Speaker, I especially want to commend Chairman HYDE for offering this resolution. I am very proud to be one of the original cosponsors of it. It is a collaborative effort that strongly restates U.S. support for the Good Friday Agreement signed 8 years ago this month.

Madam Speaker, the Hyde resolution also underscores our unyielding support for the establishment of peace, justice, reconciliation and prosperity in Northern Ireland which we have all hoped for and we have all prayed for. While we are not there yet there has been some very encouraging signs.

On March 15, Madam Speaker, I chaired my eleventh hearing on the Northern Ireland peace process. All of these hearings have been comprehensive and insightful but this one was the first since the IRA's full renunciation of arms struggle and the decommissioning of its weapons.

Our resolution today makes note of that historic milestone, a remarkable development in the path to peace. Of course, equally significant for the implementation of the Good Friday Agreement is true, durable and transparent police reform. Here, too, Madam Speaker, there has been progress.

Today there is a vigorous and fiercely independent Police Ombudsman's Office, whose chief, Nuala O'Loane, has been a catalyst for reform. There is now a Policing Board in Northern Ireland composed of independent and party representatives to design and provide civilian control and fair nonsectarian policing. The Chairman, Sir Desmond Rea, and retiring Vice Chairman, Dennis Bradley, testified at our most recent hearing. There is a new Historical Enquiries Team established by the PSNI Chief Constable Hugh Orde, which will provide a thorough and independent examination of unresolved deaths that occurred in connection with the troubles from 1968 to 1989.

H. Res. 744 rightly commends Nuala O'Loane, Sir Hugh, and the new policing institutions for the progress that they have made, often under very adversarial conditions. Even with these improvements, Madam Speaker. significant work further remains to be done in order to ensure acceptance by all the communities of the PSNI. A key stumbling block to that greater acceptance has been the lack of resolution of charges of official collusion in the murder of human rights lawyer Patrick Finucane. In 2001 the British and Irish governments jointly appointed Judge Peter Cory, a preeminent retired justice of the Supreme Court of Canada, to determine whether independent commissions should investigate possible state-sponsored collusion in six notorious and horrific murders. They also pledge to abide by his recommendations.

Two years ago Judge Cory, and he too testified at one point before our committee, 2 years ago he issued his report; and it called for five of the six murderers to be investigated independently. Yet, I am sorry to say, the British government has still not appointed an inquiry commission into the murder of the human rights attorney, Pat Finucane, who was gunned down in his home in front of his wife and three small children in 1989.

Every one of the 11 hearings that I have chaired on human rights and police reform in Northern Ireland has dealt with Pat Finucane's murder in whole or in part, yet still nothing has been done. The U.K. government must find a way to institute a credible inquiry which will be stepped by all, by Judge Cory, the Irish Republic, by the world community, but most of all, by the Finucane family.

If the population of Northern Ireland is to cease relying on paramilitaries for protection, which they absolutely must do, they must never rely on that, and transfer its trust to the police, it must have the confidence that the police and the authorities deserve trust. That is the major reason why these inquiries must be done and done right as soon as possible.

Again, I want to commend Chairman HYDE, Chairman GALLEGLY, Mr. WALSH, Mr. KING, of course Mr. LANTOS again, and Chairman LEACH, and also many of our staffs, including Mary Noonan, Richard Mereu and Dennis Curry for their work in writing and crafting this resolution which will put us in a bipartisan way on record for saying that the peace process must continue and the Good Friday Agreement must be fully implemented.

Mr. LANTOS. Madam Speaker, I want to commend all of my colleagues who have worked on this legislation. We have no further requests for time and I yield back the balance of my time.

Mr. LEACH. Madam Speaker, I have no further requests for time, but I would like to conclude with just one reference to a distinguished American that is a member of your side, Senator George Mitchell, who did so much to work to achieve and develop the accord that we are now referencing in this resolution.

Mr. CROWLEY. Madam Speaker, I rise today in strong support of this legislation introduced by Chairman HYDE.

Chairman HYDE, I would like to commend you for your continued support of the Good Friday Agreement and a lasting peace in the north of Ireland.

A few weeks ago during the Saint Patrick's Day festivities I had an opportunity to meet with many of the actors involved in creating a lasting peace in the north of Ireland.

When I met with the Taoiseach and Gerry Adams about the ongoing situation, I stressed the importance of bringing about representational government to the people of the north.

It has been over three years since free and fair elections took place in the north.

The people spoke and elected leaders to represent them, but I am sad to say when they went to the voting booth in November of 2003, their vote was not respected.

This issue needs to move forward so the people of the north can finally have democratic rule.

If a true and lasting peace is ever to be achieved the people must be able to feel they are invested in the process.

All parties must begin to put aside their differences and work toward the common goal of peace and reconciliation in the north.

This battle has been allowed to go on for too long with seemingly both sides knowing what the other is doing.

The IRA has lived up to its obligations and fully decommissioned and now it is time for Unionist paramilitary groups to for their example.

I am proud to be an original cosponsor of this legislation and would urge all of my colleagues to send a strong message to the parties involved in the peace process.

The House of Representatives is engaged and would like to forward movement.

Madam Speaker, I rise in strong support of the resolution.

In doing so, I want to commend the tremendous work of an organization known as the Washington Ireland Program, or "WIP." Every year since I came to Congress in 1999, I have hosted a WIP student and I have found these students from both the North and the Republic of Ireland to be exceptional future leaders. WIP is a six-month program of personal and professional development that brings outstanding Protestant and Catholic university students from Northern Ireland and the Republic of Ireland to Washington, DC, for summer internships and leadership training. The program begins and ends with practical service in Northern Ireland and Ireland. In Washington, participants get firsthand experience with U.S. government and politics and an immersion in American culture by living with area Host Families. Through an intense eight-week schedule, young people from different sides of the political divide are challenged to work and learn as a team and to create an environment of mutual respect. The program aims to send students home with enhanced professional interpersonal skills and a new confidence in their own leadership abilities which they are expected to demonstrate through service to their own communities.

To date, 300 young adults have graduated from the program. Many WIP graduatess moved into important careers in politics, business, media, and education. These include: a research officer to the NI First Minister in Westminster; television and radio news journalists; reporters for major newspapers in Belfast and London; barristers and solicitors; university professors and primary school teachers; consultants with Accenture and Price WaterhouseCoopers; Dublin PR firm managers; assistant to Members of the NI Assembly and the Irish Parliament; political party operatives in Northern Ireland and the Republic; and Executive Officer for the Home Office in London.

This dynamic program should serve as a model for many of the geographically and religiously conflicted areas around the world. WIP is helping to ensure a lasting peace throughout the Emerald Isle. I congratulate its officials, staff, and volunteers, and hope that my colleagues will join me in supporting its efforts in the years to come.

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in strong and enthusiastic favor of H. Res. 744, which expresses support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process.

Throughout my tenure in Congress, I have been a strong supporter of reinforcing the strong ties between Ireland and the United States. As a member of the Ad-Hoc Committee on Irish Affairs, one of my top goals is the achievement of peace, justice, human rights, and political stability in Northern Ireland.

Since the completion of the Good Friday Agreement in 1998, the U.S. has worked with all interested parties to help with its implementation. With over 40 million Americans being of Irish heritage, it is vital that the United States continue to play an active role in this process and contribute both the political and economic support needed to ensure that peace continues in Northern Ireland.

Madam Speaker, I would like to recognize the efforts of the involved parties who are working daily to make the promise of the Good Friday Agreement a reality. In recent months, there has been a promising softening of the Unionist position with relatively more favorable comments toward the Agreement. And, of course, the Sinn Fein has backed and overseen the IRA's abandonment of its armed campaign.

These are exciting steps toward a sustained and lasting peace in Northern Ireland. And, I remain very hopeful that the parties can make further progress toward a fully functioning government that operates in regular order to meet the needs of the Irish people.

I commend the Irish people on all of its successes and hard work and encourage all of my colleagues to support this important resolution.

Mr. HYDE. Madam Speaker, I am very pleased to offer H. Res. 744, which expresses support for the Good Friday Agreement as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process. I compliment the work of Subcommittee Chairmen ELTON GALLEGLY and CHRISTOPHER SMITH for improving and making the originally-introduced version even more constructive and stronger on policing. The Good Friday Agreement needs U.S. support and a push to fully implement all of its terms.

On the important issue of policing reform, the resolution before us wisely reflects the overall view of the Independent Monitoring Commission (IMC) for the north of Ireland, which has closely monitored paramilitary activities and made many critical suggestions for reform and change, especially in the area of a new beginning on policing.

The IMC is made up of highly respected representatives appointed by both the Irish and British Governments, and includes an American as well. In its May 2005 report to the two governments and interested parties, the IMC stated some key findings on the responsibilities of all of the political parties on criminal justice, and it has just reiterated these again in its February 2006 report.

The IMC said that all the parties should, among other things:

"Give credible vocal and practical support to all parts of the criminal justice system, including policing . . ."

"Play a full and constructive role in the participative organs of the criminal justice system, such as the Policing Board and the District Policing Partnerships."

These are some wise and constructive suggestions, which this resolution supports and fully endorses. We would encourage Sinn Fein and all the parties in the north to honor and live by these ideas for a better, more secure and democratic north of Ireland. There is no place for violence in the process.

Finally, my resolution also calls on both the Irish and British governments to fully implement the important Patten Commission police reform provision which calls for senior-level police officer exchanges between the Republic of Ireland and the Police Service of Northern Ireland (PSNI). These exchanges are clearly needed so that some of the cultural, religious, and other long-standing issues dividing communities and the police in the north can fully benefit from senior-level understanding and diversity.

I urge adoption of the resolution.

Mr. MURPHY. Madam Speaker, I rise in support of House Resolution 744, which honors the Good Friday Agreement of 1998 for being what I believe is, as the resolution states, "the blueprint for lasting peace in Northern Ireland."

Next Monday, April 10, 2006 will mark the 8th anniversary of the Good Friday Agreement, which has helped to bring nearly a decade of peace to Northern Ireland. As a result of the historic Good Friday Agreement, there is perhaps a greater potential for lasting peace in Northern Ireland now than perhaps ever, since the establishment of the Irish Republic. The Good Friday Agreement has outlined a plan for peace and reconciliation in the 21st century.

I believe the most significant result of the Good Friday Agreement was the revival of the Northern Ireland Assembly, a devolved government body that has facilitated important debate between the political parties. Consequently, problems have been directly and civilly addressed through free and open debate. Unfortunately, as my colleagues know, due to disagreements between the political parties—the Social Democrat and Labor Party, the Ulster Unionist Party, the Democratic Unionist Party, and Sinn Fein—the Northern Ireland Assembly has been suspended since October of 2002. Ever since, the British government has taken direct control over the government to ensure stability. I would hope all sides can agree to terms in order to allow the Assembly to be reestablished.

Madam Speaker, I have met with the leaders of Sinn Fein, the DUP, the UUP and the SDLP, both here in the U.S. and in Ireland. All parties have conveyed to me that they agree it is vital for the future security of the North that new elections be held, an Executive put in place, and the legislative assembly reconvened. I agree with this view, and express the support of the U.S. House of Representatives to facilitate the peace process.

I thank the distinguished Chairman of the International Relations Committee, Mr. HYDE, for authoring this resolution.

Mr. KING of New York. Madam Speaker, today I rise in strong support of H. Res. 744, a resolution that expresses support for the Good Friday Agreement as the blueprint for lasting peace in the North of Ireland. H. Res. 744 is an expanded version of a resolution written by my colleagues JIM WALSH, RICHARD NEAL, JOE CROWLEY, and I last November. I appreciate Chairman HYDE sponsoring this new bill with its additional language which I believe strengthens our initial endeavor and moving it to the House floor promptly. I am also grateful for the opportunity to work with the Chairman and his staff on the drafting of this resolution.

H. Res. 744 expresses our strong commitment to the ideals of the Good Friday Agreement, a referendum that was endorsed by an overwhelmingly majority of the people living both in the North and the Republic of Ireland on April 10, 1998. As we approach the 8th anniversary of this date, I think it is important to recognize those groups and individuals who have committed themselves to peace, justice, and equality and worked to fully implement this agreement. Much progress has been made since 1998 but much still more needs to be done.

First, I'd like to commend (UK) Prime Minister Tony Blair and the (Irish) Taoiseach Bertie Ahem for their leadership in securing a peaceful resolution in the North of Ireland. We would certainly not be where we are today if it were not for these two great statesmen. I'd also like to thank our own government, including both the Clinton and Bush Administrations, for their dedication and efforts to move this process forward. We have been lucky to have fine diplomats such as George Mitchell, Tony Lake, Richard Haass, and Mitchell Reiss play vital roles during the past decade.

One of the most significant changes in the North recently related to the changes in policing. The new Police Service of Northern Ireland (PSNI) has adopted many of the Patten recommendations to become a much more integrated, professional, and impartial police force. Under the leadership of its chief constable, Sir Hugh Orde, and its ombudsman, Nuala O'Loan, the PSNI is a much more effective and accountable law enforcement agency that promotes human rights and fosters community confidence.

Finally, I'd like to commend the leadership of Sinn Fein, specifically Gerry Adams and Martin McGuinness, for successfully urging the Irish Republican Army to end its armed campaign and verifiably put all of its weapons beyond use. This was a crucial step in the peace process to demonstrate the Republicans' commitment to an exclusively democratic and peaceful process. There is no place for any paramilitaries in the North of Ireland and it is my hope that the remaining private armies will follow the IRA's lead by destroying their weapons and signing up to the peace process.

Now is a critical time for the people and the political parties in the North of Ireland. This Thursday the British and Irish governments intend to publish their plans for a resumption of the Northern Ireland Assembly and Executive. It is long past due for this government to be back up and running. But for this to happen, all parties must agree to share power and commit themselves to the full implementation of the Good Friday Agreement.

Mr. LEACH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 744.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMENDING THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS FOR THE CONTRIBUTIONS AND SACRIFICES THEY MADE TO THE UNITED STATES NUCLEAR TESTING PROGRAM IN THE MARSHALL ISLANDS

Mr. LEACH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 692) commending the people of the Republic of the Marshall Islands for the contributions and sacrifices they made to the United States nuclear testing program in the Marshall Islands, solemnly acknowledging the first detonation of a hydrogen bomb by the United States on March 1, 1954, on the Bikini Atoll in the Marshall Islands, and remembering that 60 years ago the United States began its nuclear testing program in the Marshall Islands, as amended.

The Clerk read as follows:

H. RES. 692

Whereas between 1946 and 1958, the United States conducted 67 nuclear tests in the Marshall Islands, 66 of which resulted in atmospheric fallout;

Whereas the most powerful of these tests was the hydrogen weapons test codenamed Bravo, a 15-megaton device detonated on March 1, 1954, at Bikini atoll;

Whereas the Bravo detonation alone was the equivalent to 1,000 Hiroshima-sized bombs;

Whereas 17 other tests in the Marshall Islands were in the megaton range, and the total yield of the 67 tests was 108 megatons, the equivalent yield of more than 7,000 Hiroshima bombs and 93 times the total of Nevada atmospheric tests;

Whereas in July 1998, the Centers for Disease Control and Prevention estimated that 6.3 billion curies of radioactive iodine-131 were released to the atmosphere as a result of the testing in the Marshall Islands;

Whereas the 12-year nuclear testing program has been the defining experience of the modern era for the people of the Marshall Islands, and these momentous events created a common bond between the people of the Marshall Islands and the United States military and civilian personnel who shared hardships and suffering with the people of the Marshall Islands during the testing program;

Whereas as a Member State of the United Nations, the world body that once had oversight of United States stewardship of the trusteeship for the people of the Marshall Islands and their island homelands, the Republic of the Marshall Islands has an unmatched record of working in conjunction with the leadership of the United States in the pursuit of international peace and security, the rights and well-being of the peoples of the world, and in the War on Terrorism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of the Republic of the Marshall Islands for the contributions and sacrifices they made to the United States nuclear testing program in the Marshall Islands;

(2) solemnly acknowledges the first detonation of a hydrogen bomb by the United States on March 1, 1954, on the Bikini Atoll in the Marshall Islands; and

(3) remembers that 60 years ago the United States began its nuclear testing program in the Marshall Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I would like to commend the gentleman from American Samoa (Mr. FALEOMAVAEGA) for introducing this timely resolution which commemorates the six decades of friendship and strategic solidarity that the United States have shared with the people of the Marshall Islands.

June 30 marks the 60th anniversary of the U.S. nuclear testing program in the Marshall Islands. The program encompassed 67 atmospheric tests, including the 15 megaton blast codenamed "Bravo," a detonation equivalent to a thousand Hiroshima-sized bombs, which occurred above Bikini Atoll on March 1, 1954.

The last nuclear test occurred in August of 1958. These massive detonations were considered critical at the time to the development of our nuclear deterrent during the Cold War and represent the most vivid examples of a strategic partnership that stretches back to the Pacific campaign of the Second World War.

They also symbolize the dangers of nuclear weapons and the unintended consequences of weapons development. Tragically, for instance, as this resolution points out, the Centers for Disease Control and Prevention estimated that 6.3 billion curies of radioactive iodine-131 were released in the atmosphere as a result of the testing in the Marshall Islands.

Recently, the United States reaffirmed and extended aspects of its unique relationship with the Republic of the Marshall Islands in the amended Compact of Free Association which the Congress considered and approved during the 108th Congress. As we approach the anniversary of the commencement of the U.S. nuclear testing program in the Marshall Islands, it is fitting to recall the mutual sacrifices that our people shared during the last century and commit ourselves to maintaining our special friendship in the decades ahead.

I urge support of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. First, I would like to commend my very good friend and distinguished colleague, Mr. FALEOMAVAEGA, for introducing this important measure concerning nuclear testing in the Marshall Islands.

His tireless leadership to strengthen the bonds between the United States and all the nations of the Pacific is deeply appreciated by all of us who have the privilege of serving with him on the International Relations Committee.

☐ 1500

Madam Speaker, 60 years ago, the history of the Marshall Islands and its people was fundamentally altered. The residents of isolated Bikini Atoll were loaded aboard American military ships and sent to live on a distant atoll. The goal of this relocation was simple: to enable the testing of a hydrogen bomb equivalent to 1,000 Hiroshima-sized weapons. Bikini Atoll had drawn the short straw, and it would become ground zero for the famous Bravo detonation.

This blast in 1954 was not the first nor the last nuclear test in the Marshall Islands. Between 1946 and 1958, we conducted 67 nuclear tests in the Marshall Islands, but Bravo was the most powerful of our nuclear tests and the one which caused the greatest impact on the long-term health of Marshallese citizens.

Despite the enormous after-effects of the U.S. nuclear testing program, the relationship between the Marshallese and the American people has only grown stronger over the past six decades. Through the Compact of Free Association, the United States provided substantial financial assistance to the Marshall Islands and medical aid to those directly impacted by the nuclear tests.

In return, the government of the Marshall Islands has been a steadfast ally of the United States since it obtained its independence in 1986. Young Marshallese citizens proudly serve in the United States military, and they have died alongside their American comrades in defense of liberty in Iraq. The government of the Marshall Islands has stood with us on vote after vote in the United Nations, when many of our other allies were more than happy to sideline their commitment to freedom and democracy, particularly in cases when the defense of the democratic State of Israel was at stake.

Mr. Speaker, over the past six decades, the people of the Marshall Islands and the United States have been on a long, but important, journey together, beginning with the liberation by American GIs of the Marshall Islands from Japanese occupation, continuing through 12 years of post-war atmospheric nuclear testing and resulting in a strong and mutually beneficial relationship between these two Pacific nations.

The 60th anniversary of the Bravo test is an important time to remember our shared history and to appreciate better the future positive relations we can surely expect between our two nations.

Mr. Speaker, I strongly support this resolution and urge all of my colleagues to do as well.

Mr. Speaker, I am delighted to yield as much time as he might consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my distinguished colleague and good friend, author of this resolution and the ranking Democratic member of the Subcommittee on Asia and the Pacific of the International Relations Committee.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend and colleague for yielding.

Mr. Speaker. I also would like to offer my commendation to the chairman of our House International Relations Committee, Mr. HYDE, for his leadership and for his support of this resolution. I would also like to thank our senior Democratic ranking member on the committee, Mr. LANTOS from California, and especially also my good friend and chairman of the House Subcommittee on Asia and the Pacific, the gentleman from Iowa, Chairman LEACH, for his support as well of this resolution.

Mr. Speaker. I rise in support of H. Res. 692, commending the people of the Republic of the Marshall Islands for the contributions and sacrifices they made to the United States nuclear testing program in the Marshall Islands.

I want to especially thank the gentleman from Arizona (Mr. FLAKE), my good friend and colleague. He and I also had the privilege of visiting the Marshall Islands a year ago, and is an original cosponsor with me on this legislation, as well as my dear friends and colleagues who have also. In the spirit of bipartisanship, I want to submit for the RECORD the list of the Members who have also signed on as cosponsors of this resolution.

H. RES. 692

Title: Commending the people of the Republic of the Marshall Islands for the contributions and sacrifices they made to the United States nuclear testing program in the Marshall Islands, solemnly acknowledging the first detonation of a hydrogen bomb by the United States on March 1, 1954, on the Bikini Atoll in the Marshall Islands, and remembering that 60 years ago the United States began its nuclear testing program in the Marshall Islands.

Sponsor: Rep Faleomavaega, Eni F. H. [AS] (introduced 2/16/2006) Cosponsors (36).

Latest Major Action: 2/16/2006 Referred to House committee. Status: Referred to the House Committee on International Relations.

Rep. Abercrombie, Neil [HI-1]—3/30/2006
Rep. Ackerman, Gary L. [NY-5]—3/30/2006
Rep. Baca, Joe [CA-43]—3/30/2006
Rep. Berman, Howard L. [CA-28]—3/30/2006
Rep. Blumenauer, Earl [OR-3]—3/30/2006
Rep. Bordallo, Madeleine Z. [GU]—3/30/2006
Rep. Brown, Corrine [FL-3]—3/30/2006
Rep. Brown, Sherrod [OH-13]—3/30/2006
Rep. Burton, Dan [IN-5]—3/30/2006
Rep. Cardoza, Dennis A. [CA-18]—3/30/2006
Rep. Castle, Michael N. [DE]—3/30/2006
Rep. Delahunt, William D. [MA-10]—3/30/2006
Rep. Engel, Eliot L. [NY-17]—3/30/2006
Rep. Flake, Jeff [AZ-6]—2/16/2006
Rep. Gallegly, Elton [CA-24]—3/30/2006
Rep. Gutierrez, Luis V. [IL-4]—3/30/2006
Rep. Honda, Michael M. [CA-15]—3/30/2006
Rep. Jackson-Lee, Sheila [TX-18]—3/30/2006
Rep. Kennedy, Patrick J. [RI-1]—3/30/2006
Rep. Kind, Ron [WI-3]—3/30/2006
Rep. Kucinich, Dennis J. [OH-10]—3/30/2006
Rep. Lantos, Tom [CA-12]—3/30/2006
Rep. Leach, James A. [IA-2]—3/30/2006
Rep. Lee, Barbara [CA-9]—3/30/2006
Rep. Lewis, John [GA-5]—3/30/2006
Rep. Miller, George [CA-7]—3/30/2006
Rep. Napolitano, Grace F. [CA-38]—3/30/2006
Rep. Payne, Donald M. [NJ-10]—3/30/2006
Rep. Ros-Lehtinen, Ileana [FL-18]—3/30/2006
Rep. Schiff, Adam B. [CA-29]—3/30/2006
Rep. Spratt, John M., Jr. [SC-5]—3/30/2006
Rep. Udall, Tom [NM-3]—3/30/2006
Rep. Waters, Maxine [CA-35]—3/30/2006
Rep. Watson, Diane E. [CA-33]—3/30/2006
Rep. Watt, Melvin L. [NC-12]—3/30/2006
Rep. Wexler, Robert [FL-19]—3/30/2006

Mr. Speaker, 60 years ago in 1946, the United States began testing nuclear weapons in the Marshall Islands. Over a 12-year period until 1958, the United States conducted 67 nuclear tests with the equivalent yield of more than 7,000 Hiroshima nuclear bombs. In fact, the nuclear test code-named Bravo was a 15-megaton hydrogen bomb that was detonated on March 1, 1954, in the Marshall Islands and its equivalent yield was 1,000 Hiroshima-sized nuclear bombs. Acknowledged as the greatest nuclear explosion ever at that time detonated, the Bravo test vaporized six islands and created a mushroom cloud 25 miles in diameter.

Because people were living in these South Pacific islands during the time of the U.S. nuclear testing program, the people of the Republic of the Marshall Islands were exposed to severe radiation poisoning. Even today, 60 years after the U.S. nuclear testing program began, the people of the Rongelap Atoll, as well as other atolls, are still exiled from their own land due to the radioactive fallout.

Mr. Speaker, as the ranking member of the House International Relations Subcommittee on Asia and the Pacific and as a Pacific Islander myself, I feel I have a special responsibility to look after the interests of our Pacific Island community, especially from the Marshall Islands which have sacrificed greatly for our common good.

From 1946 to 1958, the United States detonated 67 nuclear weapons in the Marshall Islands, representing nearly 80 percent of all atmospheric tests ever conducted by the United States. If one were to calculate the net yield of these tests, it would be equivalent to the detonation of 1.7 Hiroshima bombs every day for 12 years. These tests exposed the people of the Marshall Islands to severe health problems and genetic anomalies for generations to come.

The U.S. nuclear testing program in the Marshall Islands continues to devastate the Marshall Islands, and the funds provided by the United States under the Compact of Free Association I submit, Mr. Speaker, are grossly inadequate to provide for the health care, environmental monitoring, personal injury claims, or land and property damages.

Pursuant to the compact and the accompanying section 177 agreement, the United States accepted responsibility for the damage to the property and environment of the Marshall Islands and the health of its people. This agreement did not constitute a final agreement, as evidenced by the inclusion of article IX authorizing the government of the Marshall Islands to petition the U.S. Congress in the event of "changed circumstances that render the provisions of this agreement manifestly inadequate."

The government of the Republic of the Marshall Islands has submitted a request to Congress based on a changed circumstances claim. The administration, however, as represented by the State Department in its report evaluating the Marshall Islands' request, rejected the argument made in the Marshall Islands' petition, contending that the claims did not constitute changed circumstances as defined in the agreement.

For the record. Mr. Speaker, I want to make it clear that I take issue with the State Department's position. While the State Department denies that there is no legal basis for Congress to hear this petition, the fact remains that we in Congress should decide this for ourselves.

Mr. Speaker, the State Department issued a report in November of 2004 evaluating the Marshall Islands' petition, concluding that the Marshall Islands' request does not qualify as changed circumstances within the meaning of the agreement, so there is no legal basis for considering additional payments.

Mr. Speaker, the State Department fails to explain how the declassified documents released 10 years after the agreement was reached, indicating a wider expanded radioactive fallout than previously disclosed, or that the National Cancer Institute study indicating that more cancers will surface do not constitute a legal basis for Congress to consider their circumstances.

Mr. Speaker, I submit this is much larger than a legal issue. This is a moral issue. The fact is the people of the Marshall Islands are still suffering severe, adverse health effects directly related to our nuclear testing program, and they are still unable to use their own lands because of the radiation poisoning. We have a moral obligation to provide for health care, environmental monitoring, personal injury claims, and the land and property damage in the Marshall Islands. This is the least we can do, Mr. Speaker, considering the historic contribution the people of the Marshall Islands have made in the Cold War struggle to preserve international peace and promote nuclear disarmament.

Mr. Speaker, the people of the Marshall Islands do not want handouts. They have brought these ongoing health environmental and loss of land issues to Congress for our consideration. While we may find that we cannot provide the amount of money requested, I believe we do have an obligation to examine carefully the application they have submitted to ensure that we live up to the responsibility we embraced over 50 years ago when we began nuclear testing in the Pacific. We should not be looking for ways to sidestep this responsibility. We should ask ourselves if we have done everything we can possibly do to make things right for the people of the Marshall Islands who have sacrificed their lives, their health and their lands for the benefit of the United States.

I have reviewed the petition. I have researched this issue extensively, and I believe enough evidence exists to justify a thorough review of the changed circumstances in the petition.

Mr. Speaker, I do not know if my colleagues can see this picture. These are some of the children who were born to mothers this day last year, deformed children, still as a result of nuclear testing that we conducted in the Marshall Islands, and how dare that our government say that we do not have any further responsibility to the people of the Marshall Islands. It is still there, and we should pay attention to this.

Mr. Speaker, I am probably one of the few Members who has ever been to the Marshall Islands and have seen the results of our nuclear testing program. Some of our colleagues may ask how come we stopped our nuclear testing in the Marshall Islands. I will tell you why: because of the radiation, a nuclear cloud that floated all over to the United States and we found strontin-90 on milk products coming out of Minnesota and Wisconsin. That is why we stopped our nuclear testing there in the Marshall Islands.

I am probably one of the few Members who also visited the French nuclear testing in the South Pacific in French Polynesia where the French Government detonated over 220 nuclear bombs in the atmosphere, on the surface, under the ocean; and guess what, those atolls are beginning to leak now. The French Government refuses to allow international scientific teams to go down there and find out exactly the extent of the nuclear damage that the French Government has done to those people in the Pacific.

Last year, Mr. Speaker, I was invited by the President of Kazakhstan to visit that country; and to my surprise, I did not realize that this is where the Soviet Union conducted their nuclear testing program. They detonated 500 nuclear devices in Afghanistan before Afghanistan became independent; and as a result of the Soviet Union nuclear testing, 1.5 million Kazakhs were exposed to nuclear radioactivity, very similar to the problems that we have just had a resolution on on Chernobyl.

It is madness. It is madness, Mr. Speaker, and I submit this is something we should at least do for the people of the Marshall Islands. They are not asking for handouts, Mr. Speaker. They are just simply asking for fairness. If we were so deliberate in our efforts to fund the Cold War, let us give the Marshall Islands people at least what they deserve, a good medical treatment for the mothers that still continue to have cancers in thyroid glands, cancers all over, several hundred, and their descendants still continue to be exposed because of what we had done to these people 60 years ago.

Mr. Speaker, I submit and I ask my colleagues, I request with all due respect that the least we could do is to pass this resolution. With this resolution, Mr. Speaker, we want to acknowledge the historic contribution the people of the Marshall Islands have made in the Cold War struggle to preserve the peace that we are seeking throughout the world. We commend the people of the Marshall Islands for the contributions and sacrifices they made, and we hope and I hope, sincerely hope, that my colleagues will join me in providing for appropriate legislation so that we can give these people the proper medical care that they deserve.

With that, Mr. Speaker, again, I thank my good friend, the chairman of our Asia Pacific Subcommittee, Mr. LEACH, and my good friend, senior Democratic member, Mr. LANTOS, for their support and management of this bill.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

I would just like to conclude briefly with three thoughts. One, I think it is absolutely imperative that this body emphasize its friendship to the people of the Marshall Islands and affirm, as Mr. FALEOMAVAEGA has suggested, our obligation to take care of those whose health we are responsible for affecting.

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Secondly, I want to express my deep regard and friendship for the two Members who have spoken, Mr. LANTOS, our ranking member, and Mr. FALEOMAVAEGA.

And, thirdly, I want to make a constitutional point. People listening to the debate maybe do not understand that this is a body of 435 voting Members plus five delegates, and the importance of delegates is often not noted in the American constitutional system. But this is a classic example of an individual leader, Mr. FALEOMAVAEGA, who comes from American Samoa, who is bringing a resolution that would otherwise not have been brought to this House except for his leadership. It is resolution of seminal importance and one that intriguingly looks to the problems of our times and also to the history of the 20th century in a unique and profound way.

So I want to express my deepest regard for this initiative, and I thank the gentleman from American Samoa.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Before yielding back the balance of our time, I want to express my appreciation to the chairman of our Pacific and Asian Subcommittee for his extraordinary work on this and all other issues, and I want to identify myself with the powerful and persuasive statements of my friend and colleague, ENI FALEOMAVAEGA.

Mr. CASE. Mr. Speaker, I rise in support of H. Res. 692, a resolution introduced by my esteemed colleague from American Samoa and Ranking Member of the House International Relations Subcommittee on Asia and the Pacific—Congressman ENI FALEOMAVAEGA—commending the people of the Republic of the Marshall Islands for their incalculable contributions and sacrifices they made to the United States nuclear testing program throughout the 1940s and 1950s in the Marshall Islands.

This year will mark the 60th anniversary of the United States' commencement of nuclear testing in the Marshall Islands. Over a period of twelve years, from 1946 to 1958, the United States of America conducted sixty-seven atmospheric nuclear weapons tests in the Marshall Islands. The tests resulted in a combined yield of 108 megatons, roughly the destructive force of over 7,000 times that of the bomb used on Hiroshima. The worst of these tests, the Bravo shot, was a l5-megaton thermonuclear device, which in itself carried 1,000 times the destructive power of the Hiroshima bomb. It was detonated on March 1, 1954, on Bikini Atoll, and caused dangerous levels of radioactive fallout to be released over 7,000 square miles, including the populated atolls of Rongelap and Utrik.

It is vital that our country remember the contributions of the Marshallese to our national security and to world peace.

While recognizing such contributions, our country over the years has sought to address the legacy of our nuclear testing in the Marshall Islands in our initial Compact with the Republic of the Marshall Islands in 1986 and in our ongoing bilateral relations with the RMI government. Just recently, our governments renegotiated the compact agreement.

I am aware that the RMI government has filed a "changed circumstances" petition with the U.S. government, which still must be negotiated. It is time our country come to closure on the changed circumstances petition and address our country's long-standing nuclear legacy in the Marshall Islands and its ramifications on the lives of its residents, particularly those of the affected atolls. I also believe that we must ensure that the U.S. Department of Energy's medical assistance program is fulfilling its obligation to its beneficiaries in the Marshall Islands.

I urge my colleagues to support H. Res. 692 and to work on addressing these crucial remaining issues.

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of H. Res. 692, a resolution to commend the people of the Republic of the Marshall Islands for the contributions and grave sacrifices they made to the United States nuclear testing program in the Marshall Islands.

In 1947, the Republic of the Marshall Islands (RMI) became one of six entities in the Trust Territory of the Pacific Islands established by the United Nations with the U.S. as the Trustee. This began a decades-long relationship between the U.S. and RMI that has proven to be resilient and enduring.

In particular, I'd like to highlight the U.S. nuclear testing program in RMI which began in 1946. Over the years, the U.S. detonated 67 nuclear weapons on the islands of Bikini and Enewetak. These tests comprise 80 percent of all atmospheric tests conducted by the United States. On March 1, 1954, the hydrogen weapons test code-named "Bravo" yielded explosive power approximately 1,000 times greater than the weapon used in the 1945 wartime nuclear attack on Hiroshima, Japan. The Bravo test created a mushroom cloud 25 miles in diameter, produced a crater 6,000 feet in diameter, and vaporized 6 islands at the Bikini Atoll. Radiation from the test forced the evacuation of Marshallese and U.S. military personnel on Rongelap, Rongerik, Utirik and Ailinginae. This responsibility shouldered by the Marshallese people allowed a majority of all tests to be conducted as far from densely populated areas as possible and helped bring about a peaceful end to the Cold War.

Over the years, the Marshallese have faced very serious consequences as a result of the nuclear testing. The health and property effects have proved to be extensive and in many cases, immeasurable. The U.S. has recognized this and set up a fund to compensate those affected by the testing. However, the consequences of this testing, especially the health of the Marshallese people, continue to be impacted.

In particular, the Section 177 Health Care Program is in urgent need of increased funding. Intended to provide comprehensive medical care, including cancer care, for the four communities most affected by the nuclear weapons testing program, this healthcare program has fallen woefully short of its intended goals. Spending approximately $12 per patient per month, the needs of this program are immediate and urgent.

Mr. Speaker, I am sure that our countries will continue to work on this issue and find a resolution. I also have no doubt that the relationship between our governments will continue to be productive and mutually beneficial. As our alliance continues in the coming decades, I urge the United States to step up and meet its obligations to the people of the RMI. With all the sacrifices they have made for the United States and continue to make each day, it is the very least the United States can do.

I urge my colleagues to join me in commending the people of the Marshall Islands and acknowledge their profound sacrifices. We must continue our efforts to restore the health and lands of the people of the Marshall Islands.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 692 which commends the people of the Republic of the Marshall Islands for their contributions and sacrifices associated with the United States nuclear testing program. The first nuclear detonation was made on the Bikini Atoll in the Marshall Islands on March 1, 1954. This test, and the subsequent testing program, established the nuclear deterrent that has served to ensure the security of our Nation and our allies throughout the Cold War. The people of the Marshall Islands sacrificed in a particularly unique way for our security, one that is both immense and somber. Today we continue to honor their contribution.

Further, Mr. Speaker, the contributions of the people of the Republic of the Marshall Islands have continued to this very day. Today we can find Marshallese serving in the United States Armed Forces around the world. Some are serving in Iraq and Afghanistan as we speak and many others are contributing to the well being of the United States in other new and unique ways throughout the Global War on Terror.

The Republic of the Marshall Islands stands today with America as one of the Freely Associated States in the Pacific, and our strong bonds of friendship are a testament to our mutual commitment to freedom and democracy.

To my friends and neighbors, the Marshallese, I extend the thanks of a grateful Nation. To borrow from your beautiful language, "kommol tata," or thank you very much.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H. Res. 692, commending the people of the Republic of the Marshall Islands for their contributions and sacrifices to the United States nuclear testing program.

Mr. Speaker, as fellow islander, I feel a kinship to the people of the Marshall Islands and sympathize with them for the suffering they endured for our benefit. Between June 30, 1946 and August 18, 1958, our government, after evacuating the residents, conducted an intensive program of nuclear testing on Bikini and Enewetak atolls in the Republic of the Marshall Islands.

These tests, which were the equivalent of more that 7,200 Hiroshima bombs, caused significant damage to the health of the people of the Marshall Islands, as well as, to the lands, vegetation, lagoons and surrounding ecosystems. In addition to rendering all of Bikini and most of Enewetak uninhabitable, radioactive fallout from nuclear testing on Bikini and Enewetak accidentally spread to other populated areas of the RMI.

It is believed that these tests on Bikini and Enewetak caused high rates of thyroid, cervical and breast cancer throughout the Marshall Islands, with more than a dozen Marshall Islands atolls seriously affected. In 1998, the U.S. Centers for Disease Control estimated that 6,300,000,000 billion curies of radioactive iodine-131 were released to the atmosphere as a result of the testing in the Marshall Islands.

Mr. Speaker, the U.S. government accepted responsibility for the injuries to the people of the Marshall Islands and provided financial and other assistance to the RMI as compensation for the harm done as a result of our nuclear testing.

Six years ago, the Republic of the Marshall Islands government submitted a Changed Circumstances Petition to the United States Congress related to U.S. nuclear testing on the Marshall Islands atolls of Bikini and Enewetak during the 1940s and 1950s. The Petition requests additional compensation for personal injuries and property damages and restoration costs, medical care programs, health services infrastructure and training, and radiological monitoring.

The Petition bases its claims for compensation upon "changed circumstances" pursuant to Section 177 of the Compact of Free Association. The Compact of Free Association, enacted in 1986, governs the economic and strategic relationships between the United States and the RMI. The Section 177 Agreement granted $150 million as part of a "full and final settlement" of legal claims against the U.S. government, and provided for possible additional compensation, if loss or damages to persons or property arose or were discovered that could not reasonably have been identified as of the effective date of the agreement, and if such injuries rendered the provisions of the Compact "manifestly inadequate." The Petition argues that "new and additional" information since the enactment of the Compact—such as a wider extent of radioactive fallout than previously known or disclosed and more recent radiation protection standards—constitute "changed circumstances."

Mr. Speaker, we should support the petition of the RMI calling for recognition of a "changed circumstances". Our country owes a great debt to the people of the RMI for the sacrifices they made on our behalf and we must, as called for by H. Res. 692, assist them in extricating themselves from the legacy of the nuclear age and the burden of providing testing grounds for nuclear weapons.

Ms. WATSON. Mr. Speaker, I want to congratulate Mr. FALEOMAVAEGA for sponsoring H. Res. 692, which commends the people of the Republic of the Marshall Islands for the contributions and sacrifices they made to the United States nuclear testing program in the Marshall Islands 60 years ago.

When I served as the Ambassador to the Federated States of Micronesia, I had the opportunity to visit the Marshall Islands on several occasions and to get to know the people, their land, and their history.

During the period of June 20, 1946 to August 18, 1958, the United States conducted 67 nuclear tests in the Marshall Islands. The vast majority of the tests were atmospheric. The most powerful of these tests was the "Bravo" shot, a 15 megaton device detonated on March 1, 1954, at Bikini atoll. The test was equivalent to 1,000 Hiroshima bombs.

While the Bravo test is the probably the best known, it should also be acknowledged that 17 other tests in the Marshall islands were in the megaton range with a combined yield estimated to be 174 megatons. Approximately 137 megatons of the that total was detonated in the atmosphere. This represents nearly 80 percent of the atmospheric nuclear tests detonated by the U.S.

Mr. Speaker, we must also acknowledge that the people of the Marshall Islands paid a steep price for the nuclear testing program. Many Marshalese who lived through the period of nuclear testing have been relocated to other areas and have been waiting for decades to return to their homes. Residents of the Rongelop Atoll, the island closest to ground zero, still remain in exile. Other Marshalese, including their offspring, have suffered from medical conditions associated with increased levels of radioactivity.

Despite the hardships endured by the people of the Marshall Islands, the Republic of the Marshall Islands has an exemplary record of working with the United States and supporting U.S. security concerns, including efforts to stamp out terrorism around the world.

H. Res. 692 acknowledges the debt that all Americans owe for the sacrifice as well as loyalty of the people of the Marshall Islands.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I move adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMPBELL of California). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 692, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Mr. KELLER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 355) recognizing the benefits and importance of school-based music education, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 355

Whereas school music programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school;

Whereas the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;

Whereas local budget cuts are predicted to lead to significant curtailment of school music programs, thereby depriving millions of students of an education that includes music;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KELLER) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 355.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of House Concurrent Resolution 355, which highlights the benefits and importance of school-based music education.

Anyone who has seen the movie, Mr. Holland's Opus, can appreciate the value of school-based music education and the importance of music teachers who inspire our young people. I would like to thank my colleague from Tennessee (Mr. COOPER) for his leadership on this issue and for introducing the resolution we are considering today.

Research has shown that students' involvement in their school music program is crucial to a complete education. Musical studies develop critical thinking and self-discipline skills and improve a child's early cognitive development, basic math and reading abilities, self-esteem, SAT scores, ability to work in teams, abstract reasoning skills, and school attendance.

In an analysis of U.S. Department of Education data on more than 25,000 secondary school students, researchers found that students who report consistently high levels of involvement in music over middle school and high school years show significantly higher levels of mathematics proficiency by grade 12 regardless of a student's socioeconomic status.

For these reasons, I support House Concurrent Resolution 355 that recognizes the benefits and importance of school-based music education. The resolution before the House today is simple and straightforward. It states that it is the sense of Congress that music education, grounded in rigorous instruction, is an important component of a well-rounded academic curriculum and should be available to every student in every school.

As retired General Norman Schwarzkopf said, "What a tragedy it would be if we lived in a world where music was not taught to children." Music education is important to our children. It can broaden and strengthen their education and improve their lives. I commend music educators and organizations across the country for the key roles they play in helping our children succeed in school and throughout life.

For every "School of Rock" or "Mr. Holland's Opus," there are thousands of real-life music teachers inspiring our young people every day. They may not have major movies made about them, but they are heroes nonetheless. I urge my colleagues to support music education in our schools and House Concurrent Resolution 355, which highlights the benefits and importance of school-based music education.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to join my colleagues in thanking Congressman COOPER for introducing House Concurrent Resolution 355, which recognizes the benefits and importance of school-based music education. He has been steadfast in his support of music as a learning tool in the classroom, and we appreciate his work on this issue.

Mr. Speaker, every year schools throughout the country highlight the importance of music education. It is time to celebrate music and to use music as a means for enhancing the academic experience of students. While there has been much debate on how to teach students to read and to perform math, there is little debate that music contributes to overall learning ability.

We know that students who participate consistently in music activities over middle and high school show significantly higher levels of math proficiency by the 12th grade. Additional data shows correlations between music and higher SAT scores and a decrease in disciplinary problems and risky behavior. Students who are involved in music classes in school have higher self-esteem and self-confidence than their counterparts who do not participate in music class.

Unfortunately, even with all the data to support the importance of music in learning, many schools are struggling to keep art and music in the classroom. Mr. Speaker, music education is facing severe cuts in thousands of school districts throughout the Nation due to budget cuts. Instead of being able to fund programs to support music in the classroom, student choirs, and high school bands, local school districts find themselves struggling to find money for teachers' salaries.

Mr. Speaker, we must do better if we are committed to seeing to it that all children succeed. And for those who say that the three R's of reading, writing, and arithmetic should outweigh the arts and music in priority, I disagree. Music is a complementary academic subject and belongs right alongside math and reading.

In fact, the arts are considered a core academic subject under No Child Left Behind. This reflects an understanding by Congress and the President that the arts are critical to a well-rounded education.

Again, I would like to thank Mr. COOPER for bringing this resolution to the floor today and join with him in calling for more resources to our schools and to make sure that all children have access to music in the classroom.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I would like to yield such time as he may consume to the author of this resolution, my friend from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I thank my friend, Mr. BISHOP; my friend, Mr. KELLER; and also Mr. PORTER. This is a truly bipartisan resolution. As has been explained, it expresses the sense of the Congress of the United States that music should be a key part of the curriculum of every public school for every child. Music is vitally important for the education of our young people, and this expresses the sense of this great body, this institution, that it must be a part of our school systems.

Mr. Speaker, I have the privilege of representing Nashville, Tennessee. That is also known as Music City USA, so you would know that I would be for a resolution like this, but all of us should be, in both parties. In the other body, Senator HATCH and Senator FEINSTEIN are likely to be the leads on the legislation, but I hope that every school district across this country, every parent will realize the importance of music as a key part of the curriculum, not a luxury add-on, but a key part of their child's education.

All of us love sports, and most all our schools have pretty good athletic programs. A lot of focus is put on that. But the chance of a child actually becoming a successful pro athlete is sometimes pretty small, whereas the chance of a child who has the ability to learn music, of whatever type, it might be band, it might be piano, or chorus or voice, there are a variety of opportunities, the chance is probably far greater that that child will be able to go on and develop some sort of career in the musical field; or perhaps music will be a hobby, an add-on to their career.

Some of the most successful people in the world, such as software engineers and mathematicians, other folks like that, have music as a hobby, so it is a vitally important part of our curriculum. I think it is also an emotional need that so many of us have.

If anyone has seen the great movie, Mr. Holland's Opus, it helps show how young people, sometimes unlikely young people, can benefit from a musical education.

So I appreciate my friends across the aisle and my friend Mr. BISHOP from Long Island championing this measure to make sure that music is a part of our curriculum in all of our schools for all of our students.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in strong support of H. Con. Res. 355, recognizing the importance of school based music education. In today's climate of high stakes testing, it's important to recognize that skills learned through studying music translate to skills that help students succeed in life.

Empirical data suggest that music students perform higher than their counterparts on the Scholastic Aptitude Test, and also demonstrate higher math skills. Studies also show that students who participate in a band or orchestra show the lowest lifetime use of alcohol, tobacco and illicit drugs. Students that participate in music classes are less likely to be disruptive students in class. Among minority students, more identify their music teachers as role models than any other subject area. These students demonstrate higher self-esteem and thinking skills than their counterparts.

As a parent, I know that students who learn to think critically, perform analysis, and express themselves through written and verbal communication have a greater chance at success in life. Within a larger context, music is an essential cultural thread. How many people, whether listening to the O'Jay's, Bon Jovi, or Jill Scott, know that the term "Rock and Roll" is African American slang dating back to the early 20th Century? But music, whether rock and roll, classical, or jazz has come to mean much more. Within my district, the Rock and Roll Hall of Fame and Museum and the Cleveland Institute of Music provide music history and distance learning programs for many schools that haven't been able to afford their own music education teachers. The usefulness of these music programs underscores the importance of filling student needs at a time when our society needs better teaching methods and a greater understanding of diversity, not less.

Educators with whom I meet, often express frustration that compressed school schedules and the focus on high stakes testing are failing to help our children develop the critical thinking skills needed to compete in an increasingly complex world. Music education aids critical thinking and more. I believe it imperative that we recognize its importance in the lives of our children, and strive to make school based music education available to all of America's youth.

Mr. HOYER. Mr. Speaker, I am pleased to support this resolution, H. Con. Res. 355, recognizing the benefits and importance of school-based music education programs.

I have long been a strong advocate for music education programs, both in my home State of Maryland and nationally. I believe that music education should be available to students of all ages and a part of every student's academic experience.

Music education programs enrich the whole student, and are a critical component of a well-rounded academic curriculum. In my home State of Maryland, educators and administrators have worked to integrate music and arts programs into academic curriculums in order to provide students with these important benefits. At a time when education programs are struggling for adequate funding and State and local governments across the country face tremendous budget pressures, it is more important than ever to highlight and emphasize the importance of music education programs.

I frequently meet with artists, songwriters, musicians and other creators who are actively engaged in ensuring that schools and communities continue to work music and arts into the school curriculum. These artists know that music education can enhance intellectual development and skills integral to improved learning. Skills learned through the study of music help children become better students. Skills learned through music transfer to improve study skills, communication skills, and cognitive skills. Also, studies have shown that students involved in music classes are less likely to be disruptive, have better attendance, and are more likely to receive academic honors and awards.

Studies have also shown that participation in school-based music education can increase student success. For example, in 2001 the College-Bound Seniors National Report showed that students with coursework in music performance and music appreciation scored notably higher on the SATs than students with no arts participation. Studies have shown that participation in music class correlates with increased proficiency in mathematics and success in science.

We must place a high value on music education. I am pleased to be a cosponsor of this resolution supporting the importance of music education programs and urging that the benefits of music education should be available to every student.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 355, recognizing the benefits and importance of school-based music education.

Providing students with the opportunity to learn music is an essential component of a well-rounded education. Often times music programs are considered to be extracurricular activities, whose value and funding are disputed. The benefits and opportunities that music programs provide for students greatly outweigh the financial costs. Music classes enhance students' self esteem and social skills. In addition, several studies have shown that learning music increases students' abilities at reading and math. Learning music requires discipline and responsibility. This training persists throughout music students' academic careers.

I am fortunate enough to have one of the Nation's eminent arts schools in my district, the Booker T. Washington High School for the Performing and Visual Arts. More than 700 diverse students attend Booker T. Washington, where talent and drive are the most important components for admission. Booker T. Washington has an outstanding success rate, graduating 99 percent of its students to higher education. The program has graduated 17 Grammy winners, including Nora Jones, Erykah Badu, and Roy Hargrove.

Booker T. Washington is so successful due to the presence of outstanding teachers and rigorous curriculum that provides students with a well rounded education. In addition, Booker T. Washington has brought technology to the forefront of music education and development. These students use computers for everything from ear training to recording and sound production. Dedication, enthusiasm, and proper resources has made Booker T. Washington one of the most successful arts schools in the country.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

Mr. KELLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KELLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 355, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 27 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE of Georgia) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.J. Res. 81, by the yeas and nays;

H. Res. 703, by the yeas and nays;

H. Res. 744, by the yeas and nays.

Proceedings on H. Res. 692 will be postponed until tomorrow.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

PROVIDING FOR THE APPOINTMENT OF PHILLIP FROST AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 81.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the joint resolution, H.J. Res. 81, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 82]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—26

Bishop (GA)
Calvert
Carson
Costello
Culberson
DeLay
Emerson
Evans
Fossella
Gilchrest
Granger
Hoekstra
Jenkins
McGovern
Payne
Sanders
Schakowsky
Slaughter
Souder
Sweeney
Tanner
Taylor (MS)
Udall (CO)
Watson
Wolf
Young (AK)

☐ 1853

Mr. MOORE of Kansas changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 82 I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING THE 20TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 703.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 703, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 1, not voting 29, as follows:

[Roll No. 83]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Paul

NOT VOTING—29

Bishop (GA)
Buyer
Calvert
Carson
Costello
Culberson
DeLay
Emerson
Evans
Fossella
Gilchrest
Granger
Hoekstra
Jenkins
McGovern
McHugh
Millender-McDonald
Payne
Rangel
Sanders
Schakowsky
Souder
Sweeney
Tanner
Taylor (MS)
Udall (CO)
Watson
Wolf
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

☐ 1903

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR GOOD FRIDAY AGREEMENT AND CONTINUED POLICE REFORM IN NORTHERN IRELAND

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 744.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 744, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 1, answered "present" 1, not voting 31, as follows:

[Roll No. 84]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler

Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Manzullo

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—31

Bishop (GA)
Calvert
Carson
Costello
Crowley
Culberson
DeLay
Emerson
Evans
Fossella
Gilchrest
Granger
Hoekstra
Hunter
Jenkins
Jones (OH)
Kind
McGovern
Payne
Radanovich
Rush
Sanders
Schakowsky
Souder
Sweeney
Tanner
Taylor (MS)
Udall (CO)
Watson
Wolf
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1919

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, because of a previously scheduled event which required my attendance at a high school in my congressional district this evening, I missed the three rollcall votes under suspension of the rules today. In conjunction with the Loudoun County Public Schools' Academy of Science, I had invited Dr. Robert Ballard, founder of the JASON project, to speak to students and parents at Dominion High School in Loudoun County about the importance of science education in our Nation's schools. JASON is funded through the Science-State-Justice-Commerce appropriations subcommittee which I chair. Dr. Ballard also is the explorer-in residence at the National Geographic Society and discoverer of the RMS Titanic shipwreck.

Had I been present and voting, I would have voted "yes" on H.J. Res. 81, providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution; H. Res. 703, recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant, and H. Res. 744, expression support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, due to increased traffic resulting from the 2006 NCAA Final Four in Indianapolis, I was unavoidably detained in my home district and unable to record my vote for rollcall votes 82–84. Had I been present I would have voted "yes."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. CARDIN. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the provisions of section 102 (relating to credit for elective deferrals and IRA contributions), and section 108 (relating to extension and modification of research credit), of the Senate amendment,

(2) to agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals),

(3) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and

(4) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

ELECTION OF MEMBERS TO COMMITTEE ON SCIENCE

Mr. LATHAM. Mr. Speaker, I offer a resolution (H. Res. 754) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 754

Resolved, That the following Members be and are hereby elected to the following standing committee of the House of Representatives:

Committee on Science: Mr. Neugebauer to rank after Mr. Feeney, and Mr. Mario Diaz-Balart of Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SADDAM HUSSEIN CHARGED WITH GENOCIDE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the Iraqi tribunal recently announced additional charges against Iraq's former dictator. These include genocide, crimes against humanity, and the use of chemical weapons on thousands of innocent civilians.

The new case involves Saddam's role in "Operation Anfal," which resulted in 5,000 men, women and children being murdered through a gas attack on their village.

One of the pieces of evidence to be presented at the trial is a government decree signed by Saddam in 1987 in which he ordered special artillery bombs to kill as many people as possible in the Kurdish area.

This new case clearly shows that the world is indeed a safer place without

Saddam Hussein, and it shows the progress being made in Iraq as the Iraqi people are finally able to seek justice through their legal system.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on March 30 I was detained on official business at the installation and inauguration of the Prime Minister of Jamaica as part of the congressional delegation that was authorized by the Speaker and therefore I was not present on the following rollcall votes. Rollcall vote No. 75, the rule, if present, I would have voted "no," H. Res. 742.

Rollcall vote No. 76, the Pelosi resolution, if present, I would have voted "no" on the motion to table.

Rollcall vote No. 77, on the Gohmert amendment, if present, I would have voted "yes."

Rollcall vote No. 78, the Kennedy of Rhode Island amendment, if present, I would have voted "yes."

Rollcall vote No. 79, the King of Iowa amendment, if present, I would have voted "no."

Rollcall vote No. 80, the Miller substitute, if present, I would have voted "yes."

And on final passage, rollcall vote No. 81, if present, I would have voted "no."

CONGRATULATING NCAA BASKETBALL CHAMPION FLORIDA GATORS

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to congratulate my University of Florida basketball team for winning the first NCAA basketball championship for any college or university in the State of Florida. Go Gators.

Last night the Gators finished their run of winning six games in the tournament, winning by an average of 16 point per game.

The waltz was all blue and orange.

The Final Four's most outstanding player, Joakim Noah, certainly deserves the praise. He broke the title record with six blocked shots, in addition to 16 points, nine rebounds and three assists. He also owns the tournament record of 29 blocks.

Coach Billy Donovan deserves credit for building this team from scratch and teaching the players how to win and act like champions. On behalf of all of the people of Florida, I want to say, "Go Gators."

TRIBUTE TO NORMAN BORLAUG

(Mr. LEACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH. Mr. Speaker, when all is said and done, what defines our country is the people who are the American family.

In a world which today is rife with conflict, it is particularly appropriate to pause and give recognition to an individual who has dedicated his life to bringing hope and sustenance to the family of man. No one symbolizes a sense of common purpose and community more than a native son of Iowa, Norman Borlaug.

In the spring of 1941, the newly elected Vice President of the United States, another son of the Iowa soil, Henry Wallace, attended his first Cabinet meeting and suggested that the greatest challenge of the era involved the need to develop higher yielding crops in the developing world. Franklin Roosevelt's preoccupation at the time was presumably on the war in Europe and the possibility that the United States would soon become engaged. Accordingly, he suggested that Wallace, an agronomist credited with the development of hybrid corn, contact principals of the Rockefeller Brothers Foundation in New York to see if they would be interested in advancing such a project, initially in Mexico. They were and they did. The individual they selected to lead the initiative was Norman Borlaug, who three decades later received the Nobel Peace Prize for pioneering leadership of the Green Revolution, the astonishing biogenetic advancement which saved the lives of millions on the planet.

The Congress and the American people have reason to suggest with pride that part of the American family is this gentle scientist from Cresco, Iowa. We honor him tonight and thank him for his service to humanity.

GATORS WIN IT ALL

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as a proud University of Florida alumnus who bleeds orange and blue, I too want to add my congratulations to the Gator men's basketball team on winning their first national championship last night. The University of Florida is renowned and has always excelled in academics, and has been noted for their accomplishments on the football field. Now we can add basketball to the list of accomplishments.

The Gator nation continues to make its mark and make her alumni and the Gator family proud.

Mr. Speaker, I have only one additional thing to say and that is, 2 bits, 4 bits, 6 bits, a dollar, all for the Gators, stand up and holler. Go Gators.

HONORING NORMAN BORLAUG

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today also to honor Dr. Norman Borlaug, whose contributions have unquestionably made the world a better place.

Dr. Borlaug grew up in Iowa, but earned his Ph.D. in 1942 at the University of Minnesota in my home State. Go Gophers.

In 1944 Dr. Borlaug participated in a project to boost wheat production that began in Mexico and spread to India, Pakistan and Africa. The project sparked the Green Revolution that literally saved millions, hundreds of millions of lives.

In recognition for these efforts, Dr. Borlaug was awarded the Nobel Peace Prize in 1970, the only person to have received the award in either the agriculture or food production fields.

On behalf of all Minnesotans I would like to congratulate Dr. Borlaug on his distinguished career and remarkable contributions, and thank my good friend, TOM LATHAM of Iowa, for his leadership on this matter.

☐ 1930

THE CHERNOBYL NUCLEAR DISASTER

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, as the world prepares to commemorate the 20th anniversary of the Chernobyl nuclear disaster, I rise in support of House Resolution 703 recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant.

The scope of the devastation that followed that explosion was truly unprecedented. More than 600,000 emergency workers, liquidators, risked their lives putting out the reactor's inferno that raged for 10 days while exposing themselves to extremely high and deadly doses of radiation. Hundreds of thousands of people were forced to leave their homes because of radioactive contamination. More than 5 million people in Ukraine, Belarus, and Western Russia found themselves coping with life in towns and villages contaminated by iodine and cesium.

In the RECORD I will place a full statement regarding this resolution as well as support from the Children of Chernobyl Relief Fund and the Chernobyl Children's Project International for the incredible work that they continue to do two decades later in dealing with the devastation that still lives.

HONORING DR. NORMAN BORLAUG

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, Dr. Norman Borlaug is an American superhero that few people have ever heard of.

Dr. Borlaug's campaign to save the lives of the world's neediest people through agricultural science deserves special recognition.

How many lives has he saved? Dr. Borlaug's innovative leadership in plant breeding and agricultural production is credited with saving the lives of nearly 1 billion people from starvation. That is right: one billion souls.

In 1994 he was given the task of researching high-yield and disease-resistant cereal grains. Through trial and error, Dr. Borlaug's successful efforts led to the development of varieties of wheat that completely altered production agriculture as it was known then in places like Pakistan and India and Mexico.

The dwarf wheat variety he developed allowed farmers to produce far more grain per acre than anyone could have predicted. This newfound bounty gave the world's poorest people access to food, ensuring that children, who would have been victims of malnutrition, could thrive. His landmark discoveries in agriculture led to what is called today the "Green Revolution."

Dr. Borlaug is a legendary figure within the agricultural community, and his name is held in high regard around the world. However, this Cresco, Iowa, native is a very modest man who once said that his accomplishments were "a temporary success in man's war against hunger and deprivation."

Almost 40 years since receiving the Nobel Peace Prize, he continues at age 92 to work for improvement of mankind.

For this reason I introduced H.R. 4924, which is a bill to award Dr. Norman Borlaug the Congressional Gold Medal for his lifetime of service to the world.

Dr. Borlaug's leadership has inspired so many of our best and brightest students to pursue careers in agricultural sciences. His work and the work of future innovators will live on in the lives of those who have been spared the misery of starvation.

I ask my colleagues to consider adding their names to H.R. 4924 so that we can officially recognize this great humanitarian.

CAMPAIGN FINANCE REFORM IS INCOMPLETE

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, campaign finance reform is incomplete. So many years ago this House and the Senate passed what was called BCRA, the Bipartisan Campaign Reform Act, and you know what? It created a glaring loophole that led to the rise in the 527 groups where a half billion dollars flowed through these groups that are not subjected to the Federal Elections Commission laws, rules, and regulations.

So this week this House is going to take on the need for clamping down on these rogue groups that funnel campaign money in noncampaign entities. It is important for us, as leaders of this country, to have full disclosure of people that participate in politics. So I am proud that this House is going to do what is right and reform 527s and apply the Federal elections law to them. And that is what this House is going to do.

I ask my colleagues on the left, I ask my Democrat colleagues, to join with us and complete the reforms of campaign finance reform.

GATOR NATION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to celebrate the University of Florida's first-ever men's basketball national championship. Coach Billy Donovan and his young, explosive team beat UCLA, one of the most storied college basketball programs ever, 73–57. The Gators took the lead in the very beginning and never looked back.

Truly a testament to the power of youth, the Gators were led by four sophomores and one junior. Coach Donovan himself became the second youngest coach to win a national title. In addition, he is now one of three people to coach a national champion and play in a Final Four.

Florida is now one of only seven schools to win a national championship in football and basketball. While the University of Florida has had a reputation as a football school, this championship proves that Gator basketball has arrived.

I congratulate the University of Florida on their victory. It is great to be a Florida Gator.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PORT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, members of the public might be surprised to learn that we are defending United States ports against the threat of nuclear weapons for the most part with a faith-based honor system.

Here is how it works: there is something called the C–TPAT program. Now, foreign interests, so far 10,000, have indicated interest, file paperwork with the Department of Homeland Security. Now the Department of Homeland Security is a little understaffed. We have to have tax cuts for the rich people. So they do not have enough people to process these things. But once you file that form with them, you are considered to not be a threat because you filled out the paperwork. So far 5,800 have filed. About a third of them have been visited once. One site visit and then you are certified for 3 years. One site visit.

So all you do is you get all the terrorists with the AK–47s and the kafias to get off the property for a day and you say, look, good place, security plan, legitimate business, you get the stamp of approval. Now you are no longer considered a high risk in terms of what you might put in a container. What you then have to do is when you want to ship a container to the United States, you have to send the shipping invoice a day in advance before it is put on the ship. So what you do is you say this container contains 200 birdbaths, because, of course, you would not say 199 birdbaths and one small tactical nuclear weapon. You would not do that. But we do not check those containers until they get to the United States of America, and then we check a very small percentage of them here using high technology.

Now, today we have the Assistant Secretary, Mr. JACKSON, in, who told us what their future plans are. Now, remember we have this threat. Things are coming to the United States of America. We do not really know what they are, on this honor system. We have not inspected those facilities. Even if they had been inspected, they were only inspected one day every three years. They have set a goal here, and he said that their goal is 100 percent inspection of all containers as they depart a U.S. port headed into our country.

First I thought that was a misprint. I thought his staff screwed up his testimony here. No, he meant it. He is saying we know that these containers, when they come to the United States, might have a nuclear bomb inside; so their goal is that they will check all those containers with our technology within a very few years before they leave the port to an interior city. He did not really respond when I asked if that meant our ports have become sacrifice zones.

They are so uncertain of the faith-based honor system, the C–TPAT system, and what is going on overseas that they want to put in place technology at taxpayer expense, technology to check 100 percent of those containers for nuclear weapons before they go from U.S. ports to inland U.S. cities.

When I asked him if maybe we might extend that perimeter overseas and require that all containers be inspected overseas for nuclear weapons, he was saying that would be very difficult, but he actually admitted it might be possible given the technology recently modeled in Hong Kong.

But the Republican majority on the committee said no way, we are not going to allow the inspection of those containers overseas. It would slow down those Chinese goods flooding into the United States of America and other things manufactured overseas. It would hurt commerce. There would be trucks lined up for miles back into mainland China with goods on them waiting to come to Wal-Mart here.

This is fairly extraordinary to me. The Republican majority and the Republican administration are admitting that there are potential threats in these containers. They have put in place a faith-based honor system, but they are working hard to see that we will check those containers after they have arrived at an American port before they go to another American city. Those of us who live a little bit inland will be thankful for that, but I really do not agree with the philosophy that turns our ports into sacrifice zones.

No. We need to check 100 percent of these containers for threats meaningfully with high technology equipment overseas before they come to the United States of America.

REMEMBERING ALICIA BONURA AND ASHLEY BROWN

Mr. POE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, every day parents send their children to school with the faith that they will return after their classes, their sports practice, or even clubs after school. As a father of four, I know the feeling. I did the same for many years on different occasions. We as parents send our kids off, and we trust that we will see them that night for supper.

But for two Beaumont, Texas, families last Thursday morning, it did not occur that way. West Brook High School students Alicia Bonura and Ashley Brown were playing in the soccer playoffs after school that day. That morning their parents wished them good luck and sent them on their way, anticipating news of a win upon their return. When they sent their daughters to school, they had no idea of the nightmare that would unfold that afternoon. Tragically, their star soccer players never came home.

It was supposed to be an exciting day. Mr. Speaker, Beaumont, Texas, has suffered through a rough year with many families still feeling the effects of Hurricane Rita. The West Brook High School girls soccer team and their successes were good news to this storm-torn city.

□ 1945

The Bruins were coming off a 14–5–2 record, and they were traveling to Humble, Texas, to take on the Houston Lamar Redskins in the Class 5A playoffs. The game had already been postponed once and it was raining again, but the game was set to take place at 5 p.m. in Humble. Unfortunately, the team never made it to the game.

Around 2 p.m., about 28 miles from home in Devers, Texas, the chartered bus carrying the team, the coach and one parent chaperone swerved to miss debris that had fallen off a truck in front of them. The bus rolled onto its side into a muddy ditch.

Sadly, senior Alicia Bonura and sophomore Ashley Brown lost their lives in this tragedy. Six other girls were hospitalized in serious condition. Goalie Devin Martindale lost her arm in this accident. The other five girls were Lauree Thibaut, Allison Forman, Sarah Beach, Courtney Garrod, and Sarah Babin. Two of those girls have been released from the hospital and are back home.

News of the accident quickly spread back to the town and West Brook students set up a vigil in the high school gymnasium where friends and faculty prayed and hoped for the best. Soon the students were hit with the horrendous news that two of their own had been killed in this catastrophe.

According to the Beaumont Enterprise, the girls are remembered for "loving soccer, loving their school and loving everyone they came in touch with."

Alicia Bonura, in addition to playing soccer, had played basketball, she ran cross-country, and was a trainer for the West Brook football team. She played the drums in the band and sometimes she sang vocals as well. She is remembered for her wonderful laugh and a smile that would light up a room. She was ranked number five in her class of 535, and she recently decided to attend Texas A&M University to study mechanical engineering.

On her MySpace Web page she wrote: "I love to smile and love life in general and I love God. He is such a fantastic guy." Under people she would like to meet, she writes, "I can't wait to meet God." Moving words from one of God's children.

Ashley Brown was a freckle-faced girl with long red hair. Her friends said she always made people laugh and was a free spirit and had a smile that would light up a room. Her teachers said that her fellow students gravitated to her. She was an active member in her youth ministry at her church, Calvary Baptist. Besides soccer, she loved singing, playing volleyball, skiing and playing the electric guitar.

Ashley had a bulletin board in her home covered in photos and memorabilia. In the middle of the board there was a handwritten note stating the following: "You can't choose how you are going to die, but you can choose how you are going to live."

Mr. Speaker, in her 16 years on Earth, Ashley Brown lived life to the fullest, and she is going to be missed.

Mr. Speaker, I would like to take this moment to extend prayers and condolences to Alicia's and Ashley's parents, relatives, friends, and the community of Beaumont, Texas, the students and teachers and the coaches at West Brook High School and the Bruins girls soccer team. We hope that they find happiness in their fond memories of these special girls.

Alicia and Ashley truly led remarkable lives. They clearly touched so many people in their short time on Earth. Heaven is certainly brighter with Alicia and Ashley there, and the community of Beaumont Texas should take comfort. They now have two extra guardian angels looking down on them.

Mr. Speaker, that's just the way it is.

COSTS OF GUN VIOLENCE

Mrs. MCCARTHY. Mr. Speaker, I ask permission to take the time of the gentleman from New Jersey.

The SPEAKER pro tempore. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, every week I stand here and talk about commonsense approaches to reducing gun violence in this country. And yet this body sees fit to chip away at existing gun laws. So tonight I want to talk about the effects of gun violence in terms that everybody in this body can understand, dollars and cents.

Throughout America, our States are experiencing extraordinary budget problems, forcing them to cut spending on many important initiatives. A great deal of these budget woes are caused by skyrocketing health care costs, and the continued cuts to Medicaid aren't going to help the situation.

Of course, Congress will not allow funding for the Centers for Disease

Control to study the true economic cost of gun violence, so we have to use data from independent sources.

Independent sources have shown gun violence costs our economy over $100 billion every year. In fact, each gun death costs our economy $2.8 million. Gun violence increases law enforcement spending. Gun violence costs the economy billions in lost productivity. And while Congress won't let us learn the exact amount, gun violence costs our health care system more than $2 billion every single year.

Since gun violence plagues so many low-income communities, victims are often uninsured. And who picks up the tab for uninsured victims of gun violence? American taxpayers, that's who. So even if you don't think about gun violence as an important issue, you are paying for it.

It is obvious something must be done, and it is also obvious that this body has no plans to intervene in this public health crisis. So it is up to our local communities and neighborhoods.

Across the country people are fed up, but they are trying to make a difference in their own area. I have been to many events that have had politicians, school officials, law enforcement officers and others telling young people about the dangers of guns. But not once has anybody turned the microphone around and asked the kids what do they think.

So many young people live on the front lines of the gun violence epidemic. The rhetoric on both sides of this issue must stop, and we must start to learn to listen.

This isn't about the second amendment; this isn't about kids dying. Many of the people who disagree with my views on the gun issue will say, Guns don't kill people; people do.

But what that doesn't mean is we can't take steps to make sure guns don't fall into the hands of the wrong people. This isn't about taking away guns from law-abiding citizens who hunt or shoot skeet, nor is it about depriving law-abiding citizens from defending themselves and their families. In fact, we can save so many lives without affecting a single lawful gun owner in this country.

This is about keeping guns away from felons and gang members. This is about making sure our police departments have the tools they need to track down illegal guns. This isn't about running honest gun dealers out of business. It is about cracking down on the 1 percent of corrupt gun dealers who sell 57 percent of the guns used in crimes.

Gun rights advocates have as much stake in this as anybody else. Many see gun violence as an inner-city problem. But let's not forget that gang violence and drug crime also started out as an inner-city problem. We acted too late, and now gangs and drugs are commonplace in suburbs and rural communities.

So as we head home for the spring recess, I ask my colleagues to do something we don't do very often or very well: listen. It is time to listen to the people being affected by gun violence. Listen to our young people in underserved communities. Listen to our police departments who are losing officers to illegal guns every week. And listen to the families who have lost loved ones due to gun violence.

The answers to this epidemic of gun violence do not reside in this Chamber or on K Street, but in the hearts and minds of the people that we represent. It is time that they are heard.

The vast majority of legal gun owners understand the need to stop gun violence. We must all work together, regardless of our interpretation of the second amendment, or whether we live in an urban, suburban, or rural area.

Let us make a commitment to replace our rhetoric with action. Let us make our communities a better and safer place for all young people of all backgrounds.

Together, we can stop this public health care crisis and save lives. I came to Congress to save lives. I will not give up on this fight. We can reduce gun violence in this country. We just have to find common ground on how we are going to do that.

COMMENDING AND HONORING THE UNITED STATES CAPITOL POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, I rise today to honor and commend the men and women of the Capitol Hill Police Force. I think it is important at this time that Members of Congress step forward to say thank you: thank you for your service, thank you for your sacrifice, thank you for putting so much emphasis on training, and thank you for putting the emphasis on keeping this Capitol building and all the Members and staff and visitors who come here on a frequent basis to be safe, to be secure.

I think it is important, with so much attention right now on the Capitol Police Force, that all Members of Congress, Republican and Democrat, unite to say that we support you: we think you are doing an honorable and good job.

Mr. Speaker, the statistics show that there are over 1,500 Capitol Police officers, men and women of diverse backgrounds from all over the country, and some from around the world. They come here to save lives, to protect lives.

There are over 3 million visitors that come to this historic place that we call our Nation's Capital, both Washington, D.C. and this Capitol building and this complex where we work, where some of us live.

But I want to tell you, Mr. Speaker, that with so much attention on the Capitol Police, it is necessary that we look at what they do on a daily basis.

It is not always easy, Mr. Speaker, to deal with the public, to see them on a daily basis: for visitors to come in, tourists, staff, Members of Congress; to see them on a daily basis. People aren't always courteous.

But what I found out about the Capitol Police officers, these men and women, is that they always will greet you with a smiling face, even when they are having a bad day; that their training is shown through by the way that they have acted over the years that they have been in service here on Capitol Hill.

As Members of Congress, we must say thank you: thank you for your sacrifice, thank you for your commitment, thank you for your dedication to our country, because after all, they are here to protect and save lives; and as Members of Congress, we should respect them for their dedication and their training; and we must honor them each and every day that we are here, because they are our colleagues as well here in the Capitol complex.

Mr. Speaker, I rise, as I said, to commend and honor the Capitol Police. It is the right thing to do. I think my colleagues should join with me in supporting the resolution that Congressman MARIO DIAZ-BALART and I filed just this evening to honor them for their work and their service.

So I urge my colleagues to join with me on this resolution; and I urge you, Mr. Speaker, to schedule a vote for us, so that we can honor these men and women who work with us each and every day.

Thank you to the Capitol Police officers.

THE HOUSE THAT JACK BUILT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, we live in quite interesting times. Where else could you invest about $1 billion and get $100 billion in return? A Republican Congress, but of course.

As the New York Times recently pointed out, the people's House has turned into the House that Jack built. Here is what the Times says in an oped:

> These are the men
> That fleeced the tribes
> That paid the money
> That made the bribes
> That purchased the Congress
> That Jack built.

Mr. Speaker, I encourage my colleagues to read the rest of this poem, written and published last Friday, because it nails right on the head this is the House that Jack built.

Let's look at the $1.2 billion that Jack Abramoff bought. Let's look at the house he built. The energy industry, oil and gas interests, they spent about $87 million. What did they get? $14.5 billion in tax breaks, given and paid for by the United States taxpayers; given access to $65 billion in oil and gas from the Gulf of Mexico, costing the taxpayers $7 billion in royalties they should be paying back to the Treasury that they did not get; given $2 billion to the ultra-deepwater drilling fund. They were given that money, all for $87 million in contributions and expenses paid on lobbying. $14 billion in tax breaks, $7 billion in lost revenue for royalties in the Gulf of Mexico, $2 billion in tax subsidies there to the ultra-deepwater drilling fund.

You can't get a return on your investment like that on Wall Street. Where can you get a return like that? The Republican Congress, of course. But that is not limited. In fact, that is prevalent.

Let's take the health care industry. They spent about $173 million on lobbying and campaign contributions. Yet the pharmaceutical interests, $139 billion in additional profits over 8 years. The prescription drug bill here, which was supposed to cost $394 billion, ended up costing close to $790 billion to the American people.

☐ 2000

Private insurers will make $130 billion in extra profits in Medicare overpayments, HMOs given a $10 billion slush fund, all for $173 million in lobbying expenses and contributions mainly to the Republican Party.

Take business interests, spent $500 million on lobbying. We had a corporate tax bill to fix a $5 billion disagreement with Europe. By the time it was done, it cost $150 billion, not $5 billion, and it never fixed the problem. $150 billion in corporate giveaways to special interests on the corporate tax bill, $139 billion in additional profits for the pharmaceutical interests, $130 billion in additional profits to the HMOs, and in lost revenue to oil and gas companies close to about $22 billion while oil and gas interests are trading and oil is trading at $66 a barrel, all in The House That Jack Built.

This is the operative philosophy of the Republican Congress. They have turned the Capitol upside down to figure out how much change they can take over from the American people and pass it off to the special interests.

When the gavel for the Speaker comes down, it is intended to open the people's House, not the auction house. For the last 6 years that gavel has been turned over to the auction house, whether it is the oil and gas interests, whether it is private insurers, whether it is the HMO industry, whether it is in fact the pharmaceutical industry, or whether it came to the corporate tax bill.

Oil is approaching about $70 a barrel, now nearly $3 at the pump. Gas home heating costs, up 38 percent. Health care costs are up 58 percent for the average family, $3,600 in the last 4 years. College costs and tuition, up 38 percent for the American people, yet median incomes are down 2.3 percent, and yet what does this Congress continue to do? It continues to turn itself into an auction house for the special interests. When college costs were up 38 percent, the Republican Congress cut student loans by $13 billion. Yet, we have continued to pass on over the last 4 years $3 trillion in additional debt that was borrowed, more than all the predecessors of the last 42 Presidents combined.

One thing you can say about the Republican Congress and President Bush when it comes to the economy: We will be forever in your debt, because that is all you have left is a sea of red ink, and you have turned the American people and the treasures that this country has over to the special interests when it did not need to be this way.

Mr. Speaker, the special interests may have bought the Capitol, but the American people are paying for it. Jack is gone, but others are leaving. This place will remain The House That Jack Built until we get serious and undertake real lobby and ethics reform and return to the work of the American people. They are struggling under the interests of higher energy costs, higher health care costs, higher educational costs. They have not had a raise in over 5 years, and the politics as usual, business as usual continues with the policies and making sure that the special interests get heard first.

This House is the time and this election will be about returning the people's House back to the American people and ensuring that that gavel does not open up the auction house but the people's House.

PROVIDING FOR CONSIDERATION OF H.R. 513, 527 REFORM ACT OF 2005

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–404) on the resolution (H. Res. 755) providing for consideration of the bill (H.R. 513) to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes, which was referred to the House Calendar and ordered to be printed.

OCALA NATIONAL FOREST

Mr. KELLER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, I rise today in opposition to the proposed sale of 300,000 acres of national forest lands, which includes almost 1,000 acres of the Ocala National Forest in my congressional district.

The administration's 2007 budget proposes this sale. Their rationale for selling our national forest lands is to raise $800 million for rural roads and schools; and they say these parcels are not crown jewels of our national forests. Well, a picture is worth a thousand words, so let me show you a photograph of a specific piece of land in the Ocala National Forest which is marked for sale by the administration. This looks like a crown jewel to me. Does anyone really believe that this piece of land would look better as a shopping center, strip mall, or as a condominium development?

While our budget shortfall is temporary, ruining pristine national lands is permanent. We cannot sell national forest land every time there is a budget shortfall. This is a dangerous precedent for Congress to set. Our financial problems need to be addressed over the long terms, not through the shortsighted sale of national forest treasures to the highest bidder.

Mr. Speaker, our national forest lands are worth protecting. Millions of Americans each year use our national forests to go hiking, fishing, hunting, camping, swimming, horseback riding, and canoeing. The Ocala National Forest also provides a habitat for thousands of animal species such as rare birds and black bears.

Mr. Speaker, to sum it all up, I believe the idea of selling off our national forest lands is environmentally reckless and financially shortsighted, and I am not alone. On March 7, I submitted a Florida delegation letter to the U.S. Department of Agriculture. It was signed by both of our U.S. Senators, Republican Senator Mel Martinez and Democrat Senator BILL NELSON. It was also signed by an overwhelming bipartisan majority of our U.S. House Members. This letter specifically opposes the sale of 1,000 acres of the Ocala National Forest, and, in general, also opposes the sale of 300,000 acres of forest lands all across the country in 41 different States.

On March 13, all four of the living former Chiefs of the U.S. Forest Service sent a letter to Congress also strongly opposing the auctioning off of 300,000 acres of national forest lands. On March 28, I submitted a bipartisan letter with Congressman BEN CHANDLER, the Democrat from Kentucky, to the House Budget Committee, signed by 54 Congressmen opposing the sale of 300,000 acres of national forest lands.

Well, where do we go from here? The U.S. Department of Agriculture will continue to receive comments on this proposed sale until May 1. It is our hope and request that the administration withdraw this proposal.

Fortunately, the House budget which we will be voting on this week does not contain any language endorsing the administration's proposal to sell these forest lands. If the administration does not withdraw their proposal, I am confident and optimistic that this House will vote down this proposal with a very large bipartisan vote. Our children and grandchildren deserve no less.

MEDICARE PRESCRIPTION DRUG PROGRAM

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York (Mr. RANGEL).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to address the confusing new Medicare Prescription Drug Program, in light of yesterday's visit to my Ohio congressional district by Bush administration Health and Human Services Director Michael Leavitt. Yesterday, Monday, April 3, Secretary Leavitt arrived hours late in a blue bus after people had waited and waited in very cold weather. He spent only a few minutes, shook the hands of a couple of staff people, and spoke briefly with only two hand-picked seniors, and, by the way, spoke to them in front of the news cameras, before making his prepared remarks to the press.

To the one senior that had a chance to ask the Secretary a question, explaining that they could not afford their medicines, he towed the administration line saying, "This is a good program that helps a lot of people."

When asked by one senior about the program not covering his wife's medication needs, incredibly, the Secretary answered in the same way, and this was to the one person, "This is a good program that helps a lot of people."

Now, the Secretary had his picture taken. It was on the front page of our newspaper, but of the 79 people in the room, he shook hands with only two, spoke to only one and left. I guess he is doing this all over the country.

The Secretary says, yeah, this program has had a few bumps in the road. It is a new program but we fixed them. No, Mr. Secretary, you have not fixed them and they are more than bumps in the road. The one thing that is guaranteed is that the pharmaceutical companies are making billions.

Here are a couple of comments that have come from consumers and seniors in my district. A husband and wife team says they take five prescriptions each. Under their old plan they had a 20 percent co-pay, but by this summer they will have reached the $2,250 cap. And the new drug plan is a farce and an insult to seniors of this country because now they are going to have to pay the amounts beyond that and they ask, "Is there anyone that cares or is listening in Washington?"

Another husband wrote, "It is costing my wife and me more per month for the new Medicare coverage premium. The only way we have any coverage is to purchase an insurance policy from a private insurance company. On top of that there are the ridiculous amounts that Medicare has set that won't cover any meds until we reach some huge amount in the thousands of dollars. My wife informed me today she is going off her psychiatric medicine. We used to receive patient assistance directly from the drug manufacturers through a clinic and we can no longer receive the drug samples or any patient assistance. We cannot afford to purchase our meds, Congresswoman. Isn't it wonderful how the Bush government has helped us?"

Another senior writes they find that their medical costs increase at every turn in the road. They currently pay nearly $6,000 annually for prescriptions of which insurance pays $600. "For the first four months of the year," this senior says, "I have to pay $5 for generic drugs, $18 for preferred drugs, with a cap of $35 for the brand name drugs. But under this new plan that will increase to $10, $25 and $50. And believe it or not, of the eight prescription drugs I need, only two are on the preferred list for $25 each and the rest will each cost $50 each. Congresswoman, please do your part in righting this wrong."

Health professionals have been writing to us. Another senior wrote us, "When I went to the pharmacy to pick up my prescription I brought $20 with me because that is what I always paid. I couldn't believe it when the pharmacist said I had to pay $260. I had to leave the pharmacy without medicine. It was embarrassing. How am I going to afford $260 a month? I just don't have it. I guess the people who are for this plan want us to die."

Mr. Speaker, I rise tonight not just to outline problems with the program, because they are significant, but also to place in the RECORD what we can do to fix it. First of all, to let the government negotiate the prices that seniors have to pay with these pharmaceutical companies. They can't stand up to these big companies. We need to extend the deadline this year so that they can try to get qualified for the program, but there is so much confusion out there. Why should there be a May deadline? We ought to cushion that.

We ought to standardize plans like we did for Medicare part B so there is only 10 standard plans and people know what is in them. We ought to ban the gifts that these pharmaceutical companies are giving to people as lures in order to try to sign them up for these inadequate programs.

We ought to disclose coverage gaps. Companies which do not offer gap coverage should be required to make that fact known in writing.

We ought to disclose plan changes. It should be stated clearly that a company might drop a drug from coverage. We ought to create uniform ID numbers, simplify the application, expand extra help eligibility, and require broad formularies.

There are many other ways to fix this program, Mr. Speaker, but we surely should not put that burden on our seniors.

21ST CENTURY ECONOMY

Mr. DREIER. Mr. Speaker, I ask unanimous consent to take my special order in the place of the gentleman from Minnesota (Mr. KENNEDY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, every day Americans are living the 21st century economy. We use BlackBerries and cell phones to stay in touch and stay in business. We order birthday presents online. We buy German cars made by American workers in South Carolina. We use Google to find restaurant recommendations. We treat previously debilitating illnesses with innovative pharmaceutical products, non-invasive surgery techniques and cutting-edge medical devices.

Nearly every aspect of our daily lives is impacted by our high-tech, innovation-driven, globally engaged economy. It has so thoroughly revolutionized our lives that it almost seems absurd to point out that the modern economy is vastly different than the economy of the 1930s and 1940s. And yet our methods for measuring this economy remain much the same as they did during the Great Depression and the era that followed.

Gross domestic product is still calculated by tallying industrial investments like heavy machinery and taking an old-economy view of exports and imports. Mr. Speaker, under this system new factory equipment counts as a long-term investment, but R&D does not. And an iPOD which became a global powerhouse band on the strength of its superior design and savvy marketing strategies, developed by Apple in my State of California, is simply counted as another good imported from China, where the final product is assembled. Clearly, these products do not fully account for the essential role that knowledge and innovation play in our global economic leadership role.

Our economic strength here in the United States is no longer based solely on the goods we produce but on the ideas that we as innovative, creative Americans create. We add value and increase productivity, not by manufacturing more widgets, but by improving the widgets' design, by making the global distribution of widgets more efficient, by marketing, financing and servicing widgets.

□ 2015

The full value of innovation, knowledge and best practices can be difficult to ascertain, but they have replaced mere goods as the bedrock of our Nation's economy.

Michael Mandel at Business Week demonstrates how Wal-Mart is an excellent example of this. Few companies have revolutionized their industries the way that Wal-Mart has revolutionized the retail world. Its operational and managerial innovations have made it a global leader that its competitors fail to emulate at their peril: the big-box format; the everyday low prices; the electronic data interchange with suppliers; the highly sophisticated data analysis, done to such detail that inventory managers know to order extra strawberry Pop-tarts when the weather gets bad, because the data crunchers have discovered that customers stock up on them just before a storm.

Mr. Speaker, these innovations and best practices, developed by Wal-Mart and copied by its competitors, have led to enormous productivity gains throughout the retail industry and our economy at large.

A study conducted by the McKinsey Global Institute in 2002 found that 25 percent of the major jump in productivity that came during the second half of the 1990s was due to gains in the retail sector, of which Wal-Mart is clearly a major contributor.

According to the study: "More than half of the productivity acceleration in the retailing of general merchandise can be explained by only two syllables: Wal-Mart." By innovating its operational structure, Mr. Speaker, Wal-Mart became one of the single greatest contributors to American productivity at the height of the tech stock bubble.

This is an instructive and remarkable fact, that a single company made a major contribution to the productivity of the world's largest economy, not by building new factories or buying new equipment, but by developing new ideas and applying them so successfully that they transformed their company and their entire sector.

And yet, as Mandel points out, these operational innovations, less tangible than a widget but far more valuable, do not get counted in our gross domestic product calculation. They are not tallied as an investment, nor are they counted as an export when Wal-Mart buys stores overseas and applies their innovations and best practices abroad to other countries.

Recent GDP numbers have certainly demonstrated tremendous economic strength, with 17 straight quarters of growth, 3.5 percent of GDP growth last year, and projections of nearly 5 percent growth for the first quarter this year. Mr. Speaker, when knowledge-economy intangibles are included, the positive economic outlook becomes all the brighter for us as a Nation.

CAMPAIGN REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I come tonight because I am concerned over this Republican Congress that is now speaking about having further campaign reform legislation put before us tomorrow, and I rise tonight to clarify the myths and to speak the truth about the reforms that we have done, the reforms that are not needed, and the reforms that this Republican House is about to undertake.

You would think, Mr. Speaker, that the scandals that are permeating the Congress would be a wake-up call for the majority not to continue their business as usual in terms of running the people's House. Yet, they have introduced H.R. 4975 as a feeble answer to their ethics problems.

Unfortunately, the bill that is going to come before us, called a reform campaign bill, will not only be a bogus bill, but it includes language that restricts the first amendment rights of Americans.

Instead, the majority reveals their ongoing and reckless infatuation by thwarting the constitutional freedom of speech and association rights of concerned citizen groups. Now, we know these groups were under the BCRA law that are called 527s, and these groups, Mr. Speaker, were groups that had never really had a voice in the political process.

In this last election, they came out and they were a very strong force in providing an increasing voter participation, giving voice to the voiceless and becoming more involved in this democracy of ours.

When I hear the Republicans talk about gaping loopholes that they must close, how do you close gaping loopholes when we have a chart that speaks about total U.S. voter turnout? This is not gaping loopholes, for heaven's sake. This is democracy.

In 1990, we had a 105.1 million voter turnout. In the 2000 election year, we had a 110.8 million turnout. In 2004, we had a record-breaking 125.7 million people become involved in this political process. So why are we now trying to pass legislation that merely muffles the mouths and the voices of those who want to take part in this democracy?

When the majority of Democrats and a handful of Republicans voted for this Bipartisan Campaign Reform Act of 2002, we sought to sever the connections between Federal office holders and the raising of non-Federal money, which is so-called soft money. BCRA, which is the campaign bill, was necessary, Mr. Speaker, to cut the perceived corrupting link between office holders, the formation and adoption of Federal policies, and soft money; and yet the majority is bringing us a bill that is so broad in its application that it stands to severely hamper voter registration and get-out-the-vote activities for civic-minded, nonpartisan organizations. It casts such a wide net that it will ensnare groups whose activities Congress should be promoting, not impeding. This is America. We should be promoting democracy, not impeding it.

By failing to distinguish between groups whose activities are designed to influence the election of clearly identified Federal candidates and those whose sole purpose it is to enhance participation, this legislation imposes too high of a price on election activities.

Now we have heard that the 527s do not have to report. So wrong, Mr. Speaker.

The Internal Revenue Service suggests that during an election year the political organizations have the option of filing on either a quarterly or a monthly schedule, and these organizations must continue on this same filing schedule for the entire calendar year. So it is absurd for them to say that these organizations do not have disclosure and do not file. In the last 6 years, Congress has increased the regulations of independent political committees organized under the section of 527s of the Internal Revenue Code.

Mr. Speaker, we must not allow this legislation to pass this floor. We must continue to allow the American people to have a voice in this democracy. We must continue to have American voices heard.

When the majority of Democrats and a handful of Republicans voted for the Bipartisan Campaign Reform Act of 2002, they sought to sever the connection between Federal officeholders and the raising of non-federal money, so called "soft money." BCRA was necessary to cut the perceived corrupting link between officer holders, the formation and adoption of federal policies, and soft money.

The majority's legislation is so broad in its application that it stands to severely hamper voter registration and get-out-the-vote activities of civic minded non-partisan organizations. It casts such a wide net that it will ensnare groups whose activities Congress should be promoting, not impeding. By failing to distinguish between groups whose activities are designed to influence the election of clearly identified Federal candidates and those whose sole purpose is to enhance participation, this legislation imposes too high a price on election activity.

My particular concern is that the fundamental rights and needs of all Americans, including the voices of women, the elderly, and the poor, not be left out of the political dialog merely because of the perceived notion that a few millionaires are funding all 527s. Americans are playing an ever-increasing role in holding public officials accountable for their actions through 1st Amendment protections, public policy debate, and the shaping of American democracy.

The proponents of this bill like to argue that by passing this bill, it will be impossible for wealthy individuals to "unfairly" impact elections. Wrong again. Ending 527s will not end the ability of wealthy donors and wealthy corporations to impact elections. They still have a multitude of ways to do so by donating to trade associations like 501(c)(6)s, many of which have less stringent, not more stringent, reporting requirements than 527s. The majority seems incredibly troubled by the independent voices of concerned citizens, but there is nothing in the law that could stop any individual from financing TV ads on her own. Nevertheless, the real truth is that many 527s are predominantly financed by small donor contributions from individuals who are concerned about holding their elected leaders accountable for failing to address the very issues important to them.

The majority's priorities are misplaced. Without our assistance, few victims of Hurricanes Katrina and Rita will be able to vote in the upcoming elections, wounded war veterans still struggle to obtain adequate health care, and gas prices continue to soar skyward.

The majority should not be in the business of legislating for partisan gain at the expense of the American people.

IMMIGRATION REFORM

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to assume the time of the gentleman from Iowa (Mr. LATHAM).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, people sometimes resort to scurrilous personal abuse or childish sarcasm when their case is weak. Let me repeat: people sometimes resort to scurrilous personal abuse or childish sarcasm when their case is weak.

For instance, on foreign policy, you know instantly when someone uses the word "isolationist," they are resorting to name calling, rather than a serious discussion on the merits or the lack thereof.

On the issue of immigration, the scurrilous, personal abuse is when people imply or say that someone is a racist or a bigot if they want our immigration laws enforced.

The childish sarcasm is when a columnist or someone else says we would have to line up 200,000 buses to remove 12 million immigrants.

No one thinks you can enforce all our immigration laws overnight or instantly solve this problem, but just because we cannot solve this problem all at once does not mean we should just give up and open up our borders.

Our government estimated several years ago that half the people of the world would come here very quickly if allowed to do so. Our schools, hospitals, roads, jails, sewers, our entire infrastructure simply could not handle such a rapid, massive influx of people.

A couple of years ago, Newsweek magazine said half the people of the world have to get by on $2 or less a day. Consistent with this was a column I read a few months later that said half the people in the world do not even have a second pair of shoes.

We are blessed beyond belief to live in this country. We all have great sympathy for those who have to live under difficult circumstances in other countries.

God has blessed every nation with natural beauty and/or natural sources that can make those countries rich. However, in most countries, people have fallen for the myth that government could solve all problems, and they have voted in liberal or left-wing governments or they have had dictators who forced big governments on them, and the economies have been ruined.

You cannot blame so many people for wanting to come here, and we all admire the work ethic of many who come here from other countries; but we cannot take in half the people of the world, especially in a short time. We have to have a legal, orderly system of immigration, and it has to be enforced.

Rush Limbaugh said a few months ago that if you do not have borders, you do not have a country.

Thomas Sowell, writing about this a few days ago, said, "We could solve the problem of all illegal activity anywhere by legalizing it. Why use this approach only with immigration? Why should any of us pay a speeding ticket if immigration scofflaws are legalized after the fact for committing a Federal crime?

"Most of the arguments for not enforcing our immigration laws are exercises in frivolous rhetoric and slippery sophistry, rather than serious arguments that will stand up under scrutiny."

Mr. Sowell continues, "How often have we heard that illegal immigrants 'take jobs that Americans will not do'? What is missing in this argument is what is crucial in any economic argument: price.

"Americans will not take many jobs at their current pay levels, and those pay levels will not rise so long as poverty-stricken immigrants are willing to take those jobs."

And he went on in this column to say, "The old inevitability ploy is often trotted out in immigration debates: it is not possible to either keep out illegal immigrants or to expel the ones already here.

"If you mean stopping every single illegal immigrant from getting in or expelling every single illegal immigrant who is already here, that may well be true."

Mr. Sowell said, "But does the fact that we cannot prevent every single murder cause us to stop enforcing the laws against murder?"

Mr. Speaker, with the Simpson-Mazzoli Act 20 years ago, we tried the same type of law that some who want to be soft on immigration are advocating today, but that law led to a quadrupling of illegal immigrants. We simply cannot afford to let that happen again.

President Theodore Roosevelt said many years ago, in fact in 1919, "In the first place we should insist that if the immigrant who comes here in good faith becomes an American and assimilates himself to us, he shall be treated on an exact equality with everyone else, for it is an outrage to discriminate against any such man because of creed, or birthplace, or origin."

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But this is predicated upon the man's becoming in very fact an American and nothing but an American.

And Theodore Roosevelt continued. He said, "There can be no divided allegiance here. Any man who says he is an American but something else also isn't an American at all. We have room for but one flag, the American flag, and this excludes the red flag, which symbolizes all wars against liberty and civilization, just as much as it excludes any foreign flag of a nation to which we are hostile."

And Theodore Roosevelt concluded this statement by saying, "We have room for but one language here, and that is the English language. And we have room but for one sole loyalty, and that is the loyalty to the American people."

Finally, Mr. Speaker, I would say that if people want the rights, privileges, and opportunities of American citizens, they should wave the American flag. If they want to be Mexicans and wave the Mexican flag, and there is nothing wrong with that, but they should go home to Mexico to do that.

LEGISLATION TO FIX THE MEDICARE MODERNIZATION ACT

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California (Ms. SOLIS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I join my colleague and friend, Representative MARCY KAPTUR, in talking about the trip to Ohio this week of Michael Leavitt, who oversees Medicare and Medicaid and our Nation's various health agencies as America's Secretary of the Department of Health and Human Services.

Michael Leavitt is a decent man, but he is manning a ship weighed down by wrongheaded laws and misplaced priorities. Take the so-called Medicare Modernization Act, the legislation written by the drug industry, written by the HMOs in this Congress, pushed through Congress in the middle of the night by literally one vote. The Federal Government, through that bill, the Federal Government is hand-feeding the prescription drug and HMO industries literally hundreds of billions of dollars of our tax dollars to manufacture or to make up and to build a new private insurance market for seniors' drug coverage, and not to provide the coverage directly through Medicare the way people choose their doctor in Medicare, the way people choose their hospital. This is done through 30, 40, or 50 different private insurance companies instead of being done the way that history shows works best.

Why? Because the drug and insurance industry want it that way. This new drug law, this new Medicare law, as I said, written by the drug industry and written by the HMOs, with seniors barely given a second thought, prohibits the Medicare program from negotiating bulk discounts on prescription drugs. And according to the Congressional Budget Office, it overpays insurers, the HMOs, by tens of billions of dollars. So much for fiscal responsibility.

The new drug law also undercuts the core Medicare program. If you want Medicare to wither on the vine, as former Speaker Gingrich said, wall it off and force seniors into the private market, force them out of Medicare, put them into the private market to give them additional benefits. It is ingenious. It is also underhanded and it is fiscal suicide.

Do my Republican colleagues really believe that when the private insurance market controls Medicare that they will give the government and they will give seniors a good deal on coverage? Do they really believe the drug industry will voluntarily charge lower prices for prescription drugs?

The new Medicare drug law isn't about seniors, it isn't about modernization, it isn't about fiscal responsibility. It is about a Republican-run Congress that is a little too cozy with the drug industry and the HMOs.

I am a cosponsor of legislation that would begin to fix this bill. It would enable seniors and disabled Medicare enrollees to bypass the private insurance market, to say, no, I don't want to compare 30 or 40 different insurance plans and 30 or 40 different insurance company brochures, and talk to 30 or 40 different insurance agents. I want to bypass the private insurance market, check a box, and simply add a prescription drug benefit to my Medicare. I get to choose my doctor as a Medicare beneficiary, I get to choose the hospital, I ought to be able to choose my drug formulary.

It would also authorize Medicare to negotiate bulk discounts on prescription drugs. That is the way the Veterans' Administration does it. That is the way most countries in the world do it. That is why drug prices are a third or a fourth or a fifth in every other country in the world, much, much lower prices than there are in the United States.

In other words, this legislation, this new law as we propose the changes, would give seniors and taxpayers a break. Perhaps Secretary Leavitt will make use of his Ohio trip to announce the administration's support for these bills. Perhaps.

May 15 is the cutoff for Medicare beneficiaries to enroll in the new prescription drug program. If they enroll after that date, believe it or not, they have to pay a penalty for late enrollment. Let's think about that. My Republican colleagues in Congress and the Bush administration have finally acknowledged that the drug program got off to a rocky start and is very confusing to seniors. Seniors have sat on the phone for up to 2 hours waiting for someone from the Medicare hotline to help with enrollment questions.

I talked to seniors in Vandalia, Ohio, in Cincinnati, in Norton, and in London, Ohio. All of them say this Medicare drug benefit is way too confusing. Not just prospective enrollees are confused, but State agencies, local service agencies, Federal bureaucrats, even the insurers who offer the new coverage. Finding the right answer to an enrollment question is almost as difficult as choosing which of the 30 or 40 plans to enroll in.

And when seniors did enroll in a plan, there were paperwork problems, there were systems problems, there were transition problems, there were formulary problems, and there were problems in the drugstores where one pharmacist at least, one pharmacy in London, Ohio, had to close because of the additional cost imposed on these small businesses by this bureaucracy created by a Congress that listened to the drug industry and the HMOs more than it listened to drugstores, to pharmacists or to seniors.

The various failings of this drug program made the news virtually every day for 4 months. Maybe Secretary Leavitt will make use of his trip to Ohio to announce the Republican leadership is listening, they have changed their minds, and they want to see a better law. Maybe.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a Joint Resolution and a Concurrent Resolution of the following titles in which the concurrence of the House is requested:

S.J. Res. 28. Joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

S. Con. Res. 60. Concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, this evening, as every Tuesday evening, the members of the 37-Member strong fiscally conservative Democratic Blue Dog Coalition come to the floor of the United States House of Representatives, here at our Nation's Capitol, to address the debt, the deficit, and tonight also the budget.

And for those of you who have walked the halls of Congress, it is easy to spot when you are walking by a Member's office that is a member of the fiscally conservative Blue Dog Coalition because you will see one of these posters, one of these posters that displays the current national debt. And every American citizen shares the National debt.

As you can see, at the moment, the U.S. national debt is $8,378,143,406,405 and some change. And for every man, woman, and child in America, including those being born this hour, your share of the national debt is $28,000.

We raise these issues for a number of reasons, Mr. Speaker. It is hard now to remember, but from 1998 to 2001, our Nation enjoyed a balanced budget. We had a surplus. We could meet many of America's priorities. But today, for the sixth year in a row, we have the largest budget deficit ever in our Nation's history. Our Nation is borrowing a billion dollars a day. We are sending $279 million a day to Iraq, $57 million a day to Afghanistan, a billion a day we are borrowing, and on top of that we are spending half a billion dollars a day simply paying interest, not principal but just interest on the debt that we already have.

As members of the Blue Dog Coalition, we believe it is time to get our Nation's fiscal house in order. Now, the Republicans in this year's budget they will present this week on the floor of the United States House of Representatives indicates that their priorities do not reflect our priorities or our values. We are going to spend a lot of the time this evening talking about that.

They will say, well, we are trying to balance the budget, which they do not do. They will say that, well, we are cutting this program or that program to try and reduce the deficit. But what they do not tell you is that their budget includes $1.7 trillion over the next 10 years in tax cuts that primarily benefit those earning over $400.000 a year.

So when they talk about cutting programs, they will tell you that they are trying to cut programs to reduce these numbers. Not so. Because you don't cut taxes for folks earning over $400.000 a year at a time when you are in a nation that is borrowing a billion dollars a day; at a time when you are in a nation that is spending half a billion a day simply paying interest on the debt you already have.

So it is about priorities. And the Republican priorities in this year's budget include cuts to the Dale Bumpers Small Farms Research Center in my Congressional District. In fact, there are 25 or 26 agricultural research centers all over America that are being cut. They create good paying jobs in these rural communities that invest in the kind of agricultural research that our farm families so desperately need.

The development of the Dale Bumpers Small Farms Research Center began back in 1977 with their initial work starting in 1980. It is a partnership among three agencies, Agricultural Research Service, Natural Resources Conservation Service, and the Arkansas Cooperative Extension Service.

Their mission, the mission at the Agricultural Research Service unit at the Dale Bumpers Small Farms Research Center, is to develop scientific principles and technologies to enhance the profitability and sustainability of small-scale farms, because they are threatened by a lack of profitability. Yet in this year's budget, in this year's budget that the President submitted to this Congress and that this Republican Congress may very well pass this week, it includes zeroing out, eliminating 25 or 26 of these agricultural research centers all across America.

Again, this budget is about priorities, and this budget that we are going to vote on this week does not reflect my priorities or my values. It certainly does not represent the kind of conservative small-town values that I was raised on, where I was raised to value our farm families who simply try to do their best to provide us with a safe and reliable source for food and fiber.

We can get into a debate about how we have become too dependent on foreign oil. If we are not too careful, we are going to become too dependent on other countries for our food and fiber. And I submit to you, Mr. Speaker, that that is a dangerous road to go down, and one in which America has no business going down.

This is just one example of many of what is wrong with this budget. There are ways to balance the budget, and we are going to talk tonight about an alternative that I believe makes sense, that reinstates a thing called PAYGO. Pay as you go rules mean if you want to fund a new program, you have to cut something else. If you want to pass a tax cut, you have to cut a program. You just don't go borrow more money from China to fund it. It also balances the budget within, I believe, 10 years.

Yes, in 10 years we would have a balanced budget again, and that is an alternative that will be presented on the floor this week that many of us will be supporting.

We will be talking a lot tonight about the debt, the budget, and the deficit and these things, and I am very honored to be joined tonight by a number of my Blue Dog friends, and DENNIS CARDOZA is the co-chair of the Blue Dog Coalition. He is the co-chair for communications. He is a Member of Congress from California. A lot of people, when they think of fiscally conservative Democrats, they think we are just in the South, but we are spread from California to Long Island. This is a national movement. This is a national movement of 37 fiscally conservatives Democrats that believe it is time to restore some common sense and fiscal discipline to our Nation's government.

So, Mr. Speaker, I am pleased to turn this thing over to one of the leaders of our group, DENNIS CARDOZA from California.

Mr. CARDOZA. Well, I want to thank the gentleman from Arkansas both for relinquishing of some time and also for the leadership that he has shown by hosting this hour for the Blue Dog Democrats each Tuesday night this year.

Before I get started in my prepared remarks, I wanted to just acknowledge something that came to mind. The previous presiding officer, the gentleman that was acting as Speaker a few moments ago, is my former colleague from the legislature in California, a wonderful man, JOHN CAMPBELL. And it struck me that when we were in the legislature together in California, every year we had to balance the budget. We could not leave Sacramento, we had to stay in session until we had a balanced budget. It is so unfortunate that here in Washington, as we have both graduated up the ladder, that we don't have that same kind of fiscal accountability and the same responsibility.

And sitting here with my colleague, JIM COSTA, who used to be one of the leaders in the California State Senate, we took it very seriously. In fact, it was mandated in law that every year, and I believe almost every State in the country has to do that, but here in Washington, in our Nation's Capital, we cannot find the fiscal responsibility to balance our Nation's budget and get our fiscal house in order.

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The Blue Dog Coalition has made repeated calls for responsible budget reforms that will put our country back on this path of fiscal responsibility and fiscal sanity that I have discussed.

As moderates and as fiscal hawks, we have tried to reach across the aisle to engage in real debate on fiscal responsibility. For years now, our appeals for commonsense, bipartisan reforms have been brushed aside by both the White House and this Republican leadership.

Instead, this Republican Congress and the White House have pursued policies that have resulted in exploding deficits and over $8 trillion in debt. Rather than taking this fiscal mess seriously and putting forward a plan to change course, we are being fed more of the same in this year's budget. The Republican budget resolution is a rehashed version of misguided policies that have gotten us into this mess in the first place. It is said that the definition of insanity is doing the same thing over and over and over yet expecting different results. That is exactly how I feel about the Republican leadership's fiscal policies. No matter how deep they dig this fiscal hole, they want to keep shoveling, they want to keep digging; and we have to make it stop.

The administration has requested and Congress has provided for four increases in the debt ceiling since 2001. This budget resolution does not fix the broken budget; it actually makes it worse. The Budget Committee passed a budget resolution that includes a deficit of $372 billion for the fiscal year 2006 and a deficit of $348 for 2007. This means that under this Congress and this White House, Republicans totally, we will have seen the five biggest budget deficits in American history in 5 consecutive years. Under this budget, the statutory debt by 2011 will go up another $2.3 trillion, leaving the statutory debt at a record level of $11.3 trillion. Ladies and gentlemen, this is unacceptable.

The Blue Dog Coalition has put forth a comprehensive 12-step plan that is designed to cure our Nation's addiction to deficit spending. Our proposal will include commonsense measures such as reinstating the pay-as-you-go rules such as what you use to balance your own budget at home. Every American understands that they need to balance their own checkbook; so does America. These pay-as-you-go rules are the first step.

In the 1990s with PAYGO rules on the books, we saw deficits disappear. We had record surpluses and rapid economic growth. In 2001, the Republican-controlled Congress abandoned PAYGO, and we have been awash in red ink ever since. It is time for Congress to bring back PAYGO and bring back some fiscal sanity for our country.

Mr. Speaker, I thank Mr. ROSS for having us here tonight and thank him for his leadership.

Mr. ROSS. Mr. Speaker, I thank the co-chair, Mr. CARDOZA, and for communications within the 37-Member strong, fiscally conservative Blue Dog Coalition for his insightful information and knowledge about the process and what we are trying to accomplish. We have Members here from Georgia and Illinois and Oklahoma and from all over the Nation that have come to speak the truth, to hold this Republican Congress accountable and demand some commonsense and fiscal discipline be restored to our Nation's government.

We are going to hear from people other than California, but it just so happens our first two presenters are both from California. The other is a gentleman who has not been here long, but has been quite effective within our coalition and a real leader within our coalition, and that is the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise to add my voice to my fellow Blue Dog Coalition members who are here this evening to have a dose of fiscal sanity, to allow the American people to understand that there is indeed a another choice. Therefore, tonight we hope to give an accurate picture on the budget process that we are about to embark on this week and the lack of fiscal integrity that this budget process unfortunately has, because it lacks a bipartisan effort to provide the sort of financial support that the American public demands.

I too want to commend Mr. ROSS and Mr. CARDOZA for allowing me to join with them in this effort. I think that Blue Dogs who are fiscally conservative really reflect the mainstream of what America is all about.

The fact of the matter is that this budget resolution that we will debate this week has in its very basic underpinnings a lack of fiscal integrity. Let me talk about a dirty little secret contained in this budget resolution that all Members ought to be aware of. The secret is the offloading of our Federal financial problems onto our States as a strategy to reduce our Nation's budget deficit.

The hypocrisy is clear, through the preemption of State laws, and in spite of a little-used Federal law that prevents unfunded mandates on States, Congress has arrogantly chosen to do just that, and that is to offload on our States.

Do the States have the ability to fill that gap? Well, the National Council of State Legislatures has identified the minimum gap in Federal funding to States caused by unfunded mandates in 2004 fiscal year as being approximately $25.6 billion. In the fiscal year 2005, the amount rose to $26.2 billion.

Evidence by the National Council of State Legislatures shows that this gap will continue over the next decade and could grow as high as $50 billion annually, and we offload our financial responsibilities to States and let them be on their own.

The evidence is clear. It does not take into account inflation and other changes in discretionary spending over the next decade.

I ask my colleagues to recall recent history. In the 1980s and in the 1990s, President Reagan, a former State Governor, understood the necessity of a bipartisan effort to protect the States. President Clinton, another State Governor, codified that recognition of States by signing the Unfunded Mandates Reform Act in which the Congress pledged to no longer continue this practice of passing laws and then telling the States it is your job to figure out how to pay for it.

But this White House, also currently occupied by another former State Governor and many of my colleagues who serve in Congress, over half who come from State legislatures, I believe, have forgotten where they come from.

Do you think we are solving problems when we are just passing them on to our States? I will continue to question the sincerity of those who lead this budget effort to actually achieve responsible fiscal management. The most recent example of that reluctance to embrace sound fiscal management principles was demonstrated last week in the Budget Committee's rejection of an amendment that would reinstitute pay-as-you-go, which my colleagues, Mr. ROSS and Mr. CARDOZA, have spoken to. Pay-as-you-go is a concept that all of our households employ, which means in your family's budget, you do not spend money that you do not have.

As Members may recall, PAYGO was agreed to in the 1990s by then-Speaker Newt Gingrich and signed into law by President Clinton. In the mid-1990s, that led to the first budget surpluses we had in over 40 years. Ladies and gentlemen, let me remind you, over the last 5 years, we have gone from surpluses to massive deficits.

I remember as a young kid watching television on "Dragnet." Remember Sergeant Friday? He used to say "Just the facts, ma'am." These are the facts, and I think Americans are coming to realize these facts do not hold up to the principles of sound fiscal management. We can do better. We should do better. Americans deserve it.

Mr. ROSS. Mr. Speaker, I thank Mr. COSTA for joining us this evening to discuss these issues that are so important to not only today's generation but to our children and grandchildren.

This week on the floor of the House there is going to be a very close vote. Most votes on the House floor last somewhere between 5 and 15 minutes. Every once in a while we have a vote that goes for an hour or 2 hours, sometimes even 3 hours, while enough arms are twisted to be able to get enough votes for a vote to pass.

I have always said the Prescott Curly Wolves, they have some pretty good years in football. And when there is no time left on the clock, if we are not ahead, if we could just not sound the buzzer until we are ahead, we would be the State champions every year. That is, unfortunately, how many votes run on this House floor. When they are close votes, votes are no longer 5 or 15 minutes; they last until the Republican leadership prevails; and then the horn, the bell, the gavel is sounded. That will likely happen late Thursday night or early Friday morning during the vote on this budget because this budget does not reflect America's priorities, and they are going to have a very difficult time passing it.

In fact, I predict it will be on a strict party-line vote, and they will lose some votes. It is unbelievable the fiscal turnaround from a budget surplus in fiscal year 2001 to the five largest deficits in history, and they have occurred in the last 5 consecutive years with the 2006 deficit being $372 billion. And the projected deficit for fiscal year 2007 is $348 billion; but not really. That is counting the money that the politicians are borrowing from the Social Security trust fund.

If you do not count the money that is being borrowed from the Social Security trust fund, the deficit last year was really $605 billion and for fiscal year 2007, it is $448 billion. I am beginning to understand why the Republican leadership refused to give me a hearing or a vote on the first vote I filed as a Member of Congress, a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund.

When this administration took office, it inherited a projected 10-year surplus of $5.6 trillion. This surplus has become a $3.3 trillion deficit, an embarrassing reversal of $8.9 trillion.

Since 2001, there have been four increases in the debt ceiling to a staggering total of $3 trillion. This Republican-proposed budget increases the statutory debt ceiling by another $2.3 trillion, almost doubling the debt ceiling in 5 years to $11.3 trillion. And if that is not enough, with regards to the conflicts in Iraq and Afghanistan, this budget only includes $50 billion, less than half of what was appropriated for 2006, and goes so far as to actually assume we will be out of Iraq and Afghanistan after 2007. This is not a truthful budget. The budget includes no funding, absolutely no funding for the war efforts in Iraq and Afghanistan beyond 2007.

This Republican Congress is telling us in this budget that the conflicts in Iraq and Afghanistan will be over by the end of fiscal year 2007. We know better. This is not a truthful budget.

The budget resolution calls for $39 billion in 2007 and $228 billion in new tax cuts over the next 5 years; $39 billion in tax cuts in 2007, $228 billion in new tax cuts over the next 5 years, and $1.7 trillion in new tax cuts over the next 10 years that primarily benefit only those earning over $400,000 a year. And in times of deficit, in times when we are borrowing a billion a day, what does that mean? That means we are borrowing money from places like China. This administration has borrowed more money from foreigners in the past 5 years than the previous 42 Presidents combined. Let me repeat that: this administration has borrowed more money from foreign central banks and foreign investors in the past 5 years than the previous 42 Presidents combined; and yet we are now going to borrow more money from China and Hong Kong and, God forbid, OPEC nations, to give a tax cut to those earning over $400,000 a year.

Over 5 years, the Republican-proposed resolution cuts nondefense discretionary spending by $162 billion, below the amount simply needed to maintain services at current levels.

Our next speaker will talk more about these funding cuts, these cuts that not only cut programs that matter to people but undercut our values, that undercut America's priorities.

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And to talk more about this is the gentleman from Oklahoma, who has quickly become a real leader and a real voice within the fiscally conservative Blue Dog Coalition, my friend, DAN BOREN.

Mr. BOREN. Thank you, Congressman Ross. Mr. Speaker, you know it is not very often that I come to this floor to speak on an issue. As a freshman Member, sometimes we don't come down and talk about issues on this floor. But I think it is very important tonight that we talk about this budget because budgets are a statement of our priorities.

I am going to talk tonight a little bit about rural America. I also want to talk a little bit about our Nation's veterans.

For those of you all who have never been to Oklahoma, I am going to tell you a little bit about my district. My district is in eastern Oklahoma. I represent 25 counties of a very rural part of the United States. The largest community in my district is Muskogee, Oklahoma, population 38,000 people, where my wife, Andrea, and I reside.

There are towns like Broken Bow and Idabel and Miami and Sallisaw, Wapanucka, Bromide, Bluejacket, some of the best people in the world. And let me tell you, this budget does not help my folks back home. I think it is very important that we reduce the national debt and we balance our budget, but we can't do it on the backs of rural America.

Once again, this year the President's budget slashes rural development programs. It freezes funding for rural education and phases out our rural health care grants.

In my district, it abolishes the COPS grant program which is responsible for putting over 200 officers on the street in eastern Oklahoma. We have a real meth problem in eastern Oklahoma. We have a terrible meth problem. We had a lot of meth labs that were popping up and actually we are doing a lot about that. But we need more cops on the street. This budget cuts 200 police officers.

My good friend, my colleague from Arkansas, Mr. ROSS, mentioned cuts in our ag research centers. Folks, 2 weeks ago I was in Lane, Oklahoma. There is a research center, the Wes Watkins Lane Ag Research Center, employs a lot of folks in my district, has a $3 million impact on the local economy. We are talking about salaries, 70, $80,000 salaries. These are big salaries in my district. In the President's budget that facility is set to close. And I know I am going to be working with my colleague from Arkansas to help stop that.

Here is another couple of statistics. It cuts assistance to rural manufacturers and small businesses by nearly 60 percent. In the State of Oklahoma we lost over 80,000 manufacturing jobs over the past 2 years. And we are talking about taking those investments away from small businesses. We need help in rural Oklahoma.

It also cuts rural health care by 83 percent, and not just in rural America, not just in rural Oklahoma. It also affects all of our veterans. I have got a big Veterans Hospital in my district in Muskogee, Oklahoma. And I get a chance to visit with our veterans all the time. And they talk to me about the TRICARE program.

One example in this budget is an increase in co-pays and enrollment fees for military retirees in the TRICARE program. So this country is saying to you, you go, you enlist in the service, you spend 20 years supporting the flag, going overseas, fighting for our freedoms, and we are going to cut your benefits. That is a wrong priority, and we won't stand for it.

Another thing we have got to think about when we are talking about cutting these programs like TRICARE. Folks, we are facing a recruitment problem right now. We are trying to get more and more young people to join the military. How can we tell those young people to join the Army, Navy, Air Force and Marines, how can we tell them to join when we are going to cut their benefits? There is a direct correlation to what we are doing in this budget to our Nation's Armed Forces.

And I stand as a Blue Dog, someone that believes in fiscal accountability. But, at the same time, we have got to make sure that we defend those priorities. And I stand with my colleague from Arkansas. I know we are going to have a few other speakers here in a minute. And with that I am going to yield back to my colleague from Arkansas. And I thank him for allowing me to be a part of this program.

As I mentioned before, I came down as part of the 30-something and gave a few talks, and I rarely come down. But this budget got me so upset, thinking about the people back home in Oklahoma, that I wanted to come to this floor and talk about these priorities. And with that I yield back to my friend, Congressman Ross.

Mr. ROSS. I thank the gentleman from Oklahoma for being a part of this special order on the budget, the debt and the deficit. And I appreciate the work he is doing with me to try and save all these agricultural research centers from closure that are so important, not only to rural America and to the communities where they are located like Booneville, Arkansas, but also so important to our farm families, all over this great country.

Mr. Speaker, if you have any comments, questions for the Blue Dog Coalition, there are 37 of us. We are a group of fiscally conservative Democrats that come together here on Capitol Hill to try and restore some common sense and fiscal discipline to our Nation's government. And Mr. Speaker, if you have any comments or concerns of our group, I would encourage you to e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

At this time I am pleased to turn this over to MELISSA BEAN, Congresswoman from Illinois, a member of the Blue Dog Coalition, who many Tuesday evenings comes down and joins us for this, what I believe is a very healthy debate and healthy discussion about how we need to get our Nation's fiscal house in order and restore some of the conservative values that many of us were raised on and still believe in. And with that I yield.

And we are also joined tonight by, as we are almost every Tuesday night, and I am so proud of that. DAVID SCOTT, Congressman from Georgia, a real leader, a real voice for common sense and conservative values within the fiscally conservative Blue Dog Coalition. And I welcome both of you. And we can have a colloquy or do whatever y'all want to do. I will yield right now to the gentlewoman from Illinois.

Ms. BEAN. I am honored to join my colleagues in the Blue Dog Coalition and, again, want to commend your leadership, Congressman ROSS, of our Blue Dog Coalition, because fiscal responsibility has to be our top priority in this Congress.

So many of us came to this body to address issues of importance and priority to the families in the districts that we represent. And yet, if we don't, first and foremost, act responsibly with the national tax dollars that we have, we can't properly address those regional priorities that we would like to.

I was here on the floor with you just several weeks ago, and I mentioned that I had been with some seventh graders in my district. One of the fun parts of our job is when we can go have civics classes with the kids. And they were pretty mortified just a few weeks ago when I shared with them that their share of our national debt, each individual one of them, was $27,000. And I am sad to see from your last chart, you have now moved it, it is already up to $28,000. So we went from $8.2 trillion to $8.3 trillion in just a couple of weeks. And it is frightening how rampant this irresponsible spending has been and how out of control our Congress has been.

And it is sad that when I spoke to these seventh graders about their family budgets or their parents who worked in the business communities, how did they avoid getting themselves into debt, that those seventh graders could better articulate fiscal common sense by saying, don't spend what you don't have, than this Congress has been able to demonstrate.

And I also serve on a caucus that addresses financial literacy for young people in this country. And it is so hypocritical that we want to talk to these kids about how to better manage their money when we are not doing a good job with our Nation's resources.

Mr. ROSS. The gentlewoman is so right, and I appreciate her sharing her experiences.

I was at Pine Bluff High School on Monday, speaking to a couple of classes, history classes, and that is one of the things we talked about was the debt, the deficit and what it means to their generation, because, you know, it is what I call the debt tax. It is one tax that, debt as in D-E-B-T, not to be confused with the death tax. It is what in the Blue Dog Coalition we have coined as the debt tax, because as long as we have got a debt, as long as we are spending a half a billion a day paying interest on the debt, then that is a half a billion we don't have to meet America's priorities. And that debt tax has got to be paid back by future generations, our children and grandchildren, because I can assure you all these foreign investors and foreign central banks that are now funding our deficit, they are not going to forgive our debt the way that oftentimes in the past we have forgiven others debts.

And I yield to the gentleman from Georgia. Glad to have you with us this evening, Mr. SCOTT.

Mr. SCOTT of Georgia. Always a pleasure to be with you, Mr. ROSS, and with you, Ms. BEAN. It is always a pleasure.

You were talking about the young kids, and you have got to think about those young kids. You have got to think about the generations coming behind us. Some of those are watching C–SPAN tonight as we speak, and hopefully all across America they are beginning to pay attention to what is happening here on the floor of this Congress.

And as I stand here, I am reminded of what happened on the floor of a Congress and a Senate a few centuries back and is captured really greatly in a play by the great William Shakespeare. William Shakespeare wrote a brilliant play called Julius Caesar. And in that play, a very important part was as Caesar was on the floor as the senators were surrounding him and knives going into him, he looked out at all of the senators and saw them, Cicero and Cassius, and then he leaned over and he looked over caught the eye of Brutus and grabbed him as Brutus stuck the knife into his ribs. And he said "Et tu, Brutus. Yours is the meanest cut of all."

Well, I am here to tell you and tell America, Mr. Speaker, Mr. ROSS, Ms. BEAN, that the meanest cut of all in this budget is the cut to those law enforcement folks, those people that are on the front lines at home, who have our security in their hands, our police officers, our firemen, our first responders and the military, our veterans, our Air Force, our Navy, our Marines, who are being cut unmercifully, Brutus-like, in this budget.

I just want to highlight for the American people so they can actually see and hear how this budget is devastating those that we place our security in their hands. Just think that this budget includes a cut in the funding of first responders by 25 percent at a time when we are in such great need.

Police Departments nationwide do not have the protective gear to safely secure a site after a detonation of a weapon of mass destruction in this country. Fire Departments have only enough radios for half the firefighters on a shift.

And yet, this budget, this Republican budget that they are asking us to vote on in the next day or two, includes a cut in first responder funding within the Department of Homeland Security of $573 million, 25 percent. And within this total, the budget slashes the Firefighters Grant Program by $355 million and eliminates all funding for the law enforcement terrorism prevention, reduction of $385 million.

When we look at our veterans, we are treating them so badly under this budget. It increases the health care costs for one million veterans.

America, we need to pay attention to what this Republican budget is doing. For the fourth year in a row, the budget raises health care costs for 1 million veterans by imposing new fees on veterans, costing them more than $2.6 billion over 5 years and driving at least 200 veterans out of the system.

It doubles the copayment for prescription drugs from $8 to $15, America, and imposes an enrollment fee of $250 a year for Category 7 and 8 veterans who make as little as $26,000 a year.

This is the truth. This is what they are asking us to vote on. And I pray and I hope that we will have enough Republicans to stand with us Democrats and reject this as not in the best interest of the American people.

It fails to address the strain on our troops. Now, Mr. ROSS, I have been over to Iraq, just came back in January; went over to Afghanistan. I have been in the hot spots. I have seen our military, and they are doing a fantastic job in extraordinary circumstances. We are talking about 19- and 20- and 21-year-old kids out there handling extraordinary pressures.

☐ 2115

And I will tell you an experience that I had that I will never forget. When I was in Iraq, I went into Camp Victory, standing in the middle of Camp Victory, and I met and was hugged by a soldier. And both of us in the middle of Camp Victory hugging, tears coming down my eyes and down his, and he says to me, "Congressman SCOTT, when I am hugging you, it's like I am hugging a piece of home."

I vowed in Iraq on that spot that night, having dinner with those soldiers in Iraq, that I would fight tooth and nail on this floor to treat our veterans and to treat our military right.

And, Mr. ROSS, as I told it to you, what is in this budget, it refuses to end the disabled veterans tax. This Republican budget fails to repeal the veterans tax, which forces disabled military retirees to give up $1 of their pension for every dollar of disability pay they receive. Added to that it fails to end the military family tax, the survivor benefit plan, penalizes survivors, mostly widows, of those soldiers who are killed as a result of combat. That is what this budget does. That is why I say that the meanest cut in this budget is to our military, to our veterans, to our law enforcement people who put their lives on the line for little or no pay. And the only reason to do it is to offset this tax cut for the 1 percent wealthiest people in this country and then have to go borrow the money to pay for that at the sacrifice of our first responders.

This is why I am praying with every ounce of strength in me that this body will stand up to this Republican budget and vote it down because it is not in the best interests of our Nation's security, our national security, or our homeland security.

Mr. ROSS. I thank the gentleman from Georgia (Mr. SCOTT) for his input and would encourage him to stay for what I hope will be a meaningful discussion with the time remaining this evening as we talk about the budget and the debt and deficit. And I want to thank the gentlewoman from Illinois (Ms. BEAN) for staying with us as well.

Some of this has been mentioned tonight; some has not. But let us just take a look at some of the cuts that will be included in the budget this week. Education, the Republican budget resolution that will be voted on on the floor of this Chamber this week is identical to the administration's proposed budget cuts to education, training, and social services, including $2.2 billion in cuts to the Department of Education.

Let us begin by putting this thing in perspective. We spend more money paying interest on the national debt in 100 days than we spend funding education in 365 days. What does that say about our commitment to our children?

Ms. BEAN. To future generations.

Mr. ROSS. To future generations. And yet they propose to cut $2.2 billion from the Department of Education. The President's budget fully eliminates, fully eliminates, 41 Department of Education programs.

I had folks in my office this week, today, from my district. They are involved in the HIPPI program, programs that are helping young people get ready for kindergarten. They reach those young people at ages 3, 4, and 5. And they also go into the homes and teach the parents how to teach the children. It is a wonderful program.

And I had a meeting yesterday in Pine Bluff, Arkansas, with the chancellor at the University of Arkansas at Pine Bluff, which is an historically black college, Chancellor Lawrence Davis, and he was telling me that we have a crisis in America with African American males because 60 percent of African American males who do not finish high school end up in prison. And his concern and my concern is that America does not seem to be nearly as alarmed about it as they should be. The way we address this is by investing in education. If we will get to these young people at age 3, 4, and 5, we can spend pennies on the dollar compared to what we are spending warehousing them in their adult life in prison. It is about priorities.

Mr. SCOTT of Georgia. Will the gentleman yield?

Mr. ROSS. I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Excellent point. And there is no greater emergency in this country than addressing the plight of African American males. No group in this country has paid the price, has made the contributions, has gone through the struggles, and has faced the vicissitudes of racism as the African American community. Structure, discipline, sanctioned by law. And yet if there was just one tenth of the effort to correct that imbalance, but on every score, you go down the line, and you mentioned them, education, the college grant. They say No Child Left Behind. An excellent idea but underfunded by 3 or $400 billion, not putting the money in. Black college Presidents have come up to this Congress hat in hand, begging, pleading for money for scholarships, and have not gotten a response.

In this budget itself, do you know that the fastest growing part of this budget is the interest we are paying? And the interest we are paying is more than all that we are spending totally on primary education, secondary education, college education, everything education, as well as the environment and veterans. This is dastardly wrong.

Mr. ROSS. The gentleman is so right. And I was sitting there in a meeting in my office today listening to a group pleading with me to vote against this budget, which I am, pleading with me to vote against this budget because it cuts programs that give 3- and 4-year-olds a fighting chance to be ready when they enter kindergarten that can help us be able to give them a chance at success in life.

We live in a free country. We get to choose what we eat and where we worship and whom we marry. Some people do that several times. And one of the few things in life we do not get to choose is who our parents are. Some children, both black and white, get really lucky. Some do not. And I think as a Nation we have a duty and obligation to be there for all young people. And if we can get to these young people at age 3 and 4 and get them ready for kindergarten, then we can have an impact on their lives and turn them into a productive citizen instead of spending $20,000 a year paying for them to sit idly and wastefully behind bars.

Yet these programs, these preschool programs, are being cut in this budget. And one of the women that was in my office today talking to me about it, she said, I was one of those in one of these programs. They came to my home and they taught me how to teach my child, and I started teaching my child, and my child started making the honor roll. And this woman today, she is from my district, she said, Mike, I want you to know I am now going back to college to become a school teacher. She went and got her high school degree. She is now going to college to become a school teacher because of one of these programs that not only has had an impact on her daughter's life but has now had an impact on her life. Yet these programs are either cut or eliminated in this year's budget.

Ms. BEAN. Will the gentleman yield?

Mr. ROSS. I yield to the gentlewoman from Illinois.

Ms. BEAN. So much of what we have been talking about, whether it is education, whether it is the environment, it is all about future generations and our commitment to them.

And to go back to the seventh graders that I mentioned that I spoke with, they are all studying the Constitution right now. Some of them probably in your districts as well as mine are taking their Constitution tests. I was so impressed with their knowledge and their youthful idealism as we talked about the Constitution and what it meant to them.

And we had an open discussion, and we took the preamble of the Constitution apart, and we talked about what does it mean in order to form a more perfect union. And they understood that that meant that we have a commitment to make our country better. We talked about providing for the common defense. And they understood that that meant not just national defense but also protecting Americans from natural disaster like we have experienced in the gulf region and then, sadly, just this week from the tornadoes. They talked about establish justice and what did justice mean. And they understood that that meant there should be basic fairness in our laws.

But the part that really resonated with the kids was when we talked about that as we preserve these liberties and these American values, we do them for ourselves and our posterity. And they understood that that meant we as adults should be making decisions not only for them as well as ourselves but for their children. And so they are very concerned that we are not making the right decisions. So they expressed a lot of those issues. And to go back to the fiscal responsibility theme that we have been talking about tonight, they were able to understand the analogy of what we have been doing with this debt, and driving ourselves into debt essentially would be if I got a credit card and went out on a spending spree, but I put the credit card in my daughters' names and said to them, When you are 18 and you get a job, you get to pay it off. And that is what we are doing to these kids, and that is not justice. That is not making good decisions for our posterity. We can do a better job than we have been doing for them.

Mr. SCOTT of Georgia. The American people are expecting us to.

I just share with you my own experience. Every weekend I get home, by the time I get off the airplane, I get in my tee-shirt and my jeans and I get out and walk door to door in my district, about 50 percent of which is new out in Cobb and Douglas Counties. And there is a certain experience that you get when you go knock on doors and you talk to your constituents and they say, Oh, the Congressman is here. And, Mr. Ross, let me tell you America is worried. The people in America are worried about the direction of this country.

At one stop a lady comes out and she says, Yes, put a yard sign in, and I give her a tee-shirt. And she says, Congressman SCOTT, what are we going to do about our education? I am not just talking about the money, but I am talking about the fact that my kid is sitting in a hallway because there is no room, there is no classroom. And in many of our counties across this country, they are meeting in trailers because we have not put the money in the budget in order to deal with it.

Now, I got the latest figures because I think it is very important that the American people know why we must vote down this budget come tomorrow or Thursday. The budget provides $15.4 million less, a cut in funding for education, than promised by the No Child Left Behind. No Child Left Behind. No Child Left Behind, but we are leaving them behind and not only leaving them behind but we are leaving them on the floor, in the hallways to study, overcrowded classrooms, teachers without adequate pay to do all the paperwork and not paying them for it. They are meeting in fire stations. They are meeting down the road in an old church basement. They are meeting in trailers. Damp, unsafe, unsanitary trailers. This is what this budget is doing to our American children.

Under this Republican budget, the cumulative funding shortfall for No Child Left Behind is $55 billion. This Republican budget, as we talked about before about the need, especially in some of our hard cases, this Republican budget completely eliminates several important education programs, including vocational education State grants, educational technology State grants. We are talking about those institutions that are actually taking our youngsters and training them with jobs that are being cut. Americans are worried about that.

Veterans are worried. Down the street another one says he is standing in line, not being able to get his treatment at a VA hospital. We are calling and he says if it was not for this congressional office calling, what would happen? But there are literally thousands of Americans out there, veterans, who are facing these dilemmas every single day. And they are upset about these unwise, foolish, mean, and unnecessary cuts to vital programs not because we cannot afford it, not because we are not wise to do it, but we are doing it just to offset costs for a tax cut for the wealthiest 1 percent in this country.

□ 2130

Even them, even Bill Gates and others at that level, are saying, "We don't need it." But our veterans need it. Our teachers need it. Our children who are in these trailers, they need it.

Mr. ROSS. Mr. Speaker, reclaiming my time, I know I feel confident that the Republican leadership will send down a group to follow us. They do that every Tuesday evening. I am honored that they feel a need to do that. I think our message is getting through about trying to restore fiscal discipline and common sense to our Nation's government.

They are going to talk about how we didn't vote for this so-called Deficit Reduction Act. What they are not going to tell you was it was $40 billion to cuts in Medicaid, student loans and the orphan program, and also it was followed by $90 billion in tax cuts for those earning over $400,000 a year.

I wasn't real good in math back in high school or college, but $90 billion in new tax cuts and $40 billion in cuts to the poorest among us equals what, $50 billion of new debt. Only in Washington would they call that the Deficit Reduction Act. That was the name of it.

Then they are going to say this budget we are opposing is making the hard choices and the hard cuts and eliminating important programs in the name of trying to restore some fiscal discipline and balance the budget. What they fail to tell you is it is really about priorities, because their budget includes $1.7 trillion in new tax cuts over 10 years.

Look, I voted for the biggest tax cut in 20 years back in 2001, and a lot of my Democratic colleagues are still mad at me about it. We had a surplus, it was before 9/11, before Iraq and before Afghanistan. We really were giving people some of their money back.

Yet now, every time since then that we have passed a tax cut, because we no longer have a surplus, we have a deficit, every tax cut we have passed since that time has been funded with money that we are borrowing from places like China.

In 2000, we had borrowed a total of $62 billion from China. From 1976 up until 2000 we owed $62 billion to China, and at the end of 2005 we owed $257 billion to China. Japan, $668.3 billion. Our government, we are borrowing $1 billion a day and spending half a billion a day paying interest on the debt we have already got. That is half a billion that can't go to fund our agricultural research centers or build I-49 or I-69 or many other opportunities and priorities and needs we have in Arkansas' Fourth Congressional District, because our Nation is in debt and running record deficits and borrowing money from all these foreign investors and foreign central banks.

Put it this way: Foreign lenders currently hold a total $2.174 trillion of our public debt. Compare that to only $23 billion in foreign holdings back in 1993.

Here is the top 10 list. Here is who is funding your tax cuts. Here is who is funding our government. We have borrowed $668.3 billion from Japan: we owe now $262.6 billion, and it goes up every week, to China: the United Kingdom, $244.8 billion, Caribbean banking centers, have you ever heard of that? I never heard of a Caribbean banking center before, but we have borrowed $97.9 billion from them; Taiwan, $71.6 billion; OPEC, you wonder why gas is $2.50 a gallon? We have now borrowed $77.6 billion from OPEC; Korea, $68.3 billion; Germany, $65.2 billion; Canada, $54.9 billion; and Hong Kong, $48.3 billion. Those are the top 10 countries that we are borrowing money from to help fund tax cuts in our country to pay for tax cuts for those earning over $400,000 a year.

I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. And here is the danger. Here is the danger when you put your financial security in the hands of foreign nations at the rate that we are doing it. Now we have to worry that some of these nations could very well sell their U.S. dollars in their reserves and then they could switch their currency into other nations. They could do a lot of things when they have our debt.

What happens if they lose patience here? By having so much of our debt in the hands of foreign interests, we place our whole financial security in great peril.

China now has $250 billion of our debt, Japan has $687 billion of our debt, Taiwan has $117 billion of our debt and Hong Kong has $67 billion of our debt. I mention these because these are countries in the Asian Basin. If collectively they came together, for surely geography puts their direct interests more at stake than it does us over here in the Western Hemisphere, if they came together with a pact and just made a decision on what to do with our debt or whether they are going to sell U.S. dollars or reinvest in other countries or do things that will drive down our financial security, look at the bad position that places us in. And when you combine that with the fact that India and China have taken over our manufacturing capabilities, it shows the seriousness of the situation.

Mr. ROSS. Mr. Speaker, reclaiming my time, I thank the gentleman from

Georgia and the gentlewoman from Illinois for joining me this evening.

At the beginning of this special order, this was the national debt, $8,378,143,406.405 and some change. Just in the hour that we have spent here on the floor in this special order discussing the Nation's debt and the deficit, the debt has gone up approximately $41,666,000. So the new number is $8,378,185,072.405 and some change. Just in the hour we have been here, we have seen the national debt go up that much, $41,666,000, approximately.

So, until our government gets its fiscal house in order, as Members of the fiscally conservative Blue Dog Coalition, we are going to continue to come this to this floor every Tuesday night and talk about restoring some common sense and fiscal discipline to our Nation's government. We will be talking more about the Blue Dog 12 point plan for curing our Nation's addiction to deficit spending and will be talking about our plan, our vision for a better America, a vision that includes a balanced budget and so many other provisions that just make good old-fashioned sense.

THE FALL OF GREAT NATIONS

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, in 2003, I was privileged to hear British Prime Minister Tony Blair speak in this Chamber, and one comment he made that particularly caught my attention was this: He said, "As Britain knows, all predominant power seems for a time invincible, but in fact it is transient."

What he was referring to, I believe, was that all great nations, when things are going well, assume that they are going to go on forever. But history shows us with example after example that this is really fallacious reasoning. So we might examine three such instances.

First of all, going clear back to Rome, which ruled nearly the entire civilized world 2,000 years ago, Rome appeared to be invincible, but eventually it fell. The reasons given generally by historians are these: There was a general decline in morality; there was an increasing corruption and instability in leadership; an increasing public addiction to every more violent public spectacles; an increase in crime and prostitution; and a population that became more self-absorbed, apathetic and unwilling to sacrifice for the common good.

Secondly, we might look at Great Britain itself. Certainly Great Britain has not fallen from preeminence, but it certainly is not the power it once was during the 1600s up through much of the 1800s, when it really dominated the entire world.

□ 2140

That empire slowly crumbled, and the reasons given again by historians were these: It lost the national resolve to maintain its territory, values that led to its ascendency were eroded, and spiritual underpinnings shifted dramatically.

Thirdly, we might just take a look quickly at a more recent superpower, Russia, which was one of two great superpowers as recently as 20 years ago. In a matter of months Russia disintegrated before our very eyes, and I think I along with many other people were amazed at how quickly this happened. Alexander Solzhenitzyn reflected on this fall when he observed this. He said, "Over a half century ago when I was still a child, I recall a number of older people offering the following explanation for the great disasters that had befallen Russia," and he quotes, "Men have forgotten God. That is why all of this has happened." Marx and Lenin had dismantled Russia's religious heritage and values, and Russia's foundation was broken and it collapsed like a house of cards with nothing to sustain it.

There are some common themes in all of these historic national collapses. First of all, the citizens became less willing to sacrifice for others and for their country; citizens became more self-absorbed, had a greater desire for the state to provide instead of providing for themselves; a weakening of commonly held values, and a decline of spiritual commitment.

You may say, well, what does all of this have to do with the United States, and why are you talking about this this evening? We obviously have the most powerful military, the strongest economy, the most stable government of any nation in the world today.

It is very easy to think that we are invincible and that this may last forever. But as Tony Blair stated so clearly, as Britain knows, all predominant power for a time seems invincible, but in fact it is truly transient.

This statement of Prime Minister Blair's rang a bell with me as I sat and listened to him, because over 36 years of coaching and working with young people I witnessed some trends that were concerning to me. The young men that I worked with were more talented physically and more gifted each year, yet they showed more signs of stress, more personal struggles, less moral clarity as time passed.

This chart illustrates some of the difficulty that we are currently experiencing with some of our young people that shows the juvenile court delinquency caseload. It starts in 1960 with really not very many cases, and it more than quadrupled by 1995 and 2000, and that trend has continued upward even today.

Several factors I think have contributed to these changes. First of all, the family structure has certainly eroded in our country. In 1960, when I first started coaching, the out-of-wedlock birth rate was 5 percent. Today it is 34 percent; in parts of our country, the out-of-wedlock birth rate is 60 and 70 percent. So we have at least one-third of our young people entering the world with two strikes against them. It does not mean they cannot live a successful life, but it is certainly going to be much more difficult.

In 1960, the great majority of children lived with both parents. Today, nearly 40 percent of our young people grow up without both biological parents. Again, this makes life more difficult. Less than one quarter of families with children under 6 have a parent staying home with them full time. Of course, that again is a tremendous shift from the way it was 40, 50 years ago. One-third of all school-aged kids come home to an empty house for at least part of the week, and the hours between 3 and 6 p.m. are the largest at-risk time for children in our culture at the present time; it is those 3 hours after school, before parents begin to come home.

Twenty-four million children in our culture live without their real father. Fatherless children are two to three times more likely to be abused, have emotional and behavioral problems, abuse drugs, alcohol, or to commit a crime. There is a greeting card company that contacted the inmates in a prison just before Mother's Day, and on a whim they decided that they would provide Mother's Day cards for any inmate that wanted to send a card to his mother. The reception was very good. Almost 100 percent of the inmates accepted cards, sent it to their mother. So they decided that they would try the same thing on Father's Day, and yet they had almost zero response. Practically no inmate would write a card to his father. I would assume the reason is that so many of the people there were people who had been abandoned by their fathers, did not have fathers, and as a result you could see a tremendous dichotomy between those who were still attached in some way to a mother as compared to those who were attached to their father.

The foundation in our culture, the family, is certainly under assault. It does not mean that we do not have good families, we have many good families; but there has been some sign of erosion, some things that are certainly very concerning. Of course, the family unit is the basic element of our social structure. When that begins to fall apart, then things begin to get very difficult indeed.

Also, we might mention that in addition to some of the difficulties that we are experiencing in our families, the environment in which our young people currently exist has certainly changed as well. One thing I am going to talk about here for the next 3 or 4 minutes is underage drinking, alcohol abuse, because this has become a huge problem in our culture. The National Academy of Science study showed that alcohol kills six and a half times more young people than all other drugs combined. So it kind of flies under the radar screen, where we think about cocaine, we think about heroin, we think about methamphetamine, we think about marijuana, and yet six and a half times more young people are killed by alcohol than all of these other substances combined. It costs the U.S. $53 billion annually, alcohol abuse, underage drinking. There are roughly 3 million teenage alcoholics, which is by far the largest number of those who are addicted to some kind of substance. The average first drink in our country today is at 12.8 years of age, and that age is declining.

One of the problems we have with underage drinking is that so often young people binge drink. On average, they will consume twice as much alcohol per occasion of drinking than an adult will. Of course, this leads to some very difficult situations. Twenty percent of eighth graders drink regularly. Children who drink before age 15 are five times more likely to become an alcoholic than those who wait until they are 21 years of age to start drinking. Youth are 96 times more likely to see an ad promoting alcohol than to see an ad discouraging underage drinking. So, obviously, in the advertising world, you can see where the emphasis is. We spend hundreds of millions of dollars to fight drug production in Afghanistan, Colombia, and around the world, and a fraction of that money spent on curbing underage drinking might be more cost effective in our own country.

The National Advertising and Education Campaign has been effective in combating teen tobacco use, and the same thing is needed to combat underage drinking and yet we seem to ignore the problem.

Another substance abuse epidemic that is sweeping the Nation and has really gotten most of our attention is the methamphetamine epidemic. In my State of Nebraska, the problem has become tremendously pernicious and has been somewhat overwhelming. I would like to illustrate this by showing a few charts at this time.

This was the incidence of methamphetamine labs in 1990. California and Texas were the only two States that reported more than 20 meth labs out in the countryside; of course, that changed rather rapidly. We see here in 2004, all but maybe seven or eight States in the Northeast were reporting large numbers of meth labs, and of course in many cases they are reporting as many as 300 or 400 or 500 meth labs that we know about in a given year. So methamphetamine has swept from the west coast and the Southwest all across the country, and the prediction is that certainly those Northeastern States will also be hit very hard by methamphetamine within a relatively short period of time.

Many people have seen the following pictures, but I think it shows rather graphically what methamphetamine does. This was a young lady who was arrested in November of 1979, and was arrested each succeeding year for the next 10 years for methamphetamine. She was picked up by authorities, and each year they took her picture, a mug shot. You can see the first 5 years that she certainly deteriorates somewhat, and then in May of 1986 there is a more dramatic change; in January of 1988, a significant change, and this is where some people begin to believe that she started to inject methamphetamine, and then you see further deterioration in the bottom right picture was taken in January of 1989, 10 years later, after the first picture.

□ 2150

This was taken in the morgue when she had eventually succumbed to her addiction, and so the interesting thing is that she did survive for 10 years. Many people on meth do not do this, but you can see that the aging process was tremendous and it probably took the toll that normally a person would age 50 years in that 10-year period of time, and she did it in 10 with the assistance of methamphetamine.

A report released by Voices For Children found that meth is one of the reasons for a 38 percent increase in child abuse and neglect in the State of Nebraska. This is true all across the country. As we see meth increase, we see child abuse, child neglect goes up, and we see many cases of serious injury and death on the part of young people simply because their parents no longer are able to care for them or care about them. The meth addiction has taken over and occupies all of their time, their attention and their devotion, and children suffer greatly.

According to a recent report to the legislature by the University of Nebraska at Omaha, an estimated 22,396 Nebraskans are methamphetamine dependent or abusers. This is in a relatively sparsely populated State with 1.7 million people. So it constitutes the population of a pretty good-sized town in the State of Nebraska.

A study done by the University of Arkansas found that methamphetamine users cost their employers about $47,500 annually due to increased absenteeism and loss of productivity. If you took $47,500 costs, and that is fairly conservative, times 22,000 individuals addicted, you have got over $1 billion in costs in the State of Nebraska. Of course, I am extrapolating those figures from Arkansas, but I believe that they are probably fairly accurate.

Judge John Icenogle, a drug court judge in Buffalo County, Nebraska, testified at a hearing here in Washington before the Education and Workforce Committee, and I would like to read you a little bit of what he said: "In April of 2005, approximately 6,000 children were living in out-of-home foster care placements within the State of Nebraska. More than half of the parents from whom children are removed have problems due to use of methamphetamine."

So we have 6,000 people in foster care living in out-of-home placements. Roughly 3,000 of those kids are there because their parents are addicted to methamphetamine.

During a recent 2-week period in Lancaster County in Nebraska, the county attorney filed juvenile petitions on behalf of nine newborns because of methamphetamine use by the mothers. This is the interesting part: additional birthing expenses for a meth mother include as much as $1,500 to $25,000 per day for the care of her child. Some children require nearly a quarter of a million dollars of care to ensure the child attains the age of 1. This is simply because of reduced birthrate, damage that methamphetamine causes; and this does not say anything about the horrible suffering that these children go through.

The developmentally delayed children can require up to three-quarters of a million dollars in special care during the child's first 18 years of life. So to get one of these meth babies from birth to age 18 in some cases will cost $700,000, $750,000, not in all cases.

Congress has taken some steps to address meth production by making it more difficult for meth cooks to be able to obtain pseudoephedrine, which is one of the primary ingredients, the only ingredient which you absolutely have to have. That regulation has been helpful, along with some laws from various States.

One thing that I think we did in that bill, which I think is very important for us in Congress to realize, is that at the present time, somewhere in the vicinity of 70 to 80 percent of the methamphetamine coming into the United States today is not made in meth labs. Those are kind of on the way down. Meth is coming, in most cases, from Mexico from superlabs; and in order to have a superlab, you have to purchase huge amounts of precursor chemicals, and chief among these are the pseudoephedrine. There are only six or seven places in the world that manufacture large quantities of pseudoephedrine, and so in the bill that we did, we said we want the five leading exporters of pseudoephedrine and the five leading importing countries of pseudoephedrine to report, to give their invoices to the United States, to report to us, and that way we would be able to track where the pseudoephedrine is going and where those superlabs are.

We think much of it will be in Mexico; and if they do not comply, we are entitled to remove up to 50 percent of their foreign aid, which is a significant penalty, which should get cooperation. This is part of the bill that I think will really help us get a handle on the crystal meth that is currently coming in from those superlabs.

It is critical that we have a balanced approach to this problem of methamphetamine. There is not just one thing you have to do. You have to start out first with education, and probably start with young people in third, fourth, fifth grade and their parents, and of course, photos like I have just shown are very graphic. Sometimes they are rather disturbing, but it shows people exactly what methamphetamine does. We think education is critical because for every one dollar you spend on education and prevention, you are usually going to get anywhere from $10 to $15 from the back end in reduced crime and not having to lock people up and reduced assaults, foster care and so on. So this is important.

The second thing that you have to do is you have to have interdiction. You have to have people on the ground who are attacking the meth problem on a daily basis, and in many parts of the country, drug task forces are critical. This is why the Byrne grants that Congress provides, which fund these drug task forces, is critical. Last year, we were zeroed out in the President's budget on Byrne grants, and we restored as much as we could, about two-thirds of what we probably needed. This year again we are zeroed out, and again we will have to fight to get that funding back; but this is critical to have the Federal money to be able to attack the meth problem in terms of law enforcement.

Then, lastly, the third leg of the stool is the issue of treatment. Right now, we have a lot of people who do not manufacture methamphetamine, people who have not committed crimes on methamphetamine; but these are simply people who are addicted to meth. The question is what are you going to do with them. So often what we are doing is we are sending them to prison for 12 months or 18 months. They get no treatment. Their family usually falls apart, and as a result, they come out as bad off or worse off than when they went in. On the other hand, if you put them in a drug court, they get tested twice a week. So you know that they are clean. You know that they are off the drug. They get treatment. They get to go to group therapy. They can usually hold down a job and pay taxes. They can usually hold their family together. So this is critical, and it is the most cost-effective, efficient way to treat the problem. Again, we need to have substantial amounts of money for those drug courts.

So, anyway, we feel that the meth issue is becoming huge, and it is really impacting our culture.

The United States is also one of the most violent nations in the world for young people. We have the highest youth homicide and assault rates in the developed world, and suicide is currently the third leading cause of death for young people. The violence has certainly escalated.

Pornography has also exploded. There are currently 260 million Internet porn sites cataloged as recently as 2003. Let me repeat that number: 260 million Internet porn sites. Our Internet is simply inundated with this type of activity. Nine out of 10 children between the ages of 9 and 16 have viewed porn on the Internet, mostly unintentional. This was according to a study done by the London School of Economics.

Many of us are dismayed by the way the FCC is regulating obscenity on our Nation's airwaves. We do not feel they are doing enough, and a poll in 2004 found that 82 percent of adult Americans surveyed say that the Federal laws against Internet obscenity should be vigorously enforced, and most people do not believe they are being enforced to the degree that they should be.

Video games, something also impacting our young people. More than 90 percent of American children play video games every day, and one-half of the top sellers contain extreme violence. Some teach stalking and killing of victims, similar to military training and video games; and pornography is sometimes a reward for hitting a target in one of the video games.

The young man who was a school shooter in Kentucky had never fired a gun before the day that he went to the school and started picking off his classmates, but he had been trained and trained on video games, shooting lifelike people, and he became remarkably accurate.

□ 2200

So we think that some things should be done in this regard as well. Much music, some television, and many movies are very graphic, and that content would have been impossible to present for public consumption 30 years ago. I have some grandchildren, ages 6 through 13, and I know many people in Congress are concerned about grandchildren, children, and the effects that some of the things we have just mentioned are having on those young people.

Lastly, let me just mention that the value system in our country has certainly shifted. We mentioned that the family has been eroded to some degree, the environment is more threatening, and the value system that we have held dear for so many years seems to be changing to some degree also.

Many folks may have read a book by Steven Covey called "The Seven Habits of Highly Successful People." Covey points out in his book that over the first 150 years of our Nation's history success was defined primarily in terms of character traits. And so a successful person was honest, a successful person was hard working, faithful, loyal, and compassionate. And that was what success was all about. Then he noticed that over the last 50, 60 years that the definition of success has changed remarkably. He said, success now is viewed as acquiring material possessions, acquiring power, and prestige. And so success is no longer a link to character traits, rather it is linked to those things which are powerful, impressive, and have to do with monetary advantage.

So the value system, obviously, has shifted significantly over the last 50, 60 years. We have seen certainly a discouraging lack of integrity, sometimes in government, sometimes in athletics, sometimes in the business world. We have seen extreme political partisanship. Ofttimes on this floor you hear one side attacking the other. I think that has eroded public confidence to some degree in the political sector.

Presently, Mr. Speaker, the predominant world view is something called post-modernism. Post-modernism is certainly very alive and well in our culture, especially on our college campuses. What post-modernism says, essentially, is this: It says that there are no such things as moral absolutes. There is nothing absolutely right or nothing that is absolutely wrong. Everything is relative. In the case of theft, maybe even murder, maybe even incest, adultery, or treason, it depends on the circumstance. So as a result, we have a whole generation of folks growing up with the idea that there really is nothing that is truly wrong and that everything can be explained away depending upon the circumstance.

In view of all that I have been discussing, this is an extremely difficult time for our children. We are asking them to weave their way through a mine field littered with alcohol, drug abuse in some cases, harmful video games, and sometimes music, television, and movies that are not very healthy. And we are asking them to weave their way through with less parental guidance and an ever shifting value system. So we have to be aware of what is happening to the next generation. We need to pay close attention. There is no culture that is more than one generation away from dissolution.

I am not one who is a doom and gloom individual. Much of what I have talked about this evening is certainly not very cheery or terribly optimistic. But I think unless we begin to look at things in a realistic way we will not be able to do much to correct the problem, maybe before it is too late.

A Frenchman by the name of de Tocqueville made an astute observation early in our Nation's history. He said this about America. He said, "America is great because America is good." And he was referring to the large number of churches and civic clubs and youth groups and individuals who reach out to help those who are less fortunate. To some degree, that is still very true of our country. We are a generous people. We are really basically at heart, I think, a very good people. So he was referring to the inherent decency of the American people. He was referring to the strong moral and spiritual underpinning of the Nation, and he was referring to the basic American ethic, which is essentially do unto others as you would have them do unto you.

Of course, de Tocqueville wrote 200 years ago. So the question is, are his observations true today? Some are. However, as we have pointed out, there are some disturbing signs of change. But what can be done about this? We don't want to leave the subject, Mr. Speaker, without at least talking about some possible solutions.

One thing that I have been very interested in through the last 10 or 15 years and during my time here in Congress has been the issue of mentoring. Mentoring, of course, is providing an adult in the life of a young person who cares, number one. And it is amazing how many young people really don't have an adult in their life that they can absolutely count on; that they can depend on; someone who cares about them unconditionally.

So a mentor is someone who does that. It is not a preacher, not a teacher, not a parent, and not a grandparent. It is not somebody who has an obligation. It is somebody who simply cares enough to show up. And that is very powerful in the life of a young person.

Secondly, a mentor is someone who affirms, who says, I believe in you. Again, there are so many young people today who don't hear a positive message. They do not hear a kind word; that somebody believes that they can be successful; that they can do what they need to do; that they see some strength.

Then the third thing a mentor does is provide a vision of what is possible. Again, so often young people are really limited by their experience. Maybe they have never seen a parent who has completed high school. Maybe they have never seen anyone in their immediate family who has accomplished anything or maybe even has held down a steady job. So their idea of growing up is to drop out of school at age 16 and get a job in a fast food place and maybe buy an old car, and the rest of the future is maybe not very promising. So providing a vision, again, is something that certainly a mentor can do.

Mentoring programs have been proven to reduce dropout rates, drug and alcohol abuse, teenage pregnancy, violence, they increase attendance, graduation, grades, and even peer relationships. So it is one of the best things we have going. And in view of the fact so many young people do not have tremendous parental support, mentoring is one thing that we can provide.

A few years ago, the President proposed $150 million annually for mentoring programs, and Congress has come through pretty well, I think. We provided $184 million over the last 5 years, and this really has reached hundreds of thousands of young people who are now being mentored who would not otherwise have had a chance to have a mentor in their life.

Currently, the National Mentoring Partnership estimates that there are roughly 18 million young people in our country today who badly need a mentor, and yet we are only mentoring somewhere between 2 and 3 million of those 18 million. So there is a lot of work to be done. But if we could begin to fill that gap and get somewhere close to providing an adequate mentor in the lives of those 18 million young people, it would make a huge difference in this country and make a huge difference in the future of this country.

Sometimes legislation can help, and there have been a number of bills introduced. I have introduced H.R. 1422, the Student Athlete Protection Act, to close a Nevada gambling loophole. Some people say that is really not that relevant, but it is interesting in that the State of Nevada is the only State that legalizes betting, gambling on amateur sports. It seems that this is something that we ought to think about a little bit. Currently, thousands of people go to Nevada during the NCAA basketball tournament, also during the football bowl games, because they can bet on game after game after game.

Having been a coach, and the reason this is important, so often you had to win twice. You had to win on the scoreboard and you also were expected to beat the point spread. And that puts a lot of pressure on young people. It certainly puts pressure on coaches. But we are older and we are expected to be able to perform. But I think that that influence has not been healthy on the world of sports and certainly has been difficult for young people.

The Software Accuracy and Fraud Evaluation Rating Act, or SAFE Rating Act, sponsored by JOE BACA and myself, is one that would require the Federal Trade Commission to study the voluntary rating system for video games to determine if its practices are unfair or deceptive.

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This is important because right now in the video game industry, you cannot really tell much about the content by looking at the rating. It is not quite like movies and some other rating schemes we have. So the bill holds the video game industry accountable for their products and ensures that parents have accurate information in making purchasing decisions for their children.

I think there are an awful lot of parents who have kids playing video games every day who have no idea what is going on in those games. They simply are not aware of the content.

We certainly could use a fundamental shift in some of the court decisions regarding the first amendment. Legislation passed by Congress will not help if it is overturned by the courts on a regular basis. The court has ruled in some cases to protect pornography. In 1996 Congress passed the Communications Decency Act, which made it illegal to send indecent material to children via the Internet. But in June of 1997, the Supreme Court overturned portions of the law stating "indecent material is protected by the first amendment." Of course that ruling, that decision, set the tone for many other decisions.

In 1996, the Child Pornography Prevent Act outlawed child pornography. In April 2002 the Supreme Court declared the act unconstitutional. Again a precedent was set.

In October 1998, the Children Online Protection Act was signed into law to prohibit the communication of harmful material of children on publicly accessible Web sites. The Supreme Court's refusal to rule on the 1998 law prevent the law from being enacted.

There are many, many cases like this. What we see is sometimes under the guise of free speech, and certainly everyone in Congress believes in the principle of the first amendment. However, we find that some people's rights are being trampled because 80 to 90 percent of rapists and pedophiles use pornography on a regular basis, often before or sometimes during the commission of their crimes. Therefore, we think that it is time that we rethink some of these rulings.

Some people say pornography is harmless. However, what we read and see and think about certainly affects behavior. If this was not the case, I am sure that people would not spend billions of dollars on advertising because advertising does change behavior. There is no question to that effect.

The court has often ruled against school prayer, and I certainly would not advocate that a teacher or superintendent or principle or somebody in the school should be allowed to proselytize or say a prayer in class that would be offensive; but in 1962 the Supreme Court ruled the following prayer unconstitutional: "Almighty God, we acknowledge our dependence on thee, and we beg Thy blessings upon us, our parents, our teachers, and our country."

So it would appear that many court rulings regarding separation of church and State have ranged far afield from the intent of the framers of the Constitution. Benjamin Franklin said, "We have been assured, sir, in the sacred writings that except the Lord build the house, they labor in vain that build it. I firmly believe this. I also believe that without His concurring aid, we shall succeed in the political building no better than builders of Babel; we shall be divided by our little, partial local interests; our projects will be confounded; and we ourselves will become a reproach and a byword down to future ages."

He continues, "I therefore beg leave to move that, henceforth, prayers imploring the assistance of Heaven and its blessing on our deliberation be held in this assembly every morning before we proceed to business." On Franklin's insistence and urging, the House of Representatives and the Senate open every day with prayer.

I am not suggesting that the same thing needs to happen in our schools, but it does appear that the intent of the framers of the Constitution was maybe a little different than what we have seen played out in the courts.

George Washington said, "The propitious smiles of Heaven can never be expected on a Nation that disregards the internal rules of order and right which Heaven itself has ordained."

We have seen that the warnings of Franklin and Washington to some degree have come full circle. As we have moved further and further away from our spiritual underpinnings, we begin to see some of the fruits of that wandering. So despite the fact that the Constitution does not contain a separation of church and State clause, in 1992 the Supreme Court decision declared an invocation and a benediction at a graduation ceremony unconstitutional. The court held a minute of silence in a school was unconstitutional. So if you started the school day with a minute of silence in which students may pray silently, they may think about their history test, that minute of silence was held to be unconstitutional. That seems a little bit strange.

The court ruled a student-led prayer at a football game was unconstitutional. And of course many of us know the words "under God" was struck from the Pledge of Allegiance by the Ninth Circuit Court. The Supreme Court restored the phrase, but it threw the case out on a technicality. I am sure that challenge will resurface sometime soon.

So we have seen many examples of different rulings that have certainly affected our culture. A partial-birth abortion ban was recently struck down by the courts. And many in this body who favor abortion voted for this ban. More than 70 percent of the public now oppose partial-birth abortion. I am not going to go further into the abortion issue, but it seems rather strange that something that is disapproved of by so many people in the United States would be struck down.

The Constitution is increasingly interpreted as a living document. So the Constitution is often not interpreted as it was written, but rather as justices believe it should be or maybe how it should have been written. Legal decisions increasingly come down based not upon what the law states, but rather based upon the personal ideology of the jurist.

The Constitution is not based upon absolute principles, but rather the shifting sands of relativism. The philosophical bent of the Supreme Court Justices and district court justices determines the course of the Nation.

And so it will be interesting to see now that we have had some change on the court, and I do not mean to say that the court over a number of years has been totally errant, there are many great decisions they have made, but I am saying that the general drift of the court has been one which has led us down a path that is certainly quite a distance from where we started out in the founding of our Nation.

So the makeup of the courts and the will of Congress will greatly influence whether we continue to drift further from our spiritual heritage or draw close to those values upon which our Nation was founded, the willingness of Congress to focus upon the pernicious influences impacting our children. And sometimes I am concerned because I see people who are here in Congress who fought the fight over the Internet battles and pornography and some of these things, and have simply started to back off because they realize that they have passed laws and they have passed laws and because of various court rulings they have not gotten anywhere and so they have almost quit trying. That is unfortunate.

And also the willingness of the American people to demand that those profiteering at the expense of our culture and our young people be reined in will largely shape the future of our Nation.

Terrorism is an ever-present threat. The economy is of great concern. However, terrorism and economic distress will not prevail as long as our national character is silent. So we are engaged in a cultural and a spiritual struggle of huge proportion, and I can only hope that the principles upon which this Nation was founded remain preeminent. As Congress addresses important issues such as national defense, the economy and health care, it is critical that we not lose sight of the fact that our Nation's survival is directly linked to the character of our people.

Mr. Speaker, I appreciate this opportunity to address the House this evening.

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30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining before midnight, approximately 50 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor once again to address the House of Representatives, and we would like to thank the Democratic leadership for allowing us to have this time, Democratic leader NANCY PELOSI, Mr. STENY HOYER, and also our chair and vice chair of our caucus.

I think it is important for us to come to the floor once again in this 30-something Working Group to talk about the issues that are facing America and how the Republican majority is falling short of its responsibility, Mr. Speaker, to fulfill not only the hopes, but aspirations of Americans as we come to Washington, DC, to represent them in a way that we should, need it be education, health care, what have you.

We have so much to share, Mr. Speaker, tonight, 50 minutes will not even give us justice for what we have to share. I must say that the 30-Something Working Group is very, very, very excited and enthusiastic for being here tonight to hopefully drive home the point even better than we have done before of why it is important that we need a new Congress here in Washington, DC, that is going to represent the American people.

And we are not just talking about Democrats. We are not just talking about Independents. We are not just talking about Republicans. We are talking about the American people. We want to move in a comprehensive way, making sure that we can have true bipartisanship in this chamber. I think we have expressed that in the past. I think that we have shown that in the past when we were in the majority, and it is nothing like third-party validators that we have here tonight, Mr. Speaker, that even drives home the point even better.

We have talked in the past about issues that are facing the American people and this Congress. We talked about the K Street Project back when no one really wanted to talk about the K Street Project, which is a project to encourage lobbyists here in Washington, DC, to contribute to one side, to the Republican Party to help not only gain the majority, but to also be a part of supporting Republican candidates, to have access to this House. We talked about that. We got some dirty looks from some Members of the majority side about exposing that.

And then later, after Abramoff pleading guilty without a trial, without a jury selection or anything, the Republican majority said we will no longer carry out that project because it was wrong. It was the 30-Something Working Group that moved boldly in that direction to expose that practice here in Washington, DC.

Even when it comes down to our troops as it relates to equipment and supplies that they needed, even though you have some folks on the majority side that said we did it in a way that the American people should be proud of, it was on this side of the aisle that we did so.

So it is not all about who made it to the front of the classroom first, Mr. Speaker. It is about those of us that understand the responsibility of governance, those of us that understand the responsibility of leadership and those of us that cherish the opportunity to be here as part of this elected House of Representatives.

Like I said, Mr. Speaker, it is so much to share tonight, there is not enough time to share it. But I would like to yield to some of my colleagues at this time so that we can start the kind of discourse that is going to head us in the right direction here in Washington, and hopefully the American people will start looking through some of the 30-second ads, looking through some of the targeted media campaigns that are out there. When I say marketing campaigns, Mr. DELAHUNT, and Ms. WASSERMAN SCHULTZ, that sometimes mislead the American people and having them believe one thing when the reality is so evident.

Like I said before in the past, this is an unprecedented time, Mr. Speaker, of the fiscal situation here in this country, unprecedented as it relates to unusual things happening here in this House and in this Congress that are unexplainable. But every day, we need to be picking up the Washington Post or local papers. We are finding that the reason why strange things are taking place here in this country is the fact that strange things are taking place here in this House and in the Senate and in the White House. And I think that it is important that we bring this not only to the attention of the American people, but we call the American people to action on behalf of their country, not on behalf of party, not on behalf of age or gender, but on behalf of holding our country together.

With that I would like to yield to Congresswoman DEBBIE WASSERMAN SCHULTZ. And I would just like to say congratulations to your Florida Gators.

Ms. WASSERMAN SCHULTZ. Thank you very much. We were thrilled and I had an opportunity to attend the game last night and it was an incredible experience, and congratulations to the Florida Gators.

Mr. RYAN of Ohio. Can I interrupt here? It's tough to tell that she is a Gators fan tonight, isn't it?

Mr. DELAHUNT. What are the colors of the Gators, could you tell us? Do they happen to be blue and orange?

Ms. WASSERMAN SCHULTZ. Orange and blue. And each and every Gator fan that I know, Mr. DELAHUNT, bleeds orange and blue.

Mr. DELAHUNT. Well, congratulations once more.

Ms. WASSERMAN SCHULTZ. Thank you so much. But, all lightheartedness aside, I am struck, in following what the gentleman from Florida touched on, I am struck by a collection of facts that really are staring us in the face that are the direct result of Republican policies: today, this moment, not 5 years ago, not 4 years from now, but the direct result of Republican leadership or, I should say, lack of Republican leadership, because they are obviously in charge.

Let me just go through with you some of the things that we have pulled together and that are the economic facts facing this country and that clearly show why, when I go home and talk to my constituents and have done so recently, I did kind of a run through my district and spoke to many different kinds of organizations, many different kinds of groups, Mr. DELAHUNT, and I am sure that you are hearing the same kinds of things that I am.

Americans' confidence in their government has been so badly shaken. And it is not just that the culture of corruption and cronyism and incompetence that hangs over this building is there by itself. It is that, as a result of that corruption and cronyism, the policy that results from the corruption that is so deeply disturbing.

Let me just go through with you some of the things that we have been able to pull together just related to the economy. This is as of March 2006, just last month. 7.2 million Americans remained unemployed. We have an additional 4.2 million who want a job but are not counted among the unemployed.

Since this President took office, the economy has posted only 15 months of job gains of 150,000 or more. That is the number of jobs that is just needed to keep up with population growth. So all this talk about an explosion in job growth and how we are really on the rise in terms of job growth is just baloney.

Mr. DELAHUNT. If my colleague would yield. I don't want to skip past that, because I think it is important to analyze what kind of jobs are being created. And I think we all concur that the number of jobs are insufficient to move American society ahead to realize the American dream, if you will. But the reality is it is not the kind of jobs that carry with them the ability to have a living standard that most Americans enjoyed 5 years ago, 10 years ago and 15 years ago. These aren't good jobs at good wages. These are menial jobs, in many cases, at low wages. There is a difference.

The truth is that the median income for an American family has declined. It hasn't grown. So that while there may be jobs out there, Americans are falling behind. They are losing their health care. They are losing their pension. And what is really tragic is that they are losing the hope that all Americans have for their children and grandchildren. That is what I am experiencing.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. DELAHUNT. I yield.

Mr. RYAN of Ohio. You know, before I yield to the gentlewoman from Florida, you can't convince me that we can't do something about this. I can't be convinced of this. Proper investment. We can go back, GI Bill, space race, you know, we, as a country, transcontinental railroad, we had a program, we had a plan that we would invest back into the United States of America. And now we know it is not the transcontinental railroad. Now we know it is not the space program, at least to the extent it was.

But what is it now? Is it business incubators? Is it math and science graduates? Let's figure this out. Is it high speed rail?

Ms. WASSERMAN SCHULTZ. I know what it is not.

Mr. RYAN of Ohio. What isn't it?

Ms. WASSERMAN SCHULTZ. It is not just words in the State of the Union, because it was very nice to hear the President talk about how he wants to make sure that we can have this.

Mr. RYAN of Ohio. We have got to get past the rhetoric. Let's get past the words. Words, words, words, no substance.

Ms. WASSERMAN SCHULTZ. What I hear from most people today is it is very nice, you can give a whole lot, it is nice to hear the speeches. They want the action to back up the words.

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And let us just go a little bit deeper into this whole issue of job growth. So go beyond the 7.2 million Americans that remain unemployed. Since the President took office, only 15 months of job growth, just keeping up with population growth. The Bush administration has the slowest job growth of any administration in over 70 years. Since January of 2001, 2.9 million manufacturing jobs have been lost. There are now more than 1.3 million more unemployed private sector workers than in January of 2001.

And who has been in charge this whole time, Mr. MEEK? Have Democrats been in charge during these years that talk about the lackluster job performance?

Mr. MEEK of Florida. No, ma'am.

Ms. WASSERMAN SCHULTZ. Who has been in charge?

Mr. MEEK of Florida. The Republican majority.

Ms. WASSERMAN SCHULTZ. Oh, the Republicans. Okay. That is what I thought. Congressional Republicans.

They talk about how they want to grow jobs, that making sure people can go to work and earn a decent living is what is important. Then why is it that congressional Republicans defeated a Democratic amendment to increase the minimum wage, which has not been increased since 1997, the longest period of time we have gone without increasing the minimum wage? From $5.15, which is what it is now, we proposed to increase it to $7.25.

Mr. DELAHUNT. They prefer jobs at low wages. In essence, it is really that simple. Low-wage jobs are being produced by the policies of this administration and this Congress that is complicit. Complicit. And we know there has not been a single veto by this President because this is a Congress that goes along with this administration.

Mr. RYAN of Ohio. This is Bush's Congress. This is President Bush's Congress.

Mr. MEEK of Florida. The bottom line is this: We have a bobble head majority. We have a rubber stamp majority that is willing to do anything and everything the President has asked.

Now, Mr. DELAHUNT, we talked about this last week, Ms. WASSERMAN SCHULTZ, Mr. RYAN, about the fact that like 90 percent of the American people understand what is going on here under the Capitol dome, and then the majority runs from the back of the class and runs up and says, We want to govern. We are going to stop the President from doing X, Y, and Z. Why does it take that, Mr. DELAHUNT?

I mean the bottom line is it is about leadership, not how Republicans feel or how Democrats feel or how independents feel. It should be everyday business here in Washington, DC. But they are so busy trying to cater to the President of the United States or trying to cater to the special interests, we forget about that individual who showed up on a Tuesday on election day in a given community early for representation. Not us on this side, but the majority does. And I think it is important that we share with the other Members that are watching us in their offices or whatever the case may be that they need to get back to the days of the morning when they woke up the next day, when they were newly elected as a Member of Congress, how they felt about representation, how they felt about being a part of the United States Congress, how they felt about representing their local community. And I think that kind of gets lost between the wine and cheese receptions that take place, Mr. Speaker, here in Washington, DC. I am a Member of Congress. I am offended sometimes when I see Members taking votes against the will of their own constituency.

Mr. RYAN of Ohio. I am offended that they are not offended. That offends me that they are not offended offended.

Ms. WASSERMAN SCHULTZ. I am dying to make this comparison.

Mr. MEEK of Florida. Do not die just yet because you have to share some information.

Ms. WASSERMAN SCHULTZ. I know. We have 6 more months, and I am not through my list yet.

The minimum wage being $5.15 and the Members that you are talking about that were so fresh faced and exuberant the morning after the election and they were going to come to Washington and do the right thing and not be the rubber stamp Republicans, all of them voted against increasing that minimum wage. And if the minimum wage had kept pace with inflation, today it would be $8.88.

I am certain that none of our Republican colleagues have done this recently because, otherwise, they would have voted for the amendment, but have you driven through a McDonald's recently and ordered a number one, which is a Big Mac meal?

Mr. DELAHUNT. I am on a diet myself.

Ms. WASSERMAN SCHULTZ. I am kind of a McDonald's fanatic. And since it is quick and easy and when you have got your kids in the back of the minivan, believe me, the quickest thing sometimes is to go through the drive-through. The number one is just about $5.15 at this point. By the time you get the meal and whatever else you need, to make sure that you have got your soda and your drink and your fries, can you imagine that the minimum wage just barely pays for one Big Mac meal? I mean are the American people not worth more than a Big Mac meal? That is really what it boils down to.

I think they are. I want to make sure that my constituents can afford to feed more than just themselves or more than just one kid. Which kid are they going to pick? Which kid do they pick? Okay, who wants to eat today?

Mr. RYAN of Ohio. That is about $16,000 a year even if it was adjusted accordingly; right? Eight bucks is about $16,000 a year.

Ms. WASSERMAN SCHULTZ. Yes. I mean who can live on that?

In our community, Mr. MEEK, look at what housing costs.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, we are with you 110 percent because this is information that needs to be shared and third-party validators can validate this.

Ms. WASSERMAN SCHULTZ. We are talking about the reality.

Mr. MEEK of Florida. This is the reality of the situation. This is not fiction; it is fact.

But if you can, I want you to get through that list because I know that Mr. DELAHUNT and Mr. RYAN are so fired up right now as it relates to sharing this information.

Mr. Speaker, this is almost not fair. I mean this is just so unfair that we have this much information to share with the Members about what they have done and what they have not done and how we are so ready to get in the game, to lead this House in the direction that every American can appreciate. Every American does not work at McDonald's, but guess what. There are a lot of Americans there and family members of Americans that punch in and punch out every day and know what it means to make the minimum wage.

Mr. DELAHUNT. My friend, before we let DEBBIE go through that litany, and it is a long litany, let us also understand it is not just those of us here that recognize that. It is not just Democrats. It is Republicans.

I will tell you I find it particularly ironic that the leader of the Gingrich revolution that brought a Republican majority to this House in 1994 recognizes what has happened to the majority in this particular body.

This is what Newt Gingrich had to say about them: "They are seen by the country as being in charge of a government that cannot function."

Mr. MEEK of Florida. Will the gentleman suspend.

Mr. RYAN, would you take that chart over to Mr. DELAHUNT. You all are going to share in this information sharing because Mr. DELAHUNT actually served when Mr. Gingrich was around and I think it is important that we share that factual information with the Members.

And, Mr. DELAHUNT, if you would share that because I know we have a plethora of information to share tonight.

Mr. DELAHUNT. Again, let me repeat it. This is a quote of Mr. Gingrich that appeared in the Knight Ridder newspaper this past Friday. And this is his observation about what is occurring in this body over which he presided: "They are seen by the country as being in charge of a government that cannot function." That cannot function.

Mr. RYAN of Ohio. "They."

Mr. MEEK of Florida. Mr. DELAHUNT, I notice Mr. RYAN and Ms. WASSERMAN SCHULTZ and we are so glad to be joined by Ms. JACKSON-LEE, who is one of my sheroes in this process. "They."

☐ 2040

Mr. Speaker, this is the man who gave the Republican majority birth. "Them." "They." He is saying he is no longer a part of what is going on here. "They." Not "my colleagues," not "my Republican brethren and sisters." It is "they."

This goes far beyond the 30-something working group. This goes far beyond Democrats and Republicans. Here is a man who was at the front of the line saying charge, that is now calling the Republican majority "they."

Mr. DELAHUNT. It is us versus them, and he ain't part of "them" anymore.

Mr. RYAN of Ohio. Who is with them?

Mr. DELAHUNT. As he said in this particular interview, if I can compose for a moment, here is an additional quote by the former Speaker of the Republican Congress. The reporter writes that he cited a series of blunders under Republican rule, from failures in the aftermath of Hurricane Katrina to mismanagement of the war in Iraq. He said the government has squandered billions of dollars in Iraq, Mr. MEEK.

Ms. WASSERMAN SCHULTZ. Who is the third party validator in the facts that you are citing now?

Mr. DELAHUNT. That is Newt Gingrich, who I know because when I first came to Congress, he was the presiding officer of this branch.

My colleague, SHEILA JACKSON-LEE, who preceded me in terms of service here in this branch, would also know and clearly could articulate that Newt Gingrich is someone who, whether you agreed with him or not, said it like he saw it. And this is what he sees today: A Republican Party in disarray, a Republican Party that can't govern. That is the bottom line.

Ms. JACKSON-LEE of Texas. If the Members could indulge me as well just for a moment, because by my good friend Mr. DELAHUNT calling up those memories, Mr. DELAHUNT, you remember in essence Newt Gingrich rode in on a revolution, a revolution of change, a revolution of a government that would be smaller and allegedly more efficient.

His first act was, of course, many of us claim it to be a Contract on America, but he called it at that time a Contract with America. A balanced budget was allegedly his goal, along with a number of other issues.

Certainly, this whole question of a misdirected war or an undeclared war I don't think would have been the kind of effective and efficient government, and, of course, I am not in any way characterizing the work of our soldiers, but that he would have argued. I wanted to raise this point so you can get to that bottom line, Mr. DELAHUNT, which, if I read it correctly, talks about the mismanagement of the Iraq war.

Many people will condemn the words that we have offered about the Iraq war, saying there is a question of patriotism. But this former Speaker says mismanagement of the war in Iraq, and that the government has squandered billions of dollars in Iraq.

Let me just cite this point from the International Relations Committee. The Special Inspector General for Iraq has cast grave doubts on the results and effectiveness of the United States reconstruction plan, including the failure to complete three-quarters of oil and gas reconstruction projects, half of all the electricity projects and about 40 percent of water and sanitation projects financed by the U.S. So Mr. Gingrich is, like you said, Mr. DELAHUNT, telling it is like it is.

I simply leave you with this question: If we are in the business of governance, balancing the budget, why do Democrats have to beg for hearings so that the American people can find out the truth? Not to question the valid, courageous efforts of our soldiers, but why we have money that is wasted, so soldiers, for example, have no equipment? This is what Democrats are trying to do, clear up the mess.

Ms. WASSERMAN SCHULTZ. Do you know why? Because this is a rubber stamp Republican Congress. We had an amazing thing happen today, and my good friend from Florida, Mr. MEEK, he has a much bigger rubber stamp that we use to show what is going on in this place.

Mr. MEEK of Florida. You can hold it.

Ms. WASSERMAN SCHULTZ. I feel privileged to hold it, although I don't want to hold it too long, lest it rub off.

But we got today more than 100 of these "Rubber Stamp Republican Congress" stamps from bloggers and people in the communities all over the country who are fed up and frustrated and who want us to continue to talk about what is going on here. Because it appears as though, and I mean this respectfully, that when people on the other side of the aisle come in this room, that they are checking, and I don't know whether they are checking their brains at the door or their opinions at the door or their convictions at the door, but we have watched, all of us, the board light up here with yesses and noes, and I know I have had conversations with Republican Members on the other side who say, "I know I am going in there and I am voting this way." Then you watch it, the board, the light next to their name goes from red to green or green to red, and you watch their arm being wrenched behind their back, and out comes the rubber stamp.

Mr. RYAN of Ohio. We have seen tears shed on this floor.

Ms. WASSERMAN SCHULTZ. Out comes the rubber stamps. We need to throw away the rubber stamps. It is time to be done with the rubber stamps.

Mr. RYAN of Ohio. I think the whole thing is that is missing here, I think time and time again, there is one little general theme, and I think the former Speaker sums it all up for us in that same article. He noted that a Congressional watchdog agency recently smuggled a truck carrying nuclear material, and we talked about this last week a few nights, into the country, smuggled a truck carrying nuclear material into the country to test security. This is a direct quote from the former Speaker.

"Why isn't the President pounding the table? Why isn't he sending up 16 reform bills?" Now, nuclear materials snuck into the country, and there is no one really even talking about it in the Republican House, the Republican Senate or the White House right now.

All we are saying is, and we come here every night, sometimes two or three times a week, to basically say there is no leadership in Washington, DC, Mr. Speaker.

The Democrats in this House want to step up and take the lead, because, quite frankly, not only us, you couldn't do any worse than this outfit does. We have plans for security, comprehensive plans. We have plans for innovation, plans for job creation, plans for health care. We have an agenda ready to implement for this country, including balancing the budget. But, time and time again, everything is rubber stamped. The bobblehead Congress. "Yes, Mr. President. Yes, Mr. President. Yes, Mr. President." At some point you have to stop and say, hey, wait a minute. The country is going in the wrong direction.

Ms. WASSERMAN SCHULTZ. What we have been asking, what Democrats have been asking, is where is the outrage? What is their limit? Where do they reach the breaking point, individual Republican Members? When do they say "that is it? There is a point at which I cannot support the direction that my leadership is taking this country anymore," meaning theirs. When do they say, "I have got to stand up and do the right thing?"

It appears that their tolerance level for being pushed to do exactly as they are instructed is unbelievably high, far higher than my constituents, and I know your constituents, are comfortable with. We have got to make sure that we start moving the country back in the right direction and change some of these facts on the ground here.

Mr. RYAN of Ohio. I think what we need to do here the last 15 minutes or so that we have, I think we need to tell the Speaker of the House and the other Members what we are going to do when we get in.

Ms. JACKSON-LEE of Texas. I think that is a good point. May I just give some history for a moment, because you set the tone or you set sort of the parameters for an indictable offense.

When the Clinton administration was ending its tenure, as many of you are aware, it was one of the most maligned and accused 8 years by this majority-controlled House, even though there was a high degree of success. But I think the most striking success was the Balanced Budget Amendment in

1997, which generated an enormous amount of surplus, putting us in the black, which created the Children's Health Insurance Program that went all over America, except for the State of Texas, which returned back money because with our Republican leadership we couldn't find children to insure.

☐ 2250

But we had at that time billions of dollars of surplus. Now we have this gift given to the American people: Republicans increased the debt limit by $3 trillion. And we get to $3 trillion. And if you want to calculate what that means for each child, each grandchild, each mother and father, each grandparent, you can see the enormity of this amount. So it is crucial for Democrats to come and to make and select and to emphasize priorities.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield.

Mr. RYAN of Ohio. Because time and time again, how many debates have we had on the floor over the past several years? No one on the majority side, Mr. Speaker, has been able to explain to this House or the American people how this is somehow good. Somebody explain to the Speaker of the House and somebody explain to the Congress how increasing the debt limit by $3 trillion is good. Is it good for the economy? Is it good for the next generation? Who is benefiting from this? Nobody, except foreign countries. This is bad. This is bad for the American economy, this is bad for job creation, this ends up raising the burden for the next generation. This is terrible. Since the President has been in, June of 2002 raised the debt limit $450 billion. May of 2003, $984 billion. November of 2004, $800 billion. And get that poster ready, Mr. MEEK. March of 2006, $781 billion. $3 trillion debt limit increase.

Mr. MEEK of Florida. Really quick, because we are going to rapid fire here because we only have a few minutes left. I just want to quickly again, you have seen this, this will be in the National Archives one day because we talk about this time and time again. Let me, Mr. Speaker, move this education plan that Democrats have and this prescription drug plan so the Members can see this chart here. I think it is important. This $1.05 trillion that the President has accumulated with the Republican Congress in just 4 years versus the 42 presidents before this president and this Congress was only able to accumulate $1.01 trillion, and that is World War I, World War II, the Great Depression, you name it. You talk about the Democratic plan, Mr. DELAHUNT, Ms. JACKSON-LEE, Ms. WASSERMAN SCHULTZ, and Mr. RYAN, the bottom line is that we have countries that are owning America right now, not because Americans went out and made bad decisions; because this administration has made bad decisions, and this Congress, the rubber stamp Congress has allowed it to happen and has been doing this all along. All they have to do is be invited to a breakfast at the White House and it is like, "Yes, sir, Mr. President. We will do exactly what we have to do. Not only will we do it, we will defend your wrong actions."

Mr. DELAHUNT. You are saying we have an ownership society, Mr. MEEK.

Mr. MEEK of Florida. So, in closing, you want to know the Democratic plan? The Democratic plan is paying as we go. Paying as we go. Because when you are in debt, you do not continue to use a credit card. So if Americans want to do away with the $882.8 billion that Japan owns, we will pull this off the chart. China, if you want to do away with the $249.8 billion that China owns right now of our debt, and pay as we go, and we have evidence and third-party validators that will be explained to the American people and the Members, have a Democratic Congress. The U.K., you want to get rid of the $223.2 billion in foreign debt that they own of our country? I am destroying this chart here. But get a Democratic Congress, because we have shown, we balanced the budget, and we are committed to doing this because we believe in the way we believe when we were elected that we are here to represent the people. Caribbean nations, many of our folks are going and traveling to the Caribbean and saying, oh, how great America is. Well, when you land there, they are owning a piece of the American pie, so you need to respect them. We will be able to do away with that $115.3 billion that we owe them. Taiwan, $71.3 billion they own of our debt, thanks to the Republican Congress and to the President of the United States. Also, Canada, $53.8 billion, Korea, $66.5 billion, Germany, $65.7 billion. OPEC nations and, you know, Mr. DELAHUNT, I know that is your specialty. I do not really want to talk about that, but those are nations that we are very concerned about at this time that they own $67.8 billion.

So if you want to get the reverse factor of what the Republicans have done in putting us in unprecedented debt, no other time, Mr. Speaker, in the history of the republic, no other time. You cannot say, well, the Democratic Congress was once at this level. That was not ever the case. In 4 years, this has happened, the mismanagement.

Mr. RYAN of Ohio. What we have been trying to do over the past so many years consistently and constantly, amendment after amendment after amendment, the Democratic Party has offered and we have it all here, you will be able to go to our Web site and see these charts: In 2006 budget resolution, we offered to put pay as you go, that you are not going to spend any money unless you get it somewhere else or cut it out of a program and pay for it. Democrat, Mr. SPRATT, offered that amendment. Zero Republicans voted for that. Rollcall vote number 87 March 17, 2005. 30-Something's aren't making this up.

Mr. DELAHUNT. But they raised the debt limit. Didn't they?

Mr. RYAN of Ohio. They found the votes to raise the debt limit. Mr. SPRATT again offered the 2005 budget resolution, H. Con. Res. 393, rollcall vote number 91, March 25, 2004, right here in black and white. Republicans, how many voted to put spending under control, reign in this Republican Congress? Zero.

Mr. DELAHUNT. It is a lot easier to raise that debt limit, Mr. RYAN.

Mr. RYAN of Ohio. We are tired of the rhetoric, Uncle Bill.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, how many Americans, do you think, think it is okay to just put all their debt on their credit card and never mind how much money they have coming in?

Mr. RYAN of Ohio. You cannot do it at home, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. But I guess the Republican leadership think here it is fine.

Mr. RYAN of Ohio. They are taking advantage of their power, and it is hurting the country. June 17 of 2003, Mr. OBEY tried to increase port security, which is another huge issue we have been trying to do here. $500 million. And we will go through all this. All these charts will be on our Web site, Mr. Speaker, for other Members to access and find out. We have tried consistently to increase funding for port security, and we will pay for it. We have tried to rein in spending. Republican Congress will not let us.

Ms. JACKSON-LEE of Texas. If I may add to your question, if you would. I do not think most Americans know that 70 percent of the Nation's ports are owned by foreign operators. Of course, to hear this administration tell the story, they tell you of course that does not interfere with security, the Coast Guard handles it. What they do not tell you is the Coast Guard makes checks on compliance; they do not handle the security operation of our ports. So this is an important issue that was rejected by the Republican Congress time after time, every time we try to rebuild America, put America on the right track, eliminate a $3 trillion debt limit, Republicans turn the clock back. I think the Democrats have a better story to tell for the American people.

Ms. WASSERMAN SCHULTZ. No question about it. I want to follow up on something that the gentlewoman from Texas focused on, because a lot of people in America, even I have a hard time getting my mind around what a billion and a trillion is. It is hard to think about it in everyday terms. So we had it boiled down in very convenient chart form to help illustrate what a billion is.

For example, a billion hours ago, humans were making their first tools in the Stone Age. A billion minutes ago, it was 104 AD, and the Chinese first invented paper. A billion seconds ago, it was 1975, and the last American troops had just pulled out of Vietnam. All of those things, a very long time ago. A billion is a big, big number, clearly, measured in terms of time.

But a billion dollars ago, under this administration and this Republican Congressional leadership, was only 3 hours and 32 minutes ago at the rate that our government currently spends money. That is astonishing. That is what it means when you think about what a billion means under this Republican leadership.

Mr. RYAN of Ohio. We need the American people to give us a chance to lead this country. We want it. Put us in, Coach. We will put the PAYGO back into effect. We will rein in the spending that the Republican Congress that they think they can cut taxes, borrow money, and spend at levels unprecedented. And I am sure many of you saw the USA Today yesterday. I am sure you made it past the sports section with the recap of the games and everything. The Federal Government spending is outstripping economic growth at a rate unseen in more than half a century. The Federal Government, quote, is currently spending 20.8 cents of every dollar the economy generates, up from 18.5 cents as one White House budget document shows. It is not our documents, it is White House documents. That is the most rapid growth during one administration since Franklin Roosevelt.

☐ 2300

Now, what happened to this outfit that came in in 1994 that said they wanted a balanced budget amendment, they wanted to make government smaller, spending it like drunken sailors, get this government under control, make it nimble and efficient and address the needs?

With all the technology and ability to communicate in the 21st century, we cannot even respond to a storm we know 5 days in advance is coming. It is ridiculous, and this country deserves better. We should not expect this comedy of errors that we get from FEMA and Halliburton and everybody in Iraq. It is a comedy of errors, and we need to get things straightened up here.

Mr. DELAHUNT. But it is a tragic comedy because the lives of young men and women in Iraq are constantly at risk. We all know what we have lost in terms of our youth, and we all know what the cost has been in terms of the taxpayers' dollars.

What I find extraordinary is, and SHEILA JACKSON-LEE alluded to it earlier, every Democrat on the International Relations Committee recently, in fact yesterday, signed a letter requesting an oversight hearing in terms of what is going on in Iraq, why the rampant fraud, abuse and corruption. We have been requesting that for 2 years, and you know what, we have never received an answer, not a single hearing.

If I were a Republican Member of this House, Mr. Speaker, and I read the oped piece by Retired Army Major General Paul Eaton, who was responsible for the training of Iraqi security forces, and received hardly anything in terms of support from the civilian leadership of this Defense Department, if I read what he said, I would insist that we listen to this individual, someone who served his country well, and you know what, they just want to ignore it. But I have to read what General Paul Eaton had to say because I think it is remarkable.

Secretary of Defense Donald Rumsfeld is not competent to lead our Armed Forces. In sum, he has shown himself incompetent strategically, operationally and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.

That is from an individual who has served this country in Iraq with valor and distinction and his recommendation to this Congress is this: "Congress must assert itself. Too much power has shifted to the executive branch, not just in terms of waging war but also in planning the military of the future. Congress should remember it still has the power of the purse: it should call our generals, colonels, captains and sergeants to testify frequently, so that their opinions and needs are known to the men they lead.

"Our most important, and sometimes most severe, judges are our subordinates. That is a fact I discovered early on in my military career. It is, unfortunately, a lesson Donald Rumsfeld seems incapable of learning."

What a damning indictment, and yet not a sound from the majority in Congress. If I had read that, I would have asked him to come and testify before the committee of jurisdiction the next day.

Mr. RYAN of Ohio. Gingrich is saying send up reform, lead, do something; this government cannot function. This is not just us. This is Mr. Gingrich saying the same thing.

Ms. JACKSON-LEE of Texas. It says shame on them, shame on them that they would tolerate this kind of abuse.

Let me just quickly say, Democrats have been saying this over and over again. Democrats have been asking in the most polite way for Mr. Rumsfeld to step aside, to resign. TOM LANTOS says that Americans will not tolerate this waste of tax dollars, but let me give an anecdotal story.

What is happening in Iraq and other places, where Americans go and make commitments, we are going to build schools, we are going to reconstruct, we give these contracts to no-bid competitor, huge contracts. They sit in their offices. They give it to another contractor, another contractor, another contractor, who takes a piece of the pie. By the time you get down to the reconstruct in Mosul or Baghdad, nothing happens. What do the Iraqi people say? Americans have made a promise. What do the taxpayers say? You want to pay all this money for foreign aid and defense and you give us nothing. Then we get bad diplomacy because our allies or who we are trying to help looks and says we are masquerading.

Let me just finish by saying I have spoken to contractors and to the independent contractors who say they are living large in Iraq, while sadly our soldiers are looking for water, are looking for body armor, and some of the contractors are living large.

Let me say this, there are many who are over there sacrificing in danger. I am not condemning the workers who are on the front lines, who are civilians, who are in those places where our soldiers are. We thank them. But some of those who they work for are layering the contracts, and therefore, by layering the contracts, American people are expending dollars, and no one is turning on the light like the International Relations Committee has asked for, to have oversight to answer the question of what is going on. I believe we owe the American people more than this.

Shame on this House, shame on this leadership.

Mr. DELAHUNT. Amen.

Mr. RYAN of Ohio. That is the job. That is the job. That is the responsibility that we have here of oversight.

Mr. DELAHUNT. There is no oversight.

Mr. RYAN of Ohio. And it is because the President does not want any oversight, and the Republican Congress says, yes, Mr. President.

Ms. WASSERMAN SCHULTZ. There is no oversight. There is no outrage. There is no conscience. There is no heart. There is no ability of the leadership on the other side to recognize that the country has to move in a new direction and that we have to do something to restore the American people's confidence in their government. When will that happen?

Mr. RYAN of Ohio. As we wrap up, I would suggest that over the course of the next few months, Mr. Speaker, the American people will not get an answer from the leadership on the Republican side about what why the debt limit was increased by $3 trillion, why we are borrowing billions upon billions upon billions and even trillions of dollars from foreign countries, selling off. You will not hear a good answer, reining in spending, the most rapid spending growth during one administration since Franklin Roosevelt. This is the outfit that wanted to have a revolution.

Mr. Speaker, www.housedemocrats.gov/30something for those Members. All the charts that were up tonight are on the Web site, www.housedemocrats.gov/30something.

Enjoyed it. Go Gators.

Mr. MEEK of Florida. Mr. Speaker, with that, we would not only like to say thanks to Mr. DELAHUNT but Ms. JACKSON-LEE who joined us tonight from the great State of Texas, also Mr. RYAN and Ms. WASSERMAN SCHULTZ for being here tonight.

We would also in the 30 Something Working Group recognize the great contribution of Dr. Martin Luther King who was assassinated on this date and Mr. Ron Brown who was our Secretary of Commerce that went down in a plane crash yesterday, the day before, on Monday. We want to let both families know we appreciate the contributions of these two great Americans to our country. We will be forever better because of their contributions.

At the same time, Mr. Speaker, the evidence that was just overwhelming tonight from the Members of not only what we are saying, because we are concerned as Americans, not just as Democrats, we are saying that we are willing to lead. We are also saying, Mr. Speaker, that when you have the past Speaker of this House, the first Republican Speaker in 40-something years coming before this body and make the statements that he believes the majority will lose the majority this time around because of what he identified this time of the evidence of why it will happen is just powerful and hard to defend on the majority side.

☐ 2310

We are not asking for the majority side to defend what the past Speaker has said, but I think it is important to take note and that the American people take note of what is happening right now. So I think the American spirit will rise up over partisan politics and allow us to lead.

With that, I want to thank our vice chair, Mr. LARSON, of the Democratic Caucus; Mr. CLYBURN, our chairman; STENY HOYER, our Democratic whip; and Ms. PELOSI, who is the Democratic leader, for allowing us to have this time. We look forward to coming back to the floor to address not only the Members but the American people.

CUT UNNECESSARY TAB ACT

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized until midnight.

Mr. KING of Iowa. Mr. Speaker, I thank you for the privilege of being recognized to address this House this evening, and I would start out with some responses and some answers to these questions that you have been advised you will never hear the answers to. I didn't come prepared to answer these questions, but I actually think I am prepared to answer them.

The remarks with regard to the need to balance the budget. I agree, and I have a plan to balance this budget. I don't want to balance it by raising taxes. I want to balance this budget by controlling our spending. That is the issue. That is what the American people want. That is what I want. That is what we would do if we were a family balancing our budget or a small business balancing our budget or a large business balancing our budget. We would take a look at our spending.

Of course, we would work on the revenue side. Our revenue side has been growing. It grew 14.5 percent more than anticipated last year because we kept the taxes down. So I would suggest my colleagues on the other side of the aisle join with me. I will be introducing a piece of legislation. It is called the CUT legislation, which means cut unnecessary tab. Cut the unnecessary tab of this Federal Government.

It is going to be a new process that has never been offered to this Congress before, Mr. Speaker. It is a process that will allow for a privileged motion to come to the floor under an open rule that would be a rescissions bill once every quarter. Once every quarter, leadership will have the first 10 days of each quarter to offer a recissions bill. If they do not do that, any Member can offer a rescissions bill under a privileged motion. And if the Speaker recognizes them, they can bring forward a shell bill or a bill that has a thousand cuts in it, for that matter, but it will allow every single line item that has been appropriated by this Congress to be brought back before this Congress and removed from the budget under rescissions.

When an appropriation bills leaves the House and goes to the Senate, and the Senate works their will on the appropriation bill and it comes back to conference and we agree and do final passage on an appropriation bill, it then goes to the President for his signature. From the instant that that bill is enacted, and generally from the instant that the President's signature and ink goes on that bill, it will be subject then to rescissions that will happen four times a year in this Congress.

Four times a year Congress will take up a rescissions bill, and it will allow any Member to bring an amendment that will be ruled in order, provided it is in the proper sequence in the structure of the rescissions bill, which will allow actually for rescissions of all appropriations that have gone out that haven't been expended. So every Member then will have that opportunity to have their attempt at a line item veto. And when that budget is done and when the expenditures are spent, then a majority of this Congress will have had their say on every single line item.

If they object to a particular issue, like say, for example the Cowgirls Hall of Fame would be one that comes to mind, they would simply bring an amendment that would be added to the rescissions bill, put it up, debate the amendment, and we would vote that amendment up or down. If the amendment succeeds and it is to strike the funding for the Cowgirls Hall of Fame, then that would become part of the rescissions bill that would come off this floor, presumably pass and go over to the Senate for them to act on it. Now, whether they do or not is an open question as well, Mr. Speaker. But certainly the public would put some pressure on the Senate to do the right thing and do the responsible thing.

That is one way to control earmarks. It would allow Congress to address every single earmark and rescind, if they chose, those earmarks that are not appropriate spending. So the pork and the fat that is in the bill, particularly the appropriations that come in in conference that don't have a vote on the House or the Senate, unless they are part of the overall conference report, those kinds of appropriations then could be singled out in our rescissions bill and we could strike the unnecessary spending.

It would be something that would empower the rank-and-file members of this Congress and help them offset some of the powerful tactics of the appropriations people when they sit down in conference and put these appropriations in the bill. It is appropriate. It is something I believe our Founding Fathers would agree with. It is something that will control, to some degree, the overspending of our budget.

Now, one can argue that it is entitlements that are the big part of this, and I will agree. Medicare, Medicaid, Social Security and interest, those four items, are swallowing up more than half of our budget. Our discretionary portion of the budget is getting smaller and smaller. But we can still address the overspending in our discretionary budget. And this doesn't mean we can't address our entitlements. I am for going down that path of addressing the entitlements too, Mr. Speaker.

Now, my CUT bill will be introduced sometime in the next 2 weeks, and that means Cut the Unnecessary Tab of Congress. It is new. I think it is unique. I do not think anything has ever been offered like this in Congress before. I don't want to go so far as to say that it is revolutionary, but I will go so far as to say that I believe it is necessary. It is necessary for us to shine some sunshine on the things we do here in this Congress and let the people see how we do business, and put people up in this Congress for a vote so we can read their voting record and determine where they really stand.

So these kind of nights when you hear this rhetoric go on over and over and over again, that we are spending too much money and we are irresponsible and the national debt is going up and up and up and up, I would say to the people that have been making those statements night after night down here, what is your plan? What plan do you propose, other than raising taxes?

You are talking like we don't respond to you. We respond to you. I am responding to you right now and asking you to join me in my CUT bill. We will do something responsible. We will slow down Federal spending and make everybody in this Congress accountable, to have a vote on potentially every single line item in the entire $2.7 trillion budget.

That is a responsible thing for us to do, and I am asking for support on both sides of the aisle. I actually think there will be some significant Democrat support on the other side of the aisle, and I am confident there will be significant support here on the Republican side of the aisle. That is one thing we can do.

Now, this foreign debt issue. Well, foreign debt just comes two ways. One is if we have deficit spending and then we are borrowing to keep this government going. All of that debt isn't foreign debt. A percentage of it is, and I have seen the numbers. It isn't a shocking piece that is foreign debt. But we have foreign countries that invest in U.S. Treasury bills because they believe in our currency. So you can declare that to be foreign debt, and I won't deny it. And I am not comfortable with an ever-growing foreign debt.

Another way we can get foreign debt is to have a negative balance of trade. A year ago it was a minus $617.7 billion in a negative balance of trade. A lot of that is because of oil and another big chunk of it is because of China. Those two things added together, I believe, are nearing about $400 billion between those two categories all together. That was a year ago, minus $617.7 billion. This last year, it was just reported out a month or a little more ago, a minus $725 billion imbalance in trade deficit.

So whenever we come with a trade deficit, that means that there are companies and countries, foreign companies and foreign countries that will hold collateral of the United States. We buy more than we sell, so that deficit becomes collateralized in collateral here in the United States. I know at one point the Japanese-owned Rockefeller Plaza. So that would be an example. They have since sold it, but that kind of collateral is held here in this country and it grows: $725 billion. This kind of growth rate of our trade deficit, we are approaching that point where it will be $1 trillion a year. And if you do $1 trillion a year for 10 years, you have got, miraculously, $10 trillion in debt. These numbers continue to grow. It can't go on forever. We need to reverse that.

Unlike my colleagues on the other side of the aisle, I have a plan to address that as well. And it is not a difficult plan to understand. It is one that serious economists will not disagree with, and it is called the fair tax. The fair tax is a national consumption tax. And what it does is it recognizes that what you tax, you get less of. Well, we're taxing all productivity in America under this policy that we have today under the Internal Revenue Code: The corporate income tax and the individual income tax and all of the taxes we have that roll around that.

□ 2320

I propose under the FAIR Tax, H.R. 25, to take all tax off productivity in America. Ronald Reagan said what you tax you get less of. So I want to take all tax off of all productivity. We will more than double the economy in this country in 10 to 15 years. If we do that and put the tax on consumption, then we are providing the incentive for savings and investment. To take the earnings, put it in savings and investment. People will decide when they will pay the taxes. But the important part is to untax productivity so we get more productivity. When that happens, gross domestic product jumps and doubles. People have 56 percent more money in their pockets because we are not withholding from their paycheck and they go out into the retail businesses and spend money. The tax is collected there, and it comes into the national treasury and that is a wash. We do not collect any more or less taxes than we do under the income tax system, but what we have done is taken this burden of our taxes off. We have gotten rid of a trillion dollars in anchor that we are dragging every year to fund our IRS and force our IRS, and then the disincentives when people will no longer work that overtime or invest that money in their production line.

The FAIR tax is the solution to this economy. It fixes the balance of trade. The way it does that, for example, if you had a Mazda on a dealer's lot with a $30,000 price tag and you had a Chevy or a Ford sitting on a dealer's lot with a $30,000 price tag. Competitively they have matched their prices so the vehicles are built with competitive value and competitive prices; $30,000 is an example.

Then we pass the FAIR tax, and it will remove 22 percent out of that automobile because that is the embedded Federal tax that has to be built into that price so that the corporations can pay taxes: Their corporate income tax, their payroll tax, and a series of other taxes that are built into the burden of running a company. Passing the FAIR tax takes the income tax pricing component out of that automobile, the $30.000 Ford or Chevy or American-made vehicle goes down to $23.400. And the Mazda made in Japan stays at $30.000.

Then we add the embedded tax back in, the 23 percent tax and you write the check for the Chevy or the Ford for $30.420. You write the check for the Mazda for $39,000. That is a 28 percent marketing advantage for the American-made vehicle. That means those $800 million worth of Mazdas coming over from Japan every year do not come in any where as near as great of numbers any more, and some of those Chevies and Fords go to Japan to be sold. And over there, they are priced at 22 percent less because we have taken the Federal tax out of the pricing component and put it on the sales size.

That is how we fix this minus $725 billion imbalance of trade. And when we have revenue coming into the Federal Government, we also have repaired the problem with regard to balancing our budget. We will be able to do this. What we need, though, 44 percent of Americans are not paying taxes at all. They are not filing their returns. They do not have a tax liability.

It was Alexander Tyler who said that when Americans understand that a majority of them can vote themselves benefits from the public treasury, on that day democracy ceases to exist. We are closing in on that 51 percent number that Alexander Tyler was so concerned about. It is 44 percent today, and perhaps the number is larger. We need to turn that around. We need to make taxpayers out of every American. Get them vested in this. We can untax the poor in America at the same time.

But I want to point out an anecdote that I think illustrates how the face of America gradually would be changed. That is I have often said that little Johnny would have to put a couple dimes up on the counter when he bought his baseball cards or little Sally on her Barbie doll clothes, and they would understand that they had to fund the expensive Federal Government. That would change the politics of America one transaction at a time, one child at a time, growing to adulthood. Every time they make a transaction, they would realize they had to pay for this expensive Federal Government. That has been the story I have used and created because it illustrated something I wanted to express.

Well, last Friday night I was at a dinner in Iowa. A young candidate for Congress stepped forward and he told about his son, Michael, who was buying a package of Skittles for 85 cents. I believe Michael is 8 years old. He put the Skittles on the counter and the checkout lady said that will be 91 cents. And

Michael said the Skittles are 85 cents, why do you want 91 cents?

You have to pay the tax.

I have to pay tax on Skittles, he said.

Yes. The answer is you have to pay tax on the Skittles, the baseball cards, the automobile, the Barbie doll clothes, the prom dress, the pampers and the limousine service if it is for personal service, all of those things. And every time we dug into our pocket and put that cash out for Uncle Sam, all of us would be reminded we have an expensive Federal Government and we would ask, can we get along without some of these services. Can we be a little more personally responsible? Could we get a little more efficiency out of our churches because we do not get much efficiency out of our Federal Government? Those kinds of questions would go on one at a time by the tens and hundreds of millions over the generations, and the face of America and attitude of America toward government would change.

So two things, fix the problems which have been laid out here tonight by the people on the other side of the aisle, and one of those things is the CUT bill, the Cut the Unnecessary Tab that America has so we can do a rescissions bill under an open rule so we can cut the earmarks that are unnecessary, the pork that is unnecessary, and put a final stamp of approval on a budget and all of us be proud that we voted our conscience and our needs.

The other side is let us reform our taxes. Serious economists will not argue with the position I have taken here tonight. But what I do recognize is we have had a long, strong economy. This long, strong economy, we had ten quarters in a row where we had 3 percent or more growth in our gross domestic product. Unemployment has been ratcheting down. It is about 4.7 percent right now. When you get that kind of smooth sailing for 10 quarters, and now the 11th quarter was the last one and I think that settled in around 1.6 or 1.7. You cannot carry that run on forever, but no one can find a better run in this economy at least going back to the early Reagan years and perhaps well before that because even before a similar kind of 3 percent run of growth for 10 consecutive quarters did exist in the early 1980s, it existed in an environment of 22 percent interest and high unemployment and high inflation rates. We had to get that under control.

A strong growth and economy was not doing as much as the strong growth we have had over the last 11 quarters here in the United States of America. So this solid economy that we have really works against us in a way because I do not believe we will find the political will to reform our taxes under this kind of an economic environment.

So I will say there are only two ways we can pass H.R. 25, the FAIR tax bill, and one of those ways is if we had an economic collapse or a dramatic economic downturn. That would cause us to look for solutions to bring our economy out of the potential doldrums.

That is not something I anticipate nor do I desire. I do not want to do business and get tax reform under that kind of an environment, although I think it would be better for us to go through that kind of pain and come out the other side with the FAIR tax as a policy.

I want to avoid an economic collapse or a downturn, so the other alternative is if we had a Presidential candidate who runs for the candidacy on the FAIR tax and wins the Presidency and receives a mandate from the American people. That kind of mandate from the American people would bring it to this Congress, good economy or not, and we could hammer out a good fair tax policy that would be a reform. That fixes our balance of trade and our deficit spending and it fixes the borrowing from foreign governments and lets us pay all of that back. It makes the United States of America the destination Nation of choice for the capital in the world. It brings back $11 trillion in stranded American capital that is in foreign economies.

□ 2330

All of those things happened good out of this. These are solutions, Mr. Speaker, to the problems that were raised over here on the other side of the aisle tonight. I ask again, what is your plan? I have laid out my plan and there are clear solutions. There are well thought out solutions, and I present them to this Congress, Mr. Speaker, and ask for endorsement and support of those clear and logical and rational and, in fact, with regard to the FAIR tax, irrefutably solid economic plan, one that serious economists will not challenge.

Now, Mr. Speaker, I didn't come here to the floor to talk about taxes. I came here and listened to the statements made by my colleagues and that, Mr. Speaker, is my rebuttal for their remarks.

I came here to talk about immigration because I think it is important for us to look ahead to the future of this Nation. And I have watched people marching in the streets across this country. It sounds to me as though they have a series of marches that are planned in the near future.

I recall in my mind's eye the television shots of a half a million people in the streets of Los Angeles, a half a million pouring into the streets to march and march under the Mexican flag in a big way. And as I looked across there and tried to do my count, my judgment was that perhaps there were 10 Mexican flags for every American flag in the streets of Los Angeles.

These protests went on in other cities around the country as well. Students walked out of school in places like Marshalltown, Iowa, for example, and marched with Mexican flags. I don't know how many of them actually knew what they were doing or understood the issue at all. Part of it might have just been a reason to get out of school. And I don't know how many of them salute our American flag, put their hand over their heart and pledge allegiance to the flag. Perhaps most of them do.

But I also saw anger in the streets of Los Angeles, and it reminds me that was the place where the American soccer team some years ago played the Mexican soccer team, and the American soccer team, when they came through the tunnel, were pummeled with garbage and trash and food wrappers and anything that the people in the stands in Los Angeles could throw at our American soccer team.

There is a friction there, Mr. Speaker. And the people that are marching under Mexican flags aren't marching with a request that we accept them underneath the American flag. If they were, they would be marching under an American flag. I think that is a simple piece of logic.

The questions that are not asked on this immigration issue, it is much rhetoric. It has been an intense effort to repeat over and over again certain fallacies, and those fallacies seem to be, they seem to believe if they repeat them enough, soon or later people will accept them and regard them to be true.

For example, we can't deport 12 million people. Yes, we can. We could do that if we mobilized our Nation. We could deport 12 million people. It would be the largest human deportation ever in the history of the world. We don't have the will to do that. I don't propose that we do that, but I don't accept the idea that we could not deport 12 million people if we chose to do so.

But I will submit instead, Mr. Speaker, that we set policies in place that shut off the jobs magnet. The 12 million people and, in fact, I believe that number is significantly larger than 12 million people. But the 12 million number that the Pew Foundation has put out within the last couple of weeks, and now we have adjusted our 11 million to 12 million, they came here on their own. They got here on their own dime, so to speak and maybe on $1,500 or so to a coyote to get them across the border and up into the United States. But they came here on their own. They found their own resources to get here on their own, and we can set up policies that shut off this jobs magnet and they can find a way to go back home on their own. That's the right kind of policy to have.

We don't want to go out and pull people out of houses and load them up in buses and haul them back down to south of the border. We want to set a policy that we should have had in place a long time ago, and we want to enforce the policy that we should have had in place a long time ago.

I sit on the Immigration Subcommittee of the House Judiciary Committee. I sit on immigration hearings, sometimes two, three, perhaps even more per week. I have done that for more than 3 years, listening in these hearings, and you get educated about immigration policy if you are listening in that fashion and asking questions and reading and probing.

And I will say the part that is missing is this: Employer sanctions. I cannot determine that the Federal Government has sanctioned a single employer in the last 2 years. I did get a report that they have sanctioned three employers in the last year. But then I got a report that there were none in the year before. And when I drill down into that information I tend to find out they were civil actions that were brought, not other actions from our Department of Justice. And so I would ask the Department of Justice demonstrate what employers have been sanctioned, how many and for how much and what are the violations, Mr. Speaker.

I am going to live with the belief though that there are no effective employer sanctions. That is probably the most accurate way to state at least the last 2 years, and the years prior to that there have been a few sanctions but they get less and less as the years go on, and it demonstrates the administration has no will to enforce these laws in the workplace. So I submit that we need to enforce employer sanctions to the fullest extent the law. I support enhancing those employer sanctions.

I do not know how to get the administration to do their job and enforce the law. And so since Americans know that there is no enforcement of employer sanctions, employers know that they can hire illegals with impunity. They are not accountable.

Now if you are an employer and you are competing against other businesses, perhaps in foreign countries or maybe across town, and those other businesses have a cheaper labor supply than you have, if they are across town they might be hiring illegal labor.

Say, perhaps you are a landscape company and you go out and cut grass and spray lawns and fertilize them and trim trees and lay sod and do yards for new houses and those kind of things where it takes a lot of labor, labor that can go out and be effective in their work. If you do that, Mr. Speaker, and you are competing against someone who is paying half the price for labor that you are, you have got to get twice the work out of your employees in order to be able to compete with that. And you can only push people so hard.

And I have spent my life in the construction business and hired a lot of men and we have done a lot of work. And I met payroll for over 28 years, over 1,400 some consecutive weeks, signed pay checks, met the cash flow, hired people, took on all the liability, the Worker's Comp, the Unemployment, the health insurance, the retirement fund and the liability insurance that goes with that, the H.R. issues that go with hiring personnel when you know you want to keep them there. I put my people in a seasonal business, giving them 12 months out of the year work with vacation pay and benefits because I wanted to keep those employees and have them on hand when I needed them.

Now, some of my competition looked at it the other way and decided, well, if STEVE KING has to pay $17 an hour to start out an unskilled employee, we can go out here and get ourselves one for 7 or $8 an hour, and we will put them on the job and we can have twice as many. Actually they could have three times as many because the illegals don't carry with them those burdens of health insurance, unemployment benefits, you know. I gave you the list. So smart money will go for the cheap help.

And they don't have to maintain that help throughout the winter, the non working season. They can just simply work them when they need them, cut them loose when they don't need them. And I won't say that is necessarily abuse because these people are willing to accept that wage. They are glad to. It is the opportunity that they have. But it puts the worker who is working legally at a disadvantage. It puts the employer who wants to hire legal employees at a disadvantage. And we are doing a tremendous disservice against the people who are complying with our laws. And I don't hear anything coming out of the United States Senate these days that would change that, Mr. Speaker. I don't hear a word that would change that with regard to the guest worker/ temporary worker policies that are coming.

There are those who stand with me on this issue certainly. And those I applaud for standing for American sovereignty.

Borders. If there is any institution that has survived and thrived in the 20th century, it is the nation state. The nation state has come through all of the chaos of two world wars and a Cold War and numerous other battles and economic collapse that we saw in 1929 and other blips in our economic bubble that we have had, and throughout all of that and through all the strife and the stress that goes on, the nation state survives.

A nation state must have borders. And you can't call them borders if you don't enforce them. If you simply draw a line on a map but people cross that border at will, if they haul goods and services across the border at will, if they haul contraband across the border at will, you don't have a border, and pretty soon you don't have a nation.

I made a point before a group in Texas last weekend on Saturday night down in Dallas, and I asked them to forgive me if my precision on Texas history wasn't exactly right. But I am going to make another attempt here tonight on the floor of the Congress, Mr. Speaker, and it is going to be close, if not precisely correct.

I would take us all back to 1821 in Texas. Texas was a territory of Mexico at the time. And one of the earliest Anglo settlers in Texas was the father of the famous Steven F. Austin. His name was Moses Austin.

□ 2340

He negotiated with the king of Spain for a permit to establish an Anglo colony in Texas, the first nonHispanic, I guess we could call it, or they all called it the Anglo colony in Texas. In 1821 he negotiated to establish that settlement. He began to establish that settlement, and then there was a revolution in Mexico. Spain lost control of Mexico later that same year, in 1821, and the successor then to the king of Spain was the new king of Mexico, King Augustin de Iturbide. And that new king of Mexico honored the agreement with Moses Austin and allowed them to continue with their colony that they were establishing, I believe, near Nacogdoches, Texas.

So as these years unfolded and there was a contest and a battle for who could be the leader of Mexico, in 1825, Texas still being a territory of Mexico, they issued an offer out to the rest of the continent, and the offer was this: If you are married and you will come to Texas and promise to pay $30 over the next 6 years to the government of Mexico, we will give you a league of land. A league of land being 4,428 acres. Well, that is a pretty good offer even back in those days when $30 was really $30.

So that started a vast land stampede, and people came from the United States, all over the United States, but, of course, we always think of Davy Crockett from Tennessee and Colonel Travis and Jim Bowie. Those folks poured into Texas. They came in to seek their fortune. They came in to claim that league of land. I do not know how many of those guys were actually married so they could do that, but a lot of Anglos poured into Texas. That was 1825 when that offer came, and Texas was well on its way to independence by 1836, 11 years later. Only 11 years after an open borders plan that was offered by the territory of Texas, which was a territory of Mexico, they said, Come down here. We will give you some land. We need some folks to settle here. It will be good for our economy. We cannot get along in Texas unless we have some settlers down here; so we are going to take them from wherever we can get them, and it does not matter if they do not culturally match the people that are there. Well, it was clear that that was the clash that came at Goliad, the clash that came at the Alamo, the clash that culminated down at San Jacinto.

So I posed that question in Dallas Saturday night. Texas is not part of Mexico anymore, is it? Or is it yet, Mr. Speaker? That is the question that is before this Congress. That is the question that is before the Senate today. It makes a difference when you open borders up. It makes a difference when you allow in perhaps 4 million people a year that have contempt for our laws.

Their very first act upon setting foot in the United States of America is to violate our laws, and we think they are going to respect our laws if we grant them a free pass?

Thomas Sowell wrote some words. He said, What if bank robbers who were caught were simply told to give the money back and not to do it again? What if murderers who were caught were turned loose and warned not to kill again? Would that be proof that it is futile to take action when no action was taken? Could it be that it is impossible to enforce our border laws when no one has tried? That is Thomas Sowell, Mr. Speaker.

And I think I have quite a lot of material here, but I am not so unique in my presentation that I would not love to concede some of this time to the gentleman from Texas, my good friend Mr. GOHMERT.

I yield to the gentleman.

Mr. GOHMERT. Well, I appreciate very much my friend from Iowa for sharing this Special Order. And I appreciate the things that you have been pointing out.

Of course, as you talk about Texas history, you are talking about my State. It is where I was born, reared, grew up. Except for my 4 years in the service and the summer I spent in the Soviet Union on an exchange program, it has been home. And when you talk about Nacogdoches and San Augustine, right in that area where the first settlement in Texas occurred, that is my district. That is my home. That is my district. So it is interesting. And I love history. I was a history major in college.

And one of the things we were taught in elementary school, one of the things we were taught in junior high; high school; and college; Texas A&M, where I attended, we got the same thing all the way through schooling: What two words in common language are the basis for America's strength? "Melting pot." We are a melting pot. People came from all over the world to America. They assimilated. They came together through heat and difficulties and problems of the day. And the heat that tests people and makes them pure and stronger, that heat brought us together and melted us together into one Nation under God, indivisible, and, yes, there was liberty and eventually justice for all.

But I thought about it as you mentioned earlier, Mr. KING, the discussion about immigration. Immigration has been a lifeblood to this country, and that does not need to stop. But as we have gotten wise in our own eyes, as you can find reference in the old Testament, "wise in our own eyes," we quit using the melting pot metaphor and gone to using something that some people today like to say is even better: We are now a tossed salad, where each ingredient retains its individuality and just mixes together.

A tossed salad. That was never the strength of America. The America that became strong, the America that we studied, the America that made it through world wars, the America that is responsible for France not speaking anything but French now and Germany speaking German, the great America that has allowed England to speak the language that it was accustomed to, the America that has not been imperialist, as some French people would say. Some French people say, You are imperialist. I say, Then why are you not speaking English instead of French? That is because it was never our intention. Why do Iraqis not speak English? Because that is not our intention. We are a great country and have always been.

And if you would allow me and indulge me, the thing that I would like to share further is the oath of allegiance that is taken when someone becomes a citizen, and if the gentleman would continue to yield, I would like to go through that.

Mr. Speaker, I think it is important for people to be reminded. This is the oath. You want to assimilate in this country? You want to be a citizen of this country? Take this oath. And you have got to mean it. It is under oath.

"I hereby declare, on oath, that I absolutely and entirely renounce and abjure," and, of course, in Texas we do not abjure a lot, but we know what "renounce" means, "renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen." That is pretty strong language.

And if you have any comments on that first part of this oath.

Mr. KING of Iowa. Well, thank you. Mr. GOHMERT. I have got to speak to naturalized citizens in the courthouse. Sioux City is a location where we have the most activity there in my district, and I look forward to those events and take that very seriously.

In fact, I bring a Constitution to every one of those new students, and this will be an example of it. And I will sign that and date that and present that to them as a cherished document. And in the Constitution, of course, we have also the Declaration of Independence as part of that. And I talk to them about the immigrant heritage of my family and how we had opportunities here and how my ancestors and myself and my children and then my grandchildren, hopefully, will remain grateful for the privilege that this country has offered.

And I know that my grandmother came from Germany, and she reared six sons. She sent one to the South Pacific. That was my father. And one was physically unable to serve in the military, and the other four went back to Europe to fight against the old country.

□ 2350

They put their roots down in this country solid and hard from the beginning. And my father went his first day to kindergarten speaking only German. And when he came home from school that day, he said "hello" to his mother in German. And she turned to him and said "Speaking German in this household is for you from now on verboten. I came here to become an American, and you will go to school and learn English, and you will bring it home and you will teach it to me. That is the only way that I can learn."

She never really came away from her German accent, but she spoke English well, and I could always understand her.

I yield back to you, Mr. GOHMERT, if you have other comments.

Mr. GOHMERT. The gentleman from Iowa understands what it means then through his heritage to absolutely, entirely renounce fidelity to any foreign state or sovereignty. That is critical. And my great grandfather came over, was a European immigrant, in around 1870, came to South Texas and settled there. He didn't speak English and he had about $20.

Within 25 years, he built one of the nicest homes that is still there, it has a historical marker, State of Texas and national historical marker, because he learned English and he worked his tail off and he assimilated and he made the community better, the State better and the country better. And that has been the legacy of immigrants.

But it goes on. That is not enough. That means I am going to wave my American flag. That American flag is what is going to be the most important flag to me in my heart and soul. That is what in that oath means, American flag.

Mr. KING of Iowa. I might point out that in one of my travels around Iowa, I pulled down around in Keokuk, and there used to be an old Federal hospital there that was built and put in place during the Civil War. They would bring the wounded up the river and then offload them there at the hospital in Keokuk and take care of them.

So one of the monuments there, down in the river bottom near the Mississippi River, is a big stone, a great big heavy stone, and there is a big brass plate in there, and it is mounted in there by the daughters of the American Revolution. And it says "One Nation, One Flag, One Language." That was established just after the Civil War.

They understood how important and powerful it was to have a common, unifying language. That is something that has been recognized by all nations in the world. They all have established an official language, except here in the United States. It becomes more and more important for us to bond each other together by having that common form of communications currency.

"One Nation, One Flag, One Language." That was the creed in 1865, and it should be the creed today.

I yield to the gentleman.

Mr. GOHMERT. I thank the gentleman, my good friend. I would continue on with the oath. That I will support and defend the Constitution, not just the Constitution, it goes on, I will support and defend the Constitution and the laws of the United States of America. All laws. The Constitution and the laws of the United States of America.

Gee, that would seem to include immigration laws, wouldn't it?

It goes on, against all enemies, foreign and domestic: that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by law.

It is not enough simply to pledge allegiance. You have to be willing to risk your life for the American flag and all that it stands for. You have to be willing to pledge allegiance to the United States, the Constitution and the laws of the United States.

It goes on, and I know your time is running short and I don't want to intrude on the gentleman's time. I guess we have got about 7 minutes, but I did want to point this out, at least this point of the oath of citizenship.

If this Nation is going to continue to be stronger, I would only submit to you the Hispanics that have settled in my district from Central America, from Mexico and assimilated, have made East Texas a better place in which to live.

I have some dear friends. As a judge I presided over the wedding of some dear Hispanic friends that had come in and assimilated. I am telling you, they have made Tyler, Texas, and East Texas a better place. They have assimilated. They are wonderful people. They bring family values, and they are strong in their faith and love and joy and mirth. It has just been wonderful. But they assimilated.

That would be the one thing I just wanted to add. Melting pot is the strength, and that is what we need to get back to.

Mr. KING of Iowa. Thank you, Mr. GOHMERT. I appreciate the gentleman coming to the floor at this hour of the evening to add to the dialogue here.

Mr. Speaker, I want to pick up with that. Certainly assimilation, we are the nation that has been successful in assimilation. The Israelis established their country in 1948, and in 1954 they established Hebrew as their official language. They did that because they needed a common language to tie them together.

I asked them, why did you do that? Where did you get that inspiration? They said, well, we saw the success the United States had with assimilation, so we wanted to adopt a similar policy.

They resurrected a language that wasn't used functionally other than in prayer for 2,000 years and put it in the workplace, and everyone that comes to Israel learns Hebrew, and that is how they tie themselves together as a nation.

But I would like to point out another statement that gets repeated that is not challenged often, and that is we can't replace all these workers, the ones that are here illegally. If we shut off the jobs magnet and they go home, we can't replace them.

Here are some numbers that one might work with to give us an idea on whether we can replace them or not. The Pew Foundation put out some numbers, this is a year ago, so they have raised them a little bit, but at that time they were working with 11 million illegals in America. 6.3 million of them were working. About the same proportion if you want to go to 12 million, but I don't have that factor figured in.

If you are were going to replace the 6.3 million working illegals in the United States, the first place we would go would be the unemployment rolls. That is 17.5 million on unemployment. We are paying them not to work. One would think we could just simply pay them to work and replace the 6.3 million. Maybe they continue to have the skills necessary and you can develop some skills in them, but there would be 7.5 million there in that category.

Then of those who have exhausted their unemployment benefits, that is another 5.2 million that are looking for work but they are not on the unemployment roles. So we are at 12.7 million.

Another 9.3 million teenagers between the ages of 16 and 19 are not in the workforce, even on a part-time basis. We would go to them to help work in our fields, for example, and flip some burgers. Add to that 4.5 million who are the young seniors, ages 65 to 69. Some of those people would go to work if they didn't have a disincentive, Mr. Speaker.

Then of those between the ages of 20 and 64, the really prime work age, there is another 51 million in America that are simply not in the workforce. They could be retired, they could be working on the black market, they maybe are doing some kind of dishonest enterprise, but they are not in the workforce in any meaningful way. They would also become part of that force that we could hire from.

Added up altogether, 77.5 million non-working Americans between the ages of 16 and 69. We could surely tap one out of every 12.3 of those to fill the gap for the 6.3 million illegals that are working in this country. That is before we bring technology to bear. That is before we find other solutions for any kind of gaps we might have in our hiring practices. So there are solutions out here, Mr. Speaker.

And it is not true that there are jobs that Americans won't do. Americans are doing all of these jobs right now today. For example, in the construction business, 12 percent in the construction industry are illegal workers. Thirteen percent is the unemployment rate in the construction industry.

There are the other comparable rates. In those kind of sectors where there is a high concentration of illegals, there is also a high unemployment that corresponds with that. The reason is because those American workers have been displaced by cheaper labor and they can't afford to go do that work for that kind of money.

So, Mr. Speaker, there is piece after piece of this immigration issue that needs to be discussed. It is a very, very complicated issue. It is a very emotional issue. I stand on enforcement first. Let's establish that we can defend and protect our borders. Let's build a fence. Let's eliminate birthright for citizenship. Let's shut off the jobs magnet. Let's pass my New Idea bill, which removes the Federal deductibility for wages and benefits paid to illegals.

If we can do those things and establish that we can enforce the law in this country and respect for the law, then we can have a legitimate debate on what kind of workforce we need and where they need to come from.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCGOVERN (at the request of Ms. PELOSI) for today.

Ms. SCHAKOWSKY (at the request of Ms. PELOSI) for today.

Mr. TANNER (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Ms. WATSON (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of official business.

Mrs. EMERSON (at the request of Mr. BOEHNER) for today on account of inspecting tornado damage in her district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House. following the legislative program and any special orders heretofore entered. was granted to:

(The following Members (at the request of Ms. MILLENDER-MCDONALD) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE. for 5 minutes, today.

Mrs. MCCARTHY. for 5 minutes, today.

Mr. EMANUEL. for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MCHENRY) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today and April 5 and 6.

Mr. MCHENRY, for 5 minutes. today and April 5. 6. and 7.

Mr. POE. for 5 minutes. today and April 5, 6, and 7.

Mr. BURTON of Indiana, for 5 minutes, today, and April 5. 6, and 7.

Mr. ENGLISH of Pennsylvania. for 5 minutes, April 7.

Mr. KELLER. for 5 minutes, today.

Mr. KENNEDY of Minnesota, for 5 minutes. today.

Mr. LATHAM. for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and. under the rule, referred as follows:

S. Con. Res. 60. Concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City. Missouri, as America's National Negro Leagues Baseball Museum: to the Committee on Resources.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.). the House adjourned until tomorrow, Wednesday, April 5, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS. ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6865. A letter from the Comptroller, Department of Defense. transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6866. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense. transmitting the Department's report on the amount of purchases from foreign entities for Fiscal Year 2005, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

6867. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Charles F. Wald, United States Air Force, and his advancement to the grade of general on the retired list: to the Committee on Armed Services.

6868. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of major general accordance with title 10. United States Code, section 777: to the Committee on Armed Services.

6869. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the 2005 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

6870. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State. transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6871. A letter from the Deputy Director. Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed lease of defense articles to the Government of the Federal Republic of Germany (Transmittal No. 05-05); to the Committee on International Relations.

6872. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA). notification concerning the Defense Information Services Agency's proposed lease of defense articles to the Government of Argentina (Transmittal No. 02-06); to the Committee on International Relations.

6873. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 055-05); to the Committee on International Relations.

6874. A letter from the Director, Office of Management. Department of Energy, transmitting the Department's Year 2005 Inventory of Commercial Activities. as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Government Reform.

6875. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6876. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6877. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2005, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6878. A letter from the Chief Administrative Officer, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2005 through March 31, 2006 as compiled by the Chief Administrative Officer, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 109-96); to the Committee on House Administration and ordered to be printed.

6879. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America's 2005 Report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

6880. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting As required by Section 417(b) of the USA Patriot Act of 2001 (Public Law 107-56), the fourth annual report on the status of the implementation of machine-readable passports (MRPs) in countries participating in the Visa Waiver Program (VWP); to the Committee on the Judiciary.

6881. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and Malaysia, pursuant to Section 2104(a)(1) of the Trade Act of 2002; to the Committee on Ways and Means.

6882. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report to Congress on Critical Infrastructure Risk Assessment and Readiness, pursuant to Public Law 108-458, section 7306; to the Committee on Homeland Security.

6883. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill (MGIB); jointly to the Committees on Armed Services and Veterans' Affairs.

6884. A letter from the Acting Chairman, National Transportation Safety Board, transmitting a legislative proposal and justification to amend the Independent Safety Board Act of 1974 to provide authorization for the National Transportation Safety Board; jointly to the Committees on Transportation and Infrastructure and Appropriations.

6885. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2007 Budget Request Justification, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar. as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4916. A bill to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund (Rept. 109–403). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 755. Resolution providing for consideration of the bill (H.R. 513) to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes (Rept. 109–404). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, and Ms. CORRINE BROWN of Florida):

H.R. 5074. A bill to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STARK (for himself, Mr. MCDERMOTT, Ms. BEAN, and Mr. INSLEE):

H.R. 5075. A bill to amend the Internal Revenue Code of 1986 to clarify the restriction on disclosures and use of information by tax return preparers; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. COSTELLO):

H.R. 5076. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LUCAS:

H.R. 5077. A bill to amend title 31, United States Code, to provide a clear line of demarcation with regard to private ownership of any coin, medal, or numismatic item made or issued by the United States Government before January 1, 1933, that is not in the possession of the United States Government, to establish certain guidelines and requirements with respect to the inventory, preservation, public display, and disposition of certain United States coins, medals, and numismatic items that were struck or made after December 31, 1932, and for other purposes; to the Committee on Financial Services.

By Mr. BOEHLERT (for himself and Mr. MICHAUD):

H.R. 5078. A bill to elevate the Environmental Protection Agency to Cabinet-level status and redesignate such agency as the Department of Environmental Protection; to the Committee on Government Reform.

By Mr. WALDEN of Oregon:

H.R. 5079. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; to the Committee on Resources.

By Mr. BRADY of Texas:

H.R. 5080. A bill to provide for the expansion of human clinical trials qualifying for the orphan drug credit; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. KUHL of New York, Mr. HAYES, Mr. MCGOVERN, Mr. ROTHMAN, Mr. EVANS, Mr. CALVERT, Mr. GOODE, Mr. WILSON of South Carolina, Mr. STRICKLAND, Mr. GONZALEZ, Mr. MCCAUL of Texas, Mr. KLINE, Mr. LUCAS, Mr. POMBO, Mr. MCKEON, Mr. REHBERG, Mr. PORTER, Mr. CULBERSON, Mr. DELAY, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. JENKINS, Mr. COBLE, Mr. SAM JOHNSON of Texas, Mr. PEARCE, Mr. WALSH, Mr. SMITH of Texas, Ms. HARRIS, Mr. KINGSTON, Ms. GRANGER, Mr. BURGESS, Mr. SHIMKUS, Mr. RENZI, Mr. WAMP, Mr. CANTOR, Mr. SESSIONS, Mr. MCHENRY, Mr. BRADY of Texas, Mrs. BLACKBURN, Mr. ALEXANDER, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. HAYWORTH, Mr. SHAW, Mr. BONILLA, Mr. GERLACH, Mr. KELLER, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. FEENEY, Mr. GOHMERT, Mr. MICA, Mr. GINGREY, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. EDWARDS, Ms. GINNY BROWN-WAITE of Florida, Mr. OTTER, Mr. TERRY, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. LINDER, Mr. COLE of Oklahoma, Mr. SIMMONS, Mr. OXLEY, Mr. DOOLITTLE, Mr. HASTINGS of Washington, Mr. HUNTER, Mr. AKIN, Mr. POE, Mr. EHLERS, Mrs. MYRICK, Mr. YOUNG of Alaska, Mr. PETRI, Mr. MARSHALL, Mr. SULLIVAN, Mr. JONES of North Carolina, Mr. PAUL, Mrs. LOWEY, Mr. KING of New York, Mr. BONNER, Mr. COOPER, Mr. LAHOOD, Mrs. CUBIN, Mr. ENGLISH of Pennsylvania, Mrs. CAPITO, Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. DANIEL E. LUNGREN of California, Mr. WICKER, Mr. BLUNT, Mr. BOEHNER, Mr. SHUSTER, Mr. GARRETT of New Jersey, Mr. FITZPATRICK of Pennsylvania, Mr. REYNOLDS, Mr. MARKEY, Mr. CAMP of Michigan, Mr. BISHOP of Georgia, Mr. RYUN of Kansas, Mr. LOBIONDO, and Mr. OSBORNE):

H.R. 5081. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama:

H.R. 5082. A bill to amend the Consolidated Farm and Rural Development Act to provide for comprehensive community and economic development in the distressed Southern Black Belt and Mississippi Delta region while leveraging existing efforts, entities, and resources; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. BOUSTANY, and Mr. ISRAEL):

H.R. 5083. A bill to amend title 10, United States Code, to provide equity between active and reserve component members of the Armed Forces in the computation of disability retired pay for members wounded in action; to the Committee on Armed Services.

By Mr. DINGELL:

H.R. 5084. A bill to amend the Internal Revenue Code of 1986 to restrict the disclosure information by tax return preparers to third party entities and to prohibit private tax collection contracts; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mrs. BLACKBURN, Ms. BALDWIN, Mr. GILLMOR, and Mr. BOUCHER):

H.R. 5085. A bill to amend the Communications Act of 1934 to promote and expedite wireless broadband deployment in rural and other areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAHOOD (for himself, Mr. HASTERT, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, and Mr. SHIMKUS):

H.R. 5086. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Government Reform.

By Mr. PALLONE (for himself and Mr. GEORGE MILLER of California):

H.R. 5087. A bill to amend title 5, United States Code, to increase the maximum age up to which an individual may be afforded health coverage under chapter 89 of such title as a dependent child; to the Committee on Government Reform.

By Ms. SOLIS:

H.R. 5088. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK:

H.R. 5089. A bill to enable the Great Lakes Fishery Commission to investigate effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Resources.

By Mr. POMBO:

H.J. Res. 83. A joint resolution to memorialize and honor the contribution of Chief Justice William H. Rehnquist; to the Committee on Resources.

By Mr. FATTAH:

H. Con. Res. 377. Concurrent resolution honoring the Educational Commission for Foreign Medical Graduates (ECFMG) for fifty years of distinguished service; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mr. DEFAZIO):

H. Res. 753. A resolution commending American craft brewers; to the Committee on Government Reform.

By Mr. LATHAM:

H. Res. 754. A resolution electing Members to certain standing Committees of the House of Representatives; considered and agreed to.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. MCHENRY, Mr. MILLER of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mrs. MILLER of Michigan):

H. Res. 756. A resolution expressing the gratitude and appreciation of the House of Representatives to the professionalism and dedication of the United States Capitol Police; to the Committee on House Administration.

By Mrs. DRAKE:

H. Res. 757. A resolution commending the Virginia Wesleyan College Marlins men's basketball team for winning the 2006 National Collegiate Athletic Association Division III National Basketball Championship; to the Committee on Education and the Workforce.

By Mr. DREIER (for himself, Mr. PRICE of North Carolina, Mr. KOLBE, Mr.

GILLMOR, Mr. KIRK, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. COLE of Oklahoma, Mrs. MILLER of Michigan, Mr. FORTENBERRY, Mr. REYES, Mrs. CAPPS, Mr. HOLT, Mr. SCHIFF, Mr. DAVIS of Alabama, and Ms. SCHWARTZ of Pennsylvania):

H. Res. 758. A resolution welcoming the members and staff of the parliaments of East Timor, Georgia, Indonesia, and Macedonia to the House of Representatives as the first partner parliaments of the House Democracy Assistance Commission; to the Committee on International Relations.

By Mr. EVANS (for himself and Mr. SMITH of New Jersey):

H. Res. 759. A resolution expressing the sense of the House of Representatives that the Government of Japan should formally acknowledge and accept responsibility for its sexual enslavement of young women, known to the world as "comfort women", during its colonial occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II, and for other purposes; to the Committee on International Relations.

By Mr. PALLONE (for himself and Mr. SHAW):

H. Res. 760. A resolution supporting the goals and ideals of National Clean Beaches Week and recognizing the considerable value of American beaches and their role in American culture; to the Committee on Resources.

By Mr. STEARNS (for himself, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MEEK of Florida, Mr. FEENEY, Mr. MACK, Mr. CRENSHAW, Mr. BOYD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Mr. DAVIS of Florida, Ms. WASSERMAN SCHULTZ, Mr. FOLEY, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. MICA, Mr. WELDON of Florida, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. KELLER, Mr. MARIO DIAZ-BALART of Florida, and Ms. HARRIS):

H. Res. 761. A resolution to commend the University of Florida Gators for their historic win in the 2006 National Collegiate Athletic Association Division I Men's Basketball Tournament; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GILLMOR introduced a bill (H.R. 5090) for the relief of Manuel Bartsch; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SCOTT of Virginia.

H.R. 94: Mrs. JONES of Ohio.

H.R. 202: Mr. MOORE of Kansas.

H.R. 294: Mr. JONES of North Carolina.

H.R. 389: Mrs. KELLY.

H.R. 450: Mr. SOUDER and Mr. PRICE of North Carolina.

H.R. 503: Mrs. DAVIS of California.

H.R. 517: Mr. GALLEGLY.

H.R. 559: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. RANGEL.

H.R. 583: Mr. ROGERS of Kentucky, Mr. RYAN of Wisconsin, Mr. CAPUANO, and Mr. DOGGETT.

H.R. 697: Mrs. MCCARTHY.

H.R. 699: Mrs. CAPITO, Mr. CAPUANO, Mr. EHLERS, and Mr. JOHNSON of Illinois.

H.R. 713: Mr. DOOLITTLE.

H.R. 717: Ms. CORRINE BROWN of Florida.

H.R. 809: Mrs. NORTHUP.

H.R. 865: Mr. FILNER and Mr. AL GREEN of Texas.

H.R. 874: Mr. CAMPBELL of California.

H.R. 886: Mr. SHIMKUS, Mr. MEEKS of New York, and Mr. BERMAN.

H.R. 910: Mr. DOYLE.

H.R. 986: Mr. MARSHALL.

H.R. 998: Ms. CARSON.

H.R. 1002: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1016: Ms. HERSETH.

H.R. 1105: Mr. KUHL of New York.

H.R. 1227: Mr. GUTKNECHT, Mr. MEEHAN, Mr. RYAN of Wisconsin, Mr. REICHERT, Ms. WOOLSEY, Mrs. BLACKBURN, and Mr. CONYERS.

H.R. 1249: Mr. EVANS.

H.R. 1288: Mr. GALLEGLY.

H.R. 1356: Ms. MATSUI, Ms. MILLENDER-MCDONALD, Mr. ACKERMAN, and Mr. ABERCROMBIE.

H.R. 1357: Mr. BOOZMAN, Mr. HUNTER, Mr. REHBERG, Mr. SMITH of Texas, Mr. HYDE, and Mr. MCCRERY.

H.R. 1393: Ms. BERKLEY, Mr. BOOZMAN, Mr. SCHWARZ of Michigan, Mr. MILLER of North Carolina, and Ms. HERSETH.

H.R. 1402: Mr. POMEROY.

H.R. 1425: Mr. FITZPATRICK of Pennsylvania.

H.R. 1426: Mrs. JO ANN DAVIS of Virginia and Mr. LATHAM.

H.R. 1548: Mr. CHABOT and Mr. CAMPBELL of California.

H.R. 1578: Mr. KANJORSKI and Mr. LAHOOD.

H.R. 1582: Mr. CAPUANO.

H.R. 1639: Mr. MCGOVERN.

H.R. 1687: Ms. HOOLEY.

H.R. 1709: Mr. SCOTT of Georgia and Mr. BISHOP of New York.

H.R. 1798: Mr. ANDREWS.

H.R 1951: Mr. RANGEL, Mr. KING of New York, Mr. NADLER, and Mrs. MALONEY.

H.R. 2037: Mr. BROWN of Ohio.

H.R. 2071: Mr. LEVIN.

H.R. 2121: Mr. DENT and Mr. MARSHALL.

H.R. 2134: Mr. MCCOTTER.

H.R. 2206: Mr. FORD, Mr. SOUDER, Mr. FRANK of Massachusetts, Mr. BONNER, Mr. CARDIN, Mr. BAIRD, and Mr. POMEROY.

H.R. 2230: Ms. BALDWIN.

H.R. 2250: Mr. KENNEDY of Minnesota.

H.R. 2328: Mr. BISHOP of New York.

H.R. 2357: Mr. JEFFERSON.

H.R. 2369: Mr. BACA and Mr. DANIEL E. LUNGREN of California.

H.R. 2421: Mr. ORTIZ, Mr. UPTON, and Mr. DAVIS of Illinois.

H.R. 2429: Mr. MURTHA.

H.R. 2458: Mr. PETRI and Mr. POE.

H.R. 2629: Mr. CUMMINGS.

H.R. 2669: Mr. TOM DAVIS of Virginia.

H.R. 2730: Mr. HONDA.

H.R. 2793: Mr. LATHAM.

H.R. 2861: Mr. FOLEY.

H.R. 3098: Mr. BLUNT and Mr. NORWOOD.

H.R. 3131: Mr. BURGESS.

H.R. 3142: Mr. LEACH.

H.R. 3144: Mr. KENNEDY of Minnesota.

H.R. 3151: Mr. WYNN.

H.R. 3183: Mr. FEENEY and Ms. HERSETH.

H.R. 3185: Mr. CONYERS.

H.R. 3318: Mr. ALEXANDER.

H.R. 3323: Ms. HERSETH.

H.R. 3361: Mr. WELLER and Mr. KENNEDY of Minnesota.

H.R. 3385: Mr. LATHAM and Mr. VAN HOLLEN.

H.R. 3436: Mr. GALLEGLY.

H.R. 3476: Mrs. LOWEY.

H.R. 3579: Mr. HIGGINS and Ms. BERKLEY.

H.R. 3628: Mr. SCHWARZ of Michigan and Mr. CONYERS.

H.R. 3658: Ms. LINDA T. SÂNCHEZ of California, Ms. CARSON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3685: Mr. WAMP.

H.R. 3717: Mr. BOUSTANY.

H.R. 3753: Mr. EHLERS, Mr. PICKERING, Mr. LATHAM, and Mrs. CUBIN.

H.R. 3779: Mr. SANDERS.

H.R. 3883: Mr. MARCHANT and Mr. BONILLA.

H.R. 3997: Mr. WOLF, Mr. MCCOTTER, and Mr. FOLEY.

H.R. 4005: Mr. SANDERS.

H.R. 4025: Ms. MATSUI.

H.R. 4183: Mr. SANDERS.

H.R. 4184: Ms. HERSETH and Mr. MOORE of Kansas.

H.R. 4190: Mr. MARSHALL, Mr. WAXMAN, and Ms. HERSETH.

H.R. 4229: Mr. CASE.

H.R. 4259: Mr. BRADY of Pennsylvania, Mr. MICHAUD, and Mr. PUTNAM.

H.R. 4282: Mr. GOODE.

H.R. 4398: Mr. FORD.

H.R. 4399: Mr. SMITH of New Jersey.

H.R. 4421: Mr. HAYWORTH.

H.R. 4423: Ms. WATSON.

H.R. 4452: Mr. PASCRELL.

H.R. 4542: Mr. HASTINGS of Florida, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. HARMAN, Mr. SERRANO, Ms. CARSON, and Mr. MARKEY.

H.R. 4547: Mr. GALLEGLY, Mr. KINGSTON, and Mr. NORWOOD.

H.R. 4624: Mr. MICHAUD.

H.R. 4681: Mr. RYAN of Ohio, Mr. SCHWARZ of Michigan, Mr. FATTAH, Mr. CRAMER, Mr. AL GREEN of Texas, Mr. MCCOTTER, Mr. DAVIS of Alabama, Mr. FRELINGHUYSEN, Mr. SALAZAR, Mr. PASTOR, Mr. THOMPSON of Mississippi, Mr. HOYER, Mr. PALLONE, Ms. GRANGER, Mr. LEVIN, Mr. FLAKE, Mr. OTTER, Mr. WU, and Mr. SHIMKUS.

H.R. 4736: Ms. ZOE LOFGREN of California, Mr. PAYNE, Mrs. LOWEY, Mr. HONDA, Mrs. MCCARTHY, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. ROTHMAN, Ms. MATSUI, and Mr. WEXLER.

H.R. 4740: Ms. BEAN, Mr. JINDAL, Mr. LYNCH, Mrs. MUSGRAVE, and Mrs. NORTHUP.

H.R. 4746: Mr. SANDERS.

H.R. 4751: Mr. BOEHLERT and Mr. EMANUEL.

H.R. 4755: Mr. DENT, Mr. CRAMER, Mr. WU, Mr. LANGEVIN, Mr. PORTER, Ms. WATSON, Ms. ZOE LOFGREN of California, Mr. MARSHALL, Mr. GIBBONS, Mr. LANTOS, Mrs. CHRISTENSEN, Mr. LYNCH, Mr. BACA, and Mr. INSLEE.

H.R. 4761: Mr. SIMPSON, Mr. BOREN, and Mr. PRICE of Georgia.

H.R. 4790: Mr. FRANKS of Arizona and Mr. ENGLISH of Pennsylvania.

H.R. 4798: Mr. CALVERT.

H.R. 4799: Mr. SANDERS and Mr. SCHWARZ of Michigan.

H.R. 4824: Mr. SHADEGG, Mr. PRICE of North Carolina, Mr. BISHOP of Georgia, and Ms. HERSETH.

H.R. 4843: Mr. KOLBE.

H.R. 4844: Mr. FEENEY.

H.R. 4865: Mr. ORTIZ.

H.R. 4873: Ms. HERSETH.

H.R. 4890: Mr. HOEKSTRA and Mr. DEAL of Georgia.

H.R. 4898: Mrs. CHRISTENSEN, Ms. MOORE of Wisconsin, and Mrs. MALONEY.

H.R. 4903: Mrs. MCCARTHY.

H.R. 4917: Mr. LEWIS of Georgia.

H.R. 4922: Mr. FOLEY, Mr. SAM JOHNSON of Texas, and Mr. GALLEGLY.

H.R. 4924: Mr. CARTER.

H.R. 4949: Mr. UDALL of New Mexico, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr.

McNulty, Mr. Kennedy of Rhode Island, Mr. McDermott, Mr. Langevin, Ms. Schakowsky, Mr. Udall of Colorado, Mr. Doyle, Mr. Kuhl of New York, Mrs. Capito, Mr. Emanuel, Ms. Kaptur, and Ms. DeLauro.

H.R. 4953: Mr. Stupak, Mr. Grijalva, Mr. Brown of Ohio, Mr. Kind, and Mr. Lipinski.

H.R. 4992: Mr. Peterson of Minnesota and Mr. Goode.

H.R. 5007: Mr. Michaud.

H.R. 5013: Mr. Poe, Mrs. Miller of Michigan, Mrs. Musgrave, Mr. Boucher, Mr. Rogers of Alabama, and Mr. Bishop of Utah.

H.R. 5014: Mr. Delahunt.

H.R. 5017: Mr. Thompson of Mississippi.

H.R. 5022: Mr. Jefferson, Mr. Smith of Washington, Mr. Stark, Ms. Zoe Lofgren of California, Mr. Pallone, and Mr. Dingell.

H.R. 5023: Mr. Davis of Illinois, Ms. Matsui, Ms. Moore of Wisconsin, and Mrs. Napolitano.

H.R. 5032: Mr. Bishop of Georgia and Mr. McCotter.

H.R. 5039: Mr. Clay.

H.R. 5043: Mr. Larson of Connecticut.

H.R. 5063: Mr. Jefferson, Mr. Farr, Mr. Sanders, and Mr. Bishop of New York.

H.R. 5065: Mr. Pallone and Ms. Carson.

H.J. Res. 81: Ms. Wasserman Schultz.

H. Con. Res. 100: Mr. Moran of Virginia, Mr. Pickering, Mr. Blumenauer, and Mr. Snyder.

H. Con. Res. 179: Mr. Grijalva.

H. Con. Res. 197: Mr. Smith of Washington.

H. Con. Res. 231: Mrs. Kelly.

H. Con. Res. 235: Mr. Miller of Florida.

H. Con. Res. 302: Mr. Poe.

H. Con. Res. 306: Mr. Andrews.

H. Con. Res. 340: Mr. Oxley and Mrs. Davis of California.

H. Con. Res. 346: Mr. Feeney, Ms. Bordallo, and Mr. Franks of Arizona.

H. Con. Res. 348: Mr. Oberstar.

H. Con. Res. 355: Mr. Spratt, Mr. Paul, Mr. Larsen of Washington, Mr. Owens, Mr. Fortuño, Mr. Kennedy of Rhode Island, Mr. Kuhl of New York, and Ms. Eddie Bernice Johnson of Texas.

H. Con. Res. 363: Mr. Engel and Mr. Jefferson.

H. Con. Res. 365: Mr. McCotter, Mr. Wolf, and Mr. Ryan of Ohio.

H. Con. Res. 366: Mr. Doyle, Mr. Inslee, Mr. Capuano, Mr. Snyder, Mr. Carter, Mr. Moore of Kansas, Mr. Schiff, Mr. Gallegly, Mr. McCotter, Mr. Daniel E. Lungren of California, Mr. McGovern, Mrs. Wilson of New Mexico, Ms. Watson, Mr. Thomas, Mr. Barton of Texas, and Mr. Holt.

H. Con. Res. 368: Mr. Brown of Ohio and Mr. Porter.

H. Con. Res. 370: Mr. Sessions, Mr. McNulty, and Mr. Miller of Florida.

H. Con. Res. 371: Mr. Peterson of Minnesota.

H. Res. 123: Mr. Simmons.

H. Res. 222: Mr. Wolf and Mr. Poe.

H. Res. 335: Mr. Ortiz.

H. Res. 518: Mr. Gordon, Mr. Foley, Mr. Souder, and Mr. Miller of Florida.

H. Res. 526: Mr. Franks of Arizona.

H. Res. 556: Mr. Costello, Miss McMorris, and Mr. Calvert.

H. Res. 600: Mr. Miller of North Carolina, Mr. Emanuel, Mr. Scott of Virginia, Mr. Levin, Mr. Kennedy of Rhode Island, Mr. McNulty, Ms. Schwartz of Pennsylvania, Mr. Brown of Ohio, Mr. DeFazio, Mr. Payne, and Mr. Larsen of Washington.

H. Res. 608: Miss McMorris and Mr. Bishop of Georgia.

H. Res. 697: Mr. Burton of Indiana, Mr. Oberstar, Ms. Watson, Mr. Sweeney, Mr. Bishop of Utah, Mr. McDermott, Mr. Castle, Mr. Bass, Mr. Gilchrest, Mrs. Myrick, Mr. Salazar, Mrs. Maloney, Mr. Cannon, Mr. Inslee, Mr. Tancredo, Mr. Crowley, Mr. Gibbons, Mr. Engel, Ms. Schakowsky, Mr. Wilson of South Carolina, Mr. Rothman, Mr. Bachus, Mr. Baca, Mr. Poe, Mr. Gallegly, Mr. LaHood, Mr. Brown of Ohio, Mr. Faleomavaega, Mr. Smith of Washington, Mr. Ramstad, Mrs. Napolitano, and Mr. Radanovich.

H. Res. 699: Mr. Boyd.

H. Res. 703: Mr. McNulty.

H. Res. 721: Mr. Shadegg, Mr. Sanders, and Ms. Woolsey.

H. Res. 723: Mr. McDermott, Mr. Andrews, Ms. Pelosi, Mr. Souder, and Mr. Cleaver.

H. Res. 729: Mr. Rogers of Kentucky.

H. Res. 730: Mr. Gohmert, Mr. Sessions, and Mr. Ruppersberger.

H. Res. 731: Ms. Ginny Brown-Waite of Florida, Mr. Alexander, Mr. Miller of Florida, Mr. Bartlett of Maryland, Mr. Bishop of Georgia, Mr. Kuhl of New York, and Mr. Gallegly.

H. Res. 737: Mr. Neal of Massachusetts, Ms. Eddie Bernice Johnson of Texas, Mr. Payne, Mrs. Maloney, Mr. Davis of Illinois, Mr. Cooper, Mr. Davis of Kentucky, Ms. McCollum of Minnesota, Mr. LaHood, Mr. Kirk, Mr. Wicker, Mr. Neugebauer, Ms. Schwartz of Pennsylvania, Mr. Davis of Alabama, Mr. Miller of North Carolina, Mr. Shimkus, and Mr. Gerlach.

H. Res. 744: Mr. Engel.

H. Res. 750: Ms. Linda T. Sánchez of California.

H. Res. 752: Mr. Davis of Illinois.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. Con. Res. 376

Offered By: Mr. Filner

Amendment No. 1: Paragraph (2) of section 101 (the appropriate levels of new budget authority) is amended by increasing new budget authority for fiscal year 2007 by $1,300,000,000.

Paragraph (3) of section 101 (the appropriate levels of total budget outlays) is amended by increasing total budget outlays for fiscal year 2007 by $1,300,000,000.

Paragraph (4) of section 101 (deficits (on-budget)) is amended by increasing the deficit for fiscal year 2007 by $1,300,000,000.

Paragraph (15) of section 102 (Veterans Benefits and Services (700)) is amended by increasing new budget authority and outlays for fiscal year 2007 by $1,300,000,000.

EXTENSIONS OF REMARKS

TRIBUTE TO U.S. MARINES ON IWO JIMA

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. CASE. Mr. Speaker, I rise today to honor the courage of the first United States Marines to scale the summit of Mt. Suribachi on Iwo Jima.

Iwo Jima is a small rocky island only two miles wide and four miles long located approximately 650 miles south of Tokyo, Japan. It is a volcanic island, much like the islands of my home state of Hawaii. A place where cool Pacific breezes rush over soft beaches and birds sing songs learned during lonely flights across the wide ocean.

For a brief moment in time, the Island of Iwo Jima became the central battleground between the Empire of Japan and the Allied Forces during those terrible and dark days of World War II. The Allied Forces were determined to take the island in preparation for a final attack on Japan, and the Japanese were unbendable in their desire to defend Iwo Jima and to prevent the Allies from moving any closer to the main islands of Japan.

On February 19, 1945, approximately 70,000 American and other Allied Forces and 22,000 Japanese soldiers locked themselves in a horrific battle that would begin the final phase of the War in the Pacific. Entrenched in a series of interlocking caves, blockhouses, and pillboxes, the Japanese fought with determination to defend their island. Debarking off a naval armada of more than 450 ships, the Allies, led by the United States, brought the full weight of their highly trained and battle-tested troops to bear with the determined goal of taking the rocky island no matter what the cost. The battle for Iwo Jima would be one of the fiercest conflicts of the Second World War. Almost 7,000 Americans were killed in action. More than 20,000 Americans were wounded. Of the 22,000 Japanese defenders, only 1,083 survived.

On February 23, 1945, the fifth day of the battle, Marines from the 5th Division were ordered to ascend the slopes of Mt. Suribachi, the main peak controlling the island. Four Marine squads worked their way up the mountain and, at 10:30 a.m., the officer in charge, 1st Lieutenant Harold G. Schrier, along with the platoon leader, Sergeant Ernest Thomas, and Sergeant Henry Hansen, Corporal Charles W. Lindberg, Radioman, Private First Class Raymond E. Jacobs, Private James R. Michels, Private Philip L. Ward, and Corpsman, PhMac John H. Bradley, raised the American flag over Mt. Suribachi.

Today, when our Nation remembers the brave U.S. Marines of Iwo Jima, we often visualize the commanding bronze statue resting on the banks of the Potomac River. Most Americans do not realize that this memorial actually depicts the second, much larger flag that was raised on Mt. Suribachi, signaling the courage and determination of the United States to all on Iwo Jima and at sea.

In my home state of Hawaii, the Iwo Jima United States Memorial Association is working to raise the funds necessary to build a memorial to recognize the American Marines who raised the first American flag on Mt. Suribachi. I applaud their efforts, and hope that every citizen across the nation will support those groups dedicated to recognizing the courage of American Marines everywhere.

IN HONOR OF NORMAN C. SPECTOR

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. LYNCH. Mr. Speaker, I rise today to commend Mr. Norman C. Spector of Stoughton, MA for his outstanding contributions to the New England Sinai Hospital. A graduate of Harvard Law School, Mr. Spector began his career as a law clerk in the firm of Burns & Levinson. Throughout the years, he has risen in his profession to become co-chairman of the Business Law Section and the Finance Group.

Mr. Spector has acted both as a lawyer and board member during his involvement with the New England Sinai Hospital. Shortly after being hired by Burns & Levinson, he was assigned to work on the bylaws of the hospital. In 1981 he became a board member, and, in 1985, Mr. Spector represented New England Sinai Hospital in the landmark right-to-die case of Paul Brophy.

In 1993, Mr. Spector became Chairman of the Sinai Board of Directors. His intense interest in the welfare of the Hospital, his outstanding leadership abilities, as well as his keen understanding of the changing, challenging and sometimes chaotic issues surrounding healthcare led him to administer the Board successfully until 1999 when he stepped down as chairman.

When he is not practicing law or volunteering for health-care related non-profit organizations, Mr. Spector is a dedicated family man. Mr. Spector lives with his wife, Joyce, in Beverly, MA. He is the proud father of two daughters, Sharon and Joanne, and the equally enthused grandfather of one grandson.

Mr. Speaker, it is my honor to join with Mr. Spector's family, friends, and colleagues in honoring him for the important work he has done over the years for the New England Sinai Hospital. I urge my colleagues to congratulate him for a lifetime of distinguished achievement and to thank him for the important service he has provided to his community, his family and the New England Sinai Hospital.

THE DARFUR PEACE AND ACCOUNTABILITY ACT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. HIGGINS. Mr. Speaker, this week the House will vote on the Darfur Peace and Accountability Act, legislation that could play a major role in ending the ongoing genocide in Darfur.

For the past 2 years, the international community has remained paralyzed as Sudan's state-sponsored brutality has claimed the lives of an estimated 400,000 Darfurians, and as millions more Darfurians have been forced from their homes. Those who are displaced struggle to feed their families; an estimated 3.5 million are starving. And as the displaced women of Darfur go about their daily lives, they live in fear of rape, beating, or murder at the hands of Janjaweed militias.

Despite worldwide efforts to provide financial and humanitarian support, the lack of cooperation from the Sudanese Government has rendered the African Union powerless to stop the violence and hunger. With each day that passes, the Sudanese Government continues to commit atrocities against their own people with impunity.

Though the situation in Darfur is dire, it is not too late to save hundreds of thousands of lives. This week, Congress can take a major step in ending the slaughter and brutality in Darfur by passing the Darfur Peace and Accountability Act. This legislation would authorize the administration to revitalize the African Union peacekeeping effort by giving them the tools they need to put a stop to the chaos and violence in the region. The legislation would also take a critical step by authorizing the administration to impose political and economic consequences on the Government of Sudan for the crimes they are committing against the people of Darfur. For too long we have sat and watched as innocent men, women, and children have been killed, and forced from their homes. We cannot sit idly by any longer, we must act.

In calling attention to the crisis in Darfur, and through their support of the Darfur Peace and Accountability Act, the Jewish community continues to lead the way in defending victims of the worst forms of social and political injustice around the world. As a cosponsor of the Darfur Peace and Accountability Act, I will proudly stand with the Jewish community when I vote for this important legislation.

The Jewish community's leadership on this issue has brought it national and international attention. And as we approach the Jewish holiday of Pesach—Passover—and the celebration of the Jewish Exodus from Egypt and redemption from slavery, the Jewish community should be proud that it has given a voice to an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

afflicted group of men and women in a far away place at a time when few others have taken notice.

NATIONAL PUBLIC HEALTH WEEK

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. HONDA. Mr. Speaker, I rise today in honor of National Public Health Week. I want to thank the American Public Health Association and its 200 plus partner organizers and sponsors, who have organized events around the Nation to raise awareness of the need to improve public health. Since 1995, National, State and local public health professionals highlight an important public health issue every April, to raise awareness about leading health problems affecting our nation. This year, the theme of National Public Health Week focuses on what is called the "built environment," and building healthy communities to protect and enhance our children's life.

The built environment potentially creates enhancements or challenges for our kids. The built environment is any infrastructure with which children come in contact on a daily basis including homes, schools, parks, roads, walkways and businesses. Enhancements to the built environment include access to primary health care services, regular physical activity, safe places to play and safe routes to walk or bike to school, smoke-free communities and homes, and toxin-free schools. Health challenges include decreased access to medical and preventive health services, quality of and access to schools and housing, economic opportunities, social capital, air and water quality and opportunities for physical activity.

As Chair of the Congressional Asian Pacific American Caucus, CAPAC, I am particularly concerned about how the built environment affects communities of color, native communities, and linguistically isolated communities. Members of these communities are more likely to live, work, and play in environments which have detrimental health effects, often vastly disproportionate to their percentage of the population. For example, asthma is one of the major causes of illness and disability in the U.S. Although asthma is only slightly more prevalent among minority children than among whites, it accounts for three times the number of deaths. Low socioeconomic status, exposure to urban environmental contaminants, and lack of access to medical care contribute to the increase of deaths in minority communities. African Americans living in low-income neighborhoods have particularly high rates of asthma, as do Native Hawaiians living in Hawaii.

America must invest more resources and be more creative in order to eliminate racial and ethnic health disparities. We need to provide access to health care for the 45 million uninsured, more than half of whom are racial and ethnic minorities; we need to provide linguistically and culturally competent services; we need to increase rather than decrease funding for Title VII health professions training programs, especially those that will train minority providers; and we need to stop gutting the health care safety net.

Neighborhoods and communities across the U.S. are segregated by race and socioeconomic status, which exacerbates the underlying social and economic inequities that perpetuate health inequities. Without significant investment in the built environment for minority children in underserved communities, these health inequities will continue.

I am pleased to see that the American Public Health Association—the leading public health organization in the U.S.—has been able to disseminate the message about the interconnectedness between health and the built environment, and hope that this reality is integrated into the public health debate. I look forward to working with all those involved with National Public Health Week to ensure policies to promote children's health.

TRIBUTE TO DR. MARTIN LUTHER KING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. VISCLOSKY. Mr. Speaker, I rise today to honor Dr. Martin Luther King, Jr., on the tragic anniversary of his assassination. In the 38 years since his untimely death, Dr. King and his work for civil rights has remained an inspiration to thos committed to liberty and freedom throughout the world.

While today marks a sad day in American history, it is my hope that as a nation, we will continue to reflect on the actions and accomplishments of Dr. King. It is my hope that we will celebrate his life and learn from his legacy.

Dr. Martin Luther King, Jr. was born on January 15, 1929. He received a Bachelor of Arts from Morehouse College in 1948, a Bachelor of Divinity degree in 1951, and a Ph.D. in Systematic Theology from Boston University. Throughout his education, Dr. King was involved in civil rights, and in 1955, he led the historic Montgomery Bus Boycott that began after Rosa Parks refused to give up her seat to a white man. After the Montgomery Bus Boycott launched a national civil rights campaign, Dr. Martin Luther King, Jr. helped form the Southern Christian Leadership Conference (SCLC) in 1957. Dr. King led the SCLC as it promoted, organized, and conducted nonviolent protests in the name of fairness and equality.

The nonviolent manner in which Dr. King fought for fundamental freedoms such as the right to vote and desegregation has had a lasting impact on this country. Perhaps the greatest example of Dr. King's leadership and impact on this country is his "I Have a Dream" speech, which he gave in front of the Lincoln Memorial during the March on Washington in 1963, where he talked about his four children living in a nation where they would not be judged by the color of their skin, but by the content of their character.

In 1968 Dr. King set out for Memphis to support a sanitation strike that called for higher wages and better treatment. Days later, on April 4, 1968, Dr. Martin Luther King, Jr. was assassinated.

After his death, the country mourned the loss of our greatest modern-day civil rights pioneer. To this day, Dr. King's work, message, and legacy remain imprinted on the minds of those who carry on his noble cause.

Mr. Speaker, today may be the anniversary of the death of one of our Nation's greatest citizens, but I also hope it is day on which we can reflect on the positive changes that were set in motion due to Dr. King's work. Dr. Martin Luther King Jr. raised the consciousness of America; he made our nation re-examine our commitment to freedom and liberty, and he did so with a message of peace and non-violence. I speak for all Americans today as we honor a great man.

TRIBUTE TO MIAMI NORLAND HIGH SCHOOL VIKINGS BOYS BASKETBALL TEAM: STATE CHAMPIONS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. MEEK of Florida. Mr. Speaker, today I rise to pay tribute to the Miami Norland Vikings, the 2006 6–A High School Boys Basketball Champions of Florida.

On March 4, 2006 this team proved its mettle, resilience and fighting spirit by upending the state's No. 1–Ranked team, Winter Park High School, in a thrilling 55–48 championship game. Several lead changes marked the game, which may well be remembered as one of the most exciting contests ever in a 6–A high school basketball competition.

Winning a State Championship in a state as large as Florida is a tremendous achievement, and I commend Miami Norland's great Principal, Ms. Gale Cunningham, Assistant Principal for Athletics Stephon Cone, Athletic Director Ira Fluitt, Athletic Trainer Pete Martz and Business Manager Carlos Ochoa for the fine work they've done. Miami Norland is a special school; this first-ever state basketball championship has made it even more so.

I also want to congratulate the school's basketball coach, Mr. Lawton Williams III. His work ethic, discipline and dedication to hard work and fair play paved the way for accomplishment both in the classroom and on the court.

Known for his no-nonsense approach and forthright guidance and counseling, Coach Wiliams has surrounded himself with an excellent staff composed of assistant coaches Cleveland Roberts III, Victor Vassell, Charles Harris III, Chris Jarrett and scorer Gail Thomas. Their knowledge, experience and sensitivity to the many and varied nuances of sporting activities befitting the school ambiance superbly complement and supplement the learning needs of the school's champion student-athletes: Albert Abrahams, Anthony Berkley, Darius Bodden, Amir Celestine, Timothy Cornelius, Johnny Fernandez, Andre Jackson, Jerry Jones, Calvin Joy, Zachery Peacock, Denzel Rankin, Robert Rowe, Nicholas Taylor and Andre Woods.

The coaching staff's approach to educating and motivating the members of Florida's 6–A Championship Team emphasized utmost personal responsibility toward the achievement of a common goal. Their dedication to teamwork and group achievement above individual glory or personal records has gained the respect and admiration of the parents and guardians of Miami Norland's student population.

Miami Norland's achievement this year demonstrates once again that athletic achievement and academic excellence are always within reach of those willing to dare the impossible through hard work and discipline.

I join our entire community in congratulating the Vikings for their achievement, as well as honoring the hard work and sacrifices of the parents, teachers, administrators, students and supporters that comprise the soul and spirit of the school family.

HONORING VIVIAN TESSIERI

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. BOEHLERT. Mr. Speaker, I rise, belatedly, to recognize the work of our long-time legislative clerk, Vivian Tessieri, who retired from Government service in February. While Vivian officially left her position a couple of months ago, in one sense this is not belated recognition because Vivian continues to be a resource to her successor as clerk and to everyone on our staff. Indeed, given how central Vivian was to all of our activities for so long, it could not be otherwise.

Vivian joined the Science Committee 29 years ago, in 1977, and served under 7 chairmen in a variety of capacities, becoming legislative clerk in 1991. Now to those who do not understand the inner workings of the Congress, the term "legislative clerk" cannot begin to capture the significance of that position. The legislative clerk is responsible for a whole range of activities that must be accomplished with timeliness and precision to enable legislation to move forward. The clerk is also the committee recordkeeper, the historical memory of the institution. And finally, the clerk is a public face of the committee, undertaking such tasks as calling the roll at markups and ensuring that votes are recorded properly.

In all her roles—ranging from the invisible to the highly visible—Vivian was a model public servant. She undertook her responsibilities with care and enthusiasm; one could always assume that anything Vivian had to do would be done with the utmost attention to detail. In fact, Vivian was so proficient that it was only when she was getting ready to depart that we fully appreciated everything she had been doing. So many things just appeared to happen "automatically" as we moved legislation. But what "automatically" turned out to mean was that Vivian had taken care of matters before anyone else had even thought about them. The list of tasks she prepared for her successor, which she compiled with her usual attention to detail, was a lengthy and mindboggling assortment of activities.

But Vivian was valued for more than her extraordinary competence and professionalism. Everyone on the committee enjoyed working with Vivian because she is a delightful person. She is unfailingly pleasant and thoughtful and warm and considerate—a colleague that anyone would be lucky to have, especially during moments of stress.

The committee members and staff had several opportunities to express these sentiments collectively and individually to Vivian before her departure. But I believe it is important that we enshrine these thoughts in the RECORD and that we make sure that the public is aware that it is served by dedicated professionals like Vivian Tessieri.

The committee misses Vivian, but we know she is enjoying her new life. And we continue to benefit from her services, not only because we still call on her for help, but because we rely daily on all the documents she prepared and on all the records she oversaw throughout her many years on the committee. And we all continue to strive to match her dedication and disposition as we carry on without her.

TRIBUTE TO VOLUNTEERS TO ORPHANS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my privilege to bring before this Congress the following outstanding people who have voluntarily served orphans, public school children, college students, juvenile delinquents, and needy families under the official invitation and authority of government agencies in Russia, Mongolia, Romania, Mexico, Australia, New Zealand, Taiwan, South Korea, Singapore, Indonesia, Malaysia, Philippines and China. The excellent character demonstrated by these people, as well as their commitment to the principles upon which our Nation was founded, have not only attracted the attention of leaders, parents, the media, and students, but it has also brought honor to the United States of America and to the Lord Jesus Christ whom they serve.

Aguilar, Dominique, (CA); Allison, Caleb, (OK); Allison, Rachel, (CT); Anders, Erin, (MI); Atkinson, Bobby, (NC); Atkinson, Rachael, (NC); Baggot, Jessica, (CA); Bair, Aileen, (IL); Bair, Robert, (IL); Baker, Aaron, (LA); Baker, Christa, (LA); Baptista, Elizabeth, (NC); Bartlow, Jeremy, (TX); Bartlow, Joel, (TX); Bavido, Bonnie, (OK); Bavido, Samuel, (OK); Becker, Jeremy, (MS); Becker, Jordan, (MS); Beekman, Valerie, (NC); Beeman, Jedidiah, (TX); Behrens, Katherine, (MI).

Beiler, Phoebe, (PA); Beiler, Timothy, (PA); Bell, Amy, (TX); Bell, Elaine, (TX); Bell, Mike, (TX); Bender, Anthony, (CA); Bender, Steven, (CA); Benz, Kendra, (IN); Bonstrom, Peter, (IA); Bourne, Daniel, (PA); Bousfield, Leah, (CA); Bowman, Bethany, (MI); Bowman, Diane, (MI); Bowman, Joshua, (MI); Bowman, Luke, (MI); Bowman, Philip, (MI); Bowman, Samuel, (MI); Boyd, Hannah, (TX); Brachey, Danielle, (CA); Brink, Garret, (VA); Brizendine, Christy, (WA).

Brook, Darcy, (VA); Brown, Jimmy, (NY); Brown, Sarah, (NY); Brown, Tim, (NY); Brown, Zach, (NY); Brubaker, David, (PA); Brubaker, Emily, (PA); Brubaker, Jeni, (PA); Brubaker, Leon, (PA); Brubaker, Luke, (PA); Brubaker, Mary, (PA); Brubaker, Nathan, (PA); Bruccoleri, Berea, (CT); Buckner, Dawn, (AR); Bullinger, Jonathan, (MI); Bunche, Cydni, (TX); Bushatz, Callie, (OH); Bushatz, Sandy, (OH); Canova, Ashley, (LA); Canterbury, Debbie, (GA); Cantrell, Bernadine, (GA).

Cantrell, Wes, (GA); Carnley, David, (FL); Casy, Jonathan, (TX); Cavanaugh, Daniel, (KY); Cavanaugh, Micah, (KY); Chao, Angel, (NJ); Chen, Anna, (NY); Chen, Dr. Stephen, (NY); Chen, Faith, (NY); Chen, Grace, (NY); Chen, Karen, (NY); Chen, Timothy, (NY); Chism, Curtis, (CA); Chu, Evelyn, (IN); Chu, Everett, (IN); Clark, Amy, (LA); Clarke, Ryan, (GA); Coggin, Hope, (VA); Colbert, Nicole, (IL); Conner, Kathleen, (NC); Cook, Kristi, (SC).

Cooper, Jennifer, (TX); Cope, Frances, (SC); Copu, Carmen, (IL); Copu, Joy, (IL); Copu, Paul, (IL); Copu, Paula, (IL); Copu, Peter, (IL); Copu, Rebecca, (IL); Copu, Stefana, (IL); Copu, Valen, (IL); Copu, Victor, (IL); Copu, William, (IL); Culbertson, Amanda, (GA); Dauer, Cooper, (CA); Dauer, Marie, (CA); Dauer, Monte, (CA); Davidson, Rebekah, (FL); Davis, Andrew, (CA); Davis, Dan, (CA); Davis, Kelsey, (VA); Davis, Rosemary, (CA); DeBoer, Rachel, (IL); DeBoer, Stephen, (IL); DeLuca, Lydia, (TX); DeLuca, Sarah, (TX); Dettwyler, Brad, (OR); Dettwyler, Krista, (OR); DeVall, Adrian, (FL); Dickey, Allison, (CA); Dickson, Christina, (WA).

Dixon, Eunice, (GA); Doeding, Kristen, (OH); Dosh, Jonatha, (OH); Durocher, Susan, (MN); Dutzmann, Gabrielle, (CO); Eddy, Elisabeth, (FL); Elam, Timothy, (TX); Emhof, Arwyn, (FL); Emhof, Jaryn, (FL); Emhof, Rynell, (FL); Engle, Gracia, (IN); Erickson, Janice, (MN); Estes, Autumn, (FL); Estes, Curtis, (FL); Estes, Daniel, (FL); Estes, Mildred, (FL); Fear, Andrew, (FL); Fear, Mary, (FL); Feig, Joel, (WI); Felber, Blake, (IL); Felber, Britton, (IL); Felber, Shane, (IL); Fernandez, David, (CA); Fernandez, Jonathan, (CA); Fleagle, Joy, (OH); Forman, Amanda, (FL); Forman, Timothy, (FL); Fowler, Bob, (IL); Fox, Elizabeth, (CA); Fox, Ruth, (CA).

Furrow, Chjristina, (WA); Garber, Michele, (PA); Garner, Lisa, (TX); Gay, Carissa, (OR); George, Theresa, (NC); Gibson, Blake, (TN); Gibson, Carter, (TN); Gilbert, Justin, (SC); Gillard, Crystal, (NC); Gilley, Rebekak, (NC); Gillson, Elise, (MN); Gillson, Kathy, (MN); Gillson, Kennan, (MN); Gillson, Kirsten, (MN); Gillson, Lauren, (MN); Gillson, Micale, (MN); Gillson, Roger, (MN); Gillson, Rowan, (MN); Gillson, Toria, (MN); Givens, Joel, (OR); Glasgow, Kirsten, (OH); Glasgow, Liesl, (OH); Goff, Sarah, (NC); Goodwin, Joshua, (CT); Gothard, Dr. William, (IL); Graves Jessica, (FL); Greenlaw, Robert, (OK); Grier, Anna, (GA); Grindall, Rachel, (WA); Gruenwald, Miriam, (TX).

Hardison, Terri, (CA); Hartstrom, Mellisa, (CA); Hartzler, Sabrina, (PA); Haugaard, Daniel, (SD); Havlik, Grace, (MN); Hawkins, Anna, (WI); Hendon, Caleb, (AL); Hesterberg, Shalimar, (TX); Hicks, Susanna, (FL); Hiebsch, Chase, (KS); Hinton, Laura, (VA); Hodgdon, Loriann, (CA); Hodge, Hannah, (FL); Hogan, Chris, (IL); Hollingshead, Justin, (CA); Hooley, Arlan, (IN); Hope, Jon-Eric, (AR); Huang, Minna, (CA); Hubbard, Whitney, (AR); Hullinger, Jennifer, (IL); Hulsey, Sarah, (TX); Hutson, Karin, (MO); Ingebretson, Bethany, (MN); Ivey, Kayla, (LA); Jacob, Benjamin, (VA); Jacobson, Elizabeth, (MN); Jefferies, Megan, (MI); Jerrigan, Ginger, (FL); Johnson, Alanna, (MI); Johnson, Amanda, (WI).

Johnson, Elizabeth, (MO); Johnson, James, (MI); Johnson, Juliana, (PA); Jones, Priscilla, (VA); Jones, Sadie, (IN); Jorgensen, Andrew, (PA); Jorgensen, Rachel, (PA); Justice, Micah, (VA); Kallberg, Naomi, (IL); Keller, Daniel, (FL); Kelley, Katherine, (LA); Kilby, Alison, (KY); Kilby, Elisa, (KY); King, Micah, (ND); Klopfenstein, Carissa, (IL); Knight, Adrielle, (CO); Konen, Lindsay, (WI); Krauter, Jocelyn, (PA); LaFaurie, Marjorie, (NY); Lanog, Ryan, (IL); Lee, Carline, (GA); Lee, Elijah, (MN); Lee, Hannah, (CA); Lee, Jason, (MN); Lee, Josiah, (MN); Lee, Phoebe, (CA); Lee, Rachel, (MN); Lee, Rayah, (MN); Leigh, Daniel, (MS); Leigh, Mark, (MS).

Leigh, Sarah Catherine, (MS); Levendusky, Angie, (OK); Levendusky, Dr. Tim, (OK); Lewis, Mai Cha, (WI); Loera, Sabree, (OK); Long, Elizabeth, (TX); Long, Mary Sarah, (TX); Lyons, Benjamin, (CA); Maduzia, James, (CA); Mai, Heather, (OK); Martin, Joe, (PA); Martin, Maria, (PA); Martin, Rebekah, (PA); Martin, Sherolyn, (OR); Mast, Caleb, (FL); Matchak, Jacob, (CA); Matchak, Joel, (CA); Matchak, Sarah, (CA); Mattix, George, (IL); Mazur, Isaac, (TX); McCloy, Jennifer, (TX); McCurdy, Terry, (IL); McDonald, Caleb, (TX); McDonald, Meagen, (TX); McEndarfer, Benjamin, (OK); McGarty, Laura, (NC); McMillan, Jill, (IN); Mendenhall, Breanna, (MN); Mendenhall, Douglas, (MN); Mendenhall, Jeanie, (MN).

Mendenhall, Kerry, (MN); Mendenhall, Philip, (MN); Meuser, Shari, (ID); Meyer, Jennifer, (OH); Miller, Heidi, (IL); Miller, John, (OK); Miller, Joseph, (TX); Miller, Kate, (TX); Millings, Elizabeth, (NY); Millings, Rachael, (NY); Moll, James, (PA); Monday, Justin, (CA); Moody, Christina, (CA); Mueller, Valerie, (IL); Munger, Jonathan, (WY); Myrick, Rebekah, (AL); Nance, Dana, (AR); Napoli, Elizabeth, (LA); Nelson, Stephen, (TX); Ness, Sarah, (WA); Neu, Daniel, (KS); Neu, Nicole, (WI); Nisly, Katrina, (CAN); Norvell, Robert, (AR); Novotny, Gina, (TX); Nutz, Hannah, (VA); Pallock, Melissa, (IL); Panlilio, Rae Rae, (GA); Payne, Ashia, (MD); Payne, Nikolai, (IA).

Peek, Andrew, (AL); Peek, Katherine, (AL); Pell, Elizabeth, (NC); Pell, Katy, (NC); Perkins, Catherine, (LA); Perkins, Sarah, (LA); Pettman, Evelyn, (VA); Pettman, Timothy, (VA); Phariss, Erik, (TX); Phariss, Ken, (TX); Phariss, Sacha, (TX); Phariss, Susana, (TX); Pittman, Shepherd, (FL); Plaiasu, Ana-Maria, (CA); Plattner, Tessa, (AZ); Pleckham, Elizabeth, (IL); Pleckham, Katherine, (IL); Polson, Holly, (TX); Poteet, Trey, (TX); Prentice, Valeria, (OK); Protz, Annie, (CA); Quann, Jenna, (VA); Quann, Lindsey, (VA); Ramsey, Jeffrey, (OH); Ramsey, Lauren, (OH); Randall, Erin, (TX); Reed, Bethany, (ME); Reinagel, Rebekah, (CA); Richmond, Kristen, (OH); Ritchie, Nathan, (IN).

Robertson, Adam, (AL); Robertson, Alan, (AL); Robertson, Amy, (AL); Robertson, Andrew, (AL); Robertson, Anthony, (AL); Robertson, Ashley, (AL); Robertson, Autumn, (AL); Robertson, Avery, (AL); Robertson, Linda, (AL); Robertson, Michael, (AL); Rodriguez, Cristina, (MEX); Rodriguez, Joshua, (MEX); Rodriguez, Vanessa, (MEX); Roseberry, David, (CA); Roseberry, Elizabeth, (CA); Ross, Charles, (GA); Ross, Mary, (GA); Ross, Melinda, (MI); Ross, Rebecca, (GA); Rost, Linden, (IN); Rupp, Philip, (OH); Sachse, Jennifer, (MO); Sanborn, Diane, (FL); Sanborn, Kyla, (FL); Sanders, Charity, (AL); Scarborough, Amy, (TX); Schrader, Marcus, (MO); Schuurmans, Melissa, (SD); Sellin, Dexter, (KS); Shaffer, Kristin, (TX).

Sheppard, Carol, (SC); Sherrer, Katherine, (NC); Sickler, Stephen, (PA); Simpson, Nichole, (OH); Smillie, John, (IN); Smith, Rachel, (TX); Snyder, Benjamin, (MA); Sodergren, Abbey, (MN); Sodergren, Kirk, (MN); Staddon, Donald, (WV); Stallings, Preston, (CO); Stearn, Elizabeth, (IL); Stevic, Beth, (VA); Stewart, Andrew, (OH); Stewart, Lucas, (OH); Stewart, Matt, (OH); Stewart, Melissa, (MN); Stewart, Samuel, (OH); Stewart, Timothy, (OH); Storm, Emily, (IL); Straub, Nathan, (WA); Strickler, Virginia, (WA); Stutzman, Julie, (OH); Sullivan, Andrei, (NC); Sullivan, John David, (NC); Sullivan, Roslyn, (NC); Sullivan, Sarah, (NC); Sullivan, Tom, (NC); Swarr, LaVerne, (WI); Swicegood, Rebekah, (AR).

Swicegood, Vicky, (AR); Taylor, Kaitlyn, (CA); Taylor, Kirstyn, (CA); Taylor, Luisa, (CA); Taylor, Michael, (CA); Taylor, Shannon, (CA); Thar, Amanda, (MI); Thomas, Jessica, (WA); Thomas, Whitney, (AL); Thompson, Eddie, (FL); Tillotson, Vanessa, (NE); Trutza, Eunice, (IL); Trutza, Ruth, (IL); Tucker, Charlotte, (LA); Tucker, David, (LA); Tucker, Rebecca, (LA); Tucker, Robert, (LA); Tucker, Stephen, (LA); Tures, Teresa, (AR); Tyrrell, Abigail, (FL); Tyrrell, Elizabeth, (FL); Tyrrell, Joanna, (FL); Van Eerden, Sara, (WI); Van Til, Hilko, (FL); Vanderhorst, Daniel, (KS); VanGilst, Elyssa, (CA); VanRy, Chrystal, (WA); VanRy, Sheralee, (WA); Vest, Amy, (MN); Vest, Jeffrey, (MN).

Visser, Ronald, (IN); Wagley, Christine, (LA); Waller, Adam, (WI); Waller, Brian, (WI); Waller, David, (WI); Waller, Derrick, (WI); Waller, Eric, (AL); Waller, Isaac, (WI); Waller, Lydia, (WI); Waller, Matthew, (WI); Waller, Rachelle, (WI); Waller, Rebecca, (WI); Waller, Samuel, (WI); Waller, Sarah, (WI); Waller, Sue, (WI); Warner, Andrew, (TN); Warner, Elizabeth, (TN); Warren, Laura, (FL); Watkins, Elizabeth, (CA); Welborn, Kristina, (FL); Welfel, Amanda, (TX); Wenstrom, Angela, (FL); Wenstrom, Brittany, (FL); Wenstrom, Chris, (FL); Wenstrom, Heather, (FL); Wenstrom, James, (FL); Wenstrom, Kimberly, (FL); Wenstrom, Matthew, (FL); Wenstrom, Michelle, (FL); Westfahl, Ruthie, (WY).

Westfahl, Stephanie, (WY); White, Erica, (MD); Whitman, Joel, (OH); Whitten, John, (IN); Whitten, Josiah, (IN); Williams, Burton, (CT); Williams, Holly, (CA); Williams, Jamie, (IN); Williams, Susan, (CT); Wine, Christina, (VA); Winkler, Matthew, (TX); Winkler, Rebecca, (NY); Wolfley, Audra, (OK); Wood, Julie, (WA); Wright, Hunter, (TN); Wright, Sharon, (TN); Yates, Jared, (FL); Yates, Kyle, (FL); Yip, Leslie, (CA); Yoder, Byron, (PA); Yoder, Douglas, (PA); Yoder, Heidi, (CAN); Yoder, Shelly, (CAN).

TRIBUTE TO MR. TONY "FISH" AGUIRRE

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. CLEAVER. Mr. Speaker, I rise today to pay tribute to Mr. Tony "Fish" Aguirre, a remarkable and compassionate leader whose legacy has touched so many Kansas Citians. Mr. Aguirre entered our world on February 8, 1929, and passed on March 19, 2006. His passing is a deep loss felt by his family, the Westside community, the greater Kansas City area, and most assuredly, the thousands of lives he touched through his 50-plus years of service to Kansas City's youth.

Tony was blessed with natural athletic ability and became a talented all-around athlete in his youth, almost being drafted to play professional baseball and being offered a college basketball scholarship. At the age of 17, his God-given talent led to his calling of coaching the boys and girls from his neighborhood, the Westside. Tony went on to graduate from Redemptorist High School in 1949 and later married his wife, Joan. Tony credited his wife with encouraging him to return to athletics at the Guadalupe Center after graduating from high school. From that point forward, Tony Aguirre and Guadalupe Center athletics would become synonymous and well-known throughout Kansas City.

From the age of 17 until his death, Tony coached kids year-round in basketball, baseball, softball, and football for the Guadalupe Center. Tony was more than just a coach to the Westside youth; he was a friend, mentor, father figure, and counselor to at least three generations of ball players. Tony was at the forefront of youth development, before youth development became a key program term. His cheers and support came hand in hand with the patience and kindness Tony shared with "his kids." Tony went that extra mile, whether it was keeping the Sacred Heart gym open late for basketball practice, or marking the park fields for baseball, softball, or football, Tony did everything possible to help "his kids" be competitive and proud of themselves. Tony impacted the lives of many, and his influence was far reaching, both inside and outside the Latino community. Tony will long be remembered for his kind smile and words of encouragement he shared with everyone.

In 1988, the Guadalupe Center established the Tony Aguirre High School Scholarship Award to help deserving students from the Hispanic community attend private or parochial high school in Mr. Aguirre's honor. In 2000, the city of Kansas City, MO, honored Tony's contributions by naming the newly constructed Westside Community Center after him. Never seeking accolades, Tony received numerous awards throughout his life for his service, coaching, and dedication to youth.

Mr. Speaker, please join me in expressing our heartfelt sympathy to his wife, Joan Aguirre, his children, Sandy, Steve, Arlynne, Kathy and Amy, his 19 grandchildren, 1 great-grandchild, and his many relatives and friends. I urge my colleagues to please join me in conveying our gratitude to his family for sharing this great man with us, and to accept our condolences for their tremendous loss. He was an inspiration to us all.

COMMENDING THE NORTH TEXAS FIREFIGHTERS FOR SERVICE DURING THE PANHANDLE FIRES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend those North Texas firefighters who risked their very lives to protect so many others from the Panhandle fires that have plagued the west Texas region.

North Texas has seen its fair share of wildfires this year. Always showing their bravery and professionalism, local firefighters have fought back these deadly fires and now, as the call was heeded for assistance to our fellow Texans. Our firefighters selflessly gathered to take swift action in fighting the fires in the west. With adversity clearly in sight, these firefighters went far beyond their call of duty and exemplified the very definition of courage.

The combined efforts of the North Texas fire, rescue and emergency services helped to end the deadly wildfires before they threatened even more homes and families. I am pleased to commend the following departments for their services: Lewisville Fire Department, Lake Cities Fire Department, Little Elm Fire Department, Denton Fire Department, Flower Mound Fire Department, Coppell Fire Department, Carrollton Fire Department, Denton County Fire Marshals Office, Denton County Emergency Services, North Tarrant County Volunteer Fire Department, Hurst Fire Department, and Forrest Hill Fire Department.

It brings me great pride to commend the firefighters of these areas for their care and dedication. May they be an example to us all.

TRIBUTE TO THE RIGHT REVEREND MONSIGNOR SYLVESTER HLADKY

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. RYAN of Ohio. Mr. Speaker, I rise today to pay homage to the Right Reverend Monsignor Sylvester Hladky, a humble lifelong servant of the Catholic Byzantine Church, pastor of Saints Peter and Paul Byzantine Catholic Church, and permanent papal prelate.

Born in 1909 in Brooklyn, NY, Sylvester Hladky knew very early that a life of service was for him. After serving his country for 3 years in the United States Navy, the Monsignor was ordained from Saint Joseph Seminary in Edmonton, AB, Canada in 1936. As a young priest, then-Father Hladky spent his time working in Ukrainian mission churches at Fisher Branch, Poplar Fields, and the Indian reservation areas of Manitoba. Following these assignments, Father Hladky was then assigned to mission churches throughout Ontario, to include Welland, Grimsby, Saint Catharaines, Brantford, Kitchener, Thorold, and Niagara Falls. After serving in the Byzantine Ruthenian Eparchy of Pittsburgh, Father Hladky was made the pastor of Saints Peter and Paul Byzantine Catholic Church in Struthers, OH.

Father Hladky came to Warren, OH, in August 1945, where he was the pastor of Saints Peter and Paul Byzantine Catholic Church on School Street. The parish grew from 30 to 300 families. After leading a building fund campaign, the parishioners purchased property for the construction of a new church and rectory. On Christmas Day 1950, Father Hladky celebrated the first divine liturgy in the new church.

The father dreamt of a parish school where students would receive an academic education, as well as a spiritual one in the Byzantine tradition, and, in 1954, purchased a home to be used as a convent by the Benedictine Sisters who arrived from Lisle, IL, to teach. Construction of a school began, and in 1957, Saints Peter and Paul School opened with 10 classrooms and an auditorium, later adding 16 more classrooms for high school classes.

In 1961, on the 25th anniversary of Father Hladky entering the priesthood, he was appointed dean of the Youngstown Deanery. By 1965, he was named a monsignor, and later, in 1975, he was made a right reverend monsignor. Pope John Paul II named him a permanent papal prelate.

From 1968 to 1996, Monsignor Hladky also served as president of the Greek Catholic Union Tribunal. The monsignor and his parish were instrumental in helping the Benedictine Sisters of the Byzantine Rite to establish an independent monastery in Warren. In 1990, the parish erected a 46-apartment residence near the church for elderly parishioners.

After a short illness, the monsignor passed away on March 7, 2006, at Saint Joseph Health Center in Warren, OH.

In the book of Matthew, chapter 16, verse 18, the Lord said to his disciple, Simon, "and I tell you that you are Peter, and on this rock I will build my church, and the gates of Hell shall not overcome it." Just as Simon was the rock upon which the Christian faith grew and flourished, so was Monsignor Hladky the ever-present and ever-faithful rock upon which our homes, communities, and families grew and also flourished. Mahoning Valley citizens of all faiths pray for Monsignor Hladky and his parish, because this faithful and dutiful servant of God was truly a blessing and we are grateful to have had him touch our valley so.

COMMEMORATING TONY CRAVER FOR HIS OUTSTANDING CONTRIBUTION AS MENDOCINO COUNTY SHERIFF

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Tony Craver on the occasion of his retirement as Sheriff and for his 34 years of outstanding service to the Mendocino County Sheriff's Department.

Tony Craver's accomplishments range from developing outreach programs for needle exchange and related disease prevention to improving criminal justice policies in conjunction with local tribes, the Attorney General's Office of Native American Affairs and the Bureau of Indian Affairs.

Sheriff Craver served on the California State Sheriff's Association's committee on Native American affairs. He worked closely with local tribal leaders to help establish tribal police programs and improve tribal criminal justice programs.

Working with patients, care givers, the medical community, and other local authorities, Sheriff Craver established mutually agreeable guidelines and created a departmental statement of policy six years before the state legislature passed a bill on medical marijuana. He developed the first practical and reasonable method of accommodating medical marijuana consumers and providers with minimal police intervention by establishing a photo ID card system with verification capabilities in the State of California.

Sheriff Craver served on the Evaluation and Advisory panel of the Disease Prevention Demonstration Project established by the State of California Department of Health Services Office on AIDS.

In 2005, the California Rifle and Pistol Association named Sheriff Craver as Outstanding Peace Officer of the Year.

In addition to his official duties, Tony Craver was a director of the Fort Bragg Kiwanis Club, and a member of the Mendocino Masonic Lodge, the Pomo Shrine Club, Fort Bragg Shrine Club, Ukiah Gun Club, and the Redwood Practical Shooters.

Born in Sonoma County, Sheriff Craver served until his honorable discharge in both the United States Marine Corps and in the U.S. Army Reserves. He has an Associate of Arts degree in Administration of Justice from Mendocino Community College and a Lifetime Vocational Teaching Credential.

Beloved and respected by the community and his fellow deputies, Sheriff Craver looks forward to retirement and spending more time with his wife Joanne, his four children and four grandchildren. He plans to enjoy the great outdoors and get back into fishing and competitive shooting.

Mr. Speaker and colleagues, Tony Craver earned the admiration and respect of his peers and left a positive legacy from his years in the Mendocino County Sheriff's Department. For these reasons, it is appropriate that we honor his 34 years of commitment and service to law enforcement and public service.

TRIBUTE TO EGIDIANA MACCIONI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mrs. MALONEY. Mr. Speaker, it is with great pleasure that I congratulate Egidiana Maccioni on receiving the 2006 President's Medal from Marymount Manhattan College.

In her family's restaurants, Le Cirque and Osterio de Circo, Mrs. Maccioni has worked tirelessly as a chef and hostess, making special memories of great food and lively conversation for a diverse community of New Yorkers. A woman who has quietly pursued her goals as a wife, mother, and businesswoman, Mrs. Maccioni truly embodies the spirit of New York City and is more than worthy of this recognition.

In presenting Egidiana Maccioni with the President's Medal, Marymount Manhattan College continues a long tradition of honoring individuals who have distinguished themselves through service to their professions and communities. I congratulate Mrs. Maccioni on this prestigious honor, the latest among her noteworthy achievements.

IN RECOGNITION OF THE LAS VEGAS WINGS CHAPTER OF THE DISTINGUISHED FLYING CROSS SOCIETY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the contributions of a special group of American heroes, those that have received the Distinguished Flying Cross. I honor them today for their service and dedication to our great Nation.

The Distinguished Flying Cross was authorized by an Act of Congress on July 2, 1926 and is awarded to any officer or enlisted member of the Armed Forces who has distinguished themselves during combat in support of operations by "heroism or extraordinary achievement while participating in an aerial flight."

Since its creation the Distinguished Flying Cross has been awarded to some of America's greatest aviators and serves as a reminder of their heroic actions. This prestigious medal was first awarded to Charles A. Lindbergh, of the U.S. Army Corps Reserve, for his solo flight of 3,600 miles across the Atlantic in 1927. The first Distinguished Flying Cross to be awarded to a Naval Aviator was awarded to Richard E. Byrd, of the U.S. Navy Air Corps, for his flight to the North Pole. The contributions of these great aviators and those that followed are honored by this prestigious award.

In 1994 the Distinguished Flying Cross Society was formed as a nonprofit organization whose members have been awarded the Distinguished Flying Cross. The Society has established scholarships and benefits for organizations and individuals throughout the Nation that are seeking to make advances in aviation.

In February of this year the Distinguished Flying Cross Society officially recognized a new chapter, the Las Vegas Wings Chapter in Southern Nevada. The great State of Nevada is home to more than 260,000 veterans many of which have been awarded the Distinguished Flying Cross. As a member of Congress and a Nevadan, I would like to extend a heartfelt welcome, to the Las Vegas Wings Chapter, of the Distinguished Flying Cross Society.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute these great American heroes and the Las Vegas Wings Chapter of the Distinguished Flying Cross Society.

A TRIBUTE TO DR. WALTER RODNEY—REMEMBERING A TRUE CARIBBEAN INTELLECTUAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the legacy and memory of Dr. Walter Rodney, an eloquent teacher, writer, scholar and political activist who left this world much to soon at the young age of 38 years and to enter into the RECORD an essay written in the New York CaribNews by Michael D. Roberts entitled "Celebrating the 64th Birthday of Dr. Walter Rodney—Remembering A True Caribbean Intellectual—From Humble Beginnings to International Stature."

Dr. Walter Rodney was born in Guyana on March 23, 1942, and at an early age, excelled academically. After graduating from the University of the West Indies, he enrolled at the London University and at the age of 24, was awarded a Ph.D.

Walter Rodney an avid political activist was involved in the Guyanese labor movement and headed up the Working People's Alliance. His political views were strongly influenced by the Black Power and Black Consciousness Movements in the U.S. and Caribbean, respectively. Of particular scholarly interest to Rodney was the economic history of Guyana, and the legacy of slavery and colonialism in Africa. He inaugurated extensive research into the history of economic exploitation in Africa. He traveled and studied with teaching assignments in Tanzania and Guinea, Africans in Guyana trace their roots to Guinea.

The results of his travels and research were three remarkable books: A History of the Upper Guinea Coast, 1545–1800, How Europe Underdeveloped Africa, and Groundings with My Brothers. How Europe Underdeveloped Africa offered a Marxist analysis of the impact of colonialism and capitalism in under developing Africa and, consequently, the African world.

Though he traveled extensively throughout the world, Dr. Rodney's base of operations from 1974 until is death was in Guyana. He continued to lecture and organize the people of his homeland. He joined the Working People's Alliance, WPC, of Guyana which later became an independent Marxist political party in 1979.

There is so much more to say about the life and legacy of Walter Rodney. He was a profound intellectual and worldly scholar who had so much left to share with the world when he was silenced by death. Sadly, Walter Rodney was killed by a car bomb in Guyana on June 13, 1980. His murder remains unsolved.

Walter Rodney was a true Caribbean Intellectual whose reach was boundless. I shudder to think of the difference he would have made in the world had he lived. On this anniversary of his birthday I honor his memory.

CELEBRATING THE 64TH BIRTHDAY OF DR. WALTER RODNEY: REMEMBERING A TRUE CARIBBEAN INTELLECTUAL

(An Essay By Michael D. Roberts)

My first encounter with Dr. Walter Rodney was in 1979 when he came to Grenada during the very early days of the Grenada Revolution since he was literally barred from entering Guyana his country of birth. A slim, unassuming man Walter Rodney was unpretentious and looked almost nerdish with heavy horned-rimmed glasses. He sported a large "Afro" hairstyle and was the first person I met who wore African clothes. During that year and up to April 1980 whenever he was in Grenada I would spend time with him since his remarkable brain and sheer brilliance was fascinating to me. Walter had the gift of simplifying many complex things and he would ask a question and then based on my response would open up an entire period of conversation based on analysis, discussion, point and counter-point. He was an excellent teacher, an adept debater and skilled analyst.

Had he not been murdered he would have been 64 years old today and one could only wonder what this true Caribbean intellectual would have accomplished. Walter Rodney was born on March 23, 1942, and was murdered in Georgetown, Guyana, on June 12, 1980, ironically not far from Bent Street where his parents lived and where he grew up as a child.

He attended Guyana primary school and from the start was an extremely gifted student. To many who knew him it was clear that he was unique. He first won a scholarship to Queens College in Guyana and then another one to further his studies at the University of the West Indies in Jamaica. He graduated with first-class honors in History and again won an open scholarship to the School of Oriental and African Studies in London. Walter graduated from that institution with a doctorate at the tender age of 24 years.

Never losing his working class roots Walter Rodney soon embraced the principles of Marxism. It is this Marxist methodology that would be used to write his thesis that was published as a piercing analytical work "A History of the Upper Guinea Coast 1545–1800" and "How Europe Under-Developed Africa" considered today one of the most important books on British colonialism and its effects on the African continent and Third World development and underdevelopment as a whole.

After graduation Walter left for Tanzania to take up a teaching position and then came back to Jamaica in 1968 to teach at the University of the West Indies. It was while there that he started to study the Rastafarian socio-historical phenomenon and wrote a book that is today considered one of the definitive works on the movement called "Groundings with My Brothers." This book is a collection of talks that he gave in Jamaica and highlighted Walter's admiration for the working class and his ability to connect with those that society deemed unimportant and non-conformist.

I remember one incident in Grenada that would help to further explain his life-long fascination and respect for the grassroots people among whom he was most comfortable and at home. In the end it would be this ability to connect with people and to make a lasting impression on them that would be feared and hated by his political enemies and which would lead to his assassination. The Governments in Guyana and the Caribbean did not only fear Walter Rodney's amazing intellect but his easy, sincerity that made people gravitate to him.

One day we were driving on the Eastern coast of Grenada heading for the country's second largest town, Grenville. We stopped at a village named Birchgrove for a while and I left to see a friend at the Police station. Walter had two bodyguards with him and a few minutes later they came to me worried sick that he was nowhere to be found and maybe he'd given them the slip.

I then led a search for Walter in the shops and parlors in the village since Walter was fond of going to where ordinary people congregated to speak to them and ask questions so he could learn more about them. By then I was used to his ways. But search as we may we could not find him. Then I heard loud laughter coming from the Birchgrove River and decided to check it out.

There sitting comfortably on a river stone and surrounded by about 20 women, some bare-chested, some in the river washing, was

Walter Rodney. When we arrived on the scene he flashed his usual sly grin and continued speaking with the washers—all wives of farmers and children of working people.

We spent more than an hour listening to Walter exchange conversation with whom Granada's deceased Prime Minister Maurice Bishop used to call "the salt of the earth."

That was Walter he'd take a complex topic as economics and tailor it to suit the washers and presented it in words that they understood. He interjected humor and practical day-to-day experiences that they related to in an effective methodology for educating "his people" as he called them.

In Guyana there has been the problem that historically the working class has always been divided mainly because of the manipulation of the planter class. The Indians were introduced into the society specifically to counter and break the development of the Black working class movement that arose in opposition to conditions after the end of slavery.

So it is not simply as though Africans and Indians co-existed without any relation one to the other. Economic competition between Africans and Indians was deliberately created within the construct of the old capitalist order.

In 1974 Walter Rodney decided to return to Guyana and take up an appointment at the University of Guyana. Of course, the Forbes Burnham government promptly scuttled his appointment as Professor of History. That same year he joined the Working people's Alliance that became a political party in July of 1979—five months after the Grenada Revolution of March 13, 1979. That same month he was arrested, along with seven other people, for allegedly burning down Government offices. It would be this incident that would propel him to the top of Guyanese politics and ultimately seal his fate. From that time on Walter's life was on the line as threats, harassment and intimidation continued from the Burnham regime that became more and more obsessed with a man that Guyanese across the board saw as the replacement to Linden Forbes Burnham.

Under these oppressive conditions the Burnham Government reacted more and more with violence to a restless population now growing fed up with the paramount leader's shenanigans and political grandstanding. Walter was unapologetic about his political work and saw it as rendering a service to the people of Guyana. He was well aware that the Burnham regime was out to get him since President Burnham had allegedly told him to make his will.

Certainly among progressive circles in the Caribbean Walter was told that he should not go to Guyana since his life would be in real danger and that the Government would stop at nothing to destroy him.

But Walter accepted this as part of the price that he was willing to pay for the liberation of the people of Guyana.

On the evening of June 13, 1980 Walter Rodney was assassinated by a bomb placed in a walkie-talkie and detonated remotely. He left behind his wife, Patricia and three children. The Caribbean and Africa lost a gifted intellectual and a skilled political leader.

RECOGNIZING JUDGE RICHARD A. BENNETT OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Judge Richard A. Bennett as he retires after serving 20 years on the courts of Napa County, California.

Judge Bennett's extraordinary judicial leadership both on and off the bench not only improved the lives of thousands of Napa Valley residents and families, it saved many of them. Whether it was in small claims, family court, felony trials or his landmark efforts within Napa's Adult Drug Court, he had a gift of focusing on the human element that connects all of us. No one understood better than Judge Bennett the forces that can break families and communities apart as well as the common bonds that can be used to repair both.

It was this understanding of how important our bonds are to each other and to our community that enabled Judge Bennett to amass a remarkable record of reaching far more agreements than impasses in his court. And Mr. Speaker, it is this understanding that is unfortunately all too rare on our national stage today.

At a time when our political discourse has devolved to a level of partisan stagnation, our national leaders can learn a great deal from Judge Bennett and the community he has so proudly and effectively served over these past 20 years. He has built a foundation of cooperation, integrity and compassion that will continue to benefit many generations of Napa Valley residents long after his robe is retired.

Richard Bennett was born in Virginia and moved to my hometown of St. Helena at age 14 with his parents Larry and Doda. A graduate of the distinguished University of California Hastings College of Law, he practiced family law before being appointed to the Napa County Municipal Court by Governor George Deukmejian in 1985. He later became the first Presiding Judge of the Consolidated Municipal and Superior Courts for Napa County in 1993.

Mr. Speaker and colleagues, because of the many contributions Judge Bennett has made to our community and nation, it is fitting and appropriate that we honor him today as he retires from the Superior Court of Napa County and extend our best wishes to him and his family. Though he may be leaving the bench, I am confident that he will continue to provide leadership in Napa County for many years to come.

HONORING 65 YEARS OF AMERICAN BALLET THEATRE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mrs. MALONEY. Mr. Speaker, last week, I introduced a bipartisan resolution, along with my dear friends and colleagues, Representatives TOM REYNOLDS, CHRISTOPHER SHAYS, and LOUISE SLAUGHTER, to recognize the cultural and educational contributions of American Ballet Theatre throughout its 65 years of service as "America's National Ballet Company."

Sixty-five years ago, American Ballet Theatre was formed to fulfill two essential missions: Become one of the world's great ballet companies and bring classical dance to communities who typically are not able to experience world-class ballet.

Now, 65 years later, ABT has brought world-class dance to America and American dance to the world, including performances in 126 cities throughout all 50 states and 42 countries, often as representatives of the State Department.

Dwight D. Eisenhower recognized the important role of American Ballet Theatre over 40 years ago, stating that ABT brings "some measure of understanding of America's cultural environment and inspiration" to audiences through the medium of ballet.

ABT's mission extends beyond the pursuit of artistic greatness. ABT's extensive educational outreach programs include the award-winning Make a Ballet program, which inspires and empowers at-risk students by guiding them through the entire process of staging their own ballet. From choreography, costumes and performance to lighting, marketing and concessions, Make a Ballet has served students in the New York City region for over a decade; now, ABT is bringing Make a Ballet on tour to communities like Washington, DC, Los Angeles, Chicago and Cleveland.

For 65 years, American Ballet Theatre has entertained, inspired and educated thousands and thousands of people across the country and the world. I am proud to represent this important institution and thank my colleagues for joining me in celebrating the past 65 years with ABT. We all look forward to the next 65 years.

IN REMEMBRANCE OF GERARD FRANCIS SCHIAPPA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the memory of Gerard Francis Schiappa, director of federal relations for Turner Construction and former administrative assistant to Congressman Louis C. Wyman, who died of cancer March 17, in his home in Potomac Falls. Gerry was 67 years old.

Gerry, who had a 50-year career in government affairs, also was special counsel to former Secretary of the Navy J. William Middendorf II from 1975 to 1976 during the Ford Administration. He began his career as an elevator operator and mailroom clerk in the U.S. House of Representatives. After serving in the Army, Mr. Schiappa returned to the House, where he served on the staffs of Representatives Arch A. Moore (R–W.Va.), Joe Skubitz (R–Kan.), William C. Cramer (R–Fla.) and finally Louis C. Wyman (R–N.H.).

As Congressman Wyman's Chief of Staff, Gerry had a reputation on Capitol Hill as a brilliant political tactician who knew how to get things done. His counsel to Congressman Wyman, who served on the House Subcommittee on Defense Appropriations, helped save the Portsmouth Naval Shipyard from closure in the early 1970s. He served as a principal coordinator for Congressman Wyman's U.S. Senate campaign against John Durkin, a Democrat, in a 1975 runoff election, which is known as the closest Senate race in U.S. history.

Gerry left public service in 1978 to join the Panax Corp. as its Vice President of Public Affairs. He founded a lobbying firm, the Capital Group, in 1981 and served as its president and chief executive until 1996. In 1997, he became managing partner of Middendorf & Associates.

Gerry was born the third of 10 children in Scranton, Pa. He grew up in Mount Rainier, graduated from Northwestern High School in Hyattsville and attended Capitol Page School in Washington. He also attended Emerson Preparatory School and the University of Maryland.

He served on the executive finance committee of the 1981 and 1985 Presidential Inaugural Committees, and President Ronald Reagan's 1981 Presidential Transition Office for Intelligence Operations. He also served on the boards of numerous organizations, including the Educational Film Center and Prevision Corp. He was also a member of the Washington Performing Arts Society, ALS Association of Washington, Great Falls Citizens Association, Defense Forum Foundation and the Reagan Alumni Association.

Of all his accomplishments, Gerry was most proud of being a mentor to countless young men and women eager to begin their professional careers. John Dean, former White House counsel, wrote in his autobiography that Gerry helped him get his first job in government. Gerry is survived by his wife of 41 years, Jane Thompson Schiappa of Potomac Falls; two children, Brien Schiappa-Dunn and John Schiappa, both of Potomac Falls; a brother; eight sisters; and one granddaughter.

Mr. Speaker, I am honored to recognize Gerard Schiappa on the floor of the House today.

FEBRUARY 2006 NATIONAL PRAYER BREAKFAST WITH REMARKS FROM BONO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD the very profound speech giving by Bono, the world-renowned musician and noted humanitarian, during the February 2006 National Prayer Breakfast.

As the lead singer and lyricist for the Irish rock band U2, Paul Hewson, better known as Bono, rose to fame as a socially-conscious songwriter who through song has taken many people on spiritual journeys while opening their eyes to the plight of the underprivileged and in some instances inspired people to change.

Beyond U2, Bono has extended himself to other projects and causes, and has emerged over the years to be a social activist, having rallied numerous actors, artists, socialites and activists on behalf of the world's poor, particularly those afflicted with the HIV virus in Africa and elsewhere throughout the world. While his international celebrity status has placed him in a position to relax and enjoy fame and wealth, he selflessly dedicates his time to improving our world as a tireless advocate for the less fortunate.

Bono has committed himself to continuing to address issues critical to future generations. He faces global crises with conviction and the hope that others will see the pain and suffering in the world and come together in unity to make the World a better place for all mankind.

Mr. Speaker: I humbly submit the remarks made by Bono as he addressed an audience that included the President of the United States, the First Lady, King Abdullah of Jordan, members of Congress and other guests during National Prayer Breakfast held in Washington, D.C. in February 2006.

BONO'S REMARKS TO THE NATIONAL PRAYER BREAKFAST, FEBRUARY 2, 2006

INTRODUCTION OF BONO BY SENATOR NORM COLEMAN

In my day, I have introduced the President, I once introduced Dr. Billy Graham, but as a former roadie for 60 rock bands, 10 years after, this ranks right up there as one of the high points of my introducing career. Mark [Senator Mark Pryor, Democrat/Arkansas] and I were joking, "This kind of makes us the rhetorical warm-up act for U2."

Our message today comes from a person who has gotten the attention of the world, by walking with God, talking about things that matter, letting his light shine. He's an extraordinary musician, charismatic leader, and unabashedly, uniquely himself. We have an expression that a celebrity is a person who is famous for being famous. But our speaker this morning is known around the world as a person of conscience, a person of influence, but most of all, a person of faith. His organization is called DATA—Debt, AIDS, Trade in Africa. They are working to bring people, organizations, leaders and politicians together to make a unified effort to change the future of Africa. On your tables are these white wristbands which are appropriately printed with the word "ONE." He's come to challenge us to reach across the boundaries, to care for the poor and to walk the talk of our faith. Ladies and gentlemen: Bono.

[applause]

BONO'S ADDRESS

Thank you very much.

Thank you, Mr. President, First Lady, King Abdullah of Jordan, Norm [Senator Coleman], distinguished guests . . .

Please join me in praying that I don't say something we all regret.

[laughter]

That was for the FCC.

If you're wondering what I'm doing here, at a prayer breakfast, well, so am I. I'm certainly not here as a man of the cloth, unless that cloth is leather.

[laughter]

I'm certainly not here because I'm a rock star. Which leaves only one possible explanation: I've got a messianic complex.

[laughter]

It's true. [For] anyone who knows me, it's hardly a revelation.

Well, I'm the first to admit that there's something *unnatural* . . . something even *unseemly* . . . about rock stars mounting the pulpit and preaching at presidents, then disappearing to their villas in the South of France. Talk about a fish out of water. It was weird enough to have Jesse Helms come to a rock show . . . this is *really* weird.

[laughter]

Now, one of the things I love about this country is the separation of church and state. Although I have to say: in inviting me here, both church and state have been separated from something else completely: their mind. [Looks over at President Bush, who is seated to his right] Mr. President, are you sure about this?

[laughter]

It's very humbling, and I will try to keep my homily brief. But be warned—I am Irish.

[laughter]

I'd like to talk about the laws of man, here in this city where those laws are written. And I'd like to talk about higher laws. It would be great to assume that one serves the other; that the laws of man serve these higher laws . . . but of course, they don't always. And I presume that, in a way, is why you're all here.

I presume the reason for this gathering is that all of us are here—Muslims, Jews, Christians—are all searching our souls for how to better serve our family, our community, our nation, our God . . . And some of us are not very good examples, despite what Norm says. I am certainly searching. And that, I suppose, is what led me here.

Yes, it is odd, having a rock star at the breakfast—but maybe it's odder for me than for you. Because you see, I have avoided religious people most of my life. Maybe it's something to do with having a father who was a Protestant and a mother who was Catholic in a country where the line between the two was, quite literally, often a battle line. Where the line between church and state was . . . at the very least, a little blurry, and hard to see.

I remember how my mother would bring us to chapel on Sundays . . . and my father used to wait outside. One of the things that I picked up from my father and my mother was the sense that religion often gets in the way of God.

For me, at least, it got in the way. Seeing what religious people, in the name of God, did to my native land . . . and even in this country, seeing God's second-hand car salesmen on their TV cable channels, offering indulgences for cash . . . in fact, all over the world, seeing the self-righteousness roll down like a mighty stream from certain corners of the religious establishment . . .

I must confess, I changed the channel. I wanted my MTV.

So, even though I was a believer—and perhaps *because* I was a believer—I was cynical . . . not about God, but about God's politics. There you are, Jim [Wallis, author of the book *God's Politics*].

In 1997, a couple of eccentric, septuagenarian Christians—British, as it happens—went and ruined my shtick—my reproachfulness. They did it by describing the Millennium, the year 2000, as a Jubilee year, described this year as an opportunity to cancel the chronic debts of the world's poorest people. They had the audacity to renew the Lord's call—and were joined by Pope John Paul II, who, from an Irish half-Catholic's point of view, may have had a more direct line to the Almighty. But they got together to declare the year of Jubilee.

So . . . Jubilee. Why 'Jubilee'?

What was this year of Jubilee, this year of our Lord's favor?

I'd always read the Scriptures, actually, even the obscure stuff. There it was in Leviticus 25:35 . . . "If your brother becomes poor," the Scriptures say, "and cannot maintain himself . . . you shall maintain him . . . You shall not lend him your money at interest, not give him your food for profit."

This is such an important idea, Jubilee, that this is how Jesus begins his ministry. Jesus is a young man, he's met with the rabbis, he's impressed everybody, people are talking. The elders say, he's a clever guy, this Jesus, but, you know, he hasn't done much public speaking.

When he does, his first words are from Isaiah: "The Spirit of the Lord is upon me," he says, "because He has anointed me to preach the good news to the poor." And Jesus proclaims the year of the Lord's favor, the year of Jubilee. I think that's Luke 4 [Luke 4:18].

What he was really talking about was an era of grace—we're still in it.

So fast-forward 2,000 years. That same thought, grace, is now incarnate—in a movement of all kinds of people. It wasn't a bless-me club . . . it wasn't a holy huddle. These religious guys were willing to get out on the streets, get their boots dirty, wave the placards, follow their convictions with actions . . . making it really hard for people like me to keep our distance. Ruining my shtick. I almost started to like these church people.

But then, my cynicism got another helping hand.

It was what Colin Powell, a five-star general, called the greatest W.M.D. of them all: a tiny little virus called A.I.D.S. And the religious community, in large part, missed it. And the one's that didn't miss it could only see it as divine retribution for bad behavior. Even on children . . . Even if the fastest growing group of HIV infections were married, faithful women.

Ah, there they go . . . [lightly but firmly pounding on podium] "Judgmentalism is back," I thought to myself.

But in truth, I was wrong again. The church was slow but the church got busy on this the leprosy of our age. Love was on the move. Mercy was on the move. God was on the move. Moving people of all kinds to work with others they had never met, never would have cared to meet . . . We had conservative church groups hanging out with spokesmen from the gay community, all singing off the same hymn sheet on AIDS . . . See, miracles do happen. We had hip-hop stars and country stars . . . This is what happens when God gets on the move: crazy, crazy stuff happens. Popes were seen wearing sunglasses! Jesse Helms had a ghetto blaster now! Evidence of the Spirit moving. It was really . . . it was breathtaking. It literally stopped the world in its tracks.

When churches started demonstrating on debt, governments listened—and acted. When churches starting organizing, petitioning, and even—that most unholy of acts today, God forbid, lobbying . . . on AIDS and global health, governments listened—and acted. I'm here today in all humility to say: you changed minds; you changed policy; and you changed the world. So, thank you.

[applause]

Check Judaism. Check Islam. Check pretty much anyone. I mean, God may well be with us in our mansions on the hill . . . I hope so. He may well be with us in all manner of controversial stuff . . . maybe, maybe not . . . But the one thing we can all agree, all faiths, all ideologies, is that God is with the vulnerable and the poor. God is in the slums, in the cardboard boxes where the poor play house . . . God is in the silence of a mother who has infected her child with a virus that will end both their lives . . . God is in the cries heard under the rubble of war . . . God is in the debris of wasted opportunity and lives, and God is with us if we are with them.

[applause]

"If you remove the yolk from your midst, the pointing of the finger and the speaking wickedness, and if you give yourself to the hungry and satisfy the desire of the afflicted, then your light will rise in darkness and your gloom with become like midday and the Lord will continually guide you and satisfy your desire even in scorched places."

It's not a coincidence that in the Scriptures, poverty is mentioned more than 2,100 times. It's not an accident. That's a lot of air time. You know, the only time Jesus Christ is judgmental is on the subject of the poor. 'As you have done it unto the least of these my brethren, you have done it unto me.' I believe that's Matthew 25:40. [Quick glance at President Bush]—see I've been doing my homework.

[laughter]

As I say, good news to the poor.

Here's some good news—[looks at President Bush]—for you, Mr. President. After 9–11 we were told America would have no time for the World's poor. We were told America would be taken up with its own problems of safety. And it's true these are dangerous times, but America has not drawn the blinds and double-locked the doors.

In fact, you have doubled aid to Africa. You have tripled funding for global health. And Mr. President, your emergency plan for AIDS relief and support of the Global Fund—you and Congress—have put 700,000 people onto life-saving anti-retroviral drugs and provided 8 million bed nets to protect children from malaria.

[applause]

Outstanding human achievements. Counterintuitive, I think you'll admit. But Historic. You should be very, very proud.

But here's the bad news. [looks at President Bush] There is so much more to do. There is a gigantic chasm between the scale of the emergency and the scale of the response.

And finally . . . getting to higher levels, higher callings, this is not about charity in the end, is it? It's about justice . . . the good news yet to come. I just want to repeat that: This is not about charity, it's about justice.

And that's too bad. Because we're good at charity. Americans, Irish people, are good at charity. We like to give, and we give a lot, even those who can't afford it. But justice is a higher standard. Africa makes a fool of our idea of justice; it makes a farce of our idea of equality. It mocks our pieties, it doubts our concern, it questions our commitment.

6,500 Africans are still dying every day of a preventable, treatable disease, for lack of drugs we can buy at any drug store. This is not about charity, this is about justice and equality.

Because there's no way we can look at what's happening in Africa and, if we're honest, conclude that deep down, we would let it happen anywhere else. If we really accepted that Africans are equal to us. I say that humbled-[looks over at Senator Barack Obama, Democrat/Illinois, who is seated to his left]—in the company of a man with an African father.

Look at what happened in South East Asia with the tsunami. 150,000 lives lost to the greatest misnomer of all misnomers, "Mother Nature." Well, in Africa, 150,000 lives are lost every month. A tsunami every month. And it's a completely avoidable catastrophe.

It's annoying but justice and equality are mates. Aren't they? Justice always wants to hang out with equality. And equality is a real pain in the ass . . . Seriously. I mean, you think of these Jewish sheep-herders going to meet with the Pharaoh, mud on their shoes, and the Pharaoh goes, "Equal? . . . Equal?" And they say, "Yeah, that's what it says here in the book here—'we're all made in the image of God,' sir." . . .

And eventually the Pharaoh says, "Look, I can accept that. I can accept the Jews—but not the blacks . . . not the women . . . not the gays . . . not the Irish. No way."

[laughter]

So on we go with the journey of equality. On we go in the pursuit of justice.

We hear that call in the ONE Campaign, a growing movement of more than two million Americans . . . five million by the next election, I can promise you . . . united in the belief that where you live should no longer determine whether you live.

We hear that call even more powerfully today, when we mourn the loss of Coretta Scott King—mother of a movement for equality, one that changed the world but is only really getting started. Because these issues are as alive as they ever were; they just change shape and they cross the seas.

Preventing the poorest of the poor from selling their products while we sing the virtues of the free market . . . That's not charity; that's a justice issue. Holding children to ransom for the debts of their grandparents . . . That's not charity; that's a justice issue. Withholding life-saving medicines out of deference to the Office of Patents . . . Well, that's not charity; to me, that's a justice issue.

And while the law is what we say it is, God is not silent on the subject. That's why I say there is the law of the land . . . and then there's a higher standard. And we can hire experts to write them so they benefit us—these laws—so that they say it's OK to protect our agriculture but it's not OK for African farmers to protect their agriculture to earn a living.

As the laws of man are written, that's what they say. But God will not accept that. Mine won't. Will yours?

[pause]

I close this morning on . . . very thin ice, probably.

This is a dangerous idea I've put on the table: my God vs. your God, their God vs. our God . . . vs. no God. It's very easy, in these times, to see religion as a force for division rather than unity.

And this is a town—Washington—that knows something of division. But the reason I'm here, and the reason I keep coming back to Washington, is because this is a town that is proving it can come together on behalf of what the Scriptures call the least of these. . . . It's not a Republican idea. It's not a Democratic idea. It's not even, with all due respect, an American idea. Nor is it unique to any one faith.

"Do unto others as you would have them do to you." [Luke 6:30] Jesus says that.

"Righteousness is this: that one should . . . give away wealth out of love for Him to the near of kin and the orphans and the needy and the wayfarer and the beggars and for the emancipation of the captives." The Koran says that [2.177].

Thus sayeth the Lord: "Bring the homeless poor into the house, when you see the naked, cover him, then your light will break out like the dawn and your recovery will speedily spring forth, then your Lord will be your rear guard." The Jewish Scripture says that. It's Isaiah 58 [verses 7–8] again.

It's a very powerful incentive: "The Lord will watch your back." Sounds like a good deal to me, especially right now. . . .

[laughter]

Right? "The Lord will watch your back." [looks over at President Bush] You like that? OK.

[applause]

A number of years ago, I met a wise man who changed my life. In countless ways, big and small, I was always seeking the Lord's blessing. I'd be saying, "Look, I've got a new song—would you look after it?" . . . "I have a family, I'm going away on tour, please look after them." . . . "I have this crazy idea—could I have a blessing on it?"

And this wise man asked me to stop. He said, "Stop asking God to bless what you're doing. Get involved in what God is doing—because it's already blessed."

[applause]

Well, let's get involved in what God is doing. God, as I said, is always with the poor. That's what God's doing. That's what he's calling us to do.

I was amazed when I first got to this country and I learned how much some churchgoers tithe. Up to ten percent of the family budget. I mean. . . . How does that compare the federal budget, the budget for the entire American family? How much of that goes to the poorest people in the world? Well, it's less than one percent of the federal budget.

Mr. President, Congress, people of faith, people of America: I want to suggest to you today that you see the flow of effective foreign assistance as tithing. . . . Which, to be truly meaningful, will mean an additional one percent of the federal budget tithed to the poor.

Now, what is that one percent that we're asking for in the ONE Campaign? It's not merely a number on a balance sheet or pulled out of the air. One percent is the girl in Africa who gets to go to school, thanks to you. One percent is the AIDS patient who gets her medicine, thanks to you. One percent is the African entrepreneur who can start a small family business, thanks to you. One percent is not redecorating presidential palaces. One percent must not be—or don't give it—money down a rat hole. This one percent is digging waterholes to provide clean water—[looks at Senator Bill Frist, Republican/Tennessee]—like I saw with Bill Frist there in. . . Uganda.

OK, that's what we're asking for.

[applause]

One percent is a new partnership with Africa, not paternalism towards Africa, a new partnership with Africa, where increased assistance flows toward improved governance and initiatives with proven track records and away from the boondoggles and white elephants that we've seen before.

America gives less than one percent now. We're asking for an extra one percent to change the world, to transform millions of lives—but not just that, and I say this to the military men now—not just transform hundreds of thousands, indeed millions of communities, but transform the way they see us, which might be smart in these dangerous times.

One percent as national security, one percent as in enlightened economic self interest, and a better safer world rolled into one. Sounds to me that in this town of deals and compromises, one percent is the best bargain around.

Thank you very much.

[extensive applause as Bono shakes hands with President Bush and senators]

THE FOLLOWING EXCERPT FROM PRESIDENT BUSH'S SPEECH TOOK PLACE MOMENTS LATER. . .

PRESIDENT BUSH: You know, I was trying to figure out what to say about Bono. . .

[laughter]

BONO: Careful.

[laughter]

PRESIDENT BUSH: And a story jumped to mind about these really good Texas preachers. And he got going in a sermon and a fellow jumped up in the back and said, "Use me, Lord, use me." And the preacher ignored him, and finished his sermon. Next Sunday he gets up, and cranking on another sermon. And the guy jumps up and says, "Use me, Lord, use me." And after the service, he walked up to him and said, "If you're serious, I'd like for you to paint the pews." Next Sunday, he's preaching, the guy stands up and says, "Use me, Lord, use me, but only in an advisory capacity."

[laughter]

So I've gotten to know Bono . . . He's a doer. The thing about this good citizen of the world is he's used his position to get things done. You're an amazing guy, Bono. God bless you.

[applause]

INTRODUCING THE TAXPAYER PRIVACY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. STARK. Mr. Speaker, I am pleased to join my colleagues Mr. MCDERMOTT, Mr. INSLEE, and Ms. BEAN in introducing the Taxpayer Privacy Act of 2006. This bill protects the privacy of millions of Americans, ensuring that taxpayers who rely on paid preparers do not have their confidential and sensitive personal information disseminated, sold or sent overseas.

The IRS is currently considering a rule that would make it easier for tax preparers to disclose the private information contained in tax returns—including name, address, Social Security number, employer, income, and charitable donations. Currently, paid preparers can only use taxpayer information to generate business within their own affiliates. The new rule would allow preparers to obtain taxpayers' approval to disclose tax information to generate outside business.

Taxpayers should not be coerced into giving up their privacy rights just to file their taxes. Our bill protects taxpayers by requiring preparers to use information only to prepare taxes—and not for any other purpose.

Reports also suggest that Ernst and Young and other large tax preparation firms are sending tax returns overseas for processing. But the IRS has no control over tax information once it's been sent to India or another country. Even the best data security systems can't protect private taxpayer information from entrepreneurial foreign businesses than can make huge profits selling U.S. taxpayer information.

Our bill strictly prohibits domestic tax preparers from sending returns overseas for processing. Preparers found to have disclosed private information to a foreign entity would be assessed a $1000 fine and up to one year in jail for each wrongful disclosure. The bill does not prohibit a taxpayer from choosing to have their taxes done by a preparer based overseas, it merely protects them from having their taxes shipped to a foreign country when they believe the forms are being completed by their local preparer.

This legislation is a common sense solution that protects taxpayers without burdening tax preparers. I urge my colleagues on both sides of the aisle to stand up for taxpayer privacy and support this bill.

IN HONOR OF MAYOR KENNETH JOHNSON

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. BLUNT. Mr. Speaker, I rise today to honor Kenneth Johnson on his retirement from eight years of dedicated service as Mayor of Carthage, Missouri. Kenneth Johnson distinguished himself in Southwest Missouri by his commitment to improving the lives of the citizens in the City of Carthage.

Kenneth Johnson served in the Army of Occupation in Korea in 1946 and returned to duty as a reservist in 1950 where he attained the rank of Master Sergeant. He worked for the Missouri Department of Transportation for 42 years and retired in 1989 as a Senior Construction Inspector. After being elected to the Carthage City Council in 1990 and 1992, he was elected Mayor of Carthage in 1998 and became the first mayor in 60 years elected to a second 4-year term. Mayor Johnson's public service also included serving as President of the Park and Recreation Board from 1977 to 1983 and President of the Board of Public Works from 1983 to 1988.

I congratulate Mayor Johnson on his accomplishments during his tenure in public service and wish him the best in his retirement.

RECOGNIZING NANCY CAMPBELL ON RECEIVING CARE AWARD

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. OSBORNE. Mr. Speaker, I rise today to honor Nancy Campbell of Lincoln, Nebraska, on receiving the Commonwealth Academy Recognition for Educators, CARE, Award. The CARE award, presented by Commonwealth Academy in Alexandria, Virginia, honors educators who have made outstanding educational contributions in their communities.

This year, Nancy Campbell was selected as one of only a few educators nationwide to receive this award for her work at the Lancaster County Youth Service and Juvenile Detention Center in Lincoln, Nebraska. Formerly of Scottsbluff, Nebraska, Nancy Campbell has been teaching for 38 years, and she has spent the past four teaching reading, basic skills and positive action in the boy's maximum security area at the Youth Service Center.

Ms. Campbell received her B.S. in Education from Appalachian State University in Boone, North Carolina, and over her career she has taught at 12 schools in 9 States. Since one of her sons has Attention Deficit Disorder, she has a special understanding of students with learning challenges, serving as president of an Attention Deficit Disorder parents support group in Scottsbluff for 10 years.

Ms. Campbell lives in Lincoln, Nebraska, with her husband Dave. She has three sons, one of whom is adopted, and has also raised three foster children.

I ask my colleagues to join me in applauding Nancy Campbell and congratulating her on this distinguished achievement.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. COLE of Oklahoma. Mr. Speaker, on March 30, 2006 for rollcall vote No. 80, I was unavoidably detained. If I had been present, on rollcall vote No. 80, I would have voted "no."

INTRODUCTION OF RESOLUTION AUTHORIZING CREATION OF BUST HONORING LATE CHIEF JUSTICE WILLIAM H. REHNQUIST

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. POMBO. Mr. Speaker, I rise today to introduce a resolution memorializing and honoring the late Chief Justice of the Supreme Court of the United States, William H. Rehnquist.

The resolution authorizes and directs the Curator of the United States Supreme Court to create a marble bust of the late Chief Justice and have it placed in the Supreme Court building to honor his memory and legacy to the Court and the United States.

Mr. Speaker, Chief Justice Rehnquist was first confirmed to the U.S. Supreme Court in 1971 as the new Associate Justice replacing Justice John Marshall Harlan. He then served as Associate Justice until 1986 when President Reagan nominated and the Senate confirmed him as the new Chief Justice to replace Chief Justice Warren Burger. Mr. Rehnquist presided as Chief Justice from September 1986 until September 2005 for a total of 19 years, making him the fourth-longest-serving Chief Justice in the history of the Court.

Prior to joining the Court, Mr. Rehnquist served in World War II in the United States Army. After the war ended, he attended Stanford University on the G.I. bill where he received bachelor's and master's degrees in political science and then attended Harvard University where he received a master's degree in government. He later returned to Stanford University to attend law school along with future Associate Justice Sandra Day O'Connor. In 1951, Mr. Rehnquist went to Washington, D.C., and began what would be his long and successful career with the U.S. Supreme Court when he worked as a law clerk for Justice Robert Jackson during the Court's 1951–1952 term.

Mr. Speaker, Chief Justice William Rehnquist served the people of this country and the court he loved for 33 years. I believe that a bust in the Supreme Court is but a small token of our deep appreciation for his dedication to this country and the rule of law.

HONORING THE INTERNATIONAL PRESIDENT OF THE NORTH AMERICAN INTERFRATERNITY CONFERENCE, MR. JAMES R. ESTES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the work of an outstanding individual, Mr. James R. Estes of Columbia, Missouri as he concludes his second term as the volunteer International President of the North American Interfraternity Conference (NIC). Professionally, Jim is President of Gaslight Gundaker GMAC Real Estate, which is one of the nation's 500 largest real estate firms.

Jim Estes graduated from the University of Missouri, where he was initiated into the Kappa Alpha Order fraternity in 1960. Jim served his chapter as undergraduate president and was also a member of the University of Missouri football and baseball teams. He played in the 1961 Orange Bowl and was an All-Big 8 selection, while his work on the baseball team helped his Missouri Tigers earn three trips to the College World Series.

Jim Estes' commitment to the moral development of young men has extended to working with college fraternities, the organizations that build the character and leadership skills of tens of thousands of college men every year. Mr. Speaker, it is Jim's exceptional work for fraternity men nationwide that I rise to recognize today.

Jim Estes has had an exemplary record of service to Kappa Alpha Order fraternity and the interfraternal world. He served as a province Commander for the State of Missouri and was first elected to the Kappa Alpha Executive Council in 1995 and served as Vice President. In 1997, he was elected to the first of two terms as Knight Commander or National President of Kappa Alpha Order. He has also served as a member of the Kappa Alpha Order Educational Foundation, including two years of service as the Foundation's president.

Jim Estes has not been content to serve just his own brothers for he has had a larger mission of improving the collegiate experience of all men and women who join a college fraternity. For that reason, Jim Estes has served the interfraternal community as well, serving on the board of the North American Interfraternity Conference (NIC) for the past several years, including the past two years as the National President of the NIC. The NIC is the umbrella group for 66 national fraternities that have 350,000 undergraduate members and 4.2 million living alumni worldwide.

Mr. Speaker, it is hard to explain Jim Estes' contribution to the fraternity world without explaining what fraternity life is all about. Nine million Americans are proud fraternity and sorority alumni and their experiences in these organizations helped them become better students and better citizens of our great nation. While only three percent of the nation's population has been a member of a fraternity or sorority, these organizations are proven leadership laboratories for developing the next generation of American leaders. For proof, you need look no further than this Congress itself, where 155 current Members of the House of Representatives and the Senate are alumni of fraternities and sororities.

College fraternities and sororities are one of the most successful leadership development programs available to college students today, helping members graduate with the management and interpersonal skills needed to excel in today's society. These fraternities are the nation's largest networks of student volunteers, providing 10 million hours of service a year and preparing members for a lifetime of community involvement. Fraternity housing is the largest not-for-profit housing market outside of the host colleges and universities themselves. The 250,000 students living in fraternity housing today at 8,000 chapter houses nationwide have an unparalleled opportunity to live and work together on a daily basis with students from different cultures, religions and life experiences. Fraternities are now the largest, most visible, and most active values-based organizations on college campuses today. The men and women who are fraternity members today learn how to incorporate the principles and values of their organization into their daily lives to form the moral foundation for their future actions.

Jim Estes has served the NIC as President during challenging times and he has helped foster a number of national initiatives to improve the standards that fraternity men live up to in their daily lives on campus. He has continued the NICs fight for freedom of association on campus and he has continued to champion passage of the Collegiate Housing and Infrastructure Act, which today is sponsored by almost 100 of my colleagues in the House. If that bill becomes law, it will allow all student associations on college campuses to use a private market approach to upgrade and replace their facilities in the future, thus making it possible for these student groups to continue to thrive for decades to come.

Mr. Speaker, at the end of April, Mr. Marc Katz of Alpha Epsilon Pi Fraternity will be sworn in as the new National President of the North American Interfraternity Conference. I welcome Mr. Katz and look forward to the opportunity to work with him to improve the fraternal experience for today's college students. As I welcome Mr. Katz to his new position of responsibility, I ask this chamber to join me in recognizing Jim Estes for his outstanding decades of service to the college fraternity world. I know he will continue to be an active and visible part of the fraternity movement in the future, but now is the moment to thank Jim Estes for his dedication and service in leading the fraternal community to better days.

CONGRATULATING DR. JOHN RAY TAITANO ON THE OCCASION OF HIS RETIREMENT FROM THE GUAM ARMY NATIONAL GUARD, AND COMMEMORATING HIS ACCOMPLISHMENTS AND DEDICATION TO HIS COUNTRY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate my dear friend, Dr. John Ray Taitano on the occasion of his retirement from the Guam Army National Guard after twenty three years of service as a patriot and to express the gratitude and appreciation of the people of Guam and America for his accomplishments and his dedication to his country and the freedoms all Americans enjoy.

Dr. Taitano, even as he completed his college education at the University of Guam in 1968, was ever mindful of his duty to country, and continued his pursuit of a military career through the U.S. Army Engineer's Officer Candidate School at Fort Belvoir, VA, from where he was commissioned a Second Lieutenant and then soon after deployed to Viet Nam where he served from 1971 to 1972. After that deployment and service, Dr. Taitano pursued his lifelong desire to continue serving his people as a doctor of medicine through the University of Hawaii's School of Medicine from where he was the first Chamorro graduate. He soon after returned to Guam to establish, with three fellow Chamorro doctors, the Family Medical Clinic, which eventually became The Doctors' Clinic, one of Guam's premier private medical clinics serving over 15,000 island patients. Today, John Ray Taitano continues to serve The Doctors' Clinic as a staff physician, stockholder and member of its Board of Directors.

Despite his busy schedule at The Doctors' Clinic, Dr. John Ray Taitano continued to serve his community through the years in many ways. As President of the Guam Memorial Hospital Medical Staff and Chairman of the Hospital's Medical Executive Committee; as President of the Guam Medical Society; as President of the Government of Guam's Commission on Licensure; as President of the Guam Heart Association; and as his latest adventure; as President of the Guam Veterans' Advisory Council. But his love for his country, and the men and women who proudly wear its uniforms, continued to motivate him to even greater personal accomplishments.

In 1983, Dr. Taitano was commissioned as a Captain of the Guam Army National Guard and became its first, and only, State Surgeon. He served as the chief advisor to eight (8) Adjutant Generals on all command medical matters and has ensured that all 800 plus personnel are medically qualified for deployment worldwide. He became the Senior Medical Officer of the Command, a position and responsibility he has held since 1997.

In pursuit of the best health for the soldiers under his watch, Dr. Taitano championed elimination of smoking inside all buildings of the Guam National Guard and established the first unit physical training program for MEDCOM, in addition to and apart from the Command PT program.

While serving as the Senior Medical Officer of the Guam Guard, Colonel Taitano attended the U.S. Army War College where he graduated in June 2001 with a Master of Strategic Studies. The War College has honed to an even keener edge, Colonel Taitano's strategic planning and leadership skills in preparation for assuming positions as a general officer.

Despite already serving his country in the Viet Nam Conflict, for which he received numerous awards and commendations, Dr. Taitano did not shy away from the call to again serve his country in battle. In 2005, Colonel Taitano again responded to the call of duty with service in Operation Iraqi Freedom, fighting alongside our country's soldiers and attending to their medical needs as a Medical Corp Officer with the 199th Troop Medical Clinic of the 256 Brigade Combat Team of the Louisiana Army National Guard. Upon his retirement, many of our island people will look on John Ray Taitano's distinguished career with justified pride. Many of those who call him DOCTOR will be relieved at his retirement from the Guard; and many in the Guard will be saddened that a fellow soldier who championed their health causes has chosen to retire. But in the minds of all of these will always abide that knowledge that John Ray Taitano will forever be an outstanding doctor of medicine and always an untiring and unwavering patriot, soldier and defender of the American way of life. May God Bless Dr. Taitano as we all wish him the best upon retirement with a heartfelt, Si Yu'os Ma'ase.

COMMEMORATING THE 125TH ANNIVERSARY OF THE MESSIAH FESTIVAL IN LINDSBORG, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize and commemorate the 125th Messiah Festival in Lindsborg, Kansas. This April, the community of Lindsborg will celebrate Holy Week by performing Handel's "The Messiah." This musical interpretation of the Easter story has been enjoyed in Lindsborg since the late 1800s when local immigrant pioneers first gathered together to perform this historic piece.

Many pioneers settling in the Smoky Valley on the plains of Kansas journeyed far from their homes in Sweden. They sought a better way of life and the choice to practice a religion free from the will of Sweden's state church. These pioneers thrived in their newly adopted Kansas home. They adjusted to a new American way of life, but the citizens of Lindsborg never lost sight of the culture and values that formed their Swedish heritage.

One tradition that has sustained the life of this community through the years is the annual Messiah Festival. In 1881, Reverend Carl Swensson, the founder of Bethany College in Lindsborg, and his wife, Alma, organized the Bethany Oratorio Society in the parsonage of Bethany Lutheran Church. Alma taught the music and English words of "The Messiah" to 40 parishioners. After a winter and spring of instruction, Bethany Lutheran Church began a storied tradition as host to this community celebration marking Palm Sunday and Easter Sunday with beautiful music.

The enterprising spirit and strong Swedish heritage of the early pioneers who began the Messiah Festival has since led to great cultural and educational additions to the State of Kansas. As the Messiah Festival tradition has grown, so has the town of Lindsborg, and Bethany College. This liberal arts institution has expanded to offer baccalaureate degrees in over thirty fields to an enrollment of 600 full and part -time students from 19 states and 12 countries. The Lindsborg community continues to honor its foundation of cultural expression by hosting art and music festivals and offering unique arts, crafts and import gift shops.

It is with great pleasure that I represent this Kansas community in Congress. Lindsborg demonstrates how collaboration, a rich cultural heritage, and appreciation for beautiful music celebrating the Lord can create a tradition worthy of 125 years of repeating.

Mr. Speaker, I proudly ask you to join me in recognizing the Lindsborg community for their 125th Anniversary Messiah Festival and for their many contributions to the State of Kansas.

TRIBUTE TO JERRY HOFFMAN

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to recognize a constituent of mine, Jerry Hoffman of West Point, Virginia. Born in Ironwood, Michigan, Jerry graduated from Michigan State University. In 1964, he entered the United States Air Force to serve his country. As a Special Agent with the Air Force Office of Special Investigations (APOSI), he was responsible for global counterintelligence operations. Upon retiring from the Air Force in 1984, Jerry continued to serve his country while working for the Central Intelligence Agency. In 1989, he cofounded the private security training company, International Training Inc. (ITI), in West Point, Virginia and served as its president and chief executive officer until 2001. At that time, Jerry was appointed as the president and chief executive officer of ArmorGroup North America, and in 2002 assumed this role at ArmorGroup International.

Jerry is married to Katharine Kropp and has two children, Scott, a Lieutenant Colonel in the United States Air Force, and Tabitha, who owns a Medical Transcription Business. Jerry and Katharine are very active in various charities and organizations throughout Virginia, most notably the American Cancer Society.

Jerry has co-authored two novels, receiving the Edgar Allan Poe special award by the Mystery Writers Association of America in addition to a special research award presented by the United States Air Force Command and Staff College for a study of worldwide international and transnational terrorist groups.

I wish to extend to Jerry Hoffman my sincerest congratulations on his retirement. Both in and out of uniform, he has made a significant contribution to our country, and I am pleased to recognize this special occasion.

TRIBUTE TO MICHAEL GOODMAN, CARE AWARD RECIPIENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Michael Goodman, upon receiving the Commonwealth Academy Recognition for Educators, CARE, Award.

The CARE award honors outstanding educators who work to enhance the lives of their students. This year's honorees are recognized for their unrelenting work to enhance the lives of the students they serve. This award is presented by Commonwealth Academy, located in Alexandria, Virginia, and honors those committed to diverse learning throughout the nation. Michael Goodman, an Instructional Technology Coordinator at Kenmore Middle School in Arlington, Virginia, is honored for his work with assisting teachers and students with using technology to learn at Kenmore.

Mr. Goodman has been teaching for over ten years and has won numerous awards for his technology instruction. Because of his vision, many classrooms at Kenmore are "technology rich"—meaning the teacher uses a SMART board and other equipment to tailor instruction to engage and challenge all students. Without Mr. Goodman's exceptional and effort, the teachers would not be able to use the technology to reach students. He has been involved in numerous technology activities and programs. As an organizer of "An Adventure of the American Mind" Library of Congress program at Kenmore, his enthusiasm helped to motivate 54 teachers from Kenmore to complete the entire workshop series last year, and resulted in Kenmore Middle School receiving $30,000 dollars in technical equipment from the program. Mr. Goodman says of his approach to teaching, "My job as Instructional Technology Coordinator allows me to work with teachers and students bringing in the unique advantages that technology offers to create and simulate activities based on [multiple] intelligences."

Mr. Goodman received his B.S. in Technology Education from Virginia Tech and his master's in Instructional Technology from Towson University. He and his wife, Dedra, have three young sons, Harrison, Xavier, and Remington.

I ask my colleagues to join me in applauding Michael Goodman and congratulating him on this distinguished achievement.

RECOGNIZING DELL ROVANSEK AS THE RECIPIENT OF THE CARE AWARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Dell Rovansek of Fairfax, Virginia, upon receiving the Commonwealth Academy Recognition for Educators, CARE, Award.

The CARE award presented by Commonwealth Academy of Alexandria, Virginia honors outstanding educators who work to enhance the lives of their students. This year's honorees are recognized for their unrelenting work to enhance the lives of the students they serve. Dell Rovansek, a second grade teacher at Bonnie Brae Elementary School in Fairfax, Virginia, is honored for her work in promoting academic achievement for all in the spirit of the No Child Left Behind Act.

Ms. Rovansek has been teaching for twenty-one years, and has extensive experience working with special needs students. She is originally from Wadley, Alabama, and received her B.S. in Education from Auburn University and her master's in Education from George Mason University.

Ms. Rovansek has been teaching in the Fairfax County Public Schools for the past fifteen years, and she calls teaching her "calling." She says, "I have the opportunity to directly impact children's lives, hopefully in a very positive way. Even at my level, early childhood education, I feel a great obligation to prepare children for future challenges, academic and social. I want children to walk into my classroom and feel safe and happy."

Ms. Rovansek has traveled extensively as the wife of an Army officer. She calls living in Hawaii and Korea "great adventures." She and her husband have a daughter, Kelly, and a son, Joey.

I ask my colleagues to join me in applauding Dell Rovansek and congratulating her on this distinguished achievement.

IN HONOR OF KATHLEEN'S KITCHEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Kathleen's Kitchen, located in the heart of Cleveland's Westside neighborhood, as they are closing their doors on April 1, following a twenty-four year run of great food, great service, laughter and lively conversation.

The restaurant, located in Kamm's Corners, is owned by sisters Kathleen Verrell, Cindi Condol and Micki Speck. The sisters took over the business when their mother, founder Kathleen Finnerty, passed away. Mrs. Finnerty opened Kathleen's Kitchen in 1982, and her kind heart and generous nature was continued on through her daughters, whose collective goodwill consistently extended out into the neighborhood, as they offered hot meals or coffee to those in need.

Kathleen's Kitchen's warm and inviting atmosphere evolved from a corner diner into a favorite gathering place for residents, families, business owners, and people in all lines of work, from plumbers to presidents. President Bill Clinton visited Kathleen's Kitchen several times during his presidency. Though customers came from differing backgrounds, everyone was connected by a common quest—a familiar place to relax, enjoy a great meal, connect with others and capture the viewpoints of the day's events.

Mr. Speaker and Colleagues, please join me in honor and gratitude of the owners, staff and customers of Kathleen's Kitchen, whose energy, warmth and friendship served as a daily reflection of real life in America. Although Kathleen's Kitchen will be missed by countless people, including myself, our wonderful time spent there will remain in our memories forever.

IN MEMORY OF GEORGE L. BROWN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to my dear friend and an exemplary American, George Brown, who passed away Friday, March 31, 2006. George made history in his lifetime, as a civil rights trailblazer and a political leader who made a career of serving his community and his country.

Born in Lawrence, Kansas on July 1, 1926, George excelled educationally, and in World War II served his country as a member of the famous Tuskegee Airmen. Following the war, he went off to college at a time when only the GI Bill made it possible for African Americans to do so in the face of racial discrimination and economic hardships. He graduated from the University of Kansas in 1950. In the 1960's, as a reporter for the Denver Post, he was part of that cadre of journalists who chronicled the heroic struggles of African Americans and their supporters in the civil rights movement. The tumult of that era helped forge his deep social consciousness.

George's entire career was devoted to public service. In the 1950's, he was named to head the Denver Housing Authority. In 1955, he was appointed to the Colorado House of Representatives, and later became the first African American elected to the Colorado State Senate. In 1974 he gained national attention when he was elected Lieutenant Governor of Colorado—the first African American so honored in U.S. history. As a major public figure, he became an influential spokesman for justice and equity in Colorado and beyond.

Following retirement from government George worked as a consultant in the private sector in Washington while remaining involved with public causes, including the Boys Choir of Harlem. Just two weeks before his passing, George co-chaired the National Black Peoples Unity Convention in Gary, Indiana, addressing economic strategies to empower African Americans.

With all of his professional success, George was first and foremost a family man. I remember his joy with the addition of each new grandchild to his family. He is survived by his wife, Modeen; two sisters, Harriet Baskerville and Laura Gilyard; nine children, Gail Chandler, Cindy Brown, Kim Brown, Laura Mitchell, Angela Ashley, Carolyn Smith, Sharolyn Williams, Nyra Crenshaw, and Ronald Crenshaw, as well as seven grandchildren and five great-grandchildren.

George was not only a great man, but a loyal friend who would always be there to lend a helping hand or to just listen. He was a source of inspiration to me and to everyone who knew him. May God bless him and his family.

TRIBUTE TO GREEK INDEPENDENCE DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of Greek Independence Day. I am proud to represent Greek-town in Chicago and the many Greek-Americans that live on the near west side.

One hundred eighty-five years ago, on March 25, 1821, Greece declared its independence from the Ottoman Empire. On that day, a great friendship was born between the two nations. Americans went to fight for Greece's independence and Americans and Greeks have fought side by side since that time. Over the past 185 years many Greeks have immigrated to the United States and a great number live in my district today.

Greece's location at the southern end of the Balkan Peninsula on the Mediterranean has positioned Greece at the crossroads of Europe, Asia, and Africa ensuring that it shares not only the cultural richness of that diverse region, but also some of the great troubles that have plagued that area.

Hopefully this Congress we can work together to ensure peace in the region, the sovereignty of Greece, and a strong and lasting friendship between the United States and Greece.

IN HONOR OF EUGENIA STOLARCZYK'S POLISH RADIO PROGRAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of the 45th Anniversary of Eugenia Stolarczyk's Polish Radio Program, broadcast every Sunday morning on Cleveland's WCPN 90.3 FM and WERE 1300 AM, as she is honored by the Polish American Cultural Center of Cleveland, established in 2001.

The native language, music and news of Poland streams from the radio on Sunday mornings, here in Cleveland and around the country, connecting Americans of Polish heritage to their beloved homeland. The music and song of Poland, from classical to polka, serves as a living bridge that transcends time and distance, connecting the memories, history, spirit and culture of Poland.

Eugenia Stolarczyk's talent, passion and joy in promoting Polish music, culture and news brings the soul of Poland into the kitchens and living rooms of people living on Fleet Avenue in Cleveland and along avenues across the country. American citizens who emigrated here from Poland add significant depth, richness and brilliant color to the diverse fabric of nations that comprise the cultural fabric of Cleveland, reflecting the heart and soul of our Nation—a nation founded on, and unified by, the grit and struggle for freedom—a nation of immigrants.

Mr. Speaker and colleagues, please join me in honoring Eugenia Stolarczyk, whose dedication, talent and energy has illuminated the radio waves from Cleveland to California every Sunday morning for the past 45 years, echoing the spirited melodies and language of Poland. This vital radio broadcast serves as a guardian of ancestry, protecting and preserving the song and spirit of Poland for every new generation to come to embrace—with just a turn of the dial.

ACKNOWLEDGING THE TENTH ANNIVERSARY OF THE DEATH OF RONALD H. BROWN, FORMER SECRETARY OF COMMERCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the legacy and memory of Ronald H. Brown, the former Secretary of Commerce on this tenth anniversary of his untimely passing and to enter into the RECORD an article written to Ron Brown's legacy entitled "The Constituency for Africa Remembers Ron Brown."

On April 3, 1996, Ron Brown and a 34-person United States delegation had concluded a trade mission to the Balkans and were returning to the United States when their airplane crashed into the side of a mountain in Croatia.

Ronald Harmon Brown, the first African American to hold the office of U.S. Secretary of Commerce, was born in Washington, D.C. in 1941. He grew up in New York, and with the help of a scholarship attended Middlebury College in Vermont. He received his law degree from St. John's University, attending at night while working by day as a welfare caseworker for the City of New York. He also served for four years in the Army in both Germany and Korea.

Brown, a strong, independent leader, was a lawyer, a skilled negotiator, a pragmatic bridge builder and a highly successful past chairmen of the Democratic National Committee. He brought this wide range of experiences to the position of Secretary of Commerce and vowed to reach out to our neighbors abroad to promote long-term economic growth that included rebuilding their industrial bases and working with small business owners and minority entrepreneurs to create and expand employment opportunities.

Mr. Speaker, Ronald Brown was an exceptional individual with accomplishments too numerous to list. He left an indelible impression not only in the United States but in many countries abroad. As evidenced by the article that I submit to the RECORD, I join the Constituency for Africa (CFA), a U.S.-based coalition with interest in Africa, in acknowledging the many contributions made in Africa by the late Secretary of Commerce.

(March 31, 2006, Washington, DC)

THE CONSTITUENCY FOR AFRICA REMEMBERS RON BROWN

April 3 marks the tenth anniversary of the plane crash in Croatia which ended the life of late Commerce Secretary Ronald H. Brown and 34 others traveling with him on a trade mission to the Balkans. The Constituency for Africa (CFA), a Washington, D.C. based coalition of organizations, groups and individuals with interest in Africa, acknowledges the contributions made by the late Secretary in forging U.S. ties with Africa.

"Ron Brown opened the doors to recognition of the importance of the U.S.-Africa relationship, highlighting the trade and investment opportunities, traveling to Africa and supporting organizations seeking to educate, advocate and build ties with Africa," said Melvin P. Foote, the Chief Executive Officer of the Constituency for Africa. In celebration of Ron Brown's legacy, CFA established a highly regarded Ronald H. Brown African Affairs series during Congressional Black Caucus Week which features speakers and seminars on critical issues confronting Africa, including issues of health, agriculture, energy and trade.

"The term, 'Africa matters' was used by the National Summit on Africa and many other events over recent years, but was first used in a major speech by Ron Brown. He truly put the spotlight on Africa's potential for the Clinton Administration. He got American companies who would never have considered trading and investing, to take a closer look. He also elevated the African diplomatic corps and Africa focused organizations by engaging them in dialogue and showing them the respect he believed they deserved," reflected Leonard Robinson, President of the Africa Society of the National Summit on Africa.

Ron Brown was the first African-American chairman of the Democratic National Committee and the first to travel to sub-Saharan Africa. During that trip in 1990 he talked about political development, but also the importance of trade and investment. Later, when he became Secretary of Commerce, he made good on his belief in the importance of economic development and commercial ties by leading numerous trade missions to Africa including one to South Africa a few days after sanctions were lifted by the U.S.; he opened a U.S. commercial center in South Africa, now named after him; opened and expanded commercial offices in regional hubs throughout Africa; supported passage of the Africa Growth and Opportunity Act; rallied other U.S. Government Agencies around Africa issues and invited senior officials from those agencies to travel with him to Africa and to develop solutions to problems in a cooperative manner. He helped to create the Corporate Council on Africa and remained a loyal supporter during his tenure as Commerce Secretary.

Michael Brown, Board Member of CFA, lobbyist and candidate for Mayor of Washington, DC, reflected on his father's travels to Africa. "My father is still remembered in many places in Africa. Fellows from the Ron Brown Institute based in Pretoria have been interns in companies in southern Africa. Small and medium sized companies go to the Ron Brown Commercial Center in Johannesburg for help with their commercial transactions. He introduced us to the benefits of commercial diplomacy."

The Constituency for Africa is a non-profit and non-governmental organization based in Washington, DC, that focuses on advocacy and educational initiatives directed at U.S. Africa policy. CFA's mission is to advocate, educate, inspire, act upon and inform its constituency about issues, concerns and challenges impacting the quality of life for the nations of Africa.

CELEBRATING THE 100TH BIRTHDAY OF MS. CARRIE COLEMAN ROBINSON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I rise to honor the life of Ms. Carrie Coleman Robinson, a citizen of Hilton Head Island who will celebrate her 100th birthday on April 21, 2006.

The Hilton Head Island Town Council recently issued the following proclamation in her honor:

Whereas, Carrie Coleman Robinson, her family, and friends will be gathering on Hilton Head Island, South Carolina from April 21–23, 2006 to celebrate her 100th birthday, and

Whereas, many of Ms. Robinson's family and friends will be coming from such diverse locations as Minnesota, California, Indiana, Alabama, North Carolina and Illinois, and

Whereas, Carrie Coleman Robinson was born April 21, 1906 to James and Cordelia Coleman in Madison County, Pocahontas, Mississippi, and

Whereas, Carrie was the 5th of 6 siblings, all of whom are now deceased, and

Whereas, Carrie was married to Dr. Thomas L. Robinson of Hilton Head Island for 54 years until his death in 1989, and

Whereas, Ms. Robinson's education is unparalleled as she received an Associate Bachelor's degree from Tougaloo College in 1931, a BLS degree from the Hampton Institute in 1932, and an MLS degree from the University of Illinois in 1949 while she also attended Columbia University from 1940–41 and Advanced Studies from 1953–55,

Now, therefore the Hilton Head Island Town Council hereby proclaims April 21, 2006 as: The Centennial Birthday of Carrie Coleman Robinson on Hilton Head Island.

FLORIDA GATOR MEN'S BASKETBALL REMARKS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. FOLEY. Mr. Speaker, I rise to commend the Florida Gators men's basketball team for winning their first ever national championship title. They handily beat the UCLA Bruins last night in Indianapolis by a score of 73–57. This marks the first NCAA men's title in basketball for any Division I school in Florida.

As you may know, the team lost most of its scoring players from last season and many pundits questioned whether this year's Gators would even make it into the NCAA tournament. First, they started the season by winning their first 17 games. Then they went on to secure the SEC Conference tournament championship. And, just when it was thought they couldn't top that, they ended their historic season winning the national title.

During the past month, these young, energetic Gators won the hearts and minds of fans everywhere. Their success came down to a simple formula: they played as an unselfish, hardworking and passionate team.

Head coach Billy Donovan deserves enormous credit for building such a dominant program. His team held to his often professed mantra of "PHD"—"be poor, be hungry and be driven"—in their pursuit of excellence whether on the court or in the classroom.

I applaud the strong performances by the entire team: Joakim Noah, Al Horford, Corey Brewer, Taurean Green, Lee Humphrey, Chris Richard, Adrian Moss, Walter Hodge, Brett Swanson, Jack Berry, Garrett Tyler and David Huertas.

Again, congratulations to the University of Florida for this impressive and historic win. Today it is truly great to be a Florida Gator.

COMMENDING THE UNIVERSITY OF FLORIDA MEN'S BASKETBALL TEAM ON WINNING THE NCAA CHAMPIONSHIP

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to congratulate the University of Florida men's basketball team on winning the 2006 NCAA national championship.

None of college basketball's so-called experts picked the University of Florida to do much, if anything, this season. In fact, they were not even ranked in the preseason polls. This was to be a rebuilding year for the Gators. They lost three prolific scorers to the NBA last season and were considered too young and inexperienced to play with most of the Southeastern Conference, let alone the elite teams in the NCAA tournament.

However, Coach Billy Donovan and his unwavering team knew differently. Through hard work, drive, discipline, and determination, the Gators soon made their presence felt. Led by four sophomores and one junior, they began their historic season with a 17-game winning streak, the longest in Florida basketball history. And they concluded their title run by winning their last 11 games, including an SEC tournament championship, an unbelievable run through the Minneapolis region, and a dominating performance in the Final Four.

In the championship game, the Gators faced a very talented UCLA team, heralded for their defense and rich with basketball tradition. But on this night, Florida wrote the next and best chapter of their basketball tradition. Poised and focused, the Gators took the court where their balanced offensive attack swamped UCLA's defense. Furthermore, the Gators quickly demonstrated that their defense was the more domineering on the court, limiting their opponents' scoring options.

I want to recognize Coach Donovan and his assistant coaches, who have helped lead the Gators to national prominence. This is Coach Donovan's second title game appearance with UF, and with this victory, he becomes the second youngest head coach to win a national championship. I also would like to acknowledge the Gators' starters. Joakim Noah, the Final Four's Most Outstanding Player, led the Gators with 16 points, nine rebounds, three assists, and six blocked shots, a title game record. Taurean Green ran the point nearly to perfection, refusing to allow UCLA's pressure to lead to turnovers. Corey Brewer had great offensive statistics; however, it was his shutdown defense which held UCLA's leading scorer scoreless for most of the game. Al Horford helped control the interior and defend UF's basket, and Lee Humphrey's barrage of three-point jump shots helped put the game out of reach. Additionally, I would like to congratulate the Gators' only senior, Adrian Moss, who finished his college career with a sensational game, posting nine points and six rebounds in only ten minutes of play.

I also want to applaud the rest of the Gator team: Chris Richard, Walter Hodge, David Huertas, Garrett Tyler, Jimmie Sutton, Jack Berry, Brett Swanson, and everyone involved with the Men's basketball program. They are all to be commended for their contributions to the Gators' success.

This young team showed their maturity by playing unselfish basketball. We have seen the results when players are out for the greater good of the team, rather than playing for themselves. This Florida squad epitomizes that philosophy. They shared the ball, always looking for an open teammate rather than seeking personal glory.

I'm tremendously proud of these young men and honored to be an alumnus. It truly is great to be a Florida Gator!

TRIBUTE TO THE CHILD WITHIN, INC.

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. NUNES. Mr. Speaker, I rise today to recognize Celebrate the Child Within, Inc.—a unique organization in my home district that offers support and encouragement for adult survivors of childhood sexual abuse.

Celebrate the Child Within is dedicated to helping negate the shame of childhood sex abuse, as well as the promotion of healing by recapturing happier childhood times. Those involved with CTCW, Inc. are committed to helping sufferers to focus on the little boy or girl within who endured the assault and survived to adulthood, and to celebrate that survival.

The celebrations are done with wholesome, happy activities in order to help this specific group feel more accepted by society and to foster better understanding of themselves and their families.

Each year for the last three years CTCW's Board of Directors has identified a survivor of childhood sexual abuse who achieved excellence in their field of endeavor as an adult. The board has held a celebratory event that involved the community to recognize their success—and to raise awareness about childhood abuse, as well as the potential for recovery.

More people than ever are willing to talk about this ongoing tragedy, which is a significant step in helping rid this problem from our society.

I ask my colleagues to join me in congratulating Celebrate the Child Within for their much-needed work, and to wish them many more years of success.

FREEDOM FOR ROBERTO DE JESÚS GUERRA PÉREZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Roberto de Jesús Guerra Pérez, a political prisoner in totalitarian Cuba.

Mr. Guerra Pérez is an independent journalist and a chronicler of truth amid the lies and deceit of Castor's villainous regime. He writes about the reality of the reprehensible repression inflicted on the Cuban people by the dictatorship. Because of his belief in truth in print, truth for the people of Cuba, and truth to enable the world to better comprehend the daily horrors of totalitarian Cuba, Mr. Guerra Pérez was a target of the tyrannical regime. Make no mistake, brave men and women who seek truth and freedom are the enemies of Castro's totalitarian dictatorship.

According to Reporters Without Borders, Mr. Guerra Pérez was arrested for "disturbing the peace" on July 13, 2005, while staging a fast along with a dozen other opposition activists to protest against the incessant harassment of independent journalists. Over eight and half months later, he is still locked in the totalitarian gulag and still waiting for a trial.

Castro's ruthless machinery of repression does not stop after sentencing innocent Cubans to the totalitarian gulag. In the U.S. Department of State's Country Reports on Human Rights Practices—2005, it is reported:

> Prison conditions continued to be harsh and life threatening. Conditions in detention facilities also were harsh. Prison authorities frequently beat, neglected, isolated, and denied medical treatment to detainees and prisoners, particularly those convicted of political crimes or those who persisted in expressing their views . . . Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and only a hole for a toilet.

To protest these grotesque abuses, Mr. Guerra Pérez has conducted four hunger strikes to call international attention to the inhuman treatment in the gulag. In a cry of solidarity for Mr. Guerra Pérez, Reporters Without Borders said, "We are all the more concerned about this hunger strike as he had only called off the preceding one a few days before and he was still very weak. There are no serious grounds for holding him as all he did was describe what life is really like for Cubans. We demand his immediate release."

Mr. Speaker, it is intolerable for Mr. Guerra Pérez to languish in a gulag where he is abused and tortured. It is morally abhorrent that, in the 21st Century, brave men and women like Mr. Guerra Pérez are still locked in repugnant gulags for reporting the truth. My Colleagues, we must demand the immediate and unconditional release of Roberto de Jesús Guerra Pérez and every prisoner of conscience languishing in the totalitarian gulags of the nightmare called the Castro regime.

TRIBUTE TO SERGEANT MAJOR WILLIE BEASLEY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mrs. JONES of Ohio. Mr. Speaker, congratulations to Sergeant Major Willie Beasley on his retirement from Collinwood High School in Cleveland, Ohio. Sergeant Major Beasley has served as Assistant Instructor and Military Property Custodian at Collinwood High School for the past 12 years.

Sergeant Major Beasley is a valued member of the faculty at Collinwood High School and has earned the reputation of being an outstanding teacher and mentor to young adults. He is highly regarded in the community for his dedication to the cadets in the Army JROTC program at Collinwood. Through the Army JROTC, over 1200 students have been directed under his tutelage.

Sergeant Major Beasley also served in the 4th Infantry Division in Vietnam where he demonstrated leadership in combat as a platoon sergeant and acting platoon leader. There he distinguished himself earning a Bronze Star Medal, Purple Heart, and the Combat Infantryman's Badge.

Sergeant Major Beasley's selfless service, superior achievement and loyal dedication to the youth of the City of Cleveland are immeasurable. On behalf of the nation and the constituents of the 11th Congressional District of Ohio, I thank you for your service and tremendous sacrifices you have made for our country. Congratulations on your retirement and on a job well done.

IN RECOGNITION OF PHIL LARSON, 2006 FRESNO COUNTY FARM BUREAU DISTINGUISHED SERVICE AWARD RECIPIENT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. COSTA. Mr. Speaker, I rise today with my colleagues, Representatives CARDOZA, NUNES and RADANOVICH, to honor Phil Larson of Kerman, California, the recipient of the 2006 Fresno County Farm Bureau "Distinguished Service" Award.

Phil has been a lifelong farmer and Fresno County resident. He began his career as an agricultural chemical sales representative and worked for over 37 years for the Wilbur Ellis Company. While fulfilling this job, he also farmed for his family's vineyard in Kerman; where today, he still farms raisins. The expertise he gained over the years in agriculture earned Phil much respect from members in the agriculture community, particularly the Fresno County Farm Bureau.

Phil has had an extensive and outstanding career in the Fresno County Farm Bureau. Following his long membership, he became involved on the board of directors where he served as the first agricultural chemical chairman in the late 1980s. In 1996, he became the president of the bureau and served for over two years. Phil believes, and once stated, the "Farm Bureau represents the morality of agriculture."

During his term as president of the Fresno County Farm Bureau, Phil was a strong advocate for agriculture and farming industries. He spearheaded the advancement and introduction of several water supply, pesticide use and farm related pieces of legislation. Phil was also on the forefront of several priority-setting documents such as "A Landscape of Choice"—the land use policy document of April 1998. He was extremely dedicated in addressing agricultural issues and was deemed a "24-hour President" for his unrelenting commitment to serve the bureau.

Amazingly enough, the 24-hour President also found time to lend a helping hand in his community. Phil Larson's involvement in his community has been far-reaching, ranging from serving as the Kerman High football announcer to the California Farm Bureau Federation State Director for District 7 in 2000-2001. He has served on the State board of California Agriculture Production Consultants Association and has been involved with several other boards and organizations including the Western Crop Protection Chemicals Association, Fresno County/City Chamber of Commerce, Kerman Unified School District Board, Kerman Covenant Church Board and Kerman High Boosters. At present, he serves as the District One supervisor and chair of the Fresno County Board of Supervisors.

As the supervisor for District One and board chair, Phil Larson represents the Fresno County Board of Supervisors on several boards and commissions such as the Central Valley Project Authority, Mid-Valley Water Authority, San Joaquin River Conservancy, San Joaquin Valley Supervisors Endangered Species Committee, Transportation Authority and the Governing Board of the Fresno Madera Area Agency on Aging. Undoubtedly, Phil continues to serve his community and has received numerous awards and recognitions for his exceptional service.

Phil Larson's commitment to advance the agricultural industry in the Valley and his wide-ranging contributions to the community, and his church are accomplishments worthy of recognition. It is my pleasure to honor such a great man and I want to extend, on behalf of the residents of Fresno County, my sincerest appreciation for his dedication and service and offer my heartfelt congratulations to Phil for receiving the 2006 Fresno County Farm Bureau "Distinguished Service" Award.

STATEMENT ON THE 38TH ANNIVERSARY OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. CARDIN. Mr. Speaker, today, on the 38th anniversary of the assassination of Dr. Martin Luther King, Jr., I urge my colleagues to join me in remembering this solemn day. Yet while we reflect on Dr. King's death, we should also celebrate his legacy of service and justice—for he was ever hopeful about the future of our Nation.

Martin Luther King, Jr., was born on January 15, 1929. He was one of three children of the Reverend Martin Luther King, Sr., and Alberta Williams King, in Atlanta, Georgia. Dr. King graduated high school two years early and went on to study at Morehouse College, Crozer Theological Seminary, and Boston University. He began his career as an assistant pastor at Ebenezer Baptist Church in Atlanta.

During his time leading the civil rights movement, Dr. King was arrested on more than thirty occasions for doing the right thing. He served as president of the Montgomery Improvement Association during the 1955 Montgomery Bus Boycott. He founded and led the Southern Christian Leadership Conference from 1957 until his death in 1968. He led the March on Washington in 1963, delivering the "I Have A Dream" speech to thousands, and focusing the eyes of the world on the American civil rights movement.

Martin Luther King, Jr., worked tirelessly to promote the political, economic and social rights of millions of Americans, particularly those who felt that equal justice was beyond their reach. His passion was unmatched, his strength and perseverance were remarkable, and his enduring commitment to peace has provided an example to us all.

On April 3, 1968, Dr. King was in Memphis to support the striking Sanitation Workers' Union. The night before his assassination, Dr. King prophetically declared that the movement for racial equality may have to continue without him. That night, he and other civil rights activists stayed at the Lorraine Motel in Memphis.

The next afternoon, April 4, Dr. King, the Rev. Ralph Abernathy, and Memphis minister Rev. Billy Kyles, met at the Lorraine motel. The three of them spoke briefly before Dr. King and Rev. Kyles stepped out onto the balcony. His colleagues, including the Reverend Jesse Jackson, the Reverend James Bevel, Hosea Williams, and the Reverend Andrew Young Jr. waited in the parking lot below with the car that would have taken Dr. King to his dinner. At 6:01 PM, a single shot rang out. One hour later, Dr. King, the icon of peaceful, nonviolent change, was pronounced dead at St. Joseph's Hospital.

The following day, President Lyndon B. Johnson declared Sunday, April 7 a day of national mourning. Attending his funeral on April 9 were nearly 100,000 mourners who had felt Dr. King's impact and had come to pay their respects. His coffin traveled through his hometown of Atlanta from Ebenezer Baptist Church to Morehouse College, his alma mater.

In the years since his death, his widow, Coretta Scott King, whom we mourned in January, carried on his work and his legacy. So many others who fought alongside Dr. King have also dedicated themselves to keeping the dream alive. I consider it an honor to serve on the Ways and Means Committee with my friend and colleague, John Lewis, who spoke so eloquently this morning of his friendship with Dr. King.

The anniversary of Dr. King's assassination should remind us that America has far to go in the struggle to recognize all its citizens as equals. I look forward to the vote in this chamber to renew the Voting Rights Act before its provisions expire in the summer of 2007, and I would hope that we would remember and honor Dr. King's commitment to end poverty and injustice in all our work in the House.

At Dr. King's funeral, former Morehouse President Dr. Benjamin Mays spoke these words: "Martin Luther King, Jr., believed in a united America. He believed that the walls of separation brought on by legal and de facto segregation, and discrimination based on race and color, could be eradicated." Let us all share in Dr. King's beliefs and his dream for a better America.

CELEBRATING DOMINIC PETER TORLONE'S 80TH YEAR AND CONTINUED COMMUNITY SERVICE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. RAHALL. Mr. Speaker, today we extend best wishes on the occasion of the 80th birthday of Dominic Peter Torlone of Huntington, West Virginia. Born in Logan, West Virginia on April 7, 1926, Dominic has lived in Huntington for the past 44 years and was the long-time owner and operator of Torlone's Community Bakery, a staple of the Huntington community, along with his brothers, Louie and Alfred. His parents, Peter and Carmela Maria Torlone, originally opened Torlone's Bakery in 1946.

As any Huntington native will attest, Dominic is loved by all in the community. He is always ready with a warm smile and cheerful greeting for his fellow Huntingtonians, either in English or his favorite Italian. He exemplifies the decency and strong citizenship of his generation.

Dominic and his wife, Mrs. Harriet Torlone, are the proud parents of four children, Amy Harris, Lisa Koch, Mark Torlone, and Beth Sigall, and nine grandchildren. Although he officially retired from Torlone's Bakery in 1995, he remains an active member of Huntington's civic landscape, devoting many hours of service to worthy causes such as the Knights of Columbus and St. Joseph's Catholic Church, where he attends daily mass. He is truly a favorite son of West Virginia and we salute his continued service to Huntington on this his 80th birthday.

HONORING CHAPLAIN EDWARD BASTILLE ON HIS RETIREMENT FROM SERVICE WITH VETERANS ADMINISTRATION PALO ALTO HEALTH CARE SYSTEM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to a remarkable individual, Chaplain Edward Bastille who has dedicated his life to the service of facilitating the recovery of our veterans. During his tenure at the VA Palo Alto Health Care System (VAPAHCS), Chaplain Bastille coordinated and implemented numerous programs and services that meet the needs of an ever-diversifying residency.

As an inspiring leader, Chaplain Bastille, himself a 100 percent disabled service-connected Vietnam combat veteran, was responsible for hiring a talented and progressive clergy at VAPAHCS including: the first nun in the VA as a Eucharistic Minister, the first Catholic Dean in the VA as a Fee Basis Eucharistic, the first Buddhist Chaplain in the VA, the first Muslim chaplain, the first endorsed woman Mormon spiritual leader, and for hiring the first Indian Spiritual Leader.

Mr. Speaker, in addition to finding appropriate spiritual counselors for the patients of the VA, Chaplain Bastille established a number of ongoing services and training programs that the facility now offers to comfort and accommodate the healing process for both patients and families alike. A fine example of Chaplain Bastille's efforts is the establishment of the American Indian Cultural Center at Menlo Park, which includes a sweat lodge program to meet the spiritual needs of the Native American patients. This program received a VA Best Practice Award and has been emulated by other VA health care facilities.

Also, Chaplain Bastille assisted in revitalizing the Chaplain Program at the VA Northern California Health Care System (VANCHCS) by training staff, rewriting procedures, and providing operational leadership for three years.

For the families and other loved ones of patients at the VAPAHCS, he established a Memorial Rose Garden as an extension to the Chapel Garden. The Rose Garden provides a touching space for families to memorialize their loved ones at the health care center.

Mr. Speaker, Chaplain Bastille's extraordinary efforts to help humanity has not been limited to the VA. For example, after Hurricane Mitch, Chaplain Bastille helped organize the Palo Alto aid effort: the Honduras Relief Project, which helped send three medical teams to Honduras through funding provided by 12 local churches. He organized the church fundraising and recruited hospital volunteers. For 18 years, Chaplain Bastille has also directed the Patient PTSD chorus and helped lead to trips to the Vietnam Memorial Wall in Washington, DC., and one trip to Russia to meet with Russian-Afghanistan PTSD Veterans.

Chaplain Bastille's invaluable work has been duly recognized. In 1991 he received a Commendation given by VA Secretary Derwinski. He also received the Distinguished Service Award in 1992 from the Military Chaplain Association for his work in Ethics and the Julius Varwig Award in 2003 from the National Council for Health and Human Services Ministries for the United Church of Christ. Aside from being a phenomenal and selfless public servant, Chaplain Bastille enjoys a family of three brothers, and his lovely wife, Louise, to whom he has been married for 21 years.

Before Chaplain Bastille became a spiritual counselor and leader, he served as an Air Force Specialist in Vietnam. He went on to be the Chaplain for this unit until 1978. Chaplain Bastille obtained his B.S. degree from Springfield College and earned his Master's in Theology from Andover Newton Theological School in 1975. In 1985, Chaplain Bastille continued at Andover Newton to complete his doctorate.

Mr. Speaker, I ask my colleagues to join me and rise to pay tribute to this extraordinary individual, Chaplain Edward Bastille. He is a fine example of the power of one to make a difference in this world. As he retires to become the owner of an inn in Gilford, New Hampshire, I wish him every ounce of happiness and success.

THE RETIREMENT OF BUREAU OF RECLAMATION COMMISSIONER JOHN W. KEYS, III

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 4, 2006

Mr. RADANOVICH. Mr. Speaker, I rise today with my colleagues from California Mr. CALVERT and Mrs. NAPOLITANO to express congratulations, best wishes, and warm thanks to Commissioner John W. Keys, III as he retires from a distinguished nearly 40-year career with the Bureau of Reclamation on April 14th.

Commissioner Keys began his career with Reclamation in 1964 as a civil and hydraulic engineer. Over the years, he worked his way up through the ranks, gathering valuable experience on numerous western water issues, including the Missouri River Basin, the Colorado River Basin, and the Columbia River Basin. In 1986 John began, what would eventually be a 12-year stint, as Regional Director for the Pacific Northwest Region of Reclamation. In this capacity he received the Interior Department's highest honor, The Distinguished Service Award in 1995.

John retired for the first time in 1998 to spend more time in Moab, Utah with his two loves, his wife Dell, and his airplanes. A certified commercial airline pilot, he owns a Cessna 182 and over the years has logged hundreds of hours of flight time. As if all of that wasn't enough, John also finds time to referee high school and college football games. Originally raised in Sheffield Alabama, he received a Bachelor's Degree in Civil Engineering from the Georgia Institute of Technology and a Master's Degree from Brigham Young University.

On July 17, 2001, John came out of retirement to be sworn in as the 16th Commissioner of the Bureau of Reclamation. Over the past five years, Commissioner Keys has traveled the country and worked tirelessly developing solutions to long-standing water conflicts. He was instrumental in the development of Interior's Water 2025 Initiative, the Lower Colorado River Multi-Species Conservation Program, and resolving the 75-year dispute regarding California's share of Colorado River water. It has been a pleasure knowing John personally. Commissioner Keys has served his government and country admirably and will be missed. Although we are saddened by his departure, we wish him the best of luck in his retirement.

HOUSE OF REPRESENTATIVES—*Wednesday, April 5, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPITO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 5, 2006.

I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Clyde P. Thomas, Pastor, Cherokee Avenue Baptist Church, Gaffney, South Carolina, offered the following prayer:

Gracious God, our Heavenly Father, we humbly come to You today to seek Your guidance knowing that we take only one step at a time. Illuminate each step as only You can and keep us strong in our path.

O Lord, grant that we will live together as people of vision and understanding as well as promise and peace. We pray for our President and Members of this body as they serve. Encourage and strengthen them with Your power and wisdom. Protect our military and our law enforcement men and women. Give comfort to their families and refresh their spirit. Make us mindful of our responsibilities and grateful for our opportunities to do Your will. We pray this in the name above every other name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND CLYDE PICKNEY THOMAS, JR.

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Madam Speaker, the opening prayer was given by the Reverend Clyde Pickney Thomas, Jr. Reverend Thomas has served in the ministry of the Southern Baptist Church since 1974 and is now the pastor of Cherokee Avenue Baptist Church in Gaffney, South Carolina, a pulpit that he has filled with distinction since 1979.

Reverend Thomas is not only a prominent preacher of the gospel, but a pastor who has developed courses of study for adults, youth, and children, conducted an extensive sports ministry, and taken at least 10 mission trips to places as far away as the Amazon. He is married to Joanne Cash Thomas, and they have two sons, Clyde Preston Thomas and James Grady Thomas.

I have had the privilege of attending Sunday services at Cherokee Avenue and, afterwards, having lunch in the fellowship hall. I can attest to the fact that the preaching and the cooking were both first rate.

I want to thank Reverend Thomas and thank also the Speaker and Father Coughlin for allowing Reverend Thomas to open today's session with prayer. Thank you very much.

THE NEW YORK TIMES GOT IT RIGHT AGAIN

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, last week I sat on this House floor and did something I never thought I would do: I praised the New York Times for accurately reporting the facts about the success of the new Medicare prescription drug program.

They say lightening never strikes the same place twice, so you can imagine my surprise when the New York Times ran an April 3 editorial that said about Medicare part D: "Complaints and call waiting times are diminishing, and many uninsured patients are clearly saving money on their drug purchases."

It is refreshing that the mainstream media is finally beginning to acknowledge that millions of seniors are saving thousands of dollars a year on their prescriptions under Medicare part D. This benefit has already lowered average monthly premiums from $37 to $25, and those seniors with limited incomes will incur nearly no expenses at all.

It is a real shame that my Democratic colleagues refuse to admit that this benefit is making a positive difference. Instead, they prefer to bash the program and scare seniors into thinking it is "confusing." The Main Street press is finally starting to pay attention to millions of our seniors' success stories. It is about time that Democrats remove their ear plugs and start paying attention, too.

WE ARE THE CHAMPIONS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, this is a turtle. In Maryland, we call it a terrapin. Fear the turtle. But today we need to revere the turtle. Sixteen magnificent young women got on a court in Boston, and we had one of the most exciting, well-played basketball games, male or female, in the history of our country.

Madam Speaker, this morning I want to congratulate Coach Brenda Frese and the University of Maryland women's basketball team on winning the championship last night with a stunning 78-75 overtime victory over a valiant Duke University team. This game, Madam Speaker, was a demonstration of college athletics at its best.

The gentlewoman from North Carolina just spoke; our athletic director comes from North Carolina, Debbie Yow, and she recruited Brenda Frese. We thank you for that.

The Terrapins erased a 13-point second half deficit, the second largest in history, and Maryland freshman guard Kristi Toliver hit a three-point shot with 6.1 seconds remaining to send the game into overtime. "We've played like this all year," said Terp Marissa Coleman. "Nothing gets to us. We never thought we were going to lose this game." The Terps' win caps a tremendous 34–4 season and makes Maryland only the fourth college in America whose men's and women's basketball teams have captured national championships.

Madam Speaker, I know that all of us join together to congratulate those 16 young women who showed America what women can do and what an extraordinary athletic event they can provide. Both teams were magnificent. We in Maryland are proud of our victory. But those in North Carolina who

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

come from Duke ought to be proud of their team as well.

SECURITY SUCCESS IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the American Forces Press Service reported on Monday that Iraqi and coalition forces have scored several successes against insurgent fighters, seizing weapons caches and capturing suspected enemies during missions over the past several days.

From Karabilah to Ramadi, Iraqi troops and coalition forces have captured terrorists during raids and discovered weapons including hand grenades, rocket propelled grenade launch motors, sticks of plastic explosives, and AK-47 rifles. The Victory in Iraq Caucus is grateful to recognize their successes to protect American families in the central front of the global war on terrorism.

With every terrorist they detain and each weapon they discover, Iraqi troops and American forces save lives and improve our security. The events over the past several days are commendable, but they are not unique. By facing the terrorists overseas, we are confronting mass murderers before they strike American families again at home.

In conclusion, God bless our troops, and we will never forget September 11.

YUCCA MOUNTAIN

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, later today, the Bush administration, with the aid and comfort of the Republican Congress, will once again propose to remove all congressional oversight of nuclear waste in this country to be stored at Yucca Mountain and double the amount of nuclear waste to be stored in the mountain.

Let me remind everybody that Secretary Bodman, the Secretary of Energy, just testified last week that he has no idea how much Yucca Mountain is going to cost, and he has no idea how long it is going to take to ensure that they could build Yucca Mountain; but he wants to remove congressional oversight over the nuclear waste budget.

Let me remind everyone, there are no radiation standards now. The court threw them out. There is no way to safely transport nuclear waste across our country. And after 9/11, it is incomprehensible to me that we have not come up with a threat assessment. There are no canisters that currently exist that will not corrode. We have a thousand e-mails from the scientists at the National Geologic Survey that demonstrate that they fudged or made up the scientific data that went into making the decision that Yucca Mountain was okay.

Now they want to eliminate the oversight of Congress over the budget of Yucca Mountain. I think that would be a dereliction of our duty. We ought to stand up to the administration and do our job.

YALE WINS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, Yale University has won first place in the Annual Campus Outrage Award. The award is given to universities that worship the God of political correctness. Yale wins this year because according to the College Network who bestows the award, "Yale enrolled a former Taliban official with a fourth grade education in the name of the sacred cow, diversity, which now appears to extend to the enemy combatants who make war on the United States."

According to the Washington Times, second place went to DePaul University, which "suspended a professor without a hearing after the professor attempted to debate students handing out pro-Palestinian literature."

DePaul was also recognized for suppressing free speech rights of students who protested a professor's writings that said the United States deserved to be attacked on September 11, 2001.

Other universities who received awards were Stanford and Holy Cross for attempting to prohibit articles in their campus newspapers that criticized left wing philosophies.

Madam Speaker, have some of our universities lost their way by prohibiting liberty to those individuals who disagree with the university's elitist, narrow-minded snobbery? And that's just the way it is.

WHAT IS WRONG WITH THE DEPARTMENT OF HOMELAND SECURITY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, just when we thought things could not get any worse at the Department of Homeland Security, today we find out that a senior official was arrested for child porn.

Last night Brian Doyle, the deputy press secretary at DHS, was arrested while attempting to seduce a detective posing as a 14-year-old girl. He has been charged with 23 counts related to using his computer to seduce a minor.

How did they catch him? He told the agent posing as a girl that he worked for the Department of Homeland Security, going so far as to give out his office phone number and sending her copies of his ID. He even used his office phone for explicit conversations. Not only that, he is giving out sensitive information.

This is not the first time something like this has happened. This week Frank Figueroa, another senior Department of Homeland Security official, is on trial for exposing himself to a teenage girl at a mall in Tampa.

From the Katrina disaster to now this. It gives a whole new meaning to the word "incompetence."

Madam Speaker, for once I am at a loss for words. What is going on at Homeland Security? How many things can go wrong and still nobody is held accountable?

The White House is under fire for spying on average Americans but maybe they should spend time looking into the backgrounds of people they hire in their administration. It is time for new priorities here in Washington.

BALANCE OUR BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, it is budget time again. This is when people in Washington outline a blueprint of how much money the government is going to spend on what. Sadly, some in Congress want to spend, spend, spend. It is a shame because the American people deserve better. They deserve a commonsense budget that controls spending and eliminates wasteful programs.

The RSC budget balances the budget by 2011 and cuts useless programs like Asian elephant conservation historic whaling programs.

It is time for Congress to take a hard look at how we spend our money and support the RSC budget for a better America.

□ 1015

WOMEN AND THE BUDGET

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Madam Speaker, I rise to address the House about how the Republicans' fiscal year 2007 budget resolution will create serious problems for women and children.

The budget resolution put forth by the Republicans, which we will vote on tomorrow, undercuts and undervalues women's contributions to the American labor force.

The wage gap among women and men continues today. Women earn on average 76 cents to every dollar that a man earns.

The Republican budget resolution eliminates the Women in Apprenticeships and Nontraditional Occupations Act. This program, which only costs $1 million per year, provides grants to employers to help recruit, train and retain women in nontraditional, well-paying jobs.

The budget also cuts funding for the Women's Bureau in the Department of Labor, the only Federal agency with primary responsibility for serving and promoting interests of working women.

I urge my colleagues to defeat the Republican budget resolution.

REPUBLICAN BUDGET

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, last year the Republicans did support the Deficit Reduction Act that reduced $39 billion in Federal spending, and yes, indeed, as we are hearing, this is budget week here on Capitol Hill. It is something that we are tasked to do.

I know that a lot of the big spenders would still like to be getting rid of that Deficit Reduction Act that we passed last year. It was a good bill. We should be doing more like it, as my colleague from Texas said.

Today, conservatives in the House are working to bring to the floor a budget that goes after the programs that show little results for the taxpayer dollars.

We have got some great ideas on the table. I would like to see further across-the-board cuts. My colleague from Texas, Representative CONAWAY, has a bill that goes after eliminating a program if you are going to create a new one.

Madam Speaker, we Republicans are bringing ideas and putting solutions on the table, and we are going to hear more about this as we go through the week. We are the party debating how to reduce spending at the Federal level. It is what America expects of us. It is what we are fighting to make happen.

THE REPUBLICAN BUDGET

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, when you have a budget like this Republican budget, a budget where those who have the least are being forced to live on even less, less help with student aid, less protection for children's health, less food assistance and less child care, less support of prescription drugs, less funding for home heating, less protection to ensure a place to live and a job that pays a livable wage, when you have a budget like this, women and children are the most impacted because women and their families are the poorest of the poor in this country of much.

Stop this injustice. Vote "no" on this Republican budget.

CAPITOL POLICE RESOLUTION

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Madam Speaker, we live in an age that requires constant vigilance. We work in a building that requires steady security. The scourge of terrorism is genuine, tangible and real in today's world, especially when your office is in the center of a terrorist bull's eye, the Capitol Building and Capitol Hill.

Even with this knowledge, I come to work confident that my safety and security is in capable hands. There are over 1,500 of the most highly trained men and women guarding the gates and guarding this building. These are the dedicated officers of the Capitol Police Force. They provide safety and security for Members of Congress, the staff, as well as 3 million visitors who come and go through this building each year.

In extreme cases, the Capitol Police Force must endure physical and verbal assaults. These men and women deserve a pat on the back, not a punch in the chest.

Madam Speaker, that is why Congressman MARIO DIAZ-BALART and I introduced a resolution thanking Capitol Police and commending them for their service, dedication and commitment to security on Capitol Hill.

CHILDREN'S HEALTH INSURANCE PROGRAM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to voice concerns about the impact of budget cuts on the States' Children's Health Insurance Program, that is called CHIP.

CHIP is jointly financed by the Federal and State governments and is administered by the States.

While it is good that each State determines the design of its program, the eligibility groups, benefits, co-pays and administrative procedures, I am concerned that misplaced fiscal priorities are squeezing the States and negatively impacting children's health.

A Dallas Morning News article from March 27 cites numerous problems with CHIP in Texas. Administrative errors and budget cuts are resulting in lost or delayed coverage.

Many families are unaware of the benefit. Enrollment has been more complicated and fewer children are participating in the program. Privatization of many State-Federal health programs is lessening access to care.

Madam Speaker, I am concerned that the fiscal year 2007 budget plan for the House of Representatives will hurt America's uninsured children.

April is National Child Abuse Prevention Month. Cutting health programs for young people is cruel at worst and irresponsible at best.

HONORING DOC DODSON

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, I rise today to honor an outstanding citizen of the city of Midland, Texas. James "Doc" Dodson was born in Fort Worth, Texas, on April 22, 1936. In 1958, he moved to Midland where he became an athletic trainer at Midland High School. It was there that he touched the lives of MHS Bulldogs for the next 32 years.

Doc's greatest joy is his family. He married Gayle McMullan in 1963, and they have two daughters, Kelly Hullender and Jamie Dodson. Kelly and her husband, Todd, have Doc's three grandchildren: Blair, Mills and Sam.

In 1972, Doc was the first high school athletic trainer selected to be a part of the U.S. Olympic team in Munich, Germany. In 1978, he was the first recipient of the Outstanding High School Trainer award, an honor he was given twice.

Doc is now the director of physical rehabilitation at Southwest Orthopedics in Midland where he continues to help many people each day.

Doc is truly an outstanding American. We are blessed to have him live in Midland, Texas, and District 11 in Texas, and I am proud to be his Congressman and call him my friend.

PRESIDENT'S BUDGET CUTTING OUR CHILDREN'S EDUCATIONAL OPPORTUNITIES

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, despite rising college tuition costs and rigid standards of the so-called No Child Left Behind Act, the Republican budget makes the largest cuts to education in 10 years.

It cuts $15 billion from education that was promised: 3.7 million children in our country will be denied help with reading and math; 2 million will be denied after-school programs that offer a safe place to play and learn. But the majority does not stop with just broken promises.

Their budget eliminates funding for Safe and Drug-Free Schools, eliminates funding for vocational education, eliminates programs that help ensure high-risk students can attend college, and eliminates 36 programs that help teachers and students succeed. They drastically cut Pell Grants and Perkins loans that American families need to help afford college.

Republicans are risking our children's future to pay for more tax breaks for the wealthy few. The promise to our children's education must be kept. This budget must be rejected.

CONGRATULATING BRIAN LEONARDI

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I ask you and all my colleagues to join me in congratulating Brian Leonardi on his recent acceptance of a full football scholarship to Presbyterian College in Clinton, South Carolina.

Brian is the 18-year-old son of my niece, Allyson Leonardi, and Ed Leonardi. He played linebacker for Aiken High School Hornets, and for 2 years he and his teammates advanced to the semifinals of the 4–A State playoffs. Brian was chosen this year to play for the North squad in an annual all-star game in Conway, South Carolina.

His parents, sister Megan and brother Danny are very proud of his accomplishments, as are his Uncle Doug and Aunt Cindy, but I think the happiest and most excited of all are my brother Bill Gingrey and sister-in-law Gail, who are the fortunate grandparents of this outstanding young man.

Brian's Congressman, GRESHAM BARRETT, and I join our colleagues in the United States House of Representatives to say Godspeed, Brian. Study hard and play well.

CONGRATULATING UNIVERSITY OF MARYLAND WOMEN'S BASKETBALL TEAM ON WINNING NCAA CHAMPIONSHIP

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Madam Speaker, the sun is shining a little brighter in the great Free State of Maryland. Today, I rise to join my colleague STENY HOYER in offering exuberant congratulations to the University of Maryland women's basketball team on winning the NCAA national basketball championship. In winning the championship, they had to overcome a very fine and very tough team from Duke University.

Hats off to Coach Brenda Frese, starters Crystal Langhorne, Laura Harper, Marissa Coleman, Shay Duron, Kristi Toliver and the rest of the team, the assistant coaches, managers and the tremendous fans of the University of Maryland. You have made us all proud in the State of Maryland.

You are a particular inspiration to all the young women around the country, like my 11-year-old daughter Gabriel, who have become tremendous fans of women's basketball.

Today, all of Maryland salutes the University of Maryland's women's basketball team. Go, Terps.

ILLEGAL IMMIGRATION

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, as complex as illegal immigration may be, I think the House got the logic right dealing with the issue. Illegal immigration needs to be split into two separate, but equally important, issues, first being security enforcement.

Once the first portion is set and in place, the time will be right for Congress to come back and address the second part, which deals with illegal workers. While they contribute in positive ways to our society, unfortunately, because they are here illegally, they place burdens on our job market, our educational system and our health care costs, burdens that are shouldered by hardworking American taxpayers.

My advice to the other Chamber is listen to the American people. They are tired of their elected officials turning the other cheek and playing politics with the ideals on which this country was founded and the security of our Nation. They want us to plug the holes and stop the flow of illegal immigrants before we do anything else.

It is time we listened. It is time we stop illegal immigration.

REPUBLICAN BUDGET ON WOMEN MILITARY RETIREES

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Madam Speaker, I want the women who have served in uniform to know one thing. Some of us in Congress understand your struggle, and we are fighting for you.

Shockingly, the Republican budget adopts significant increases to out-of-pocket costs for our women retirees who depend on the TRICARE program for their health care.

Managed care enrollment fees for senior enlisted women retirees would double, and those for retired female officers would triple.

I have serious doubts about the validity of any projected cost savings from these fee increases. It is insulting to even think of shifting such costs onto the backs of the brave women who have sacrificed so much and so selflessly.

Moreover, this budget sends a terrible message to our past and present servicewomen at a time when we should be doing all that we can to appreciate and to reward their contributions.

The United States made a promise to these women and to every woman before them who has worn the uniform. This Nation promised to take care of them, and the Republican budget just does not fulfill that promise.

IMMIGRATION REFORM A MUST

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, we have all seen the recent protests around the country by thousands of people demonstrating in the streets. However, the fundamental issue that we are dealing with is illegal immigration, and we must not forget that.

No one has a problem with those who have come to this country legally, respected our laws and become U.S. citizens. That is part of the American Dream. What we are talking about are the millions who cross our borders illegally and now demand to be treated as citizens.

American goodwill, in education, in health care and in government services, is being abused by those who do not go through the legal process of citizenship, and that does not add up, Madam Speaker. That is not the American way.

There are serious problems with our current immigration policies. Benign neglect over the last 20 to 30 years has led us to this state of crisis, and we must fix it. Our constituents appropriately demand that we fix it, and Congress has that opportunity, and we must not let it pass us by.

TURNING BACK THE CLOCK

(Ms. SCHWARTZ of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise to turn back the clock. No, I am not referring to the annual daylight savings time change that occurred this past weekend. Nor am I having a moment of nostalgia. Rather, I am referring to the famous clock that tallies the Nation's growing debt.

The surpluses of the late 1990s put the clock that tallies our Nation's debt into retirement. But now, the borrow-and-spend policies of the Bush administration and the Republican Congress put the clock back in operation, adding $1 million to the Nation's debt every minute, for a total of $3 trillion in new debt since 2002.

The Republican Party's 2007 budget, which we will vote on this week, continues their borrow-and-spend policies.

It also will cause a problem that the designers of the Time Square clock did not anticipate. It cannot accommodate the extra digit that will be required to display a debt of over $10 trillion.

American taxpayers, along with our children and our grandchildren, should not be saddled with this debt. We should stop this fiscal irresponsibility and reject the President and the Republican Congress' budget.

□ 1030

AWARDING CONGRESSIONAL GOLD MEDAL TO BYRON NELSON

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, this weekend is the Masters golf tournament, and while I am not a golfer myself, it is a big deal in the golfing world. The PGA tournament of today is carried on the shoulders of those who have gone before. Names like Ben Hogan, Sam Snead, and Lee Trevino are common household names for those of us of a certain age, but it is truly the gentleman from Roanoke, Texas, Byron Nelson, who has done more for the credible start for the sport of golf in this country than anyone else.

Lord Byron, as he is known back home, will turn 95 years of age this year. He was a gifted athlete, winning two Masters Tournaments in 1937 and 1942. He won two PGA tours in 1940 and 1945, and won the U.S. Open in 1939. His true service is his generosity of spirit and his humility.

In World War II, he traveled with Bob Hope and Bing Crosby on the USO tour entertaining our troops overseas. He has given over $88 million from his Salesmanship Club Youth and Family Services. He and his wife, Louise, have created an endowment fund at Abilene Christian University totaling over $15 million. He is the head of the Metroport Meals-on-Wheels, delivering services to shut-in seniors back in my district.

His career as an athlete is worthy of recognition, but his service to community is indeed exemplary. For these reasons, I ask my colleagues to join me in support of H.R. 4902, the Congressional Gold Medal honoring Byron Nelson.

BUSH PRESCRIPTION DRUG TAX COUNTDOWN

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, President Bush simply has no compassion for millions of seniors who are trying to determine which of the prescription drug plans is best for them. Forty days from now, seniors must choose a plan or face a Bush prescription drug tax for the rest of their lives.

Last month, a woman struggling to help her elderly mother pick a prescription drug plan asked the President to extend the enrollment deadline. President Bush refused, telling the woman that helping her mother was her responsibility. The President's answer shows that he is still listening to drug companies and not the American people.

Seniors, people with disabilities and their families, need more time before making a crucial health and financial decision. Democrats do not believe seniors should be penalized because they cannot understand this complicated drug plan. That is why Democrats are fighting to extend the enrollment period by 6 months.

As we check off another day on the calendar, House Republicans now have 40 more days to stand up and support America's seniors. It is time they joined the Democrats in fighting to ensure the prescription drug tax, pushed by this President, does not take effect on May 15.

WOMEN AND THE REPUBLICAN BUDGET

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Madam Speaker, there is a saying that "the road to hell is paved with good intentions," and once again, my Republican colleagues have missed the mark.

To be a strong Nation, we need a strong family. The glue that holds the family together are our Nation's women. Unfortunately, this administration and my colleagues across the aisle continue to send a clear message in the form of a budget that strips all of the support and programs that aid in fortifying that crucial glue. We should call the budget that they are bringing to this House the "Women, Children and Family Left Behind Act."

How can an administration that professes to be pro-value and pro-family get it wrong? The President's budget cuts education by 29 percent. The President's solution is to freeze funds for Head Start and Pell grants. What is wrong with this picture?

The President's budget completely eliminates programs like the Women's Educational Equity Act and the Women's Apprenticeship Act. The President's budget cuts funds out for the Commodity Supplemental Food program that serves 420,000 seniors as well as 50,000 mothers and children.

Stand up America.

CONCERNED ABOUT AMERICA'S DEBT

(Mr. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEK of Florida. Madam Speaker, I come to the floor this morning to not only share with the American people, but also with the majority side that constantly talks about the fact that they are responsible with the people's money. I just want to, again, come to the floor and say that this Republican majority, along with this President, has increased the debt owned by foreign nations by $1.05 trillion, something that 42 Presidents before him were not able to accomplish.

I further want to bring to the attention of the House here, Madam Speaker, the fact that Newt Gingrich, who was a former Speaker of this House and delivered this Republican majority to the majority, is now saying that they are seen by the country as being in charge of a government that cannot function.

Now, I can tell you, Madam Speaker, as a Democrat, I would be concerned if a former Speaker was referring to the Democratic Caucus as "they." That means that the American people are very concerned about what is going on here. I am concerned as an American. And as we go to vote on this budget, we have to think about the people that have sent us up here.

So I want to say here on the Democratic side, we are willing to pay as we go. But the bottom line is, third-party validator, former Speaker Newt Gingrich, is calling the Republican majority "they."

IMMIGRATION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, this past weekend, I met with many students from schools in our district and hope to meet with many more. This banner is signed by students from the Alta Charter School in our district. These students are voicing their concerns because they want to keep their families together and felt their heritage was not being respected.

They are concerned about the possibility of their parents being deported, even though their children are citizens. They are worried about the possibility of them being deported, although this is the only life they have ever known.

I believe we should improve border security, and every Nation in the world should control their borders and know who is crossing it, but I voted against H.R. 4437 because this bill doesn't realistically deal with the 10 to 12 million people who are living in this country.

If this bill is enacted, 3 million U.S. citizens will be left without their parent or guardian. Family values should apply to our immigration laws. This is why we see students marching in our communities all across our country and why you see this banner on the floor of the House today.

We need comprehensive, fair immigration reform that includes increased border security, more detention beds to prevent catch and release, requiring applicants to go through criminal background checks, to learn English and also pay a penalty. That way, we can make sure these people, these children who are here know that their parents won't need to be deported or they won't be.

OPPOSED TO BUDGET

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I express my sincere opposition to this year's budget because it is immoral, especially to women.

Our health care system is in bad shape. We all know that women use health care more than men and are more likely to need it. Under President Bush, the number of uninsured has risen. Yet what does this budget propose? Health savings accounts, which would only benefit the wealthiest and healthiest, those who could already afford health coverage. It cuts or levels funds for all but one of the Institutes of National Health, and at a time when we are making important advances in medical research, when we are just beginning to learn the ways that women are affected differently than men by certain diseases. And it cuts funding for nutritional programs that are designed to keep women and their families healthier.

We have an obligation to ensure that everyone can have access to health care services. I urge my colleagues to reject this irresponsible and immoral budget, and instead, to pass a budget that lives up to our commitment to American women and their families.

BUSH BUDGET AND IMPACT ON WOMEN

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Madam Speaker, misplaced priorities in the Republican budget result in ballooning deficits and the underfunding of programs women and their families need to succeed in today's economy.

By cutting funding for education and training programs that help women pursue careers in nontraditional occupations, this budget does nothing to address one source of the gender wage gap that leaves women earning only 77 cents for every dollar earned by a male.

By freezing funding for child care subsidies and housing vouchers, this budget ensures that fewer women receive the support that they need to make work pay and stay off welfare. Women deserve better. We deserve a better budget.

TIME FOR DEMOCRATS TO TAKE CHARGE

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Madam Speaker, the father of the Republican revolution is now saying it has turned into a Republican devolution, with $3 trillion in increased debt since President Bush has been President. This Nation owes $8 trillion-plus, with $27,000 per citizen that they owe back just for the national debt. And this money is being borrowed from foreign interests, the Japanese, the Chinese, and OPEC countries.

We are selling off our country piece by piece, Madam Speaker. Borrow and spend, borrow and spend, borrow and spend. This President, with the Republican bobblehead Congress that just can't say no to the President, has borrowed more money from foreign interests than every previous President. Madam Speaker, that is an atrocity. That is an assault on the American people.

The father of the Republican revolution says it has turned into a devolution and that this government cannot function. Madam Speaker, it is time for new leadership. It is time for the Democrats to take charge of this House.

DEMOCRATIC WOMEN'S WORKING GROUP BUDGET

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise in strong opposition to the Republicans' fiscal year 2007 budget resolution. It will hurt millions of women and children around our country. The resolution includes cuts to vital programs that help middle-class women, children, the elderly, and, in particular, Americans living in poverty.

The budget will lead to cuts in funding for young women who need financial aid to go to college. As a result, young women will have a more difficult time attending college and pursuing their careers. The Perkins loans program is due to be cut dramatically. More than 450,000 college students would lose a key part of their financial aid.

Young women, and especially minority students, disproportionately rely on Pell Grants. I was one of those students myself. For example, 40 percent of African American students will be affected, 30 percent of Hispanic students will have reduced Pell Grants compared to 23 percent of students overall.

The aid is being cut while tuition costs are skyrocketing. The increase in the cost of tuition has increased by 57 percent under this President. Please do not support this Republican budget that would harm our students.

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CHILD CARE AND THE BUDGET

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, I rise to highlight the cuts in the Republican budget resolution that target low-income children and women. A number of Federal block grants that help women, especially single and low-income mothers, are going to be forced to cut services to families as a result of these cuts in the Republican budget. Also, there will be continued flat funding.

Child Care Development Block Grant funding is frozen for the fifth year in a row. Since the beginning of the Bush administration, child care assistance for 250,000 children has been cut. In the next 5 years, 400,000 fewer children will receive child care assistance. This means that 25 percent fewer children will receive assistance in 2011 than did in 2000; and during the President's tenure the number of children living in poverty has increased, not decreased.

This is an immoral budget. It sacrifices funding for our children to pay for tax cuts for the wealthy. It should be soundly rejected. We talk about welfare reform and we talk about women being able to work, how in the heck are women going to work if child care is not available.

CULTURE REPUBLICANS BROUGHT TO WASHINGTON IS NOT GOOD

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, last night former majority leader TOM DELAY blamed Democrats for his fall from power. He said Democrats were upset because Republicans changed the culture of Washington.

Well, Republicans changed the culture around here all right. Two of Congressman DELAY's former aides, Deputy Chief of Staff Tony Rudy and Press Secretary Michael Scanlon have already pleaded guilty as part of the ongoing Jack Abramoff scandal.

Then there are the revelations that the President's chief domestic adviser, Claude Allen, was forced to resign from his position at the White House after he was caught repeatedly shoplifting from Target stores in Maryland.

And just last night, a deputy press secretary at the Department of Homeland Security was arrested on charges that he used the Internet to seduce what he thought was a 14-year-old girl. Fortunately, an undercover deputy sheriff detective was on the other end of the computer and Brian Doyle, a Bush political appointee, has now been arrested.

Madam Speaker, the culture has changed around here, that is for sure, but certainly not for the good.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3127) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Darfur Peace and Accountability Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Sense of Congress.
Sec. 5. Sanctions in support of peace in Darfur.
Sec. 6. Additional authorities to deter and suppress genocide in Darfur.
Sec. 7. Multilateral efforts.
Sec. 8. Continuation of restrictions.
Sec. 9. Assistance efforts in Sudan.
Sec. 10. Reports.
Sec. 11. Rule of construction.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—

(A) IN GENERAL.—The term "Government of Sudan" means the National Congress Party, formerly known as the National Islamic Front, led-government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), except that such term does not include the regional Government of Southern Sudan.

(B) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term "Government of Sudan", when used with respect to an official of the Government of Sudan, does not include an individual—

(i) who was not a member of such government prior to July 1, 2005; or

(ii) who is a member of the regional Government of Southern Sudan.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term "Comprehensive Peace Agreement for Sudan" means the peace agreement signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya, on January 9, 2005.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the House of Representatives and the Senate declared that the atrocities occurring in the Darfur region of Sudan are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, "genocide has been committed in Darfur," and "the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring".

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated,"[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide".

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564, determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564, including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur, submitted to the United Nations Secretary-General on January 25, 2005, established that the "Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law," that "these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity," and that Sudanese officials and other individuals may have acted with "genocidal intent".

(7) The Report of the International Commission of Inquiry on Darfur further notes that, pursuant to its mandate and in the course of its work, the Commission had collected information relating to individual perpetrators of acts constituting "violations of international human rights law and international humanitarian law, including crimes against humanity and war crimes" and that a sealed file containing the names of those individual perpetrators had been delivered to the United Nations Secretary-General.

(8) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590, establishing the United Nations Mission in Sudan (UNMIS), consisting of up to 10,000 military personnel and 715 civilian police tasked with supporting implementation of the Comprehensive Peace Agreement for Sudan and "closely and continuously liais[ing] and coordinat[ing] at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur".

(9) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591, extending the military embargo established by Security Council Resolution 1556 to all the parties to the N'djamena Ceasefire Agreement of April 8, 2004, and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a Panel of Experts to assist in monitoring compliance with Security Council Resolutions 1556 and 1591.

(10) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593, referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(11) In remarks before the G–8 Summit on June 30, 2005, President Bush reconfirmed that "the violence in Darfur is clearly genocide" and "the human cost is beyond calculation".

(12) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the Sudan People's Liberation Movement/Army (SPLM/A) for the past 21 years, was killed in a tragic helicopter crash in southern Sudan, sparking riots in Khartoum and challenging the commitment of all Sudanese to the Comprehensive Peace Agreement for Sudan.

(13) Since 1993, the Secretary of State has determined that the Republic of Sudan is a country which has repeatedly provided support for acts of international terrorism and, pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act of 1961, designated Sudan as a State Sponsor of Terrorism, thereby restricting United States assistance, defense exports and sales, and financial and other transactions with the Government of Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the Darfur region of Sudan is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of

the National Congress Party-led faction of the Government of Sudan;

(2) the Secretary of State should designate the Janjaweed militia as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act;

(3) all parties to the conflict in the Darfur region have continued to violate the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of the African Union Mission in Sudan (AMIS) is increasing;

(4) the African Union should rapidly expand the size and amend the mandate of the African Union Mission in Sudan to authorize such action as may be necessary to protect civilians and humanitarian operations, and deter violence in the Darfur region without delay;

(5) the international community, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, and the United States, should immediately act to mobilize sufficient political, military, and financial resources to support the expansion of the African Union Mission in Sudan so that it achieves the size, strength, and capacity necessary for protecting civilians and humanitarian operations, and ending the continued violence in the Darfur region;

(6) if an expanded and reinforced African Union Mission in Sudan fails to stop genocide in the Darfur region, the international community should take additional, dispositive measures to prevent and suppress acts of genocide in the Darfur region;

(7) acting under Article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, and grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region;

(8) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the Panel of Experts established pursuant to section 3(a) of Security Council Resolution 1591 (March 29, 2005);

(9) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan, the support of the regional Government of Southern Sudan and marginalized areas in northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), as well as marginalized peoples in and around Khartoum, or for humanitarian purposes in Sudan, until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for the safe and voluntary return of refugees and internally displaced persons;

(10) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to southern Sudan for a period of not less than five years for the purpose of contributing professional skills needed for the reconstruction of southern Sudan;

(11) the President should appoint a Presidential Envoy for Sudan with appropriate resources and a clear mandate to provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan, seek ways to bring stability and peace to the Darfur region, address instability elsewhere in Sudan and northern Uganda, and pursue a truly comprehensive peace throughout the region;

(12) to achieve the goals specified in paragraph (10) and to further promote human rights and civil liberties, build democracy, and strengthen civil society, the Presidential Envoy for Sudan should be empowered to promote and encourage the exchange of individuals pursuant to educational and cultural programs, including programs funded by the Government of the United States;

(13) the international community should strongly condemn attacks against humanitarian workers and demand that all armed groups in the Darfur region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and all other armed groups refrain from such attacks;

(14) the United States should fully support the Comprehensive Peace Agreement for Sudan and urge rapid implementation of its terms; and

(15) the new leadership of the Sudan People's Liberation Movement (SPLM) should—

(A) seek to transform the SPLM into an inclusive, transparent, and democratic body;

(B) reaffirm the commitment of the SPLM to bringing peace not only to southern Sudan, but also to the Darfur region, eastern Sudan, and northern Uganda; and

(C) remain united in the face of efforts to undermine the SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) Blocking of Assets and Restriction on Visas.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting "of Appropriate Senior Officials of the Sudanese Government" after "Assets";

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Blocking of Assets and Restriction on Visas of Certain Individuals Identified by the President.—

"(1) Blocking of assets.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

"(2) Restriction on visas.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2006, and in the interest of contributing to peace in Sudan, the President shall deny visas and entry to any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.".

(b) Waiver.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004 (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: "The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to an individual if the President determines that such a waiver is in the national interests of the United States and, prior to exercising the waiver, transmits to the appropriate congressional committees a notification which includes the name of the individual and the reasons for the waiver.".

(c) Sanctions Against Certain Janjaweed Commanders and Coordinators.—The President should immediately consider imposing the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004 (as added by subsection (a)) against the Janjaweed commanders and coordinators identified by the former United States Ambassador-at-Large for War Crimes before the Subcommittee on Africa of the House International Relations Committee on June 24, 2004.

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) United States Assistance to Support AMIS.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) by striking "Notwithstanding" and inserting "(a) General Assistance.—Notwithstanding"; and

(2) by adding at the end the following new subsection:

"(b) Assistance to Support AMIS.—Notwithstanding any other provision of law, the President is authorized to provide assistance, on such terms and conditions as the President may determine and in consultation with the appropriate congressional committees, to reinforce the deployment and operations of an expanded African Union Mission in Sudan (AMIS) with the mandate, size, strength, and capacity to protect civilians and humanitarian operations, stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers, including but not limited to providing assistance in the areas of logistics, transport, communications, materiel support, technical assistance, training, command and control, aerial surveillance, and intelligence.".

(b) NATO Assistance to Support AMIS.—The President should instruct the United States Permanent Representative to the North Atlantic Treaty Organization (NATO) to use the voice, vote, and influence of the United States at NATO to advocate NATO reinforcement of the African Union Mission in Sudan (AMIS), upon the request of the African Union, including but not limited to the provision of assets to dissuade and deter offensive air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan and other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(c) Denial of Entry at United States Ports to Certain Cargo Ships or Oil Tankers.—

(1) In general.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(2) Exception.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers

involved in an internationally-recognized demobilization program or the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan.

(d) Prohibition on Assistance to Countries in Violation of United Nations Security Council Resolutions 1556 and 1591.—

(1) Prohibition.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance (other than humanitarian assistance) to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005).

(2) Waiver.—The President may waive the application of paragraph (1) if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 7. MULTILATERAL EFFORTS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States to urge the adoption of a resolution by the United Nations Security Council that—

(1) supports the expansion of the African Union Mission in Sudan (AMIS) so that it achieves the mandate, size, strength, and capacity needed to protect civilians and humanitarian operations, and dissuade and deter fighting and violence in the Darfur region of Sudan, and urges Member States of the United Nations to accelerate political, material, financial, and other assistance to the African Union toward this end;

(2) reinforces efforts of the African Union to negotiate peace talks between the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and associated armed groups in the Darfur region, calls on the Government of Sudan, the SLM/A, and the JEM to abide by their obligations under the N'Djamena Ceasefire Agreement of April 8, 2004 and subsequent agreements, urges all parties to engage in peace talks without preconditions and seek to resolve the conflict, and strongly condemns all attacks against humanitarian workers and African Union personnel in the Darfur region;

(3) imposes sanctions against the Government of Sudan, including sanctions against individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons;

(4) extends the military embargo established by United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005) to include a total prohibition on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally-recognized demobilization program or for non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan; and

(5) calls upon those Member States of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance and equipment to the Government of Sudan, the SLM/A, the JEM, and associated armed groups in the Darfur region in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 and 1591, to immediately cease and desist.

SEC. 8. CONTINUATION OF RESTRICTIONS.

(a) Continuation of Restrictions.—Restrictions against the Government of Sudan that were imposed pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, or any other similar provision of law, shall remain in effect and shall not be lifted pursuant to such provisions of law until the President transmits to the appropriate congressional committees a certification that the Government of Sudan is acting in good faith to—

(1) peacefully resolve the crisis in the Darfur region of Sudan;

(2) disarm, demobilize, and demilitarize the Janjaweed and all government-allied militias;

(3) adhere to United Nations Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), and 1593 (2005);

(4) negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lords Resistance Army; and

(6) fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, including by—

(A) implementing the recommendations of the Abyei Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

(b) Waiver.—The President may waive the application of subsection (a) if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 9. ASSISTANCE EFFORTS IN SUDAN.

(a) Additional Authorities.—Section 501(a) of the Assistance for International Malaria Control Act (50 U.S.C. 1701 note) is amended—

(1) by striking "Notwithstanding any other provision of law" and inserting the following:

"(1) In general.—Notwithstanding any other provision of law";

(2) by inserting "civil administrations," after "indigenous groups,";

(3) by striking "areas outside of control of the Government of Sudan" and inserting "southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei";

(4) by inserting at the end before the period the following: ", including the Comprehensive Peace Agreement for Sudan"; and

(5) by adding at the end the following new paragraph:

"(2) Congressional notification.—

"(A) In general.—Assistance may not be obligated under this subsection until 15 days after the date on which the President has provided notice thereof to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) in accordance with the procedures applicable to reprogramming notifications under such section.

"(B) Rule of construction.—The notification requirement of subparagraph (A) shall not apply in the case of assistance subject to notification in accordance with section 634A of the Foreign Assistance Act of 1961 pursuant to any provision of an Act making appropriations for foreign operations, export financing, and related programs.".

(b) Exception to Prohibitions in Executive Order No. 13067.—Section 501(b) of the Assistance for International Malaria Control Act (50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking "Export Prohibitions" and inserting "Prohibitions in Executive Order No. 13067";

(2) by striking "any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export" and inserting "activities or related transactions with respect to southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei"; and

(3) by striking "the export or related transaction" and all that follows and inserting "such activities or related transactions would directly benefit the economic recovery and development of those areas and people.".

SEC. 10. REPORTS.

(a) Report on African Union Mission in Sudan (AMIS).—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Report on African Union Mission in Sudan (AMIS).—In conjunction with reports required under subsections (a) and (b) of this section, the Secretary of State shall submit to the appropriate congressional committees a report, to be prepared in conjunction with the Secretary of Defense, on—

"(1) efforts to fully deploy the African Union Mission in Sudan (AMIS) with the size, strength, and capacity necessary to stabilize the Darfur region of Sudan and protect civilians and humanitarian operations;

"(2) the needs of AMIS to ensure success, including in the areas of housing, transport, communications, equipment, technical assistance, training, command and control, intelligence, and such assistance as is necessary to dissuade and deter attacks, including by air, directed against civilians and humanitarian operations;

"(3) the current level of United States assistance and other assistance provided to AMIS, and a request for additional United States assistance, if necessary;

"(4) the status of North Atlantic Treaty Organization (NATO) plans and assistance to support AMIS; and

"(5) the performance of AMIS in carrying out its mission in the Darfur region.".

(b) Report on Sanctions in Support of Peace in Darfur.—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note), as amended by subsection (a), is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Report on Sanctions in Support of Peace in Darfur.—In conjunction with reports required under subsections (a), (b), and (c) of this section, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under subsections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

"(1) a description of each sanction imposed under such provisions of law; and

"(2) the name of the individual or entity subject to the sanction, if applicable.".

SEC. 11. RULE OF CONSTRUCTION.

Nothing in this Act (or any amendment made by this Act) or any other provision of law shall be construed to preempt any State law that prohibits investment of State funds, including State pension funds, in or relating to the Republic of the Sudan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in very strong support of H.R. 3127, the Darfur Peace and Accountability Act, and I want to commend the gentleman from Illinois (Chairman HYDE) of the International Relations Committee for drafting a bill that has the best chance of becoming law and dealing with the genocidal situation in Sudan. Despite sometimes difficult and complex efforts needed to move this legislation, Mr. HYDE has remained steadfast in moving forward and that is why I have continued to support his efforts throughout this process.

Madam Speaker, no single country in Africa has been subject to greater partisan and bipartisan attention and deliberation by the United States Congress than the Republic of Sudan. Over the past 3 years, at least nine major bills and resolutions regarding Sudan have been passed by this body, including an historic declaration that genocide was occurring in the Darfur region of western Sudan in September of 2004.

For its own part, the administration of President Bush has led both humanitarian and diplomatic efforts to address the crisis in Darfur. The United States has provided more than $617 million in assistance to help ease the suffering of those most affected by the conflict, and more than $150 million to support the African Union mission in Darfur.

I would say parenthetically, last August Greg Simpkins, our expert on the subcommittee, and I went to Darfur. We spent several days in Khartoum and then made our way up to Mukjar and Kalma camp. Mukjar is a very remote camp, where we saw the beneficiaries of that aid, men and women and children, who have suffered so much, lost so many of their loved ones to this genocide. But it was reassuring and quite gratifying, to be blunt, to see American aid providing them with healthy and nutritious meals as well as the medicines and at least some of the security that they so desperately need.

We also knew, especially with Mukjar, that if you traveled just a kilometer outside camp, the Janjaweed and other killers were waiting to continue their genocidal deeds. It was very sobering to know the risks and the security fright that they face each and every day knowing that they cannot go past the perimeters of the refugee camps.

We also met in Khartoum with not only Salva Kiir, the Vice President, who is doing an extraordinarily good job to try to bring peace to the region, but we also met with President al-Bashir. He and his junta continue to be largely responsible for many of the crimes committed both in Darfur and earlier in the south of Sudan.

Let me finally point out to my colleagues that at the direction of the President, President Bush, the United States Ambassador to NATO has pressed for NATO reinforcement of the African Union mission. We all know they do not have enough people to do the job. The mission was designed and configured in a way that almost doomed it to failure despite herculean efforts on their part. We are now pressing for reinforcement of those AU troops.

The U.S. Ambassador to the United Nations, John Bolton, continues to seek authorization to incorporate the African Union Mission into a larger, more robust U.N. peacekeeping mission. As Mr. LANTOS knows when we traveled to New York just a week ago and met with Kofi Annan and others, that was one of the key topics we talked about: How do we get this AU mission blue helmeted so they can grow the mission, as well as boots on the ground to try to mitigate this misery.

The United States also continues to play a significant role in facilitating peace talks in Abuja, Nigeria, between the Government of Sudan and the rebels of Darfur.

Notwithstanding the multiple legislative initiatives and the best efforts of this administration and many of our friends in Europe, and despite the conclusion of a peace agreement for southern Sudan, the passage of six U.N. Security Council resolutions and the deployment of nearly 7,000 African Union peacekeepers in Darfur and the conduct of seven rounds of peace talks, the crisis in Darfur continues with catastrophic consequences. This conflict is real. It is ongoing, it is every day, and it demands our resolute attention.

Madam Speaker, as many as 400,000 people have died and more than 2 million people have been forced from their homes. Entire villages have been looted and destroyed, and countless men, women and children have been abducted, murdered, abused and raped. Weapons continue to flow into the region unabated despite the existence of an arms embargo, and attacks against civilians, humanitarian convoys, and African Union peacekeepers increase almost daily as peace talks in Nigeria flounder.

Despite 14,000 aid workers that make up some 82 NGOs, 13 U.N. agencies and the International Committee for the Red Cross, a lack of security and reliable transportation means that food aid and other humanitarian assistance is becoming increasingly more difficult to deliver. While it is clear that something must be done, it is also clear that we cannot legislate an end to the atrocities and no number of forces from the African Union, NATO, U.N. or even the U.S. can impose a permanent peace without the commitment of the Sudanese themselves to lay down their arms.

Still, as humanitarians we cannot stand by idly as the Sudanese government officials and rebel commanders jockey for power while tragedy continues to unfold in Darfur and threatens to return to the rest of Sudan.

According to a recent International Crisis Group report, Sudan's ruling National Congress Party lacks the will to implement the North-South peace agreement and has frustrated the Darfur peace process by "facilitating increased chaos on the ground and promoting divisions within the rebels."

We are all aware of the complexity of the situation in Sudan and must respond accordingly to all of its facets and manifestations. This legislation, I believe, attempts a comprehensive effort to deal with the tragedy of that country. The committee amendment before you, which is the result of 8 months of bipartisan collaboration, contains the following measures:

One, while it does not authorize the use of United States Armed Forces in Darfur, it confers upon the President the authority to provide assistance to reinforce the deployment and operations of an expanded AU mission with the mandate, size, strength and capacity to protect civilians and humanitarian operations.

Two, it encourages the imposition of targeted sanctions against the Janjaweed commanders and coordinators.

Three, it calls for the extension of the military embargo established pursuant to U.N. Security Council Resolutions 1556 and 1591 to include the government of Sudan.

Four, it amends the Comprehensive Peace in Sudan Act of 2004 to impose an asset freeze and travel ban against individual perpetrators of genocide, war crimes, or crimes against humanity in Darfur.

Next, it asserts that existing restrictions imposed against Sudan shall not be lifted until the President certifies to the Congress that the government of Sudan is acting in good faith to:

One, peacefully resolve the crisis in Darfur;

Two, disarm, demobilize and demilitarize the Janjaweed;

Three, adhere to U.N. Security Council resolutions;

Four, negotiate a peaceful resolution to the crisis in eastern Sudan;

Five, cooperate with efforts to disarm and deny safe havens to the Lord's Resistance Army; and

Six, fully implement the terms of the Comprehensive Peace Agreement.

The legislation also amends the International Malaria Control Act to enable the United States Government to continue providing assistance to southern Sudan and other marginalized areas and lift restrictions on imports and exports for those same areas.

It also adds a section regarding the preemption of State laws that prohibit investment of State pension funds in Sudan.

Madam Speaker, Sudan is a very sensitive and emotional issue for Members of this body. While Sudan may be providing the United States with valuable information relevant to the global war on terror, or so it says, it is still on the State Sponsors of Terrorism list. It is a country where the government has unleashed campaigns of terror and genocide against its own citizens.

It is a country where slavery still exists. Back in 1996, I chaired the first hearing ever on the continuing use of chattel slavery in Sudan, something that we thought was abolished in the 1860s.

For many, the National Congress Party-led faction of the Sudanese government represents pure evil. Although we may differ on our views on how best to confront the regime in Khartoum, the need to promote peace and accountability throughout Sudan is not a partisan issue. Members, such as the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Colorado (Mr. TANCREDO), have been tenacious on this. Of course the ranking member, Mr. LANTOS, and all of us have worked on both sides of the aisle to try to ensure that this body remains focused on Sudan in a meaningful and constructive way. Their leadership has been inspiring, and I want to thank them all.

That being said, the bill that lies before you today is the result of 8 months of inclusive consultations and intense negotiations, and represents a truly bipartisan compromise on the efforts to address genocide in Darfur while supporting the consolidation of peace in southern Sudan.

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And while it represents a compromise, don't be mistaken. This is a strong bill. It is an important bill. It is an urgent bill. The people of Darfur cannot afford to wait while we continue discussions on how best to confront Khartoum. They need our help now.

I would also like to thank our esteemed ranking member of the Judiciary Committee, the chairman and ranking member, Mr. SENSENBRENNER and Mr. CONYERS, for acting so quickly to allow us to get this measure to the floor without further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I am very pleased to yield 1 minute to the distinguished Democratic leader who is in the forefront of every single fight globally on behalf of human rights and who has just returned a few weeks ago from a visit to Darfur, Congresswoman NANCY PELOSI.

Ms. PELOSI. Thank you very much, Mr. LANTOS, our distinguished ranking member on the International Relations Committee, also a cochair of the Human Rights Caucus. Thank you for your great leadership on fighting for human rights throughout the world. You have a long history of that. You have personal experience in terms of being the only Member of Congress who escaped the Holocaust, and you have brought that conviction, your ideas, your courage to this fight once again in helping the people of Darfur.

And I want to commend Mr. CHRIS SMITH. He and FRANK WOLF have been such leaders on this issue for so very many years, and all of us who are concerned about Sudan, in particular now, Darfur are deeply in your debt.

I join the gentleman in commending HENRY HYDE, as well as Mr. LANTOS and DONALD PAYNE, our colleague, who have brought this issue to the forefront in the Congress of the United States. I thank you for authorizing this legislation, for your steadfast leadership in calling attention to the crisis in Darfur.

Mr. Speaker, I bring to the floor a picture of the children, a picture of the children of Darfur. All of us on our trip that Mr. LANTOS mentioned, who visited Darfur, 11 members of a bipartisan delegation, all of us wanted to take these children home with us, but that wasn't possible. There were so many of them. And it wouldn't be right anyway, because they wanted to go home. They wanted to go home to their homes which no longer existed.

When we were there, we visited with them. And after a day in the refugee camp, our bipartisan delegation traveled to Khartoum to meet with Vice President Taha. He asked us, he said, "The Sudanese people want to know, why are you so interested in Sudanese domestic affairs? I know the American people are free-thinking people, but maybe your free-thinking does not create a clear understanding of the facts in my country."

Vice President Taha was denying what we had seen with our very own eyes that day, refugee children struggling in the heat without shade, without adequate clothing and sleeping in make-shift tents that were made, some of them, from USAID food bags stitched together.

The Darfuris are forced to walk miles outside the camps for firewood and water, with the constant fear that they may be attacked.

As Vice President Taha was denying all of this, we could not help recalling the stories of villages torched, women raped, children kidnapped and men tortured and killed. But even in the horror of all of that, we saw hope in the bright and playful eyes of the toddlers. That hope, however, was diminished in the eyes of the older children. They had really seen too much. They had seen too much.

The camps we visited were homes to over 100,000 people. That was just what we saw when we were there. There are many more. That is just a fraction of the staggering toll of the violence in Darfur. But you can see these camps, and you can see that some of them are made out of USAID food bags.

According to the United Nations, 3 million people are in need of assistance. Two million Darfuris have been displaced, pushed out of their homes and their villages, and nearly 200,000 people have been killed thus far, and that is a conservative estimate.

Furthermore, the full human toll is yet to be exacted. Concentrated in camps with deplorable conditions, when the rainy season comes, Darfuris are now vulnerable to further death from disease. Sicknesses like cholera and dysentery could take tens of thousands more lives.

We have seen variations on this "problem from hell," most recently in Rwanda. And at that time, that short time ago, we promised never again. We have heard never again over and over again.

The humanitarian disaster in Darfur challenges the conscience of the world. It is the systemic destruction of a people. It is genocide.

While we were in the Sudan, back home President Bush reaffirmed that this is, indeed, genocide. When some of us, Mr. PAYNE, Mr. JOE WILSON and Mr. CLYBURN and I met with the President at the White House to thank him for his leadership and report on our trip, we also asked him to appoint a special envoy, special U.S. envoy for the Sudan. This envoy would signal that bringing peace and stability to the Sudan is a priority of the United States, and it is a part of this legislation that is on the floor today. This envoy, U.S. special envoy, is necessary because it will help stop the violence, bring the parties to the negotiating table, and get humanitarian relief to the people who need it.

Essential to stopping the violence is stopping the Janjaweed. I heard Congressman SMITH talking about the Janjaweed in his remarks, and after persistent questioning in our meeting with Vice President Taha, Congresswoman MAXINE WATERS, in a very diplomatic but persistent way, questioned him about the Sudanese government's support of the Janjaweed, which he first denied but later admitted that they had supported the Janjaweed in the past. This was the first admission that we had seen.

Before we went into Darfur, the U.S. military briefed us that the Janjaweed is an extension of the Sudanese military, and they are engaged in state sponsored violence. This must end.

The African Union is to be commended for its efforts to protect Darfur. We saw the AU's camps there where people were getting at least something to eat and perhaps some medical attention for the first time. But so much more needs to be done.

So that is why this legislation on the floor today is so important, because I don't even know if these children are even alive 1 month after we came home, these beautiful children.

Many people in our country have been actively involved in the effort to get more support and humanitarian assistance on the ground. The United Nations dollars for Darfur were running out in March.

Humanitarian workers in Sudan are harassed, their convoys diverted and attacked, and some of these workers have been kidnapped. Humanitarian workers bring no political agenda or no destabilizing intentions to the Sudan. They carry with them hope and sometimes health. They must be protected. Their supplies must not be diverted, and their volunteers must not be detained.

So that is why I am very pleased that we were able to pass, in the supplemental, the President's request for $439 million, and that Mr. CAPUANO's initiative to add $50 million for assistance was accepted by the House. We hope it will be considered in the Senate.

So this legislation, as was spelled out by Mr. LANTOS and Mr. SMITH, so I won't go into it again, contains very, very important initiatives to help make matters better. Stop the violence, bring the parties to the table, get the humanitarian assistance to the people.

This brings us back to Vice President Taha's question, why is the United States so interested in Sudan? The answer is that genocide is not the domestic affair of any nation. It concerns the world. And as our colleague, JOE WILSON, said to him, Americans care about people. Our care is reflected in the working done for the people of Darfur here in this Congress, in State legislatures, in corporate board rooms, on college campuses, even on high school campuses and yes, indeed, even in the White House.

This care was spurred by our religious communities which have taken the lead in our efforts. I salute many of the religious leaders who have taken the lead on this. And on April 30, many people will converge, thousands will converge on Washington, and there will be events around the country put together by the Save Darfur Coalition.

Each day that the genocide continues, and each day that we wait, the hope we saw in the eyes of the youngest children can disintegrate into disease, despair and death.

Again, on April 30, Americans of conscience will come to Washington to echo the call, never again. These citizens will demonstrate on behalf of the children of Darfur and demonstrate that, not only is America great, but America is good. And this legislation on the floor today is a reflection of that goodness. I support it, and salute the bipartisan cooperation that wrote it and brought it to floor.

Again, I thank Mr. LANTOS for his exceptional leadership on human rights throughout the world and in the Sudan, and Mr. SMITH, Mr. PAYNE and Mr. FRANK WOLF for their exceptional leadership as well.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to my good friend and colleague from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise today in strong support of H.R. 3127, the Darfur Peace and Accountability Act. I commend Chairman HYDE and Chairman SMITH for their work in moving this important legislation forward.

Defending the basic human rights of the world's most vulnerable populations should be a priority for all of us. Sudan, the largest country in Africa, has been ravaged by civil war intermittently for four decades. An estimated 2 million people have died due to war-related causes and famine, and millions more have been displaced from their homes. This ongoing crisis in the Darfur region in Western Sudan has led to a major humanitarian disaster.

Estimates are that up to 300,000 people have been killed in the Darfur region over the past 24 months alone. In 2004, the House, the Senate and the White House declared the atrocities taking place in Darfur as genocide.

I am proud to be a cosponsor of this important legislation to impose sanctions against individuals responsible for genocide, support humanitarian operations and promote peace efforts in the region. This is not only an issue of religion or politics. This is a matter of mercy and humanity.

I urge my colleagues to vote for H.R. 3127.

I want to thank Chairman SMITH, again, for this great bipartisan legislation.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I first would like to thank my colleagues, Chairman HENRY HYDE and Chairman CHRIS SMITH and the ranking member, my good friend from New Jersey, DONALD PAYNE, for keeping this House focused on the grave atrocities unfolding every single day in Darfur.

Mr. Speaker, the U.S. Congress determined some 2 years ago that the atrocities in Darfur are genocide. We don't use that term lightly. I certainly don't. But it was my privilege to lead the debate on the Democratic side designating what is unfolding in Darfur a genocide. President Bush later addressed the U.N. General Assembly and reaffirmed that our government also designates what is happening in Darfur a genocide.

The United Nations Under Secretary General for Humanitarian Affairs yesterday reported that the government of Sudan is preventing him from visiting Darfur as an eyewitness to the most recent wave of war crimes taking place there. In the past few months, marauding Arab militia, backed by Khartoum, have killed an estimated 10,000 children and women and men.

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These Arab militias attacked 60 villages, sending thousands of people fleeing into the desert. As we speak, Mr. Speaker, Khartoum's Arab surrogates continue to disrupt U.N. humanitarian services, kill and displace civilians, and destabilize the entire security situation in Darfur.

While the government of Sudan grudgingly acceded to the Comprehensive Peace Agreement, so-called, it continues to block every effort to protect civilians, stop the genocide, and bring peace to Darfur.

The numbers of individuals killed, raped, tortured, and displaced is staggering. Genocide has destroyed well over 60 percent of the villages in Darfur. It has displaced over 2 million human beings and killed an estimated 400,000 and driven additional hundreds of thousands into refugee camps in neighboring Chad.

Meanwhile, the escalating violence on the Chad-Sudan border between Chadian rebels and the Chadian military is threatening thousands in refugee camps and making humanitarian assistance almost impossible. Refugee men and boys are forced into recruitment into the rebel militia. Rather than getting better, the situation for Darfur refugees is becoming all the more precarious with every passing day.

The President has proposed to our allies that the United Nations have a concrete plan to stop the violence in Darfur, deploy NATO staff and resources to the region immediately to aid the embattled African Union peacekeepers, and within 6 months establish a formal United Nations peacekeeping mission in Darfur. Mr. Speaker, I strongly support this plan.

And yesterday I had the occasion to talk to the distinguished Foreign Minister of Germany, and I am pleased to state that Germany and the United States will stand together as members of NATO in Darfur.

In a cynical move, the government of Sudan is putting up every possible roadblock to prevent this from happening. The regime even threatened to pull out of the African Union if it endorsed a U.N. handover.

The government of Sudan opposes a U.N. peacekeeping force for one simple reason: it wants to complete the genocide. Working with the African Union, the United Nations, and our NATO allies, we have a moral obligation to foil this plan by actively bolstering African Union forces already there before a U.N. force can finally be deployed.

The African Union has an urgent need for underground NATO advisers and mentors in the areas of command and control, use of intelligence, enhanced communications, and for NATO to continue its current assistance such as strategic airlift for troop protection and training at African Union headquarters.

As the most powerful countries in the world, all of the governments of NATO have a responsibility to contribute in whatever way we can to stopping this genocide. It is not a matter of means, Mr. Speaker. It is a matter of political will.

To this end my distinguished colleague Congressman JOE PITTS and I have introduced House Resolution 723 that calls on the African Union, the United Nations, and NATO to work closely together to strengthen the African Union's capacity to deter the ongoing violence until the U.N. peacekeepers are fully deployed.

Recently, the other body passed a similar resolution sponsored by my friends and colleagues JOE BIDEN and SAM BROWNBACK. This effort to bridge between the current African Union mission and the fully implemented U.N. peacekeeping operation will save tens of thousands of lives and allow uninterrupted humanitarian access to the vast numbers today in camps in Chad and in Darfur. I urge all of my colleagues to cosponsor H. Res. 723, the Lantos-Pitts resolution.

Mr. Speaker, H.R. 3127, under consideration today, demands accountability on the part of the government of Sudan and those most responsible for genocide, war crimes, and crimes against humanity in Darfur. Our bill imposes sanctions against the perpetrators who either directly or indirectly are causing such large-scale human suffering and devastation.

I encourage all of my colleagues to support this important bipartisan bill.

Mr. Speaker, it is with great pride and respect for his work on this subject that I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), who has been our conscience on the issue of the Darfur genocide.

Mr. PAYNE. Mr. Speaker, I rise today in absolute strong support of H.R. 3127, the Darfur Peace and Accountability Act. I thank Mr. LANTOS, our ranking member of the International Relations Committee, for his continued leadership on issues of importance to the committee, a person who can speak of genocide, being the only Member in Congress who is a Holocaust survivor. So this is very personal, as it is with all of us.

I would like to thank Chairman HYDE for the work that he and his staff did for being open to negotiations with me and my staff and other Members as well as those of other members of the Subcommittee on Africa, Global Human Rights and International Operations, chaired by Representative SMITH, my friend from New Jersey, who has done an outstanding job chairing the subcommittee.

I would also like to thank Congressman WOLF for his continued work, who for many, many years has been involved in Sudan; and Congressman TANCREDO, who went to Southern Sudan on his first CODEL a number of years ago with Senator BROWNBACK and myself; and to MELVIN WATT of the Congressional Black Caucus and BARBARA LEE and others who have stood shoulder to shoulder opposing this horrendous genocide.

It was nearly 2 years ago on June 24 in 2004 where I stood with the Congressional Black Caucus, Leader PELOSI, and TOM TANCREDO and introduced H. Con. Res. 467, declaring that genocide was occurring in Darfur, Sudan and that the government of Sudan was responsible. This is the government which harbored Osama bin Laden for 5 years in his country and aided and abetted him and assisted him.

Tragically and to our own shame, the genocide continues today, almost 2 years later, unabated. Many people were surprised when the Congress approved the genocide resolution. And then the next night Senator FRIST, with unanimous consent in the Senate, had the genocide resolution passed in the Senate and the President indicated at the United Nations that genocide was going on after Colin Powell declared it for the State Department.

Mr. Speaker, I have walked through the camps of the Darfur people who were violently forced by government troops and the Janjaweed mercenaries to run for their lives. I have seen the faces in the pictures that Leader PELOSI showed and to hear the horror stories.

Try to imagine what it is like to run away from everything you have known in an instance at gunpoint, to look back at your home, at your village, to see them engulfed in flames. Imagine the cries of scores of men and women, young and old, being brutally killed, terrorized, raped, beaten.

What continues to go on in Darfur today is the ultimate form of terrorism. An estimated 400,000 have already died from murder, starvation, diarrhea, and preventable diseases. Nearly 3 million were forced from their homes into other parts of the region or into Chad. Now the security nightmare has spilled over because the Janjaweed has gone into Chad. And this is the same government that for 20 years had a North-South war where 4 million people were displaced and 2 million people died. So this is a government responsible for 6 million displaced people, 2½ million people dead. This government does not deserve to even be called a government.

Truthfully, it is difficult to imagine. We are half a world away, safe. That is why we bear even a greater responsibility.

What can we do? We must call on President Bush to immediately push the National Congress Party to disarm the Janjaweed, to give the command to the government troops to stop killing innocent people, stop raping, to send those responsible for atrocities in Darfur to appropriate international authorities as called for in Security Council Resolution 1593, and to comply with Security Council Resolutions 1564, 1591, and 1556.

Whether they are government officials such as Security and Intelligence Chief Salah Gosh or Vice President Taha, who leads the Janjaweed, as alleged, we must make sure that this ends.

I would like to just conclude by saying even in my district on Sunday, April 9, the End the Genocide-Save Darfur will be having a rally with the American Jewish Congress, the American Jewish World Service, the United Jewish Communities of MetroWest, Help Darfur Now. So everyone is coming together.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to my good friend and distinguished colleague from California, an indefatigable fighter for human rights, Ms. BARBARA LEE.

Ms. LEE. Mr. Speaker, first, let me thank our ranking member for yielding, and also for your leadership and for making sure that wherever genocide is occurring, you take action to stop it, Mr. LANTOS. Thank you so much.

I want to thank also Chairman HYDE and Chairman SMITH for their leadership and for making sure that as we move forward in addressing this atrocity that we work together in a bipartisan fashion. It is so important that the world see Democrats, Republicans, Independents, all of us coming together on this issue.

And to Mr. PAYNE, let me just thank you again for your leadership, for being oftentimes the lone voice in the wilderness and for staying there and plugging along and making sure that this House and the other body puts this as a priority because you knew early on what was taking place when many did not. So thank you for your leadership.

And let me also thank Mr. ROYCE and all of those who have been working and in the forefront of this effort because all of us understand now that we can no longer stand by as millions of innocent people are being displaced and hundreds of thousands are being murdered.

I visited Chad and Sudan last year with Chairman ROYCE and the Academy Award nominee Don Cheadle, and let me tell you we visited those refugee camps on the Chadian-Sudanese border.

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Children drew pictures of airplanes flying with bombs dropping. Then they had the helicopters going underneath the airplanes. Then the militia, the Janjaweed on the horses, coming in burning and raping women and kidnapping people. These pictures were vivid that the children painted. It convinced me that the Khartoum government was clearly responsible for this slaughter.

We visited also just recently with our great minority leader, NANCY PELOSI, El Fasher and the refugee camps around the AU headquarters. Quite frankly, it has gotten worse. I want to thank Congresswoman PELOSI for her leadership, because we were able once again, and you heard her earlier, to visit the refugee camps and talk to people and see and learn what we must do in order to stop this slaughter.

This is an important bill. It addresses not only the immediate needs of the Darfurian people, but also the long-term goals of a political settlement. First of all, it also asks the Secretary of State to declare the Janjaweed a terrorist organization, because that is what it is, and we need to be very clear on that. The AU is currently doing a remarkable job, and this legislation helps us to help the AU in a better way in terms of providing for more support. They need more troops.

This legislation also blocks assets and restricts travel of any individual the President determines is responsible for acts of genocide, war crimes or crimes against humanity in the Darfur region.

It also supports the International Criminal Court's efforts to prosecute those responsible for acts of genocide in Darfur.

Mr. Speaker, I am disappointed that my provision for capital market sanctions, which our subcommittee approved unanimously, did not stay in the bill as it moved forward, but my provision to support state-sponsored divestment campaigns throughout our Nation is in there.

I want to thank our Chairs for making sure that that is there, because efforts to divest from companies that support the Khartoum regime should be applauded and the growing divestment movement must be supported. The University of California is getting ready to divest, Harvard University has divested, Stanford has divested, as well as the States of Illinois, New Jersey and Oregon. These provisions with regard to divestment are very important.

Mr. Speaker, this bill makes sure that we step up to the plate now and put some teeth into our declaration of genocide. We cannot have another Rwanda, Mr. Speaker. One million people died, and all we could do there was go there later and apologize. Sometimes you see some of us wearing "Not on Our Watch, Save Darfur," because we do not intend to have on our watch another genocide of that magnitude. 200,000 people is too many already. One person is too many.

So this bill will help us address the growing humanitarian crisis, and also the security crisis. In the long run, of course, we know that we must have a political solution and a peace accord.

I want to thank all of you, again, for making sure this remained a bipartisan effort.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend and distinguished colleague from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend Mr. LANTOS on his outstanding leadership on this issue, as well as Chairman HYDE and Chairman SMITH on this all-important issue. I commend their leadership.

Mr. Speaker, I rise today in support of H.R. 3127, the Darfur Peace and Accountability Act of 2006. I also want to express my deep concern as well as the concern of an overwhelming number of my constituents over the situation in Sudan.

The ongoing violence and humanitarian disaster in Sudan has led to as many as 400,000 villagers killed by militias and left more than 2 million Sudanese in refugee camps. This dire situation has also strained the resources of countries bordering Sudan.

In the past, I have supported measures that call on the President to improve the security in Darfur and increase funding for peacekeeping forces and humanitarian assistance. Today, I am proud to be a cosponsor of H.R. 3127, which directs President Bush to impose sanctions on the government of Sudan as well as freeze the assets of anyone responsible for acts of genocide, war crimes or crimes against humanity in Sudan. This measure also calls on NATO to send a civilian protection force to assist the African Union mission in Sudan, which has been expanded.

Mr. Speaker, the plight of the people in Darfur resonates with all of us, and we should all be ashamed that the atrocities that have taken place and that are taking place right now are happening in our time. Where is the world's outrage? Why have we not learned from the mistakes of the past, the Holocaust, Armenia, Cambodia, Rwanda?

Mr. Speaker, now is the time to act. It is our duty to end this humanitarian suffering, and I will remain steadfast in my commitment to stopping this conflict and promoting peace in Sudan.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from California has expired.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that an additional 20 minutes of debate time be made available, equally divided between the two sides.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend from Massachusetts, our distinguished colleague, MICHAEL CAPUANO.

Mr. CAPUANO. Mr. Speaker, first I would like to add my voice to congratulate the leadership of the International Relations Committee and to this House for bringing this bill to the floor. I will be honest, I had some doubts that this bill would ever get to the floor, and the fact that it is here I think is something that deserves recognition.

I think everybody here and everybody who is listening who cares about this issue already knows what is going on in the Sudan.

I just wanted to rise today to express my opinion that this bill coming to this floor at this time is representative of what America can be in the world. It is representative of what America is. It is the best of America. I am not so sure that this bill or anything we can do here will actually stop the genocide in Sudan, but we need to do what we can do, and that is what this bill does.

This bill represents the hopes and dreams of the world, for all the people who care, honestly care, about human rights, basic human rights. I am not talking about the kinds of things we talk about here in America which are the extra-human rights we would all like to see. These are basic: life and death; enslavement and freedom; torture and no torture.

This bill addresses those issues to the best of our ability, and I think just for a moment, every American who cares about this issue should take a second and congratulate themselves and to feel good about their country and their representatives here in the House who have taken action today that we don't need to take. I don't think any of us will get a single vote at home because of this action. But it is the morally correct thing to do if America wants to continue to be the beacon of hope for the entire world.

Mr. Speaker, I repeat what I said before. I congratulate the leadership of this House, and thank them for bringing this bill to the floor.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my fellow Californian and good friend, who is a fighter for human rights in Africa and everywhere, Ms. MAXINE WATERS.

Ms. WATERS. Mr. Speaker, I thank the gentleman from California. I would like to commend the bipartisan effort of the International Relations Committee, and thank you for the work that you have done on this most important issue.

I was just part of a bipartisan delegation led by minority leader NANCY PELOSI to the Sudan. Genocide is taking place as we stand here today. We met with Vice President Taha. He was unapologetic, he was arrogant and he was uncompromising on their position in Darfur. They don't like the use of the word "genocide," but he admitted that they had funded the Janjaweed because they retaliated against the rebels of the south who were resisting the Sudanese government.

We are on the right track. This Congress has been good in helping to identify that, number one, genocide is indeed taking place. Over 200,000 people have died.

We watched what happened in Rwanda. We have noted over and over again the atrocities of the Holocaust. Yet we can't seem to get the U.N. and others to move fast enough to stop this genocide that is taking place in Darfur.

I support this resolution today, this Darfur Peace and Accountability Act of 2006 today, because this will impose sanctions on the government of Sudan and it will block the assets of and restrict travel for individuals who are responsible for acts of genocide, war crimes or crimes against humanity in the Darfur region of Sudan. It is long past due. We should be tough about it. The sanctions movement is growing. We need to squeeze them. We need to make sure that we have the kinds of actions that will be felt.

I was up in the camps. As far as the eyes can see, millions of displaced persons who have been driven from their homes, driven from their camps, living literally on the ground with little tarps just covering them. It is unconscionable that this should continue.

Again, I thank the International Relations Committee.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to our distinguished colleague and my good friend from Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me again applaud the International Relations Committee, Chairman HYDE and the ranking member for never stepping away from a very difficult challenge on the international arena.

Mr. SMITH, the chairman of the Subcommittee on Africa, let me again acknowledge your ongoing stand against the brutalization of peoples who are disenfranchised around this world and taking the responsibility that this moral Congress has, the one entity that is looked upon around the world for that extended helping hand.

I, too, traveled to Chad and to Sudan and looked at this whole complex situation. On the one hand, the Sudanese government in a certain sense having a mea culpa, "not me, not I." The African Union being somewhat helpless to the extent that the charge they are given is only to watch and to see. And then in Chad, a country that is now being in essence not destroyed, but certainly charged and challenged with responsibilities that they cannot handle, thousands upon thousands of displaced persons, many of them women and children.

I visited in the heat of the spring and saw no water for the children to go to school, women being raped as they were leaving the camps to find survival, the Chad economy not being able to survive because of this enormous influx of new human beings. Yet, the Sudanese government continues, continues, to deny.

Might I say that in the course of this work, Mr. LANTOS, you know that I have worked very hard to be, as many Members of Congress, a bridge builder between nations in the Mideast. But it is important for our friends, our Arab friends and our friends in China, to understand that they are participants, that they are doing all that is good; if they become implementers or affirmers of the genocide, that this excellent legislation that has the handprint of the outstanding gentleman from New Jersey, Mr. PAYNE, who consistently has been on the battlefield, along with, of course, the excellent leadership of Leader PELOSI, who passionately went to the Sudan just a couple of months ago with members of the Congressional Black Caucus and others, who symbolize the concern of this Congress, that if they don't understand our allies, China being an emerging ally, certainly the work we are trying to do in the Mideast, that they are affirming this disaster.

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Then they are not reading the tea leaves. So I come to this floor acknowledging the excellence of H.R. 3127, asking for the other body to immediately move forward. This is not a can-do piece of legislation. This is an emergency piece of legislation. And the President, who should have listened to Secretary Powell over a year ago, who declared after we pressed as Members of Congress, members of the congressional black caucus in particular, that genocide was going on, that it was crucial that the genocide that is going on, that Americans, Americans in every corner of this particular nation would be empathetic and sympathetic to say stop this massive killing. And when I say that, it is like horses going into your suburban neighborhoods, men and women or men on horses and attacking your homes and sending you out of your homes and burning your homes. That is what is going on in Sudan.

So let me join in the sanctions of this particular legislation, but let me say to the gentleman on this floor, I do think it is time to re-energize the movement that expressed to the Sudanese government by way of the embassy, to be very honest with you, that people be at the embassy to again express our disappointment with their lack of sensitivity. And then I must say that what I intend to do is to begin a movement of divestiture. I want to see the investment houses of America divest of any investment in the Sudan, and we will begin this as others have done in their States, and Texas needs to hear my call. Get your money out of Sudan. They are not listening. And the only way that they can be heard or we can be heard is the same way that apartheid was destroyed in South Africa, was to isolate them and to determine that they cannot any longer murder and pillage without impunity in this particular country.

I thank the distinguished gentleman, but I hope that we will be able to wage an effort, a bipartisan effort of divestiture, which ultimately brought South Africa to its recognition, that of separation of black and white and the brutality that occurred had to stop, and look at South Africa today. Sudan can be the kind of nation we all can be proud of.

Mr. LANTOS. Mr. Speaker, I want to thank all my colleagues on both sides of the aisle for their powerful and impassioned statements. This is a legislation of conscience. I urge all of my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say, in closing, how grateful I am to Members on both sides of the aisle for working so steadfastly on this legislation. There were some glitches, there were some areas where there was broad agreement as well as disagreement. We worked out those differences, and I want to thank the Members, but also the staff. Joan Condon has done an incredibly good job in walking us through this legislation and writing many parts of it. Greg Simpkins, our Africa specialist on the subcommittee, who also worked on this legislation, as I said earlier, accompanied me to Darfur last August. We saw firsthand the devastating impact of this horrific genocide on men, women, and children in that beleaguered land. Pearl-Alice Marsh is always a great friend of the Africa Subcommittee, who provides very good insights. I want to thank her, as well as Noelle Lusane, DON PAYNE's lead staffer who works very well with us, and Ted Dagne. Together we were able to work through these differences.

Ms. ESHOO. Mr. Speaker, I rise today in support of H.R. 3127, the Darfur Peace and Accountability Act, legislation aimed at stopping the ongoing genocide in the Darfur region of Sudan.

As a longtime cosponsor of this critical legislation, I'm pleased that this bill has been brought before us today for a vote. With as many as 400,000 killed by the orchestrated violence in Darfur, it's imperative that the U.S. act quickly and decisively to put an end to the crisis.

H.R. 3127 goes after the individuals both inside and outside the Sudanese government who are responsible for the ongoing bloodshed by directing the President to seize the assets of and refuse future visas to any individual (or their family members) responsible for acts of genocide, war crimes, or crimes against humanity in Sudan. It also forbids any U.S. port from accepting any goods or cargo from Sudanese ships should the Sudanese government continue to fail to take steps to resolve the crisis. Furthermore, in order to give military protection for victims on the ground, H.R. 3127 authorizes the President to provide assistance for an expanded peacekeeping force in Sudan; the African Union Mission in Sudan, AMIS, and directs the President to seek NATO reinforcement of AMIS, upon the request of the African Union.

Last month I voted for and the House passed the Capuano Amendment to the FY2006 Supplemental Appropriations Bill for Iraq and Other International Activities, which added $50 million in funding to expand the African Union's peacekeeping operations in Darfur. This critical funding will help the African Union forces provide humanitarian relief and protection until further assistance arrives from the U.S. and the international community.

For the past three years I have voted for and cosponsored legislation condemning the atrocities in Darfur and appropriately labeling them "genocide." Both Houses of Congress have concurred with this assessment, but little has been effective in stopping the killings and displacement. We need to do more, and we need to come up with new methods to target those perpetuating the violence. The provisions within the Darfur Peace and Accountability Act will give us a fresh set of tools to apply to the situation and deliver assistance to those who need it. I urge all of my colleagues to support H.R. 3127.

Mr. OLVER. Mr. Speaker, for three years the Sudanese government and its armed militia have been engaged in a violent conflict against two major rebel groups in Sudan. This struggle has evolved into an ongoing campaign of government-backed violence and ethnic cleansing, but the international community has failed to take sufficient action to put an end to these atrocities. Congress and the Bush Administration have recognized the slaughter in Darfur as genocide, but it is time to also hold the government in Khartoum accountable for the horrendous actions against civilians and provide international assistance to the victims in Darfur.

To date, more than two million people in Darfur have been driven from their homes and hundreds of thousands have been brutally murdered. Many who have been fortunate enough to escape the violence in Darfur have sought sanctuary in the neighboring country of Chad, but now acts of violence and genocide are following them over the border. The New York Times reported on February 28 that Chadians are now becoming the target of cross-border attacks by Sudanese militia. These assaults are sending civilians from Chad over the border to Sudan, directly into the heart of the violence and bloodshed.

The African Union Mission in Sudan, AMIS, is charged with monitoring an ineffective ceasefire that has been consistently ignored by both sides of the conflict. But the African Union does not have the resources, training or mandate to provide real protection for the people of Darfur. The African Union needs support from the international community, and H.R. 3127 is the first step in this process. This legislation directs the President to instruct the U.S. representative to NATO to advocate for NATO reinforcement of AMIS and to urge the Security Council to adopt a resolution supporting the expansion of AMIS.

Today I offer my support for the Darfur Peace and Accountability Act, and I hope that Congress, the Bush Administration and the International Community can work together to put an end to crisis in Darfur.

Mr. ANDREWS. Mr. Speaker, I rise in support of the Darfur Peace and Accountability Act, and urge my colleagues to join me in voting yes on this important piece of legislation. I commend Chairman HYDE and my fellow New Jerseyans, African Subcommittee Chairman CHRIS SMITH and Ranking Member DONALD PAYNE for bringing this bill to the floor and helping keep our focus on the terrible crisis in Darfur and humanitarian needs in Sudan.

Three years ago, the people of Sudan began a bloody civil war, with two rebel groups in the South rising up against the government in Khartoum. The response from the Sudanese government was swift and brutal, and its aerial bombardment and support of the criminal militia known as the Janjaweed continues today throughout the country. But what has been done in the Southern region of Darfur is beyond anything we have seen in many years.

Mr. Speaker, it was not lightly that Congress declared the situation in Darfur a genocide on July 22, 2004. The government and its Janjaweed allies have killed hundreds of thousands of its non-Arab citizens in the region, and this genocide continues unabated today. More than two million civilians have been displaced from their homes, over 100,000 fleeing to neighboring Chad, and these refugees live in the most difficult situations, still surrounded by Janjaweed abusers and fearful for their safety. Rape has been widespread, and as the Janjaweed move across the region they leave a path of destruction that makes living nearly impossible for the few survivors left behind.

The military of the African Union, now 7,000 strong in Sudan, is doing valiant work but has never received adequate support. The recent discussions with NATO and the United Nations to bring additional forces and military material to the peacekeeping and stabilization mission are promising, but are not enough. The bill under consideration today would authorize much needed assistance to the African Union Mission in Sudan, and direct the President to support the expansion of this force to strengthen their work to bring peace to the region.

Mr. Speaker, I am proud to be a cosponsor of this bill, which lends significant support to ongoing efforts to end the crisis in Darfur. The bill supports the use of sanctions on the government of Sudan to pressure it to end its support for the Janjaweed and return to the negotiating table. Only through strong U.S. involvement will there be an end to the violence in Darfur, and this bill provides the backing the administration needs to take further action.

Mr. Speaker, it is important to note that the American people are in firm support of the U.S. taking action on Darfur, and are strongly moved by this tragedy, which some have likened to the Holocaust. In my own district, a wide range of faith communities have joined together in the South Jersey Interfaith Coalition to Save Darfur. I am proud to be an honorary co-chair of this group which brings together people from southern New Jersey to take action on this issue. I am also proud of the students of Voorhees Middle School, who, with the help of their teacher Joyce Laurella, organized "Project: Save Darfur," which has raised awareness of the crisis as well as money for UNICEF activities in Sudan. Individual action can make a difference, and the U.S. government should join its citizens in mobilizing on this important issue.

Mr. Speaker, time is of the essence in this matter, which grows more dire every day. We cannot stand idly by, as we did in the face of the genocide in Rwanda and in the early stages of the Nazi holocaust, and then report sadly from the gravesites of those who died. I strongly urge my colleagues to vote yes on the Darfur Peace and Accountability Act, and support these steps to end the genocide.

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues in strongly supporting H.R. 3127, the Darfur Peace and Accountability Act of 2006. As a co-sponsor of this measure since July 2005, I am extremely pleased this measure is finally being considered by the full House.

I traveled to Sudan in 1989. I did not know much about the Horn of Africa at the time. But I knew this: 280,000 people starved to death the year before and it was not because there was not enough food. There was a tremendous outpouring of support from people all over the world, and I am proud to say that it came primarily from the United States of America. But that food did not get through to the innocent civilian populations because of this civil war.

I went to Sudan with the late Mickey Leland and the late Bill Emerson and my colleague GARY ACKERMAN. I watched in awe as Mickey Leland negotiated with tyrant Sadiq al-Mahdi and with the leader of the SPLA John Garang, and even that unsavory character next door President Mengistu of Ethiopia to create" corridors for peace." He was successful that year. And in the following year, deaths due to starvation dropped dramatically.

But in the time since then, we have focused our attention elsewhere. We have looked away from this tragedy, and the situation today continues to deteriorate.

Over 2 million people have already died over the past two decades due to war-related causes and famine in Sudan and millions more are internally displaced—more than any other nation on the face of the Earth. And we continue to look the other way.

As we approach the 91st anniversary of the Armenian Genocide, we must also recognize that what has been happening in the Darfur region of Sudan is also genocide. On July 22, 2004, the House of Representatives declared that the atrocities occurring in the Darfur region of Sudan are genocide. This bill, H.R. 3127, also includes this declaration.

We need to get our priorities straight. Let's stop this war and end this human suffering.

We can start by passing and implementing the provisions of this important measure, the Darfur Peace and Accountability Act.

Mr. AL GREEN of Texas. Mr. Speaker, today I am offering my support for H.R. 3127, the Darfur Peace and Accountability Act. This bill would be an important step in ending the crisis that continues to plague the Darfur region of Sudan.

Since civil unrest erupted in Sudan in February 2003, roughly 400,000 people have died and an astounding 2.5 million have become displaced as a result of policies by the government of Sudan and attacks by government troops and government-backed militias. The human inhabitants of that beautiful land suffer daily from unimaginable torments including rape, hunger, looting, and indiscriminate killing.

The U.S. government has officially acknowledged that what is happening in Darfur is genocide. Now, it is imperative that the U.S. and the global community act in defense of those in Sudan who are suffering at the hands of their government. If we do not do all that we can to bring stability to this humanitarian crisis, then we are essentially participating in the problem.

H.R. 3127 aims to end this deplorable violence through a variety of means including increasing asset and travel sanctions, urging the expansion and a stronger mandate for the African Union Mission, AMIS, bringing perpetrators of genocide, war crimes, or crimes against humanity in Darfur to justice through the International Criminal Court, and urging the President to apply additional methods of diplomatic pressure.

As a member of the Congressional Sudan Caucus, I have had the opportunity to express my commitment to developing a solution that will put an end to this continuing genocide. Furthermore, I intend to do what I can in my capacity as a Member of Congress to demonstrate this august body's dedication to supporting human rights around the world. I am optimistic that, by working with advocates and the international community, peace will return to Sudan.

I support the Darfur Peace and Accountability Act. I also urge my colleagues to vote "yes" on this important legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Darfur Peace and Accountability Act. This legislation is a much needed step towards ending the unprecedented tragedy taking place in Sudan, and its consideration today is long overdue.

Over the past 3 years, the world has watched as the situation in Darfur has escalated into an unprecedented humanitarian and human rights crisis. Since February 2003, civilians in the impoverished Darfur region of Sudan have been subject to indiscriminate killings, abductions, torture and rape at the hands of the Janjaweed—a lawless militia that has the alleged support of the Sudanese government. It is clear that the government of Sudan has offered their tacit approval for these attacks, and in many instances has engaged in air and ground strikes to augment the Janjaweed assaults on the people of Darfur.

The scope of this ongoing tragedy is hard to imagine. The numbers, unfortunately, speak for themselves. An estimated 3.5 million people are starving and some 2 million have been displaced from their homes, including hundreds of thousands who have fled to Chad for refuge. When then Secretary of State Colin Powell called the crisis in Darfur "genocide" in September 2004, an estimated 50,000 people had been killed. That number may now reach as high as 400,000 today, with 180,000 of these deaths occurring in the past 18 months alone according to the United Nations. These numbers continue to grow everyday; however we may never fully appreciate the enormous human toll these atrocities have taken on Sudan, the continent of Africa, and the world.

The atrocities taking place are nothing less than a human tragedy, a world wide cause that we cannot ignore—and yet the international community remains essentially paralyzed and unable to stop it. To date, there have been 8 rounds of peace talks, the deployment of 6,000 African Union troops, 6 U.N. Security Council resolutions and declarations of genocide by the administration and this Congress. Despite this pressure, the Sudanese government has steadfastly refused to take any constructive steps towards ending this humanitarian crisis.

As the leader of the free world and a role model for human rights and democracy, we must live up to our own example. To this end, the Darfur Peace and Accountability Act takes several important steps toward increasing pressure on the government of Sudan to end the current crisis. Among its many provisions, this legislation strengthens sanctions on individuals and governments responsible for, or connected to, the atrocities in Darfur. It also provides strong support for the expansion of humanitarian and peacekeeping efforts in the region, and calls for the suspension of Sudan's membership in the United Nations. While this legislation alone will not end the atrocities in Darfur, it will send a strong message to Sudan and the world community that the U.S. is serious about bringing an end to the violence.

Many grassroots groups around the country, such as the Connecticut Coalition to Save Darfur, have been working to educate policymakers and the public on the urgent need for action in this troubled region of the world. Their efforts have ensured that the crisis in Darfur stays in the public mind and today's consideration of the Darfur Peace and Accountability Act is a testament to their tireless work. I am proud to support this legislation, and strongly urge its quick approval in conference so that we can get this important bill to the President's desk without delay.

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H.R. 3128, the Darfur Peace and Accountability Act of 2006.

Three years ago, the United Nations Security Council declared its grave concern at the widespread human rights violations in Darfur and expressed its determination to do everything possible to halt a humanitarian catastrophe. Since then, at least 300,000 people are estimated to have died in Darfur. Currently, more than 3.5 million Darfurians depend on international aid for survival and another 2 million have been driven from their homes.

In 2004, pressure from Congress and American citizens prompted the Bush administration to become the first government to recognize the mass killing in Darfur as a genocide. Since then, the U.S. has played an important role by pressing for an international response to the crisis in Darfur at the U.N. supporting the deployment and expansion of the African Union Mission In Sudan (AMIS), and providing critical humanitarian aid. Unfortunately, the U.S. and the international community have yet to muster the will or cooperative action necessary to adequately protect civilians, end the killing, and broker lasting peace.

Last week the U.N. Security Council issued a resolution reaffirming that the situation in the Sudan continues to constitute a threat to international peace and security. In Darfur large scale attacks on villages have been replaced by rampant banditry, a campaign of sexual violence, and the practical entrapment of civilians in camps. Government backed militias have not been reined in and rebel groups are contributing to violence on the ground. Civilians continue to be attacked, women and girls raped, humanitarian workers harassed, and critical aid supplies disrupted. For people of Darfur, the situation remains one of daily violence and insecurity, desperate living conditions, and the persistent threat of hunger and disease.

Sixty years ago, in the wake of the Holocaust, the international community vowed, "Never again." Ten years ago, confronted with the death toll of the Rwandan genocide, leaders of the same nations again declared, "Never again." Today, tens of thousands of women, men, and children have been murdered and hundreds of thousands continue to suffer in Darfur. The Darfur Peace and Accountability Act reminds the administration and the international community that the genocide in Darfur demands urgent attention and action, and calls upon the President to use both economic and political leverage to elicit cooperation from the Sudanese government.

Passing the Darfur Peace and Accountability Act is a small, but important demonstration of this nation's commitment to human rights. I hope that passage of this important legislation will spur more concerted national and international efforts to bring security and stability to the people of Darfur.

Mr. CARDIN. Mr. Speaker, I rise today in support and as a co-sponsor of H.R. 3127, the Darfur Peace and Accountability Act of 2006.

Since February 2003, the Sudanese government—through its proxy, the Janjaweed Arab militia—has carried out a campaign to loot and burn African villages in the Darfur region of western Sudan. Hundreds of thousands of people have been killed, and over 2 million people have been displaced. This systematic pattern of attacks against civilians includes arbitrary killings, abductions, looting, torture, and rape, and such attacks are supported by air and land strikes by Sudanese government forces. Congress declared in the summer of 2004 that genocide was occurring in Darfur, and the administration followed suit in the fall of 2004.

This bill strengthens the Sudan Peace Act of 2004 by expanding sanctions, authorizing funding for humanitarian and peacekeeping efforts, and by taking additional steps to bring international attention to this conflict.

First, this bill specifically targets individuals in the government as opposed to punishing the coalition government as a whole. It holds Sudanese government officials and Janjaweed officers accountable for genocidal acts. The bill also targets oil revenues of the Sudanese government by denying access to U.S. ports to any ships involved in the Sudanese arms or oil industries. It is important that we force those responsible for the violence to account for their actions and that we prevent the Sudanese government from continuing to profit while thousands are being killed.

Second, the bill increases humanitarian aid to southern Sudan and other marginalized areas, which are currently under the control of the Sudanese government and thus sanctioned. With this provision, our aid will more efficiently reach those in need, even if they live under the coalition government. In this way, we can hope to protect those who have lost their homes and their livelihoods to the violence of the region.

Third, the bill reinforces the African Union Mission in Sudan (AMIS) in order to protect civilians and carry out humanitarian operations. Currently, the African Union Mission in Sudan consists of only a few thousand troops, and AMIS will require a significant number of supplies and additional troops to effectively carry out its mission. The United Nations Security Council should also consider authorizing a separate, more robust peacekeeping force under U.N. auspices.

I was pleased that the House appropriated $500 million last month in emergency assistance to southern Sudan and Darfur. I urge the House to adopt this legislation today, which takes important steps to stop the ongoing genocide in Darfur.

Mr. McGOVERN. Mr. Speaker, I rise in support of H.R. 3127. the Darfur Peace and Accountability Act of 2006. I wish to thank my good friends and colleagues on the House International Relations Committee, in particular Chairman HENRY HYDE and Ranking Member TOM LANTOS. I would also like to thank the honorable gentleman from New Jersey, Representative DONALD PAYNE. for his leadership on Darfur and peace in Sudan, as well as my Massachusetts colleague, and Co-Chair of the Sudan Caucus, Representative MICHAEL CAPUANO.

Mr. Speaker, the genocide in Darfur is an affront to the world. and a challenge to the moral and political leadership of the U.S., the European Union, the NATO Alliance, the African Union. and the international community and its representative body, the United Nations. To date, we have failed. individually and collectively, to rise and meet this challenge.

Every day, the carnage continues.

Every day. villages are destroyed.

Every day, women and girls are raped.

Every day, children are held in servitude.

Every day, the Sudanese government in Khartoum and its terrorist allies. the Janjaweed militias, sit fat and happy, secure in their knowledge that the world is all bark, and no bite—and they continue their pillage and their terror and their violent acts with impunity.

This bill, Mr. Speaker. attempts to hold the Government of Sudan. its leadership and its militia allies accountable for their acts and their crimes.

It is not enough, Mr. Speaker, but it takes important steps to strengthen current sanctions, increase the pressure on Khartoum, demand greater support for the African Union peacekeeping mission (AMIS). and require greater action by the international community, including the U.S., to put an end to the slaughter.

I wish the bill would have required the establishment and enforcement of a no-fly zone over Darfur, but at least it includes a sense of Congress provision in support of the no-fly zone. But I warn you, Mr. Speaker, in the absence of controlling the skies over Darfur, government planes and helicopters will continue to support and protect the terrorist militias as they carry out genocidal acts against the defenseless population.

Mr. Speaker. everyone talks about Darfur. For the past 3 years the world has called what is happening in Darfur genocide. And yet the situation continues. the crisis worsens. the blood continues to flow, smoke still rises over the few remaining villages. refugees from the region pour into overcrowded camps, hunger and famine stalk the refugees. and the conflict spills over into neighboring countries.

We cannot continue to talk about Darfur, yet turn our eyes away.

We cannot continue to talk about Darfur, yet take no actions to stop the killing.

I fear, Mr. Speaker, the peace of the dead.

This is not an African problem. this is a crime against humanity—all humanity—our humanity.

I support H.R. 3127: it is a good step in the right direction; but it is not enough.

We in this Congress; we in this Nation; we in this world have failed to meet the test of Darfur—and we will continue to fail until the killing stops, peace is achieved, and the murderers—and all those who aid and abet them—are held accountable and brought to justice.

I urge my colleagues to support H.R. 3127.

Mr. TANCREDO. Mr. Speaker, I want to begin by thanking Chairman HYDE, Ranking Member LANTOS, Africa Subcommittee Chairman SMITH and my good friend and long time collaborator on Sudan related legislation and issues. DONALD PAYNE of New Jersey.

Mr. Speaker, we all know the numbers: the genocide in Darfur has claimed 400,000 lives and displaced over 2.5 million people. More than 100 people continue to die each day; 5,000 die every month.

Led and supported by their puppet masters in Khartoum, the Janjaweed militia have raped, pillaged, killed and according to this Congress, have committed acts of genocide against Darfur's innocent inhabitants.

Mr. Speaker. despite the efforts of this Congress and the numerous governmental and non-governmental organizations who are active on the ground in Darfur, the situation continues to deteriorate: atrocity crimes are continuing and people are still dying in large numbers from malnutrition and disease.

The humanitarian situation remains catastrophic. due to layers of aid obstruction, the lack of an overall humanitarian strategic plan, and the weakened state of displaced Sudanese. Refugees and internally displaced civilians (IDPs), a disproportionate number of them women, are in terribly weakened states. subject to sexual abuse and without adequate shelter. The numbers of at-risk civilians continue to increase. And as need far outstrips the ability of agencies to deliver aid. localized famine is feared.

To be perfectly frank, I find it reprehensible. Mr. Speaker; simply reprehensible that the international community has failed to act on the promises made after the Holocaust that never again would genocide occur on this planet.

While I stand here today as a Member of Congress and applaud my colleagues for their efforts. I also stand here outraged that the United Nations and NATO have allowed despicable war criminals in Khartoum, the same criminals that once provided safe harbor to Osama Bin Laden and as of Monday, have denied a senior U.N. official from entering Darfur, to dictate the method by which the international community may respond to acts of genocide.

Despite my sadness Mr. Speaker, despite my outrage, I come to the floor today slightly uplifted over the fact that later today this body will vote on and hopefully pass H.R. 3127, the Darfur Peace and Accountability Act.

As I have stated repeatedly during the various markups of this legislation, the final version of this bill is certainly not what I had hoped for; despite the best efforts of my staff and others, there is no authorization of force language: the sanctions could have been stronger; there was no mention of a no fly zone; the list goes on.

Despite these shortcomings, Chairman HYDE's legislation provides the President with the necessary authorization authority to help alleviate the suffering of the people of Darfur:

It denies entry to U.S. ports to certain cargo ships if the Government of Sudan fails to take specified peace measures in Darfur; prohibits, with waiver authority. U.S. assistance to a country that violates U.N. Security

Council Resolutions that prohibit military sales to Sudan; and while the bill provides the President with the authority to direct our Ambassadors to NATO and the U.N. to take various action to stop the genocide in Darfur; and while those Ambassadors have acted accordingly; as I mentioned earlier, both of those organizations have been sluggish and as of now ineffective in taking proactive action to prevent further atrocities.

Mr. Speaker, no matter how stringent this piece of legislation could have been, it would not have ended the killing, the rape and the pillaging that continues to occur in Darfur.

While the President has taken some action to alleviate the suffering of innocent Darfurians, some is simply not enough when a genocide is occurring on our watch.

As I conclude, it is my hope that this piece of legislation sends a signal to Khartoum that this Congress will not stand by idly while the innocent are slaughtered; in addition, I hope the President will increase his pressure on the international community to take decisive action to end the genocide and bring those responsible to justice.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H.R. 3127, The Darfur Peace and Accountability Act of 2006. As the entire world already knows and our Government has already recognized, genocide is today occurring in the Sudanese region of Darfur. Hundreds of thousands of civilians have died and almost 1.5 million displaced by Sudanese government backed militias. It is a shame that much of the world has stood idly by while the slaughter continues and Sudan's vulnerable neighbors are left to cope with the tragedy. Additionally, the perpetrators have not been held to account.

I commend my 162 bi-partisan colleagues who have co-sponsored this important bill. It includes additional targeted economic and diplomatic sanctions against the Sudanese regime and increases support for the African Union Mission in Sudan, AMIS, by offering assistance from NATO.

As privileged citizens of the free world we must be ever vigilant toward those who commit barbaric acts in our world. Unfortunately, our country has a poor record in this respect. Therefore, we must work to ensure that the future generations will not bear this same guilt by acting decisively now. As a cosponsor of The Darfur Peace and Accountability Act, I will continue to work with my colleagues to see that the genocide in Darfur is finally halted and urge the House to pass this important legislation.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the Darfur Peace and Accountability Act, H.R. 3127.

This important bill would block the assets and deny visas and entry to any individual (and family member) responsible for acts of genocide, war crimes, or crimes against humanity in Sudan. H.R. 3127 authorizes support for the African Union peacekeeping mission in Darfur. It prohibits U.S. assistance to a country in violation of U.N. Security Council embargo on military assistance to Sudan. It also urges a Security Council resolution supporting expanding the African Union peacekeeping mission.

For too long the world community turned its back to the ongoing genocide in the Sudan. But the actions of students, religious leaders, and concerned citizens in the United States and around the globe raised awareness about the horrors occurring in Darfur. I want to thank all who shared with me their concern about Darfur in town hall meetings, letters, phone calls, and e-mails over the last three years.

Today the Congress is answering their calls for action. Passing this bill is an all important step to ending the genocide and beginning to hold those who are guilty accountable.

Yet, today there is great suffering in Darfur. The murders continue. The brutal violence still occurs. The rapes persist. People still live in fear. Since 2003, over 200,000 innocent civilians have been slaughtered. More than two million Sudanese civilians are displaced and many live in temporary refugee camps. More disturbing, over three million Sudanese are in need of humanitarian assistance.

The images are stark. The stories are horrifying and sickening. But each one is the picture or story of a single person: a fellow human. We need to remember that we are all bound together in a common existence and a member of the global community. Those who have been slaughtered and those who are suffering in Darfur are family. They are our brothers, they are our sisters. They share the same earth we do and we share a commitment to their safety and wellbeing. My faith, and the faith of many others, says that it is immoral to sit idly by.

Our commitment to end this conflict and to the people of the region must not begin and end today. We must remain focused and dedicated to ending the genocide and healing the wounds of a prolonged civil war. Justice must be served on those who perpetrated these heinous immoral crimes and we must help rebuild and restore the lives of the people who, through the grace of God, survive this hellish civil war.

We, here in Congress, have worked to end this civil war before. We went on record in September of 2004, declaring Darfur a genocide. Just recently, the House approved over $550 million to pay for additional peacekeepers, increased humanitarian assistance and resettlement of refugees. This money is essential to maintaining the current peacekeeping mission and ease the suffering of those who are displaced.

It is long past time for the United Nations to become involved in Sudan. The UN needs to deploy a robust and sizable international mission to end the genocide and then work to bring peace to the Sudan.

After the systematic genocide of the Holocaust, we said never again. After the horrors of Rwanda and the Kosovo we committed ourselves to preventing genocide before it surfaced elsewhere. Sadly, we are close to adding Darfur to this list.

I call on the President to continue to push this issue with world leaders and push in the United Nations to end the genocide in Darfur and to internationalize the response. I pray that the suffering will soon end, but that we will not soon forget our brothers and sisters in Africa.

Mr. HOYER. Mr. Speaker, the United Nations has identified the situation in Darfur, Sudan, as the worst current humanitarian and human rights statement of crisis in the world. And, the United States has labeled the killings in Darfur as genocide.

History is littered with examples of the international community recognizing the existence of genocide, while at the same time failing to put an end to the murder, rape and dislocation of innocent men, women and children.

Sadly, the case of Sudan is yet another sorry demonstration of the international community's collective lack of will to confront those would commit such horrific acts of cowardice.

The nations of the world must stop turning a blind eye to the suffering of innocents.

I am pleased that we are considering legislation to provide further assistance to the African Union Mission in Sudan, and to strengthen the arms embargo against the Janjaweed militia.

But we must not delude ourselves: the resolution before us today will not by itself solve the crisis or put an end to the suffering in Sudan.

As recognized in this legislation, the mission of the African Union peacekeepers must be expanded to allow them to intervene when acts of violence are being committed against innocent Sudanese.

How can we not have learned the lessons of Bosnia, Kosovo and Rwanda, where we watched in horror as troops in blue helmets stood by and witnessed the rape, murder and displacement of thousands?

The humanitarian crisis currently taking place in Sudan is among the most grave the world has seen in the past decade, and at its heart is the genocidal campaign being waged by the Khartoum government.

The most important, immediate step the world can take to stem the violence is to empower the forces already in place to actually protect the people of Darfur.

I urge my colleagues to support this legislation. And, I urge the U.S. Representatives at the United Nations to carry out their mission as directed in this bill to provide to African Union peacekeepers the authority to stop this genocide.

Mr. RANGEL. Mr. Speaker, the Darfur Peace and Accountability Act passed the House today, Wednesday April 5, 2006. This Act calls for action. The specific intent and purpose of this Act must be implemented immediately by the Administration. It is too late for more words on the horrors of Darfur no matter how strong the words. As Nicholas Kristoff in his persistent, piercing Times columns has pointed out that for years, we have said "Never Again, Again." And yet, the slow genocide continues in Darfur. Babies die of hunger and thirst, women suffer a deliberate policy of rape; men are castrated and shot in the head. The starvation, the deaths, the burning of villages, the poisoning of wells, the slaughter of domestic animals on which people depend, the brutal killing of children in front of their mothers continues while the world watches. "Uncover Your Eyes" Mr. Kristoff tells us. "Uncover Your Eyes." (Nicholas D. Kristoff, June 7, 2005).

The killing in Darfur is the first Genocide of the 21st Century. There is only one approach to a genocide: It must be stopped using all necessary means; and those that perpetuate it must be held accountable. There is no excuse for failing to hold accountable those who arm, condone and assist in genocide; most especially the excuse for a failure to hold a government accountable must not be "the war on terror." Those who arm and support the Janjaweed militia as the government in Khartoum continues to do are terrorists. If you doubt it, then uncover your eyes: the Janjaweed seized nine boys from a village called Saleya, stripped them naked, tied them up, cut off their noses and ears, gouged out their eyes and shot them to death before leaving them near a public well. Nearby villagers got the message and fled. Currently rapes take place when women collect firewood. If the men collect the firewood, they are castrated and then shot in the head.

The United States has given a great deal of humanitarian aid to the refuge camps where thousands of people of Darfur live. They cannot go back to their villages. The representatives from the State Department say the starvation and malnutrition rates for these people have slowed since 2004. However, they are unable to feed themselves; if they go back to their villages and try to restore their dwellings and grow crops; they will be killed. There is nothing to indicate the genocide has been called off. The non-Arab tribes from the Darfur region of Sudan are marked for death because of their tribal membership and the fact that they are non-Arab Africans.

We know what needs to be done. We have the time to do what needs to be done. We have the means, the influence, and the power. What we need is the will and the leadership. First the United States must recognize that if the genocide is to be stopped, the United States will have to stop it. This is a most wonderful opportunity never before presented to a leader or a country. President Bush on behalf of all the compassionate citizens of this country must seize this opportunity.

Second, the State Department with the leadership of the President must recognize that neither the mandate nor the troop strength of the African Union Mission in Sudan (AMIS) is adequate to protect civilians in Darfur. Third, although the United Nations Security Council has taken steps toward establishing a United Nations peacekeeping mission for Darfur, it could take up to a year for such a mission to deploy fully and the people of Darfur cannot wait that long. Therefore, the African Union must request assistance not only from the United Nations but also from NATO. NATO is needed immediately; Pursuant to Chapter VII of the Charter of the United Nations a peacekeeping force for Darfur must be approved. It must be well trained and equipped and have adequate troop strength to protect the people of Darfur and stop the deaths of helpless, unarmed civilians many of whom are under the age of five.

In order to achieve this, President Bush must propose that NATO consider how to implement and enforce a declared no-fly zone in Darfur and deploy troops to Darfur to support to the African Union Mission in Sudan (AMIS) until a United Nations peacekeeping force is fully deployed in the region. President Bush must also approve supplemental funding to support a NATO mission in Darfur and the African Union Mission in Sudan and called upon NATO allies led by the Untied States to support such a mission and to call upon NATO headquarters staff to begin planning for such a mission.

President Bush has the opportunity that comes once in a presidency and perhaps once in a lifetime. He can save an entire people, their elders, their parents, their children. He can stop the rapes, the maiming of children and women, the acts of barbarism we have shut our eyes to because they are unbearable to look at. I implore President Bush on behalf of his fellow Americans, uncover your eyes and open your heart. Stop the genocide in Darfur.

Ms. SOLIS. Mr. Speaker, I rise in strong support of H.R. 3127, the Darfur Peace and Accountability Act of 2006.

Nearly 2 years ago, I joined my colleagues in Congress to declare the atrocities in Darfur "genocide." Despite this declaration, hundreds of thousands are dead, millions remain displaced and peacekeepers continue to lack needed support. It is clear that additional action is needed and I am pleased to join my colleagues today in supporting passage of the Darfur Peace and Accountability Act of 2006.

The Khartoum government must be held accountable. It is my hope that with this legislation President Bush will exercise the influence of the United States at the United Nations to garner greater support from the world community to end the crisis in Darfur and bring peace to the Sudanese people.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to support the passage of the Darfur Peace and Accountability Act. This bill reflects the United States' continued commitment to see that the violence ends and a lasting peace is achieved in Darfur.

Darfur has already been acknowledged as the worst human rights tragedy since the 1994 Rwandan genocide. Nowhere else have we recently seen such a massive attack on innocent civilians who are left to suffer in complete isolation, cut off from the rest of the world.

Nearly 400,000 people have already died in Darfur and over two million people continue to live as refugees and internally displaced persons. Thousands of women have been raped and sexually abused and children are left to die from malnutrition, dysentery and infectious diseases.

Mr. Speaker, last month's approval by the House of funding for Sudan is a solid commitment that brings us closer to resolving the crisis in Darfur and helping those in need. But it is not enough. Congress must continue and hold steadfast to the basic principles of freedom and human rights that we stand for and press on until justice is brought to the Darfurians.

Mr. HONDA. Mr. Speaker, I rise today to reiterate my grave concern about the situation in Darfur and to express my support for H.R. 3127, the Darfur Peace and Accountability Act of 2006. International efforts to end the genocide now occurring in Darfur have been lackluster. We should be doing more to intervene on behalf of the thousands of innocent men, women and children in that region. I am hopeful that this legislation will give added momentum to ending that genocide. Authorizing the President to provide assistance to the African Union Mission on the ground through NATO is just one of the ways that we can fight to bring an end to the violence.

In addition to supporting H.R. 3127, there are several other measures that send a message to the Sudanese that the United States cannot accept the current state situation such as supporting H. Res. 675, a resolution expressing disapproval of the Arab League's decision to hold its 2006 summit in Khartoum, Sudan. The resolution calls on the Arab League, the government of Sudan, the Sudanese rebels, and the world community to do all they can to end acts of genocide in the Darfur Region of Sudan.

One of the most effective tools in sending a message to the Sudanese government is divestment. I, along with many colleagues, have requested that the University of California Office of the President develop a plan of divestment from Sudan.

Mr. Speaker, the Sudanese government is in complete denial of their role in supporting genocide and we must act now to send a message that the U.S. will not tolerate this situation—we must pass H.R. 3127.

Mr. SCHIFF. Mr. Speaker, I rise in strong support of H.R. 3128, the Darfur Peace and Accountability Act of 2006.

Three years ago, the United Nations Security Council declared "its grave concern at the widespread human rights violations" in Darfur and "expressed its determination to do everything possible to halt a humanitarian catastrophe." Since then, at least 300,000 people are estimated to have died in Darfur. Currently, more than 3.5 million Darfurians depend on international aid for survival and another 2 million have been driven from their homes.

In 2004, pressure from Congress and American citizens prompted the Bush Administration to become the first government to recognize the mass killing in Darfur as a genocide. Since then, the U.S. has played an important role by pressing for an international response to the crisis in Darfur at the UN, supporting the deployment and expansion of the African Union Mission In Sudan (AMIS), and providing critical humanitarian aid. Unfortunately, the U.S. and the international community have yet to muster the will or cooperative action necessary to adequately protect civilians, end the killing, and broker lasting peace.

Last week the UN Security Council issued a resolution reaffirming "that the situation in the Sudan continues to constitute a threat to international peace and security." In Darfur large scale attacks on villages have been replaced by rampant banditry, a campaign of sexual violence, and the practical entrapment of civilians in camps. Government backed militias have not been reined in and rebel groups are contributing to violence on the ground. Civilians continue to be attacked, women and girls raped, humanitarian workers harassed, and critical aid supplies disrupted. For people of Darfur, the situation remains one of daily violence and insecurity, desperate living conditions, and the persistent threat of hunger and disease.

Sixty years ago, in the wake of the Holocaust, the international community vowed, "Never again." Ten years ago, confronted with the death toll of the Rwandan genocide, leaders of the same nations again declared, "Never again." Today, tens of thousands of women, men, and children have been murdered and hundreds of thousands continue to suffer in Darfur. The Darfur Peace and Accountability Act reminds the Administration and the international community that the genocide in Darfur demands urgent attention and action, and calls upon the President to use both economic and political leverage to elicit cooperation from the Sudanese government.

Passing the Darfur Peace and Accountability Act is a small, but important demonstration of this nation's commitment to human rights. I hope that passage of this important legislation will spur more concerted national and international efforts to bring security and stability to the people of Darfur.

Mr. PALLONE. Mr. Speaker, I would like to express my strong support for the Darfur Peace and Accountability Act and urge my colleagues to vote for it. This important bill takes critical steps towards ending the genocide in Darfur by authorizing the President to provide assistance to expand the African Union Mission in Sudan while also strengthening sanctions on countries that provide military assistance to Sudan.

The crisis in Darfur, Sudan began in February 2003 when two rebel groups emerged to challenge the National Islamic Front government in Darfur. Since then, over 300,000 people have died and nearly 2 million have been displaced from their homes. It is unfortunate that it took the United States until July of 2004 to recognize that these events in Darfur constituted genocide and it has taken until April of 2006 for the House of Representatives to consider this bill. We have seen far too many times the consequences of ignoring genocide or failing to get involved quickly.

The fact is that while we take a crucial step today, more remains to be accomplished to ensure a lasting peace in the Darfur region of Sudan. Yesterday, in the New York Times, Jan Egeland, the U.N. under-secretary-general for Humanitarian Affairs and Emergency Relief, stated, "Many believe the problems are over in Darfur. They are getting worse." The United States government must continue to work in conjunction with the United Nations and other allies to put pressure on the Sudanese government to allow U.N. peacekeeping forces into the country.

I have introduced legislation expressing disapproval of the Arab League's decision to hold its 2006 summit in Khartoum, Sudan. The world community needs to join us as one in condemning the tragedy in Darfur and pressing the Sudanese government to end it.

Mr. Speaker, the Darfur Peace and Accountability Act is a crucial step towards ending the violence. We need to remember, however, that we have more to do to end this humanitarian crisis. With nearly two million people displaced from their homes and hundreds of thousands dead, resolving this conflict should be a priority for Congress and the Administration. We cannot allow a tragedy of this magnitude to occur in today's world.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, since February 2003, it is estimated that the government-sanctioned violence in Darfur has displaced 2 million people, forced 200,000 people into exile and led to the murder of 300,000 civilians. In July 2004, the United States Congress declared the atrocities in Darfur genocide.

Mr. Speaker, I have a deep and personal understanding of the horrors of genocide. My mother, Renee Perl, was forced to flee Austria—alone—at the age of 14 to escape the Holocaust, leaving behind her family and friends.

As my mother fled the Nazis, the world stood by as Hitler sent Jews to their deaths at Auschwitz, Dachau and Treblinka. Six million deaths later, the world pledged "Never Again".

Yet, only years after the Nazi-era, millions were sent to their deaths in places such as Cambodia, Bosnia and Rwanda, and the world once again took too long to act. And today, millions of innocent Darfurian men, women and children are being persecuted by the Sudanese government and government-backed militias. To date, however, the perpetrators of these atrocities have faced little to no punishment for their actions and the genocide continues.

The 20th century taught us how far unbridled evil can and will go when the world fails to confront it. It is time that we heed the lessons of the 20th century and stand up to these murderers. It is time that we end genocide in the 21st century.

The bill we are considering today is an important step in this direction. By imposing direct penalties on those responsible for crimes in Darfur, we are sending a strong message to the Sudanese government. But, more must be done.

The serious crimes by the Sudanese government and the government-supported militias must be met with serious consequences. We must work for tough international economic sanctions on the Sudanese government. We must continue to support efforts to bring those responsible for crimes against humanity before the International Criminal Court. And, most importantly, we must continue pressing for a strong, international military engagement with a robust mandate to protect civilians in Darfur.

All across America, millions of Americans are demanding that we take action. I urge my colleagues to support this bill and I urge the administration to do all it can to end this genocide.

Mrs. LOWEY. Mr. Speaker, I rise in support of H.R. 3127, the Darfur Peace and Accountability Act. Passage of this bill, which is long overdue, will help fulfill the U.S.'s role in ending the genocide in Sudan.

More than a year and a half ago, Congress voted unanimously to condemn the genocide in Darfur. Then-Secretary of State Colin Powell declared the atrocities in Darfur to be genocide, a statement that was hailed as significant and meaningful coming from the highest echelons of the U.S. government. Despite these clear pronouncements, however, more people die every day and the slow genocide in Darfur persists unabated.

It is beyond imagination that the collective might and concerted will of the nations of the world cannot find a way to end this daily toll of human misery. I hope and pray that Sudan will allow the proposed UN peacekeeping mission to move forward so that we can end this devastation. While we wait, however, we must find ways to make the African Union Mission in Sudan (AMIS) stronger, and to bolster these efforts with a NATO support.

We must also send the message to those who perpetrate genocide that there will be consequences. The Darfur Peace and Accountability Act would impose harsh sanctions against those who are complicit in or responsible for acts of genocide, freezing their assets and restricting their ability to travel, and would block the Government of Sudan's access to the oil revenues used to fund the ongoing genocide.

The bill also properly recognizes that ending the genocide in Darfur is not a challenge to be solved by the United States alone. It provides clear support for efforts to establish a U.N. peacekeeping presence in Darfur and other multilateral initiatives to pressure the Sudanese government to end the genocide.

My colleagues, "Never Again" is a phrase we have all heard before. We have all said it before. It is one of the most powerful expressions of the natural human inclination to stop suffering, to end the death and destruction that stems from senseless hatred and indifference to human life.

Never Again will we let 6,000,000 Jews perish under the noses of the civilized world. Never Again will we let Rwandans be rounded up and indiscriminately killed because of their tribal affiliation. Never Again will we allow ethnic cleansing in the Balkans.

The problem with the phrase "Never Again," however, is that it is usually uttered after the violence is over, as a rallying cry against history repeating itself. We have seen, time and time again, that history does repeat itself, and it is simply not enough to say that we will prevent it next time. We must end the genocide in Darfur now.

The Darfur genocide is not a Sudanese problem or an African problem. It is a human tragedy, and it is ours to solve. If we are serious about "Never Again," let passage of the Darfur Peace and Accountability Act today be just one step along this long and arduous road.

Mr. LEVIN. Mr. Speaker, I rise in strong support of this important legislation, the Darfur Peace and Accountability Act.

The people of this troubled region have experienced almost unimaginable suffering. As many as 400,000 people have already lost their lives and two million more have been forced from their homes. The House of Representatives, along with the Senate and the Administration, have long acknowledged that the crimes being committed in Darfur amount to genocide.

Last month the House voted to provide $271 million for peacekeeping in Darfur and another $228 million in humanitarian aid as part of the Supplemental Appropriations bill. This funding is a welcome and necessary step in the right direction. Today we take another step with the Darfur Peace and Accountability Act.

This legislation directs the President to take a number of steps to stop the genocide in Darfur. This includes providing assistance to an expanded African Union force in Darfur, advocating a NATO role in stopping the violence, pushing for an additional United Nations

Security Council Resolution regarding Darfur, and freezing the assets of those responsible for acts of genocide.

I am pleased that this legislation emphasizes a multilateral approach. The entire international community has a responsibility to work together to stop these crimes against humanity, and the bill before us makes clear that we expect the President to work with our allies to stop the killing in Darfur.

The United States and the international community must do far more to break the cycle of violence and hunger that grips Darfur. In a word, we must put real resources and diplomacy into solving the problem. This legislation advances these goals, and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Speaker, our consideration today of the Darfur Peace and Accountability Act is long overdue, but it is more timely and urgent than ever.

It has been nearly two years since this House recognized the atrocities in Darfur as genocide. In that time we have offered aid to refugees and support for peacekeeping activities. However, this is the first real legislative effort to enhance the U.S. response to this crisis. While I am pleased that we are acting, we should and could have done more sooner.

H.R. 3127, authorizes tough sanctions against individuals responsible for the war crimes committed in Darfur. It imposes an embargo on Sudanese cargo ships and oil tankers, and strengthens the military arms embargo against the Sudanese government.

The legislation will substantially improve our ability to provide protection for the more than 2 million vulnerable civilians displaced by the conflict. Specifically, it calls on NATO to expand and reinforce the African Union Mission in Sudan. It also advocates an initiative now underway at the Security Council to transition the African Union force into a UN sponsored peacekeeping operation.

Sadly, as a recent Security Council assessment shows, the dire situation in Darfur is only deteriorating further. Relief organizations are being denied entry, supplies are being cut off and humanitarian missions are being attacked. Civilian populations and refugee camps remain unprotected and the murderous rampages of Jangaweed militias continue unchecked. There is little progress in peace negotiations.

The transition to a UN led peacekeeping mission with greater resources and an expanded mandate is the only hope for improving the situation on the ground. Passage today of H.R. 3127 will add momentum to this effort.

An end to the conflict in Darfur cannot be achieved without strong U.S. leadership. We have a moral responsibility to intervene.

I want to give credit to the activists across the country who have been the leading voices commanding our attention to this crisis. In classrooms, campuses, synagogues, churches, and communities across America there are so many who are deeply committed to making sure that those suffering in Darfur are not forgotten. At the end of the month, thousands will rally in Washington to call greater attention to the cause.

I am especially proud that the University of California recently joined more than a dozen colleges around the country in divesting from companies that do business in Sudan. Similar efforts are being considered by a number of state legislatures and private pension plans. Congress and the Department of Treasury should lend their support to these efforts.

Let us pledge that today is a new beginning in our fight for justice for the people of Darfur.

Mr. RYAN of Ohio. Mr. Speaker, I rise today to praise the passage of H.R. 3127, The Darfur Peace and Accountability Act of 2006. As I was regretfully absent at the time of this vote, I now take the opportunity to affirm my resolute support of this act.

"The care of human life and happiness, and not their destruction, is the first and only object of good government." These words, spoken by Thomas Jefferson, come to mind as I consider the current situation in Darfur, Sudan. In a conflict that has killed hundreds of thousands of people, displaced and left millions hungry, the United States can remain idle no longer. I stand with my colleagues in the House in support of the Darfur Peace and Accountability Act and would have voted for the resolution if I had been present.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to voice my strong support for H.R. 3127, the Darfur Peace and Accountability Act, of which I am a cosponsor.

This Act authorizes the President to offer further assistance to the African Union Mission in Sudan to protect civilians and humanitarian operations. It also provides the President the authority to impose sanctions on those individuals who have committed acts of genocide and calls on the international community to contribute more aid to end this horrific crisis.

The United States and our allies must do whatever we can to help end the atrocities that have been occurring in the Darfur region of the Sudan over the last four years. During that time over 400,000 southern Sudanese Christians have been massacred and over 1.6 million people have been permanently displaced from their homes.

To this day, the Sudanese government in the north is continuing to attempt to "ethnically cleanse" this area of its Christian population. These serious violations of international human rights and law—not to mention, plain human decency—must be stopped.

The rest of the world must put pressure on the individuals and institutions involved to put an immediate end to these crimes without regard to their economic or political interests in the area. Human life must be the guiding factor.

I applaud the efforts of my colleagues, CHRIS SMITH and DONALD PAYNE, both of whom are from my home state of New Jersey. I also thank Chairman HYDE for his tireless efforts on this legislation as well and ask that all of my colleagues support H.R. 3127, the Darfur Peace and Accountability Act.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to express pleasure with the passage of H.R. 3127, the Darfur Peace and Accountability Act.

What is happening in the Darfur region of Sudan is genocide. I have visited the region several times over the past couple of years, and have had the privilege to meet women and children who have suffered and who have survived. Their courage and determination to stay alive—to survive—is an inspiration and it humbles me. The atrocities being perpetrated against the innocent civilians of Darfur must be condemned in the strongest possible terms by this Congress, the Administration, and the international community.

H.R. 3127 attempts to address the dire situation in the Darfur region by reaffirming the sanctions already in place against Sudan, and by authorizing the President to block the assets and deny the visas of those deemed to be responsible for the genocide. It has taken several months to come to agreement on a version of the bill that could move forward with bipartisan support. This bill is a better bill as a result of the discussions that took place, and I am happy to support it.

During committee consideration, I successfully offered an amendment to H.R. 3127 that states that the genocide taking place in Darfur is the result of acts of terrorism, and calls on the Secretary of State to designate the Government of Sudan-supported janjaweed as a foreign terrorist organization. It also calls on the Secretary to maintain Sudan's designation as a State Sponsor of Terrorism. I am grateful to my colleagues on the Subcommittee, and to Chairman Hyde and Ranking Member Lantos, for their support of my amendment.

Mr. Speaker, H.R. 3127 is a good bill but our effort cannot end here. By passing this legislation, we send a clear signal to the Government of Sudan, and the janjaweed, that the United States remains absolutely committed to seeing an end to the violence and genocide taking place in Darfur. However, while laws are important, they are merely words if not coupled with action—I urge the Administration to act further to stop this genocide. The people of Darfur deserve peace, and the Government of Sudan and the janjaweed militia deserve to be brought to justice and be held accountable for the crime of genocide.

Mr. NADLER. Mr. Speaker, I rise today in support of this important legislation, H.R. 3127, strengthening sanctions on individuals and governments seen as responsible for the atrocities in the Darfur region of Sudan, and authorizing additional funds for peacekeeping and humanitarian efforts in the region.

After more than 3 years of conflict, between 300,000 and 400,000 innocent and impoverished civilians have died from government-sponsored violence, disease and starvation because of war, and more than 2 million people have fled their homes to internal camps and neighboring Chad.

Despite international condemnation of the Sudanese government, genocide and ethnic cleansing continue unabated.

What is keeping the United States and the international community from intervening meaningfully to stop this humanitarian crisis? What is keeping President Bush from acting with moral clarity and compassion?

While this Congress continues to slowly legislate on the Darfur genocide, the threat of sanctions has done little to end the atrocities. This dire crisis requires a much more robust response.

Our commitment to end the Darfur genocide must be judged by only one test: What are we doing that serves to end the killings and the suffering?

The aim should be to end the genocide, disarm the Arab militias, guarantee humanitarian assistance, protect civilians, secure the refugee camps, and provide safety to families returning to their villages.

Military experts have estimated that these tasks will require 40,000 to 50,000 well-trained and equipped troops. We also have new and innovative technologies that could protect civilians. If we are serious about dealing with this most pressing human rights catastrophe, then we must pressure the Bush Administration and the international community to do all that is needed to stop the genocide in Darfur.

I call for less political maneuvering, and more real action.

Over three years have passed. Out of an estimated pre-conflict population of 7 million in Darfur, somewhere between 300,000 and 400,000 innocent civilians have died.

What are we waiting for? For the Sudanese government and the Arab militias to finish what they have started?

I support this bill, yet I urge my colleagues to support an international peacekeeping mission authorized to use force to protect civilians and disarm the Janjaweed—one with an adequate mandate, and well-trained and equipped soldiers.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3127, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3127.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONCERNING THE GOVERNMENT OF ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS AND THE WELFARE OF ORPHANED OR ABANDONED CHILDREN IN ROMANIA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 578) concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

The Clerk read as follows:

H. RES. 578

Whereas following the execution of Romanian President Nicolae Ceausescu in 1989, it was discovered that more than 100,000 underfed, neglected children throughout Romania were living in hundreds of squalid and inhumane institutions;

Whereas United States citizens responded to the dire situation of these children with an outpouring of compassion and assistance to improve conditions in those institutions and to provide for the needs of abandoned children in Romania;

Whereas, between 1990 and 2004, United States citizens adopted more than 8,200 Romanian children, with a similar response from Western Europe;

Whereas the United Nations Children's Fund (UNICEF) reported in March 2005 that more than 9,000 children a year are abandoned in Romania's maternity wards or pediatric hospitals and that child abandonment in Romania in "2003 and 2004 was no different from that occurring 10, 20, or 30 years ago";

Whereas there are approximately 37,000 orphaned or abandoned children in Romania today living in state institutions, an additional 49,000 living in temporary arrangements, such as foster care, and an unknown number of children living on the streets and in maternity and pediatric hospitals;

Whereas, on December 28, 1994, Romania ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption which recognizes that "intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin";

Whereas intercountry adoption offers the hope of a permanent family for children who are orphaned or abandoned by their biological parents;

Whereas UNICEF's official position on intercountry adoption, in pertinent part, states: "For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Inter-country adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principle in making a decision regarding adoption.";

Whereas unsubstantiated allegations have been made about the fate of children adopted from Romania and the qualifications and motives of those who adopt internationally;

Whereas in June 2001, the Romanian Adoption Committee imposed a moratorium on intercountry adoption, but continued to accept new intercountry adoption applications and allowed many such applications to be processed under an exception for extraordinary circumstances;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 272/2004 on "the protection and promotion of the rights of the child," which creates new requirements for declaring a child legally available for adoption;

Whereas on June 21, 2004, the Parliament of Romania enacted Law 273/2004 on adoption, which prohibits intercountry adoption except by a child's biological grandparent or grandparents;

Whereas there is no European Union law or regulation restricting intercountry adoptions to biological grandparents or requiring that restrictive laws be passed as a prerequisite for accession to the European Union;

Whereas the number of Romanian children adopted domestically is far less than the number abandoned and has declined further since enactment of Law 272/2004 and 273/2004 due to new, overly burdensome requirements for adoption;

Whereas prior to enactment of Law 273/2004, 211 intercountry adoption cases were pending with the Government of Romania in which children had been matched with adoptive parents in the United States, and approximately 1,500 cases were pending in which children had been matched with prospective parents in Western Europe; and

Whereas Romanian children, and all children, deserve to be raised in permanent families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the desire of the Government of Romania to improve the standard of care and well-being of children in Romania;

(2) urges the Government of Romania to complete the processing of the intercountry adoption cases which were pending when Law 273/2004 was enacted;

(3) urges the Government of Romania to amend its child welfare and adoption laws to decrease barriers to adoption, both domestically and intercountry, including by allowing intercountry adoption by persons other than biological grandparents;

(4) urges the Secretary of State and the Administrator of the United States Agency for International Development to work collaboratively with the Government of Romania to achieve these ends; and

(5) requests that the European Union and its member States not impede the Government of Romania's efforts to place orphaned or abandoned children in permanent homes in a manner that is consistent with Romania's obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 578 expresses deep disappointment that the Romanian government has instituted a virtual ban on intercountry adoptions with serious implications for the well-being of orphaned and abandoned children in Romania.

Immediately after the December 1989 revolution, Mr. Speaker, which ousted the much-hated dictator Nicholae Ceausescu, the world learned that tens of thousands of underfed, neglected children were living in institutions, called orphanages, throughout Romania. A month after the fall of Ceausescu, Dorothy Taft, who is our deputy chief of staff at the Commission on Security and Cooperation in Europe, and I traveled to Bucharest and visited those orphanages. We also met with government officials and spoke about the hope for democracy in that country. But one of the most lasting impressions that I have from that trip is being in an orphanage in Bucharest, where dozens of children were lined up with no one to turn them, to change their diapers and, in some cases, even to feed them with the frequency that their little bodies required. It left a lasting impression upon me.

Sadly, all these years later, Mr. Speaker, Romania's child abandonment rate that we witnessed firsthand on that trip has not changed significantly over those years. As of December 2005, 76,509 children are currently in the child protection system.

While the Romanian government deserves at least some credit for reducing the number of children living in institutions from 100,000 to 28,000, this is only part of the picture. The government statistics do not include the abandoned infants living for years in maternity and pediatric hospitals, where donations from charities and individuals keep the children alive; and more than 40,000 of the children moved out of the institutions are living in nonpermanent settings or foster care, or with maternal assistance, paid by the government or with a distant relative who do not intend to adopt them, but do accept them for a stipend.

In the context of Romania's ascension to the European Union, unsubstantiated allegations have been made about the qualifications and motives for those who adopt internationally and the fate of those adopted children.

Intercountry adoption, Mr. Speaker, was falsely equated with child trafficking, and Romania faced relentless pressure to prohibit intercountry adoptions. Sadly, rather than focusing on the best interest of the children, Romanian policymakers acquiesced to the European Union's pressure, especially its rapporteur, Lady Emma Nicholson, by enacting a law in 2004 that banned intercountry adoption, except by biological grandparents. By foreclosing foreign adoptions, the laws codified the misguided proposition that a foster family, or even an institution, is preferable to an adoptive family outside of the child's country of birth.

Between 1990 and 2004, I would note, more than 8,000 Romanian children found permanent families in the United States and thousands more joined families in Western Europe and elsewhere. This possibility is now gone. Some Romanians and Europeans argue that this law, this misguided law, is somehow consistent with Hague Convention on the Intercountry Adoptions and the Rights of the Child Convention. They also allege that "there is little scope, if any, for international adoptions in Romania because there are so few children who are legally adoptable."

Mr. Speaker, the low numbers declared "legally adoptable" is not something to be proud of. It is a contrivance. Indeed, it is a denunciation of the child welfare system, which now places such an unrealistic priority on unification with blood relatives that it is nearly impossible to determine any child is adoptable, no matter how old and how long they have been in state care without contact with the blood relatives.

If more children were made available for adoption, there would be a great need for intercountry adoption. Barely a thousand children have ever been domestically adopted in Romania in any given year. As a result of the new laws, only 333 children were entrusted for domestic adoption last year.

For thousands of children abandoned annually in Romania, domestic or intercountry adoption offered the hope of a life outside of foster care or an institution. That hope has now been dashed and destroyed.

Last September, Mr. Speaker, I chaired a hearing of the Commission on Security and Cooperation in Europe at which Maura Harty, the Deputy Under Secretary of State, rebutted the argument that the adoption ban is somehow consistent with Romania's intercountry international treaty obligations. Likewise, our witnesses, including Dr. Dana Johnson, Director of the International Adoption Clinic and Neonatology Division at the University of Minnesota's Children's Hospital, testified that Romania's concentration on reunification of an abandoned child with his or her biological family is only superficially consistent with the U.N. Convention on the Rights of the Child.

He also talked about the deleterious effect of such waiting, being held in foster care and especially in institutions, has on a child's mental, as well as their physical health.

When Romania enacted its intercountry adoption ban, there were 211 pending cases in which children have been matched with adoptive parents in the United States. Approximately a thousand more have been matched with parents in Western Europe, Israel and Australia. In the past few weeks there have been unofficial reports that pending applications are being rejected across the board and the dossiers returned to the adoptive parents.

A document from the Romanian Office for Adoption acknowledged that fewer than 300 of these children have been placed in permanent situations, either returned to biological parents or adopted within Romania. The vast majority remain in limbo. This cannot be the last word of what we often call "the pipeline cases."

The Romanian government repeatedly promised to analyze each pending case thoroughly, but the review that has supposedly been done was not transparent, was not done on a case-by-case basis, and was not conducted according to clear and valid criteria that is in the best interest of each individual child. These cases involve prospective families who have proven their good faith, by waiting for years for these children. Many cases involve children who will not be domestically adopted due to their special needs, medical or societal prejudices.

In at least three cases, Mr. Speaker, children are already living in the United States with their prospective adoptive parents while receiving lifesaving medical treatment, including a child with spina bifida. These children were legally adoptable until Romania's new law took effect.

Let me say that when I introduced this resolution in November, I asked the question, who in the European Union will stand with Members of our Congress, to protect these defenseless children?

Today I am happy to say, members of the European Parliament are challenging the anti-adoption monopoly over this issue and that is encouraging. On December 15, the European Parliament urged Romania to act in the pending cases with the goal of allowing intercountry adoptions to take place where justified and appropriate. In March, the European Parliament's rapporteur for Romania's EU accession, Mr. Pierre Moscovici, reported that he notably differs on the issue of international adoption of Romanian children from the previous rapporteur, Baroness Emma Nicholson, whose virulent anti-adoption views that hurt the children of Romania are now very, very well known.

I applaud the European Parliament and I am glad that our parliament, this Congress, is poised to go on record very strongly in trying to resolve these pipeline cases.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, it is remarkable that more than 15 years after the fall of the Berlin Wall we are still dealing with the vestiges of failed experiments in totalitarian social engineering.

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One of these cases is the shocking situation of children in Romania in orphanages. For many years, the dictator of Romania, Nicolae Ceausescu, had a policy of encouraging population growth to enhance the country's international importance. He encouraged parents to have large numbers of children, but the economic and social conditions in Romania made it impossible to support large families. As a result, many parents were forced to abandon their children to state-run institutions that were grossly underfunded and understaffed.

My wife, Annette, and I visited a large number of these Romanian orphanages, and what we saw was worse than pathetic. Many children spent long periods of time in miserable conditions that stunted their development and left them detached from the society at large.

Upon the discovery of the large number of Romanian orphans, people from around the world, particularly in the United States, opened up their hearts and proceeded to try to adopt Romanian orphans. In 1990, 121 Romanian children were adopted by American parents. A decade later, the number had increased tenfold.

Because of a new Romanian law, Mr. Speaker, last year this number shrank to zero, and the hundreds of U.S. couples who had already been approved for international adoption were caught up in the change of law that did not allow those adoptions already in the pipeline to go forward. Their dream of having children and creating a family has been devastated.

No one doubts that there have been serious problems regarding the international adoption situation in Romania since the earlier 1990s. Exorbitant fees and false medical information, in some cases, have blazed across the media, and the Romanian moratorium on international adoptions that was instituted in 2001 may well have been a wise move, although children in mid-process were caused needless suffering.

Rather than creating a pause and developing a new system, Romania has instituted a new law that virtually prohibits international adoptions. Clearly, we all support children remaining in their home countries, being integrated into their own societies. However, where there are not enough willing parents, international adoption is one way to address the best needs of the orphan child.

I am very pleased, Mr. Speaker, that our Department of State has taken a strong interest in this matter and that they are pushing the Romanians, at a minimum, to deal with American citizens whose petitions were in mid-process. I also support their efforts to clarify the European Union's role in this new law, since the Romanian government has suggested that the new approach is based on accession talks with the European Union.

Mr. Speaker, let me say that in the next year the United States will become a party to The Hague Convention on Inter-Country Adoptions. This will work to ensure that all countries avoid the abuses that led Romania to close their adoptions in the first place.

I urge all of my colleagues to support our carefully crafted resolution.

Mr. Speaker, I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Hampshire (Mr. BRADLEY), who has several cases in his own district that he has been advocating for.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I would like to first start out by congratulating my friend, the gentleman from New Jersey (Mr. SMITH), as well as the bipartisan support from Mr. LANTOS on this effort, and certainly their leadership in trying to resolve this issue. While it only affects a couple of hundred American families right now, for those families that it does affect, it is a profound issue in their lives.

As I think Mr. LANTOS has very eloquently summarized, as has Mr. SMITH, the large implications of the cases, I would like to bring it down to what it means to an individual family, that family in New Hampshire being Allison and Mike Schaaf of Stratham.

They have adopted a Romanian child. They have provided that child with a loving home, a home that would not have been possible for that young man, Hunter, to have been able to have had in Romania, where there were some 100,000 orphans living in orphanages, and the Schaafs and a number of other people in my district have done that.

As a result of the success that they had and the ability to be able to bring this child to the United States and provide him a loving home, they wanted to have a second Romanian baby that they adopted, and in the course of going through the paperwork and getting the final approval, all of which were in place, the Romanian government changed their laws, which is understandable given the fact that they wanted to become a member of the European Union.

What we are advocating and what this resolution would help us do is, once again, remind the Romanian government that for those cases that were previously approved and for everything, except actually releasing the orphans to their American parents when this law changed, that in fact the Romanian government should follow through on that commitment for those 200 or so American families that have gotten all of their paperwork approved and the cases all but resolved except for this law.

It is my hope that the European Union and the leaders of the European Union are going to recognize the legitimacy of the claims of the 200 or so American families and perhaps as many as 2,000 other European families and resolve these cases that have been previously approved for the benefit of families in this country, like Allison and Mike Schaaf, who provided such loving, kind and warm homes.

I once again thank the bipartisan sponsors, Mr. LANTOS and Mr. SMITH, for their continued advocacy on this and look forward to continuing to work with you to try to resolve this situation, and I thank you again.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman very much and his work on behalf of his constituents.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want again to thank Chairman HYDE and Ranking Member LANTOS for their tremendous support for this resolution and the underlying issue of trying to encourage intercountry adoption in a country, Romania, that has now, in a misguided fashion, turned their back on those children who could find loving, durable homes with the adoption option.

Let me also thank so many other people who were a part of this, but especially Maureen Walsh, who is our General Counsel for the Commission on Security and Cooperation in Europe, for her extraordinary expertise and work on the issue and this resolution. We have had an ongoing process, contacting the highest levels of the government of Romania, from the President on down. It has been ongoing. It has been frequent.

Our hearing that BEN CARDIN and I put on last year I think brought all of these issues to the fore in a way that were very persuasive on the part of the pipeline families, as well as the issue itself. The intercountry adoption is a loving, compassionate option, and certainly is far better than languishing in an orphanage somewhere where the child is warehoused.

Mr. Speaker, so we call upon the Romanian government again to reverse its position, to cease its mucking under Lady Nicholson's pressure, which is now going into reverse. The European Union, as I said before, is showing clear signs that it concludes it has made a profound mistake.

I want to thank Mr. CARDIN, who is our ranking member on the Commission on Security and Cooperation in Europe, who has been working on these issues side by side.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of H. Res. 578 encouraging the nation of Romania to complete the processing of intercountry adoption cases that have already begun, and to amend its laws to decrease this and other barriers to adoption.

The statistics regarding abandoned children in Romania are shocking: 9,000 children are abandoned by Romania's maternity wards and pediatric hospitals every year; 37,000 remain in adoption institutions; and 49,000 more live in foster care or with their extended families. These children deserve every possible opportunity to be raised in loving, permanent families, and many such opportunities are available outside of their home nation. Romania's current laws are detrimental not only to these children, but to the American families that are ready and willing to welcome them into their homes.

Since June 2004, one of these children, Otilia Rotaru, has lived in Falls Church, Virginia with Scott and Lisa Lampman, two of my constituents. Otilia was born with a form of cerebral palsy known as Spastic Diplegia, preventing her from walking independently and causing her significant visual impairment in her right eye. She was abandoned by her biological parents soon after her birth in 1996, and was placed with a foster family who abandoned her in 2003.

Otilia received permission to come to the United States in 2004 for medical treatment, and after surgery and rehabilitation, she can now walk with the assistance of a walker. The Lampmans continue to provide love, physical care and financial support for Otilia, who attends 3rd grade at the local elementary school, has joined the local Brownie Troop, and is taking swimming lessons at the local pool.

Despite living in a loving, well adjusted home, the Lampmans' petition to adopt Otilia was rejected by the Romanian Government because their petition was filed after the appropriate deadline for international adoption. If returned to Romania, Otilia would be returned to an institution, with no family and no access to the medical treatment that will one day allow her to walk independently for the first time.

Mr. Speaker, we must give Otilia and the thousands of children like her the opportunity to grow up in a loving, caring, stable home, whether that home is in Romania or here in the United States. I strongly encourage my colleagues to support H. Res. 578 and ask the Romanian Government to open their adoption laws and provide such opportunities to these children.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the thousands of children currently overflowing Romania's orphanages and hospitals, hopefully awaiting the chance to find a permanent home. Today there are over 1,000 pending adoption cases that have been left in limbo as a result of Romania's ban on inter-country adoptions. Right now, parents in the U.S. and EU are separated from their children, left wondering if they will ever be able to bring them home.

I have to admit I find it difficult to understand the rationale behind Romania's ban on inter-country adoptions. No one denies the importance and significant advantage permanency brings to a child's life. In fact, in its interpretation of the Convention on the Rights of the Child in January 2004, UNICEF clarified the importance of permanent placement for children and its support for intercountry adoption. Yet, permanency for children is precisely what the Romanian government has taken away.

I am pleased to join my colleagues in supporting this important and timely resolution. The United States stands with Romania's children. I hope our colleagues in the European Union will also assert their support for the welfare of Romanian children, and that the Romanian government will reconsider this oppressive ban and expedite the pending adoption cases.

Mr. Speaker, we do not have time to waste. These families should not have to wait any longer. I urge my colleagues to let the Romanian children know we stand with them, and pass H. Res. 578.

Mrs. NORTHUP. Mr. Speaker, I rise today in support of H. Res. 578 concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania and throughout the world. I would like to thank the Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki Commission), Representative CHRIS SMITH, for continuing to raise this issue of adoption as part of the Commission's human rights portfolio.

As the case in Romania has shown us, the barriers to adoption for children and families continue to be great. These barriers are cultural, political and often have deep roots in a community. While some of these barriers will continue to be difficult to cross, I believe others can be overcome succinctly as part of a continuing dialogue on child welfare between the United States and the European Union (EU) and nations such as Romania. In this particular case, I am saddened that one Member of the European Parliament can hold so much sway over a country on important child welfare issues and successfully play on the fears of a nation that is trying to become a participant in the enormous social and economic opportunities offered by the EU.

For signatories of the Hague Convention on Intercountry Adoption, including the United States, Romania and current Members of the EU, there is supposed to be a formal international and intergovernmental recognition of intercountry adoption. Intercountry adoption, as defined and treated by the Convention, is a means of offering the advantage of a permanent family to a child for whom a suitable family has not been found in the child's country of origin.

However, Romania turned from its obligations under the treaty when they enacted a law in 2004 effectively banning intercountry adoption and limiting any domestic adoption. Of course, it is in Romania's authority to enact such laws. But as Members of the United States Congress, acting in the best interests of our own children and as a Nation committed to fighting for all human dignity, we shall continue to advocate for the placement of children in permanent homes. Furthermore, as long as there are thousands of families in the U.S. wishing to adopt and to give a child a loving home that would otherwise not have one, I will continue to take every opportunity to explain to our counterparts abroad why this is such an important cause—for our children and for the health of our nations. There is simply no greater gift than a home and no greater support network than a family.

Meanwhile, there are currently 37,000 children in orphanages in Romania and an estimated 49,000 living in temporary arrangements, such as foster care. These numbers are staggering. This is an entire generation of young people who will not have the support of a parent to excel in school, the comfort of a family when sick or in need, and more fundamentally, the love and care essential to the development of a child.

It is not just Americans that advocate for lowering barriers to adoption. Citizens of several European countries and Israel had a number of pipeline adoption cases that were pending when the moratorium was instilled in 2001. The U.S. is also a sender country of American orphans, something that people often forget. Last December, the European Parliament voted unanimously on an amendment to their Report on the Extent of Romania 's Readiness for Accession to the European Union in favor of the completion of all the pending international adoption cases in Romania. Additionally, according to UNICEF:

> For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care which should be used only as a last resort and as a temporary measure, until the child can return to the family environment.

I am disheartened by the actions so far of Romania in failing to complete the pipeline adoption cases which would have resulted in placing over 1,000 orphans with permanent, loving homes abroad. I hope that as we face more of these challenges and political barriers down the road which directly impact children, we will work together to get past those barriers which are artificial.

Mr. Speaker, I will conclude by respectfully requesting that this body continue to engage in a dialogue with our allies and colleagues abroad on the importance of adoption, both domestic and international, as a preferable alternative to institutional care.

Thank you.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 578.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE DR. PHAM HONG SON AND OTHER POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution

(H. Con. Res. 320) calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 320

Whereas in March 2002, Dr. Pham Hong Son was arrested after he had translated an article entitled "What is Democracy?" from the Web site of the United States Embassy in Vietnam and sent it to both friends and senior party officials;

Whereas Dr. Son has written and published on the Internet articles entitled "The Promotion of Democracy: A Key Focus in a New World Order", "Sovereignty and Human Rights: The Search for Reconciliation", and "Hopeful Signs for Democracy in Viet Nam";

Whereas in none of his activities did Dr. Son advocate violence in his opposition to the Vietnamese Government or its policies;

Whereas Dr. Son has been arrested for the peaceful exercise of his fundamental rights to freedom of expression and association in violation of Article 69 of the Vietnamese Constitution which states: "The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law";

Whereas Dr. Son has been arrested, tried, convicted, and imprisoned in contravention of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party, specifically Article 19 (freedom of expression) and Article 22 (freedom of association);

Whereas Dr. Son did not have a trial that would be considered fair and that met even the most basic standards of internationally accepted justice, in contravention of Article 14 (right to a fair trial) of the ICCPR;

Whereas Dr. Son was sentenced in June 2003, after a half-day closed trial in Hanoi, to 13 years of imprisonment and three years of house arrest on spurious espionage charges;

Whereas such spurious charges are routinely used to suppress peaceful democracy activists, as in the notorious cases of Father Thadeus Nguyen Van Ly, his two nephews and niece, and in the cases of Pham Que Duong, Tran Khue, and Tran Dung Tien;

Whereas Dr. Son's appeal was held on August 26, 2003, in a closed trial before Vietnam's Supreme Court, from which international observers and Western journalists were barred, although diplomats from more than eight countries gathered outside the courthouse during the trial to register their concern;

Whereas, although the Vietnamese Supreme Court upheld Dr. Son's sentence, it reduced the sentence of imprisonment from 13 to five years;

Whereas Dr. Son remains imprisoned in harsh conditions, including imprisonment for more than a year in solitary confinement, which have endangered his health;

Whereas Vietnam has imprisoned, detained, placed under house arrest, or otherwise restricted numerous other peaceful democratic and religious activists for reasons related to their political or religious views, such as Do Van My, Mai Thi Dung, Nguyen Thanh Phong, Nguyen Thi Ha, Nguyen Van Dien, Nguyen Vu Binh, Phan Van Ban, To Van Manh, Vo Van Buu, Vo Van Thanh Liem (Nam Liem), Bui Thien Hue, Nguyen Lap Ma, Nguyen Nhat Thong, Nguyen Van Ly, Phan Van Loi, Thich Dong Tho, Thich Huyen Quang, Thich Nguyen Ly, Thich Nguyen Vuong, Thich Phuoc An, Thich Quang Do, Thich Tam Lien, Thich Thai Hoa, Thich Thanh Huyen, Thich Tien Hanh, Thich Tue Sy, Thich Vien Dinh, Ngo Van Ninh, Le Van Chuong, Le Van Tinh, Phuong Van Kiem, Nguyen Van Si, Tran Van Thien, Thich Thien Tam, Hoang Chinh Minh, and Do Nam Hai (Phuong Nam);

Whereas Dr. Son and other political prisoners and prisoners of conscience have been deprived of their basic human rights by being denied their ability to exercise freedom of opinion and expression;

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress;

Whereas Vietnam continues to restrict access to Western diplomats, journalists, and humanitarian organizations to the Central Highlands and the Northwest Highlands, where there are credible reports that ethnic minorities suffer serious violations of their human and civil rights, including property rights, and ongoing restrictions on religious activities, including forced conversions;

Whereas there are continuing and well-founded concerns about forcibly repatriated Montagnard refugees, access to whom is restricted;

Whereas on December 1, 2005, the European Parliament adopted a resolution calling on the Vietnamese authorities, among other measures, to undertake political and institutional reforms leading to democracy and the rule of law, starting by allowing a multiparty system and guaranteeing the right of all currents of opinion to express their views;

Whereas the resolution further calls on Vietnamese authorities to end all forms of repression against members of the Unified Buddhist Church of Vietnam and officially recognize its existence and that of other nonrecognized Churches in the country;

Whereas the resolution further calls on Vietnamese authorities to release all Vietnamese political prisoners and prisoners of conscience detained for having legitimately and peacefully exercised their rights to freedom of opinion, expression, the press, and religion;

Whereas the resolution further calls on Vietnamese authorities to guarantee full enjoyment of the fundamental rights enshrined in the Vietnamese Constitution and the International Covenant on Civil and Political Rights, in particular by allowing the creation of a genuinely free press; and

Whereas the resolution further calls on Vietnamese authorities to ensure the safe repatriation, under the Cambodia-Vietnam-UNHCR Agreement, of the Montagnards who fled Vietnam, and allow proper monitoring of the situation of the returnees by the UNHCR and international nongovernmental organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) condemns and deplores the arbitrary detention of Dr. Pham Hong Son by the Government of the Socialist Republic of Vietnam and calls for his immediate and unconditional release, and for the immediate and unconditional release of all other political prisoners;

(B) condemns and deplores the violations of freedom of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam;

(C) strongly urges the Government of Vietnam to consider the implications of its actions for the broader relationship between the United States and Vietnam;

(D) urges the Government of Vietnam to allow unfettered access to the Central Highlands and to the Northwest Highlands by foreign diplomats, the international press, and nongovernmental organizations; and

(E) applauds the European Parliament for its resolution of December 1, 2005, regarding human rights in Vietnam, and urges the Government of Vietnam to comply with the terms of the resolution; and

(2) it is the sense of Congress that the United States should—

(A) make the immediate release of Dr. Pham Hong Son a top concern;

(B) continue to urge the Government of Vietnam to comply with internationally recognized standards for basic freedoms and human rights;

(C) make clear to the Government of Vietnam that it must adhere to the rule of law and respect the freedom of the press in order to broaden its relations with the United States;

(D) make clear to the Government of Vietnam that the detention of Dr. Son and other persons and the infliction of human rights violations on these individuals are not in the interest of Vietnam because they create obstacles to improved bilateral relations and cooperation with the United States; and

(E) reiterate the deep concern of the United States regarding the continued imprisonment of Dr. Son and other persons whose human rights are being violated and discuss the legal status and immediate humanitarian needs of such individuals with the Government of Vietnam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to present this bill to my colleagues today in defense of a man who has fought for democracy in Vietnam at great personal cost. There has been a tremendous amount of publicity lately about Internet dissidents in China. As a matter of fact, we had a day-long hearing on this use of the Internet to capture and to really decapitate the dissidents and religious freedom movements in China, in Vietnam and Belarus and in other countries, but we now focus on one particular man, as well as others who have suffered because of that, in the case of Dr. Pham Hong Son of Vietnam.

In March 2002, Mr. Speaker, police arrested Dr. Son. He had translated an article from the Web site of the U.S. Embassy Hanoi that was entitled, "What is democracy?" and he sent it to some of his friends and senior Vietnamese officials. In addition, he had written an open letter, published on the Internet, protesting the fact that his house had been searched illegally and his computer and documents confiscated.

Dr. Son was charged with espionage by the government, which accused him of collecting and dispatching news and documents for a foreign country to be used against the Socialist State of Vietnam. Let us not forget who that foreign country is. It is us. It is the U.S. Embassy's Web site in Hanoi, and that is where he went to download that essay, "What is democracy?"

After a closed trial and a closed appeal, from which Western reporters and diplomats from Europe, the United States and Canada were barred, Dr. Son was sentenced to 5 years, plus an additional 3 years of house arrest.

Dr. Son's case has been highlighted repeatedly by the U.S. Department of State's Human Rights Report for Vietnam and by Human Rights Watch, Reporters without Borders, the Committee to Protect Journalists, and Amnesty International.

Mr. Speaker, I went to Vietnam last year, accompanied by Eleanor Nagy, who is our Director of Policy on the Subcommittee on Africa, Global Human Rights and International Operations, and met with some 60 dissidents in the course of the better part of a week in Hanoi, Hue and in Ho Chi Minh City. We met with Dr. Son's extraordinary and courageous wife, Vu Thuy Ha, who continues to campaign for her husband's freedom despite constant surveillance and harassment, which I personally witnessed. I knew that we could not let this brave woman battle alone.

As a matter of fact, when Eleanor and I, along with some people from the embassy, sat with his wife, right across from us at a hotel were some thugs from the secret police who were taking pictures of her and trying to intimidate her, which they have been doing day in and day out.

The State Department, to its credit, put Dr. Son at the head of their list of political prisoners who need to be released during the February Human Rights Dialogue with Vietnam. As Assistant Secretary of State for Democracy, Barry Lowenkron told the Vietnamese, and this is his quote, "I bluntly told them that the American people will not understand why a country that wants to have better relations with us would imprison someone for translating an article on democracy."

On Friday March 31, Vietnam flatly rejected Lowenkron's call to release Dr. Son and 20 other religious and political prisoners, saying it only jails criminals. In Vietnam, they said, there are no prisoners of conscience, and no one has been arrested for their viewpoints or their religion.

That is unmitigated nonsense and a big lie, Mr. Speaker, and that has to be confronted by this Congress.

Less than a day after the unanimous subcommittee markup of this resolution on December 9, plainclothes officers detained two other well-known Internet writers, Do Nam Hai, whom I met with in Vietnam and who is mentioned in our resolution. They were at a public Internet cafe. The police also forced Hai to open his personal e-mail account and printed about 30 of his sent messages.

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The two writers were interrogated for 6 hours at the cafe and later at a police station in Hanoi. Both were released from police custody that day.

And the persecution continues, Mr. Speaker. On March 12, according to Reporters Without Borders, an Internet user calling himself "Freedom For the Country," joined the discussion group "Democracy and Freedom the Only Way for Vietnam." He went on-line in a Hanoi cyber cafe, and he discussed politics for about half an hour with two other people in the group. During the discussion, he said he was a member of a pro-democracy working group. The entire on-line conversation was recorded by the forum administrator, police entered the cyber cafe, and they arrested him.

On the recording, someone could be heard asking the Internet user to go with them, and then someone else shouting, hit him. The administrator continued recording after the police intervention, and no one came to disconnect the computer linked to Pal Talk. Afterwards, a man's voice is heard on the microphone introducing himself as the cyber cafe's owner and confirming that one of his customers had been taken away by the police. He added that he had been fined for violating Internet law. The Vietnamese denied the arrest, and the victim's identity is unknown. He joins three other cyber dissidents who were arrested in October and whose whereabouts remain unknown.

This sort of persecution, Mr. Speaker, will obviously not go away by itself. But tyranny hates and fears public exposure, and we need to keep attention focused on Vietnam's continuing violation of the rights that it claims to grant to its people.

Vietnam is at a critical crossroads. It wants to expand its burgeoning trade relations with the United States and seeks to join the WTO. There would be no better way to convince Vietnam of the seriousness of our human rights concerns and their centrality in any relation with the U.S. It seems to me you can't trust a country on intellectual property rights and copyright infringement if they jail, incarcerate, and beat their own people because they simply espouse basic fundamental human rights.

The European Parliament, I might add, has already passed a resolution calling for Vietnam to release all of its prisoners of conscience, allowing democracy and political pluralism and ensuring the human rights for Vietnam's Montagnards. It is appropriate that we do likewise and that we do it today.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I would first like to commend my very good friend and distinguished colleague from New Jersey, Congressman CHRIS SMITH, for introducing this important resolution and for his unique, dogged pursuit of Vietnamese human rights issues.

None of us here today should be under any illusions about the Vietnamese government. According to the State Department's Human Rights Report, the Vietnamese government is an unrepentant authoritarian regime, and true political opposition is not allowed. Freedom of expression does not exist in Vietnam, and Vietnamese are locked in prison for simply expressing political opinions.

In the case which is the focus of this resolution, the Vietnamese government has even imprisoned someone from translating into Vietnamese an article entitled "What is Democracy," from the U.S. embassy Web site in Hanoi. It boggles the mind, Mr. Speaker, that the Vietnamese government is so fearful of dissent that it won't even allow citizens to discuss, let alone implement, meaningful democracy.

The Vietnamese government also places severe restrictions on the expression of religious beliefs, particularly upon Buddhists, who do not worship as part of the official church, and upon Christians in the Vietnamese highlands.

With the approval of the U.S.-Vietnam Bilateral Trade Agreement 5 years ago, the political security and economic relationship between the United States and Vietnam has become increasingly more complex, but we must continue to send a strong signal to Hanoi that the United States continues to make it a top priority to promote internationally recognized human rights everywhere, including Vietnam.

Passage of our resolution will indicate to the administration and to the government of Vietnam that we in Congress expect to see real progress on the human rights front in Vietnam, and that we have not forgotten those Vietnamese who are being persecuted for their beliefs.

Mr. Speaker, I urge all of my colleagues to support this carefully crafted resolution.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend and distinguished colleague from California, Congresswoman LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of a dangerous man. In Vietnam, Dr. Pham Hong Son is considered a criminal, a man who must be silenced and incarcerated for the good of society.

Is Dr. Pham a violent man, a terrorist, perhaps? Does he advocate the violent overthrow of his government? No, absolutely not. Dr. Pham is a dangerous man not because of his dangerous actions, but because of his dangerous ideas. Dr. Pham's great crime was to translate articles on democracy into Vietnamese and to write and publish his own articles about democracy and human rights in Vietnam.

Dr. Pham's case is typical of how the government of Vietnam deals with voices of peaceful and patriotic dissent. A case in point is a personal one for me. I was scheduled next week to go to Vietnam. I was interested in talking with their government about issues of human rights and religious freedom, issues that are very important to the people of Orange County, California. Unfortunately, I was informed last night that my visa application was denied by the Vietnamese government for the third time in 2 years, despite the fact that we have welcomed their dignitaries to the United States and that I was personally invited by Madam Ninh, the Vice Chair of the Committee of Foreign Affairs of the Vietnamese National Assembly.

Some of my colleagues continue to push for closer ties with Vietnam through trade relations and military partnerships and other forms of nonhumanitarian cooperation and assistance. We, as a Congress, will be asked in the coming months to decide on issues fundamental to the nature of our relationship with Vietnam. Supporting this concurrent resolution today is an important step in the right direction, but I would also ask my colleagues to keep Dr. Pham and others like him in our minds for the future.

Vietnam's actions against its own patriots demonstrate that they are not ready yet to be full partners with the United States. The United States must live by our own professed values, our true values, and we must do everything we can do to protect the human rights of the people of Vietnam.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to our distinguished colleague, my good friend from Texas, Congresswoman SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank Mr. LANTOS. Again, I express my appreciation to Mr. SMITH, and I express my appreciation to Congresswoman SANCHEZ, who has been a strong stalwart of vocalizing the inconsistencies with the image of Vietnam, a united country, and the reality.

And let me express my personal outrage that Members of Congress extend themselves to a foreign land to be able to be a fact-finder, to find out information, to share that with their constituents; that foreign governments who are welcomed into the United States would be so arrogant as to deny a visa so that information could be written.

I have a personal story, of course, which I did not mention previously in the same way of attempting to visit the Sudan and going through the normal channels and finding that visas would not be rendered. And they have done that to Members of Congress who are there doing the work of the American people. So to the Vietnamese government, we know what you are and what you are doing.

This is an important resolution that establishes the importance of human rights and dignity in Vietnam. Although the war is behind us, we realize that the Vietnamese people in the United States love democracy. They fled the country because they love democracy, but they want democracy for the existing Vietnam.

The plight of Dr. Pham and many, many others that are now being detained is a poor story, a poor assessment of the outright rejection of human rights and freedom of expression that should be the call of this Nation that claims that it wants to be part of the world human family. So I call upon this issue to be addressed not only by this resolution, which I enthusiastically support, and I thank the authors of this bill, but also for the United Nations to get in gear and get a grip.

The Human Rights Council, Mr. LANTOS, as you well know, has been revised just recently with some difficulty and opposition from the American government because it was a little less strong, if you will, a little less in great depth than we would have wanted it to be, where we could have prevented some of the more heinous actors against human rights from even being on this council. But it is a first step.

Now is the time for the United Nations, along with this resolution, to show itself truly committed to human rights. Do something about the Sudan. Do something about Vietnam. This is not to suggest that we don't want a thriving economy. For years, I voted against the Jackson amendment that deals with trade in Vietnam. Why? Not because I am against Vietnam, Mr. Speaker, but because I want human dignity and human rights.

So I rise in support of this resolution, H. Con. Res. 320, but I am asking that as we put forward this resolution, that institutions that deal with human rights wake up and smell the coffee or the tea and begin to address these questions in a forthright way.

And let me close by simply saying that there is a whole mountain of people that are being detained and their human rights violated. Can we suffer this indignity? I ask that this resolution be supported, and I ask the United Nations to do its job.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I would close by especially thanking Dennis Curry, Eleanor Nagy, and Dan Freeman, our staff who have worked so hard on this resolution. The hearing that we held recently was a very insightful hearing that focused on the ongoing and persistent violations of fundamental human rights in Vietnam. Last year, right before Prime Minister Khai came to the United States, we held another Vietnam human rights hearing, and it was very telling.

We can't reduce human rights to an asterisk or a "see page 3" footnote in our relationship with the government of Vietnam. I would urge every Member, when and if they travel to Vietnam, that they prepare themselves by really understanding the nature of this government. Yes, there may be some modest progress being made in the area of religious freedom, and I underscore the word "modest," but they still are a country of particular concern, so designated by the Department of State because of their egregious violations of religious freedom and the persecution of people, whether they be members of the Montagnards, the Evangelical Christians, or the Unified Buddhist Church, people like the Venerable Thich Quang Do, whom I met with.

Let me say finally that I met with the Venerable Thich Quang Do in his pagoda, as he is under house arrest. When we began to leave, all of a sudden he stopped, and he said, "I take one step beyond this and the guys across the street will have me in handcuffs." That is the reality of what is going on in Vietnam today. I would hope Members, before they go to Hanoi or Ho Chi Minh City, acquaint themselves very thoroughly with the human rights abuses the Vietnamese commit and raise those issues, particularly as it relates to trade.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Con. Res. 320, calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience.

The Vietnamese people have endured extensive struggles for many years in their ongoing fight for basic human rights and freedom.

As a member of the Vietnam Caucus, I am dedicated to promoting awareness and policy debates among the U.S. Congress, the American public, and the international community about the greater need for fundamental human rights in the Socialist Republic of Vietnam.

I would like to voice my support for H. Con. Res. 320, as it calls for the immediate release of Dr. Pham Hong Son and other political prisoners of conscience.

In March 2002, Dr. Pham was arrested after he had translated an article entitled "What is Democracy?" from the Web site of the United States Embassy in Vietnam and sent it to both friends and senior party officials. On August 26, 2003, the Vietnamese Supreme Court sentenced Dr. Pham to 5 years in prison, to be followed by 6 years of house arrest.

The arrests of Dr. Pham, along with many others, demonstrate the ongoing human rights abuses and lack of religious freedom in Vietnam. We must continue to bring attention to these issues, generate pressure on Vietnamese officials, and hold the Vietnamese government accountable.

I am hopeful H. Con. Res. 320 will serve as a small stepping-stone towards the ultimate liberation and freedom of the Vietnamese people, and I urge my colleagues to join me in supporting this resolution.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in strong support of House Concurrent Resolution 320, a resolution that calls for the release of Dr. Pham Hong Son and other political prisoners and prisoners of conscience in Vietnam.

Dr. Pham was imprisoned in 2002 for the simple act of translating a document posted on the U.S. Embassy's website entitled, "What is Democracy?" He has tirelessly worked in non-violent ways to promote democracy and freedom of speech, expression, and association in Vietnam.

But Dr. Pham is not alone. Thousands of peaceful activists have been harassed, imprisoned, or been placed under house arrest for calling for basic human rights in Vietnam. The State Department, the U.S. Commission on International Religious Freedom, Amnesty International, the Committee to Protect Journalists, and various Vietnamese-American groups have documented egregious violations of religious freedom, human rights, and free speech in the country.

For the past two years, the State Department has designated Vietnam a "country of particular concern" which means Vietnam has been engaged in systematic, ongoing, egregious violations of religious freedom. In company with Vietnam are such human rights violators as Sudan, Burma, China, Iran, and North Korea.

In its 2005 report, the U.S. Commission on International Religious Freedom states, "the government of Vietnam continues to commit systematic and egregious violations of religious freedom by harassing, detaining, imprisoning, and discriminating against leaders and practitioners from all of Vietnam's religious communities. Religious freedom conditions in Vietnam remain poor, and the overall human rights situation has deteriorated in the past two years."

The Committee to Protect Journalists says, "Press conditions in Vietnam largely stagnated in 2005, despite efforts by the country's leaders to project an image of greater openness. Three writers remained imprisoned on anti-state charges for material distributed online; print and broadcast media continued to work under the supervision of the government; and attacks on journalists were common."

For the past year, Vietnam has sought a new relationship with the United States. Prime Minister Phan Van Khai and several other high-level members of the Vietnamese government visited the U.S. in 2005. But if the Vietnamese government expects to cultivate this new relationship, it must start by respecting basic human rights of all citizens of Vietnam.

I hope this Congress will show strong support for change in Vietnam by unanimously passing House Concurrent Resolution 320 today.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Con. Res. 320 which calls for the immediate and unconditional release of Dr. Pham Hong Son and other political prisoners in Vietnam. The Socialist Republic of Vietnam has been holding prisoners because of their exercise of basic human rights including freedom of speech, religion, movement, and association.

Dr. Pham Hong Son was indicted and imprisoned for translating an article on the Web site of the U.S. Embassy in Vietnam entitled "What is Democracy?" and circulating the article among friends and senior party officials. He was subsequently sentenced to 13 years imprisonment and 3 years of house arrest on espionage charges after a half-day closed trial that deprived him of due process. The Vietnamese Constitution and the International Covenant on Civil and Political Rights (ICCPR), of which Vietnam is a state party, both protect the rights to freedom of opinion and speech. The government of Vietnam should uphold their obligations under the ICCPR and honor other internationally recognized standards for basic freedoms and human rights before their accession into the World Trade Organization.

The fall of the Republic of Vietnam displaced approximately three million Vietnamese. My late husband Ricardo J. Bordallo was Governor of Guam at the time of Operation New Life. I vividly remember how the Guam community came together in solidarity with the Vietnamese people and worked hard to help comfort these brave individuals who had left all their worldly possessions behind in the name of freedom. The people of Guam empathized with the Vietnamese refugees, and we opened our hearts as well as our island to them. One of my assignments as First Lady was to organize the care for the hundreds of orphan babies that arrived in Operation Baby Lift. This was a moving experience that has remained one of my fondest memories of my husband's first term as Governor of Guam.

Of the 150,000 Vietnamese who arrived on Guam in April 1975, many decided to return to Vietnam to help rebuild their motherland. Unfortunately, those who remained in Vietnam now face a Socialist government that denies them basic human rights of freedom of speech, religion, movement, and association. They deserve the right to a fair trial and due process.

Today, Congress calls on Vietnamese authorities to end all forms of repression against small religious sects and for the release of all Vietnamese political prisoners who have legitimately and peacefully exercised their rights. I urge passage of H. Con. Res. 320.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

□ 1230

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SENSE OF CONGRESS THAT SAUDI ARABIA SHOULD FULLY LIVE UP TO WORLD TRADE ORGANIZATION COMMITMENTS AND END BOYCOTT ON ISRAEL

Mr. SHAW. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 370) expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel.

The Clerk read as follows:

H. CON. RES. 370

Whereas the United States supported the accession of Saudi Arabia to the World Trade Organization (WTO) in 2005;

Whereas, as part of the working party report for the accession of Saudia Arabia to the WTO, Saudi Arabia reiterated its commitment to terminate the secondary and tertiary boycotts on Israel;

Whereas Saudi Arabia also committed not to discriminate against any WTO members and specifically did not invoke the non-application provisions of the WTO Agreement, and thus has rights and obligations to all WTO members, including Israel;

Whereas, in spite of these commitments to WTO members and United States officials, press reports indicate that an official of the Government of Saudi Arabia has stated that Saudi Arabia has not committed to ending the primary boycott on Israel, which would violate Saudi Arabia's WTO obligations toward Israel;

Whereas United States Trade Representative Portman has testified to the Committee on Ways and Means of the House of Representatives that Saudi Arabia's application of the boycott is a "big concern" of the United States; that Saudi Arabia did not invoke non-application of WTO commitments to Israel, so that Saudi Arabia is required to provide nondiscriminatory treatment to Israel; and that the United States Trade Representative has received assurances from Saudi Arabia that it will abide by its WTO commitments; and

Whereas the Organization of the Islamic Conference (OIC) scheduled its "Ninth Meeting of the Liaison Officers of Islamic Regional Officers for the Boycott of Israel" for the week of March 13, 2006, at the OIC's headquarters in Saudi Arabia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Saudi Arabia should maintain and fully live up to its commitments under the World Trade Organization (WTO) and end all aspects of any boycott on Israel; and

(2) the President, the United States Trade Representative, and the Secretary of State—

(A) should continue their active involvement on this issue by strongly urging the Government of Saudi Arabia to comply with its WTO obligations; and

(B) should urge Saudi Arabia to end any boycott on Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to introduce this resolution and support it, which has also the support of the gentleman from Maryland (Mr. CARDIN) and I believe probably is one of the best bipartisan resolutions to come before this Congress in a while.

This resolution would express the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel.

In 2005, the United States supported the accession of Saudi Arabia to the World Trade Organization. During this process, Saudi Arabia reiterated its commitment to terminate the secondary and tertiary boycotts on Israel.

Additionally, it committed not to discriminate against any World Trade Organization members; and specifically, it did not invoke the nonapplication provision of the World Trade Organization agreement. Because of this, Saudi Arabia has rights and obligation to all the World Trade Organization members, including Israel. Given this, we should not have to be here today debating this resolution on the floor of the House.

Instead, today Members should be able to praise Saudi Arabia for its forward thinking and its upcoming expanded role in the global economy. Unfortunately, though, many of my colleagues and I have read press reports that an official of the government of Saudi Arabia has stated that Saudi Arabia has not committed to ending the primary boycott on Israel. This would be a clear violation of its World Trade Organization commitments to Israel.

I am pleased that when United States Trade Representative Rob Portman testified before the Ways and Means Committee he stated that Saudi Arabia's application of the boycott is a big concern of the United States. He also reiterated that Saudi Arabia is required to provide nondiscriminatory treatment to Israel. I appreciate Ambassador Portman's efforts in this area.

This resolution would provide further support for the stated position of the USTR by establishing that it is the sense of the Congress that Saudi Arabia should maintain and fully live up to its commitments under the World Trade Organization and end all aspects of any boycott on Israel. It also urges the President, the U.S. Trade Representative and the Secretary of State to continue their efforts to ensure that this is exactly what happens. I ask my colleagues to vote "aye" on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the gentleman from Florida (Mr. SHAW) in introducing this resolution we are considering today. As Mr. SHAW pointed out, last year the United States negotiated a bilateral trade agreement with Saudi Arabia which paved its admission into the WTO in December.

A key commitment as part of the United States' agreement with the Saudis was that they would not have any further boycott with Israel, either primary or secondary. It was also clear that they would not invoke the nonapplication provision of the WTO agreement, meaning that it agreed it would treat all WTO members, including Israel, equally.

Yes, the primary responsibility was to eliminate the secondary boycott; but in not invoking the nonapplication provision, it agreed to treat all WTO countries equally, including Israel. This was a key commitment for the United States' approval of an agreement that paved the way for the Saudis entering the WTO.

Unfortunately, the Saudis' action in recent months appears to fly in the face of that commitment. In December, Saudi officials were quoted in the press as insisting that Saudi Arabia would continue its participation in the primary boycott against Israel which prohibits imports of Israeli goods. Saudi Arabia's continued participation in the boycott conflicts directly with the country's commitment as a WTO member to treat all nations in a nondiscriminatory manner.

What is even more disturbing is that Saudi Arabia has not only continued to participate in the boycott, but Saudi Arabia has helped to promote it. In March, Saudi Arabia hosted a meeting of the Organization of Islamic Conference, an international organization with 57 member countries. The purpose of this meeting was to discuss strengthening the Arab League boycott against Israel.

Mr. Speaker, I believe the United States must not stand silently while the Saudis disregard the commitments that it made to us and the WTO to treat all countries equally. We must insist that the Saudis live up to their commitments.

I urge President Bush, the U.S. Trade Representative and all members of the administration to call upon the Saudis to adhere to the commitments that they made to us, that they made to the WTO. It is time for them to end their boycott against Israel, not just the secondary but the primary boycott. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong support of this resolution expressing the sense of Congress that Saudi Arabia should end its economic boycott of Israel. I want to personally thank the gentleman from Florida (Mr. SHAW) and my very good friend, the gentleman from Maryland (Mr. CARDIN), for introducing this resolution.

Mr. Speaker, no one is born knowing how to hate. Hate needs to be taught. The Saudi Kingdom, our so-called partner in peace and ally in the fight against terrorism, has turned teaching hatred into a perverted science and a twisted art form.

Last year the Bush administration supported Saudi Arabia's accession to the World Trade Organization. As a condition of joining the WTO, the Saudis agreed to end all boycotts of Israel. Their Foreign Minister repeated this pledge to our Secretary of State. Israel is our strongest ally in the Middle East. This boycott has hurt Israel's economy since its founding in 1948. The Israeli Chamber of Commerce estimates that Israeli exports are 10 percent less than they would be without the boycott; investment in Israel, 10 percent lower.

It is no surprise to me that the Saudis have not honored their commitment to end the boycott. The reasons to me are painfully apparent: anti-Semitism and a hatred for Israel. Saudi Arabia continues to be one of the few nations to participate in the boycott when many of its neighbors have given up. In 1990, Egypt was the first nation to abandon the boycott. Jordan followed in 1995. The Palestinian Authority dropped the boycott in 1995 as well. In 1994, several of the gulf states abandoned their secondary and tertiary boycotts. In 2005, just last year, Bahrain announced it was completely withdrawing from the boycott.

The Saudi government has repeatedly said that Saudi Arabia is not anti-Semitic. Oh, really, Mr. Speaker. These are the same Saudis that support terrorism, export terrorism, finance terrorism, the same Saudis that spew racist and anti-Semitic hatred, and the same Saudis that have the worst record on the planet when it comes to religious intolerance and discrimination.

The Saudis say they share our values. Exactly what values do they think they share with the United States? They do not value a hate-free education for their children. Saudi schoolbooks paint an ugly, distorted portrait of a world in which Israel does not exist. The 9/11 attacks were perpetrated by so-called Zionist conspiracies, and the anti-Semitic and fictitious "Protocols of the Elders of Zion" is taught as actual history. These schoolbooks are the official publications of the education ministry.

They do not value religious freedom and pluralism. Saudi Arabia bans all religions except Islam. Saudi Arabia's religious beliefs have even gone so far as banning the Barbie doll, calling them Jewish toys that are offensive to Islam.

They couldn't value honesty because last year the Saudi Crown Prince told Saudi television that "Zionists" were behind the attack at the oil facility in Yanbu. The Crown Prince also is quoted as saying, "Our country is targeted. You know who is behind all of this. It is Zionism." That is dishonest. That is a lie, Mr. Speaker.

The United States Congress, by voting for this resolution, can take a strong stand against this type of religious and racial intolerance. Congress can take a strong stand on behalf of a fellow democracy and our most reliable ally in the Middle East. And Congress can take a strong stand to demand that the Saudis live up to their obligations and promises, the ones they made in order to get into the WTO with American support.

I urge the Saudis to fulfill their international obligations and promises by ending the Israeli boycott. I urge immediate passage of this resolution.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H. Res. 370 expressing the sense of Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel.

I take this position because I believe that as we continue to move towards resolution of problems and towards peaceful resolution of difficulty, we have to begin someplace. I am often reminded of something that John Kennedy supposedly said, and that is that peace is not found only in treaties, covenants and charters, but in the hearts of men, and I imagine if he was around today he would say men and women.

I think that resolution of this boycott would move positively in the direction of peace in the Middle East, and so I strongly support this resolution.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Let me just say that this is an important resolution because I think all of us believe that for peace in the Middle East it is important to open up economic opportunity within the entire region. This administration has put a priority on moving forward with free trade agreements in the Middle East with the support of both Democrats and Republicans. Because we do believe in commerce, there is an opportunity for better understanding in that region of the world.

We have concluded free trade agreements with other countries and we have made it clear that the boycott against Israel must be eliminated. Not only eliminated, but the country must reach out so there is full participation among all of the countries of the region so they all can benefit economically from commerce within that region.

Saudi Arabia is a major country in the Middle East. They need to exercise leadership in the Middle East. And in doing that, they must join us in our fight against terror and our fight against terrorism. They also must join us in making it clear that all countries in the Middle East need to be included in economics and commerce. They need to eliminate their boycott against Israel.

We thought we had an understanding when we entered into an agreement that led to their accession into the WTO. Clearly the Saudis are not living up to that commitment. I think it is extremely important that this country make it clear that we cannot tolerate that type of conduct by the Saudis. It is time for them to end their boycott against Israel and exercise leadership in the Middle East so we can move forward with peace in the Middle East. I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

□ 1245

Mr. SHAW. Mr. Speaker, this resolution is important beyond just the pages of the resolution itself. It is important as to the future of world trade. Are we as a member of the World Trade Organization, are we going to support the values, the obligations that we have and that other nations have to other nations within the World Trade Organization?

We pride ourselves as being a government of laws. This means that we have to adhere to our own laws. And also it goes beyond that. We have to adhere to our obligations. And our trading partners should also be required to do so.

But this particular one, pinpointing this boycott of Israel, is particularly important because through free trade comes understanding. It comes the free flow of goods. It also brings about the free flow of ideas which brings about understanding, which brings about world peace. This is the pathway to world peace, and there is no place it is needed more than it is in the Middle East. And our good friend Israel needs help with regard to getting along with its neighbors. And this is a good step forward.

So I would ask all Members to support this resolution.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this bill, and I commend my good friends Mr. SHAW and Mr. CARDIN for introducing this timely and very important resolution.

Mr. Speaker, after a years-long quest, Saudi Arabia finally acceded to membership in the World Trade Organization late last year.

Unfortunately, the Saudis acceded in letter only—and in a spirit utterly contrary to the principles of free trade embodied by that organization. Moreover, it now appears that Saudi Arabia, having gained accession, has absolutely no intention of implementing even the letter of WTO rules.

As Saudi Arabia has now made clear in the aftermath of its accession, it has absolutely no intention of ending its boycott of trade with Israel. This is a direct violation of Saudi Arabia's WTO obligations to Israel.

Earlier this month, as if to underscore its disregard for the WTO rules to which it is formally committed, Saudi Arabia hosted a conference called "Ninth Meeting of the Liaison Officers of Islamic Regional Officers for the Boycott of Israel."

Mr. Speaker, there is indeed a mechanism by which a WTO member-state can invoke an exception regarding its commitments to another member-state, but Saudi Arabia did not invoke that exception regarding Israel. And it doesn't take a genius to figure out why: The ruling royals no doubt thought that, if they invoked that exception, the U.S. Congress would persuade the Administration to veto their accession to the WTO.

So they deceitfully and cynically deceived us into thinking that they had taken a dramatic decision to open trade ties with Israel, all the while planning to continue their boycott unabated.

Clearly, USTR thought they had an agreement for an end to the boycott. After signing off on Saudi accession in September last year, USTR boasted that Saudi membership in the WTO meant that—and I quote from a USTR press release—"Saudi Arabia is legally obligated to provide most-favored nation treatment to all WTO members, including Israel. Any government sanctioned activity on the Boycott would be a violation of Saudi Arabia's obligations and subject to dispute settlement. This legal obligation cannot be changed."

So the Saudis not only deceived the U.S. Congress; they have embarrassed the U.S. Trade Representative and left themselves open to dispute settlement mechanisms.

Mr. Speaker, the U.S. helped shepherd Saudi Arabia into the WTO. We have a right to expect the Saudis to obey its rules. Most of all, we have a right to expect them to honor their commitments to us.

Mr. Speaker, our Nation has many issues of concern regarding Saudi Arabia—including lack of human rights, a benighted educational system, and ongoing support for extremist madrasas around the world. Nevertheless, this body has every right to expect that the Administration will place an extremely high priority on persuading the Saudis to fulfill their pledges as WTO members, particularly regarding trade with Israel.

The Saudis, we now see, entered the WTO under false premises. They must put this situation aright once and for all. They must end their boycott of Israel without delay, and the Administration should not let Saudi rulers have a moment's rest until they comply.

Mr. Speaker, I strongly support this resolution, and I urge all my colleagues to do likewise.

Mr. ANDREWS. Mr. Speaker, after 12 years of difficult negotiation, Saudi Arabia joined the World Trade Organization last November. This was good news—the Saudi government has the potential to further join the world community as a responsible actor on the world stage, and the Saudi economy is a large one that will benefit from international trade, as will the U.S. in turn from increased commerce with the Arab nation. However, the Saudis are yet again missing a unique opportunity to reform, blinded by an irrational hatred of their neighbor, Israel.

This is part of a larger fabric of unacceptable behavior on the part of Saudi Arabia, which seeks greater ties with the West while maintaining its autocratic and anti-democratic policies. State-sponsored Saudi TV regularly broadcasts not just anti-Israeli diatribes, but anti-American propaganda as well, further encouraging the attitudes that lead to terrorism. The fact that Saudi nationals continue to significantly fund international terrorism, as reported this week by the U.S. Treasury Department, means that Saudis have a long way to go to match their anti-terror rhetoric with their actions. As I have in the past, I once again call on Saudi leader Prince Faisal to take responsibility for his government's actions which promote hatred and the repercussions it has on Saudi Arabia's relations with other countries.

As President Carter said in 1977, the Israeli boycott "goes to the heart of free trade among nations," and is clearly unacceptable from a member of the World Trade Organization. This boycott, in place since the founding of Israel in 1945, has no place in the modern, globalized world. Recognizing this, several Gulf States are withdrawing from the boycott, and gaining both political and economic benefits. In the face of these events, Saudi Arabia's recalcitrance is all the more puzzling.

Mr. Speaker, Saudi Arabia has reportedly agreed to end the secondary and tertiary aspects of the anti-Israeli boycott, but is stopping short of allowing direct trade with its neighbor. Such half-measures are clearly not acceptable. All World Trade Organization members must treat all other members equally. According to diplomats, Saudi Arabia affirmed this principle with respect to Israel before being admitted to the WTO. Today's resolution expresses the sense of Congress that Saudi Arabia must live up to its commitments as a member of the World Trade Organization and end its boycott against Israel. I strongly urge my colleagues to support this resolution.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H. Con. Res. 370, a resolution that calls on Saudi Arabia to end its boycott of Israel.

In 2005, Saudi Arabia pledged to the United States that it would end its boycott of Israel as part of its accession to the World Trade Organization. Foreign Minister Saud al-Faisal assured Secretary of State Condoleezza Rice that Saudi Arabia would follow all WTO rules, including the anti-boycott provisions and specifically pledged to dismantle the secondary and tertiary elements of the boycott against Israel during negotiations for WTO accession. However, shortly after joining the WTO in December, a Saudi official stated unequivocally that the boycott would be maintained.

Mr. Speaker, this blatant disregard for the terms of agreement must be addressed. We must force an end to the Saudi boycott on Israel which has been going on far too long.

I have been fighting the Israel boycott since I came to Congress. In 1993, I introduced H.R. 1407, the Arab Boycott Arm Sales Prohibition Act, a version of which was signed into law in September 1993. Thirteen years ago we talked about the harm the Arab boycott was causing—that it is a blatantly discriminatory practice which is contrary to free trade. It is now 2006 and we are still trying to end the boycott.

Mr. Speaker, I urge this Administration to continue to take a strong position against the Saudi boycott on Israel. It undermines our efforts in the Middle East to bring peace, stability and prosperity and it runs contrary to the obligations of membership in the WTO.

Mr. WAXMAN. Mr. Speaker, the Arab boycott against Israel is one of the worst vestiges of the Arab League's campaign to isolate and destroy Israel.

Originating shortly after Israel's founding in 1948, the embargo's objective was to squeeze the fledgling Jewish state out of existence AND punish its allies. Israel's astonishing economic growth despite these constraints ultimately dulled the impact. Enforcement also declined after Egypt and Jordan signed peace treaties with Israel. However, the boycott continues to be a shameless exercise in blackmail. Support for the policy is unfortunately still widely popular in most Arab nations.

Saudi Arabia, for its part, has been among the most vocal instigators rallying support for the boycott's continuation. Despite agreeing to provide Most Favored Nation status to all member states, including Israel, upon joining the WTO in November, Saudi Arabia continues to be a hub of boycott activity. In December, a Saudi official emphatically stated that the boycott would be maintained, and in March, the Saudi government hosted a meeting of the Organization of the Islamic Conference aimed at continuing the embargo.

Unfortunately, Saudi Arabia's inconsistent track record is somewhat common among our Arab trading partners. In October 2005, just one month after Bahrain signed a Free Trade Agreement (FTA) with the United States, the Bahraini parliament voted to reject its government's decision to lift the anti-Israel embargo.

Likewise, the United Arab Emirates, which is currently negotiating an FTA with the United States, has kept the policy in place. The issue recently got attention when it was revealed that a Dubai company seeking to take over operations in six U.S. ports complied with the boycott. It was revealed that the Department of Commerce's Office of Antiboycott Compliance had fined several U.S. companies in the last year for abiding by UAE's boycott rules.

Oman, which has an FTA now pending before Congress, opened a trade mission with Israel in 1996, but closed the office several years later in response to anti-Israel demonstrations.

The international trading system is designed not only to promote prosperity but to foster peaceful relations between nations. The United States has invested a great deal of time and effort in negotiating new trade pacts in the Middle East to build stronger ties between our countries and among our regional partners. But it is not acceptable to continue along this path if Israel is to be left out.

Israel is a valuable economic partner of the United States and a strategic ally. It would be a tactical error, a moral blunder, and a departure from our own anti-boycott laws, to continue expanding our trade ties with countries like Saudi Arabia that refuse to abide by their commitments on this issue.

I urge my colleagues to support this measure and take a firm stand to put an end to Saudi Arabia's duplicitous actions.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 370.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAYOR JOHN THOMPSON "TOM" GARRISON MEMORIAL POST OFFICE

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4688) to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

The Clerk read as follows:

H.R. 4688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAYOR JOHN THOMPSON "TOM" GARRISON MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1

Boyden Street in Badin, North Carolina, shall be known and designated as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I might consume. Mr. Speaker, I rise in support of H.R. 4688 offered by the distinguished gentleman from North Carolina (Mr. HAYES). This bill would designate the postal facility in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office."

Tom Garrison was born on May 25, 1925. He was educated at Badin High School and completed his postgraduate work at Staunton Military Academy. In September of 1943, Mr. Garrison entered the Army and played an active role in the European Theater of Operations for 22 months. He received a battlefield commission and was decorated with the Silver Star and other honors.

After returning home, Mr. Garrison married and graduated from the University of North Carolina at Chapel Hill. He also served stateside in the Korean conflict and retired after 20 years with the North Carolina National Guard. With the conclusion of his military career, Tom Garrison became an active member in his community of Badin, serving as the town's mayor for over 10 years. He was also a member of the First Baptist Church, in which he served in many capacities, as well as being involved in the Rotary Club, the Troop Committee of Boy Scout Troop 82, and a member of the board of the Badin Museum and the Better Badin Committee.

I urge all members to come together to honor a man that promoted excellence in government and community by passing H.R. 4688.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4688, legislation naming a postal facility in Badin, North Carolina after the late John Thompson Garrison. This measure, which was introduced by Representative ROBIN HAYES on February 1, 2006 and unanimously reported by our committee on March 9, 2006, enjoys the support and cosponsorship of the entire North Carolina delegation.

Tom Garrison was born and raised in Badin. He served in the U.S. Army in World War II and returned to his hometown to settle into the insurance and real estate business. Active in his church, community and numerous local civic organizations, Tom served as mayor of Badin from 1990 until his death last year at the age of 80.

Mr. Speaker, I commend my colleague for seeking to recognize Mayor Tom Garrison and honor his memory in this manner.

I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentleman from Georgia (Mr. WESTMORELAND) for yielding the time. And I want to thank my good friend, DANNY DAVIS, for his kind and most appropriate words about this outstanding and honorable gentleman, Mr. John T. Garrison, Sr.

Mr. Speaker, H.R. 4688 honors Mayor John T. Garrison, Sr., a good friend and wonderful leader known to his friends and family as simply Tom. Tom served as mayor of Badin from the town's incorporation in 1990 until his passing last October. Tom's 15 years of honorable service as mayor of Badin represented merely a small fraction of his career in public service.

Whether it was in the European theater in the Army during World War II where he distinguished himself among his peers earning a battlefield commission and numerous commendations including a Silver Star, or working with volunteer organizations in Stanley County, including among others, an active member of the Committee of Boy Scout Troop 82, serving as president of his local Rotary Chapter in Albemarle, or serving on the Badin Museum and Better Badin Committee, Tom never hesitated to selflessly give his time and talents to causes that bettered his community.

We can all look at these accomplishments and know he had lived a full and complete life. In addition to Tom's impressive record of public service, he was a successful professional in real estate and insurance.

Most important in Tom's life was his family. He was married to his wife, Anne, until her passing, and together they raised three children, Ellen, John, Jr., and Lenora.

Mr. Speaker, Tom Garrison embodies the great American pride and spirit we all desire. He worked tirelessly with his twin brother, Jim, who was very active in State and local politics in efforts to create hope, opportunity and prosperity for the people in the region, the State and the country.

I am proud to call Tom a friend and am grateful I had the opportunity to have him also as a neighbor. Tom, like many other champions around the Nation, did not seek public accolades for his efforts. He simply wanted to make the lives of the people in his community the best they could be. The current mayor of Badin, Jim Harrison, put it well when he said, "Tom was one who could build you up, and no matter how small the task or responsibility, he would make you feel very good about yourself and your importance to the Badin community. It was one of this life's many blessings to have known Tom Garrison."

Mr. Speaker, I urge all Members to join me in saluting this dedicated and honorable man by passing H.R. 4688.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4688. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 4688.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 737) supporting the goals and ideals of Financial Literacy Month, and for other purposes.

The Clerk read as follows:

H. RES. 737

Whereas personal financial literacy is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas a 2004 survey completed by the National Council on Economic Education found that the number of States that include personal finance in education standards for students in kindergarten through high school has improved since 2002 but still falls below 2000 levels;

Whereas a study completed in 2004 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than did high school seniors 7 years earlier;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least 1 credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas studies show that as many as 10 million households in the United States are "unbanked" or are without access to mainstream bank products and services;

Whereas personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to -0.2 percent in the last quarter of 2005;

Whereas, although more than 42 million people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as "401(k) plans"), a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 37 percent of workers say that they are not currently saving for retirement;

Whereas personal financial management skills and lifelong habits develop during childhood;

Whereas financial literacy has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes;

Whereas expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth;

Whereas a credit report and credit score can impact an individual's ability to, for example, obtain a job, insurance, or housing, and a March 2005, report by the Comptroller General entitled "Credit Reporting Literacy" found that "educational efforts could potentially increase consumers' understanding of the credit reporting process" and those "efforts should target those areas in which consumers' knowledge was weakest and those subpopulations that did not score as well on GAO's survey," including those with "less education, lower incomes, and less experience obtaining credit";

Whereas public, consumer, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one counseling for individuals;

Whereas Congress sought to implement a national strategy for coordination of Federal financial literacy efforts through the establishment of the Financial Literacy and Education Commission (FLEC) in 2003, the designation of the Office of Financial Education of the Department of the Treasury to provide support for the Commission, and requirements that the Commission's materials, website, toll-free hotline, annual report, and national multimedia campaign be multilingual;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus (FELC) in February 2005 to (1) provide a forum for interested Members of Congress to work in collaboration with the Financial Literacy and Education Commission, (2) highlight public and private sector best-practices, and (3) organize and promote financial literacy legislation, seminars, and events, such as Financial Literacy Month in April 2006 and the annual Financial Literacy Day fair on April 25, 2006; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and Junior Achievement have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about the importance of financial education in the United States and the serious consequences that may result from a lack of understanding about personal finances; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore (Mr. HAYES). Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that always Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 737 offered by the distinguished gentlewoman from Illinois (Mrs. BIGGERT). This resolution would support the goals and ideals of a Financial Literacy Month.

According to the Associated Press, personal bankruptcies have nearly doubled in the past decade, even though modern technological advances have made it easier and more convenient for us to manage our money through online services at most banks and credit unions. Every day, people of all ages face choices that will affect their financial future. It is important that we raise awareness about how these choices will affect financial health. These decisions we make today will affect how we buy houses, finance education, start businesses, save for retirement and meet our everyday needs in the future.

More than 42 million people in the United States currently participate in qualified cash or deferred arrangements known as 401(k) plans. A Retirement Confidence Survey conducted in 2002 found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement, and 25 percent of those workers have not started planning for their retirement at all. The goal of this resolution is to increase the awareness of the significance of thoughtful and well-planned personal financial management so that retirement can be an enjoyable time. It can be an overwhelming time for people of any age to manage money, but learning simple financial principles can help protect you against any financial pitfall that might occur.

I ask all Members to join me in supporting House Resolution 737 in the hopes that we can educate young and old about the importance of financial literacy.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the principal cosponsor of this resolution, Representative RUBÉN HINOJOSA.

Mr. HINOJOSA. Mr. Speaker, I rise in support of House Resolution 737 that the gentlewoman from Illinois, Congresswoman BIGGERT, and I introduced earlier this year. The legislation supports the ideals and goals of Financial Literacy Month, which falls in April of each year.

Before I proceed, I want to take this opportunity to thank my good friend and colleague, Congressman DANNY DAVIS, the ranking member on the Government Reform Federal Workforce Subcommittee, and especially Tania Shand of the minority staff for helping expedite committee consideration of our bill.

I also want to thank Congressman WESTMORELAND for managing time on this bill.

My colleague and friend from Illinois, Congressman DAVIS, has always been a strong supporter of economic education and financial literacy, and I want to thank him for managing the bill today for our side of the aisle.

Mrs. BIGGERT and I have also worked closely on financial literacy issues with House Rules Chairman DAVID DREIER over the years. I think all of us owe him and Vince Erse, on his staff, a great deal of gratitude for being one of the first Members of Congress to bring attention to the need to improve financial literacy rates here in the United States.

☐ 1300

Every day consumers deal with money, from balancing a checking account to shopping for a mortgage or auto loan, researching ways to pay for a college education, checking credit card statements, saving money for retirement, understanding a credit report, or simply deciding whether to pay cash or charge a purchase. The list goes on and on. But many consumers do not really understand their finances.

In 2004 reports from JumpStart and the National Counsel on Economic Education, the Schwab Foundation and others indicated that almost 66 percent of high school students failed a basic financial literacy exam. The numbers are not much better for adults. High bankruptcy rates, increased credit card debt, data security breaches, and identity theft make it imperative that all of us take an active role in providing financial and economic education during all stages of one's life.

On February 15, 2005, I co-founded, and currently co-chair, the Congressional Financial and Economic Literacy Caucus with Congresswoman BIGGERT. The caucus seeks to address these issues head on by increasing public awareness of poor financial literacy rates and will work to improve those rates. The caucus has provided a forum for my colleagues to promote policies that advance financial literacy and economic education.

It is my hope that through the Financial and Economic Literacy Caucus we can continue to further educate Americans about financial and economic topics ranging from the importance of saving, reducing credit card debt, obtaining a free annual credit report, and taking care of your finances to lead you down the path to the American dream of homeownership.

At this point, Mr. Speaker, I will insert into the RECORD letters in support of this resolution. They include a letter from the Financial Planning Association, the Independent Bankers Association of Texas, the Credit Union National Association, from MasterCard, from the Networks Financial Institute, as well as from the North American Securities Administrators Association. And then it includes a press release from the Independent Community Bankers of America.

NORTH AMERICAN SECURITIES
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, April 5, 2006.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.
Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BIGGERT AND CONGRESSMAN HINOJOSA: On behalf of NASAA I thank you for introducing H. Res. 737, which supports the goals and ideals of Financial Literacy Month. As the Resolution details, the need for financial education in the United States has never been greater. With a majority of Americans investing in our capital markets, there is a growing obligation to ensure our citizens are equipped with a basic understanding of the principles of savings and investing and the ability to recognize and avoid financial fraud.

State securities regulators have a long tradition of protecting investors through education, and many have established an investor education department within their regulatory agency. Several years ago, recognizing the importance of financial literacy to the prevention of fraud and abuse, the NASAA Board of Directors created an Investor Education Section to develop and support financial literacy and education programs to be delivered at the state level.

As part of the effort to educate our nation's youth, in April, state securities division staffs will join in celebrating "Financial Literacy Month" by visiting schools throughout their state to teach students about personal finance, the capital markets, investment choices and fraud.

Reaching out to our young citizens is just one component of the ongoing financial education effort undertaken by state securities regulators. We are dedicated to improving financial literacy for our constituents of all ages, recognizing that financial education has a direct impact on the economic health of our families, communities, states and this country overall.

We commend you for your continued efforts to draw attention to the importance of financial literacy programs. Please contact Daphne Smith, Tennessee Securities Commissioner and Chair of NASAA's Investor Education Section, or Deborah House in NASAA's corporate office if we may be of further assistance to you. We look forward to continuing our work with you and your offices on this particular issue.

Sincerely,

PATRICIA D. STRUCK,
NASAA President,
Wisconsin Securities Administrator.

NETWORKS FINANCIAL INSTITUTE
AT INDIANA STATE UNIVERSITY,
Terre Haute, IN, April 4, 2006.

Hon. JUDY BIGGERT,
House of Representatives, Co-Founder and Co-Chair, Financial and Economic Literacy Caucus, Washington, DC.
Hon. RUBÉN HINOJOSA,
House of Representatives, Co-Founder and Co-Chair, Financial and Economic Literacy Caucus, Washington, DC.

DEAR REPRESENTATIVES BIGGERT AND HINOJOSA: We are writing to express our support for H. Res. 737, "Supporting the goals and ideals of Financial Literacy Month." The resolution is an important step in raising awareness among individuals, policymakers, and institutions about the need for a more competent, financially literate country.

A lack of basic money-management skills is widespread among Americans. Over a quarter of our population have not received adequate financial literacy education in order to manage household finances. Personal bankruptcies increased 19% in 2002 over 2001, and increased by over 10% in 2003 with young adults between 20 and 24 representing the fastest growing segment of bankruptcy filings. In 2004, America's teenagers scored a failing grade in basic financial literacy knowledge, and more people filed for bankruptcy than graduated from college. Now more than ever, there is a critical need for research-based financial literacy educational programs to reach individuals at all age and socioeconomic levels, particularly in the early years. Our nation's educational systems are an effective conduit through the use of quality programming with a common set of educational standards, pre- and post-education assessment tools, effective training programs for educators, and materials which appropriately serve various segments of adult and child populations. The goal of these efforts is to develop an adult population of consumers that have adequate skills and confidence for making day-to-day financial decisions, and planning for their financial futures.

Thank you again for introducing H. Res. 737. Your continued leadership and commitment to financial literacy is essential to raise awareness of the need to implement a national strategy, and improve the money, credit, and debt management skills of all individuals.

Sincerely,

LIZ COIT,
Executive Director.

LAW DEPARTMENT,
MASTERCARD INTERNATIONAL,
Purchase, NY, April 4, 2006.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.
Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BIGGERT AND CONGRESSMAN HINOJOSA: I am writing to communicate MasterCard's dedication and commitment to increasing financial literacy rates, and we commend the efforts of you and your colleagues on H.R. 737. This bill is yet another example of your admirable devotion to this critical issue.

MasterCard International will continue consumer education during Financial Literacy Month by hosting activities across the country that help Americans successfully manage their personal finances. Events include the launch of the Spanish language version of our Debt Know How web site (www.debtknowhow.com), activities with policymakers on Capitol Hill that showcase MasterCard's consumer education programs, and a debt training seminar at the 2006 California Summit on Financial Literacy.

Please let us know if we can ever be of assistance to you or your staff.

Sincerely,

JOSHUA PEIREZ,
Senior Vice President &
Associate General Counsel.

ICBA APPLAUDS RESOLUTION DECLARING
APRIL FINANCIAL LITERACY MONTH

WASHINGTON, D.C. (April 5, 2006).—The Independent Community Bankers of America (ICBA) strongly supports the bi-partisan resolution passed by the U.S. House of Representatives today designating April as "Financial Literacy Month."

"Managing money wisely is critical to success in life," said Terry J. Jorde, ICBA chairman and president and CEO of CountryBank USA in Cando, N.D. "Too many Americans lack the skill and knowledge to make appropriate financial decisions. The more consumers know, the better they are at managing their finances and the better they manage their finances the more likely they are to enjoy a secure financial future."

ICBA has an on-going commitment to financial literacy programs, encouraging community banks to provide programs within their communities, as well as forging government, nonprofit and private-sector partnerships such as the FDIC Money Smart program.

"We commend Reps. Judy Biggert (R-Ill.) and Ruben Hinojosa (D-Tex.) for introducing a resolution that calls for the federal, state and local government, as well as schools, businesses and other groups to observe Financial Literacy Month," said Camden R. Fine, ICBA president and CEO "Financial education is important for today's consumers to understand and make decisions when faced with the complex array of financial products and services available."

For more information, visit the consumer education and resources section of www.icba.org.

CREDIT UNION
NATIONAL ASSOCIATION,
Washington, DC, April 3, 2006.

Hon. RUBÉN HINOJOSA,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA: On behalf of the Credit Union National Association (CUNA), which represents 87 million credit union members, I would like to thank you for your introduction of H. Res. 737, which supports the goals and ideals of Financial Literacy Month.

CUNA strongly supports H. Res. 737 which supports financial literacy initiatives by calling on schools, nonprofit organizations, businesses, government entities on the federal, state, and local levels, and citizens to observe the month with appropriate programs and activities.

To aid in this endeavor, CUNA establishes a yearly National Credit Union Youth Week, this year scheduled to take place April 23rd—29th. To date, 278 credit unions have committed to participating in CUNA's Youth Savings Challenge for that week, and are estimating to tally 50,000 youth deposits valued at $3.6 million.

CUNA provides financial literacy resources to credit unions year-round to assist young people and help them manage their own money wisely, and has partnered with the National Endowment for Financial Education (NEFE) and the Cooperative Extension Service to provide schools with free workbooks on financial literacy that can easily fit into an existing curriculum. Many credit unions have volunteered their time to teach the materials to better prepare students for college, covering issues such as credit cards, interest, minimum payments, and checking accounts. Additionally, CUNA recently developed a program called "Thrive by Five" which offers free materials on our website for parents to work with pre-school aged children on basic financial concepts such as spending and saving.

Again, CUNA and its member credit unions strongly support H. Res. 737, as well as your leadership with the Congressional Caucus on Financial and Economic Literacy. We look forward to working with you and greatly appreciate your efforts to bring financial literacy to students nationwide.

Sincerely,

DANIEL A. MICA,
President & CEO.

INDEPENDENT BANKERS
ASSOCIATION OF TEXAS,
Austin, TX, April 3, 2006.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: I am pleased that House Resolution 737, which strongly supports the important and admirable goal of financial literacy for our citizens, is scheduled for a vote on the House floor this week.

As you are aware, The Independent Bankers Association of Texas (IBAT) is committed to improving and enhancing the financial well-being of all Americans, and strongly believes that financial literacy initiatives targeting all age and socio-economic groups is a key component for success. Indeed, our association, through our Main Street Foundation, has worked with a number of partners to further this important cause, and we and our member banks will continue to focus on this vital issue.

We applaud you for your leadership in this area, and appreciate all the good work you and your fine staff have done to heighten the awareness of financial literacy.

All of us at IBAT look forward to working with you and your colleagues on this important issue.

Sincerely,

CHRISTOPHER L. WILLISTON,
President and CEO.

THE FINANCIAL
PLANNING ASSOCIATION,
Washington, DC, April 4, 2006.

Re H.R. 737.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

MR. HINOJOSA: The Financial Planning Association (FPA) would like to voice its support for House Resolution 737, which you are co-sponsoring and which was introduced on March 28, 2006, in support of the goals and ideals of Financial Literacy Month.

Our 28,000 members are well situated to understand the vital importance of personal financial education for all Americans. We believe that qualitative individual financial security must be built on a foundation of education and financial literacy.

In the context of rising personal debt and lower individual savings, there has seldom been a time of greater need for financial literacy. It is against that backdrop that we heartily support the introduction of H.R. 737, and hope your congressional colleagues and the President will share your enthusiastic support of financial literacy for all people.

Sincerely,

DANIEL B. MOISAND,
FPA President.

Mr. Speaker, financial literacy means empowerment, power to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, and leaders. It means banking the unbanked and bringing them into the mainstream financial system to protect them from abusive, predatory, or deceptive credit offers and financial products. At present several of these financial literacy programs are operating in my district.

The Security Industry Association's Stock Market Game is one of such programs. I am proud that my district was chosen again this year to participate in the SIA's second annual "Capitol Hill Challenge" Stock Market Game. This year the game is being played by many more districts across the United States so that the competition amongst the students is daunting.

To meet the challenge, I selected La Feria High School, located in Cameron County, to participate in this program. I wish them well and want to let them know that I am rooting for them.

Numerous programs exist to improve financial literacy. Recently, I reviewed JumpStart's Web site and found more than 500 financial literacy programs. While this means that many groups and individuals are working towards the goal of improving financial literacy rates, it also means that more coordination and collaboration amongst the programs and the groups are needed.

Mr. Speaker, yesterday the Financial Literacy Economic Commission released its National Strategy for Financial Literacy. While they were behind schedule, the report contains some good ideas, especially public service announcements and a public media campaign. Although it is a good start, much remains to be done. Other actions need to be taken and different venues need to be employed to achieve our goal. I remain committed to convince our appropriators that they should provide at least $3.5 million for the multimedia campaign.

With our savings rate currently at a negative .2 percent, or two-tenths of 1 percent, I believe that $3.5 million is a paltry sum if we are to improve financial literacy rates in this country. The funds are also needed to afford the multimedia campaign the ability to educate our constituents who remain subject to predatory lenders, potential identity theft from increasing data breaches, and much more.

Mr. Speaker, last month the House Financial Services Committee agreed to hold a hearing on the National Strategy on Financial Literacy as required by title V of the FACT Act. This is a crucial step towards reaching our goals.

I want to take this opportunity to again thank my friend Congresswoman BIGGERT and her staff, Nicole Austin and Brian Colgan, for working with us on today's legislation. I look forward to continuing my collaboration with Mrs. BIGGERT on any and all efforts that will increase public awareness of the need to improve financial literacy, to promote programs that increase financial literacy for all during all stages of life, and significantly improve financial literacy rates across the country. We are already moving forward on this, and we will host our annual Financial Literacy Day Fair April 25 with JumpStart, with Junior Achievement, and the National Council on Economic Education and together with Senator DANIEL AKAKA. The fair is open to the public and will be held from noon to 5 p.m. in the Senate Hart building. I have learned that more than 40 vendors will be sharing their financial literacy products with those who attend the event, and I encourage all my colleagues and all of their staffs and the public to attend the event.

I urge my colleagues to support this legislation.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from the State of Illinois (Mrs. BIGGERT), the author of the bill.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time.

Mr. Speaker, I rise today in support of House Resolution 737 to designate April as Financial Literacy Month. This is the third year that I have introduced this resolution with my colleague from Texas (Mr. HINOJOSA) to raise public awareness about the importance of financial education in the United States.

The state of financial literacy among our citizens may not garner much in the way of headlines, but it is an issue that should command our attention. It is a problem that is serious and urgent but is one that could be solved through education, and that is why I urge my colleagues to support this resolution.

In 2003 I worked with my colleagues and again Mr. HINOJOSA to establish within the Fair and Accurate Credit Transaction Act, or the FACTA, the Financial Literacy and Education Commission. We tasked the commission with establishing a Web site, a toll-free hotline, and a national financial literacy strategy. I am happy to say that the commission immediately launched www.mymoney.gov and 1–888–MYMONEY, and just yesterday it unveiled the national strategy report.

It is called "Taking Ownership of the Future: The National Strategy for Financial Literacy." And it highlights best practices and outlines outreach and education goals for the public and private sectors. I would urge my colleagues to go to mymoney.gov and take a look at the report. It is a great roadmap for how Americans can improve their understanding of issues such as credit management, savings, and homeownership. It is my hope that this national strategy can serve as a focal point for the hundreds of groups out there who are stepping up to the plate on financial literacy. There are so many issues and so many groups of individuals who need help and want to help.

Since my colleague Mr. HINOJOSA and I founded the Financial and Economic Literacy Caucus, which now has 68 Members of Congress, literally hundreds, if not a thousand, not-for-profit groups and private sector organizations have called us to offer their help or tell us about their financial literacy programs.

And I would like to take a moment to insert into the CONGRESSIONAL RECORD letters of support for these resolutions from four such organizations.

NETWORKS FINANCIAL INSTITUTE
AT INDIANA STATE UNIVERSITY,
Terre Haute, IN, April 4, 2006.

Hon. JUDY BIGGERT,
House of Representatives, Co-Founder and Co-Chair, Financial and Economic Literacy Caucus, Washington, DC.
Hon. RUBÉN HINOJOSA,
House of Representatives, Co-Founder and Co-Chair, Financial and Economic Literacy Caucus, Washington, DC.

DEAR REPRESENTATIVES BIGGERT AND HINOJOSA: We are writing to express our support for H. Res. 737, "Supporting the goals and ideals of Financial Literacy Month." The resolution is an important step in raising awareness among individuals, policymakers, and institutions about the need for a more competent, financially literate country.

A lack of basic money-management skills is widespread among Americans. Over a quarter of our population have not received adequate financial literacy education in order to manage household finances. Personal bankruptcies increased 19% in 2002 over 2001, and increased by over 10% in 2003 with young adults between 20 and 24 representing the fastest growing segment of bankruptcy filings. In 2004, America's teenagers scored a failing grade in basic financial literacy knowledge, and more people filed for bankruptcy than graduated from college. Now more than ever, there is a critical need for research-based financial literacy educational programs to reach individuals at all age and socioeconomic levels, particularly in the early years. Our nation's educational systems are an effective conduit through the use of quality programming with a common set of educational standards, pre- and post-education assessment tools, effective training programs for educators, and materials which appropriately serve various segments of adult and child populations. The goal of these efforts is to develop an adult population of consumers that have adequate skills and confidence for making day-to-day financial decisions, and planning for their financial futures.

Thank you again for introducing H. Res. 737. Your continued leadership and commitment to financial literacy is essential to raise awareness of the need to implement a national strategy, and improve the money, credit, and debt management skills of all individuals.

Sincerely,

LIZ COIT,
Executive Director.

NORTH AMERICAN SECURITIES
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, April 4, 2006.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.
Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BIGGERT AND CONGRESSMAN HINOJOSA: On behalf of NASAA thank you for introducing H. Res. 737, which supports the goals and ideals of Financial Literacy Month. As the Resolution details, the need for financial education in the United States has never been greater. With a majority of American investing in our capital markets, there is a growing obligation to ensure our citizens are equipped with a basic understanding of the principles of savings and investing and the ability to recognize and avoid financial fraud.

State securities regulators have a long tradition of protecting investors through education, and many have established an investor education department within their regulatory agency. Several years ago, recognizing the importance of financial literacy to the prevention of fraud and abuse, the NASAA Board of Directors created an Investor Education Section to develop and support financial literacy and education programs to be delivered at the state level.

As part of the effort to educate our nation's youth, in April, state securities division staffs will join in celebrating "Financial Literacy Month" by visiting schools throughout their state to teach students about personal finance, the capital markets, investment choices and fraud.

Reaching out to our young citizens is just one component of the ongoing financial education effort undertaken by state securities regulators. We are dedicated to improving financial literacy for our constituents of all ages, recognizing that financial education has a direct impact on the economic health of our families, communities, states and this country overall.

We commend you for your continued efforts to draw attention to the importance of financial literacy programs. Please contact Daphne Smith, Tennessee Securities Commissioner and Chair of NASAA's Investor Education Section, or Deborah House in NASAA's corporate office if we may be of further assistance to you. We look forward to continuing our work with you and your offices on this particular issue.

Sincerely,

PATRICIA D. STRUCK,
NASAA President,
Wisconsin Securities Administrator.

VISA U.S.A. INC.,
Washington, DC, April 4, 2006.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.
Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES BIGGERT AND HINOJOSA: I am writing to commend you for introducing H. Res. 737, a "Resolution Supporting the Goals of Financial Literacy Month."

Visa, through its "Practical Money Skills for Life" program, has been working to expand and improve financial literacy for youth in schools, as well as consumers at all stages of life. This is an award-winning comprehensive educational program, which includes interactive, computer based activities, as well as plans that can be used by teachers to deliver financial literacy lessons in the classroom. We developed Practical Money Skills for Life in close consultation with educational and nonprofit financial literacy organizations. These materials are available for free through the Internet at http://www.practicalmoneyskills.com/.

We look forward to working with you, the House Financial and Economic Literacy Caucus, the Financial Literacy and Education Commission, and other policymakers, to advance this very important cause.

Thank you again for your leadership on this critical issue.

Sincerely,

LISA B. NELSON,
Senior Vice President & Director,
Government Relations.

LAW DEPARTMENT,
MASTERCARD INTERNATIONAL,
Purchase, NY, April 4, 2006.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.
Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BIGGERT AND CONGRESSMAN HINOJOSA: I am writing to communicate MasterCard's dedication and commitment to increasing financial literacy rates, and we commend the efforts of you and your colleagues on H.R. 737. This bill is yet another example of your admirable devotion to this critical issue.

MasterCard International will continue consumer education during Financial Literacy Month by hosting activities across the country that help Americans successfully manage their personal finances. Events include the launch of the Spanish language version of our Debt Know How Web site (www.debtknowhow.com), activities with policymakers on Capitol Hill that showcase MasterCard's consumer education programs, and a debt training seminar at the 2006 California Summit on Financial Literacy.

Please let us know if we can ever be of assistance to you or your staff.

Sincerely,

JOSHUA PEIREZ,
Senior Vice President &
Associate General Counsel.

Mr. Speaker, I would also like to thank some of the people in my home State of Illinois who have demonstrated their commitment to educating Americans of all ages about savings and finance: Susan Beecham, founder of Money Savvy Generation and the inventor of my favorite financial literacy tool, the Money Savvy Pig; and then there is Joanne Dempsey, Illinois Council on Economic Education; and one of my good friends, the other Judy from Illinois, Illinois State Treasurer Judy Baar Topinka.

Mr. Speaker, most of our States do not require schools to have financial literacy programs, and the majority of students failed a basic financial literacy exam. Many eighth graders do not know the difference between cash, checks, and credit cards. And most college students have at least one credit card with a large unpaid cash balance. Adults have not fared very well either, and the number of "unbanked" households in the United States is estimated to be close to 10 million.

Studies show that Americans are not saving for life's expensive, and at times unexpected, needs such as education, retirement, and health care. Now is the time for us to encourage our children and adults to learn about finance and economics and engage in good budget and long-term savings habits.

I want to thank my distinguished colleague and friend, the gentleman from Texas (Mr. HINOJOSA), for his dedication to this issue and sponsorship of this resolution. I would also like to thank the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS) for cosponsoring this resolution and moving it through his committee. And I would especially like to thank the gentleman from Georgia for managing this resolution and my colleague from Illinois (Mr. DAVIS) for managing the resolution. And last I would like to thank the gentleman from California (Mr. DREIER) and the gentlewoman from Connecticut (Mrs. JOHNSON) for their support of the resolution and their commitment to financial literacy.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I want to commend my colleagues, Representatives BIGGERT and HINOJOSA, for the outstanding work that they continue to do in this important area.

The importance of financial and fiscal responsibility cannot be overstated. Personal financial literacy is essential to ensure that individuals are prepared to manage money, credit, and debt and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens. And that is why I am pleased to support H. Res. 737, introduced by Representative BIGGERT of our great State, that is, the State of Illinois.

Personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to a negative 0.2 percent in the last quarter of 2005. As the resolution notes, 92 percent of college students acquire at least one credit card by their second year in college; yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money.

The Jump$tart Coalition for Personal Financial Literacy seeks to improve the personal financial literacy of young adults. Jump$tart's purpose is to evaluate the financial literacy of young adults; develop, disseminate, and encourage the use of financial education standards for grades K–12; and promote the teaching of personal finance.

□ 1315

To that end, Jump$tart has established 12 must-know personal finance principles for young people to improve their financial future. It would not hurt if adults also followed these 12 steps as well.

The 12 financial principles stressed during Financial Literacy Month for Youth are map your financial future; do not expect something for nothing; high returns equal high risk; know your take-home pay; compare interest rates; pay yourself first, money doubles by the rule of 72, to determine how long it would take your money to double, divide the interest into 72; your credit past is your credit future; start saving young; stay insured; budget your money; do not borrow what you cannot repay; and let me add one more, especially since the 15th is not too far away, pay all of your taxes.

Mr. Speaker, I am pleased to support this resolution supporting the goals of financial literacy month, and urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of California (Mr. DREIER), the chairman of the powerful Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and congratulate him and his colleagues on the Government Reform and Oversight Committee for their hard work on this important issue.

As I look around the Chamber, Mr. Speaker, I, of course, want to say that this Illinois nexus here between DAVIS and BIGGERT is obviously a great one and very committed to the issue of financial literacy, and my good friend from Texas, RUBÉN HINOJOSA, has done so much to further this cause.

I want to say that I remember it was probably a decade ago that Mr. POMEROY and I stood here beginning to focus attention on this issue. I want to again say how much I appreciate the fact that Mrs. BIGGERT and Mr. HINOJOSA have led the charge here. I believe that this resolution is very deserving of our support. I see my friend EDDIE BERNICE JOHNSON here as well, so I suspect she is supportive of this, and Mr. SHERMAN and others.

I do believe if we look at where we are as a Nation today, it is amazing what the 21st century has wrought. We are all so supportive of these dramatic changes that have been made, improving the quality of life and the standard of living for people. But one of the things we point to is the fact we see this emerging investor class; 56.7 million American families are today members of the investor class.

What has all of this technological change brought about? Well, one thing is the explosion of the access to all kinds of different financial products and services out there. Many of them are offered to young people who, unfortunately, don't really have much of a grasp or understanding of financial responsibility and financial literacy.

That is why what we are doing here today is the right thing. In fact, I am very pleased to see that the Commission on Financial Literacy that has been put into place just yesterday made the decision to move ahead with positive methods of education advancing this cause.

If we are going to see the number of investors in the United States of America grow, and as we want to continue to see the standard of living increase for so many people, with that obviously comes responsibility. As people take on responsibility, the best way for them to do it is if they have the kind of literacy that is necessary in dealing with this explosion of financial products and services that are out there.

So, I simply want to say congratulations. Here we are, trying to encourage education in science, technology, engineering and math, the STEM Program we were talking about just last week, and as well we are proceeding with the work on our very important higher education bill, and key to that is our quest to ensure that people understand these different financial products that are there.

Mr. Speaker, I congratulate my colleagues who have been so involved in this, and I hope very much that we will be able to have strong support for this measure. I hope we have unanimous passage of it. We will be able to at that point see a greater understanding and an enhancement of these toll-free numbers that are out there and all the other educational tools that my friend Mrs. BIGGERT talked about.

With that, I encourage strong support for the resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman from Illinois. I rise in strong support of H. Res. 737, supporting the goals and the ideal of Financial Literacy Month.

Mr. Speaker, we need to care more about financial literacy in this country and making sure our constituents have the tools to be responsible consumers, to make them good savers and to make them great investors.

In a new survey conducted by the Financial Literacy Forum, two of every five Americans say they know only some, little or not much about how to manage their finances and only 10 percent of college students have had financial education in high school. We used to learn financial skills at home or at school, but now Americans aren't even being taught these crucial life skills in either place.

Now, more than ever before, we Americans need to be financially literate. The average American family spends $200,000 to raise a child to the age of 18, and yet the United States savings rate barely breaks above 1 percent. The cost of education, as everyone knows, is skyrocketing. Undergraduate students have an average credit card balance of about $3,000.

I am not saying that greater financial literacy will solve all of our problems, but it will help people to manage their financial issues better. Sound financial knowledge helps individuals prepare to own a home, to save for retirement, to protect themselves from fraud, to start a business, to plan for college. And the benefits of financial literacy accrue not just to the individual, but to our communities as well. The more people in our communities save, the more they can invest, the more they can create business, the more we create and build America. Financial literacy is really the cornerstone to lasting wealth creation. And, above all, remember it is not how much you make, it is what you do with the money you get.

So I would like to thank my colleagues again for introducing this important legislation, and I would urge the House to support H. Res. 737.

Ms. JONES of Ohio. Mr. Speaker, making thoughtful and informed decisions about your finances is more important than ever. Financial literacy and education are the foundation for wealth building. Being knowledgeable of the different financial products available leads to increased wealth among individuals and families and is key to stimulating the economy.

There are many more aspects of financial literacy than knowing how to open and maintain a savings or checking account. In today's society, increasingly more adults, young and old participate in financial decision making including, life insurance coverage, 401(k)s, stocks, business, investments, credit cards, mortgage loans, and automobile financing.

I believe that financial literacy should be taught at an early age. Parents should instill in their young children the value of saving and investing. According to the American Bankruptcy Institute, more young people filed for bankruptcy than graduated from college in 2001. In addition, personal bankruptcy filings were up 7.4 percent last year.

There are several programs like Jump$tart, which are geared toward teaching children and young adults the basics of financial management. The Jump$tart Organization in Ohio was recently awarded a $10,000 grant from The McGraw-Hill Companies to launch Financial Literacy for Teachers Training Workshops for Pre-Teachers and Teacher Training in Personal Finance Basics in five different regions in Ohio. This grant will equip them with the knowledge, tools, skills and resources to instruct their students to develop personal financial skills and to enable them to apply money management skills effectively in their everyday lives.

Surprisingly, half of all Americans are living paycheck to paycheck. In addition, 40 percent of Americans say they live beyond their means. I realize it is often more difficult for lower income individuals and those who live on a month to month basis to save, but one would be surprised how much a small weekly or monthly saving could accumulate over a period of time if it is allowed to grow.

I am pleased to be a cosponsor of this resolution, and urge my colleagues on the House and Senate to pass this important measure.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 737, which would support the goals and ideals Financial Literacy Month, among them raising public awareness about the importance of financial literacy.

As many of my colleagues are aware, borrowing—particularly on credit—has increased dramatically in recent years, while private savings have fallen. At the end of 2004, Americans carried 657,000,000 bank credit cards, 228,000,000 debit cards, and 550,000,000 retail credit cards—that comes to 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household. The household debt of United States citizens climbed to $11,000,000,000 by the close of the third quarter of 2005. Meanwhile, personal savings as a percentage of personal income have decreased from 7.5 percent in the early 1980s to negative 0.5 percent in 2005, the first year that the rate has been negative since the Great Depression.

My colleagues are familiar with these statistics and the problems that such trends create for our economy, among them our low current accounts balance and our oft-cited trade deficit.

Americans should be familiar with the financial tools and strategies that can reverse these trends—tools and strategies made available by programs like Financial Literacy Month. By working to improve the financial literacy of people from all ages and walks of life, we can help high school and college students prepare themselves for more responsible adult lives, help parents continue to provide for their children, and help retirees create sustainable plans for their golden years. Greater financial literacy will reduce the number of Americans forced to file for bankruptcy, increase the nation's private savings, and empower more Americans to make informed decisions in an increasingly complex market. Altogether, it will spur growth in our nation's economy.

In New Jersey, our credit unions have come together with the Department of Banking and Insurance for initiatives like the New Jersey Financial Literacy Awareness Network (NJFLAN) to help New Jerseyans better understand and manage their finances. NJFLAN partners with community organizations, schools, corporations, and financial institutions to distribute multilingual educational materials. The New Jersey Credit Union also set up a grant-making foundation to back initiatives to improve financial literacy within our state. These are two examples of positive, practical efforts that can be made at the state and district levels to further the goals and ideals of Financial Literacy Month.

I am proud to cosponsor this resolution and urge my colleagues to pass this resolution today.

Mr. BACA. Mr. Speaker, I rise in recognition of Financial Literacy Month and in full support of H. Res. 737, which I have cosponsored. As a member of the Congressional Financial and Economic Literacy Caucus, I encourage all of my colleagues to use this time to raise awareness about the importance of financial education and to support efforts that prepare Americans with the skills and know-how they need to manage money, credit and debt.

I'd also like to take this time to call attention to an important consumer issue that is affecting millions of Americans all across the nation.

Among the most vital pieces of information that can prepare individuals to make informed financial decisions is a credit report. Understanding one's credit report plays a key role in home-ownership readiness, increasing financial literacy, and monitoring for identity theft and or/fraud.

In recognition of the important role a credit report plays in enhancing financial literacy and combating identity theft, Congress passed legislation that entitles all consumers to one free credit report each year.

However, since the law's passage in 2003 nearly 30 million Latinos within the United States including almost 3 million in Puerto Rico—who have limited English language skills, are being excluded from this new right. They cannot obtain access because the system to order free credit reports—a website and toll-free hotline—is only available in English. As a result, millions are denied this information, which is essential to making informed financial decisions and to guarding against identity theft.

Identity theft is a serious and pervasive crime that affects millions of American families. According to a recent study by the Department of Justice, an estimated 3.6 million U.S. households—or about 3 out of every 100—were victims of identity theft in 2004.

During last month's markup of the Financial Data Protection Act (H.R. 3997) in the House Financial Services Committee, I called on America's leading credit bureaus to implement new procedures and services to help Spanish speakers obtain copies of their free credit report, understand the financial information it contains and learn about ways they can guard against identity theft, detect it or take corrective action if they discover they have been victimized. The right to a free credit report is a right for all consumers. In order for tens of millions of Spanish speakers to gain access, the system for ordering free credit reports must be made available in Spanish.

Last week, members of the Congressional Hispanic Caucus, of which I am First Vice Chair, met with executives from Equifax, Experian and TransUnion to discuss this issue and to ask them to take additional steps to protect Latinos who have limited English language skills. The CHC will continue to monitor this issue to ensure their full compliance with the law. They must be held accountable.

I urge my colleagues to support the adoption of H. Res. 737 and encourage all members to support the ideals and goals of Financial Literacy Month.

Mrs. JOHNSON of Connecticut. Mr. Speaker, in an era when Americans' dependence on federal entitlements is increasing, when the number of Americans filing for personal bankruptcy rose an astounding 30 percent in the past year, and when our national savings rate is at its lowest point since the Great Depression, it is imperative that our Nation's youth understand the importance of long-term financial planning, particularly personal savings and investment.

We need young Americans to develop basic financial skills and knowledge to help them prepare for their future. They need to learn and understand basic principles such as compound interest, market capitalization, and how to avoid credit card debt. Learning simple concepts such as these during childhood cultivates lifelong habits of responsible financial management.

In particular, we must emphasize the value of investing early. We must stress the significance of tax-advantaged savings opportunities such as Roth IRA's, Health Savings Accounts, and 401(k) contribution plans offered by employers—especially when a match is offered—as well as numerous other vehicles for building substantial nest eggs for retirement.

Improving the financial literacy of our youth will equip the American workforce of tomorrow with the tools to grow our national economy and to achieve personal financial success and security in retirement. I urge my colleagues to join me in offering House Resolution 737 their full support.

Mr. HINOJOSA. Mr. Speaker, personal financial literacy is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens. Financial literacy has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes. Expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth.

A March 2005 GAG report entitled Credit Reporting Literacy found that educational efforts could potentially increase consumers' understanding of the credit reporting process and those efforts should target those areas in which consumers' knowledge was weakest and those subpopulations that did not score as well on GAG's survey, including those with less education, lower incomes, and less experience obtaining credit. Public, consumer, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one counseling for individuals. In February 2005, Congresswoman JUDY BIGGERT (R–IL) and I co-founded, and currently co-chair, the Financial and Economic Literacy Caucus, FELC, to (1) provide a forum for interested Members of Congress to work in collaboration with the Financial Literacy and Education Commission, (2) highlight public and private sector best practices, and (3) organize and promote financial literacy legislation, seminars, and events, such as Financial Literacy Month in April 2006 and the annual Financial Literacy Day fair on April 25, 2006. The Caucus has been a success.

I would like to submit for the RECORD the following letters in support of a bill Congresswoman BIGGERT and I co-sponsored and that passed the House: H. Res. 737, a bill Recognizing the Goals and Ideals of Financial Literacy Month that falls in April of each year. The bill was reported to the House favorably by the Committee on Government Reform and passed the House on April 6, 2006 by a recorded vote of 423–1. The documents I am submitting today include letters of support for H. Res. 737 from the Federal Trade Commission and the National Association of Insurance Commissioners. I am also submitting for the RECORD three letters in support of Financial Literacy Month. They include a letter from the President, George W. Bush, Rick Perry, Governor of the State of Texas, and the Southeast Regional Financial Education Center.

FEDERAL TRADE COMMISSION,
Washington, DC

DEAR MEMBER OF CONGRESS: Thank you for co-sponsoring House Resolution 737, designating April 2006 as "Financial Literacy Month" to raise public awareness about the importance of financial education in the United States, and calling on various public and private entities to observe the month with appropriate programs and activities.

Measures such as this help boost consumer education programs the Federal Trade Commission has developed for fostering a national "culture of financial smarts," where all individuals can take steps towards personal financial stability and contribute to a healthy national economy. Along these lines, the FTC's Office of Congressional Relations wanted to share with you new resources launched for Financial Literacy Month that are available for supporting your outreach programs.

Enclosed please find the FTC's "Focus on Finances" booklet, which we have modified from a newspaper supplement that ran in The Washington Times. As you will see, the booklet serves as a guide for young adults, entering a new phase in their lives in facing new financial challenges and opportunities. From new college students to graduates entering the work force, this guide focuses on issues that all consumers are faced with: credit, budgeting, debt, and identity theft.

We hope you will agree this booklet will be a valuable tool for distribution via district offices or as handouts at community events. The publication can be printed out via the FTC's Web site at *www.ftc.gov/bcp/conline/pubs/misc/nie0406.pdf*, or you can contact me, Derick Rill, at my e-mail address—*drill@ftc.gov*, or via phone at 202–326–3007.

Beyond the FTC's Focus on Finances booklet, the FTC has a wide range of consumer education resources we think you will agree can serve to help your constituents, and we are happy to discuss with your staff ideas for newsletter items, Web site assistance areas, town hall events and more. See the reverse side of this document for details.

Thank you again for being a part of Financial Literacy Month and please let us know how we can best help your office reach the goals that your resolution set stressing the importance of financial education for all Americans. We look forward to working with you in the future. Please call us at FTC anytime we can be of service.

Sincerely,

DERICK RILL,
Congressional Outreach Specialist.

NATIONAL ASSOCIATION OF
INSURANCE COMMISSIONERS,
April 14, 2006.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.
Hon. RUBIN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BIGGERT AND CONGRESSMAN HINOJOSA: On behalf of the National Association of Insurance Commissioners (NAIC), we write to commend your leadership and commitment to financial and economic literacy. The NAIC shares and embraces the goals of H. Res. 737, a Resolution Supporting the Goals and Ideals of Financial Literacy Month, and offers our support for your continued efforts to raise public awareness about the importance of financial education in the United States.

On March 28, the NAIC launched a comprehensive public education program to assist consumers with information about insurance issues. Under the banner of Insure U, the campaign has two objectives: to help consumers get smart about insurance as their needs change at different life stages, and to educate them about how to avoid being scammed by fake insurance companies. The program includes an online education site and public service announcements in English and Spanish.

The Insure U curriculum, available at www.insureUonline.org, includes a basic introduction to the four major types of insurance—auto, home, life and health—as well as special considerations for young singles, young families, established families and empty nesters/seniors. The public service announcement encourages consumers to call their state insurance department prior to purchasing an insurance policy to confirm that they are dealing with a real insurance company authorized to do business in their state.

Thank you again for your continued leadership and commitment to financial and economic literacy. The NAIC is committed to working with you, other members of the Financial and Economic Literacy Caucus, and all Members of the House and Senate through events during Financial Literacy Month and year round.

Sincerely,

ALESSANDRO IUPPA,
Maine Superintendent of Insurance, NAIC President.
CATHERINE J. WEATHERFORD,
NAIC Executive Vice President and CEO.

THE WHITE HOUSE,
Washington DC, March 23, 2006.

I send greetings to all those observing Financial Literacy Month this April.

The American economy is the envy of the world because of the talent of the American people. Our economy grows when individuals are allowed to make their own decisions about how to save, spend, and invest their money and are given the freedom to make a better life for themselves and their family.

The Federal Government has an important role to play in helping citizens gain the knowledge and tools they need to compete and succeed in the 21st century. The Financial Literacy and Education Commission, created in 2003, was tasked with developing a plan to improve the money management skills of our citizens. Through the launch of "Taking Ownership of the Future: The National Strategy for Financial Literacy," the Commission is hoping to prepare people for the opportunities of life in a free society, enable them to make informed decisions about their financial futures, and help consumers protect their credit and good name.

My Administration remains committed to expanding economic opportunities and fostering an environment that encourages growth and vitality. By creating an ownership society, where more Americans own their own homes and businesses and control their own retirement savings and health insurance, we can achieve a great national goal and make our country a place where the dignity and security of financial independence are within reach for all Americans.

I appreciate Secretary Snow, members of the Financial Literacy and Education Commission, and all those working to make every citizen an agent of his or her own destiny. Your work reflects our trust in the American people and makes our society more prosperous and just.

Laura and I send our best wishes.

GEORGE W. BUSH.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR.

Sound financial management is important to ensuring that Texans are well-positioned to meet their needs now and in the future.

From saving and investing to making wise credit decisions, a better understanding of financial management and planning fosters long-term financial security.

At home, at school, and elsewhere in our communities, and at an early age, we must educate young Texans on these important issues. Not only does financial literacy education help to ensure that young Texans mature into responsible adults, it also contributes to economic success and prosperity for our great state into the future.

During the month of April, an awareness campaign will be conducted to highlight the importance of financial literacy among young Texans.

At this time, therefore, I encourage Texans of all ages to recognize the importance of saving, investing and having financial goals. Together we can continue to make a difference for the future.

Therefore, I, Rick Perry, Governor of Texas, do hereby proclaim April 2006, Youth Financial Literacy Month.

RICK PERRY,
Governor of Texas.

April Is National Financial Literacy for Youth Month

RALEIGH, N.C.—Governor Mike Easley has declared April 2006 as Financial Literacy for Youth Month in North Carolina. Financial literacy programs are being launched across the nation to heighten the awareness and need to provide financial education to young people. The Jump$tart Coalition for Personal Financial Literacy national biennial survey of financial literacy released 2006 test results on April 5th in Washington, DC. The average score for the 2005–06 survey was 52.4%, up marginally from 52.3% in the 2003–04 survey. This year, North Carolina joined the ranks by surveying 254 high school seniors in 13 schools across the state. Test scores were below the national average at 48.2%.

SERFEC will commemorate Financial Literacy for Youth Month with a full-day event for the freshman class on the campus of Saint Augustine's College in Raleigh, NC on Thursday, April 20th. The kickoff for the event will feature concurrent workshops on: It Just Makes Cents: Budgeting Basics; The World of Banking; The Credit Trap: Using Credit Wisely; and What's Your Whip: Helpful Tips on Vehicle Financing. William "Bill" Cheeks, President of ABBA Associates, Powder Springs, GA and Midwest/Eastern States Regional Coordinator for the Jump$tart Coalition for Personal Financial Literacy will serve as the guest luncheon speaker. During the afternoon Real World Event, a virtual life skills simulation, students will be challenged to develop a monthly budget based on various educational and employment levels, while ensuring everyday needs and situational crises are met. Corporate sponsors for this power-packed event include Branch Bank & Trust, Citigroup, Citifinancial, GMAC, and the Federal Reserve Bank.

SERFEC is a 501(c)(3) nonprofit organization whose mission is to provide K–12 and college freshmen throughout the southeast region with a working knowledge of basic personal finance. SERFEC is principled on the Japanese maxim: "Tell me, and I'll forget. Show me, and I'll remember. Involve me, and I'll be changed forever." According to Angela Towns, Chief Executive Officer, "Teaching youth basic money management skills is a misnomer. We can tell youth about money and even show them how money works—but until we involve them in the practical application of basic personal finance, we will miss the opportunity for economic growth, economic empowerment, and economic change in the lives of our young people, their families, and their communities."

Mr. Speaker, I would like to submit for the RECORD the following letters in support of H. Res. 737, a bill "Recognizing the Goals and Ideals of Financial Literacy Month" that falls in April of each year. The bill was reported to the House favorably by the Committee on Government Reform and passed the House on April 6, 2006 by a recorded vote of 423–1. The documents I am submitting include letters of support for the bill from the Texas Credit Union League, the Texas State Securities Board, the Credit Union National Association, and the National Association of Mortgage Brokers.

TEXAS CREDIT UNION LEAGUE,
Dallas, TX, April 10, 2006.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: On behalf of the Texas Credit Union League, I would like to thank you for your work to pass H. Res. 737 and your commitment to improving financial literacy in our country. Credit Unions see financial education as a cornerstone of financial independence. Knowledge of financial products, with their benefits along with their disadvantages, allows consumers to make better decisions and improve their lives and the lives of their families.

Recognizing Financial Literacy month helps in the effort to educate our citizens about financial products and services. We look forward to working with you on this important issue in the future and applaud your leadership in bringing it to the forefront of the Congressional agenda.

Respectfully,

DICK ENSWEILER
President and CEO,
Texas Credit Union League.

TEXAS STATE SECURITIES BOARD,
Austin, TX, April 13, 2006.

Re House Resolution 737.

Hon. RUBÉN HINOJOSA,
Congressman,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: Congratulations on being awarded the Federal Legislator Award from the Jump$tart Coalition for Personal Financial Literacy. Texas investors are fortunate to have someone in Washington who understands the need for financial education and awareness and works so hard to help address that need.

I also want to thank you for cosponsoring H. Res. 737, which supports the goals and ideals of Financial Literacy Month. As the Resolution details, the need for financial education in the United States has never been greater. By teaching our state's investors about personal finance, we can encourage Texans to focus on saving, investing, and home ownership and help them avoid investment fraud.

The Texas State Securities Board will join. in celebrating "Financial Literacy Month" by reaching out to Texans of all ages. As you know, it is important to make individuals more knowledgeable about personal finance, the capital markets, investment choices and fraud. Our staff continues to make presentations throughout the state to help educate Texans about investing and preparing for retirement.

Enclosed are brochures both in English and Spanish that exemplify our investor education initiatives. We look forward to working with you in the future regarding this and other important securities-related issues.

Very truly yours,

DENISE VOIGT CRAWFORD,
Securities Commissioner.

Credit Union National Association,
Washington, DC, April 3, 2006.

Hon. Rubén Hinojosa,
Washington, DC.

Dear Representative Hinojosa: On behalf of the Credit Union National Association (CUNA), which represents 87 million credit union members, I would to thank you for your introduction of H. Res. 737, which supports the goals and ideals of Financial Literacy Month.

CUNA strongly supports H. Res. 737 which supports financial literacy initiatives by calling on schools, nonprofit organizations, businesses, government entities on the federal, state, and local levels, and citizens to observe the month with appropriate programs and activities.

To aid in this endeavor, CUNA establishes a yearly National Credit Union Youth Week, this year scheduled to take place April 23rd–29th. To date, 278 credit unions have committed to participating in CUNA's Youth Savings Challenge for that week, and are estimating to tally 50,000 youth deposits valued at $3.6 million.

CUNA provides financial literacy resources to credit unions year-round to assist young people and help them manage their own money wisely, and has partnered with the National Endowment for Financial Education (NEFE) and the Cooperative Extension Service to provide schools with free workbooks on financial literacy that can easily fit into an existing curriculum. Many credit unions have volunteered their time to teach the materials to better prepare students for college, covering issues such a credit cards, interest, minimum payments, and checking accounts. Additionally, CUNA recently developed a program called "Thrive by Five" which offers free materials on our website for parents to work with pre-school, aged children on basic financial concepts such as spending and saving.

Again, CUNA and its member credit unions strongly support H. Res. 737, as well as your leadership with the Congressional Caucus on Financial and Economic Literacy. We look forward to working with you and greatly appreciate your efforts to bring financial literacy to students nationwide.

Sincerely,

Daniel A. Mica,
President & CEO.

National Association of
Mortgage Brokers,
McLean, VA, April 7, 2006.

Rep. Rubén Hinojosa,
House of Representatives,
Washington, DC.

Representative Hinojosa: On behalf of the 27,000 members of the National Association of Mortgage Brokers (NAMB), I would like to thank you and your colleagues for your work on House Resolution 737, supporting the goals of National Financial Literacy Month.

At a time when home buyers and consumers in general face the hurdles of a complicated marketplace and predatory lenders, your work educating consumers is invaluable. As you know, an educated consumer is a protected consumer.

Too often, home buyers and other consumers are neither educated nor protected when it comes to making sound financial decisions. As H. Res. 737 makes clear, smart financial management is the result of a lifetime of sound spending habits and financial education. Encouraging consumers to develop these good habits is essential to ensuring strong credit and a healthy financial outlook. NAMB is dedicated to maintaining the highest commitment to consumer education on mortgage and home-buying issues.

NAMB works to improve the financial understanding of consumers across the country in a variety of ways. First, our work with Freddie Mac's CreditSmart and CreditSmart Español has helped lower-income workers and families better manage their financial futures. Second, we inspire a commitment to consumer education in the next generation of mortgage brokers through our work with Delta Epsilon Chi (DECA). DECA is an international association of high school and college students studying business and entrepreneurship.

NAMB also works closely with the financial services industry as part of its on-going commitment to consumer education, and to helping all Americans realize the American dream of homeownership. For example, NAMB has created the Industry Partners Program to make it easier for a wide range of financial professionals to collaborate with mortgage brokers and bring greater professionalism to the industry.

NAMB applauds your commitment to this issue and your dedication on behalf of consumers in Texas and across the nation. We salute your efforts to improve the lives and financial futures of hard-working Americans.

Sincerely,

Jim Nabors II, CRMS,
President,
National Association of Mortgage Brokers.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the adoption of House Resolution 737, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Boozman). The question is on the motion offered by the gentleman from Georgia (Mr. Westmoreland) that the House suspend the rules and agree to the resolution, H. Res. 737.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FRANCISCO "PANCHO" MEDRANO POST OFFICE BUILDING

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4561) to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building".

The Clerk read as follows:

H.R. 4561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FRANCISCO "PANCHO" MEDRANO POST OFFICE BUILDING.

(a) Designation.—The facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, shall be known and designated as the "Francisco 'Pancho' Medrano Post Office Building".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Francisco 'Pancho' Medrano Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. Westmoreland) and the gentleman from Illinois (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4561, offered by the distinguished gentlewoman from Texas (Ms. Eddie Bernice Johnson). This bill would designate the postal facility in Dallas, Texas, as the Francisco "Pancho" Medrano Post Office Building.

Francisco "Pancho" Medrano was a driving force in bringing the Hispanic culture into the City of Dallas and working to eliminate discrimination. Medrano was an activist and a hero with Dallas' Hispanic communities and promoted the importance of civic responsibility and political participation.

Mr. Medrano is well-known for his years of union and civil rights work with the United Auto Workers. During his years with the UAW, he integrated lunch counters in Dallas, took part in civil rights marches in the Deep South and organized farm workers in the Texas valley. However, his work was not just confined to the UAW. He participated in numerous equality campaigns in Mississippi, Arkansas and Texas.

I urge all Members to honor the perseverance of this honorable civil rights leader by passing H.R. 4561.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the author of this resolution, the Honorable Eddie Bernice Johnson from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to thank Mr. Tom Davis and the ranking member, Henry Waxman, of the House Government Reform Committee and also the gentleman from Georgia, Mr. Westmoreland, and the ranking member, Mr. Danny Davis, for moving this important legislation through the committee. This resolution has been endorsed by every single Member from the Texas delegation.

Francisco "Pancho" Medrano played an integral part in bringing Hispanics into the cultural and social mainstream in Dallas. He was a leader to his community in the struggle against discrimination.

The son of a Mexican laborer, Pancho Medrano was born in Dallas in 1920. In his youth, in 1952, he was heavyweight boxing champion of Mexico, and grew up as a community activist in the fight for social and economic equality.

He grew up in an area of Dallas called Little Mexico and he encountered much prejudice and segregation. But he never was considered violent. As a young man, he was banned from public swimming pools and all of the other things, and frequently said that he didn't see that he should be any different from any other black American because he was treated the same way.

At the beginning of World War II, when unions began to form in the Dallas area, he was inspired by the political conditions around him. He was captivated by the political agenda of the United Auto Workers and he was then named by Walter Reuther to be organizer of the UAW Union in Dallas. His work had an immeasurable impact on the lives of thousands of working women and minorities.

In 1960, when television began to change the visibility of the American civil rights movement, the UAW president commissioned him to be an international representative for civil rights. So he participated in all the landmark marches with Martin Luther King. He was probably one of the only Mexican Americans in the Montgomery boycott and in Selma along with Dr. King.

He continued his organizing throughout the country, including Chicago, Detroit, Indianapolis, California and Arizona. He worked to help repeal the poll tax in 1964, and he really spoke all the time about understanding the struggle of all of the African Americans, because he fought the same battle for all.

He was a father of five. Pancho, Jr., had preceded him in death. He died in 2002 but continued to be active up to his death. His only daughter, Pauline, is a member of the city council, his son Robert has been, and his son Ricardo has been on the school board.

It is important I think for all young people to know that we have had leadership that came along and made things better for them and did not have to be violent. He was always a gentleman, but never silent when it came to rights.

Mr. Speaker, I would like to thank Chairman TOM DAVIS and Ranking Member HENRY WAXMAN of the House Government Reform Committee for their leadership on moving this important resolution through the committee and to the House floor for its consideration today.

"Pancho" Medrano played an integral part in bringing Hispanics into the cultural and social mainstream in Dallas.

He was a leader to his community in the struggle against discrimination.

The son of a Mexican laborer, Pancho Medrano was born in Dallas in 1920.

Pancho Medrano, who in his youth was the 1952 Heavyweight Boxing Champion of Mexico, grew up to be a community activist in the fight for social and economic equality.

Growing up in the Little Mexico area of Dallas, Medrano encountered prejudice and segregation. As a young man, he was banned from the public swimming pool as well as banned from watching movies within the public park in Little Mexico.

Medrano attended St. Ann's Catholic School and Dallas public schools through the eighth grade. At the beginning of 9th grade, his high school principal told him he could no longer attend classes and directed him to go to work at the local rock quarry.

While working at the quarry, Medrano trained to become a riveter and eventually went to work at the North American Aviation Company. There were few skilled minority workers at the plant, and the majority of white workers refused to work with Medrano. Conditions at the plant were even worse for African Americans, as nearly all of them were assigned to cleaning restrooms. Medrano was surrounded by an environment where everything, even the punch clocks, were segregated.

At the beginning of World War II, unions began forming in the Dallas area.

Inspired by the political conditions around him Medrano was captivated by the political agenda of the United Auto Workers, in particular the motto that there shall be no discrimination based upon race, color, or creed, and sex.

Medrano played a key part in organizing the UAW union in Dallas.

His work made an immeasurable impact in the lives of thousands of working women and minorities.

In 1960, when television began to change the visibility of the American Civil Rights Movement, UAW President, Walter Reuther, commissioned Medrano as a special UAW International Representative for Civil Rights.

Medrano went on to participate in virtually all of the landmark events of the civil rights movement.

Mr. Medrano integrated lunch counters in Dallas, and took part in civil rights marches in the Deep South.

He organized demonstrations in Dallas and was involved in the integration in Little Rock.

Often times there were no Mexican-Americans organizing these civil rights demonstrations. Medrano played a key part in organizing and energizing the Mexican-American community throughout the South.

Medrano participated as one of the only Mexican-Americans in the Montgomery Bus Boycott.

He also marched in Selma along with Dr. King.

He continued his organizing throughout the country including: Chicago, Detroit, Indianapolis, California and Arizona.

In addition, he organized farm workers in the Texas Valley alongside civil rights leader César Chávez.

In 1967, Texas Rangers broke up a peaceful protest where Medrano and five women attempted to picket a train carrying melons picked by non-union workers. The protest in Mission, Texas, was part of a year-long effort by farm workers.

During this time, Medrano and others were subjected to persistent harassment and violence from law enforcement officers for their union-organizing protests. Medrano sued the Ranger who broke up the protest. He took his case all the way to the Supreme Court—overturning the Texas laws that barred mass demonstrations.

Medrano worked with the UAW to help repeal the poll tax in 1964. Mr. Medrano said, "I could understand the struggle of black people because my people were experiencing the same sort of thing." Medrano was driven to fight for economic and social justice for all individuals—Hispanics, Blacks, Women, and others.

Mr. Medrano's work to end discrimination and prejudice has had a profound and lasting effect on myself and on the lives of millions of Americans.

We must all work to carry on his remarkable legacy.

Even when he retired in Dallas, Medrano continued to be an active member of UAW Local 848's retiree group.

Mr. Medrano passed away in April of 2002.

In addition to his daughter, Pauline, he is survived by three sons, Robert, Ricardo, and Rolando.

There are many young people who may not know of, or did not experience Mr. Medrano's battle towards equality. It is imperative we recognize and celebrate our civil rights leaders as a nation. Honoring leaders such as Pancho Medrano teaches our young people about the leaders who came before them—and hopefully gives a new generation the inspiration to fight for change.

I urge my colleagues to support H.R. 4561, to name the postal facility at Ferguson Road in Dallas, Texas in honor of Pancho Medrano.

□ 1330

Mr. WESTMORELAND. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, just to close, I strongly rise in support of this postal facility naming for Mr. Frances Pancho Medrano, who was an outstanding community activist. I think it is the kind of people that he was who really make America and have made America what it ought to be, and so I strongly support this resolution.

Mr. SESSIONS. Mr. Speaker, I rise to recognize the naming of a United States Postal Facility in Dallas, Texas as the "Francisco 'Pancho' Medrano Post Office Building." Pancho Medrano was the embodiment of the civil rights movement for the Hispanic community in Dallas. He was a decisive leader in encouraging Hispanics to actively participate in the political process in Dallas. Mr. Medrano brought Hispanics into the city's mainstream community and mentored a generation of Dallas political leaders. His operational base centered in Little Mexico, an enclave immediately north of downtown Dallas. In this neighborhood where he was banned from swimming in the public pool as a child, he raised a family whose name became synonymous with civic life.

Not only was he a strong civil rights leader, but along the way, he became a very talented and successful heavyweight prize fighter.

Today Pancho Medrano would be most proud of his family's achievements. One of his sons was a Dallas ISD school board member. Another was selected to serve on the Dallas City Council and Dallas/Fort Worth International Airport Board. Additionally, his daughter, Pauline Medrano, was recently elected to the Dallas City Council, representing the area that has long been home for the Medrano family. She proudly carries on the legacy of leadership and passion to serve the community. I will continue to work with her locally to better our great city.

Therefore, it is with distinction that I recognize the designation of the United States Postal Facility located at 8624 Ferguson Road in Dallas, Texas as the "Francisco 'Pancho' Medrano Post Office Building." I ask that all of my fellow colleagues support H.R. 4561.

Mr. DAVIS of Illinois. Mr. Speaker. I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4561.

Mr. Speaker. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 4561.

The question was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COACH JOHN WOODEN POST OFFICE BUILDING

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4646) to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building".

The Clerk read as follows:

H.R. 4646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN WOODEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, shall be known and designated as the "Coach John Wooden Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Coach John Wooden Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4646, offered by the distinguished gentleman from California (Mr. SHERMAN). This bill would designate the postal facility in Reseda, California, as the Coach John Wooden Post Office Building.

John Wooden is often referred to as the most successful coach in college basketball history. At UCLA, Mr. Wooden's team scaled unprecedented heights. The Bruins set all-time records with four perfect 30–0 seasons. 88 consecutive victories, 38 straight NCAA tournament victories, 20 PAC-10 championships, and 10 national championships in which seven of these championship victories were won consecutively.

Considered one of the finest teachers the game has ever known, Coach Wooden's approach was centered on conditioning, skill, and teamwork. Coach Wooden's principles both on and off the court dictated his success in creating what is certainly the greatest dynasty in basketball history. I urge all Members to honor this dedicated and inspiring teacher by passing H.R. 4646. And I want to wish Coach Wooden a speedy recovery and a return back to his home.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. SHERMAN), the author of this resolution.

Mr. SHERMAN. Mr. Speaker, it is fitting as we have concluded March Madness, the NCAA Championship playoff for men's basketball, that we reflect upon the great success of a man I think is the greatest coach of all time in any sport. That is the Wizard of Westwood, Coach John Wooden, a man who meant so much to basketball players, fans, to sport in general, to our society, and especially to us in his home area, the San Fernando Valley.

I attended UCLA and graduated in 1975. I was there for 3 years. And in just my 3 years. I saw in the 1972–1973 season a 30–0 record, National Championship, and Coach John Wooden named Coach of the Year.

Then in my next year at UCLA, Coach John Wooden achieved a record of 26–4, reached the semi-finals in the national tournament, and coached the great Bill Walton in his final season. And then finally, not in Bill Walton's final season, but in Coach John Wooden's final season at UCLA, 1974-1975, a record of 28–3, and a National Championship. What a way to end a coaching career; a coaching career that included ten National Championships.

Now, as the gentleman pointed out, Coach John Wooden was hospitalized just a few days ago. He watched the UCLA team come in second in the nation from his hospital bed. But I am pleased to report that he is to be discharged from the hospital today and has been given a basically clean bill of health. I hope very much that he is watching us either as he is about to leave the hospital or as he has just returned home to his home in Encino.

Coach John Wooden was the first individual inducted to the Basketball Hall of Fame as both a player and a coach, and in fact, only three individuals to date have been so inducted. He is now 95 years old, has been a resident of my district for the 10 years that I have served with Congress, and for far longer than that.

He was born in 1910. He went on to Purdue University, where in 1932, he was National Player of the Year and led his team, the Boilermakers, to the National Championship.

In the 1940s, he came to us at UCLA, having first served his country as lieutenant in World War II. There at UCLA, he led us to 10 National Championships, including 7 in a row. Under his tutelage, UCLA had 7 perfect 30–0 seasons and won 19 conference championships. His teams once won 88 games in a row, the longest streak in basketball history and I believe the longest streak in any major sport. He also won a record 38 consecutive NCAA tournament games.

Wooden was the NCAA Basketball Coach of the Year six times. He was named Man of the Year By Sporting News in 1970, and by Sports Illustrated in 1973. When he reached retirement at UCLA in 1975, his total record was 620 wins versus 147 losses.

But his leadership was not just on the court. He inspired so many by his testament to leadership, to success, to dedication, and to sportsmanship. He wrote several books, including Wooden On Leadership, also including My Personal Best: Life Lessons From An All-American Journey, and even a children's book, Inches and Miles: the Journey to Success. He was famous for his Pyramid of Success which inspired so many in their adult lives to focus on team spirit, competitiveness, and teamwork.

In conclusion, I cannot think of a better way to honor Coach John Wooden in the San Fernando Valley than naming a Federal building in Reseda, the Reseda Post Office, after Coach John Wooden. Reseda is the community located immediately adjacent to Coach John Wooden's home community of Encino.

Just a few years ago, we named the Encino Post Office after another basketball luminary, Chick Hearn, the most famous basketball broadcaster of all time. And so now we will have two post offices located just a few miles apart honoring the two greatest basketball names in the history of the San Fernando Valley. Coach John Wooden's daughter, Nancy, lives in Reseda with her husband, as does his grandson-in-law Paul, who was recently honored at a celebration that I was able to attend—the Walk of Hearts, where we honor in Canoga Park the great teachers of the San Fernando Valley. Of course, just a few years earlier, the first teacher so honored was Coach John Wooden himself.

Coach John Wooden means so much to our area, so much to sports fans around the country and around the world. I thank the gentleman for yielding me time and I think we should move forward with this bill.

Mr. WESTMORELAND. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join with my colleagues in consideration of H.R. 4646, legislation naming a postal facility in Reseda, California after Coach Wooden. This measure which was introduced by Representative SHERMAN on December 18, 2005, and unanimously reported by our committee on March 30, 2006, enjoys the support and co-sponsorship of the entire California delegation.

John Wooden, a native of Indiana, actually began his love of the game by playing basketball at Martinsville High School in Martinsville, Indiana. He was an All-State selection in high school and an All-American guard at Purdue University.

After graduating from Purdue, he became a high school teacher and coach, gaining a record of 218 to 42 as a high school coach. After serving in World War II, John Wooden took a coaching position at Indiana State University prior to becoming the head coach at the University of California at Los Angeles.

Well, we have heard all the things that he did in California, but those of us who were not from California were actual admirers of John Wooden through the whole period of watching him direct his teams, knowing that in all likelihood they were going to win, that it was virtually impossible to defeat them. So I can understand the kind of feeling that Representative SHERMAN and all of the people of that great area where he lived and spent the last days of his life, and still is there, and he is, indeed, an icon.

So I join with you, Mr. SHERMAN, in urging passage of this resolution, and I commend you for bringing it before us and putting it before the House.

Mr. Speaker, I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE), another great coach that this country has known.

Mr. OSBORNE. Mr. Speaker, I would like to thank Mr. SHERMAN for bringing this legislation to the floor.

I just wanted to say a couple of words about Coach Wooden. I have known him personally and I understand he has been ill. I hope he is watching today. Of course everyone has discussed his record, the seven straight national championships and 10 national championships in 12 years, which is remarkable, 88 straight wins. But the thing I thought I would mention is that the most significant thing that I know about John Wooden is not his record, but it is rather the way he went about achieving that record.

One thing that I picked up from him that was invaluable to me as a coach was that he never talked to his players about winning. You would think in a business that is so keyed to winning that you would frequently mention the word winning, but he never did. He always talked about process. He always talked about how you went about achieving excellence, starting with the way you put your socks on, the way you shot free throws, the way you passed the ball. He was a tremendous detail person, a great emphasis on fundamentals.

One quote that he had in one of his books that I thought was significant was he talked about Cervantes. Cervantes mentioned that the journey is more important than the end. What he was saying was that it is not the final destination but it is how you get there. Of course, we are in a business here that is very end, very goal-oriented, and sometimes the end justifies the means. And so I have always appreciated that about John. It was simply what he taught his players and what he taught people in coaching in general about how to approach the game. So there could not have been a finer person chosen for this honor.

Thank you for so honoring him and we hope that he recovers quickly and is out of the hospital.

Mr. WAXMAN. Mr. Speaker, I am proud to support H.R. 4646, which would rename the postal facility in Reseda, California in honor of a UCLA legend, a teacher and community leader, and the greatest coach in sports history: John Wooden.

Coach Wooden achieved unmatched success in his years at UCLA. His commitment to excellence, his steady leadership, and his great wisdom have made him one of the most beloved figures in the history of that great university.

As we saw this year, Coach Wooden's legacy continues. Through hard work, determination, and a deep belief in the power of teamwork, his Bruins captured the Pac10 Championship and advanced to the NCAA Championship game. This year's victories are Coach Wooden's victories because his wisdom and work ethic are the lifeblood of the UCLA basketball program.

I was lucky enough to attend UCLA in the years leading up to the Bruin's unprecedented string of championships and undefeated seasons. Coach Wooden's leadership was the driving force behind four undefeated seasons, 88 consecutive victories, and 7 consecutive NCAA championships.

In addition to the wins on the court, Coach Wooden was an inspiration to his players and the UCLA community. His players' admiration and respect has extended decades beyond their time at UCLA. The University's worldwide visibility and commitment to excellence are forever tied to Coach Wooden's great legacy.

I wish Coach Wooden many years of health and happiness and it gives me great pleasure to support H.R. 4646.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4646. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 4646.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1345

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT A NATIONAL METHAMPHETAMINE PREVENTION WEEK SHOULD BE ESTABLISHED

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 556) expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

The Clerk read as follows:

H. RES. 556

Whereas methamphetamine is a highly addictive, man-made drug that can be injected, snorted, smoked, or ingested orally, the effects of which include feelings of euphoria that last for up to 24 hours and psychotic behavior such as auditory hallucinations, mood disturbances, delusions, and paranoia, potentially causing the user to experience homicidal or suicidal thoughts as well as violent behavior and brain damage;

Whereas the number of admissions to treatment in which methamphetamine was the primary substance of abuse increased exponentially from 20,776 in 1993 to 116,604 in 2003;

Whereas methamphetamine is easily produced in clandestine laboratories, known as "meth labs", using a variety of volatile and toxic ingredients available in stores, and presents a danger to the individual preparing the methamphetamine, the community surrounding the laboratory, and the law enforcement personnel who discover the laboratory;

Whereas the Drug Enforcement Administration reports that domestic meth lab seizures have increased from 7,438 in 1999 to 17,170 in 2004;

Whereas studies have found that methamphetamine use is strongly linked to identity theft, domestic violence, overall crime rates, child abuse, and child neglect;

Whereas the National Association of Counties has conducted surveys with law enforcement and child welfare officials in more than 500 counties, and found that 87 percent of all law enforcement agencies surveyed reported increases in methamphetamine-related arrests in recent years, and 40 percent of all the child welfare officials in the survey reported increased out-of-home placements of children due to methamphetamine use;

Whereas methamphetamine use and production is prevalent around the world;

Whereas approximately 65 percent of the methamphetamine supply in the United States is trafficked in the form of a finished product from other countries;

Whereas the United Nations Office on Drugs and Crime reports that more than 30,000,000 people around the world use amphetamine-type stimulants, a number that eclipses the combined global use of cocaine and heroin;

Whereas methamphetamine and narcotics task forces, judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement officials, researchers, students and educators, community leaders, parents, and others dedicated to fighting methamphetamine have a profound influence within their communities; and

Whereas the establishment of a National Methamphetamine Prevention Week would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; and

(2) the people of the United States and interested groups should be encouraged to observe National Methamphetamine Prevention Week with appropriate ceremonies and activities.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 556 offered by the distinguished gentleman from Washington (Mr. BAIRD). This resolution would recognize the importance of educating people of all ages about the dangers of methamphetamines.

Methamphetamines are highly addictive, dangerous stimulants that are sold in powder, pill and capsule forms and can be inhaled, swallowed or injected. The physical effects of methamphetamines use include alertness, euphoria, appetite loss, elevated heart rate, and increased respiration. The most popular form of the drug, referred to as crystal meth, has become increasingly widespread and can result in overdose, causing both stroke and heart failure.

While the median age of the habitual meth user is 30 years, the drug is starting to strengthen its hold on younger generations. The number of teenagers who have reported using meth has increased dramatically over the past few years. It is extremely easy for young people to access Internet information outlining recipes and places to obtain ingredients for manufacturing the drug.

This legislation would help to increase awareness of this serious epidemic and educate the public about the dangers of meth use.

I urge all Members to come together and to commit to the task of educating our youth about the dangers of methamphetamines use by adopting H. Res. 556.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from Washington (Mr. BAIRD), the author of this legislation.

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from Georgia as well.

Mr. Speaker, I want to rise in strong support of H. Res. 556, a resolution I have introduced to establish National Methamphetamine Prevention Week.

As was mentioned earlier, methamphetamine is a cheap, addictive drug that has penetrated the smallest of communities and has reached epidemic proportions in this country and throughout the world. In fact, the United Nations Office on Drugs and Crime reports that more than 30 million people around the world use amphetamine-type stimulants, a number that surpasses the global use of cocaine and heroin combined.

Domestically, we have seen the number of meth lab seizures decline in some areas over the last years, yet increase in others as the epidemic has moved from west to east. For example, in 1999, California busted 2,579 meth labs domestically, while Missouri that year busted 439. However, by 2004, California had reduced their labs to 764, while Missouri increased to an astonishing 2,788.

The situation with methamphetamine is evolving, and as local police and drug task forces become more efficient in shutting down the local, clandestine labs, the supply shifts to become increasingly filled by finished product imported from Mexico and other countries, often in a more potent form.

In my home district in southwest Washington, for example, we have seen the purity of meth increase on the street by over 43 percent in just the last 4 years. This is a disturbing pattern. Its history has taught us that along with increases in purity, so goes admissions to treatment centers, drug-related crimes, arrests and overdoses.

Judge Woolard from Clark County in my home district has explained to me that the meth epidemic can be encapsulated in the following statistics: 80 percent of the kids in foster care in my home county have parents who are meth addicts; 80 percent of the criminal cases brought before the courts involve drug use; and 75 percent of the kids in juvenile detention are now involved with meth.

This is not a problem that is going away without a comprehensive plan for action.

My colleagues and I have recently addressed the issue of domestic supply with the passage of the Combat Meth Act which had overwhelming support in this body. We also continue to move forward on efforts to deal with the international supply of meth precursors, and will soon insist that companies where these products are produced limit and track the shipment of methamphetamine.

We have to address the demand side as well, and we can do this by continuing to fund programs such as the National Youth Anti-Drug Media Campaign and Safe and Drug Free Schools. Additionally, we can encourage our communities to get involved in the fight against meth at the ground level. That is why National Meth Prevention Week is so important.

This bill will allow and encourage local communities in a nationwide effort to address all aspects of the meth problem from prevention to intervention to treatment.

It will also provide us an opportunity to dedicate 1 week out of the year that should actually be a nationwide effort to engage students and children in discussions and activities that will underscore the importance of avoiding methamphetamine use.

I am pleased that the legislation has 63 bipartisan cosponsors, as well as the support of the National Association of Counties, National Narcotic Officers Coalition, National Criminal Justice Association and the Association for Addiction Professionals.

I want to particularly thank the cochairs of the Meth Caucus, Chairmen LARSEN, BOSWELL, CANNON and CALVERT, as well as Chairman SOUDER who has been a leader on this issue throughout the Congress. They have been tremendous allies in this fight, and I am happy to work with them on a bipartisan basis.

I also want to again thank Chairman DAVIS, Ranking Member WAXMAN and Ranking Member CUMMINGS for their support of the bill.

Mr. Speaker, finally, I want to thank my own staff, Katie Stevens, for her work on this, as well as the law enforcement treatment and prevention professionals in my district who have done such an outstanding job combating this horrific drug.

I urge my colleagues to support the adoption of H. Res. 556 today. I hope the action will then be followed by the speedy adoption of the companion bill in the other body, S. Res. 313, offered by my colleague and friend Senator CANTWELL.

Let us unite today to send a joint message to our local communities, as well as our friends overseas, that we acknowledge the devastating impact of this drug and are united in our fight against it.

I thank the gentleman for the time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to the gentleman from the great State of Georgia (Mr. GINGREY), my friend and distinguished colleague.

Mr. GINGREY. Mr. Speaker, I thank my colleague, the gentleman from Georgia, as well as my colleague, Representative DAVIS from Illinois, and I thank Representative BAIRD from Washington for bringing this bill up, H. Res. 556.

I am a physician Member of the body, and I see, and I did in my practice, of course this has been 4 years ago, a lot of drug addiction unfortunately, and this methamphetamine issue, Mr. Speaker, has reached exponential and unbelievable proportions.

When some of us were in college, Mr. Speaker, I do not know if you remember this or not, but I certainly do, to study and cram for a test at the last minute, there were always these little pills floating around the fraternity house that you could take. It would literally allow you to stay up all night, and you had an accelerated sense of awareness and could not sleep, and sometimes you literally could go through a whole calculus textbook and do a whole semester's worth of work in one night and think that you were going to go in and ace the test. That rarely happened. That sense of euphoria was there, Mr. Speaker, but when you got that final grade back, that A you thought you had made might more often was a C- or a D. But that was then and this is now.

Just listen to this little bit of background and why this idea of Representative BAIRD's of having a National Methamphetamine Prevention Awareness Week is so important.

Methamphetamine is a highly addictive, man-made drug that can be, and I remember you just swallowed a pill, but today can be injected, snorted, smoked and, of course, ingested orally. It causes these feelings, Mr. Speaker, of euphoria that last up to 24 hours, psychotic behavior, auditory hallucinations, mood disturbances, delusions, paranoia, potentially causing the user to experience homicidal or suicidal thoughts, as well as violent behavior, brain damage.

The scary part about this is it is so easily made, as the previous speakers have talked about, and these clandestine labs in these homes are a lot of times in rural areas.

Mr. Speaker, I represent a fairly rural area, northwest Georgia. I have one county in particular who are a great people. I will not mention the name of the county because they do not deserve, I do not think, to be overly criticized because they are working really hard to try to solve this problem in the northwest, but it is a huge problem, and I wanted to take an opportunity in particular, and in this instance I will name names.

One of my constituents, she is a real estate agent, works hard, single parent. Her name is Betty Brady. When I was in that county recently, Betty gave me a book that she had written, and it was just kind of a small paperback, almost a syllabus. It was the first time, Mr. Speaker, that she had ever made any attempt at authoring a book. That was not her profession. She is not a professional writer, but she wrote that book talking about her daughter Jennifer.

Jennifer's now, thank God, recovered fully from her methamphetamine addiction. She is 24 years old, young lady who is working very hard in the community now, with an outreach, working with law enforcement, talking in school, trying to bring awareness, just as this bill is going to do and why I am so much in favor of it. But it is a heartrending story of this perfect child. They have a son as well and this little perfect daughter, you know, the apple of their eye, and then all of the sudden she fell in with the wrong crowd and got into this methamphetamine addiction and just about destroyed her life. As Betty says in the book, so many of this young lady, her daughter Jennifer's friends did lose their lives, either by getting too much or main-lining something and then going into respiratory depression or whatever.

I am just shocked when I read some of the statistics, Mr. Speaker, the fact that the United Nations Office on Drugs and Crime reports that more than 30 million people around the world use methamphetamine-type stimulants, a number that eclipsed the combined global use of cocaine and heroin.

That is the problem that Representative BAIRD is so aware of and why this H. Res. 556 is such an important thing to do, so that people like Betty Brady that are out there in the trenches struggling to make youngsters aware, this will be a week where they can really bring that focus and get into the schools and let people know that this is highly addictive. This is not just the speed that truck drivers used to take so they could drive to the west coast without stopping. This is something that is a very, very serious drug.

I thank the gentleman from Georgia, my colleague, Representative WESTMORELAND, for letting me take a few minutes and just talk about this, and I commend Representative BAIRD. We are fully supportive of it, and I am sure that an overwhelming majority, if not unanimous, vote on this is in order.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Subcommittee on Drug Policy and the former Chair of the Congressional Black Caucus.

☐ 1400

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I want to thank Mr. BAIRD for this resolution, which I strongly support.

As the ranking member of the Drug Subcommittee of the Government Reform Committee, I have traveled, along with Congressman SOUDER, throughout this entire country, and we have had an opportunity to go to many, many places that are usually rural in nature, and we have seen the effects of methamphetamine use. We have heard drug court judges, we have listened to foster care parents, we have listened to wonderful people like the lady that was just mentioned who have seen their children go through being addicted to methamphetamine.

While I am from an urban area, if I were to close my eyes and if we were to substitute the name of this drug for crack cocaine or cocaine, a lot of the same types of stories I have been hearing for many, many years in the 7th Congressional District of Maryland are the stories Mr. SOUDER and I heard all over urban areas throughout our country.

Drugs are a major damaging element in our society. I have seen so many families destroyed. And by the way, it is not just the person who uses the drug but their families are affected, their communities are affected and their children are affected. So often the property values go down in a neighborhood because of the use. Methamphetamines fall right in that category.

Methamphetamines are easy to produce. As a matter of fact, you can find the ingredients and how to do it and make them on the Internet, and that is one of the things that is so frightening about this. When I think about some of the addicts that live in my district, they often have a hard time getting ahold of the crack cocaine or getting ahold of the cocaine. When I think about methamphetamines, however, it seems as if this is one of the things that folks could do and find it might be a little easier and a little bit cheaper to get to.

That is one of the many reasons why we have to stand up and we have to do things like Representative BAIRD has suggested in this legislation. We have to make sure that parents are aware, that coaches, and that people in our communities are aware, neighbors and friends are aware so that perhaps we can prevent some of this.

As we traveled throughout the United States in our subcommittee, we had people come and testify and show us pictures of how they looked before using methamphetamines. And when we would see them, sometimes maybe a year later after using them, maybe 7 months later, they looked like a ghost of themselves.

As one young man said to me, and I shall never forget it as long as I live, it is embedded in the DNA of every cell in my brain, he said, when I went out there to simply get a high, I went and I got high over and over again. I would stay up for days. Stay up for days. And he said, I got high. Man, I thought I was on cloud nine. He said, then there came a time when I tried to get off and it was very difficult to do it. He said, but I finally licked it. But he said, then I looked at myself in the mirror and I said, self, will you forgive me? And he said self said back to him, yeah, I forgive you. And then he said something that is embedded in the DNA of every cell of my brain. He said but my body wouldn't forgive me. My body that now looked about 10 or 15 years older with all kinds of sores all over his body.

So we must continue this fight. It is a very important fight. It is a fight for the soul of America. So often what happens is that people look at the drug war, if you want to call it that, the efforts to stop drugs, as a negative issue. But let me tell you something, there are too many lives that are being robbed every day, too much potential. When we think about our children and we think about people who are living a wonderful family life and doing well, the one thing that can suck the blood out of them, suck the life out of them and their communities is drugs.

So I applaud Mr. BAIRD and all of our colleagues who have made this methamphetamine war effort their effort. For I have often said that our children are the living messages we send to a future we will never see. But the fact is, if we do not address this issue now with prevention, intervention, and treatment, they will never see that future either.

And so I would hope that all of the Members of this great House will vote in favor of this legislation and that when methamphetamine week comes around that we will not just think of the rural areas and what is going on there with methamphetamines, but we will think about all our efforts dealing with drugs, all kinds of drugs, and remind ourselves that we are determined to make sure that this element, that this negative element, that this poison of death does not invade our communities. And if it does, that we will stand up and fight with everything we have got, as if our lives depended on it, because they do.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I too would like to add my congratulations to Congressman BAIRD for H.R. 556.

First of all, the good news. In many parts of the country, cocaine and heroin are being diminished rather rapidly. The bad news is that the reason in many cases this is happening is simply because methamphetamine has come in. Methamphetamine is cheaper. It is more addictive. If we had a map here, we could see the sweep of the growth of methamphetamine from the southwestern part of the United States all the way across the country, and now maybe just a few States in the northeast are somewhat preserved from having to battle this problem. But, of course, that problem is going to be coming in their direction.

The State of Nebraska recently released a study which indicated there were 22,000 people addicted to methamphetamine. In the State of Nebraska, that would be equivalent to about the eighth or ninth largest community in the State of Nebraska. A study in Arkansas recently indicated that the average meth addict will cost the State of Arkansas $47,500, in view of crimes, children in foster care, time in prison and so on. So if you multiplied that out, 22,000 people by $47,500, you are talking about over $1 billion in a State with 1.7 million people. So it is a significant, huge problem.

Just as an example of one of the more innocent victims, a child born to a mother addicted to methamphetamine will usually cost anywhere from $700,000 to $1.7 million to get that child from birth to age 18 because of the devastation and the defects the methamphetamine has caused in that child, not to mention the amount of pain the child goes through.

So as has been mentioned earlier, there really is not one answer to this problem. It has to be multifaceted. And, really, we are looking at three things.

Number one is education. And as Congressman BAIRD mentioned, the scary thing is that the age is getting less and less and less. So you have to start in about the 3rd or 4th grade letting kids know what this is, what is in it. You also have to educate parents, because parents are the number one determinant as to an attitude that a person is going to have towards substance abuse.

So for every dollar that we spend at the front end in education and prevention, it has been proven that we save $10 or $15 at the back end in terms of the devastation that the drugs cost. So we have to spend more in prevention, we have to spend more in education, and I think that is something this body needs to keep in mind.

Secondly, law enforcement. The number one law enforcement tool we have for methamphetamine is the drug task forces, and this is funded primarily by the Byrne Grants. Last year, we zeroed out the Byrne Grants. And we fought with every fiber that we had here to get about two-thirds of that funding back, but it wasn't enough. So we have to make sure that the Byrne Grants are fully funded, because again, in the White House budget, they have been zeroed out this year. We absolutely have to have those.

And the last issue is treatment. It has been proven that drug courts are much more effective than throwing people in prison. We have so many people who are simply addicted and they are sent to prison. A drug court enables them to be tested twice a week, they get treatment, and they can usually hold their families together and pay taxes. So we think these are all things that are very, very important.

Mr. DAVIS of Illinois. Mr. Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Illinois has 8 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. DAVIS) for giving me time to speak in favor of H.R. 556. I would like to especially thank one of my own constituents, way in the past, back in the early 1950s, I think, when Congressman BAIRD stomped my district, the Third Congressional District. I want to thank him for his leadership in this arena.

Mr. Speaker, an epidemic is sweeping our great Nation. It is an epidemic that affects people in all congressional districts, especially those congressional districts that are mainly rural. It has no regard for gender, race, economic status or where you live. Of course, I am speaking about the use of methamphetamine. This drug is easy to make, easy to get, and easy to fall victim to.

We have all seen the ways in which meth transforms individuals, from soccer moms to addicts living on the streets. Mr. Speaker, I fully support H.R. 556, and I am a cosponsor of this important resolution.

I am a believer in the old saying that an ounce of prevention is worth a pound of cure, and it is clearly understood that for every dollar that the Federal Government spends in prevention programs, it saves the Federal Government $7 in cure. By passing this important resolution and expressing our support for the National Methamphetamine Prevention Week, we take one more important step towards eliminating meth.

As we are having this debate, I want to raise awareness of other actions, as our previous speaker talked about. I have joined my colleagues in urging the Budget Committee to restore funding for the JAG-Byrne Grants and the COPS programs. Both of these funding streams aid local law enforcement agencies in their work to eradicate meth from our neighbors. This money goes towards paying the cost of investigating, prosecuting, and cleaning up peddlers of meth and their highly toxic labs. We cannot stop idly by and watch this important funding disappear.

Mr. Speaker, today I urge my colleagues to support H.R. 556 and support restoring funding for other important law enforcement tools as we take up the budget this week.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I want to thank Mr. SALAZAR, Mr. CUMMINGS, Mr. OSBORNE, and Mr. GINGREY for their thoughtful remarks.

Just to close my portion of this commentary, people sometimes ask why I am so committed to this. Before I was in Congress, I spent 23 years as a clinical psychologist and I saw cases of families and lives devastated by meth. Since coming to Congress, I visit every high school in my district, I try to do it every 2 years, and last fall, I visited a little tiny rural school and was talking to the kids about the danger of methamphetamines.

And this little 16-year-old gal said quietly to her classmates, you really need to listen to what he says. I was taken aback that a young lady would speak out in front of her peers. And I gently said, you know, you must have some experience with this. And she said, I do. My mother died of methamphetamine use 3 months ago.

Then I was back this spring, on our spring recess which we all just came back from a couple of weeks ago, and a woman handed me a letter that described how her 2-year-old granddaughter was beaten to death by a meth addict boyfriend who was in the house at the time and was tweaking on methamphetamine. He struck her so hard she died, and then just put her in bed for someone else to find the next day. This was a little 2-year-old girl, the apple of her family's eye.

And as if that isn't enough, I was speaking to a rotary club about something entirely different, and a prominent leading businessman came up to me quietly, shook my hand, and said, thank you for what you are doing on the issue of methamphetamine. My 25-year-old son is addicted to this drug and it would not surprise us if he died of his use of this drug.

Methamphetamine, as my colleagues have said, is a devastating drug, and we must do everything in our power to keep families' lives from being further destroyed by it. And I thank all my colleagues for supporting this important resolution and hope we can make a difference, and I know we can if we work together.

Mr. DAVIS of Illinois. Mr. Speaker, I will use the rest of my time to close.

Mr. Speaker, let me commend all those who have spoken on this issue, and I commend Mr. BAIRD for bringing it before us.

Drug use and abuse is one of the major problems facing our country today, not in any one part of the country but all over America. I happen to live in a county where there are 800,000 drug users, where there are 300,000 who admit to using drugs on a regular basis.

□ 1415

I admit it is a large county. It is the second largest county in the Nation. But even with it being the second largest county in the Nation, 800,000 people, that is an awful lot. Much of the crime that exists in our country is associated with drug use and abuse. We have to make sure that we provide the resources for prevention. We also have to make sure that we provide the resources for treatment. I am an advocate for something called treatment on demand where we try and make sure when people who are addicted are ready for treatment, resources are available for them. I commend the gentleman from Washington for introducing this legislation, and I urge its passage.

Ms. WATERS. Mr. Speaker, I rise in support of H. Res. 556, a resolution expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

Meth addiction is a growing problem in the United States and one that is destroying lives, families and towns.

I agree that the United States must face this problem head on. However, there are many drugs that are equally as damaging and should not be overlooked.

Crack cocaine has ravaged our cities for more than 20 years. Crack is very addictive, and after even a small amount of use can cause significant damage to a user's health.

One way the U.S. Government attempted to fight the crack epidemic was to impose mandatory minimum prison sentences. Under the terms of these mandatory minimum sentences, someone caught carrying just 5 grams of crack received an automatic 5-year prison sentence. To receive the same sentence for powder cocaine, a person must be caught with 500 grams of powder cocaine under current law.

As Families Against Mandatory Minimums (FAMM) notes, mandatory minimum sentences affect people of color disproportionately in three ways: More arrests for drug crimes, overall increases in the severity of drug sentences, and harsher treatment compared to white arrestees.

This sad fact is clearly revealed in our Nation's prison statistics: Two-thirds of the 2 million Americans in jail or prison are African American or Hispanic. African Americans make up approximately 12 percent of the population and are 13 percent of the drug users, yet they constitute 38 percent of all drug arrests and 59 percent of those convicted of drug offenses. Nationwide, African American males sentenced in State courts on drug felonies receive prison sentences 52 percent of the time, while white males are sentenced to prison 34 percent of the time.

Mr. Speaker, as Congress debates how best to address the meth problem, I urge my colleagues to resist the simple answer of "more jail time." Mandatory prison sentences do not work and do not provide hope for our Nation's drug users.

Instead, we should push education, as this resolution calls for. We should also substantially increase funding for treatment and job training because without these tools, addiction will be a vicious cycle for most people.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 556, a resolution expressing the sense of the House of Representatives that a National Methamphetamine Prevention Week should be established to increase awareness about methamphetamine and to educate the public on ways to help prevent the use of this damaging narcotic. Methamphetamine, or meth, has become the most dangerous drug problem of small-town America.

Meth is a highly-addictive and treatment-resistant drug produced from readily-accessible materials found in every local hardware or drug store in America. The explosion of this very destructive synthetic drug has already taken a brutal toll on children, families and the environment in my district in Minnesota and across the Nation. Dealing with the enormous economic and social effects of meth—whether it is diverting tax dollars from already-strapped county budgets, or devoting manpower hours to locate and clean up remote meth labs, or treating meth addicts at the local hospitals and clinics—consumes our society's resources at an astounding rate.

A daunting challenge of the meth epidemic lies in the very nature of this drug; it is a highly addictive substance that is considered to be the most treatment-resistant of all illegal drugs. Many people get hooked after only one use, and some recent studies have demonstrated that meth causes more damage to the brain than heroin, alcohol, or cocaine. Meth use not only modifies behavior in an acute state, but after taking it repeatedly, the drug also literally changes the brain in fundamental and long-lasting ways. Helping meth addicts is a very difficult and expensive proposition, because 30 days of treatment is often not enough. This all-consuming addiction is harmful not only to the user, but to that user's children, who are robbed of nurturing parents and a secure home; nationwide, approximately 3,200 children were present during the seizure of meth labs last year alone.

Our health care and social services systems need more funding for prevention and treatment, because only by breaking that cycle of demand can we bring lasting change to the entire community. Parents and educators play a vital role in encouraging young people to make the right decisions, because many children do not understand the inherent risks associated with experimenting with the drug. Preventing drug use is the first step to avoiding drug addiction, and H. Res. 556 will provide the opportunity to dedicate one week out of the year to engage students and children in discussions and activities that will underscore the importance of living a meth free life.

Like many of my colleagues on both sides of the aisle, I am very concerned about the threat that the meth epidemic poses to local communities in my Congressional district and across the Nation. Earlier this year, I introduced the Methamphetamine Eradication Act (H.R. 4763), which is a balanced, comprehensive federal approach to addressing problems related to meth abuse. As a Co-Chair of the Congressional Rural Caucus' Meth Task Force, I will continue to work with my colleagues in Congress to increase public awareness and to find a bipartisan solution to the meth epidemic.

The Federal Government must be a more effective partner in the fight to eliminate the threat posed by meth. By establishing a National Methamphetamine Prevention Week, we can give our local communities the opportunity to highlight their meth-related activities and take pride in their response to the scourge of this drug.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 556. This resolution supports the establishment of a National Methamphetamine Prevention Week to increase public awareness throughout the country of the harmful effects of methamphetamine and to educate local communities on ways to effectively prevent and curb methamphetamine use.

The production, trafficking, and use of methamphetamine are growing and significant substance abuse and public health issues for the United States. Methamphetamine has emerged in recent years as a leading national drug control policy challenge. Coordination between all levels of government is needed if the challenge of curbing methamphetamine use is to be met and fulfilled. Public awareness and involvement is also important to effectively preventing the use of methamphetamine within our local communities.

Guam is no exception to the alarming trends in methamphetamine use. The trafficking and use of methamphetamine on Guam has risen in recent years and directly affected the youth of our island. Today methamphetamine-related arrests on average constitute three quarters of the adult drug-related arrests on Guam each year. The Guam Department of Customs and Quarantine has seized more grams of amphetamines than any other illegal narcotic over the past several years. Additionally, more than half of the individuals admitted for substance abuse treatment on Guam are methamphetamine users.

The increase in the abuse of the drug spans all ethnic, cultural, and age groups. There are currently no national observances or coordinated programs dedicated to the fight against methamphetamine despite the alarming national and local trends. A "National Meth Prevention Week" would be the first of its kind. I strongly support H. Res. 556 for this reason and know that such an undertaking would facilitate a national dialogue for communities to share information on what programs, methods and initiatives work best for combating methamphetamine use.

I look forward to promoting National Meth Prevention Week on Guam. I thank our colleague from Washington, Mr. BAIRD, and our colleague from Indiana, Mr. SOUDER, for their leadership on national drug control policy and in particular for the efforts in promoting national awareness of the dangers associated with methamphetamine abuse.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the adoption of House Resolution 556, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 556.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 360) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 360

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 25th annual National Peace Officers' Memorial Service (in this resolution referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2005.

(b) DATE OF EVENT.—The event shall be held on May 15, 2006, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from New York (Mr. HIGGINS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 360 authorizes the use of the Capitol Grounds for the annual National Peace Officers' Memorial Service to be held on Monday, May 15, 2006.

I am pleased to join the gentlewoman from the District of Columbia (Ms. NORTON) for the second consecutive year in sponsoring the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Grand Lodge of the Fraternal Order of Police and its auxiliary annually sponsor this event honoring some of America's bravest men and women. The memorial service will honor the 155 Federal, State and local law enforcement officers who have made the ultimate sacrifice while protecting their communities in 2005.

I would also like to recognize the five peace officers killed in the line of duty in 2005 from my home State of Pennsylvania: Edward Schroeder, Jr., Jesse Sollman, Paris Williams, Sr., Brian Gregg, and Joseph Pokorny. We are grateful for their service and sacrifice.

This will be the 25th time that this event has been held on the grounds of the Capitol. This memorial service is part of National Police Week, which was created by law in 1962 and runs this year from May 9 through May 15.

Police Week draws officers, their families, and survivors of fallen officers from around the country, and includes such events as the Blue Mass at St. Patrick's Cathedral Church, a candlelight vigil at the National Law Enforcement Memorial, and a 50-K relay race.

The memorial service begins at noon on Monday. Following the ceremony on the Capitol Grounds, there will be a procession to the Law Enforcement Memorial and a wreath-laying ceremony.

I encourage my colleagues to attend this much-deserved memorial service and honor those who protect our communities on the front lines.

I would also like to recognize Jacob Joseph Chestnut and John Michael Gibson, the two Capitol Police officers killed in the line of duty in 1998. Both 18-year veterans of the Capitol Police, their sacrifice will never be forgotten.

The authorization of the use of the Capitol Grounds is just one of the ways Members of Congress recognize the service of peace officers and memorialize those who have fallen in the line of duty.

I was proud to be part of the First Annual Congressional Longest Yard Classic, a bipartisan fund-raiser to benefit the Capitol Police Memorial Fund, which assists the families of the fallen Capitol Police officers like Jacob Chestnut and John Gibson, who bravely gave their lives defending the United States Capitol and many of us who work here.

The idea of a football game fund-raiser was conceived by the gentleman from Arizona (Mr. RENZI). It was a takeoff of the movie "The Longest Yard" with Members of Congress acting as the inmates and the Capitol Hill Police the guards. We were to battle it out on the gridiron. I thank Mr. RENZI for his help in organizing the fund-raiser and thank the 33 Members of Congress who participated. Some would say it was a wonderful experience despite the rain, but I would say it was a wonderful experience because of the rain.

Those 33 Members of Congress, all of us washed-up athletes, were able to play the much-superior Capitol Police Force to a 12–12 tie. For us it was a great joy. But most importantly, we were able to raise nearly $60,000 for the Capitol Police Memorial Fund. I look forward to next year and for the match-up to continue to honor these brave men and women, and also for the National Peace Officers' Memorial Service, which will be held on Monday, May 15. I support this measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HIGGINS. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 360 authorizes the use of the Capitol Grounds for the 25th annual National Peace Officers' Memorial Service, a most solemn and respectful public event honoring the brave, heroic officers who have fallen in the line of duty. The event, scheduled for May 15, will be in coordination with the Office of the Architect of the Capitol and the Capitol Police.

Mr. Speaker, on average, one officer is killed in this country every other day. Approximately 23,000 are injured every year, and thousands more assaulted. Sadly, 155 names will be added to the memorial wall this year, including the names of five women who were killed in the line of duty. The fallen officers come from 32 States, the Federal Government, and Puerto Rico. Their average age was 38 years and 7 months. The youngest officer was 21 years old.

The memorial service is a fitting tribute to Federal, State and local police officers who gave their lives protecting our families, our homes, our places of work. They serve every day on the front lines in the battle to keep our communities safe. They sacrifice so much, and for this we are all, each of us, eternally grateful.

It is in this spirit of appreciation that in my hometown, Buffalo, Police Officer Greg O'Shei initiated the public recognition of fallen officers by memorializing their names on signs posted throughout the city of Buffalo. Officer O'Shei's efforts have reminded us every day in Buffalo and throughout the Nation of these brave sacrifices that are made daily.

The ceremony to be held on May 15 is the 25th anniversary of this memorial service which was established as a national event by President Kennedy in 1962. Consistent with all Capitol Hill events, the memorial service will be free and open to the public. I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen peace officers.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I urge all of my colleagues to support this measure and thank my colleague from New York for his tribute to those fallen officers and people who serve and protect us every day.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Con. Res. 360, a resolution to authorize use of the Capitol Grounds for the National Peace Officers' Memorial Service on May 15, 2006.

In October 1962, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day. Each year on this date we, as a Nation, have an opportunity to honor the devotion with which peace officers perform their daily task of protecting our families, co-workers, friends, and ourselves. The 2006 event marks the 25th anniversary of the Capitol Hill event. In the post September 11 environment, the work of selfless police and firemen has become our model of courage and moral strength.

There are approximately 700,000 sworn law enforcement officers serving the American public today. Ten percent of the police force officers are women. Law enforcement officers include those that work not only for states, counties and the federal government, but also military police, correction officers, and peace officers in the U.S. territories. In 2005, 155 officers were killed on the job; 5 of these officers were women. The leading cause of death was gunshot wound.

It is most fitting and proper to honor the lives, sacrifices, and public service of our brave peace officers. I urge my colleagues to support H. Con. Res. 360.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 360.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING AND CONGRATULATING MINNESOTA NATIONAL GUARD ON ITS 150TH ANNIVERSARY

Mr. KLINE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 371) honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

The Clerk read as follows:

H. CON. RES. 371

Whereas the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, two years before Minnesota became the 32nd State in the Union;

Whereas the First Minnesota Infantry regiment was among the first militia regiments in the Nation to respond to President Lincoln's call for troops in April 1861 when it volunteered for three years of service during the Civil War;

Whereas during the Civil War the First Minnesota Infantry regiment saw battle at Bull Run, Antietam, and Gettysburg;

Whereas during a critical moment in the Battle of Gettysburg on July 3, 1863, 262 soldiers of the First Minnesota Infantry, along with other Union forces, bravely charged and stopped Confederate troops attacking the center of the Union position on Cemetery Ridge;

Whereas only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War;

Whereas the Minnesota National Guard was the first to volunteer for service in the Philippines and Cuba during the Spanish-American War of 1898, with enough men to form three regiments;

Whereas one of the three Minnesota regiments to report for duty in the War with Spain, the 13th Volunteer regiment, under the command of Major General Arthur MacArthur, saw among the heaviest fighting of the war in the battle of Manila and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines;

Whereas after the cross-border raids of Pancho Villa and the attempted instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard;

Whereas the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 42nd "Rainbow" Division;

Whereas the first federally recognized Air National Guard unit in the Nation was the 109th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921;

Whereas a tank company of the Minnesota National Guard from Brainerd, Minnesota was shipped to the Philippines in 1941 to shore up American defenses against Japan as World War II neared;

Whereas these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March;

Whereas men of the Minnesota National Guard's 175th Field Artillery, as part of the 34th "Red Bull" Division, became the first American Division to be deployed to Europe in January of 1942;

Whereas when the 34th Division was shipped to North Africa, it fired the first American shells against the Nazi forces;

Whereas the 34th Division participated in six major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking many of the enemy-defended hills in the European Theater as well as having more combat days than any other division in Europe;

Whereas the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm;

Whereas Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including 1,100 troops who have seen service in Bosnia, Croatia, and Kosovo;

Whereas the Minnesota National Guard has participated in keeping America safe after September 11th, 2001, in numerous ways, including airport security;

Whereas the Duluth-based 148th Fighter Wing's F–16s flew patrols over cities after September 11th for a longer time than any other air defense unit;

Whereas over 11,000 members of the Minnesota National Guard have been called up for full-time service since the September 11th terrorist attacks;

Whereas as of March 20, 2006, Minnesota National Guard troops are serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq;

Whereas more than 600 Minnesota National Guard troops have been deployed to Afghanistan in Operation Enduring Freedom;

Whereas members of the Minnesota National Guard, serving in the 1st Brigade Combat Team of the 34th Infantry Division, have been a part of the State's largest troop deployment since World War II, with more than 2,600 citizen soldiers called to service in support of Operation Iraqi Freedom;

Whereas the Minnesota National Guard has greatly contributed not only to battles but to the suppressing of violent riots, such as the 1947 national meat processors strike, in which they aided helpless police officers, and the fight against natural disasters such as the Red River flood in 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and helped sandbagging efforts; and

Whereas on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its historical and recent accomplishments: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors and congratulates the Minnesota National Guard for its spirit of dedication and service to the State of Minnesota and to the Nation on its 150th anniversary; and

(2) recognizes that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Con. Res. 371 honoring and congratulating the Minnesota National Guard on its 150th anniversary. Since Minnesota's early days as a frontier territory, Minnesotans have stepped forward to protect and defend their fellow citizens.

Tracing their origins back to the Territorial Pioneer Guard, today's National Guardsmen continue to proudly serve their State and Nation in times of crisis and need. It is this dual service that makes the National Guard unique among our Nation's military services. Whether it is reinforcing levees along the Red River that borders Minnesota and North Dakota, patrolling the skies above New York City, or escorting supply convoys in Iraq, members of Minnesota's National Guard have answered the call of State and national leaders, as they have done for 150 years.

In recent years, unprecedented natural disasters have highlighted the Minnesota National Guard's traditional State role. In April 1997, heavy winter snowfall and unseasonably warm spring temperatures combined to cause massive flooding of the Red River which forced the evacuation of 50,000 citizens from Grand Forks, North Dakota. As we stand here today, Minnesota's National Guard is again moving to the Red River.

National Guardsmen and residents of both States struggled valiantly to keep the rising water at bay. Despite their best efforts that year, the river could not be contained. Floodwaters quickly breached the levee near Breckenridge, Minnesota, forcing its 4,000 residents to flee. In the midst of heavy rain, snow and 60-mile-an-hour winds, Minnesota National Guardsmen seamlessly switched from their engineering mission to rescue and evacuation operations. Residents of western Minnesota remember the destruction wrought by the floodwaters, later described as a once-in-500-years event; but they also recalled that Minnesota's citizen soldiers were there to assist them throughout the disaster.

In 2005, members of the Minnesota Guard were again called to the scene of a major natural disaster, and the aftermath of Hurricane Katrina soon developed into our Nation's largest evacuation and recovery operation.

Quickly overwhelmed by the devastating effects of the hurricane, the State governments of Mississippi and Louisiana urgently requested assistance, and Minnesota National Guard in conjunction with units from other States responded. C–130s from the St. Paul-based 133rd Airlift Wing hauled more than 600 passengers and 370 tons of cargo to the stricken States while Minnesota Army National Guard aviators transported over 400,000 pounds of sand bags to help reinforce the failing levees.

Since the tragedy of September 11, 2001, the Minnesota National Guard has also answered the calls of our national leadership to perform vital Federal missions.

□ 1430

Following the attacks on New York and Washington, D.C., F-16s from the Duluth-based 148th Fighter Wing provided combat air patrols over the two cities and deployed personnel and aircraft to an alert facility at Tyndall Air Force Base in Florida.

In the years since 9/11, Minnesota's Army National Guard has assumed key stabilization missions throughout the world.

Though the treaty that ended years of conflict in the Balkans bears the name of an Ohio city, soldiers from the Minnesota National Guard played a large role in implementing that peace. In 2003, over 1,000 soldiers from Minnesota took over peacekeeping operations in Bosnia, performing such vital missions as collecting weapons and identifying mine fields to protect the civilian population.

The Balkan peacekeeping mission was expanded in 2004 when 1,000 members of the 34th Infantry Division, the famed "Red Bulls," deployed to neighboring Kosovo. I was privileged to witness the great work performed by Major General Erlandson and his Minnesota Guardsmen who served on the KFOR mission in Kosovo.

The camaraderie and experience gained in Bosnia and Kosovo has lived on as those two previous deployments volunteered to accompany and assist their fellow Guardsmen as the 1st Brigade Combat Team from the 34th Infantry Division moves out for duty in Iraq. Having just completed 6 months of training in Mississippi, the first BCT has now moved into theater to assume responsibility for stability operations in Iraq.

As the 2,600 Minnesotans travel into harm's way, we must commend and remember the three members of the Minnesota National Guard who preceded them and made the ultimate sacrifice last year in defense of our freedom, 1st Lieutenant Jason Timmerman, Staff Sergeant David Day, and Sergeant Jesse Lhotka.

As we honor the Minnesota National Guard today for 150 years of service, we would do well to heed the words taken from a speech Lieutenant Timmerman wrote for the Lake Benton High School Veterans Day Ceremony in 2003: "Show respect to those who have served. Most important of all, show your gratitude by enjoying the freedoms and rights that so many service members have fought and died for. Don't let their deaths be in vein. Exercise your right to vote, your right to free speech, and be happy for your freedom to do as you wish."

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of House Concurrent Resolution 371, honoring and congratulating the Minnesota National Guard for its dedication and service to the State of Minnesota and to the people of this Nation. The role of the National Guard has been and will continue to be extremely important to the security and freedom of the United States, and it is especially appropriate that we recognize this great organization. And so I join my colleague from the other side of the aisle in supporting this measure.

I would also like to recognize the gentlemen from Minnesota, Mr. KENNEDY and Mr. KLINE, for bringing this resolution forward today.

Mr. Speaker, the National Guard represents the spirit of our Founding Fathers and our country's first citizen soldiers who formed the Guard before there was an Army. And the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, 2 years before Minnesota became the 32nd State in the Union. The 1st Minnesota Infantry was among the first regiments in the Nation to respond to President Abraham Lincoln's call for troops in April of 1861, when these courageous soldiers volunteered for 3 years of service during the Civil War.

Since then, the Minnesota National Guard has served our Nation in countless ways. Its historical accomplishments are too numerous to list, and its recent contributions have been extraordinary.

Today, Mr. Speaker, we are a Nation at war. Since the September 11 terrorist attacks, members of the Minnesota Guard have been keeping America's airports and waterways safe, and over 11,000 members have been called up for full-time service.

More than 600 troops have been deployed to Afghanistan for Operation Enduring Freedom. More than 2,600 citizen soldiers have been sent to Iraq. Other members of the Minnesota Guard are conducting important national defense missions in Pakistan and Kuwait and Qatar and Oman.

And so I urge my colleagues to join me in supporting this resolution. The Minnesota National Guard deserves strong recognition, strong recognition for 150 years of dedicated service, and this is a fitting opportunity to honor its members, the sacrifices they are making every day, and their valuable contributions to the security and freedom of our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I now take a great deal of pleasure in yielding 5 minutes to the author of this bill, the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. I thank the gentleman from Minnesota (Mr. KLINE), my good friend and my colleagues.

I am pleased to stand here and rise to speak in support of this resolution that we have offered to honor and congratulate the Minnesota National Guard on their 150th anniversary.

On April 17, 2006, the Minnesota National Guard will celebrate 150 years of history, a history that extends from the battlefields of the Civil War to the war on terror in the desert sands of Iraq.

When President Lincoln sent out his calls for troops in the early days of the Civil War, among the first militia units to respond were from Minnesota. These men, who were from the 1st Minnesota Infantry Regiment, saw battle at Bull Run, Antietam and Gettysburg.

At a pivotal moment in the pivotal Battle of Gettysburg in the fight to preserve our national union, the 1st Minnesota answered the call, even though it resulted in the suffering of the highest casualties of any unit in that war. In a real sense, they may have saved the Union.

On July 3, 1963, as my colleague, Gil Gutknecht, so eloquently will speak of, 262 men of the 1st Minnesota Infantry closed the gap in the Union line, stopped the desperate Confederate attack at the center of the line on Cemetery Ridge. Only 47 of them answered the roll call the next day.

Had these men not acted with courage and boldness to turn back the charge and buy the rest of the U.S. Army precious time to reinforce, Confederate forces may have been able to breach Union lines. What began as the beginning of the end of the war would have turned out differently on that day.

Mr. Speaker, I have had the privilege to go to Iraq three times to meet our soldiers and the commanders on the ground. I prefer to talk to the people who are there to learn what is going on, not to see the latest sensationalist 30-second story of gloom and doom and defeat.

On one of these trips, I met with members of the Minnesota Guard serving with the 1st Cavalry Division. I asked them, what is your best and your worst experience here in Iraq? One of them said to me that his best experience was listening to the Iraqis complain to him. I said, you should be in Congress.

He told me that you knew that they knew that the Iraqis would never have dreamed of complaining to one of Saddam's soldiers. But even though he stood there with a rifle over his shoulder, clearly having power over them, they felt comfortable complaining to him, confirming that he and his colleagues had given them a gift of incomparable value, the gift of freedom, the gift of freedom of speech, the gift of protest.

That is what 2,600 members of the Minnesota National Guard now staging in Kuwait as part of the 1st Brigade

Combat Team of the 34th Red Bull Division, the highest rated brigade in the whole Guard, are bringing to the Middle East. That is why my nephew interrupted his college studies to recently serve a tour of duty with the Minnesota Guard.

At the same time, while they are bringing safety and security to America by battling terrorists abroad, the Guard is also helping to bring relief to families in need at home. As we speak here today, members of the Minnesota National Guard are responding to destructive flooding in northwestern Minnesota where their experience, professionalism and planning are saving property and lives.

These selfless deeds, at home and abroad, show the sacrifice and heartfelt dedication of every member of the Minnesota National Guard.

That is why, Mr. Speaker, it is appropriate that my colleagues and I rise to honor and congratulate the Minnesota National Guard for 150 years of service to their State and country.

I have absolute confidence that future generations of Americans will continue to witness firsthand the great deeds of the Minnesota National Guard, and will continue to have cause to say thank you.

Mr. BUTTERFIELD. Mr. Speaker, I yield 5 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. McCOLLUM of Minnesota. Mr. Speaker, today I rise to honor the brave men and women who for the past 150 years have served Minnesota and Americans as members of the Minnesota National Guard.

I would also like to honor the family members who have stood by our Guardsmen and women during times of peace and war.

The men and women of the National Guard have contributed to the freedom and security of this country from their heroism in the Civil War to their service today in Iraq.

The Minnesota National Guard was key in ensuring victory for the Union forces at Gettysburg. They saw battle in the Spanish American War, World War I, World War II, Afghanistan, and Operations Desert Shield and Desert Storm.

These brave men and women have also worked to help and keep the peace in Bosnia, Kosovo and Croatia.

Since September 11, over 11,000 members of the Minnesota National Guard have been activated to help serve and protect Minnesota and the United States. Today the members of the National Guard are serving both within the State and around the world.

In Minnesota, members of the National Guard are critical to helping Minnesotans protect their businesses, their homes and their schools. And they are prepared to stand with them to help these very same citizens rebuild their lives after the flooding recedes in the Red River Valley.

Just last month, I had the honor of attending, along with Congressman COLLIN PETERSON, a send-off celebration for over 2,600 members of the Minnesota National Guard. They were being deployed to Iraq from Camp Shelby, Mississippi.

And I also had the privilege of attending a deployment at St. Paul Holman Field. It was wonderful and a very special moment to be with these men and their families, these women and their families as they were deployed, because the sacrifices these men and women are making to serve our country, and being separated from their families and loved ones is truly something that we as Americans should honor and respect.

It has also been my privilege to work closely with the Minnesota National Guard in my district to maintain the Arden Hills National Guard training site, as well as the Air Guard's Holman field facility. These two facilities are essential to keeping our community strong and the Guard prepared and Minnesota and our country safe.

Mr. Speaker, the history of Minnesota's National Guard is a proud and distinguished history. Farmers, factory workers, policemen, students, doctors, business owners, for the past 150 years, have become citizen soldiers serving their country and their community.

Every Minnesotan, and all of America, owes a debt of gratitude to the brave men and women who serve our country today as in years past. And today, we send them our thoughts and our prayers for a speedy return home and a very safe return home.

And I would like to take a second to honor a veteran from Minnesota who is on the floor, Mr. KLINE, and his family for the service that they have given our country, for the active duty are also standing side by side.

Mr. KLINE. Mr. Speaker, I want to thank the gentlewoman for her kind words. And now I yield 4 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I too pay tribute to Colonel KLINE for your heroic service to the country that we all love.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 371, to honor, congratulate and thank the brave men and women of the Minnesota National Guard on its 150th anniversary.

The Minnesota National Guard represents the very best of duty, honor and country. I join the people of the Third Congressional District of Minnesota in thanking each and every Guard member, past and present, for their selfless service.

Mr. Speaker, as has been pointed out by previous speakers today, the Minnesota National Guard traces its origins to the Pioneer Guard of the Minnesota territory in 1856, formed 2 years before Minnesota became the 32nd State. The 1st Minnesota Infantry was among the very first regiments to respond to President Lincoln's call for troops during the Civil War.

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In fact, the 1st Minnesota Infantry had the highest casualty rate of any unit in the Civil War. The Minnesota National Guard went on to serve bravely in the Spanish-American War, World War I, and World War II. The Minnesota National Guard also served with great distinction on the ground and in the air during Operations Desert Shield and Desert Storm, and Minnesota Guard troops have helped keep the peace in the former Yugoslav republics.

Following the September 11, 2001, attacks by the terrorists on our country, the Minnesota National Guard provided airport security and the 148th Fighter Wing flew F–16 security patrols over United States cities for a longer time than any other air defense unit.

Today, Mr. Speaker, Minnesota National Guard troops are serving in the war on terror in Afghanistan, Iraq, and elsewhere. More than 3,000 citizen soldiers just recently were called to service in support of Operation Iraqi Freedom, and our thoughts and prayers are with each of those Minnesota troops. In addition, Minnesota National Guard troops are serving in national defense missions in numerous other countries as well.

Off the battlefield, Mr. Speaker, the Minnesota National Guard has provided countless services to our communities, assisting citizens devastated by natural disasters and maintaining law and order.

Mr. Speaker, great moments and triumphs in American history require valor, bravery, and selfless service, and the brave men and women of the Minnesota National Guard have led the charge for 150 years.

To the men and women of the Minnesota National Guard, congratulations on your 150th anniversary, and thank you. Thank you for your service to Minnesota and your service to our Nation.

Mr. BUTTERFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Transportation and Infrastructure Committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I join my colleagues, Mr. Speaker, in congratulating our Minnesota National Guard on its 150th anniversary. As my colleagues from Minnesota and our floor manager on the Democratic side have mentioned, this Minnesota National Guard has had a great and distinguished career of service to the Nation.

There is no greater public service than that of military duty. There is no longer a tradition than that of the citizen soldier. It goes back to the very beginnings and foundation of our Nation and of our fight in the Revolutionary War for independence.

Our National Guardsmen served in the Civil War, Gettysburg. They served in the Spanish-American War and World War I, World War II, at Wood Lake, Philippines, Meuse-Argonne in France, and Bataan, North Africa, Sicily, in Korea, in Vietnam, in Kuwait, in Iraq. They have served in Bosnia and Kosovo. And after September 11 it was our Minnesota Air National Guard that flew cover for months over our Nation's capital. Our Guard unit from my district, from Duluth, put in endless and wearying hours. We could hear those aircraft in the wee hours of the morning, protecting us against the foe unknown or terrorist attack that we could not imagine, and they did it without complaint but with enormous professionalism.

This coming Saturday Cloquet E Battery, the 216th Air Defense Artillery Unit, will return safely from their duty in Saudi Arabia and in Iraq.

Over 11,000 of our Minnesota Guardsmen have served some two and three tours of duty in the gulf. We salute them, congratulate them for their extraordinary service.

I have been, as many of my colleagues have already attested in their own experience, to both send-off and return ceremonies. The most impressive is the open arms, the love with which our citizen soldiers are received on their return, the grateful hearts, the admiration of friends and family for the service that they have performed so selflessly, the tears that are shed, the joy of relief at coming home, but also the anxiety about returning to their job, their place of employment.

After two or three displacements, some have had concerns. Fortunately, employers in most cases have been responsive to their duty to our National Guard, and as they return home and continue their citizen soldier service to America, as we provide for those in the field the necessary body armor, equipment, support services to carry out their duties in the field, we must provide for them as they eventually become veterans and assure that they are treated with the respect of our World War II vets, our Korea vets. And we have learned a great deal from the Vietnam veterans. They too have taught us great lessons, and those lessons must not be lost upon this body nor upon the American public as we welcome home the Iraqi veterans and incorporate them again into society and accord them the support services that they will need and that they deserve and have truly earned.

I join my colleagues in the delegation in saluting our Minnesota National Guard on its 150th anniversary, and I join my colleague, Ms. McCollum, in congratulating our colleague, the gentleman from Minnesota, manager of the bill on the floor, for his service to our country in the Marine Corps.

Mr. KLINE. Mr. Speaker, I thank the gentleman for his kind remarks.

I would like now to yield 4 minutes to a real historian of this famous Minnesota National Guard, my colleague from the First District of Minnesota, Mr. Gutknecht.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding.

I am very pleased to be here and join my colleagues from Minnesota. I want to thank my colleague from North Carolina for his kind remarks as well.

Like the mighty Mississippi River, the tradition and pride of the Minnesota National Guard is long and deep. For 150 years Minnesotans have proudly taken their places in that long line of citizen soldiers, that long line that has never failed us.

Much has been said already today and I will try not to be redundant, but I do want to share some of the history of this very historical Guard. As has been mentioned, they were organized before Minnesota even became a State. Now, 150 years is a long time and many things have changed in our State, in our Nation, in our world. But there has been one constant, and that is the professionalism and the sense of service that we take for granted from our own National Guard.

As was mentioned, in April of 1861, it just so happened that the Governor of the State of Minnesota, Governor Ramsey, was here in Washington, D.C. on other business when we heard of the firing on Fort Sumter. And President Lincoln put out a call for troops, and Governor Ramsey became the first Governor in the Union to rush over to the White House and volunteer troops to serve to defend the Union. And it then fell upon the Minnesota 1st Infantry to be the first regiments volunteered to serve in that battle for the Union. And the story has been told that when they marched off to war, they were 1,066 strong, but by the end of the day of fighting of July 2, 1863, only 47 could answer the call. They suffered on the late afternoon of July 2, 1863, the highest percentage of casualties of any unit that fought in that tragic war. But they held the line that day. And to this day many people believe that they deserve to be called the saviours of our country because of their sacrifices.

Many years later the colonel who led that regiment, Colonel William Colville, was asked what he thought about as they charged down that hill that day, and he said, "Gad, I thought of Washington." They knew what the stakes were, and they knew that they had to hold that line.

Earlier in the day that pivotal battle was fought, General Hancock rolled by and he asked Colonel Colville, "How long can you hold your position?"

And he responded with a sentence which made military and political history and survives to this day as the motto of the 1st Infantry. He said, "General, to the last man." And as we know, it became no idle boast.

Since the Civil War, the Minnesota National Guard has honorably served in the Spanish-American War, World War I, World War II, Operation Desert Shield, Desert Storm. These soldiers helped defend the border against Pancho Villa and maintain the peace in Bosnia, Croatia, and Kosovo.

Today more than 600 National Guardsmen from Minnesota have been deployed to Afghanistan in Operation Enduring Freedom. More than 2,600 Minnesota citizen soldiers are serving in support of Operation Iraqi Freedom. In January I saw firsthand the courage and dedication of the Minnesota National Guard at Camp Shelby. Awaiting their deployment to Iraq, these volunteer men and women maintain the historic spirit and tradition of the Minnesota National Guard.

Mr. Speaker, I proudly rise in support of this resolution, and I congratulate and recognize the Minnesota National Guard's 150 years of dedicated service. Because of their sacrifices, our Nation and our State are more secure and millions around the world can look forward to a future of peace and freedom.

Mr. BUTTERFIELD. Mr. Speaker, I yield 5 minutes to my friend and colleague from Minnesota, the ranking member of the House Committee on Agriculture, Mr. Peterson.

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise as well today to congratulate the Minnesota National Guard for their 150th anniversary, which I believe is officially on April 17. And it is with great pride that I do this because, as people have said, we have great shoulders in the Minnesota National Guard.

As has been mentioned by other speakers, they have a rich history, 2 years older than the State of Minnesota. They have participated in every military action that we have been involved in in this country. And as was mentioned today, we have over 2,600 soldiers that have recently been deployed, some of them yesterday, I believe, to Operation Iraqi Freedom. Many of those soldiers are from my district. Soldiers, too, of the 136th Infantry, called the Bearcats, they were also deployed in Bosnia. I had an opportunity to visit them there. I was as well in Camp Shelby a couple times to visit those folks. And typical of the Minnesota tradition, the Bearcats racked up the highest scores in the training that was done in Mississippi, higher than a lot of our regular Army forces. So we are very proud of them, and they believe in their mission. They are ready to go, and I am sure they are going to uphold the fine tradition of the Minnesota National Guard.

I would also like to recognize and thank their families, their loved ones, and their communities and their employers because those are the folks that probably have got the toughest job in this whole situation, especially with these people that have been deployed two or three times in the last 5 years, which a lot of these soldiers have. So we want to recognize them as well.

I also would like to recognize and thank the Guard and the members that are currently deployed to my communities in the Seventh District of Minnesota along the Red River in the north. We are again having another flood event up there that we seem to have every once in a while. We had a very serious one in 1997, where events very similar to what happened in New Orleans happened in the Red River Valley. The Guard did an outstanding job during that particular event. And today we have 136 Guardsmen that have been deployed up to the Red River Valley, and they are helping us get through this event again today.

I also want to applaud the State of Minnesota, which has undertaken a conscientious policy of providing pay differential to State employees that serve in the National Guard.

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Of the approximately 12,000 Guard members in the State, about 500 of them work for the State of Minnesota, and their lives and the lives of their families, during this difficult time of activation, have been made easier by Minnesota's pay differential policy.

Mr. Speaker, I am also a cosponsor and strong supporter of legislation that would allow the Federal Government to follow Minnesota and provide pay differential for Federal employees activated in the Guard and Reserve. I hope that this body will pass this legislation soon, because it has worked well in Minnesota, and I know it will work well for the rest of the country.

So, once again, I rise to congratulate the men and women of the Minnesota National Guard on their 150th anniversary, and thank all of them for their service to the State of Minnesota and their service to the country. I know that they will make us proud, as they always have.

Mr. BUTTERFIELD. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume just to take a few seconds to extend my thanks to the gentleman from North Carolina and my colleagues from Minnesota for their support today of the Minnesota National Guard and their very kind remarks. I would urge all of my colleagues to support H. Con. Res. 371 and say happy birthday to the Minnesota National Guard.

Mr. SABO. Mr. Speaker, I rise today in strong support of this resolution. I am proud of the Minnesota National Guard and its rich history. The First Minnesota Infantry regiment answered President Lincoln's call to duty in April 1861 and those Minnesota soldiers set the tone for the tenacity and bravery that has become the ingrained ethic of the Minnesota Guard.

The people who make up the Minnesota Guard are some of the brightest our state has to offer. Today, more than 2600 Minnesota National Guard members are in or en route to Kuwait for final preparations before they head to Iraq. The 1st Brigade Combat Team will be deployed to Iraq and is expected to be the only National Guard Brigade Combat Team in Iraq—all others are from active duty Army. This is the largest deployment of the Minnesota Guard since World War II.

While these brave men and women are serving our State and our country in a dangerous place, it is extremely important that we do our part to support them and their loved ones during and after the mission in Iraq. We must provide a strong network of support for families of deployed soldiers, and assist those families and soldiers during the difficult transition period following deployment.

I rise today in support of this resolution, in recognition of the Minnesota Guard's rich history, and in gratitude to those Minnesotans who have answered the federal call to duty.

Mr. KLINE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 371.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 513, 527 REFORM ACT OF 2005

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 755 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 755

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 513) to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Fort Lauderdale (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 755 provides 60 minutes of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration. The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on House Administration, modified by the amendment printed in the Rules Committee report, shall be considered as adopted.

Mr. Speaker, I rise today in full support of H. Res. 755 and the underlying bill, H.R. 513, the 527 Reform Act of 2005.

Mr. Speaker, I have had the privilege of working on the lobbying and ethics reform effort currently underway in the House. Having worked so closely with so many Members on both sides of the aisle, I am very confident that there is a shared goal to protect the integrity of Congress and to uphold the public trust by implementing bold reform.

The Lobbying Accountability and Transparency Act is moving, as Speaker HASTERT directed, through regular order, and it is being considered by five different committees. One way or another, many of the provisions of the bill focus on outside sources of influence, which have rightly been the targets of good government reform for decades, and I am very proud that we have provided leadership in that effort over the years.

As Members know very well, the current reform process has looked at everything from travel rules, to gift limits, to lobbying disclosure, a wide range of things. However, this entire good faith effort and the bipartisan effort that we are working on would come up woefully short if we did not address an area where outside influence in the form of unlimited contributions continues to play an enormous role. So today we are considering H.R. 513, the 527 Reform Act.

Congress has tried to limit big money in campaigns for many, many years. In fact, I will tell you, I wrote my senior thesis in college on the issue of campaign finance reform on the 1974 act, which was the first big Campaign Reform Act implemented in the post-Watergate era.

As colleagues who were here in 2002 will remember very well, we had a very spirited debate on the Bipartisan Campaign Reform Act. Among other goals that were put forward, this bill aimed to get rid of soft money. That was the goal that was stated by those who were champions of the Bipartisan Campaign Reform Act. They wanted to do everything possible to ban soft money contributions from political parties, getting it out of the political process altogether.

Along with many of my colleagues, I expressed very strong reservations about banning soft money from parties. I voted against the Bipartisan Campaign Reform Act. I was very concerned about it. I worried that by limiting contributions and dictating who could give how much to whom, that we would be violating the first amendment.

I also seriously doubted that banning soft money from parties would effectively get that money out of the system itself. As many pointed out at the time, BCRA left an obvious and easy loophole to exploit because it did not, in fact, ban unlimited money from being raised and spent by political groups called 527s.

And make no mistake, Mr. Speaker, 527s are political organizations. The purpose of 527s under the law is to influence elections. The Supreme Court has written that 527 groups "by definition engage in partisan political activity."

527s were the natural recipients of the soft money that the Bipartisan Campaign Reform Act denied to political parties expressly because they are defined by law as political organizations. In fact, many of these 527s were set up only after the Bipartisan Campaign Reform Act passed just so they could be the recipients of the soft dollar contributions.

Now, as our colleague, Mr. LINDER, pointed out during that 2002 debate on BCRA, he said, "By eliminating the role of parties, corporations and labor unions could become increasingly reliant on loopholes, allowing them to spend funds from their general treasuries to influence elections." Mr. LINDER went on to say, "activities that would be undertaken without Federal regulation."

Mr. Speaker, this is exactly what has happened. Mr. LINDER was absolutely right when he portended this. Nonetheless, supporters of BCRA promised that it would indeed get big money out of politics. That, as one colleague said during those debates, would "end the influence, the undue influence of big money in the political process."

Where does this leave us today? For starters, the issue of free speech as it relates to limiting campaign donations is no longer a theoretical argument that many of us engaged in. Campaign limits are allowed, and BCRA is the law of the land, even though so many of us opposed it.

So while many of us did oppose those limits in contributions, we realize that we are governed by laws. We regularly talk about the rule of law. We are not simply governed by our principles, but, in fact, we are governed by the laws, and now every Member's duty, regardless of how we voted on the 2002 act, is to ask ourselves, is the Bipartisan Campaign Reform Act working as it was intended?

Clearly, Mr. Speaker, the answer is a resounding no, it is not. Soft money still dominates the political landscape. A handful, a very small handful of wealthy people, still funnel money to organizations involved in campaigns. But now it is going to 527s instead of to political parties.

Mr. Speaker, the money involved is enormous. In the 2003–2004 election cycle, 527 committees raised $425 million, nearly half a billion dollars. That is $273 million more than before the Bipartisan Campaign Reform Act was enacted. As predicted, the soft money that used to go to political parties found its home in the so-called 527s. In fact, the top 25 individual donors gave more than $146 million in 2004. As I said, it is a very small group of people, from my perspective, exercising their first amendment rights. But with limits that the court has upheld, I think we have no response other than to respond. Twenty-five individuals, 25 individual donors, again, $146 million in 2004.

During the current election cycle, Mr. Speaker, that trend has already continued, and we have already seen more than $58 million expended by the 527s.

Now, we are not talking about a leaky roof here where just a little soft money is dripping into the system. We are talking about half the roof missing, and money is literally pouring in to this political system.

Since the Bipartisan Campaign Reform Act failed to take soft money out of politics, as even the bill's original authors concede, it is our duty to correct a flaw in the 2002 law. After all, if we are going to have Federal regulation of campaign finance, it better be fair, it better be consistent and it better be effective.

H.R. 513, the 527 Reform Act, restores balance and fairness to the system by making 527s register with Federal Election Commission and by subjecting them to the same Federal campaign finance laws as political parties, political committees and other political organizations. They would be allowed to raise a maximum of $25,000 per year for their non-Federal accounts and $5,000 for their Federal accounts.

Under this bill, 527s will still be able to engage in their political activities, such as Get Out the Vote and voter registration drives. They will just be subject to the hard dollar requirements for their spending. For instance, they will be required to spend only hard money for ads that refer to Federal candidates, and at least 50 percent hard money for ads that refer to a political party.

Mr. Speaker, I have offered an amendment to H.R. 513 that removes the limit on the amounts parties can spend in coordination with their own candidates. This was a bipartisan effort that was put together. Parties and their candidates should be free to work together to promote the issues they believe in and the arguments that they support. This change will increase transparency in campaign spending by allowing them to work together, rather than continuing the charade that the two entities don't know each other. There is no danger of corruption when a political party supports its own candidate.

527 reform has the backing of Democracy 21, Campaign Legal Center, the League of Women Voters, Common Cause, Public Citizen and U.S. PIRG.

Mr. Speaker, this bill is not revolutionary; it is common sense. We are simply closing an enormous loophole by extending existing Federal campaign laws to 527s.

Opponents of this legislation claim that soft money now going to 527s would simply be funneled to other groups, such as the 501(c)s, yet there is a huge difference under the Tax Code and in real life between 527s and the 501(c) groups, namely, 527s are organized for political purposes. They exist for the purpose of influencing campaigns. 501(c)s are not established for that purpose. In fact, as a matter of Federal law, 501(c)s are not allowed to engage in political activity as their primary mission.

If, as opponents contend, soft money is funneled to 501(c)s and if politics becomes their major purpose, they will be in violation of the law.

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I will add, if it becomes clear that further reforms are needed, Congress will act. Just as we are taking action now to tighten the existing law, we will be ready to act again. We all know, we have said it time and time again, reform is an ongoing process, and we are very proud to lead the effort for reform.

As long as the Bipartisan Campaign Reform Act remains the law of the land, we must ensure that its provisions are applied fairly to all groups engaged in political campaigns. Now, some opponents of H.R. 513 also argue that subjecting 527s to campaign finance regulations limits free speech. I have to ask, where was this first amendment devotion during the 2002 debate? When I and others were making the point in 2002 that free speech would be violated, supporters of BCRA were awfully quiet on that issue.

Regardless of how one feels about that issue, the United States Supreme Court has ruled on numerous occasions that limiting political donations is constitutional. Most recently, they did it when they upheld the Bipartisan Campaign Reform Act in McConnell v. FEC. So critics of this bill, Mr. Speaker, the very same people who predicted the demise of our democracy if soft money was allowed to flow to parties, now seem to have no trouble opposing a bill that allows soft money to flow to the 527s.

Just to be clear, some Members on the other side of the aisle want the very groups that spent more than $320 million on behalf of their candidates and policies in 2004 to be the only ones that can influence elections without dollar limits.

To be consistent, opponents of this bill would have to also oppose the Bipartisan Campaign Reform Act ban on soft money going to parties. You cannot just pick and choose who is worthy of soft money. If it is bad, if it corrupts the system, if it silences the average voter, if it allows the wealthy to buy influence, all things that they argued in 2002, then it is not who receives soft money that is the issue: soft money itself is the issue.

Are my friends on the other side of the aisle saying they made a mistake in 2002? Have they reversed their position? Do they now support the utilization of so-called soft money? Do they wish to repeal the soft money provisions that were included in the Bipartisan Campaign Reform Act? I suspect not.

I would urge my colleagues to be consistent with their past positions on campaign finance reform and oppose any dual system for free speech where one group has more protections than another.

Mr. Speaker, as with our entire reform effort, we are simply seeking to attain the proverbial level playing field, to make rules fair, to make them effective, and to make sure that they are enforced. We have an opportunity to patch a hole in the Bipartisan Campaign Reform Act that would go a long way toward getting big money out of campaigns, as The Washington Post editorialized just this morning, to close the biggest remaining loophole in the campaign finance system. This is something that supporters in the Bipartisan Campaign Reform Act believed strongly in in 2002. They have a chance to reaffirm their support today with this up or down vote on this simple issue. And for Members like myself who opposed BCRA back in 2002, we can support H.R. 513 because the legal challenges to the original reforms have been settled, and the shortcomings that we predicted have in fact come to pass.

Mr. Speaker, altogether, this should result in a strong bipartisan vote for transparency, disclosure, accountability, and reform.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the Rules Committee, my very good friend, the gentleman from California (Mr. DREIER), for the time.

Mr. Speaker, I rise today in strong opposition to this closed rule, which blocks every single Member in this body from offering an amendment to the 527 Reform Act of 2006. This bill would amend the Federal Election Campaign Act of 1971, and require, among other things, certain political organizations involved in Federal election activities to register with the Federal Election Commission.

Yesterday, during the Rules Committee hearing, the majority on the committee reported out a closed rule. In doing so, this limited any opportunity for the House to fully vet this important issue. If Congress is the place for true deliberation of all points of view, then I ask, why are the Republicans so hasty to ramrod this bill through without opportunities to amend? Surely the majority realizes that abolishing spending limits is a move that intentionally pushes aside the interests of women, minorities, and other voters who may not be a part of the Republican base and therefore apparently are not worthy of regard. Or is it simply a maneuver to deny us serious debate about viable alternatives, such as one from Massachusetts offered by Representative TIERNEY? Representative TIERNEY's amendment, had it been made in order, would have completely eliminated the ability of industries and interest groups to unduly influence elections. His idea? The full public financing of elections. This proposal, which Republicans have blocked from consideration, is the only one that I have heard to date that completely protects the integrity of our elections and public policymaking process.

I am equally disappointed that my very good friends, Representatives WYNN and PENCE, were denied an opportunity to offer their bipartisan proposal before the House. Let us force candidates to get themselves elected based on the merits of their argument rather than the depth of their campaign accounts, which have been padded heavily by the richest of U.S. industries.

One can only imagine what the Medicare bill would have looked like if the pharmaceutical industry hadn't contributed the hundreds of millions in campaign contributions to the President and Republican candidates. What about the energy bill, reeking with billion dollar tax breaks for energy companies? What would that bill have looked like if it weren't for campaign contributions to Members of Congress?

If we want to get serious about corruption in Congress, then we have to get serious about corruption in our elections. For those in America, myself included, who believe that outside influences have too much control in the political process, I say take them out of the process. Make it illegal for them to write campaign checks and support publicly financed congressional elections.

Seats in this and the other body are for sale to the highest bidder. But the majority of the American people do not have enough money to buy them.

My colleagues on the other side of the aisle would have us to believe that this legislation, among other things, protects the integrity of campaign finance because it brings 527s out of secrecy. This is a false claim that could not be further from the truth.

My good friend, Representative DREIER, cited Common Cause. I guess it is about time for me to cite a former colleague of his and mine, Pat Toomey, the president of the Club for Growth; or John Berthoud, the president of the National Taxpayers' Union; or David Keene, the chairman of the American Conservative Union; or Grover Norquist, the president of Americans for Tax Reform. All of these peoples are opposed to this measure.

It is kind of interesting to me in Congress how up gets to be down and down gets to be up. But 527s are far from the clandestine operations that some may want us to believe. 527s do not operate behind closed doors. If you think they do, ask JOHN KERRY. Their work combines social awareness, advocacy, and political activities that provide everyone with tools for political knowledge.

Receipts and expenditures from 527s must be publicly disclosed and made available. In fact, 527s are already required by law to register with and report to the Internal Revenue Service. Their name is actually derived from the section of the United States Tax Code that regulates their financial activities. I think that we would all agree that it is difficult to have much more oversight than the Internal Revenue Service.

The administration and their friends in the Republican majority also intend for this new legislation to simultaneously stamp out free speech, voter outreach and the free flowing exchange of ideas. Unfettered political speech, be it at issues in the mail, by phone, on TV, on the radio, and especially over the Internet, is the basis for why our Founding Fathers fought so hard to make it a part of the very first amendment in our Constitution.

These are the tools Americans use to make informed decisions on the political issues before them. These are the activities that register people to vote, bring them to the polls, and engage them in necessary debate.

We should take heed from those who are only now establishing free and fair elections in some parts of the world. They found out the hard way that once freedom of speech eroded, it began a slippery slope that soon crushed their liberties as well as their governments.

Any time the majority wants to get serious regarding campaign finance and the influence of campaign dollars in the House, Democrats stand ready to have that discussion. And I am having a hard time understanding if way out there in America that people really do know the difference between soft money and hard money. In the meantime, I urge my colleagues for the sake of free speech and for the sake of a campaign process in which we all believe to oppose this closed rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COLE), a very able member of the Rules Committee and a great champion and understander of the issue of campaign finance and campaigns in general.

Mr. COLE of Oklahoma. Mr. Speaker, I rise to speak in favor of the 527 Reform Act. This legislation will strengthen our political parties while subjecting 527s to the same regulations as other actors under our campaign finance system.

One of the most important provisions in this bill is the elimination of the limit on expenditures coordinated between party committees and candidates. That limit as it currently exists is unquestionably one of the worst features of our campaign finance system. It creates a needless barrier between parties and their candidates. The first step towards a better, cleaner campaign reform system that places candidates in control of their own campaigns is repealing of that provision as this bill does.

Mr. Speaker, political parties, other than perhaps the candidates themselves, are the most accountable actors in our campaign finance system. They have to answer to their members, to their donors, to the media, and most importantly of all, to the voters. Their activities are disclosed and well documented. National parties in particular seldom violate either the letter or the spirit of the law. They are responsible participants in the political process, unlike many 527s.

Additionally, parties serve a very useful role in our political process. One essential thing they have historically done is to rechannel factions of narrow special interests into broader, more public-spirited coalitions. Although not foreseen by our Founders, it is impossible to imagine the success of our democracy without the vital role parties have played.

As Clinton Rossiter, the scholar of American politics, once put it, No America without democracy, no democracy without politics, and no politics without parties.

Past efforts at reforming the campaign finance system often have had the unintended consequence of weakening political parties. The understandable desire of citizens to influence the outcome of elections does not go away with campaign restrictions.

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Instead, the money they contribute sometimes flows from candidates and parties to unaccountable actors like 527s. This bill will help impede that process.

In 2004, after the passage of the McCain-Feingold bill, there was more money in politics than ever before, with just 25 wealthy individuals accounting for $146 million raised by 527 groups to influence that year's elections. That is not removing big money from politics. That is the manipulation of the political process by a wealthy elite.

Mr. Speaker, I want to say a word to those who spoke so eloquently in favor of the Bipartisan Campaign Finance Reform Act of 2002. If that law was not intended to limit the influence of money from unaccountable actors like 527s, then what was its purpose? And yet, many who voted for the McCain-Feingold bill will today vote against reforming 527s. That is, to put it politely, inconsistent.

Mr. Speaker, to paraphrase a fine American, many of the opponents of 527 reform are effectively saying: "I voted for campaign finance reform before I voted against it." Today, the supporters of the McCain-Feingold bill have an opportunity to pass real reform in a bipartisan way. McCain-Feingold supporters can choose between the principles they profess to hold or they can vote for what many believe is to their own short-term, partisan political advantage. And if they vote for the latter, after previously claiming to vote for the former, they will set off a political finance "arms race" that will flood the American political system with tens of millions of dollars from a few fabulously wealthy individuals.

That is an outcome we should all seek to oppose.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 10 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, my very good friend.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida.

At a time when this Congress is embroiled in the most serious scandal in a generation, when a culture of corruption has swept over this body with no sign the Ethics Committee is addressing it, this body should be devoting the precious few days it has here to reforming its own culture and practices.

Today, the Republicans are doing what they so often do. They are trying to gag their opponents and further empower their supporters. They again abuse their legislative power to assault their adversaries. This is not reform. It is retaliation.

It is ironic that so many of the Republican leadership in opposing campaign finance reform argued so strenuously against campaign expenditure limits but now advocate limitations, not because of principle but because of political power and the abuse of that power.

The Republican leadership has chosen to take on political organizations in a cynical attempt to appear serious about reform and divert attention from its own ethical failures.

Mr. Speaker, the problem confronting our polity is not independent groups whose political activities are legal and are disclosed regularly to either the IRS or the FEC. We know who spends this money. The public can make a judgment.

Rather, it is the degree to which the Republican leadership has sacrificed the public interest, good public policy, and its own ethical conduct in order to amass, consolidate and perpetuate power through unseemly and unethical alliances with special interests like Jack Abramoff.

If this body were serious about reform, we would be debating the best way to eliminate the culture of corruption, not restrict the first amendment rights of political organizations.

Now, the previous speaker mentioned campaign finance reform. Let me quote some debate during the course of that consideration of that bill. The gentleman who brings this bill to the floor today, Mr. DREIER, I always like to quote Mr. DREIER because they are such different points of view that are reflected; you can almost get the whole spectrum of thought.

"Mr. DREIER: So we have these attempts being made by some to impose extraordinary, onerous regulations on the American people, jeopardizing their opportunity to come together and pursue their political interests that they have, that a shared group has; and I believe that is wrong," says Mr. DREIER. "I believe it is wrong," Mr. DREIER said on February 13, 2002, "to impose those kinds of regulations."

We then had a vote on campaign finance reform by the same folks who are offering this bill to reform, and Mr. HASTERT voted "no," Mr. BOEHNER voted "no," Mr. BLUNT voted "no," Mr. DELAY voted "no," and, yes, my friend and my colleague from California (Mr. DREIER) voted "no."

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, very, very briefly, not to get into the issue of the dueling quotes, but let me quote from 1998 in the debate on this issue from my friend Mr. HOYER, who loves to carry in his pocket Dreier quotes. I do not regularly carry this one, but this was just provided to me.

In the CONGRESSIONAL RECORD on June 19, 1998, my friend said, "In my view, genuine reform must purge from Federal elections unregulated soft money which has become so pervasive. The issue ads, which are so clearly intended to influence elections, must be covered." That was the statement made.

Let me say also, I completely stand by exactly what I said in that 2002 debate and I stand by that vote as my colleagues stand by that vote.

If the gentleman had heard my opening statement, I refer to the fact that we were not supporters of the Bipartisan Campaign Reform Act. We were concerned about first amendment rights. We still are concerned about first amendment rights, but across the street, the United States Supreme Court upheld BCRA when they chose in McConnell v. FEC——

Mr. HOYER. Mr. Speaker, reclaiming my time, if you will yield yourself some time, I will be glad to have some debate with you.

Mr. DREIER. I thank my friend for yielding.

Mr. HOYER. I would be glad to have a debate with you but you need to yield some of the time.

Mr. DREIER. I think the gentleman still has time.

Mr. HOYER. I still have time, thank you very much.

Mr. DELAY said in another quote, "Those who want to regulate through government the participation in the political process, I respect them trying to do that; I disagree with it." That is the way he voted, as you have pointed out. "We ought to let the voters decide through instant disclosure to be able to tell and see while people are collecting their money and spending it to decide." In other words, disclosure. These are disclosed.

My view is, in light of the fact they are disclosed, you will vote "no" on this bill. My obvious supposition is you are not going to do that.

Today, this bill is about politics. You have changed your principle, in my opinion. You have changed your point of view. That is why you are voting differently than you did on campaign finance reform.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I respond by saying, we stand by our commitment to first amendment rights. We stand by our position of the Bipartisan Campaign Finance Reform Act, but that is the law of the land. We live with it today. We are simply trying to implement exactly what you said on June 19, 1998, when you said there should be evenhanded regulation.

Mr. HOYER. Mr. Speaker, reclaiming my time, what the gentleman has just said, he stands by what he said but he is going to adopt what I said to support this legislation. As usual, we have somewhat of an Alice in Wonderland approach.

This bill is about politics. This bill is about getting opponents that they presumed who have outraised them in the last election, but until the last election they did not want regulation. Why? Because their premise was they would raise more money, but when they found out that their opponents who disagreed with their failed policies for this country were communicating with the American public, then they said, oh, my goodness, we have to do something about that. They had this included in lobbying legislation, which we need to reform, as I have said, but guess what, they have taken it out, for political reasons, not for principle. I tell my friend from Massachusetts, not for principle, but for political reasons to try to undermine their opponents.

Today, we are missing an opportunity to look inward and expose ugly truths about the devolution of the legislative process from the one that the Framers had in mind when they created Article I of the Constitution.

I challenge the other side to explain to me why, 15 months into the 109th Congress, nothing, nothing has been done by this House to come to terms with the culture of corruption.

I challenge the other side to explain how H.R. 513 will increase the public's faith that elected representatives are addressing and adhering to the strictest ethical code and will pay an appropriate price if they veer from it.

I would suggest that today's debate underscores the extent to which a party that came to power 12 years ago, promising a bold new direction, has become insensitive to the issues that really matter in our Nation in 2006.

This bill is about politics. This bill is about a fear of losing power. This bill is about trying to undermine the voice of opposition in this country. This bill results from a fear that those who are opposing policies bad for the United States, bad for our people, bad for our families, undermining the security here at home and around the world will somehow be communicated correctly to the American people.

It was not until the last election, not until then, did those 176 people who on principle said we should not constrain this speech, this constitutional right that we have, and testified before the House Administration Committee, including Speaker Gingrich at one point in time, and said that it was disclosure that was the issue, not constraint. It was not until the last election that that opinion was changed, that this bill came to the floor to undermine and gag those who oppose the policies being pursued.

Mr. DREIER. Mr. Speaker, let me yield myself such time as I might consume to respond to some of the arguments of my friend Mr. HOYER.

First of all, let me make it very clear, our position has not changed one iota from what it was. We still believe in transparency and disclosure. We stand by the testimony that was provided before the House Administration, our concern, our opposition to the Bipartisan Campaign Reform Act. So the gentleman is wrong in concluding that we somehow have changed.

What we are saying with this legislation is that we should not in any way allow loopholes to exist. All we are trying to do is close a loophole which addresses the concern that my colleague raised when he talked about the need to get unregulated soft money out of the process. We know that every single one of us in our individual campaigns and political parties is forced to comply with the Bipartisan Campaign Reform Act, and yet we have seen $425 million, almost a half a billion dollars, expended in unregulated ways, providing an opportunity for them to influence Federal elections.

That is a complete contravention of the goal of campaign reform, and that has been argued by the people who were the greatest proponents of campaign reform, Democracy 21, Common Cause, a wide range of groups, which worked closely and tried to implement the Bipartisan Campaign Reform Act.

On this issue of our having taken no action, on this very day, the House Rules Committee has actually been scheduled in the last hour to be marking up our bill H.R. 4975, the Lobbying Accountability Transparency Act. The Judiciary Committee today marked it up. As the gentleman knows, we at the very early part of this year passed legislation designed to get at the access that registered lobbyists had to the House floor.

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So we have taken action, and I believe, Mr. Speaker, that we are continuing to focus attention on reform and our quest for the proverbial level playing field.

Mr. Speaker, I yield 3½ minutes to my very good friend from Michigan, a former Secretary of State, Mrs. MILLER.

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding, and I rise to support the rule and to support the underlying bill.

Mr. Speaker, it was just 4 years ago that the Congress passed a Bipartisan Campaign Finance Reform Act, and the purpose of that legislation was to "eliminate" hundreds of millions of dollars of unregulated soft money and the influence that wealthy donors had on the electoral process. However, the 2004 election cycle clearly demonstrated that BCRA was unable to deliver on what it promised.

In fact, the great irony of all of this is that while soft money to political parties was eliminated, wealthy donors found a new avenue to fund their candidates and to have more influence than they had ever had under the old rules. In 2004, we saw George Soros and Peter Lewis inject more than $20 million each, each of them injecting more than $20 million into the election process. So, so much for eliminating soft money.

Overall, federally focused 527s raised and spent over $550 million. Now, by contrast, George W. Bush and John Kerry combined to spend $655 million on their entire Presidential campaigns. The numbers are strikingly similar. The only difference is the Presidential candidates had to file with and abide by the rules of the FEC. The 527s did not.

The Presidential campaigns were accountable to the voters. The 527s were not. And instead of the political parties providing key support for their candidates, 527s began to act as surrogate political parties. Essentially what happened here is the political parties were outsourced. Political parties were outsourced. The 527s ran TV ads, they operated Web sites, they ran phone banks, they mobilized the get-out-the-vote efforts, all with money not regulated by the FEC.

In fact, the 527s proved so significant that MoveOn.org actually sent an e-mail to all of their supporters after the 2004 election and said this about the Democratic Party. This is what MoveOn.org said: "Now it's our party. We bought it. We own it, and we're going to take it back." So, so much for eliminating the big dollars and big money.

Often I hear my Democratic colleagues complaining about the Swift Boat Veterans For Truth, another 527. Well, today, my Democratic colleagues have an opportunity to strike back. All of this activity was conducted with less oversight than when the political parties were able to accept soft money. And it is abundantly clear that something must be done. We need to do something to level the playing field that has shifted in favor of the unaccountable 527s. Right now, we have numerous groups operating under the cover of shadows, moving money back and forth in hopes of convincing voters to support a particular candidate.

Mr. Speaker, prior to my service in this House, I had the great honor and privilege of serving for 8 years as Michigan Secretary of State, and I was responsible for enforcing the campaign finance act in my State and increasing voter participation. My administration was very honored with the highest grade in the entire Nation by the NAACP for being on the forefront of campaign reform. We were honored with the Digital Sunshine Award for our program to provide voters with more information on who was trying to influence the outcome of the election process.

So I have had some experience with this issue, and I believe transparency is always the key. It is always the critical element.

I do believe that if we do not act now, the nauseating ugliness, negativity and hyperpartisanship that we saw in 2004 will only intensify in 2006 and 2008. We must protect our democratic electoral process and keep those who seek to influence our votes accountable. I urge my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, would you be good enough to tell both sides of the remaining amount of time.

The SPEAKER pro tempore (Mr. KUHL of New York). The gentleman from Florida has 12½ minutes remaining and Mr. DREIER has 4½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased at this time to yield 3 minutes to the gentleman from Massachusetts, my friend, (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank my friend from Florida.

Mr. Speaker, I rise to urge a "no" vote on the rule, although I have been listening to the debate. This will be an amusing, if not interesting, debate as those who supported campaign finance reform are opposed to 527 reform, and those who opposed campaign finance are for campaign finance reform. I guess everyone is changing around their positions, so we should have a very good time. Actually, I want to compliment the chairman of the Rules Committee. At least the debate is only going to last an hour, so it won't be too tough on all of us.

Just for the record, this is basically a legal issue. 527s are political committees that are designed to influence an election, either the election or defeat of a candidate. The legal basis for regulation by the FEC comes from the reform act that was passed not in 2000 but after Watergate. That is where the legal basis is to regulate 527s.

The Federal Election Commission decided not to regulate 527s, hence there was a lawsuit that was filed in Federal District Court in Washington. There was a decision by Judge Sullivan recently in that case basically saying that the FEC did not have justification to not promulgate rules and regulations with regard to 527s. So regardless of what happens here today, ultimately, I think the court is clearly going to instruct the FEC to promulgate rules and regulations relevant to 527s.

In any event, I think we should have an open debate on this and discuss the merits of 527s and campaign finance reform. I am particularly troubled that this rule also allows the repeal of coordinated contribution limits, or a vote on coordinated contribution limits. I believe a repeal of coordinated spending limits may make it easier for wealthier individuals to use donations to the political parties in order to evade campaign finance laws. I also think we should have had an open debate on this and been allowed to offer other amendments that would strike this controversial provision.

Furthermore, there are a number of Democrat amendments that had been offered in the Rules Committee. RAHM EMANUEL, who has been active on this, had two amendments related to this debate but, unfortunately, those amendments were ruled out of order.

In any event, for this reason I believe that the rule should be defeated. But, Mr. Speaker, I really look forward to this interesting, if not amusing, debate we are about to have on 527s.

Mr. DREIER. Mr. Speaker, may I inquire again exactly how much time is remaining on both sides?

The SPEAKER pro tempore. Mr. DREIER, you have 4½ minutes, and I believe the gentleman from Florida has 10 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I have no additional speakers at this time and I am prepared to go forward.

Mr. DREIER. Mr. Speaker, I would like to yield to Mr. SHAYS, who wanted to respond and then you can close your debate and we will do the same.

Mr. Speaker, I yield 2 minutes to my friend from Connecticut, the great champion of campaign finance reform (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding. There is nothing funny about this debate. Nothing funny at all.

The vast majority of my colleagues to my right voted for campaign finance reform. The vast majority of my colleagues to my left voted against it. The difference is my colleagues to the right, once it passed, looked for loopholes behind the law; and my colleagues here, my Republican colleagues who voted against the law said we will abide by it.

The problem is there is one loophole and the loophole is 527s. When we passed the law, we banned corporate money, union dues money and unlimited sums from individuals. We enforced the 1907 law, the 1947 law, and the 1974 law. That is what we did, we enforced it. But the FEC refuses to abide by the law as it relates to this one issue, 527s. We want to close the loophole.

Now, the reason is, if we are going to have the law, it better work. So my own Republican colleagues have been very consistent. They opposed the law. But if you are going to have the law, it should be consistent and work. And my colleagues, with all due respect, are being extraordinarily inconsistent. You voted for the law and now you want loopholes to it and you do not want to fix the loopholes. That is an outrage, and I plead with you to remember your rhetoric when you spoke. When you spoke, you supported the law. Now abide by it and make sure the loopholes are taken care of.

My colleague, Mr. MEEHAN, is right. We will win in court. The court has said that the 527s are primarily a campaign expense, and therefore need to abide by the law. So eventually, someday, I think they will be forced to write a rule to do what this bill does, but we are taking care of it now.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Apparently my good friend, and he is my good friend, from Connecticut was not mindful that there were 100 Members of the House of Representatives who wrote to the FEC asking that the McConnell v. FEC decision be upheld.

But I don't want to get bogged down in all of these legal mores. The simple fact of the matter is that if we intend to do something that would make a difference, we could all support public financing. I challenge any of you to tell me that that would not cure the problems that we continue to talk about.

I also would urge my friend from Connecticut, who argues about loopholes, to ask the chairman what I say about laws that we pass here. You show me a law and I will show you a loophole. I have been involved in politics as long as anybody in this room, and for the 41 years that I have been involved, we have continued to reform campaign finance by calling it campaign finance reform. Every time we reform it, the Republicans or the Democrats, the majority or the minority, somebody comes up with a way to get around the law.

So make this one, if you will, Mr. Chairman, and be mindful of all of the people that have spoken with reference to the myth that I think that you perpetuate. One of the biggest myths, the National Review says, is that this bill would level the playing field. That is language you used earlier, Mr. Chairman, ending the ability of the wealthy to fund propaganda. This is completely false, according to the National Review. Wealthy individuals would still be free to say whatever they want, whenever they want. The proposal would end only the ability of individuals of lesser means to pool their money to independently speak out on issues.

The simple fact is when you cite to the law, my recollection is you didn't say anything at all about Buckley v. Valeo, which simply said in its holding that money is speech, and that is ultimately what winds up happening here.

Mr. Speaker, I will be asking Members to vote "no" on the previous question, so I can amend the rule to provide that immediately after the House adopts this rule, if it does, it will bring H.R. 4682, the Honest Leadership and Open Government Act of 2006 to the House floor for consideration.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, before we go reforming campaign finance laws and telling those on the outside what they can and cannot do, I think we need to fix up our own house. H.R. 4682 is a comprehensive reform package introduced by Leader PELOSI that is designed to clean up this Congress and show the American people we are serious about our roles as legislators and that we put the people we represent first.

This bill does many things. It curbs the abuses of power by stopping the practice of keeping votes open to twist arms and lobbying Members on the floor of the House. It shuts down the K Street Project by making it a criminal offense and violation of the House rules to take or withhold official action or threaten to do so with the intent to influence private employment decisions. It ends the practice of adding special interest provisions to conference reports in the dead of night and behind closed doors. It imposes strict and enforceable new disclosure requirements on lobbyists. It curbs abuses of power and it blocks cronyism and corrupt contracting practices that endanger our troops in Iraq and Afghanistan and around the world.

It is important for Members to know that defeating the previous question will not, I repeat, will not, block the underlying bill. H.R. 513 will still be considered by the House. But by voting "no" on the previous question, we will be able to consider the Honest Leadership and Open Government Act under a completely open rule that gives all Members of this body the opportunity to be heard on this matter.

I urge all Members of this body to vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

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Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Let me just say that my friend is correct in saying we should look at loopholes and do everything we can to close them. The Republican Party is the party of reform. We are very proud of the fact that we have been and continue to be the party of reform.

This is a loophole that needs to be closed so we can get to the kind of fairness that Mr. SHAYS, the great champion of campaign finance reform, talked about. He and I still disagree to this moment about the issue itself. I believe these kind of limits undermine first amendment rights, but the Supreme Court has upheld the Campaign Reform Act, and I believe if you look at the great champions of campaign reform, Common Cause, Democracy 21, and a wide range of other groups, they are strongly supportive of this measure. I believe we should support this.

AMENDMENT OFFERED BY MR. DREIER

Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER:

On page 2, line 6, strike "printed in the report of the Committee on Rules accompanying this resolution" and insert "numbered 1 for printing in the Congressional Record pursuant to clause 8 of rule XVIII".

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 755, THE RULE PROVIDING FOR CONSIDERATION OF H.R. 513, 527 REFORM ACT OF 2005

At the end of the resolution add the following new sections:

"SEC. 2. Immediately upon the adoption of this resolution, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4682) to provide more rigorous requirements with respect to disclosure and enforcement of ethics and lobbying laws and regulations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. If the Committee of the Whole rises and reports that it has come to no resolution of the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of Rule XIV, resolve into the Committee of the Whole for further consideration of the bill."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question on the amendment and on the resolution will be followed by 5-minute votes, if ordered, on amending the resolution and adopting the resolution, as amended (or not).

The vote was taken by electronic device, and there were—yeas 226, nays 198, not voting 8, as follows:

[Roll No. 85]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Diaz-Balart, L.
Diaz-Balart, M.
Evans
Hoekstra
Ros-Lehtinen
Schakowsky
Tanner
Watson

☐ 1626

Ms. BERKLEY and Messrs. ROTHMAN, KUCINICH and CROWLEY changed their vote from "yea" to "nay."

Mr. HUNTER changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KUHL of New York). The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 199, not voting 10, as follows:

[Roll No. 86]

AYES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Hoekstra
Pitts
Ros-Lehtinen
Schakowsky
Tanner
Watson

□ 1635

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—PRIVILEGED RESOLUTION REQUIRING ETHICS INVESTIGATION OF MEMBERS OF CONGRESS INVOLVED IN JACK ABRAMOFF SCANDAL

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas, on March 31, 2006, Tony Rudy, a former top Republican Leadership staff person, pleaded guilty to charges that he conspired with Republican lobbyist Jack Abramoff to bribe public officials, including accepting money, meals, trips, and tickets to sporting events from Mr. Abramoff in exchange for official acts that included influencing legislation to aid Mr. Abramoff's clients;

Whereas The Washington Post has stated that Mr. Rudy's plea bargain is an admission of a "far-reaching criminal enterprise operating out of" the Republican Leader's office, "an enterprise that helped sway legislation, influence public policy, and enrich its main players." (The Washington Post, April 1, 2006)

Whereas the press has reported that "court papers point out official actions that were taken in (the Republican Leader's) office that benefited Abramoff, his clients or (the former Republican Leader's Chief of Staff Ed) Buckham." (Roll Call, April 3, 2006);

Whereas, according to Mr. Rudy's plea agreement, his crimes involving illegal favors and lobbying activity lasted from 1997 through 2004;

Whereas on March 31, 2006, Assistant U.S. Attorney General Alice S. Fisher stated, "The American public loses when officials and lobbyists conspire to buy and sell influence in such a corrupt and brazen manner. By his admission in open court today, Mr. Rudy paints a picture of Washington which the American public and law enforcement will simply not tolerate."

Whereas Mr. Rudy is the second former high-ranking Republican Leadership staff person, in addition to Michael Scanlon, to admit wrongdoing in the corruption investigation centered on Mr. Abramoff;

Whereas, on March 29, 2006, Mr. Abramoff was sentenced to five years and ten months in prison after pleading guilty to conspiracy and wire fraud;

Whereas it is the purview of the Committee on Standards of Official Conduct to investigate allegations that relate to the official conduct of a Member or a staff person, the abuse of a Member's official position, and violations of the Rules of the House, and to take disciplinary action in cases of wrongdoing;

Whereas, the fact that cases are being investigated by the U.S. Justice Department does not preclude the Committee on Standards of Official Conduct from determining investigative steps that must be taken;

Whereas, in the first session of the 109th Congress, for the first time in the history of the House of Representatives, the rules of procedure of the Committee on Standards of Official Conduct were changed on a partisan basis, the Chairman of the Committee and two of his Republican Colleagues were dismissed from the Committee, the newly appointed Chairman of the Committee improperly and unilaterally fired non-partisan staff, and the Chairman attempted to appoint supervisory staff without a vote of the Committee in direct contravention of the intent of the bi-partisan procedures adopted in 1997;

Whereas, because of these actions, the Committee on Standards of Official Conduct conducted no investigative activities in the first session of the 109th Congress;

Resolved, That the Committee on Standards of Official Conduct shall immediately initiate an investigation of the misconduct by Members of Congress and their staff implicated in the scandals associated with Mr. Jack Abramoff's criminal activity.

The SPEAKER pro tempore. The resolution qualifies as a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 198, answered "present" 5, not voting 11, as follows:

[Roll No. 87]

AYES—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
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Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—5

Doyle
Green, Gene
Mollohan
Paul
Roybal-Allard

NOT VOTING—11

Allen
Butterfield
DeLay
Evans
Hoekstra
Nussle
Ros-Lehtinen
Schakowsky
Tanner
Watson
Whitfield

☐ 1656

Mr. GORDON changed his vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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527 REFORM ACT OF 2005

Mr. EHLERS. Mr. Speaker, pursuant to House Resolution 755, I call up the bill (H.R. 513) to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 755, the bill is considered read.

The text of H.R. 513 is as follows:

H.R. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "527 Reform Act of 2005".

SEC. 2. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended by striking the period at the end of subparagraph (C) and inserting "; or" and by adding at the end the following:

"(D) any applicable 527 organization.".

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(27) APPLICABLE 527 ORGANIZATION.—For purposes of paragraph (4)(D)—

"(A) IN GENERAL.—The term 'applicable 527 organization' means a committee, club, association, or group of persons that—

"(i) is an organization described in section 527 of the Internal Revenue Code of 1986, and

"(ii) is not described in subparagraph (B).

"(B) EXCEPTED ORGANIZATIONS.—Subject to subparagraph (D), a committee, club, association, or other group of persons described in this subparagraph is—

"(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986,

"(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code, or

"(iii) an organization which is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

"(I) elections where no candidate for Federal office appears on the ballot, or

"(II) one or more of the purposes described in subparagraph (C).

"(C) ALLOWABLE PURPOSES.—The purposes described in this subparagraph are the following:

"(i) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

"(ii) Influencing one or more State or local ballot initiatives, State or local referenda, State or local constitutional amendments, State or local bond issues, or other State or local ballot issues.

"(iii) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

"(D) SECTION 527 ORGANIZATIONS MAKING CERTAIN DISBURSEMENTS.—A committee, club, association, or other group of persons described in subparagraph (B)(ii) or (B)(iii) shall not be considered to be described in such paragraph for purposes of subparagraph (A)(ii) if it makes disbursements aggregating more than $1000 during any calendar year for any of the following:

"(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate occurs.

"(ii) Any voter drive activity (as defined in section 325(d)(1)).".

SEC. 3. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

"(a) IN GENERAL.—In the case of any disbursements by any separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

"(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission, and

"(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

"(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—Disbursements by any separate segregated fund or nonconnected committee for any of the following categories of activity shall be allocated as follows:

"(1) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(2) At least 50 percent of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly defined non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(3) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(4) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(5) At least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

"(6) At least 50 percent of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization.

"(c) QUALIFIED NON-FEDERAL ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified non-Federal account' means an account which consists solely of amounts—

"(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

"(B) with respect to which all other requirements of Federal, State, or local law are met.

"(2) LIMITATION ON INDIVIDUAL DONATIONS.—

"(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

"(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

"(3) FUNDRAISING LIMITATION.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

"(d) DEFINITIONS.—For purposes of this section—

"(1) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

"(A) Voter registration activity.

"(B) Voter identification.

"(C) Get-out-the-vote activity.

"(D) Generic campaign activity.

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).

"(2) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

"(3) NONCONNECTED COMMITTEE.—The term 'nonconnected committee' shall not include a political committee of a political party.".

(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) RECEIPTS AND DISBURSEMENTS FROM QUALIFIED NON-FEDERAL ACCOUNTS.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).".

SEC. 4. CONSTRUCTION.

No provision of this Act, or amendment made by this Act, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission,

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986, or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. 5. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date which is 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by amendment No. 1 for printing in the CONGRESSIONAL RECORD, is adopted.

The text of the bill, as amended, is as follows:

H.R. 513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "527 Reform Act of 2006".

SEC. 2. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(2) by adding at the end the following:

"(D) any applicable 527 organization.".

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(27) APPLICABLE 527 ORGANIZATION.—

"(A) IN GENERAL.—For purposes of paragraph (4)(D), the term 'applicable 527 organization' means a committee, club, association, or group of persons that—

"(i) has given notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; and

"(ii) is not described in subparagraph (B).

"(B) EXCEPTED ORGANIZATIONS.—A committee, club, association, or other group of persons described in this subparagraph is—

"(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986;

"(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code;

"(iii) an organization which is a committee, club, association, or other group that consists solely of candidates for State or local office, individuals holding State or local office, or any combination of either, but only if the organization refers only to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to a Federal candidate or a political party in any of its voter drive activities; or

"(iv) an organization described in subparagraph (C).

"(C) APPLICABLE ORGANIZATION.—For purposes of subparagraph (B)(iv), an organization described in this subparagraph is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

"(i) elections where no candidate for Federal office appears on the ballot; or

"(ii) one or more of the following purposes:

"(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

"(II) Influencing one or more applicable State or local issues.

"(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

"(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than $1,000 for any of the following:

"(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate (or, if a runoff election is held with respect to such general election, on the date of the runoff election).

"(ii) Any voter drive activity during a calendar year, except that no disbursements for any voter drive activity shall be taken into account under this subparagraph if the committee, club, association, or other group of persons during such calendar year—

"(I) makes disbursements for voter drive activities with respect to elections in only 1 State and complies with all applicable election laws of that State, including laws related to registration and reporting requirements and contribution limitations;

"(II) refers to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to any Federal candidate or any political party in any of its voter drive activities;

"(III) does not have a candidate for Federal office, an individual who holds any Federal office, a national political party, or an agent of any of the foregoing, control or materially participate in the direction of the organization, solicit contributions to the organization (other than funds which are described under clauses (i) and (ii) of section 323(e)(1)(B)), or direct disbursements, in whole or in part, by the organization; and

"(IV) makes no contributions to Federal candidates.

"(E) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the activity is—

"(i) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

"(ii) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue, including a reference that constitutes the endorsement or position itself.

"(F) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a political party if the only reference to the party in the activity is—

"(i) a reference for the purpose of identifying a non-Federal candidate;

"(ii) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

"(iii) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

"(G) APPLICABLE STATE OR LOCAL ISSUE.—For purposes of this paragraph, the term 'applicable State or local issue' means any State or local ballot initiative, State or local referendum, State or local constitutional amendment, State or local bond issue, or other State or local ballot issue.".

(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section 301 of such Act (2 U.S.C. 431), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(28) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

"(A) Voter registration activity.

"(B) Voter identification.

"(C) Get-out-the-vote activity.

"(D) Generic campaign activity.

"(E) Any public communication related to activities described in subparagraphs (A) through (D).

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).".

SEC. 3. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

"(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

"(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

"(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

"(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—

"(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee, other than an organization described in section 323(b)(1), for any of the following categories of activity shall be allocated as follows:

"(A) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(B) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications

and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly identified non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

"(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

"(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

"(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

"(2) Certain references to Federal candidates not taken into account.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the communication or activity is—

"(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

"(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue (as defined in section 301(27)(G)), including a reference that constitutes the endorsement or position itself.

"(3) Certain references to political parties not taken into account.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a political party if the only reference to the party in the communication or activity is—

"(A) a reference for the purpose of identifying a non-Federal candidate;

"(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

"(C) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

"(c) Qualified Non-Federal Account.—

"(1) In general.—For purposes of this section, the term 'qualified non-Federal account' means an account which consists solely of amounts—

"(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

"(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

"(2) Limitation on individual donations.—

"(A) In general.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

"(B) Affiliation.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

"(3) Fundraising limitation.—

"(A) In general.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

"(B) Funds not treated as subject to Act.—Except as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act for any purpose (including for purposes of subsection (a) or (e) of section 323 or subsection (d)(1) of this section).

"(d) Definitions.—

"(1) Federal account.—The term 'Federal account' means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

"(2) Nonconnected committee.—The term 'nonconnected committee' shall not include a political committee of a political party.

"(3) Voter drive activity.—The term 'voter drive activity' has the meaning given such term in section 301(28).".

(b) Reporting Requirements.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Receipts and disbursements from qualified non-Federal accounts.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).".

SEC. 4. REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

(a) Repeal of Limit.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee" and inserting "Notwithstanding any other provision of law with respect to limitations on amounts of expenditures or contributions, a national committee",

(B) by striking "the general" and inserting "any", and

(C) by striking "Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection" and inserting "Federal office in any amount"; and

(2) by striking paragraphs (2), (3), and (4).

(b) Conforming Amendments.—

(1) Indexing.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)(B)(i), by striking "(d),"; and

(B) in paragraph (2)(B)(i), by striking "subsections (b) and (d)" and inserting "subsection (b)".

(2) Increase in limits for Senate candidates facing wealthy opponents.—Section 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amended—

(A) in paragraph (1)(C)(iii)—

(i) by adding "and" at the end of subclause (I),

(ii) in subclause (II), by striking "; and" and inserting a period, and

(iii) by striking subclause (III);

(B) in paragraph (2)(A) in the matter preceding clause (i), by striking ", and a party committee shall not make any expenditure,";

(C) in paragraph (2)(A)(ii), by striking "and party expenditures previously made"; and

(D) in paragraph (2)(B), by striking "and a party shall not make any expenditure".

(3) Increase in limits for House candidates facing wealthy opponents.—Section 315A(a) of such Act (2 U.S.C. 441a—1(a)) is amended—

(A) in paragraph (1)—

(i) by adding "and" at the end of subparagraph (A),

(ii) in subparagraph (B), by striking "; and" and inserting a period, and

(iii) by striking subparagraph (C);

(B) in paragraph (3)(A) in the matter preceding clause (i), by striking ", and a party committee shall not make any expenditure,";

(C) in paragraph (3)(A)(ii), by striking "and party expenditures previously made"; and

(D) in paragraph (3)(B), by striking "and a party shall not make any expenditure."

SEC. 5. CONSTRUCTION.

No provision of this Act, or amendment made by this Act, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986; or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. 6. JUDICIAL REVIEW.

(a) Special Rules for Actions Brought on Constitutional Grounds.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme

Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2008, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2008, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 513, the 527 Reform Act of 2006. Today we have an opportunity to right one of the wrongs of the Bipartisan Campaign Reform Act of 2002. All my friends on the other side of the aisle who voted for BCRA because they believed we needed to get soft money out of politics must support this legislation today because it does indeed get the soft money out of politics.

Just a word of explanation. I have used the term "BCRA." That is the acronym for Bipartisan Campaign Reform Act, which we worked on very, very hard a few years ago to get the soft money out of politics. What do we mean by soft money? That is money that is unregulated, both in quantity and disclosure to the Federal Election Commission.

While BCRA was supposed to curtail the influence of soft money in Federal elections, it did not achieve that goal. In the 2004 election cycle, the first conducted under the rules imposed by BCRA, over a half a billion dollars in soft money was spent to influence the outcome. Just four individuals alone spent over $73 million total.

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While BCRA was supposed to reduce the influence of special interests, it actually empowered these ideologically driven outside groups. The power these outside groups gained came at the direct expense of political parties which saw many of the activities they had traditionally performed limited by BCRA, and thence taken over by these new organizations, the 527s. Again, let me explain, the term 527 refers to the section of IRS Code which governs their operation, and we simply use that designation for them.

We now have a system where soft money continues to thrive. Our political parties, especially those at the State and local level, are increasingly unable to carry out core functions such as voter registration activities. We now have a system where the influence of billionaires is greatly enhanced. In some cases, representatives of 527s have made boasts about taking over the party. For example, Eli Pariser of MoveOn.org sent an e-mail to supporters after the 2004 elections stating, "Now it's our party. We bought it, we own it, and we're going to take it back." What more evidence do we need of the corruption that has appeared here? This does not represent progress. Today we have an opportunity to reverse this negative trend, and this bill will help restore some balance to our system.

H.R. 513 would require 527 groups spending money to influence Federal elections to register as Federal political committees and comply with Federal campaign finance laws, including limits on the contributions they receive. Thus, 527 groups would be subject to the same contribution limits and source restrictions that are applicable to Federal political action committees. There would be no more $23 million soft money contributions allowed from a lone, extremely wealthy donor. When this bill passes, individuals will be limited to $30,000. In other words, soft unregulated money will be replaced by hard regulated money which will be reported to the Federal Elections Commission.

Those 527s that engage exclusively in State or local elections or in ballot initiatives would not be restricted by this bill. However, if they decide to engage in Federal election activity such as making public communications that promote, support, attack, or oppose a Federal candidate during the year prior to a Federal election, or conduct voter drive activities in connection with an election in which a Federal candidate appears on the ballot, they will be restricted by this bill. In other words, State and local activities would be free to continue as they have in the past. Those dealing with Federal candidates or issues will be restricted by the bill, and will have to use hard money.

H.R. 513 would also impose new allocation rules on 527 groups regarding expenses for Federal and non-Federal activities. For instance, 100 percent of expenses for public communications or voter drive activities that refer only to a Federal campaign would have to be paid for with hard money. If both Federal and non-Federal candidates were mentioned, then at least 50 percent of such expenses would have to be paid for with hard money. In addition, under H.R. 513, at least 50 percent of a 527 group's administrative overhead expenses would have to be paid for with hard money.

This bill, H.R. 513 has been endorsed by the reform community and rightfully so. Common Cause, Democracy 21, the Campaign Legal Center, and other like-minded reform groups have sent several letters to House Members asking them to support H.R. 513. In a letter sent just this week, these groups argued that H.R. 513 is needed in order to "close the loophole that allowed both Democrat and Republican 527 groups to spend hundreds of millions of dollars in unlimited soft money to influence the 2004 presidential and congressional elections."

Mr. Speaker, I will be including a copy of the letter for the RECORD.

Mr. Speaker, I know many of my friends on the other side of the aisle are usually interested in what The New York Times has to say on these issues, so I would like to include some editorials from The Times as well; and an editorial from today's Washington Post also calls on the House to pass this bill.

Mr. Speaker, I will include these editorials in the RECORD.

Mr. Speaker, I expect many of my friends on the other side of the aisle would be arguing that BCRA should not be applied to 527s because they are independent organizations and have no connection to officeholders. The claim will be that we have already severed the link between large donors and Federal officeholders. This is nonsense; this is bunk. The 527s that have soaked up all the soft money were, in many cases, set up and staffed by former party operatives and congressional staffers. In some cases, Federal officeholders attend fundraising events for these 527s in an attempt to grant an official stamp of approval and signal to their donors where soft money donations should be steered. I do not intend to name names, but I will include in the RECORD a number of articles that describe how 527s have been set up by people who used to work for Federal officeholders or national parties.

The soft money shell game we spawned 4 years ago is clearly demonstrated in these articles. They demonstrate that these so-called "independent" 527s are, in many cases, independent in name only. In reality, they have been set up by people who used to work for our parties. They left to organize 527s to escape the restrictions BCRA placed on the parties. Had their candidate for the presidency won, many of them would be working in the administration. Would not they feel indebted to the millionaire donors who helped put them in office? Is not that what BCRA was supposed to stop? Let us stop pretending that these 527s are anything other than campaign organizations established to influence our Federal elections.

This is not the first time Congress has dealt with the 527 issue. In fact, some time ago, 6 years ago to be exact, Roll Call reported on the debate that was going on at the time and included a quote from a powerful congressional leader of the time. In 2000, 527s did not have any disclosure requirements, and a bill was pending to require them to disclose their donors. At an event held to rally support for the bill, this leader was quoted as saying, "Now more than ever, we need to assure the American people that we are not willing to let our system of government be put in jeopardy by wealthy special interests, unregulated foreign money, and, most importantly, a system of secrecy. It is time for disclosure." The leader who said these words was Minority Leader Richard Gephardt. We passed a disclosure bill then, but the problem of wealthy special interest money jeopardizing our system of government has only gotten worse in the ensuing 6 years, and I suspect the minority leader would say the same thing today.

Not extending the contributions restrictions in BCRA to all 527s was a terrible mistake that we are today seeking to rectify. Today we can restore some sanity to our system. The status quo allowing 527 groups to raise unlimited amounts of soft money while our parties continue to lose power and influence is unacceptable. It threatens the health of our democracy.

We must subject 527s to the same regulatory restrictions that are applicable to all other parties, candidates and committees. I urge my colleagues to support H.R. 513.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 513, the so-called 527 Reform Act of 2005 and the restriction that they are placing on the first amendment rights of Americans. 527s are named after a section of the Internal Revenue Code that specifies certain political organizations as tax exempt for tax exempt purposes under the Federal law.

Added to the Tax Code in 1975, 527 organizations have been legally recognized as operating entities for over 30 years. The Federal Election Commission has recently implemented additional regulations of these groups, which are subject to rigorous Federal reporting and disclosure requirements. Anyone with a computer can go online and see that millionaire Bob Perry gave $4.5 million to bankroll the Swift Boat Veterans.

How do I know this? 527 organizations regularly submit detailed financial information to the IRS. They have to disclose where they get their money and how they get it. In fact, just last week, a Federal court remanded part of a case back to the FEC to present a more reasoned explanation for its decision that 527 organizations are more effectively regulated through case-by-case adjudication rather than general law.

I believe that FEC should be given a chance to review this matter before further legislation is introduced in this House. The Senate is providing leadership in this area. They set out to do what they wanted to do and that was lobby reform, unlike this House, which is just bringing up this type of legislation to circumvent their lobbying reform bill that they do not have, and downplaying groups that had more voters than ever before in history outside demonstrating their democracy and getting the vote out. This is what the BCRA bill was all about.

I voted for BCRA because it would sever the connection between Members of Congress in raising non-Federal funds, so-called soft money, and to ensure that there were limits on what we did in terms of money. BCRA was necessary to cut the perceived corruption link between Members of Congress, the formation and adoption of Federal policy and soft money.

However, BCRA was not passed to impede legitimate voter registration and Get Out the Vote by those 527 community groups which did just that, but this bill impedes that democratic process. It impedes the 527 organizations.

This bill is not needed, Mr. Speaker. It is very interesting listening to the majority speak in favor of campaign finance reform after they did everything possible to stonewall the Bipartisan Campaign Reform Act of 2002. Also interesting is watching the Republicans avoid any discussion about the activities of 501(c)6s and those organizations that have no disclosure requirements, and yet are running television ads designed to directly reelect a Senator from Pennsylvania. Unfair and impartial regulating 527s is a step in the wrong direction for political speech.

Mr. Speaker, I would like to put in the RECORD a statement by the National Review magazine, which is a conservative magazine, and the National Review states, One of the biggest myths about this bill is that it would level the playing field ending the ability of the wealthy to fund propaganda. This is completely false. Wealthy individuals will still be free to say whatever they want and whenever they want. This proposal would end only the ability of individuals of lesser means to pool their money to independently speak out on issues and speak and criticize Members of Congress.

Mr. Speaker, I will include this statement in the RECORD as follows:

> Advocates of this bill have yet to identify the problem they hope to correct with this misguided proposal. 527s wield no corruptive influence over parties or candidates, which is the only constitutional justification for restricting free expression.
>
> One of the biggest myths about this bill is that it would "level the playing field," ending the ability of the wealthy to fund "propaganda." This is completely false. Wealthy individuals would still be free to say whatever they want whenever they want. The proposal would end only the ability of individuals of lesser means to pool their money to independently speak out on issues.
>
> America needs the First Amendment and the ability of individual citizens to form groups precisely for speech that is controversial. To suppress views of those we dislike will inevitably risk suppression of our own.
>
> We who oppose such a proposal want to continue to freely debate our ideas in the public arena. We want Americans to hear all sides—and to decide for themselves who's right.
>
> When you were sworn into office, you took an oath to "support this Constitution." We ask you to faithfully uphold that oath by rejecting H.R. 513, S. 1053, and any other bill that restricts political free speech.
>
> Sincerely,
>
> Pat Toomey, President, Club for Growth; John Berthoud, President, National Taxpayers Union; Thomas A. Schatz, President, Council for Citizens Against Government Waste; David Keene, Chairman, American Conservative Union; Grover Norquist, President, Americans for Tax Reform; Paul M. Weyrich, National Chairman, Coalitions for America; Matt Kibbe, CEO and President, Freedom Works; James Bopp, Jr., General Counsel, James Madison Center for Free Speech; Bradley A. Smith, Professor of Law, Capital University Law School, and former Chairman, Federal Election Commission; Fred Smith, President, Competitive Enterprise Institute.

Mr. Speaker, unfairly regulating 527s is a step in the wrong direction for political speech. I believe this legislation will have a negative impact on the voter participation bill silencing segments of the population that we need to hear from. Of particular concern is that the fundamental rights and the needs of all Americans including the voices of women, the elderly, and the poor not be left out of the political dialogue just because of the perceived notion that a few millionaires are funding all 527s.

In fact, thousands of Americans gave to 527s through small donations of $25, $50 and the like because they believe, Mr. Speaker, in the message of 527 organizations.

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Through the first amendment, Americans are playing an ever increasing role in holding public officials accountable for their actions, through the debate of public policy, and the shaping of this American democracy. Their voices should not be silenced.

In fact, I would like to put in the RECORD again the statement by Assistant U.S. Attorney General Alice S. Fisher when she stated upon the plea agreement of Mr. Rudy of his crimes involving illegal favors and lobbying activities which lasted from 1997 to 2004, and she says, "The American public loses when officials and lobbyists conspire to buy and sell influence in such a corrupt and brazen manner. By his admission in open court today, Mr. Rudy paints a picture of Washington which the American public and law enforcement will simply not tolerate."

The American public, Mr. Speaker, will not tolerate what is about to happen here with this elimination of 527 organizations, transferring them into 501(c)s, not allowing them to work independently of Members of Congress and having to deal with any congressional campaign committees.

In fact, this bill sharply curtails the ability of individuals and groups to associate in the pursuit of political and policy goals, and I will say to you, Mr. Speaker, that the unjust shade of Federal policy holders, which are us, the Members of Congress, this bill will allow the public to not criticize or even ask for accountability because they want to outlaw those groups who engage in the type of public speech, the public speech that might criticize us or ask for accountability.

This is what they are trying to muffle. They are trying to muffle the voices of the American people who spoke through 527s. They are independent groups. The majority should not be in the business of legislating for partisan gain at the expense of the American people.

I will vote in opposition of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, it is my pleasure to yield 4½ minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, legislating for partisan gain is all that campaign finance regulation has ever been about. Who are we kidding?

Let us go back to 1974. Watergate, Republicans are under heavy fire. Democrats took advantage of that, demanded reform, and one of their reforms was the Federal Election Commission Act amendments. Those amendments were quite far-reaching, and many of them became the law, and when it went to the Supreme Court, the Court finally struck out many of them. What was left was the campaign finance law until we passed BCRA in 2002.

It is interesting, though, to talk about that because eventually the Republicans made up for their disadvantage, and actually the Republicans were the leaders with soft money in 2002. This is very upsetting to the Democrats, who developed votes off soft money. It was a wonderful tool they could take advantage of, and they were a little behind. So they came up with BCRA in 2002. BCRA, of course, was going to take the money out of politics.

Now, going back to 1974 for a minute, let us remember that President Nixon was much criticized by the Democrats when he took a campaign contribution from one wealthy individual of $2 million. Fast forward to 2004, after BCRA is passed, and at that point, having taken the big money out of politics, you will note with interest that one man, George Soros, gave $27 million to efforts to elect JOHN KERRY President of the United States. So we went from 1974 with $2 million to Richard Nixon to 2004 to $27 million to JOHN KERRY. I do not think we got the money out of politics. We just sort of reshuffled the deck chairs to the partisan advantage of the Democrats.

We are charged with partisan advantage today in trying at least to give full effect to the Democrats' several years ago stated intent, which was to take the big money out of politics and put 527s within the rule that applies to donations to political parties. I do not think that is unreasonable.

I have got to tell you, as someone who is obviously a participant but also as an observer of the political process, what advantage does it serve to move political speech farther and farther away from the candidate? Third party groups, whether they are 527, 501(c)(4)s, whatever, do not have the same vested interest in currying favor with the public. There is no sense of self-restraint whatsoever. Therefore, the more we move speech away from the candidate into somebody else doing the speaking, the less accountable your campaigns become and the more negative they become.

I am constantly fascinated how the left uses the negativity of campaigns as justification for yet further campaign regulation when, in fact, their regulations are creating the very negativity they claim to oppose.

This bill is a reasoned bill, it is a balanced bill, and it is one that we should adopt. Will it eliminate the problems? Of course it will not because we have the monstrosity of Federal regulation of political speech, something the first amendment to the United States Constitution expressly would seem to prohibit. It certainly seems clear to me when it says in the first amendment Congress shall make no law abridging the freedom of speech, and yet marvelously the Supreme Court or at least a majority of it managed to find that these provisions did not violate the first amendment.

So my point is we have got to deregulate political speech and quit tinkering and turning about here and a dial here and trying to get partisan advantage won over the other. Wipe this whole monstrous system out, give full effect to the first amendment, repeal all the limits and have full and timely disclosure. That is the solution long term. In the meantime, short term today, please support this legislation, recognize there is great language about coordination that promotes responsibility, accountability and allows parties to help their candidates rather than running an independent expenditure.

I urge support for this bill.

Ms. MILLENDER-McDONALD. Mr. Speaker, contrary to the last speaker, he has a bill that wants to repeal all hard money limits, and this is what this bill is all about, the flow of unregulated amounts of money. This is what the American people do not want, Mr. Speaker.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, yesterday former majority leader TOM DELAY announced that he is resigning from the House. His former aides, Michael Scanlon and Tony Rudy, have pled guilty to crimes for their involvement in the Jack Abramoff corruption affair, and other aides to Mr. DELAY and even other current Members of this body remain under investigation.

Last November, Republican Congressman Duke Cunningham resigned from Congress for taking over $2 million in bribes from a defense contractor. He is now serving an 8-year prison sentence for his crimes.

The House Ethics Committee is broken and has done no work in the past 15 months. The committee managed to have its first meeting of the 109th Congress last week. On Sunday, The Washington Post said, "The panel's inactivity in the face of scandal is itself scandalous."

Today's bill is characterized as important campaign finance reform by the House Republicans. The question is, what effect would this bill have on the countless scandals that are currently engulfing Washington? The answer is nothing.

This bill does nothing to address those very serious charges of corruption. It would do nothing to prevent another Jack Abramoff or Duke Cunningham scandal.

Further, in addition to doing nothing, the bill actually makes it easier for scandals to occur by opening up the flood gates and removing all limits on

State and national party committee spending in the Federal races.

Since this bill does nothing to reverse the Republican culture of corruption, let us look at this bill on the merits to see what it actually does.

What this proposal would do is curtail the free speech rights of millions of Americans. The bill would limit the ability of average citizens to band together and speak out about issues, both during and beyond election. It limits participation in the electoral process.

In 2004, 527 organizations helped to educate and register voters across the country. Now in 2002, the Shays-Meehan-McCain-Feingold bill actually was real reform with a clear purpose. It took Members of Congress out of the business of asking lobbyists and special interests for large, unregulated donations.

527 organizations, however, are not made up of elected officials. In fact, 527s are barred from coordinating with office holders, candidates or public officials. By law, these groups are independent, and I am not aware of any allegations that there was any illegal coordination between 527s and political parties in 2004. If there is, I would urge people with that knowledge to go to the Attorney General or to the FEC and report on this conduct. If there is some, there are mechanisms for enforcement, but the remedy to a nonproblem in that area is not to shut down free speech.

In fact, in Buckley v. Valeo, the Supreme Court upheld limitations on contributions as appropriate legislative tools to guard against the reality or appearance of improper influence stemming from candidates' dependence on large campaign contributions. Buckley also invalidated limitations on independent expenditures, on candidate expenditures from personal funds, and on overall campaign expenditures. The Court ruled that these provisions placed direct and substantial restrictions on the free speech rights guaranteed in the first amendment.

This bill directly contradicts the Buckley ruling. It violates the first amendment and will not withstand scrutiny by the Court.

Why are we considering this bill today? I suspect this is a last ditch effort for Republicans to keep their hold on power. They have read the polls. They know that most Americans are going to support Democrats this November, and the Republicans are losing on issue after issue. So they are going to try and change the rules which will keep them in power against the wishes of a majority of Americans.

Let me finish by reviewing the ethics rules that this Congress has passed this year. At the beginning of the year, shortly after Jack Abramoff pled guilty, House Republicans boldly pushed through their reform plan for Congress. What did their plan to crack down on ethics do? It banned former Members from lobbying in the House gym and on the House floor. So America, you can rest easy knowing that at least the cesspool of corruption at the Stairmaster is no more.

Today's bill is really a travesty. It is a joke. The country really should be embarrassed by the efforts this Congress is making, by the corruption that has been shown and I fear the corruption that is yet to be exposed in this body.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman very much.

If this bill becomes law, let us speculate about exactly what will happen. What would elections and politics be like if the Federal Election Commission regulated 527s? Let us see. There might be some honesty. For example, candidates and elected officials would not be able to rely on partisan political groups like moveon.org to do their dirty work.

Let us see, they might be a lot cleaner because billions of dollars in soft money contributions would stop, and so would the false and misleading message campaigns that take place in various districts almost daily.

One of my colleagues said if they are aware of any misuse of the 527s in the political area, let me just state but one. The ACORN Group, which is a political front for a liberal 527 group called America Votes, has also been implicated in political escapades. A former ACORN worker admitted to deliberately throwing out Republican registration forms and paying gatherers only to collect Democrat registration forms in 2004. Actually, in at least one State this is being investigated.

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Is this fairness? What about those who chose not to register in the Democrat Party? They may have been Republican; they may have decided to be an independent. Do they not have a right to have their registrations turned into the local election commissioner?

You know, allowing groups to hide behind faulty, arcane and outdated FEC and IRS rules is not an option. Congress must move forward and reform the laws that allow these 527s to spew their lies and fraudulent tactics on the American people. Regularly in my district, I get the 527 calls. My constituents are wise to the fact that this is an unregulated entity.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, in the wake of the Jack Abramoff scandal, we have seen multiple indictments, Members of Congress resigning under a cloud of scandal, congressional approval at an historic low, and a public demand for reform. You would think that the Republican leadership would want to get these scandals behind them, but it is clear they do not.

What is the first stage of grief? Denial and isolation. So here we are today discussing a bill that doesn't do anything to address the problems of the scandals facing this Congress, this institution, which require an institutional solution to an institutional problem.

Nope, this bill doesn't do anything to stop the pay-to-play policies of the party in power. Nope, it doesn't. Doesn't do anything to shut down the K Street Project, rewarding lobbyists who show party loyalty, or to slow the revolving door. Nope, it doesn't do that.

Many of you will recall our former colleague, Mr. Tauzin, who negotiated a million dollar lobbying job with the pharmaceutical industry at the same time that he was rewriting the Medicare prescription drug bill. This legislation doesn't affect that.

Now, take a hypothetical for a moment. What if a Member just resigned, middle of a term, and was thinking of working for companies and sitting on boards. This legislation doesn't change what would happen. It happened when Mr. Tauzin was out here on the floor. And if you had a hypothetical, the Member resigned, maybe just a hypothetical, 2 months left on his tenure here, this legislation doesn't affect who he meets with, who he talks with, how he negotiates and how he votes while he is negotiating.

Why, to do that, you would have to have a desire for reform, and I wouldn't want to impose on the majority party in any way. All the while, while they are voting on this legislation, they are negotiating jobs and they have no responsibility to report to the public of their conduct. It is just business as usual here in Washington.

And then what are they trying to do; take the legislation regarding the 527s, and my colleagues on the other side voted the McCain-Feingold campaign finance reform of past years. Well, that reform leveled the playing field for both parties. This legislation does not intend to do that. This legislation intends to do a very partisan thing to the campaign finance laws affecting 527s.

Now, I introduced legislation to affect 501(c)6s. Right now, in the State of Pennsylvania, one of those organizations is actually running ads. I say, you want the same rhetoric, you want 527s to report, well, I suggest 501(c)6s report. That amendment was not allowed. Why? Because it would actually have leveled the playing field. It would have applied to both parties, not one party. So in the name of reform, once again, we have partisan tactics.

Now, all the while, you are going to go home and wonder why the American people have such low esteem for the Congress. It is quite obvious why they have such low esteem: College costs at a record high, 38 percent and going up; health care costs are up 58 percent, $3,600 in 4 years; energy costs are up 70 percent; medium incomes are down. All that Congress hasn't paid attention to.

So as we have scandals swirling around this institution, Members resigning, Members pleading guilty, you once again go whistling past the graveyard on the chance to do real reform and play partisan politics. I do not know what tune you are singing right now, but you will come to know that tune this November.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 3¾ minutes to my colleague from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I find it such an ironic message that my colleague from Illinois chose about his remarks. As he talks about so many problems in Washington, he failed to mention any on his side of the aisle. We kind of nicknamed that the culture of hypocrisy. It is a hypocrisy of attack the Republicans, slash and burn, no debate, no real issues, just the party of "no" from the Democrats on the other side of the aisle.

When you look at some of the discussions he talked about, with lobbying reform and others, he must remember that the colloquy between the majority leader and the minority would also show clearly that the majority leader fully intends to bring reform legislation to this body for debate and for final solution.

I also think about hypocrisy when I think about some of my colleagues on the other side of the aisle addressing so many things about the majority, except they forgot that our leaders step down when they are indicted, because that is what our party rules say. Our chairman stepped down because that is what our party rules say. And in the 10 years while you have been reflecting, your rules don't say the same. Your leaders can get indicted, or the ranking members can get indicted and you don't have to step down because you haven't even recognized that as a basic element of your own party, let alone your quick criticisms of this institution.

I also want to say that while I confess I did not think that BCRA was the solution for campaign finance reform, and voted that way on both the House Administration Committee and on this floor. I accepted it as the law of the land. It was legislation passed by both bodies, signed by the President, affirmed by the Supreme Court. But as I was listening to those who are pro-BCRA, that wanted this law as it sits today, they found a loophole, called 527s.

And all the debate on leveling the playing field was get the big money out of politics. Well, four individuals on the Democratic side had over $80 million; four Republicans had over $23 million as they were engaged in obscene, big money, unregulated in campaigns influencing Presidential, congressional, and referendum votes.

So when we look at some common sense, I think the American people are going to, quite frankly, think this makes sense. Let us get unregulated big money out of the campaigns by having a level playing field across the system, universal, in the money you give to your political party.

As we level the playing field, all we are asking is that rich individuals who want to be in the process have the same rights extended to them that individuals who want to give to the political party, whether it is the Democratic National Committee or its subordinate parties or the Republican National Committee and its subordinate parties, the same amount of money to 527s as they invest in the opportunity to express themselves however they want, with the same reviewed Supreme Court aspect of having a level playing field across the entire system.

Anyone who doesn't vote for this that supported BCRA is a hypocrite. Anyone on the other side that doesn't recognize that this is a loophole in the law, and they have a chance to at least level the field under the law we are going to live under, misses the point. I urge that you support this legislation that is before us today.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois for a response.

Mr. EMANUEL. There must be something in the water here in Washington.

To remind my colleague and my friend from Buffalo, the first vote of this Congress by the majority party was to strip the Ethics Committee that investigates Members of its authority to do that, which is why after 15 months in this Congress, the Ethics Committee has not met until last week.

Since that time, one Member stepped down with a guilty plea, another Member stepped down with a cloud of ethics, and others are under Federal investigation at this point. And why? Because the first vote by the Republican majority was to strip the Ethics Committee of its authority.

The second thing. In fact, the majority party did vote this Congress that when a Member of their party was indicted, they were allowed to hold their party position. You have that vote. You stripped your party of that authority and that moral voice when you cast your vote to allow the majority leader to retain his position when indicted.

Now, maybe there is a rampant disease called short-term memory over there, but two votes in this Congress: one, if you got indicted, in fact, you are allowed to keep your position. You cast those votes on your side. And this Congress, when it opened up, rather than address the scandals, this Congress, under the majority, not with any Democratic support, stripped the bipartisan Ethics Committee from its ability to hold investigations, which is why not a single Member to date, with all these scandals, some reported by others, congressional historians, as the worst scandals in the history of the Congress, still the Ethics Committee has failed to do its job because you have stripped it of its abilities to do its job.

That will be the moral stain on this Congress. Your votes.

Mr. EHLERS. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from New York to respond.

Mr. REYNOLDS. Mr. Speaker, I look forward to the day when, in our Ethics Committee, the Democrats will give the tools to a bipartisan five-five Ethics Committee to begin reviewing both Democrats and Republicans who need to go before that committee to have resolution of stuff that has been stalled for the entire 2005 year by the Democratic leadership.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 20 seconds to respond to the gentleman.

Mr. EMANUEL. My good friend from Buffalo, you may not get health care legislation done this year, you may not get educational reform this year, and for sure, you won't balance the budget. But this Congress will be remembered as the Congress that Jack and Tom built. Because the scandals continue to swirl around this institution.

Until you do serious lobbying reform and close the loopholes, close the revolving door, have real transparency, real enforcement, this Congress, when that gavel comes down, which is intended to open the people's House, not the auction House, and you have allowed it to become an auction house, then this is the House that Jack built.

Ms. MILLENDER-McDONALD. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from California has 11½ minutes remaining; the gentleman from Michigan has 8 minutes remaining.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this isn't the first time the Congress has debated the effects of public campaign discourse. Let me take you back to 1798, when about 20 or so independent newspapers aligned with Thomas Jefferson started openly criticizing the policies of John Adams, the President. Adams used his power and influence to have Congress pass the

Alien and Sedition Acts, which declared that the publication of false, scandalous, and malicious writing was punishable by fine and imprisonment. By virtue of this legislation, 25 editors were arrested and their newspapers were forced to shut down.

The first amendment was established to ensure that citizens are able to protect themselves from government, not so that government can protect itself from the people. If this bill passes, we will be standing here having the same debate in a couple of years on how to regulate 501(c)4 organizations. 501(c)4s require no disclosure and have no contribution limits. They will surely become the 527s of 2008 if this legislation passes.

This legislation, H.R. 513, simply compounds an existing problem. Loopholes will always exist, because there will always be money in politics. Instead of stifling speech and forcing it to go underground, we ought to be lifting up other players in the political system and provide more freedoms with greater transparency and more accountability.

Where will this lead? That is the question. If Republicans happen to lose in November, lose the majority, what happens when Democrats try to level the playing field by applying the so-called fairness doctrine to radio talk shows? Surely the Democrats will make the same arguments about Rush Limbaugh that Republicans are making about George Soros.

☐ 1745

Back to the implications of the Alien and Sedition Acts. Americans were smart enough to realize what President Adams was using. He was using the powers of government to stifle free speech and they reacted accordingly. Public opposition to the Alien and Sedition Acts was so great that was a large reason Adams was defeated by Thomas Jefferson a few years later. This is history worth remembering, Mr. Speaker.

Mr. EHLERS. Mr. Speaker, I yield 5½ minutes to the gentleman from Connecticut (Mr. SHAYS), the author of this legislation.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a surreal debate because it is a debate that has consequences and yet it seems to almost be like a game. When we passed campaign finance reform, it passed primarily with Democratic support and there wasn't any talk about free speech because Democrats made the proper argument. They made the argument that this was about letting people have their speech and not being drowned out by the wealthy.

That is what the Democrats said: Don't let the wealthy drown out people who don't have a lot of resources.

So what the Democrats are now arguing is that for instance 25 individual donors should be able to contribute $142 million, or 56 percent of all of the individual contributions to 527 groups in the 2004 election. That is what Democrats are saying. They are saying we want the wealthy to be able to dominate. But that was not their argument when they voted for campaign finance reform, and it was not my argument.

Our argument was that we wanted to have a level playing field. Our argument was we wanted to enforce the 1907 law that banned corporate treasury money, we wanted to enforce the 1947 Taft-Hartley Act that banned forced union dues money, and we wanted to support the 1974 campaign finance law that said you could not make unlimited contributions to federal campaigns. That is what Democrats argued for and supported. And they blamed Republicans for being against campaign finance reform.

The amazing thing is once the campaign finance reform bill passed Democrats immediately started to break the law. They were looking to get around the very law they voted for. And when Mr. Soros, who helped fund the campaign finance movement, argued that he should be able to contribute unlimited funds to 527s and that he should be able to bring his $20-plus million to the table, just this one individual, Democrats wanted to protect him and allow him to do that. And Republicans who were against the law said this is the law, we are going to abide by it.

The amazing thing is the very people who did not vote for the law were willing to abide by it, and the very people who voted for the law are trying to get around the law. That is what I find so amazing about this debate.

So what this amendment does is it just enforces the law that you, my fellow colleagues on the other side of the aisle, voted for. It enforces the Campaign Finance Act, the McCain-Feingold bill, the bill you all supported.

Now why do we have to pass this bill before us? Because unfortunately when we gave it to the Federal Elections Commission, the FEC, who does not believe in the law, decided not to enforce the law. They are happy to have loopholes. They are the ones who introduced the whole soft money issue in the first place.

So what do we have? We have a loophole that needs to be closed, and the way you close it, is to pass this bill that requires 527s to come under the campaign finance law. This is because their primary activity, in fact their only activity, is campaigns.

And the law is clear. Mr. MEEHAN and I brought forward a case against the FEC. We threw out 14 of their regulations because they did not abide by the law, and then we proceeded to take a court action against them on enforcing the law and put 527s under their jurisdiction.

The court made a decision that Mr. MEEHAN and I were right, that 527s should be under the law. In fact, the judge said not putting them under the law circumvented the law. So what we are doing is simply making the law consistent. And frankly, this talk of (c)(3)s, (c)(4)s and (c)(5)s, is not on point. Their primary responsibility and activity is not campaigns. And because of that, you are not going to have the same problem that you have with 527s. If in fact their primary activity becomes campaigns, then they will come under it.

This bill is consistent to the law. It is imperative it passes. It is consistent with what my colleagues voted for, and I applaud my side of the aisle for, in spite of the fact of not voting for the law, be willing to live by the law.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman who just spoke, this is not what we voted for. We did not vote to transfer 527s to 501(c)s. That is dishonesty. I oppose those who say this is an obscene bill, 527s are not obscene.

What they are trying to do now here with this bill would provide each national and State party committee to be free from any limits in spending on behalf of its candidates and the spending would take place at any time for the primary or general elections.

This is the flow of money that the American people are saying take out of campaigns.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time to close.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I want to clarify that the 527s have been and must always file with the Internal Revenue Service. They have to do quarterly reports. Unlike what has been said, that they do not have disclosure and they do not have reporting, that is not true, and I include for the RECORD the IRS filing dates so that can be placed in the RECORD.

INTERNAL REVENUE SERVICE—UNITED STATES DEPARTMENT OF THE TREASURY

FORM 8872 FILING DATES (FOR 2006)

During an election year, a political organization has the option of filing on either a quarterly or a monthly schedule. The organization must continue on the same filing schedule for the entire calendar year.

OPTION 1.—QUARTERLY FILING SCHEDULE

Report	Filing Date
1st Quarter (January 1–March 31).	April 17, 2006
2nd Quarter (April 1–June 30)	July 17, 2007
3rd Quarter (July 1–September 30).	October 16, 2006
12-Day Pre-General Election*	October 26, 2006 (October 23, is posting report by certified or registered mail)
30-Day Post-General Election	December 7, 2006
Year-End	January 31, 2007

OPTION 1.—QUARTERLY FILING SCHEDULE—Continued

Report	Filing Date
12-Day Pre-Election*	12 days before the election (Varies according to date of election. See pre-election reporting dates chart)

*A political organization files a 12-day pre-election report(s) prior to a federal election (primary, convention, and/or general election) if the political organization makes or has made contributions or expenditures with respect to a federal candidate(s) participating in that election. Therefore, if the organization supported a federal candidate in a primary election, it files a 12-day pre-election report prior to that candidate's primary election. If the organization made contributions or expenditures in connection with a federal candidate(s) in the general election, the organization also files the 12-day pre-general election report.

OPTION 2.—MONTHLY FILING SCHEDULE

Report	Filing Date
January	February 21
February	March 20
March	April 20
April	May 22
May	June 21
June	July 20
July	August 21
August	September 20
September	October 20
12-Day Pre-General Election*	October 26 (October 23, if posting report by certified or registered mail)
30-Day Post-General Election*.	December 7
Year-End	January 31, 2007

*A political organization files a 12-day pre-election report(s) prior to a federal election (primary, convention, and/or general election) if the political organization makes or has made contributions or expenditures with respect to a federal candidate(s) participating in that election. Therefore, if the organization supported a federal candidate in a primary election, it files a 12-day pre-election report prior to that candidate's primary election. If the organization made contributions or expenditures in connection with a federal candidate(s) in the general election, the organization also files the 12-day pre-general election report.

Mr. Speaker, this bill, H.R. 513, will have a chilling effect on tax exempt 501(c) organizations. Despite a provision exempting nonprofit charities and social service organizations, this bill, H.R. 513, regulates the same activities that such entities are permitted to engage in.

Should this bill become law, a precedent may be set that all nonprofit activities should be heavily regulated leading to significant new restrictions on 501(c)3s. H.R. 513 thus may represent a trend with chilling implications for the nonprofit sector.

Mr. Speaker, I include for the RECORD a statement from the CATO Institute, a conservative think tank.

CATO INSTITUTE—Free Speech and the 527 Prohibition

(By Stephen M. Hoersting—April 3, 2006)

LIMITING THE SPEECH OF INDEPENDENT SPEAKERS IS UNWISE AND UNCONSTITUTIONAL

Forcing PACs on citizens is a matter for courts, not just Congress

To constitutionally regulate campaign finance, the government must demonstrate that the "harms it recites are real," not "mere speculation or conjecture." Proposals to subject section 527 organizations to political committee status, with scant regard to their activities, effectively impose an "any purpose" test in brazen disregard of the "major purpose" test the Supreme Court established in Buckley v. Valeo. Such proposals presume that any communication mentioning a candidate that promotes, supports, attacks, or opposes that candidate at any time of the year—or any "voter drive activity," even if totally non-partisan—is sufficient to trigger political committee status. If such proposals were in effect during the last cycle, any mention of President Bush's or Senator Kerry's policies from November 2, 2003 to November 2, 2004, or any attempt to identify voters, would have turned the 527 organization into a federal political committee. In FEC v. Beaumont, the Court noted that a non-profit corporation entitled to the MCFL exemption of federal campaign law—which exempts certain non-profit corporations from FECA's registration requirement—would have to register as a political committee to make contributions to federal candidates, though it would not have to register to make independent expenditures. The direct nexus to a federal candidate and the entity's enjoyment of the corporate form were ample reason to require it to register. There is no such connection here, however, or existing 527 organizations would already be covered.

Establishing and maintaining a PAC, however, is not a minor administrative task, and it has become more onerous with each new round of restrictions on PACs and those who run them. Gone will be the ability of citizens to adapt quickly and associate freely in support of a position when issues arise. The various funding source, amount, and disclosure requirements of PAC compliance make it difficult to raise the quantities of money for broadcast communications. New or small organizations may have a hard time, given the limited number of employees or members from whom they can solicit at all: not just anyone may contribute to a PAC; you have to belong to the organization, or work for the company or union that sponsors it. That has practical consequences of which courts are aware. The Swift Vets' communications would have been impossible, for example, without the modest seed money that would become illegal under current 527 proposals. Or if the PAC were wildly successful, however unlikely, it would come at the expense of other right-leaning PACs or party committees, all of which rely on individual contributors bound by biennial aggregate limits on their contributions to all political committees during an election cycle. In other words, the question of who will join your PAC in time to raise enough funds at a maximum of $5000 per person for advertising is a very real constraint on an organization's ability to run advertising—independent advertising, no less.

Independent voices can't be limited

Forcing political committee status on the organizations is only one question in assessing constitutionality. The "key question is whether individual contributions to any political committee—527 or not—that does not make contributions to a candidate but instead makes only expenditures can be subject to limitation." In Buckley v. Valeo, the Supreme Court stated that the First Amendment permits the government to regulate campaign spending to prevent the corruption of officeholders or its appearance. The Court has not recognized any interest in "equalizing" speech. Contributions and funds spent in coordination with a candidate can be limited to protect against legislative quid pro quos. The Court has also said that contributions to an organization that in turn makes both contributions and independent expenditures (defined constitutionally as "express advocacy") can also be limited to make regulatory oversight feasible; to prevent the possibility that unlimited funds would flow to candidates. But independent spending lacks the necessary connection to officeholders, is not corrupting, and cannot be limited. The "absence of prearrangement and coordination of an expenditure with the candidate or his agent not only undermines the value of the expenditure to the candidate, but also alleviates the danger that expenditures will be given as a quid pro quo for improper commitments from the candidate." Independent spending is not corrupting. Likewise, contributions to organizations that engage in independent spending are also not corrupting. The Court has already granted constitutional protection to an individual's independent spending. George Soros may buy all the advertising he wants. That right extends also to an individual's donation to an organization that engages in independent spending. "The independent expenditure ceiling fails to serve any substantial governmental interest in stemming the reality or appearance of corruption in the electoral process . . . and "'heavily burdens core First Amendment protection.'"

As stated by Professor Richard Briffault, "[t]wo Supreme Court decisions provide support for the argument that if an independent expenditure does not present a danger of corrupting or appearing to corrupt officeholders, then contributions to a political committee that makes only independent expenditures cannot be limited." The first case is California Medical Ass'n v. FEC, a case involving limits on contributions by a trade association to its own PAC. In the plurality was Justice Blackmun, who wrote in concurrence that although the limit on contributions to a political committee is valid "as a means of preventing evasion of the limitations on contributions to a candidate[,] . . . a different result would follow [if the limit] were applied to donations to a political [organization] established for the purpose of making independent expenditures, rather than contributions," because "a committee that makes only independent expenditures . . . poses no threat" of corruption. Professor John Eastman has noted that contributions to a committee that does not give to candidates, such as most section 527 organizations contemplated by current proposals, are deserving of even more constitutional protection because "the principal message expressed by a contribution to a noncandidate committee is agreement with and furtherance of that committee's views," unlike the message expressed by contributions to a candidate committee or a committee that in turn gives to candidates. This approach is bolstered by the second case, Citizens Against Rent Control, which invalidated a contribution limit to a ballot proposition committee because the lack of a nexus to a candidate made corruption inapplicable. Similarly, where the nexus to an officeholder is not present, the anti-circumvention rationale of McConnell is also not furthered by a limit on contributions to organizations that engage in wholly independent activity.

Even though the contribution limit applies to the independent spending of political committees that also contribute to candidates or make coordinated expenditures, it is not clear that the Court would approve limits on organizations that engage in wholly independent activity. As noted by Professor Briffault, the McConnell Court's treatment of this issue related to BCRA's application of contribution limits to the activities of political parties."[47] But the section 527 organizations Congress appears interested in and political party committees are not alike. "[F]ederal candidates and officeholders enjoy a special relationship and unity of interest" with their political party, said the McConnell Court.[48] "The national committees of the two major parties are both run by, and largely composed of, federal officeholders and candidates."[49] The "close connection and alignment of interests" between candidates and their political parties means that "large soft-money contributions to national parties are likely to create the actual or apparent indebtedness on the part of federal officeholders, regardless of how those funds are ultimately spent,"[50] and the same is true of "the close ties between federal candidates and state party committees."[51]

The same cannot be said of 527 organizations. There is no record that candidates or party committees coordinated their spending with the 527s. Section 527 organizations simply have no comparable ties to candidates, thus making the anti-circumvention rationale of McConnell far too tenuous and unsuitable. Spending by section 527 organizations does not corrupt the legislative process because there is no nexus to lawmakers. It does not corrupt the balloting process. And spending by section 527 organizations does not corrupt the process of information exchange in the run up to the election. Indeed, spending by section 527 organizations is an integral part of the process of information exchange. And the information exchange needs to be open, robust and uninhibited.

More speech is what is needed, not less

Studies indicate that campaign spending diminishes neither trust nor involvement by citizens in elections. Indeed, spending increases public knowledge of candidates among all groups in the population. "Higher campaign spending produces more knowledge about candidates," whether measured by name identification, association of candidates with issues, or ideology; and setting a cap on spending would likely produce a less informed electorate.[52] Unlimited spending does not confuse the public,[53] and the benefits of campaign spending are broadly dispersed across advantaged and disadvantaged groups alike. That is, as incumbents are challenged by spending, both advantaged and disadvantaged groups gain in knowledge.[54] And so-called negative advertising campaigns do not demobilize the public, as many have alleged.[55]

Razing speech to the same level

Yet many persons inside the beltway believe that 527s should be regulated on egalitarian grounds. Republican Party chairman Ken Mehlman is outspoken in support of 527 regulation, declaring that Congress "must reform 527s, so that everyone plays at the same level, and billionaires can't once again use loopholes to try to buy elections."[56] Democratic Party chairman Howard Dean signed expenditure limit legislation as Governor of Vermont and had the DNC file an amicus brief to the Supreme Court in support of the legislation.[57] Senator John McCain "said that lawmakers should support the bill out of self-interest, because it would prevent a rich activist from trying to defeat an incumbent by diverting money into a political race through a 527 organization. 'That should alarm every federally elected Member of Congress,' he said."[58] Senator Trent Lott has called for limits on 527s to "level the playing field."[59] That these candidates and party chairs notice the spending and how it may benefit or hurt them is also a tenuous justification for regulation. Dissenting in McConnell, Chief Justice William Rehnquist wrote that benefit—even benefit expressed in gratitude—is not enough to justify restrictions, otherwise this rationale could serve as a basis to regulate "editorials and political talk shows [that] benefit federal candidates and officeholders every bit as much as a generic voter registration drive conducted by a state party,"[60] a position adopted by the McConnell majority.[61] Preventing circumvention of applicable contribution limits and source prohibitions was the rationale employed by the Court in McConnell. The rationale was not to foster egalitarianism.[62]

Buckley long ago rejected the argument that "equalizing the relative ability of individuals and groups to influence the outcome of elections"[63] is a compelling interest, adding that "the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment."[64] The Court has said elsewhere that trying to manipulate groups' relative ability to speak "is a decidedly fatal objective."[65] And there is good reason to be suspicious of the motives of incumbent legislators and party chairmen seeking egalitarianism in campaign spending. After a certain level of spending, the utility of further spending declines, and incumbents hit the point of marginal utility earlier than opponents.[66] Political free trade is both the norm and normative prescription for a healthy and constitutional political system in America. And "[p]olitical 'free trade' does not necessarily require that all who participate in the political marketplace do so with exactly equal resources."[67]

Mr. Speaker, the CATO Institute writes that limiting the speech of independent speakers is unwise and unconstitutional. In fact, forcing PACs on citizens is a matter for courts and not Congress. To constitutionally regulate campaign finance, the government must demonstrate that the harms it recites are real, not just mere speculation or conjecture. Proposals to subject section 527 organizations to political committee status with scant regard to their activities effectively imposes an any-purpose test in brazen disregard for the major purpose test of the Supreme Court established under Buckley v. Valeo.

Mr. Speaker, conservative groups are saying this is not good policy, that this policy is shutting down those groups that were independent, free of Congress, free of the Members of Congress, and this bill influences the outcome of elections and in fact money will be flowing all over the place as it is doing right now. Money will be flowing all over the place as we are speaking today.

This is a bad bill. The American people do not want more money into these campaigns. They want less money. I urge a "no" vote on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MEEHAN), the other sponsor of the bill from the minority side.

Mr. MEEHAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, basically this is a legal issue. 527s are legally established because their primary purpose is to influence the election or defeat of a Federal candidate. They have to file with the FEC because after Watergate in 1974 this Congress passed a law that said if you are going to have a political committee whose primary purpose is to influence an election, then they have to register with the FEC.

The FEC ignored 30 years of congressional actions and Supreme Court jurisprudence in allowing 527s to evade the law. In short, the FEC failed to do its job and regulate 527s as required under the Watergate statute. So in September of 2004, Congressman SHAYS and I filed a suit against the FEC for failing to enforce the regulations.

You know what is interesting, just last Wednesday the U.S. District Court Judge Sullivan ruled in favor of our position that the FEC had failed to present a reasonable explanation for its decision in 2004 not to regulate 527s. Judge Sullivan remanded the case back to the FEC and said either you articulate a reason for not regulating 527s or promulgate a new rule. A new rule that regulates 527s is called for under the law. That is all we are seeking to do here. That is all we are seeking to do. One way or the other, the court is going to rule in favor. This is one way for us to do it quickly.

Mr. EHLERS. Mr. Speaker, I yield myself the balance of my time to close.

I just have to say, I am a little disappointed in this debate. In fact, I am greatly disappointed in this debate. I am just a simple person who grew up in a small town, and I grew up in an area where we said what we meant, and we meant what we said.

I have heard so much diversionary discussion on this topic from the minority today. it is very disappointing to me.

The proposition of the bill is very simple: unlimited spending of soft money was intended to be banned under BCRA. A diversionary tactic has developed which allows the expenditures of huge amounts of money, unregulated soft money, and this bill today is an attempt to stop that practice which is being carried out by people who are violating the intent of a law we passed a few years ago. That plain and simple is the issue here.

I urge the body to adopt the bill and stop the abominable practice of huge amounts of unregulated, unreported money influencing elections. Let's get back to the original intent of BCRA and put it in place and enforce it.

Mr. Speaker, I include for the RECORD the material I previously referred to.

[From the New York Times, Dec. 29, 2004]

THE SOFT MONEY BOOMERANG

It's encouraging to see signs of life in Washington, particularly on the Republican side of the aisle, over the obvious need to plug the newest subterranean pipe for unregulated campaign funds from big labor, big corporations and just plain big money.

Of all the subplots in the presidential election, none were as sorry as the Democrats' pioneering "527" groups—named for the section of the tax code that governs them. The 527's were intended to circumvent the law's strictures against having unlimited soft money flood into political races. The Democrats built these new shadow-party advocacy groups to attack the president early in the campaign season and build voter-turnout machines. Then they watched Bush partisans adapt the same financing device to float the campaign's most notorious and devastating attack ads, the Swift boat assaults on John Kerry's heroic war record and his antiwar activities after he returned from Vietnam.

Dollar-wise, the Democrats proved better at milking the 527 strategy, spending more than three times as much as the Republicans in stealth-party ads favoring their presidential ticket. But the Republicans wielded their ads like a rapier once the Federal Election Commission, true to its track record, shirked its responsibility by deciding that the new breed of advocacy groups should not be controlled under the campaign finance reform laws.

A commission majority endorsed the fiction that the 527's are independent. The truth is that they were strategically linked to the candidates and perfect targets for aggressive F.E.C. regulation and spending limits. The 527 fund-raisers were the V.I.P. toast of the party conventions last summer, raising money in luxury suites with a wink and a grin.

After this year's election drubbings, you would think the Democrats would now see the folly of the 527 committees. But, no, ranking Democrats are determined to make them a permanent campaign weapon, with no dollar caps on the corporations, labor unions and fat-cat partisans who spent more than $550 million on such committees in this year's races.

President Bush condemned the 527's and promised a crackdown when the Democrats first exploited them and caught the G.O.P. short. But later in the campaign, he failed to condemn the Swift boat ads when Senator John McCain did so and pointedly asked for the president's support. Now Mr. Bush has another chance to put his considerable political weight behind Mr. McCain, who is determined to use the coming Congressional session to pass legislation that would force this blowzy lucre-genie back into the bottle.

Senator McCain overcame whatever past bad feeling there was between himself and the president and became a dogged Bush campaigner this year. We hope the president repays him by explicitly backing the McCain fight to stop the 527 gamesmanship as an abuse of fair elections. And it's equally important for the president to enlist in the senator's campaign to overhaul the election commission. The F.E.C. is a transparent extension of hack party politics, beholden to members of Congress who are more concerned with their own incumbency than the public interest.

[From the Washington Post, Apr. 5, 2006]

CLOSE THE 527 LOOPHOLE

CONGRESS SHOULD BEACH THE SWIFT BOATS AND GEORGE SOROS, TOO

The House plans to take up legislation today that would close the biggest remaining loophole in the campaign finance system. It would require the political groups known as 527s to play by the same rules as other committees that aim to influence federal elections. The House ought to pass the measure, sponsored by Reps. Christopher Shays (R-Conn.) and Martin T. Meehan (D-Mass.), and shut down the kind of 527 "soft money" operation that flourished during the 2004 campaign, like Democrats' America Coming Together and Republicans' Swift Boat Veterans for Truth.

These committees, named after the section of the tax code under which they're established, are by definition "organized and operated primarily" to influence elections. When those elections are for federal office, it makes no sense to let such groups collect six-, seven- and even eight-figure checks to elect or defeat candidates, while candidates, political parties and political action committees are limited to receiving contributions a small fraction of that size. Similarly, corporations and labor unions—barred by law from contributing directly to federal candidates or parties—shouldn't be allowed to write checks to 527s, which exist for the same purpose.

The usual politics of campaign finance reform—Democrats for (at least publicly), Republicans against—are upside down this time around. The reason is that Republicans do better than Democrats at raising the (relatively) small donations known as "hard money," while Democrats took the lead in the past election cycle in raising soft money for 527 groups. Connoisseurs of hypocrisy should enjoy this spectacle, but the partisan calculations are probably overstated. Democrats, with the rise of the Internet, have been improving their hard-money fundraising. Republicans are bound to draw even in the 527 race if it continues.

There are concerns that regulating money to 527s would drive spending further into the shadows, to nonprofit groups and trade associations that, unlike 527s, don't even have to disclose their donors and spending. But there are restrictions on the partisan activity of such groups, and if a problem develops with the misuse of such organizations, that could be addressed in future legislation. It's not a reason for inaction now.

[From the Washington Post, Nov. 11, 2003]

SOROS'S DEEP POCKETS VS. BUSH; FINANCIER CONTRIBUTES $5 MILLION MORE IN EFFORT TO OUST PRESIDENT

(By Laura Blumenfeld)

NEW YORK.—George Soros, one of the world's richest men, has given away nearly $5 billion to promote democracy in the former Soviet bloc, Africa and Asia. Now he has a new project: defeating President Bush.

"It is the central focus of my life," Soros said, his blue eyes settled on an unseen target. The 2004 presidential race, he said in an interview, is "a matter of life and death."

Soros, who has financed efforts to promote open societies in more than 50 countries around the world, is bringing the fight home, he said. On Monday, he and a partner committed up to $5 million to MoveOn.org, a liberal activist group, bringing to $15.5 million the total of his personal contributions to oust Bush.

Overnight, Soros, 74, has become the major financial player of the left. He has elicited cries of foul play from the right. And with a tight nod, he pledged: "If necessary, I would give more money."

"America, under Bush, is a danger to the world," Soros said. Then he smiled: "And I'm willing to put my money where my mouth is."

Soros believes that a "supremacist ideology" guides this White House. He hears echoes in its rhetoric of his childhood in occupied Hungary. "When I hear Bush say, 'You're either with us or against us,' it reminds me of the Germans." It conjures up memories, he said, of Nazi slogans on the walls, Der Feind Hort mit ("The enemy is listening"). "My experiences under Nazi and Soviet rule have sensitized me," he said in a soft Hungarian accent.

Soros's contributions are filling a gap in Democratic Party finances that opened after the restrictions in the 2002 McCain-Feingold law took effect. In the past, political parties paid a large share of television and get-out-the-vote costs with unregulated "soft money" contributions from corporations, unions and rich individuals. The parties are now barred from accepting such money. But non-party groups in both camps are stepping in, accepting soft money and taking over voter mobilization.

"It's incredibly ironic that George Soros is trying to create a more open society by using an unregulated, under-the-radar-screen, shadowy, soft-money group to do it," Republican National Committee spokeswoman Christine Iverson said. "George Soros has purchased the Democratic Party."

In past election cycles, Soros contributed relatively modest sums. In 2000, his aide said, he gave $122,000, mostly to Democratic causes and candidates. But recently, Soros has grown alarmed at the influence of neoconservatives, whom he calls "a bunch of extremists guided by a crude form of social Darwinism."

Neoconservatives, Soros said, are exploiting the terrorist attacks of Sept. 11, 2001, to promote a preexisting agenda of preemptive war and world dominion. "Bush feels that on September 11th he was anointed by God," Soros said. "He's leading the U.S. and the world toward a vicious circle of escalating violence."

Soros said he had been waking at 3 a.m., his thoughts shaking him "like an alarm clock." Sitting in his robe, he wrote his ideas down, longhand, on a stack of pads. In January, PublicAffairs will publish them as a book, "The Bubble of American Supremacy" (an excerpt appears in December's Atlantic Monthly). In it, he argues for a collective approach to security, increased foreign aid and "preventive action."

"It would be too immodest for a private person to set himself up against the president," he said. "But it is, in fact"—he chuckled—"the Soros Doctrine."

His campaign began last summer with the help of Morton H. Halperin, a liberal think tank veteran. Soros invited Democratic strategists to his house in Southampton, Long Island, including Clinton chief of staff John D. Podesta, Jeremy Rosner, Robert Boorstin and Carl Pope.

They discussed the coming election. Standing on the back deck, the evening sun angling into their eyes, Soros took aside Steve Rosenthal, CEO of the liberal activist group America Coming Together (ACT), and Ellen Malcolm, its president. They were proposing to mobilize voters in 17 battleground states. Soros told them he would give ACT $10 million.

Asked about his moment in the sun, Rosenthal deadpanned: "We were disappointed. We thought a guy like George Soros could do more." Then he laughed. "No, kidding! It was thrilling."

Malcolm: "It was like getting his Good Housekeeping Seal of Approval."

"They were ready to kiss me," Soros quipped.

Before coffee the next morning, his friend Peter Lewis, chairman of the Progressive Corp., had pledged $10 million to ACT. Rob Glaser, founder and CEO of RealNetworks, promised $2 million. Rob McKay, president of the McKay Family Foundation, gave $1 million, and benefactors Lewis and Dorothy Cullman committed $500,000.

Soros also promised up to $3 million to Podesta's new think tank, the Center for American Progress.

Soros will continue to recruit wealthy donors for his campaign. Having put a lot of money into the war of ideas around the world, he has learned that "money buys talent; you can advocate more effectively."

At his home in Westchester, N.Y., he raised $115,000 for Democratic presidential candidate Howard Dean. He also supports Democratic presidential contenders Sen. John F. Kerry (Mass.), retired Gen. Wesley K. Clark and Rep. Richard A. Gephardt (Mo.).

In an effort to limit Soros's influence, the RNC sent a letter to Dean Monday, asking him to request that ACT and similar organizations follow the McCain-Feingold restrictions limiting individual contributions to $2,000.

The RNC is not the only group irked by Soros. Fred Wertheimer, president of Democracy 21, which promotes changes in campaign finance, has benefited from Soros's grants over the years. Soros has backed altering campaign finance, an aide said, donating close to $18 million over the past seven years.

"There's some irony, given the supporting role he played in helping to end the soft money system," Wertheimer said. "I'm sorry that Mr. Soros has decided to put so much money into a political effort to defeat a candidate. We will be watchdogging him closely."

An aide said Soros welcomes the scrutiny. Soros has become as rich as he has, the aide said, because he has a preternatural instinct for a good deal.

Asked whether he would trade his $7 billion fortune to unseat Bush, Soros opened his mouth. Then he closed it. The proposal hung in the air: Would he become poor to beat Bush?

He said, "If someone guaranteed it."

APRIL 4, 2006.

DEAR REPRESENTATIVE: The House is scheduled to consider this week H.R. 513, legislation sponsored by Representatives Chris Shays (R–CT) and Marty Meehan (D–MA) to require that 527 groups spending money to influence federal elections comply with federal campaign finance laws.

Our organizations support H.R. 513, which is necessary to close the FEC-created loophole that allowed both Democratic and Republican 527 groups to spend hundreds of millions of dollars in unlimited soft money to influence the 2004 presidential and congressional elections.

The organizations include the Campaign Legal Center, Common Cause, Democracy 21, the League of Women Voters, Public Citizen and U.S. PIRG.

Under H.R. 513, the 527 political groups would be able to continue to undertake activities to influence federal elections, but would do so under the same campaign finance laws that apply to candidates, political parties and other political committees whose major purpose is to influence federal elections. Enclosed is a Q and A on H.R. 513.

Much of the soft money contributed to 527 groups to influence the 2004 federal elections came from a relatively small number of very wealthy individuals. According to campaign finance scholar Anthony Corrado, just 25 individuals accounted for $146 million raised by Democratic and Republican 527 groups that spent money to influence the 2004 federal elections.

In order to qualify as a 527 group under the Internal Revenue Code and receive tax-exempt status, Section 527 groups must be "organized and operated primarily" to influence elections. They are, by definition, "political organizations," not "issue groups," and they should not be operating outside federal campaign finance laws when they are spending money to influence federal elections.

As the Supreme Court stated in the McConnell case upholding the constitutionality of the Bipartisan Campaign Reform Act, Section 527 groups "by definition engage in partisan political activity." The Court stated in McConnell that 527 groups "are, unlike § 501(c) groups, organized for the express purpose of engaging in partisan political activity."

Section 527 groups are treated differently under campaign finance laws than Section 501(c) groups because they are fundamentally different entities than 501(c) groups.

Section 527 groups, by definition, are organized and operated "primarily" to influence elections. This standard has long been used to define political groups that are covered by and must comply with federal campaign finance laws. Section 527 groups have the same organizing principle as candidate committees, political party committees and PACs—their primary purpose is to influence elections—and should be subject to the same campaign finance laws.

Section 501(c) groups, by contrast, are prohibited by their tax status from having a primary purpose to influence elections. Although Section 501(c) groups (except for charitable groups) are permitted to spend some money for political purposes, tax laws impose constraints on the political activity they can engage in, while similar constraints are not imposed on 527 groups.

The 2004 election demonstrated widespread soft money abuses by 527 groups, which spent hundreds of millions of dollars to influence the presidential and congressional elections without complying with the federal campaign finance laws. H.R. 513 addresses this demonstrated problem.

As we noted in our letter yesterday, an amendment may be offered by Representative Mike Pence (R–IN) to repeal the existing aggregate limit on the total contributions that an individual can give to all federal candidates and political parties in a two-year election cycle. The Pence amendment would repeal an essential Watergate reform that was enacted to prevent corruption and the appearance of corruption, and was upheld as constitutional on this basis by the Supreme Court.

We strongly oppose the Pence proposal, which would allow a President, Senator or Representative to solicit, and a single donor to contribute, a total of more than $3,000,000 for the officeholder's party and the party's congressional candidates in a two-year election cycle.

We urge you to vote against the Pence "poison pill" amendment and also urge you to vote against H.R. 513 if it includes the Pence proposal or any variation of it.

Another proposal may be made to repeal section 441a(d) of the campaign finance laws, a provision which imposes limits on spending by political parties in coordination with their federal candidates.

We oppose repealing the limits on coordinated party spending with candidates.

Under Supreme Court rulings, a political party can spend an unlimited amount of hard money in a federal candidate's race, independently of that candidate, even if the party has reached its limit on coordinated spending with that candidate in the race.

Thus, repeal of the limits on coordinated spending will not change the total amount of money a political party can spend in a given race, but rather will change the amount that can be spent in coordination with the party's candidate in the race.

Supporters of repealing the limit argue that this is a more effective way for parties to assist their candidates. We oppose repeal of the coordinated spending limit, however, since it provides a constraint on parties serving as a vehicle for individual donors to evade the limits on contributions from individuals to candidates.

H.R. 513 is based on the simple proposition that a 527 group that spends money to influence federal elections should abide by the same set of rules that apply to other political groups whose purpose is to spend money to influence federal elections. There is no basis for allowing a 527 group to claim the advantage of a tax exemption as a "political organization" under the tax laws, while at the same time failing to comply with the federal campaign finance laws on the claim that it is not a "political committee."

We strongly urge you to vote for H.R. 513, provided it does not include the Pence "poison pill" proposal to repeal or undermine the aggregate limit on individual contributions.

CAMPAIGN LEGAL CENTER
COMMON CAUSE
DEMOCRACY 21
LEAGUE OF WOMEN VOTERS
PUBLIC CITIZEN
U.S. PIRG

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2006.

Hon. VERNON J. EHLERS,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CHAIRMAN EHLERS: In recognition of the desire to expedite consideration of H.R. 513, the "527 Reform Act of 2005," the Committee on the Judiciary hereby waives consideration of the bill. There are provisions contained in H.R. 513 that implicate the rule X jurisdiction of the Committee on the Judiciary. Specifically, section 5 provides for judicial review of certain constitutional challenges to the legislation. This provision implicates the rule X(1)(l)(1) jurisdiction of the Committee over "the judiciary and judicial proceedings, civil and criminal."

The Committee takes this action with the understanding that by foregoing consideration of H.R. 513, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 513 on the House floor. Thank you for your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2006.

Hon. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your recent letter regarding your Committee's jurisdictional interest in H.R. 513, the 527 Reform Act of 2006, scheduled for floor consideration this week.

I acknowledge your committee's jurisdictional interest in Section 5 of the bill, and agree that your decision to forego further action on it will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

VERNON J. EHLERS,
Chairman.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, throughout my career, I have consistently and strongly supported sensible campaign finance reform. As introduced, H.R. 513, the 527 Reform Act, was a measure I could have supported. In the long run, it would have been politically neutral; not giving an advantage to either Republicans or Democrats.

However, with the changes that have been made to the bill by the Republican leadership, this bill would needlessly allow unlimited contributions from party committees to coordinate with campaigns and thereby dramatically raising the amount of money spent on elections, not reduce it. This provision alone would dramatically undermine the campaign finance reforms we worked so hard to put in place in 2002. The bill is neither necessary nor fair and would increase the role of money in campaigns and elections.

Mr. VAN HOLLEN. Mr. Speaker, today I voted against H.R. 513, the "527 Reform Act of 2005" introduced by Congressmen SHAYS and MEEHAN. As a strong and long-term supporter of the Shays-Meehan/McCain-Feingold campaign reform legislation, I want to take this opportunity to explain my decision to vote against H.R. 513 today.

On the surface, H.R. 513 appears to be simple. It would require "527 groups," which represent individuals or groups that are not directly affiliated with political party organizations, to register and report with the Federal Election Commission in the same manner as political committees. I support that part of this bill.

However, the Republican Leadership inserted a poison pill into the bill. In the dark of night, the Republican-controlled House Rules Committee added an amendment to roll back current limits on Congressional campaign committee spending in supporting a candidate in a House general election. In 2006, Congressional committees are limited to spending a maximum of $79,200 in a Congressional race. This amount is set by law and adjusted for inflation. Under current law, Congressional campaign committees possess the authority to spend unlimited amounts on a campaign. Congressional committees must currently borrow and use the limits assigned by law to each party's national committee and each state party committee. The amended bill will lift current caps and upset the balance of spending.

A second killer amendment eliminates Congressional campaign committee limits on party spending for Congressional candidates. This bill allows each party to accept transfers from other committees within the party structure when spending for a candidate. This change will enable the National Republican Congressional Committee to accept unlimited transfers from the Republican National Committee for use in spending on any Congressional campaign. It is not a coincidence that Republicans outspend Democrats 5:1.

We have just seen the former Republican Majority Leader resign from Congress in disgrace. Another prominent member of the majority party sits in jail for accepting tawdry bribes while selling his office. Prominent administration officials have been arrested or are under indictment. This is not a time to be playing parliamentary games with the ethical process.

And that is why I voted against this shamefully amended version of H.R. 513 today.

Mr. CASTLE. Mr. Speaker, I am proud to join my colleagues in strong support of H.R. 513, the 527 Reform Act of 2006. H.R. 513 takes an important step in closing a "soft-money" loophole by requiring 527 groups to comply with the same federal campaign laws that political parties and political action committees must follow.

In fact, the Federal Election Commission should have already done this. A federal district judge in Washington recently called for action, ruling that the Federal Election Commission had "failed to present a reasoned explanation" for not requiring 527 groups to register as political committees.

H.R. 513 will close this FEC-created loophole that has allowed 527 groups, of both parties, to spend hundreds of millions of dollars in unlimited soft money to influence presidential and congressional elections without complying with campaign finance laws.

During the last election cycle, 527 groups raised $426 million. Likewise, much of the soft money came from a relatively small number of very wealthy individuals. According to campaign finance scholar Anthony Corrado, just 25 individuals accounted for $146 million raised by Democratic and Republican 527 groups that spent money to influence the 2004 federal elections. And, we are already seeing an increase in the rate at which 527s are raising money this election cycle.

If the primary role of 527 groups is to influence federal elections, which it clearly is, they must play by the same set of rules that apply to other political groups whose purpose is to spend money to influence federal elections. There should be no exception.

At a time when the public is calling for transparency and accountability, no longer can we tolerate a loophole that allows this type of money from the wealthy few to unfairly influence the political process.

If you voted for the Shays-Meehan/McCain-Feingold Bipartisan Campaign Finance Reform bill in 2002—and 240 of us did—it would be wholly out of step to not support H.R. 513.

I urge all my colleagues to vote in favor of H.R. 513.

Mr. HOLT. Mr. Speaker, I would like to commend the efforts of my colleagues CHRIS SHAYS and MARTY MEEHAN to strengthen elections in this country. However, I oppose the measure they offer today because it seeks to address the wrong problem, and as a result, this proposal squelches participation by individuals and small donors in the electoral process. For that reason, and because there are First Amendment implications as well, I will vote against this measure.

On my first day as a Member of Congress in 1999, I joined the fight for campaign finance reform. I did so because we needed to curtail the influence of money in politics. The Bipartisan Campaign Finance Reform Act (BCRA) was critical to that effort because it eliminated corporate money and capped the size of donations that could be made to political candidates and political parties. These steps made it less likely that elected officials will be beholden to large donors instead of to their constituents.

The critical distinction between BCRA and the proposal before us today is that BCRA limited the amount of money that could go toward political candidates and parties. Today's proposal limits donations to organizations that advocate for a policy or a point of view. That is a radically different approach. Let's remember something: Elected officials are supposed to hear from their constituents at election time. A group of citizens speaking loudly through the collective action of a 527 is a democracy behaving as it should.

Organizations that attain 527 status under the Internal Revenue Code are dedicated to specific ideals and legislative objectives that they believe are best for America. Some 527s want more investment in education. Some want lower taxes. Some support the right to choose. Others oppose it. None of these organizations, however, may be dedicated to a specific person or party. They may not advocate for or against a specific candidate, nor coordinate their activities with a candidate's campaign. By definition, their involvement is the stuff of political discourse.

As a strong, early, and vocal supporter of the Bipartisan Campaign Finance Reform Act, I agree with the ban on raising and spending unregulated "soft" money by candidates and political parties. BCRA helps prevent elected Members of Congress from developing a "second constituency," one that is different from their actual constituency, which is the people they represent. However, BCRA did not intend to prohibit robust debate of political ideals, values, and proposals for the betterment of our country. Doing so not only stifles political discourse, it runs afoul of the First Amendment right to speak freely. In February of 2004, I joined several of my colleagues in writing to the Federal Elections Commission (FEC) stating my view that while we need to break the link between unregulated contributions and federal officeholders, we need to protect, preserve, and even increase political involvement by ordinary citizens and independent associations.

If this bill passes, it's important to note who would be affected. According to the Institute for Politics, Democracy and the Internet, 527 fundraising and spending increased fourfold between 2000 and 2004, while at the same time, voter turnout reached an unprecedented high of almost 126 million voters in 2004—15 million more than in 2000. This was largely a direct result of voter registration, education, and mobilization activities organized by 527s. Most importantly, although it has been widely reported that certain wealthy individuals made multi-million dollar contributions to 527s, the vast majority of 527 receipts were from individual donations of under $200. The liberal 527 organization "America Coming Together," for example, raised $80 million in 2004, 80 percent of which was from donations of less than $200. Similarly, the conservative 527 organization "Progress for America" raised $45 million in 2004, 85 percent of which was from donations of less than $200.

These statistics are in stark contrast to much of the debate on this issue. Supporters of the proposal before us today have pointed to wealthy individuals who contributed large sums to 527s as evidence that 527s should be curtailed. My question is this: Even if this bill passes, what is to stop wealthy individuals from simply paying for the same television ads, mail pieces, and organizational efforts on their own, without 527s? If this bill passes, these same individuals will simply spend their money on their own. It is small donors—who, as I said already, are the majority of donors to 527s—who will be denied the benefit of collective action. Squelching 527s will not curb the involvement of wealthy individuals, it will simply make them towering figures on the playing field of public discourse. This is exactly the wrong outcome.

If we want to tighten issue advocacy, we should do so by enforcing the already existing requirement that 527s remain truly independent of political candidates and parties. Truly independent 527 organizations expand the political debate, increase the public's opportunity to hold elected officials accountable, and increase participation in the political process by ordinary Americans.

Ms. PRYCE of Ohio. Mr. Speaker, in 2002, after six years of debate, Congress passed the Bipartisan Campaign Finance Reform Act, better known as the McCain-Feingold bill.

Supporters of the bill claimed it would rectify the perception that there is too much money in politics, and that tightening reporting requirements would create full transparency in donor information.

But while their intentions were noble, 4 years later politics is more awash in money than ever before, only thanks to McCain-Feingold, we now know less about where it's coming from.

According to the bill's proponents, the crown jewel of McCain-Feingold was a ban on large, unregulated contributions to political parties, known as "soft money."

In theory, this prohibition was supposed to prevent billionaires from donating enormous and largely unreported sums of cash to influence federal elections. In reality, it spawned a new, unaccountable funnel for millionaire money—527s.

Although 527s can run political ads, mobilize voters, donate to Federal campaigns through an affiliated PAC, and perform virtually every other function of a political party, 527s—unlike candidate campaigns, political parties, and political action committees—are not regulated by the Federal Elections Commission. Nor are 527s accountable to voters.

527s have carried their message into the homes of millions of Americans without having to adhere to the numerous regulations governing political parties and campaigns.

The bill before us today—the 527 Reform Act—will close this loophole in McCain-Feingold, preventing 527s from having an unfair financial advantage over political parties and individual candidates.

At bottom, this is simply a matter of fairness: everyone who seeks to influence a federal election should be playing by the same rules.

Mr. Speaker, when we passed the Bipartisan Campaign Finance Reform Act, the other side said millionaires were playing too big of a role in federal elections.

If they truly believe that, I challenge them to support this legislation and restore fairness to campaign finance laws.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in opposition to the so-called 527 Reform Act of 2005 (H.R. 513). This legislation singles out 527 organizations in an effort to undermine their fundraising and is a direct assault on free speech.

This legislation would change the Federal Election Campaign Act of 1971 (FECA) to add 527 organizations in the definition of political committee. If enacted, this bill would suppress free speech and obstruct the efforts of grassroots organizations to encourage voter participation while doing nothing to address the culture of corruption in Congress.

I support the Bipartisan Campaign Reform Act (BCRA) of 2002, which established balanced and effective strategies to achieve fairer elections. H.R. 513 is an unbalanced measure that favors corporate trade associations over independent advocates. For example, the bill would provide an unfair advantage to corporate interests by allowing them to continue spending unlimited and undisclosed dollars for political purposes while subjecting independent organizations, like citizens joining together to promote voter registration, to contribution limits and source restrictions.

H.R. 513 also removes all limits on national and state party spending for Congressional candidates in primary or general elections. This section of the bill is an unmasked attack on BCRA and clear evidence of the majority party's true intentions in advancing H.R. 513. The goal is not reform, but partisan advantage in political fundraising.

If we are serious about reform, there are several Democratic proposals that have been put forward to address the real problems facing this Congress. We should be reforming the Rules of the House in order to provide Members adequate time to review legislation before a vote. We should also be addressing the practice of travel on corporate jets and disclosure of fundraising by lobbyists. Unfortunately, the Republicans will not allow a real, comprehensive debate on this critical issue.

H.R. 513 is the majority party's cynical and underwhelming response and is clearly meant to distract attention from the real problems of corruption. I urge my colleagues to reject this bill and vote for a real package of reforms—changes that Congress needs and that Americans expect.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 755, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MILLENDER-McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the question of passage will be followed by 5-minute votes on House Resolution 692 and H.R. 3127.

The vote was taken by electronic device, and there were—yeas 218, nays 209, not voting 6, as follows:

[Roll No. 88]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Baldwin
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Maloney
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Ford
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Wexler
Woolsey
Wynn

NOT VOTING—6

Evans
Hoekstra
Ros-Lehtinen
Schakowsky
Tanner
Watson

☐ 1829

Mr. WATT changed his vote from "yea" to "nay."

Messrs. FORBES, OSBORNE, WELDON of Florida, MANZULLO, and POE changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS FOR THE CONTRIBUTIONS AND SACRIFICES THEY MADE TO THE UNITED STATES NUCLEAR TESTING PROGRAM IN THE MARSHALL ISLANDS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 692.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 692, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 89]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Diaz-Balart, L.
Evans
Hoekstra
Ros-Lehtinen
Sabo
Schakowsky
Tanner
Watson

☐ 1838

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3127, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3127, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 13, as follows:

[Roll No. 90]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Kolbe
Paul

NOT VOTING—13

Crenshaw
Diaz-Balart, L.
Dicks
Evans
Ford
Herseth
Hoekstra
Ros-Lehtinen
Ryan (OH)
Sabo
Schakowsky
Tanner
Watson

☐ 1846

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. CARDIN. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

> I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—
>
> (1) to agree to the provisions of section 102 (relating to credit for elective deferrals and ira contributions), and section 108 (relating to extension and modification of research credit), of the Senate amendment,
>
> (2) to agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals),
>
> (3) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and
>
> (4) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, pension conference report.

The form of the motion is as follows:

> I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to agree to the provisions contained in the Senate amendment regarding the prohibition of wearaway in connection with conversions to cash balance plans and the establishment of procedures affecting participants' benefits in connection with the conversion to such plans and not to agree to the provisions contained in title VII of the bill as passed the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

Proceedings on motions to suspend the rules postponed earlier today will also resume tomorrow.

CONGRATULATING NASA ON THE 25TH ANNIVERSARY OF THE FIRST FLIGHT OF THE SPACE TRANSPORTATION SYSTEM

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Con. Res. 366) to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle *Columbia* on April 12-14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America's space program for their accomplishments and their role in inspiring the American people.

The Clerk read as follows:

H. CON. RES. 366

Whereas Space Shuttle Columbia was the first manned, reusable spacecraft that was flown into orbit without benefit of previous unmanned orbital test flights;

Whereas the Space Shuttle Columbia was the first spacecraft to launch with wings, using solid rocket boosters;

Whereas the Space Shuttle Columbia was the first reentry spacecraft to land on a conventional runway;

Whereas the Space Shuttle program has allowed the United States to partner with other nations to build and to inhabit the International Space Station;

Whereas the successful return to flight of the Space Shuttle represents the first leg of the Nation's Vision for Space Exploration;

Whereas the men and women of America's Space Shuttle program have been instrumental in ensuring the Nation's preeminence in space exploration for 25 years;

Whereas the very specialized and highly valued workforce of the Space Shuttle program will contribute greatly to the Vision for Space Exploration as we return to the Moon, and go on to Mars and beyond;

Whereas, like the explorers Lewis and Clark who explored our great Nation, John Young and Robert Crippen opened a new era of human exploration beyond our planet; and

Whereas heroes such as John Young and Robert Crippen are a great inspiration to our next generation of Americans as they stimulate interest in the study of math and science: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System;

(2) honors Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12-14, 1981, on its first orbital test flight; and

(3) commends the men and women of the National Aeronautics and Space Administration and all those supporting America's space program for their accomplishments and their role in inspiring the American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 366.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise today to commemorate the 25th anniversary of the first flight of the Space Shuttle.

On April 12, 1981, Commander John Young and Pilot Robert Crippen launched from the Kennedy Space Center in the Space Shuttle *Columbia*. Their successful 3-day test flight of the manned, reusable spacecraft marked the beginning of a long career for the Space Shuttle that continues today.

Because of the design of the Shuttle, the spacecraft is uniquely qualified to help America build and supply the International Space Station. As we work with our international partners to complete the Space Station, the Shuttle will help us achieve that goal. For 25 years, the men and women of our Shuttle program have done a remarkable job returning the Shuttle to flight year after year to continue America's prominence in space. This resolution not only commends the first flight of the Shuttle, but it also recognizes and honors these dedicated citizens who work every day to this singular goal.

The Shuttle has seen glory and it has seen tragedy. The loss of *Challenger* and *Columbia* remind us that space travel is difficult and dangerous. Astronauts are today's Columbuses and Magellans—and their mission is a fragile and dangerous one. And yet, the Space Shuttle program continued on because of the men and women dedicated to the important work of the space program—work that benefits all sectors of society and improves the quality of all our lives.

America now has a new Vision for Space Exploration. We have already achieved the first step in the new Vision for Space Exploration when the Space Shuttle returned to flight last summer. Commander Eileen Collins and her crew successfully executed the 14-day mission into outer space and delivered more than 6 tons of needed supplies to the Space Station. Like many of my colleagues, I am eagerly anticipating the Shuttle's next flight this summer.

I am also looking forward to our next step in the process—the development of a new vehicle to replace the Shuttle. We need to make sure that the transition between these two spacecrafts is as seamless at possible because we cannot afford to lose the very specialized and highly valued Shuttle workforce. We also need to make sure that the new spacecraft includes a crew escape system because our astronauts deserve to be as safe as possible. I am pleased that NASA will require this system on the new crew exploration vehicle, and I will be continuing to monitor that development.

America leads the world in space exploration, and this is due, in large part, to the men and women of the Space Shuttle program. And this is only the beginning. With astronauts like the ones who traveled over the years on the Space Shuttle, and specialists and staff at NASA, America will continue to push frontiers and lead the world in space exploration and discovery.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 12, 1981, two American heroes, Commander John Young and Pilot Robert Crippen, were strapped into their seats in the Space Shuttle *Columbia* and took off into history, orbiting the Earth for 54 hours, 20 minutes, and 53 seconds. This was the boldest test flight in history.

The space shuttle was the first reusable spacecraft to be flown into orbit without the benefit of previous unmanned orbital test flights, and was the first spacecraft to land on a conventional runway at Edwards Air Force Base in my home State of California.

Like the explorers Lewis and Clark who explored our great Nation and who opened up the West, John Young and Robert Crippen opened a new era of human exploration beyond our planet Earth. Now, as we move forward with the vision for space exploration, the successful return to flight of the space shuttle represents the first step toward going to the Moon, Mars, and beyond.

Today as a Nation, we want to pay tribute to the National Space and Aeronautics Administration on the 25th anniversary of the first flight of the space shuttle. We want to honor Commander John Young and Pilot Robert Crippen, who flew the first Space Shuttle *Columbia*, on April 12-14, 1981, on its first orbital test flight. We want to commend the men and women of NASA and our aerospace industry for the roles they play in inspiring the American people. This is what provides the inspiration to our next generation to study math and science. This is what keeps our Nation competitive.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleague and rise in strong support of H. Con. Res. 366, a resolution to commemorate the first flight of the Space Shuttle STS-1 and to honor its crew, Commander John W. Young and Pilot Robert L. Crippen.

It is hard to believe now, but 25 years have passed since the Space Shuttle *Columbia* took off on its maiden voyage on April 12, 1981. The space shuttle was the first and remains the only reusable crewed orbital spacecraft in the world, and its design represented a dramatic step towards human space flight.

Parenthetically, I might say I was talking to some of my younger staff today, and we who have been around for a while remember that flight well. But when you try to explain to young people, or to anybody for that matter, that these people were landing in this enormous and weighty bird that had never been tested, and it had no power, never been tested in this kind of conditions and it had no power, you understand the undertaking that these courageous crew members had set themselves up for.

This vehicle, of course, had the capacity to carry twice the crew members of its predecessors, to launch large scientific instruments such as the Hubble Space Telescope, the Compton Gamma Ray Observatory, as well as interplanetary probes like Galileo and Ulysses.

On that same subject, I must say that, personally, I believe the deep space image of Hubble is something that struck me as powerful as the first images we saw of Earth in the early Apollo days. When that telescope looked off into the heavens at a tiny speck and saw thousands of galaxies, it is an awe inspiring sight that I think the entire world should perhaps contemplate what it means to us.

More recently, of course, the shuttle has served as a workhorse for the assembly of the international space station, and on April 12, 1981 those accomplishments were still in the future.

On that day as the space shuttle crew carried two intrepid astronauts, John Young and Robert Crippen, into the heavens on that courageous journey, we all held our breath because therein lay the future of manned space flight and womaned spaced flight as we would later see on shuttles.

We should not underestimate the magnitude of that task. STS was not the first time that the space shuttle would carry a crew of astronauts; it was the first time the space shuttle would be flown into space, period. The willingness of these brave commanders to accept this mission shows that they certainly had the right stuff and it is entirely fitting that this Congress commemorate their accomplishments on this, the 25th anniversary of the first flight of the space shuttle.

I think it is also appropriate to express our appreciation to all of the individuals, whether civil servants or contractors, who have worked so hard over the many years on the space shuttle program and over, particularly, the last quarter century.

Mr. Speaker, I urge my colleagues to support the adoption of H. Con. Res. 366. I hope that action will be followed by speedy adoption in the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), a champion of America's space program.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, 25 years ago, America and the world were introduced to a new generation of heroes and a new era of human imagination. The moment the Space Shuttle *Columbia* first launched into low-Earth orbit, every other mode of space transportation was rendered obsolete.

The shuttle was then, and remains today, the most dependable and most technologically advanced spacecraft in the world.

In the last quarter century, the shuttle has become a global icon of American ingenuity and American courage. Since Commander John Young and Pilot Robert Crippen took the shuttle's maiden voyage, dozens of men and women, scientists, soldiers and school teachers have followed them in NASA's mission to conquer the unknown. And in that time, 14 shuttle astronauts have been lost in the pursuit of that noble mission, men and women whose names we remember and whose valor we can never forget.

Where I come from, the space shuttle is more than a symbol. It is part of our community. The shuttle's managers, engineers, astronauts, contractors and designers have long called the Houston region their home. They are the people who have made our Johnson Space Center America's "laboratory of the impossible," and for 25 years have stretched both the technological capacity and the collective imagination of the American people.

It is an honor to represent such heroes in this House and it is an honor to cast my vote in favor of this resolution congratulating NASA and America's space community for 25 years of making history and fulfilling dreams. I urge my colleagues to support NASA's heroes and support this resolution.

Mr. BAIRD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of this resolution honoring the Space Shuttle program at NASA on the anniversary of its test flight.

Commander John Young and Pilot Robert Crippen flew Space Shuttle *Columbia* on its first low-earth orbit flight for 3 days. Such a feat was made possible by the world-class workers and supporters of NASA, who are also commended in this resolution

The Space Shuttle was remarkable in part because it was the first spacecraft to launch with wings, using solid rocket boosters. It was also the first reentry spacecraft to land on a conventional runway. Notice that both these firsts are visual, if not literal, reminders of the strength of the agency itself: NASA excels in both spaceflight and flight in the atmosphere, or aeronautics. It is proof of the value of having an agency that is strong in both fields.

It is unfortunate, then, that the Vision for Space Exploration, which has the potential to build on the Shuttle successes, has not been adequately funded. Instead, the proposed budget pits the Vision against aeronautics in an internal battle for insufficient funding. In fact, ever since the Vision for Space Exploration was released, there has not been adequate funding for it in the Administration's budget. The result is that other critical NASA programs lose money to the Vision as NASA is forced to pick one important program over another. For example, in FY06, there was a proposed cut in aeronautics of roughly $60 million. In FY07, that number is $179 million, despite Congress' clear support in both the appropriations and authorization bills last year. That is a 20 percent cut in 1 year.

This resolution before us today will send a message that Congress is proud of what NASA has accomplished. I urge my colleagues to prove their reverence by working to fund it.

Mr. WELDON of Florida. Mr. Speaker, I rise in support of H. Con. Res. 366 to congratulate NASA on the 25th anniversary of the inaugural Space Shuttle mission.

Twenty-five years ago on April 12th, all Americans were riveted to the activities taking place at Kennedy Space Center. The excitement was even more palpable in my Congressional District—America's Space Coast.

How proud Americans were that day when, after 2 years of training and preparation, Space Shuttle *Columbia* lifted into space, boosted not only by 7 million pounds of thrust but, more importantly, by the ingenuity and imagination of the American people.

America had selected two incredibly capable astronauts for this first shuttle mission—Bob Crippen, a decorated Naval aviator, and John Young, a veteran of the Gemini and Apollo programs. Our Nation needed the best astronauts for this mission since the risks were immense. As the most complex spacecraft ever built, the Shuttle *Columbia* had countless possibilities for error and serious disaster.

STS–1 served as a 2-day test flight of the first reusable, piloted spacecraft's ability to go into orbit and return safely to Earth. NASA's goal was to herald in a new era of spaceflight and it succeeded.

The astronauts are obviously the most visible face on Space Shuttle missions. And while I, like everyone else, extend the utmost praise to Young and Crippen for their extraordinary talent and boldness, it was the highly skilled and competent NASA and contractor workforce that made this shuttle mission possible. As with the astronauts, America needed its best and brightest to build and launch the Space Shuttle back in 1981 and it remains so today.

From the scientists and engineers to the launch crews and contractor personnel, each Shuttle launch is a manifestation of the pride that the people of the Space Coast have in America's space program.

Each launch lifts the spirits of all Americans and nothing gives those from the Space Coast more honor than serving as America's entryway to space. Today, the people of the Space Coast feel as honored to be America's space launch center as they did 25 years ago.

And as a representative from America's Space Coast, I share in the feelings of pride in past achievements as well as the expectation of success in the new NASA missions that will launch from our community.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 366, legislation honoring the 25th anniversary of the first flight of the Space Transportation System at NASA.

It is hard to believe that 25 years have passed since Space Shuttle *Columbia* took flight. *Columbia* was the first manned, reusable spacecraft that was flown into orbit.

The heroic courage of *Columbia* astronauts and the NASA scientists and engineers on the ground has inspired a generation of future scientists, engineers and mathematicians.

NASA and the Johnson Space Center have had a tremendous impact on the Texas economy. This partnership has led to the development of many new technologies and is an economic powerhouse for our State.

The Johnson Space Center's combined workforce accounts for 16,000 Texas jobs.

The total economic impact of the Space Center on the State of Texas exceeds over 26,000 employees with personal incomes of over $2.5 billion and total spending exceeding $3.5 billion.

NASA also provides $72 million for grants and contracts to Texas universities and colleges, as well as $44 million to Texas nonprofit organizations.

Mr. Speaker, NASA touches every State in our great Nation, and I believe it is fitting to honor this milestone in NASA's history.

My warm congratulations go to NASA and the Space Shuttle *Columbia*, its crew and team on the ground.

I support this bipartisan legislation and urge my colleagues' support.

Mr. WU. Mr. Speaker, I rise to honor all the men and women who have made our space shuttle program possible. I would like to commend Commander John Young and Pilot Robert Crippen for being pioneers in their field. With the lift-off of the Space Shuttle *Columbia* on April 12, 1981, we were launched into a new era of space flight and exploration. The importance of their mission to our Nation cannot be overestimated.

Our desire to explore space, to go beyond this world, is rooted firmly in a human desire that has existed since the first of us stared into the night sky. It is a desire that has been passed down through human history and has found deep roots in America. We live in a land where pioneers stood on the frontier and bravely journeyed beyond what was known. Our space program continues that proud tradition of accomplishments.

When challenged by President Kennedy to put a man on the moon before the decades end, America could not even put a man into earth's orbit, but we answered the call. We've stood on the Moon, and have begun to unlock many of the secrets of Mars. We could not have come so far without the knowledge and experience gained from the shuttle flights.

With our accomplishments, we've also experienced tragedy. The brave men and women who gave their lives in pursuit of knowledge are a constant reminder that no matter how hard we try to ensure safety, exploration always comes with a risk. As a nation, we should not shirk these risks, just as our forbearers did not. We should use them as guideposts to remind ourselves of the challenges and difficulties of exploring space. The men and women of NASA have taken our dreams and made them real. I thank them for their vision, sacrifice, and dedication.

Mr. MCCAUL of Texas. Mr. Speaker, in 1981, NASA embarked upon a new mission with an amazing vehicle that would take America's astronauts, satellites and space stations into the next age of man's exploration of the final frontier. Next week we will honor the 25th anniversary of that first Space Shuttle mission and reflect upon the great success of the Space Transportation System.

The Space Shuttle is widely considered the most complex machine ever built, and to date is the only spacecraft capable of putting into orbit large payloads such as the Hubble Telescope and the Chandra X-ray Observatory. It is this capacity that enables NASA and its partners to build the International Space Station, which will pave the way back to the Moon, Mars and beyond.

Accordingly, President Bush has laid out a plan that sets a goal of returning Americans to the Moon within 15 years.

President Bush's "Vision for Space Exploration" is a plan that is again making space exploration an exciting and educational priority for America. He has made it clear, within the next half century America will be the world leader in space exploration.

In this respect, the shuttle program remains an integral part of the President's vision as we continue the return to flight missions, complete the International Space Station and phase in the Crew Exploration Vehicle.

Equally important is the Space Shuttle's role as an icon for manned space flight, a symbol for exploration and an example of man's eternal thirst for knowledge. In this role, the Space Shuttle's mission will never end.

Mr. BAIRD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 366.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CALVERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

☐ 1900

HONORING RECIPIENTS OF NOBEL PRIZES IN PHYSICS AND CHEMISTRY FOR 2005

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 541) honoring Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hansch for being awarded the Nobel Prize in Physics for 2005, and Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock for being awarded the Nobel Prize in Chemistry for 2005, and for other purposes.

The Clerk read as follows:

H. RES. 541

Whereas on October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in Physics for 2005 to Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hänsch for their pioneering discoveries in the field of optics;

Whereas their contributions to the quantum theory of optical coherence and development of laser-based precision spectroscopy, including the optical frequency comb technique, has led to improvements in the accuracy of precision instruments such as GPS locators, atomic clocks, and navigation systems;

Whereas John L. Hall recently retired from a long career with the National Institute of Standards and Technology (NIST), Quantum Physics Division, and was one of the founding fellows of the JILA, a joint Federal lab university cooperative effort supporting research and post-graduate training;

Whereas the NIST, founded in 1901, and its laboratories and collaborations with academia have contributed to the achievements of present and past Nobel Prize winners by supporting research that strengthens the global economic competitiveness of the United States through the development of technologies, measurement methods, and standards;

Whereas John L. Hall is one of three NIST researchers to have received a Nobel Prize;

Whereas on October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in Chemistry for 2005 to Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock for their pioneering discoveries in the field of organic chemistry;

Whereas their research on metathesis reactions and the development of the metathesis method in organic synthesis has resulted in a major advance for "green chemistry" and the development of pharmaceuticals that can be made through methods that are more efficient and generate fewer hazardous wastes: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hänsch;

(2) recognizes and honors Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock; and

(3) acknowledges the importance of National Institute of Standards and Technology research and its contributions to United States industry, academia, and government.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 541, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I am very pleased that we are considering this resolution honoring the winners of the 2005 Nobel Prizes in chemistry and physics. This is especially a pleasurable experience for me because I know two of them personally and have worked with one of them rather closely for a period of over a year.

Our Nation has a long, proud history of pushing forward the boundaries of human knowledge, and few awards bestow more recognition and honor on those who devote their lives to this quest than does the Nobel Prize. As a fellow scientist, I offer to each of the laureates my congratulations and heartfelt appreciation for your outstanding contributions to your fields.

I am particularly honored to offer congratulations to Dr. John Hall for his commendable contributions to the field of laser-based precision spectroscopy. His careful and dedicated work has resulted, among other things, in improved accuracy in vital navigation systems such as the GPS. John's long and noteworthy career includes a founding role as a fellow of JILA, formerly known as the Joint Institute of Laboratory Astrophysics, which is a joint research institute of the National Institute of Standards and Technology and the University of Colorado in Boulder.

It was at that institution where I worked with him doing research in atomic physics, a little nuclear physics and also in science education. I am proud to say that Dr. Hall is a wonderful scientist, and I was delighted to work with him.

I am most pleased as the chairman of the Science Committee Subcommittee on Environment, Technology and Standards, where I oversee NIST, the National Institute of Standards and Technology, to offer John congratulations and wishes for many more years of exciting discovery.

I would also like to point out that this is the third Nobel Prize awarded to scientists at the National Institute of Standards and Technology, which is basically a standard-setting organization, which includes a lot of research on standards; but in spite of the restriction on the research, three individuals from that outstanding organization have now been awarded Nobel Prizes.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I might consume, and I wish to begin by thanking Dr. EHLERS for his distinguished leadership on the committee, on the subcommittee, and it has been a privilege to serve with him. It is nice to have a fellow scientist on the Science Committee who can speak so eloquently to these matters and actually understand the kind of research that these Nobel Prize winners have conducted.

Mr. Speaker, I want to rise in strong support of H. Res. 541, a resolution I introduced along with a number of my colleagues to honor the 2005 Nobel Laureates in the fields of physics and chemistry, as well as to acknowledge the importance of National Institute of Standards and Technology, its research and its contributions to the United States industry and the academic world and government.

On October 10, 2005, two of America's finest scientists, Richard H. Grubbs and Richard R. Schrock, along with Yves Chauvin of France, shared in the Nobel Prize in chemistry.

The basic research of these scientists was recognized by the Royal Swedish Academy of Sciences as "a great step forward for 'green chemistry,' reducing potentially hazardous waste through smarter production."

Their research on metathesis reactions and the development of the metathesis model in organic synthesis has served as an important tool in the creation of new pharmaceuticals, including drugs that will help fight many of the world's major diseases, including cancer, Alzheimer's and AIDS. They also are used to develop herbicides and new polymers and fuels.

Another scientific prize was also conferred on October 10, 2005.

Again, two American scientists, this time Roy J. Glauber and John L. Hall, along with Theodor W. Hansch of Germany, shared the Nobel Prize in physics.

Their pioneering research in the fields of optics and contributions to the quantum theory of optical coherence and development of laser-based precision spectroscopy, including the optical frequency comb technique, has led to improvements in the accuracy of precision instruments such as GPS locators, atomic clocks, and navigation systems.

It is true this year, as in preceding years, that research conducted at such well-respected universities such as MIT, Harvard, and Caltech has produced Nobel Prize-worthy research. However, what is rarely acknowledged is the work of Federal labs and the additional Federal investment that supports and produces such prize-worthy results from such outstanding scientists.

Such is the case with the work of the National Institute of Standards and Technology, or NIST. Their collaboration with the University of Colorado at Boulder resulted in the third Nobel Prize awarded to an NIST scientist, John Hall, a scientist emeritus from the NIST Quantum Physics Division.

Interestingly enough, NIST was founded in 1901, around the same time as the Nobel Prize Foundation in 1900. Since that time, both institutions have served a similar purpose in supporting research that produces, in the words of Dr. Alfred Nobel, "the greatest benefit to mankind."

NIST, with its laboratories and collaborations with academia, has contributed to the achievements of present and past Nobel Prize winners by supporting research that strengthens the global economic competitiveness of the United States through the development of technologies, measurement methods, and standards.

Today, I am pleased to have the opportunity to honor the work of these scientists representing academia and research labs from across the globe.

It is my hope that the passage of this bill and continued support for the Nobel Prizes in the fields of chemistry and physics will inspire a new generation of students to eagerly pursue careers in math and science.

Additionally, I believe we must continue our investment in our research infrastructure if we hope to take advantage of the innovative potential emerging from our basic research laboratories.

I am happy that the Optical Society of America, the American Chemical Society and other organizations have supported this bill. These organizations provide a vital service in supporting peer collaboration and career development important for scientific advances and innovation.

I would like to particularly thank our chairman, Chairman BOEHLERT, and Ranking Member GORDON for their support and assistance on this bill, as well as my colleagues Mr. UDALL of Colorado, Mr. EHLERS, Mr. HOLT and Mr. WU for their cosponsorship.

Mr. Speaker, I urge support of H. Res. 541 and urge my colleagues to join me in supporting and honoring the 2005 Nobel Laureates.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

This resolution recognizes and honors Drs. Roy J. Glauber, John L. Hall and Theodor W. Hansch for being awarded the Nobel Prize in physics for 2005, and Drs. Yves Chauvin, Robert H. Grubbs and Richard R. Schrock for being awarded the Nobel Prize in chemistry for 2005.

As I mentioned earlier, John Hall is a personal friend of mine, and I have worked with him. Theodor Hansch was also a colleague of mine for some time many years ago, even though we did not work together, and we were not addressing the same issue.

Additionally. the resolution acknowledges the importance of the National Institute of Standards and Technology research and its contributions to U.S. industry, academia and government.

On October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in physics for 2005 to Drs. Roy J. Glauber, John L. Hall and Theodor W. Hansch for their pioneering discoveries in the field of optics. Their contributions to the quantum theory of optical coherence and development of laser-based precision spectroscopy, including the optical frequency comb technique, has led to improvements in the accuracy of precision instruments such as GPS locators, atomic clocks, and navigation systems.

I would love to spend another 10. 15 minutes explaining exactly what that means, but I risk boring you, Mr. Speaker, and the rest of the audience, but let me say it is a fascinating field of research. It has led to great improvements, and people who ask me how can this possibly be of value should simply look at their TV set and remind themselves of years ago when they turned on the TV set and spent 5 minutes adjusting the hue and the color to get everything correct. The type of work done by these individuals created such accurate time standards that everything went automatically now on their TV set.

That was one minor trivial example of all the benefits that arise from basic research.

Continuing, John L. Hall recently retired from a long career with the National Institute of Standards and Technology, better known as NIST, in the Quantum Physics Division, and was one of the founding fellows of JILA, a joint Federal lab/university cooperative effort supporting research and post-graduate training.

NIST was founded in 1901, and its laboratories and collaborations with academia have contributed to the achievement of present and past Nobel Prize winners by supporting research that strengthens the global economic competitiveness of the United States through the development of technologies, measurement methods and standards. Indeed, NIST used to be known as the National Bureau of Standards and received its more modern name somewhat recently.

John L. Hall is one of three NIST researchers that have received the Nobel Prize.

On October 10, 2005, the Royal Swedish Academy of Sciences awarded the Nobel Prize in chemistry for 2005 to Drs. Yves Chauvin, Robert H. Grubbs and Richard R. Schrock for their pioneering discoveries in the field of organic chemistry. Their research on metathesis reactions and the development of the metathesis method in organic synthesis has resulted in a major advance for "green chemistry" and the development of pharmaceuticals that can be made through methods that are more efficient and generate less hazardous waste.

This is an outstanding advancement, and we must concentrate greater efforts on green chemistry, in other words, chemistry that provides results in fewer residuals that endanger the environment. The Science Committee, I might add, has developed a new bill on this topic, and I am very eager to see that passed into law.

This resolution recognizes and honors Drs. Roy J. Glauber, John L. Hall, and Theodor W. Hansch, Yves Chauvin, Robert H. Grubbs and Richard R. Schrock, and acknowledges the importance of National Institute of Standards and Technology research and its contributions to United States industry, academia and government.

Mr. Speaker, I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the Chair and the ranking member for this opportunity to speak and thank them for bringing this resolution forward.

I think it is important that this Congress take a stand and make noteworthy the achievements of many men and women of science who in this case have been accorded the highest award of a Nobel Prize in physics and in chemistry. It is manifestly clear that this country needs to put forth an emphasis on scientific achievement.

It is this emphasis on scientific achievement which characterized the Kennedy administration, which gave America vision to shoot for the stars, and it is an emphasis on scientific achievement which will cause more Nobel Prize winners in future to come forward from the United States, not only in physics and chemistry but in economics and literature.

We need to emphasize our quest for knowledge, and in this resolution we are helping to confirm our belief that the quest for knowledge needs to be recognized nationally.

I want to add one more note. Recently the Nobel Prize winner for economics and peace a few years ago, Joseph Stiglitz, made an assessment of what the economic cost would be of the United States' continued presence in Iraq. I think that we need to look at what our Nobel Prize winners tell us about the world in which we live.

☐ 1915

They have achieved a level of excellence which can be communicated to Members of Congress and our constituents. They have achieved the level of credibility which we should give credence to, which we are doing this evening with this important resolution.

Mr. EHLERS. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. BAIRD. Mr. Speaker. I would close my comments by sharing with Dr. EHLERS the observation of how important this research is. Our Nation, as a whole, just celebrated the men's and women's Final Four, and I am sure many Americans could list the names of who hit the final jump shot and who the star players were. That is fitting and appropriate. But on a daily basis, our lives are affected far more by the basic research conducted by the individuals we are honoring today, as Dr. EHLERS so eloquently put it.

When the GPS system helps keep an aircraft on track, when radar works more efficiently, when medical devices work more successfully, when environmental applications are more efficient, all of that derives from the kinds of basic research that we are acknowledging and recognizing today. And while I think it is unrealistic to expect most Members of this Chamber, or certainly the general public, to know the names or the accomplishments of these individuals, it is absolutely fitting that this body recognize these individuals, and I think especially because some of them are Federal Government employees who well deserve our recognition and our honor.

And so I join Chairman EHLERS in celebrating them, and I thank him for his support on this and for his leadership in the committee.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker. I yield myself such time as I may consume.

I thank the gentleman from Washington for his eloquent comments. He stated it extremely well. And I would like to point out that our basic research programs in the United States have led to incredible discoveries and developments, but also have made incredible contributions to the economy of this Nation.

Just to pick one example. something that happened when I was a graduate student, which is obviously many years ago. about roughly 50 years ago, the development of the laser by a good friend of mine, Charlie Towns. And I did not work with Dr. Towns. but I knew of the experiments, I knew what was going to emerge. I knew that he would discover the laser. And even though I am a scientist, I am in the field, I never envisioned the results of that.

We were all extremely excited at the development of the laser. because it enabled us to do scientific experiments we had only dreamed about doing before. What we didn't realize. or what I didn't realize, is that we would have a world where lasers are ubiquitous: where you would not think of putting in a ceiling tile without having a laser to level the tiles and make it all look good: we would not think of putting in sewer or water mains without lasers to help us align them so that they are in the proper location.

Today, you can go into novelty stores and buy lasers for $15. Children play with them, cat lovers use them to have cats chase the little red dot around. They are ubiquitous. And out of that small investment from the United States Government in that research, which I would estimate was roughly $10 million or less, today we have a multibillion dollar industry in the United States.

The problem this Nation faces is that that research is not being supported by this Nation the way it was in the past and we are in danger of losing our leadership because of that. I deeply, deeply appreciate the leadership of President George Bush in announcing in his State of the Union speech the American Competitiveness Initiative, which will help restore our lead in research in this world. It will help provide the education our children need so that they can be leaders in the world.

I strongly urge this Congress to provide the funding that the President has requested so that we can not only maintain, but increase, our leadership in the world and maintain our economic competitiveness and continue to be the giant in the world that we have been so that our people will have jobs and we won't be shipping them abroad.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today supporting H. Res. 541, legislation honoring the 2005 winners of the Nobel Prizes in Physics and Chemistry.

The Nobel Prize represents the pinnacle of achievement in any academic area.

The 2005 Prize in Physics was awarded to three scientists in the field of optics.

Dr. Roy Glauber was awarded half of the Prize for his theoretical description of the behavior of light particles.

Drs. John Hall and Theodor Haensch share the other half of the Physics Prize for their development of laser-based precision spectroscopy.

The work has enabled the determination of the color of the light of atoms and molecules with great precision.

The 2005 Nobel Prize in Chemistry was shared by Drs. Yves Chauvin, Richard Schrock and Robert Grubbs for their work in the area of metathesis.

Metathesis is important to the chemical industry, mainly in the development of medicines and of certain types of plastic materials.

The Nobel Laureates' work has enabled chemical synthesis to be simpler, more efficient, and more environmentally friendly.

Mr. Speaker, I congratulate the recipients of the Nobel Prizes in Physics and Chemistry and urge my colleagues to support H. Res. 541.

Mr. CALVERT. Mr. Speaker, H. Res. 541 commends the great American ingenuity and level of excellence represented by our National Laboratories, particularly the National Institute of Standards and Technology (NIST), whose work is so consistently stellar that it is often taken for granted.

American John Hall, who is one of the three scientists sharing the Nobel Prize for Physics, is the third NIST scientist to win a Nobel Prize. He is sharing the Prize for Physics with American Roy J. Glauber and German Theodor W. Haensch. Their studies reversed the earlier belief that the quantum theory of the behavior of particles did not describe the behavior of particles of light. These scientists, in fact, have changed the modern understanding of the behavior of light. Their discoveries could allow better GPS systems, better space navigation, and even better digital animation.

The 2005 Nobel Prize for Chemistry was won by American Robert H. Grubbs, from Southern California's California Institute of Technology, American Richard R. Schrock, and Frenchman Yves Chauvin. They made great breakthroughs in their work with olefin metathesis. This is a chemical reaction describing the changing of bonds between atoms.

Their work has great commercial potential in areas like pharmaceuticals, the biotechnology industry, and the foodstuff industry. The great work that these scientists produce contributes to our competitiveness and to our great standard of living.

I want to commend all of these outstanding scientists for their contributions to physics and chemistry and to the Royal Swedish Academy of Scientists for their recognition of their achievements, and to NIST and its laboratories who have supported research that strengthens our global competitiveness through the development of groundbreaking technologies.

Mr. EHLERS. Mr. Speaker, I am pleased to yield back the balance of my time.

The SPEAKER pro tempore (Mr. WESTMORELAND). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 541.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM SENIOR LEGISLATIVE ASSISTANT OF HON. SAM FARR, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from Troy Phillips, Senior Legislative Assistant of the Honorable SAM FARR, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC., April 5, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

TROY PHILLIPS,
Senior Legislative Assistant.

COMMUNICATION FROM THE HON. J. GRESHAM BARRETT, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable J. GRESHAM BARRETT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC., March 30, 2006.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the Court of Common Pleas for Anderson County, South Carolina, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

J. GRESHAM BARRETT,
Member of Congress.

PARTY OF THE 1 PERCENT

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, it is budget week. Over the past 5 years, the number of Americans falling on hard times has soared. A new analysis of major Federal Government programs by USA Today confirms the gut-wrenching truth.

Republicans in the White House and the Congress have wielded their political power like a club on America's low income and America's middle class. The single largest increase came in Medicaid, which added 15 million Americans on the President's watch from 2000–2005. Medicaid is the health care program for the poor. It speaks volumes about how the Republican Party has treated low and middle income Americans during this administration.

All but the wealthiest Americans have been left behind by the Republican Party and the Republican budget. This is a party of the 1 percent. The Republican Party deals with what is good for the 1 percent at the top, not what is good for everybody else.

This is not conjecture, it is a grim statistic. Despite this administration's watch, the poverty rate has grown dramatically, as has the budget deficit. Over the last 5 years, the very rich got very much richer. At the same time, the Republicans were giving millionaires new $100,000 tax breaks, the poverty rate in the United States was climbing to 12.7 percent.

This is a time to think about what the budget says, about your priorities. Remember, they are the party of the 1 percent.

Republicans love the top one percent. They cater to them. They coddle them. They kowtow to them. Republicans are the One Percent Party.

The other 99 percent of America does not matter to the Party of One Percent.

You need proof? Look at health care. Over the last five years, another 15 million Americans have been forced onto Medicaid.

And the Republican health care proposal is the One Percent illusion.

Republicans want everyone to have a Health Savings Account, so you can save all the money that Middle America does not have, to pay for all those health care expenses Middle America cannot possibly afford.

That is the Republican Solution to America's health care crisis.

Last year, they wanted to privatize Social Security to destroy the safety net under our most distinguished citizens.

This year, the President and Republican Party want to anesthetize the Middle Class, so they don't know Republicans want to amputate their financial security with a plan meant to benefit only the rich.

The One Percent Party created Health Savings Accounts because these are new tickets to an all expense-paid tax holiday for the wealthy. They get to save tens of thousands of dollars tax free. The Middle Class gets to watch.

It's like standing outside the window looking in, except we are standing in the middle of a country that is losing its Middle Class.

The nation's number one reason for personal bankruptcy is unpaid medical expenses, but the Republican Party of One Percent can't be bothered with providing every American access to affordable health care coverage.

Republicans have middle class Americans on their knees, and they are praying for change this November.

The Republican Party of One Percent can't respond to the other 99 percent of America.

When hurricanes destroy lives and property in the Gulf Coast, Republicans send condolences instead of competent leaders.

While more vulnerable American children and families fall into poverty, Republicans call for more tax holidays for the wealthy.

When distinguished Americans need help paying for prescription drugs, Republicans have drug companies write the legislation, and forbid the federal government from negotiating cheaper prices for distinguished Americans, every American 65 and older, like my Mom.

The Republican Party of one percent has done more to undermine America's financial security than any administration in history. The Republican Party of one percent uses the word security every chance it gets.

But our Ports are not secure, our environment is not secure, our financial future is not secure, our most vulnerable children are not secure, and America's Middle Class is anything but secure.

The Republican One Percent Party has spent the last five years concerned with only one thing—the top one percent of America.

Poverty is up.

Middle Class wages are down in real dollars.

Health care costs are up.

The number of Americans with health care coverage is down.

Every day, America's Middle Class hurts a little more, and every day the top one percent earn a lot more.

That's Republican math. Divide a nation into the very wealthy and nobody else.

That's the Republican Party of One Percent.

Not all of my Republican colleagues think this way, but they have to vote the way they're told by the White House.

Independence is another one percent illusion.

And that is precisely why the Republican One Percent Party has to receive a one-way ticket out of power this November. They're out of touch with 99 percent of America.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

H.R. 4808, THE UNFAIR CHINESE AUTOMOTIVE TARIFF EQUALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to submit in its entirety for the RECORD a letter from the United States Business and Industry Council at the conclusion of my remarks, but I will be reading from parts of this letter.

Mr. KILDEE and myself have introduced H.R. 4808, the Unfair Chinese Automobile Tariff Equalization Act. I am going to read several paragraphs from this letter that I will submit. It is a letter to me from Mr. Kevin Kearns, President of the United States Business and Industry Council.

"Dear Representative JONES: On behalf of the 1,500 U.S. companies comprising the U.S. Business and Industry Council, I am writing to express our strong support for H.R. 4808, the Unfair Chinese Automobile Tariff Equalization Act.

"Equalizing U.S. and Chinese tariffs on passenger cars, as the bill would require, is an important and greatly overdue step toward restoring equitable competition in both U.S.-China trade and global automobile trade. Such competition in turn is essential to restoring the health of the U.S.-owned automotive sector, which makes us such a large share of our economy and which has undergirded the American middle class for so many decades."

I am going to skip on with paragraphs, Mr. Speaker. Again, I have asked that this entire letter be submitted for the RECORD.

"In fact, according to the latest data available, imports have grabbed two-thirds of the domestic U.S. auto market in 2004, up from 50 percent just 7 years earlier. Small wonder that Ford and GM are downsizing as fast as they can.

"Much of the blame clearly falls on incompetent trade policies, many of course supported by Detroit itself in a triumph of shortsightedness. Presidents of both parties have signed numerous free trade agreements over the years. But despite the promises made to sell them to an increasingly skeptical public, they have manifestly failed to open foreign markets for U.S. producers, or even to limit predatory foreign commercial practices such as subsidizing, dumping, and exchange rate manipulation.

"In fact, the trade flows clearly shows that the main new accomplishments of these trade agreements have been to help U.S. and foreign-brand automakers alike supply the American market from low-wage export platforms like Mexico.

"As symbolized by the ludicrously unequal auto tariffs left in place by U.S. negotiators of China trade deals, U.S. policy on automotive trade with China is speeding down the same road and will likely produce the same results. The United States still runs a small trade surplus in autos with China, but since 2000, Chinese auto exports to the United States have outpaced the United States vehicle exports to China by a four-to-one ratio.

"The Unfair Chinese Automotive Tariff Equalization Act can begin reversing this process and help put the U.S.-owned auto industry and the domestic manufacturing base as a whole back on the path of high-wage growth not low-wage stagnation. And the time to pass it is now, before the Chinese export drive takes off."

Mr. Speaker, the close on this letter is, "We strongly urge prompt House and Senate passage, and we will do everything we can to help make it the law of the land."

Mr. Speaker, I also want to mention that the Chair of the caucus known as the House Automotive Caucus has urged Members of this House to support 4808 that is signed by Mr. KILDEE and Mr. UPTON, and we are asking just fairness in this trade issue. That is all we are asking, is that the Congress send a message to the trade negotiators that we in this Congress want our manufacturers and our workers to be treated fairly. That is all we are asking in 4808 is to send a message.

If we could get this bill to the floor of the House and pass this legislation, we would say to our trade negotiators that we need you, the trade negotiators, to make sure that we have fair trade as it relates to the American worker and the American manufacturers.

With that, Mr. Speaker, I want to thank you for this time, and I want to close by asking God to please bless our men and women in uniform, and to ask God to please bless the families and to ask God to please bless America.

UNITED STATES BUSINESS
AND INDUSTRY COUNCIL,
Washington, DC, Mar. 9, 2006.

Congressman WALTER JONES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JONES: On behalf of the 1,500 domestic U.S. companies comprising the U.S. Business and Industry Council, I am writing to express our strong support for H.R. 4808, The Unfair Chinese Automotive Tariff Equalization Act.

Equalizing U.S. and Chinese tariffs on passenger cars, as the bill would require, is an important and greatly overdue step toward restoring equitable competition in both U.S.-China trade and global automotive trade. Such competition in turn is essential to restoring the health of the U.S.-owned automotive sector, which makes up such a large share of our economy, and which has undergirded the American middle class for so many decades.

For many years, America's trade performance in passenger cars has been nothing less than disastrous. Despite the proliferation of foreign transplant factories throughout the country, the United States ran a $101.8 billion trade deficit in autos and light trucks in 2005. U.S. imports of these products last year, which totaled more than $126 billion, represented fully 84 percent of two-way global U.S. vehicle trade.

In fact, according to the latest data available, imports had grabbed two-thirds of the domestic U.S. auto market in 2004, up from 50 percent just seven years earlier. Small wonder that Ford and GM are downsizing as fast as they can.

Much of the blame clearly falls on incompetent trade policies (many, of course, supported by Detroit itself in a triumph of short-sightedness). Presidents of both parties have signed numerous free trade agreements over the years. But despite the promises made to sell them to an increasingly skeptical public, they have manifestly failed to open foreign markets for U.S. producers, or even to limit predatory foreign commercial practices such as subsidization, dumping, and exchange-rate manipulation.

In fact, the trade flows clearly show that the main new accomplishments of these trade agreements have been to help U.S.- and foreign-brand automakers alike supply the American market from low-wage export platforms like Mexico.

As symbolized by the ludicrously unequal auto tariffs left in place by U.S. negotiators of China trade deals, U.S. policy on automotive trade with China is speeding down the same road, and will likely produce the same results. The United States still runs a small trade surplus in autos with China. But since 2000, Chinese auto exports to the U.S. have outpaced U.S. vehicle exports to China by a four-to-one ratio.

Yet it is vital to realize that the development of China as an automotive export platform has only just begun. Vehicle makers from all over the world (Japan, Europe, the United States, and China itself) are building far more auto production capacity in the People's Republic than the Chinese market can possibly absorb. And since China desperately needs to create jobs to keep politically explosive unemployment in check, Beijing has no interest in preventing or even slowing this production glut. Indeed, to reduce joblessness, it has every interest in encouraging overproduction and exporting the surplus. The United States, the world's largest single national automotive market, and the most open major market by far, is the most promising destination.

Chinese auto makers, who frequently steal U.S. know-how outright or force their U.S. partners to transfer it, have already announced plans to sell hundreds of thousands of vehicles in the United States by 2012. And foreign auto makers in China (including U.S. multinational companies) will jump on the export bandwagon as well.

The bottom line is that, without dramatic changes in U.S. trade policy, China's inevitable emergence as an auto export power will either further undermine U.S.-owned, U.S.-based auto production, or it will permit such production to survive only on a greatly reduced scale, and with a dramatically lower pay structure.

The Unfair Chinese Automotive Tariff Equalization Act can begin reversing this process, and help put the U.S.-owned auto industry and the domestic manufacturing base as a whole back on the path of high-wage growth not low-wage stagnation. And the time to pass it is now, before the Chinese export drive takes off.

We strongly urge prompt House and Senate passage, and we will do everything we can to help make it the law of the land.

Sincerely,

KEVIN L. KEARNS,
President.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 376, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–405) on the resolution (H. Res. 766) providing for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–406) on the resolution (H. Res. 767) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

A DYNASTY IS BORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, for years, the University of Maryland Terrapin sports fans have advised our opponents that they should "fear the turtle." Well, tonight, in my opinion, we can alter that formulation somewhat. They should "revere the turtle."

Tonight, Mr. Speaker, I want to extend my congratulations to Coach Brenda Frese and her coaching staff and the University of Maryland Women's Basketball Team on winning the national championship last night with an exciting, nail-biting 78–75 victory in overtime over a talented, courageous Duke University team.

Mr. Speaker, there is a deep, longstanding rivalry between University of Maryland, my alma mater, and Duke University. But I think anyone watching that game last night, regardless of who they were cheering for, had to be unbelievably impressed by the athleticism, the teamwork, the sportsmanship, the determination shown by the women of both teams, the University of Maryland and Duke, two great universities.

□ 1930

Quite simply, this was college athletics at its finest, and I might say, at least in the second half for me, the most entertaining. Who could not be impressed by this awesome display of basketball fundamentals, from shooting, to passing, to rebounding, to sound team defense.

In their come-from-behind win, the Terrapins erased a 13-point second-half deficit. The largest deficit that had been overcome, except for a 14-point deficit, and the freshman guard, Kristi Toliver, hit a 3-point shot with 6.1 seconds left to play, and she hit that shot over an extraordinary center who plays for Duke who is 6 foot 7 fully extended, and she got that shot over her outstretched hand. Kristi is not lacking in confidence, you can tell.

Terp Marissa Coleman said, "We've played like this all year. Nothing gets to us. We never thought we were going to lose this game." That positive psychology led to victory.

The Terps win caps a tremendous 34–4 season and makes Maryland only the fourth university in America, and the gentleman from Connecticut is here, and Connecticut is one of those universities who has had both of its men's team win the national championship and its women's team win the national championship. They are two extraordinary programs, both the men and women in Connecticut. Stanford is one of those four, and then there are two ACC schools that fit that category, the University of North Carolina and the University of Maryland. Our men's team won the national championship just a few years ago in 2002.

The Lady Terps' championship quest was not paved with ease, however. Before reaching the final matchup with

Duke University, the team defeated Sacred Heart 91–80; St. John's, an outstanding program, 81–74; and defending national champion Baylor 82–63; Utah in overtime 75–65; then perennial powers North Carolina, 81–70. And lastly, for the national championship, the extraordinarily good Duke team.

Mr. Speaker, this was a consummate team win for the most unselfish of teams. In this championship game, for example, three Terps scored 16 points each. One scored 12 points, and another scored 10 points. In other words, all five starters were in double figures.

And, what makes this championship win even more impressive is that the Terps have no seniors on their team. They started two freshmen, two sophomores and one junior so we are going to be around for a little bit of time. The Lady Terps are extraordinary young women, proud today, as they will be tomorrow when I think we are visiting the White House. They are: Charmaine Carr; Marissa Coleman; Shay Doron; Laura Harper, who was voted the most outstanding player of the tournament among a lot of outstanding players; Crystal Langhorne, an All American; Kristi Marrone; Kalika France; Ashleigh Newman; Aurelie Noriez; Jade Perry; Angel Ross; Kristi Toliver and Sa'de Wiley-Gatewood.

The coaching staff, in addition to Head Coach Frese, includes Jeff Walz, Erica Floyd, Joanna Bernabei, and Director of Basketball Operations Mark Pearson.

Let me say that Head Coach Frese deserves extraordinary credit for turning the Maryland women's program around in just 4 short years she has been at Maryland. We got her from Minnesota. I know Minnesota is sorry to have lost her, but what a great gain for us. Brenda arrived in College Park in 2003 from the University of Minnesota after leading the Gophers to a 2–8 record in 2002 and being named the Associated Press National Coach of the Year.

In 2003, the Terps went 10–18 in a rebuilding year, and in both 2004 and 2005, just the next season, Brenda Frese saw her teams advance to the second round of the NCAA tournament with records of 18–13 and 22–10 respectively in those years.

Let me also note the extraordinary leadership and vision of the University of Maryland's athletic director, Debbie Yow, who recruited Brenda Frese to take the head coaching job.

My colleagues will be interested to know that some years ago one of the curmudgeons and one of the real characters, and I think one of the most popular Members of this body came up to me, the gentleman from North Carolina (Mr. COBLE) and he said to me, You are a friend of the President of the University of Maryland.

I said, Yes, I am.

He said, Well, you have considered a woman for Athletic Director. Her name is Debbie Yow. She is from North Carolina.

Now this curmudgeon does not always impress me as being a feminist, and I thought to myself if Howard Coble thinks this woman can be the Athletic Director, and I had never met her, but I knew she was an impressive lady.

The next day I picked up the phone and called the President of the College Park campus and said I don't know Debbie Yow, but I will tell you this, in North Carolina she has a Congressman who thinks she is absolutely one of the best talents around. I think we ought to hire her. Within a week we hired Debbie Yow to be our Athletic Director. Shortly thereafter she brought Ralph Friedgen to lead our football team, and he had three 10-win seasons back to back, although we have not done too well the last 2 years.

But in closing, let me say that we are extraordinarily proud of the Lady Terps. As the father of three women in particular, I am proud of the extraordinary talent displayed and the courage displayed and the athleticism displayed by not just the Maryland team but by all of the young women who played the NCAA tournament.

HONORING NANCY TEMPLE

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to proceed at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 5 minutes.

Mrs. MUSGRAVE. Mr. Speaker, today I rise to honor the memory of Nancy Temple. She was born September 20, 1959 to Milton and Pearl Tormohlen in Fort Morgan, Colorado. She was the only girl in a family of three and she was a delight to her family, especially her father.

Nancy was a tenacious spirit who had great love for the Lord. She was a dedicated member of her church and displayed a strong faith in the Lord and a strong commitment to her family. Nancy's commitment to family was manifested in everything she did. She was especially fond of children and treated all of them as if they were her own, and they all adored her.

Nancy taught Sunday school in her church and helped out in 4-H clubs and organized the After Prom and the After Graduation parties. She was a key leader in the booster club for both sports and academics at Fort Morgan High School. She worked at Pioneer Elementary School for almost 15 years, and was a leader in the teen parenting program. She received a scholarship to attend college for her involvement in the teen parenting program.

Her passion for life was often manifested in music. Nancy loved musicals, dancing and singing and she played the flute.

Nancy's activity in the community began during her time in Fort Morgan High School where she participated in the Morgan High Singers and the pompom squad. She also played volleyball, softball and later she continued to play in the city leagues.

She graduated from high school in 1977 with her classmate Keith Temple who would later become her loving husband. Keith Temple met Nancy Tormohlem while she was waiting tables at the Mouse's House in Brush, Colorado, and their first date was dinner at her brother's home. Keith and Nancy married on April 7, 1979. They would have been married for 27 years this year.

She loved all children and she was blessed to have two of her own. Tiffiny was born on June 10, 1983, and Becki was born November 5, 1985. She gained a son-in-law when Tiffiny married Matt Wulf, and on January 6, 2003, her grandson, Eric Alan Wulf was born. She was very close to her daughters and son-in-law and had a very special relationship with her little grandson. She brought a light into his life that will shine well beyond her time with him.

Nancy passed away unexpectedly on January 21, 2006. After she passed, members of the community recognized her commitment and honored her for it. Previously, in 2003, Nancy was one of the first recipients of the community's Crystal Apple Award. One of her students commented that she was "my second mom." Another young man serving in the Navy said "Nancy was the only one who kept in contact with me while I was out to sea."

Mr. Speaker, I applaud Nancy Temple's dedication to her community and I urge my colleagues to join me in recognizing the legacy she left behind. She touched the lives of many with her caring spirit. The world was a better place for having known her. We will always miss her dearly. We will always remember her zest for life, her loving heart and her inner and outer beauty. May God bless and comfort those who mourn her passing.

COMMUNICATION FROM EXECUTIVE ASSISTANT OF HON. THADDEUS McCOTTER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Lisa Subrize, Executive Assistant to the Honorable THADDEUS McCOTTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
April 5, 2006.

The Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

LISA SUBRIZE,
Executive Assistant.

THE DELPHI MYTH

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, a number of Members of Congress from the Democratic side have come together in a process known as an e-hearing where we have solicited from people across the country their concerns in particular about the auto industry, trade law, labor law and Delphi Corporation filing for bankruptcy.

This evening, a number of us will come before this House to make a presentation on behalf of people who participated in the e-hearing and to make clear the direction this country must go in with respect to our trade law, labor law and with respect to the Delphi case.

I want to begin by thanking the gentleman from California (Mr. GEORGE MILLER) who is the ranking member on our committee for his work in helping to organize this hearing, and hopefully he will be here himself to participate, but you will be hearing shortly from the gentleman from Ohio (Mr. RYAN) and the gentleman from New Jersey (Mr. HOLT) as well as other Members with respect to the results of our e-hearing.

Much of the talk surrounding the current crisis facing U.S. automakers revolves around the toll that wages, health insurance and pensions place on companies. A loss of these benefits would be a devastating blow for workers and their families. Consider what my constituent, Betty Payer of Parma, Ohio, said during our committee's recent e-hearing.

She said, "The way the auto industry is going affects us in so many different ways. If my husband was to lose his job, we would not be able to raise our children properly. I don't even know how we would be able to give them the proper education. We can barely afford to buy them clothes and get them the things they truly need the way it is. My oldest son is getting ready to turn 3 and he needs speech therapy and physical therapy the way it is. Without insurance, we would not be able to take him to those because we cannot afford to pay for them. He has to go once a week until they see an improvement in him."

That is from Betty Payer of Parma, Ohio.

But the discussion about the auto industry is not served when certain individuals mischaracterize the actual labor costs. There is a myth put forward by the CEO of Delphi about the overpaid auto workers. He is claiming that $65 per hour is a typical wage Delphi pays for blue color labor. The problem is Delphi doesn't pay $65 an hour. Rather, this figure is a creation of Delphi's media consultants and it lumps together all of Delphi's labor costs and payments to unemployed and retired workers, but falsely allocates them only to Delphi's much smaller workforce. That inflates the average labor cost.

□ 1945

Actual average wage for current Delphi workers is about $23 per hour. So whatever Delphi's financial problems, one thing that is not a cause is workers earning $65 per hour. And it is misleading of Delphi's CEO to say otherwise.

But bad faith characterizes the Delphi CEO. It was bad faith that he filed motions in bankruptcy court to break his labor contracts. Negotiations with the union had not reached an impasse. Rather, the opposite was true. GM and Delphi had just reached an agreement with the union on a Special Attrition Program. Don't you think that one agreement could lead to another?

If Delphi's CEO is notorious for his drive to beat down the wages and benefits workers have won through their unions and impose a wage scale that is more in line with that of China, then he has been greatly helped by the official policy of the United States, both in terms of trade law and labor law.

We have a trade policy that actually permits foreign based companies to export an infinite number of goods and services to the United States, with no expectation that goods and services made in the United States will find buyers overseas. So companies locate in low wage countries, such as China, and export without limit to the U.S. Predictably, the U.S. is, in turn, suffering from a record-sized widening trade deficit with China and the world. Our trade deficit is approaching $750 billion. Workers are threatened by plant closures, and plant owners can plausibly threaten they are going to move to Mexico where they can find lower wages, lower legal standards, and export to the U.S. what they used to manufacture in the U.S. What is needed is balance. There should be some kind of a balance between our imports and our exports. What we import from China, for example, should be roughly in line with the value of what we export to China. Our trade policies should be guided by what you could call a principle of reciprocity.

We also have a labor policy that enables foreign-owned companies to threaten and intimidate American workers when they try to organize themselves into unions. The leading foreign automakers have plants in the U.S., but they are all non union, thanks to the anti worker slant of U.S. law. That gives them an unfair advantage over the unionized American auto companies. Why do we tolerate giving Honda and Toyota such an advantage in our own country? If workers were allowed join unions, as they do in Canada, when a majority signed cards attesting that that is their wish, foreign auto companies would be less able to squash an organizing effort. Then GM and Toyota would be on a level playing field as far as labor costs were concerned.

Here in Congress, we cannot compel automakers to design cars people want to buy. We hope that they can find the people to design such vehicles. Clearly, the American automakers have made serious errors. Auto workers didn't make the errors because they are told what cars to make.

But we can make sure that the playing field is level so there is fair competition in the auto industry.

Our trade policy, Mr. Speaker, and I am speaking of NAFTA, CAFTA, WTO, for starters, has had a consistent effect. Know what that effect has been? To deindustrialize the United States. We are losing our industry, not because of the laws of nature or the invisible hand, but due to trade policy established here in Congress.

Our labor law is also responsible. American-owned companies are losing market share to foreign-owned transplants because of the viciously anti-worker environment this Congress has unfortunately established.

Mr. Speaker, I look forward to hearing my other colleagues about what we can do to protect American industry and American auto workers.

COMMEMORATING THE SECOND ANNIVERSARY OF THE CAPTURE OF SERGEANT KEITH MATTHEW "MATT" MAUPIN IN IRAQ

Mrs. SCHMIDT. Mr. Speaker, I would like to have Mr. MCHENRY's time, please.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today in special tribute to Sergeant Keith Matt Maupin, an Army reservist from Batavia, Ohio in my congressional district, who has been missing, captured in Iraq since April 9, 2004, 2 years ago this Sunday.

Matt Maupin's convoy came under attack by Iraqi insurgents, and he has been missing ever since. Matt went to Iraq because he believed in the freedom of the Iraqi people, and to make America a safer place. We are proud of him and his enormous commitment to the ideals of freedom and democracy.

I also represent Matt's parents, Keith and Carolyn Maupin. Keith is a veteran, and Matt's brother, Micah is a Marine. They are a tremendous family, and are an extraordinary example to all of us.

To support all families of the many brave servicemembers in harm's way, Keith and Carolyn Maupin lead a nonprofit organization called the Yellow Ribbon Support Network. Offering moral support, helping to raise morale and coordinating communication among families, the Network has literally sent thousands of packages to the military personnel overseas. As I am speaking here tonight, they are working back in Eastgate, Ohio, assembling packages for those brave men and women.

On this second anniversary, we honor Matt Maupin, Keith and Carolyn Maupin, Micah Maupin and the entire Maupin family, and offer our prayers for Matt's safe return home.

QUOTES FROM OHIO AUTO WORKERS

Mr. RYAN of Ohio. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, as Mr. KUCINICH said earlier, we are continuing our Delphi E-hearing here, which we are going to share with the House of Representatives and the American people, stories that have come from families who are being affected by the shake-up in the auto industry in the United States of America.

I come from a district in Northeast Ohio, Youngstown, Akron, Warren, home of the original Packard car, the original Packard Electric Company. I would like to share a few stories and make a few comments, Mr. Speaker, because today not only do we have a concentration of Delphi employees in my district, today the local General Motors plant that has been in Lordstown, Ohio since the late 1960s, there was an announcement that 1,200 third shift employees would no longer be working at that facility, and it is tragic news for many, many families. And so we want to bring attention to the United States Congress and to the American people about the communities that are being affected and how the policies here under the big dome aren't exactly addressing the needs.

Let me share with you, Mr. Speaker, a couple of stories from back home. This is a letter. First of all, thank you for letting me voice my opinion. I hope someone will actually read this. I was hired in at GM, Lordstown, in January of 1971, with the negotiated promise that if I came to work for General Motors, I could retire after 30 years of service. It was always said as GM goes, so goes the country. "And I challenge all of you to look back and think of when you were young and innocent. My God, what has happened to the USA? You have the chance to stop this injustice, this rape of the American worker in its tracks. I pray that God give you the courage and wisdom to do the right thing. And isn't that what it is all about, doing the right thing? God help us all."

That is Stephen P. Medici in Lordstown, Ohio.

This is William Ruppel in Cortland, Ohio. "I was in the infantry in Vietnam in 1968. After going to college for a while, I was hired at Delphi Packard Electric in September of 1973. After working there for a while, we agreed in one of our contracts to an attrition. For every three people who retired, the company only had to replace one. This was to help the company's costs and to afford a decent wage. Next came the movement to Mexico. The jobs would first come to us. We would work out the kinks, and then off to Mexico they would go.

Delphi, Packard Electric's 146,000 employees working for them outside the U.S. is just about exactly how many troops we have fighting in Iraq. Who is more important? Are these men and women who are supposedly fighting for democracy and fairness going to have their wages cut 60 percent, health care and pensions cut, or maybe have no job at all? I was in the infantry in Vietnam in 1968 and I support and sympathize with these brave people.

Do the rich ever get rich enough?"

"I just read where Delphi wants an extension on the reorganizations," said Charlie Stowe from Warren, Ohio. "This is not fair. I want a 30-year extension on my pension."

"With no support," this is Jean Wooler. "I have worked for Delphi Packard Electric for 38 years. It has allowed me to live a good middle class life and to raise my daughter with no support from her father. My daughter is now 21 and in college. I do not live lavishly. I have a 3-bedroom ranch and a nice car. I don't dress extravagantly. I live paycheck to paycheck as a single mother on the wages that I may make."

Mr. Speaker, in closing, let me just say that data has come out now that the Bush tax cut has lowered the tax burden on the richest people in this country. If you made $10 million a year in 2003, you got $1 million back, Mr. Speaker, from the Bush tax cut. And if your average income in this country was $26 million, you paid the same share in taxes as someone that made $200,000. We need changes, Mr. Speaker.

RECOGNIZING THE 75TH ANNIVERSARY OF THE TOWN OF GLADEWATER

Mr. GOHMERT. Mr. Speaker I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I rise today to recognize and celebrate the 75th anniversary of the town of Gladewater, Texas. Gladewater was incorporated on April 18, 1931. That was 11 days after oil was discovered 1 mile outside of town. With the discovery of oil, the town quickly experienced tremendous prosperity. During the 1930s people began to flock to the small East Texas town with the population swelling from 500 to 8,000 strong.

With the depletion of petroleum reserves in the 1980s, the town was forced to attract and develop alternative forms of commerce. Gladewater, once known for its oil production, is now regarded as the antique capitol, with over 250 antique dealers and 16 antique malls. As a result of the Main Street Project and the downtown revitalization, the charming downtown area is now bustling once again with economic activity. Tourists from all over the southeast have now made this small Texas town a travel destination because of its shopping and its many attractions.

Gladewater is a town of leaders with vision and workers with determination. From the nationally famous Gladewater Rodeo to the Fourth of July boat parade on its city lake, to its local merchants and citizens, Gladewater represents the best America has to offer. I congratulate the town of Gladewater on the remarkable first 75 years, with many more to come. It is a pleasure and an honor to be able to serve the citizens of Gladewater in the

United States House of Representatives and to have so many of its citizens that I can call my friend.

CRISIS FACING THE AUTOMOBILE INDUSTRY

Mr. HOLT. Mr. Speaker, I ask unanimous consent to claim Mr. DINGELL's time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I am pleased to join Mr. RYAN and Mr. KUCINICH in calling attention to the personal stories and the national hardship that is created by these plans to strip workers of their pensions.

Last December Representative MILLER conducted an on-line hearing so that General Motors and Delphi employees would have an opportunity to send to Congress their words about the meaning of these plans to strip them of their pensions and benefits. And the response was powerful.

Let me read from a few New Jersey constituents. Mr. Paluzzi from East Brunswick writes, "I have worked for GM Delphi for 34 years. And during the hiring process I was given a package of benefits that I was entitled to. This included a pension package that the company said they would control and have for me upon my retirement. As I worked for the company, and union contracts were renegotiated, the pension package was still included. Now it seems, Delphi wants to take back the pensions and the contracts that were signed in good faith, while I and thousands like me, worked to make huge profits for the company. I felt my pension and benefits were secure all those years that I worked here."

Mr. Lauder of Somerset New Jersey wrote, "I have lived in the same area all my life except for the 4 years I served my country in the U.S. Navy on a military leave of absence from GM. I have worked at this facility for 32 years, starting at age 18. The hazards of these plants are well known. The industrial atmosphere that we work in holds many perils, such as dangerous machinery, extreme temperatures, hazardous chemicals, asbestos, et cetera. We were not always aware of some of the hazards and the effect on our health, but over the years, the unions and more responsible government representatives fought for information and equipment to protect us.

These are the types of jobs the American blue collar workforce took to feed, clothe and educate our family in the hopes of creating a better world for them. The deal was that we would do our part to help the corporations rake in billions made off of our sweat and labor, and when our time was up we could look forward to a modest pension and medical benefits."

□ 2000

"A living wage was also part of the deal so we could better the lives of our children so they could grow into healthy, educated, and productive individuals, to be contributors and not burdens on our society.

"That used to be the 'American Way,' the basis for the betterment of our great country and the world. Now it seems the Robber Barons are back."

You can hear the pride and the patriotism that comes through in this testimony from these workers.

Writes another worker: "I've been on this job for 16 years and have been a loyal and dedicated employee from day one. Over the years there have been changes, but this kind of change is a harsh one to swallow. Delphi would like to take away our negotiated benefits and leave my family and me with nothing. I have a son who would like to start college next year. My wife and I have explained to him that this just may not happen right now because of the bankruptcy proceedings that are under way. Please imagine if this was the situation you were in, how would you feel and what would you do?"

Another, Mr. Hagopian from Somerset, New Jersey, writes: "This whole bankruptcy was planned. If you let this happen," the Delphi deal, "every other U.S. company will do the same thing . . ."

You can hear the pride and patriotism. It comes through so clearly. Now, I ask will those who engineer the plans to strip these workers of their pensions and their benefits ever understand what these men and women are going through?

A NEW BEGINNING FOR THE IRAQI PEOPLE

The SPEAKER pro tempore (Mr. WESTMORELAND). Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I want to salute tonight the brave men and women who are fighting in Iraq to bring democracy to the Middle East and hopefully help turn around nations, particularly Arab nations, that the U.N. has said when you add up the gross domestic product of all 22 Arab nations, their gross domestic product is smaller than Italy's. This is a U.N. report that pointed out that in the last 10 years these Arab nations collectively have had declining productivity and that they have not brought forward any inventions or innovations to contribute to world prosperity.

We are in Iraq to help the Iraqi people have a new beginning and hopefully change the face of the Middle East.

I have been to Iraq 11 times, and I have had good visits and I have had bad visits. I have had visits where I have had tremendous hope and then the recognition that we have made some mistakes. In April, 2003, there was tremendous hope. But then we proceeded, unfortunately, to disband their army, their police, and their border patrol, and that resulted in the requirement of American troops and British troops and very few coalition forces to defend 24 million people in a country the size of California.

So what I saw when I went back after April, 2003, when I went in August and then in December and then early in the spring of the next year, things were getting worse. But I began to see it turn around in June of 2004 as we transferred power to the Iraqis. A significant decision. It took it away from Defense and gave it to State Department, and State Department had a better sense of how to help this government, not how to fight the war.

The war is still being fought by our own troops. But as well, we started to train their police, their border patrol, and their army, and they have become very confident.

And what I then saw in 2005 were three elections in Iraq. I was there for the first one. I remember asking if I could stick my finger in that ink jar, and this Kuwaiti woman looked up at me and she said, No. She said, You are not an Iraqi.

That gave me a chill because she did not say I was not a Kurd. She was a Kurd. She said I was not an Iraqi.

And then what I saw was another election. I was there a week before, after now creating a government that was elected, creating a constitution and ratifying this constitution. This constitution was ratified with 79 percent favoring it, and then they proceeded to elect a government at the end of last year.

I can tell you why I know it was a success. The press did not talk about it. Seventy-six percent voted of 100 percent. In other words, of all adults, not the two-thirds that bothered to register, not 76 percent of two-thirds: 76 percent of all adults.

And now we have seen a very dicey moment. The Sunni insurgents are playing their trump card. Not their last straw, not their final gasp. They are playing their trump card, and they may succeed if the Shiias give in to sectarian violence. And we are trying to make them understand that they are the majority and they can run this country. Do not allow the Sunni insurgents to get them to do what would be the stupidist thing, to give in to the violence, to give in to a civil war, and then fail.

We are going to leave Iraq when the Iraqis ask us to leave or if they give up. If they give up to the sectarian violence, we will move our troops away from harm's way and we will take them out. But they are so close and they have done so much. I have met such brave Iraqi men and women.

Quickly, one Iraqi man, Al-Alusi, after the election he lost his two sons. His security had been taken away because he had gone to Israel, and he came to visit me later in 2005, and I said, You cannot go back. You are a marked man. You are a dead man walking.

He looked at me with some surprise and said, I have to go back. My country needs me.

Which is to introduce one point I would love to make: When I ask Iraqis what their biggest fear is, it is not the bombing. Their biggest fear is that you will leave us, that you will give us a taste of democracy and then you will leave us.

Let me just conclude by saying this: That very man who went back to Iraq is now an elected member of the assembly. He is a very brave man, and he is typical of the Iraqis who are grasping very hard to have a democracy and to have a better future.

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, it is budget week here in the U.S. House of Representatives, and sometimes we hear people say, Oh, no, I just dread it when we get around to talking about this budget. And then we will hear others say, I love to just really tackle this budget issue. I love looking at where we spend our money. And I kind of appreciate that attitude because we are the stewards of the taxpayers' money and it is our responsibility to be a good steward and to be diligent in the work we are going to do as we work on this budget and decide what should the priorities of our government be? What should be our concerns? Where should we be looking for ways to achieve a savings?

And over the past several months, actually over the past 3 years, we have come to the floor regularly to talk about waste, fraud, and abuse and find ways and point out ways and to continue to seek ways that we can achieve a savings for the American people.

And from time to time over the past few years, we have talked about lots of different reports. Many different reports from different government agencies, from the General Accounting Office, from some of our friends who are in the media that have pointed out programs that maybe have outlived their usefulness, programs that are wasting money, programs that cannot achieve a clean audit. And some of our colleagues, we have worked on ways that we can go in and investigate and highlight and look at what this drain is on our tax dollars. And we have House committees, certainly the Government Reform Committee, that continue to hold hearings. Oversight and investigations from our Energy and Commerce Committee are certainly looking at ways to achieve a savings and find ways to review how our agencies are spending their money.

We have clear data showing places where the Federal Government is bleeding funds. And the President's budget this year has included more than 100 programs that could and should be targeted, Mr. Speaker. So the target for spending reductions is clearly enormous. We have got 100 programs, 100, that we can look at through so many different agencies and so many different spots in the Federal Government. Now, certainly, out of 100 programs, we are going to be able to find a way to achieve a savings.

One of the interesting things is no matter what part of this country that you are in and no matter whose district that you are in, whether it is a Democrat or a Republican, there is consensus among the American people that we have a problem. Government does not have a revenue problem; government has a spending problem. Government does not have a revenue problem; government has a priority problem. It is time that we begin to fine tune our focus and decide what the priority of government ought to be.

The taxpayers pay far too much of their paycheck in taxes. They are tired of every time somebody comes up with a good idea, they say well let us just go raise the taxes. And, Mr. Speaker, I tell you what, if it were not for the leadership in this House, we would see those taxes going up. If our friends across the aisle had their way, they would be raising taxes, not cutting programs. That is not where we want to go. We know it is tough to eliminate waste.

I often quote Ronald Reagan, who is pretty close to my favorite President ever, I will have to say that, but one of my favorite remarks he ever made was that when you look at Federal programs, there is nothing so close to eternal life on Earth as a Federal Government program. When you get the thing, it is just the dickens to get rid of it. It is so tough to get rid of it, Mr. Speaker.

Sometimes in my townhall meetings in Tennessee, I will have constituents say, Why is it so tough to get rid of these programs? We see the waste. We know the waste is out there. Everybody knows these programs are wasting money. Why is it so difficult to call them into accountability? Why is it so difficult to get rid of these programs?

And to that, Mr. Speaker, I will have to say if you listen to our colleagues from across the aisle this morning when they gave their 1 minute speeches, then you can see why it is so very difficult for us to downsize this government. Those colleagues across the aisle, Democratic Members, Member after Member, came to the floor this morning, as they do on many days, and they decried our efforts to make reductions in Federal spending.

Mr. Speaker, we spend trillions of dollars to support all sorts of social spending programs; yet any reduction or even holding the line on spending, not increasing anything, just holding the line, all of a sudden it is called a "draconian cut." It is amazing how it works.

Most Americans do not get a massive salary increase every year. But we have colleagues that think if they are not giving every agency an increase every year, then they are getting a cut. It is the most incredible, most incredible, program that you have ever seen. If you do not get an increase, then you are getting a cut.

□ 2015

It does not work that way in real life, only in the bureaucracy. We have to look at this and see that it happens year after year after year.

You know, I don't think that asking the Federal Government to reduce its spending, I don't think asking bureaucrats to be accountable, I don't think asking agencies to be accountable and get clean audits and know where they are spending their money is evil. I don't think it is uncaring. But many of our colleagues across the aisle will come down here and demonize those of us who simply want the spending increases to stop.

I have talked a lot about the Great Society government that was created over 40 years of Democratic control of Congress, and I will have to tell you, yes, indeed, they built an enormous monument, a monument of spending to their party's vision of what government ought to be; a vision in which government solved society's ills and took care of every problem by spending more money.

Mr. Speaker, you and I know that that vision is a failure. We know it is an absolute failure. You don't solve problems, you don't solve problems, by throwing more money at them. Many times all you do is mask the problem. In the long run, you make it worse, because you are not addressing the causes of the problem.

The moveon.orgs of the world, the Democratic leadership, they don't want to admit this. They want to protect and expand their monumental government, this huge bureaucracy in this town, huge bureaucracy. So many of my constituents get frustrated with it. They want us to break it apart; to send the money, send the power back to our States and back to our local governments. They want to keep their paychecks in their pocket. They don't want the Federal Government to have first right of refusal on it.

They are a little bit confused many times, and understandably so, I think all of us are, of why the Democratic leadership wants to keep, why the liberal leadership wants to keep, a big, big, big bureaucracy in this town. But it is their party's creation. It is their legacy.

I am joined by some colleagues tonight who are going to share some of their thoughts on the great ideas that we can bring to the table to look at how we are spending the Federal Government's money. This party and this leadership is the one that is keeping the attention on spending less and reducing the size of the Federal Government.

Mr. HENSARLING is joining us tonight. He is a member of the Budget Committee, and he has had the Family Budget Protection Act. Mr. HENSARLING is going to open our conversation this evening and talk a little bit about the budget, the work that they have done in the Budget Committee, the process reforms that we are beginning to look at and move forward, and add to the discussion that we are going to have this week as we continue to work on our plan to yield savings for the American people and to reduce the size of the Federal Government.

With that, I yield to the gentleman from Texas.

Mr. HENSARLING. Well, I thank the gentlelady for yielding, and I especially appreciate her leadership in this body on issues of spending, on issues of budget and trying to protect the family budget from the Federal budget. Certainly she is one of the most powerful and articulate Members that we have, helping lead this charge.

Mr. Speaker, it is that time of year again for the United States House of Representatives to consider its budget. To some people, this is about kind of green eyeshade accounting. It is about numbers. Frankly, it is a lot more than that. It is about numbers. But, more important, Mr. Speaker, it is about values.

There are going to be a number of budgets that are going to be introduced by different caucuses, different groups. I myself have written a budget. But at the end of the day, I think, as usual, if history is our guide, this is going to come down to two budgets: The one that was passed by the House Budget Committee, and the Democrat alternative, and this body, and really the American people, are going to be faced with two very different choices that represent fundamentally two very different sets of values.

One budget, our budget, the Budget Committee, the House Republican budget, is going to value the family budget over the Federal budget, because every time somebody grows a Federal program, Mr. Speaker, it takes away from some family program.

Ours will be a budget that values more freedom. Theirs will be a budget that values more government. And we know, as one of our Founding Fathers, Thomas Jefferson, once said, that as government grows, liberty yields.

We want a budget about opportunity that empowers people to go out and use their God-given talents in this wonderful land that we call America, to be able to put food on their table, to put a roof over their head.

Now, many people will say this is the debate about how much we are going to spend on health care and how much are we going to spend on nutrition programs and how much are we going to spend on education programs. To some extent, it is a debate about those subjects.

But the Democrats only value government spending, only government spending. We, Mr. Speaker, value family spending. We want families to do the spending, not government, and we know the difference. So, there will be two very different sets of values that are present presented in this budget debate.

You are going to hear a lot of things in this budget debate. You are going to hear about which budget is the more compassionate of the two. Well, Mr. Speaker, they are going to present essentially a status quo budget, only worse.

Right now, we are facing a fork in the road. If we don't change things, we know that the great entitlement programs of Medicare and Medicaid and Social Security are growing way beyond our ability to pay for them.

The Democrats will present their vision, and they will claim they want to balance the budget, but yet all they want to do is increase spending.

Mr. Speaker, if that is true, if they want to balance the budget, if they want to increase spending, if they refuse to reform any programs, and, Mr. Speaker, we know, we know, we can get better health care, we can get better retirement security at a lower cost. That is a different debate for a different night. If they want to increase government spending, if they refuse any reforms, if they want to balance the budget, well, Mr. Speaker, the General Accounting Office, the Office of Management and Budget, the Congressional Budget Office, the liberal Brookings Institution, the conservative Heritage Foundation, anybody in America who has looked at this dynamic will tell you that we are on the road to double taxes on the American people if we follow their budget. Double taxes in one generation.

So that is something, Mr. Speaker, as the American people follow this debate, they have to look at quite carefully.

Now, you will also hear a lot about budget cuts. Well, recently I went to Webster's dictionary and looked up the word "cut." It actually means to reduce. That is what it means everywhere in America except Washington, D.C. In Washington, D.C., when we listen to the Democrats, it seems to mean something else. In Washington, D.C., what it means is some program is not growing quite as fast as a big government bureaucrat liberal wants it to grow.

Mr. Speaker, I know you are going to hear a lot about how somehow government spending has been cut over the last few years. Well, don't believe me. Go to the historic tables of the Office of Management and Budget. What you will discover is over the last decade, international affairs has grown by 89.1 percent; science, space and technology spending at the Federal level has grown 49.5 percent; natural resources and environmental spending at the Federal level has grown 43.8 percent; Federal agricultural spending has grown 118.1 percent; Federal transportation spending has grown 83.5 percent. The list goes on and on and on.

Mr. Speaker, over this same time period, guess what? Median family income grew by 33 percent and inflation grew by 25 percent. In other words, government, just over the last decade, just over the last decade, government has been growing far faster than family income.

We are growing the Federal budget way beyond the ability of the family budget to pay for it, and if all we wanted to do was keep government that we had 10 years ago, we would have grown it by inflation. We are growing it at twice the rate of inflation.

So, Mr. Speaker, when we start hearing all these accusations about cuts, we have to remember how America defines that term and how liberal big government Democrats define that term, and those are two very, very different things.

Mr. Speaker, something else you are going to hear as this debate ensues is nowhere in a $2.8 trillion Federal budget can we find any savings whatsoever for the American people. Well, Mr. Speaker, that is just absurd. Not only is it absurd, we have to find the savings. If we don't find the savings, again, we will either place massive debt on our children or they will be looking at a massive tax increase.

Recently, Mr. Speaker, the Federal Government could not account for $24.5 billion that it spent just a couple of years ago. It just kind of disappeared into thin air. Federal auditors who are currently examining all Federal programs have reported that 38 percent of them examined have failed to show any positive impact on the populations they serve. Thirty-eight percent are not meeting the stated goals of when Congress published them.

It wasn't that long ago that the Department of Defense wasted $100 million on unused flight tickets and never bothered to collect the refunds, even though the tickets were refundable. Mr. Speaker, if it is your money or it is my money, my best guess is we are going to go out and get that refund. But, you know, there is a truism, and that is we are never as careful with other people's money as we are with our own.

The Federal Government spends almost $25 billion annually on what is known as earmarks, pork projects, including the infamous bridge to nowhere, grants to the Rock & Roll Hall of Fame. Hey, I love rock & roll, but, you know what? The last I looked, it was a fairly profitable industry and probably didn't need subsidies from the Federal Government. We had the infamous $800,000 outhouse, the rain forest in Iowa, and the list goes on and on and on.

In the last year of the Clinton administration, the Department of Housing and Urban Development couldn't account for $3.3 billion in overpayments. Ten percent of their entire budget just disappeared. 10 percent of their budget. There is no family in America, there is no small business in America, that could just watch 10 percent of their revenues disappear and expect to survive.

We have the Conservation Reserve Program paying farmers $2 billion annually not to farm their land. We spend over $60 billion on corporate welfare versus a smaller amount on homeland security.

Mr. Speaker, I could go on all evening, but I have given you this list just to illustrate a handful of items where we could go out and we could find savings.

Again, Mr. Speaker, what is at stake here? What is at stake here is really the kind of America we are going to leave the next generation. Are we going to go with a budget that would take this Nation from $8 trillion in debt to, who knows, $11 trillion, $12 trillion? Or, if we are not going to go the debt route? Are we going to increase taxes on our children, double taxes?

The average American family is paying $20,000 a year combined in their Federal taxes. That is what we are paying. Are we going to expect our children to pay $40,000? How are they going to buy a first home or send a kid to college or buy that second car to get that parent to work? Is this the kind of America we want to leave our children?

Mr. Speaker, this is what this debate is all about. You are going to hear a lot about compassion, but, Mr. Speaker, I don't see any compassion in doubling taxes on our children. I see no compassion there whatsoever.

You are going to hear a lot again from the Democrats about how we have to increase this Federal program and that Federal program. I want to remind you, these are the people who voted against any tax relief whatsoever for American families and small businesses.

When we back in 2003 enacted tax relief for small businesses and families, guess what, Mr. Speaker? Five million new jobs were created. Yet the Democrats in their budget, what they want to do is, they believe that somehow paychecks are not about compassion, and yet welfare checks are. The compassion of our society should be defined by how many paychecks we create, how many opportunities there are for men and women to use their God-given talents and to go out and find good productive careers. That is how our budget is going to define compassion.

Their budget is going to define compassion by how much dependency they can create, what kind of labyrinth, what kind of tangled labyrinth of welfare can they make people more dependent upon. We want to empower people. We want to get people off of welfare and on to work so that they can have careers, so they can have opportunities, so they can have freedoms that previously they haven't been able to dream of.

☐ 2030

And those are the two different values that are going to be represented in this debate, Mr. Speaker.

Mrs. BLACKBURN. Mr. Speaker, the gentleman from Texas is so right when he talks about the compassion and what is the compassionate thing to do.

Mr. Speaker, in 1994, the Republicans swept in here and took control of this body and have been working ever since to turn this ship around and turn that corner so that we look at how we handled the Federal purse, how we handle the priorities of the Federal Government, how we shift that focus and move it away from saying, let us give government the money, and then task government to go solve all the ills to say, we believe this is government of the people, by the people, and for the people, and we believe the people can solve these problems. They can do it.

We know that most people feel when they see their taxes increase, when they see more of their money going to feed that bureaucracy, they know that their freedom has been cut.

Mr. Speaker, I am joined this evening by Dr. GINGREY, who is a member of the Rules Committee and is going to have a few comments on the budget. Certainly, he is a gentleman who knows of compassion and how we should be working with and for our Federal man.

Mr. Speaker, I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Tennessee. It is really an honor to be part of this hour discussion tonight with some of the most fiscally responsible Members of this body. My Republican colleagues on the Republican Study Committee, that you just heard from the gentleman from Texas, you will be hearing from others, the gentleman from New Jersey, the gentleman from North Carolina, the gentlewoman from Ohio. These are Members, Mr. Speaker, that get it. As Mr. HENSARLING just said, this is really not green eye shade stuff; this is about people and values, as he so well pointed out. It is about real needs as distinct from just wanting more, more, more.

Mr. Speaker, my dad told me one time when I was just a teenager, he said, "Somebody asked a very rich person one time, what would it take to make him happy?" And the answer was, "Just a little bit more." That is a problem that we have in trying to satisfy all of the wants and not necessarily just the real needs.

Mr. Speaker, my colleagues here tonight and on this side of the aisle are committed to restoring some fiscal sanity to this place, and I commend Mr. HENSARLING in particular. I have told him in private that he is our modern day William Proxmire of the 109th, and indeed, the 108th Congress as we came in together in regarding to ferreting out waste, fraud, and abuse in this Federal Government. In fact, that was our class project that the gentlewoman from Tennessee and myself and others in the 108th class were determined to do, and that is what we are doing.

Mr. Speaker, we have talked about the other side and what they want to do and their plans. The tax cuts of 2001 and 2003 is an example of what they did not do. They voted no for those tax cuts. They said we cannot do that. That is going to, according to the Congressional Budget Office, when you do this static scoring, we are going to cut taxes, we are going to cut rates for everybody that pay taxes. We are going to lower capital gains, we are going to lower the tax on dividends, which indeed is a double taxation.

We are going to get rid of the marriage tax penalty. We are going to increase child tax credit from $600 to $1,000 per child. We are going to finally stomp dead the death tax. As Steve Forbes once said, there should be no taxation without respiration.

We did these things, and the opposition said, well, that is going to cost $1.3 trillion over 10 years. Mr. Speaker, you know, I know, my colleagues know, I hope the American people know that it did not cost us any money. We gained revenue, something like $250 billion over 10 years. That is what happened in 1960 under Democratic President Kennedy; it happened in 1980 under my colleague's favorite, maybe all-time favorite President Reagan. We cut taxes, we raised revenue, and it works. The opposition, they not only oppose that, but they also opposed health care reform, Medicare modernization, Prescription Drug

Act. They said that is going to cost $750 billion over 10 years. But of course, actually, their plan, if we had done what they wanted us to do, would have probably cost $3 trillion over 10 years.

Mr. Speaker, the fact is, it was only going to cost that money if it did not work. And what we are finding today, as we are getting closer and closer to that deadline of May 15, the 6-month opportunity for seniors to take that option and sign up for prescription drug benefit, we are reaching our goal. We are beyond our goal. Seniors are saying, members of my own family, my mom, my brother, constituents in my district saying, "Thank you, Congressman. We are saving money." I have had people spending $900 a month who found out they qualified for the low income supplement and now are spending $27 a month, they are saving $900 a month.

We wanted to do Social Security reform to give individuals an opportunity to have an individual personal account. What does the other side do? They fight that. They are the party of no, of negative.

But these are the things that this majority and particularly the Members here tonight, Mr. Speaker, are determined to do for the American people: To reform government, to save money, to let people put that money back into the family budget, as Mr. HENSARLING has pushed so hard for.

This budget that we are going to vote on, this 2007 budget is a very fiscally sound, responsible budget. It virtually freezes nondefense discretionary spending at the 2006 level. Again, the other side will say, well, you are taking money away from the school children, you are taking money away from Head Start, you are taking money away from social welfare programs. Not at all, Mr. Speaker. All we are doing is putting a cap on discretionary spending, and then we are saying to the appropriators: You decide where that money needs to be spent. You decide whether cuts really need to be made and whether plus-ups need to be made. And that is the responsible way to do it.

In conclusion I want to say, too, to the chairman of the Budget Committee, the gentleman from Iowa (Mr. NUSSLE) and the great job that he has done and his willingness to include in this 2007 budget a rainy day fund. This is something that all of the Members here tonight who are speaking during this hour have been calling for and for a number of years saying, look, we know every year that we are going to have a hurricane, we are going to have a natural disaster.

It may not be every year, but all of a sudden you go a couple of years and then you have a Katrina. So we need to fund this based on a 10-year average of how much we spend on a natural disaster and emergency. So this is in the budget, $4 billion for each of the next 5 years. I think that is absolutely responsible.

In addition to that, we are going to come forward with a line item veto. The President needs it, the Congress wants it, and we are going to get that done. We are also going to have the earmark reforms that Congressman FLAKE has called for shine the light of day on those earmarks, some of which are very good and should be included in the budget; and last but not least, of course, a sunset commission.

Mr. Speaker, as I say, it is an honor. I know we want to hear from our other colleagues on this issue. But I commend the gentlewoman from Tennessee for her continued work on fiscal responsibility and putting together this hour tonight and giving us a chance to weigh in on it.

Mrs. BLACKBURN. I thank the gentleman from Georgia, and I appreciate so much that he calls our attention to some of the issues that are at hand.

Mr. Speaker, for any of our colleagues who are looking for more information on the House budget, they can go to the Web site gop.gov, and pull down the House Budget Resolution fact sheet.

Here is some interesting information on it, and it goes back to what Mr. HENSARLING was talking about on the budget. It is a $2.7 trillion budget authority. One of the things that is so important in this is when you look at the discretionary, it is a 3.6 percent increase over what we had in fiscal year 2006. We did some interesting things here, and Chairman NUSSLE is to be commended for this. We have a $50 billion placeholder in here for our war effort cost.

We have money for Katrina or for emergencies such as Katrina. Then we go in and we look at our discretionary spending, a near freeze in nonsecurity discretionary spending. A near freeze. Quite amazing, is not it, when you think about the growth that year after year after year took place. And I would encourage the individuals that are listening to this over TV tonight to call their legislators. Call us. Let us know what we think. We love to hear from you.

We have another Budget Committee member, and leader who is with us tonight, the gentleman from New Jersey (Mr. GARRETT), who is going to have a few things to say, and then we are going to invite some of our other colleagues in.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentlelady for this opportunity. I applaud her for being here not only tonight, but on so many nights when you bring these important issues to the American public. I will be brief, and I just want to go back to one of your very first comments that you made as you began this night's program.

You started out by saying, "I do not know whether people who are listening here tonight are going to be interested on this debate on the budget or whether they are not. Some people are going to be interested, other people are not."

I think the debate that we have here in Congress when it comes down to the Federal budget in reality is absolutely no different than the debate that goes around the kitchen table in the families across America, once, twice, three times a month with regard to the family budget. That is really all we are doing here, is we are just one large family, the American family and the American family budget.

You know, back at home right now, as I say, once or twice a month, people probably sit down as I do with the household checkbook, and you sit there with a stack of bills on the one side and you write out the checks to pay for them, whether it is the electric bill or the gas bill or other utility bills, the rent or the mortgage or other expenses that you have, maybe some more luxurious items, going out to eat or buying videos or other luxuries, a new car or what have you. And, at the end of it, at the end of that evening as you write out that check, you hope that you are able to write out that last check and that there was money in your checking account to pay for all those necessary and extra bills. But if there was not, if at the end of it you look at it and you say, "Gee, there just is not enough money going around this month," what does the American family have to do with their budget? What they have to do is set priorities, set boundaries, set parameters, set a limit as to what they are able to do next month in their budget.

This is nothing different than what the Founding Fathers of this country said. Madison said in Federalist Number 45 that: The powers of the Federal Government are few and limited, but the powers of the States and the people are numerous and indefinite.

For that reason, we come to the Budget Committee and the budget process here in the Federal level realizing that those are limits on us and what we have to do so that we can protect the American family budget.

So I applaud you for doing what needs to be done here, and we can discuss later today and at other times, what are those priorities, and what are those waste, fraud, and abuse, as Mr. HENSARLING has addressed in the past, that we must do to cut out so we put more priorities back into the family budget.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from New Jersey for his thoughts. He is such a thoughtful member of our Republican Conference, and a thoughtful and studious member of the Budget Committee, and the ideas that he brings forth are very important to us, because that is what we bring. ideas. How are we going to work through this process of reducing what the Federal Government spends? How are we going to work through the process of being certain that Federal agencies are called into accountability for how they spend your money?

□ 2045

This is not the government's money. It is the taxpayers' money, and we need to remember that every single day.

A gentleman who does a great job of reminding us that it is the taxpayers' money is the gentleman from North Carolina (Mr. MCHENRY), and at this time I yield to Mr. MCHENRY.

Mr. MCHENRY. Mr. Speaker, thank you. I certainly appreciate your leadership and support on these budget issue. They are so important to every working family in America and so vital to the debate we are going to have tomorrow and on Friday on the Federal budget here in Washington, D.C.

I also want to commend my colleagues Mr. GINGREY. Mr. GARRETT and Mr. HENSARLING. who I have worked extensively with on budget issues, and I am so happy that Congresswoman SCHMIDT joined us as well.

I think it is important that we let the American people know how we are spending their money and what this debate here in Washington, D.C., on our Federal budget means to average Americans.

The Democrats in the left wing represented here often times in loud ways. but represented here in this body, will scream that Republicans are cutting too much, they are hurting people. They scream, they yell and it is just all about emotion with them, and when you get down to what we are doing as Republicans, as conservatives, as the majority in this House, you see that we are just trying to reform government so it more efficiently provides services for people.

I know the American people would understand, Mr. Speaker, and see that there are programs out there that are no longer fulfilling their purpose or their mission. There are government bureaucrats who are not working as we need them to work. We have useless bureaucracies here in Washington, D.C., that in the name of big government continue to grow and prosper, all the while siphoning off money from every American, every American family.

What we are saying is conservatives have to look at those programs, and if they are not providing a service, if we have empty buildings, that perhaps we need to sell those empty buildings and gain revenue for the Treasury so we do not have to raid the American taxpayers' treasuries and the working families' treasuries.

As conservatives, we understand that this is the American people's money, that it is not, as some in the left would say, the government's money. No, it is the American taxpayers' money, and we need to be diligent on how we spend our tax money, your tax money, my tax money here in Washington, D.C.

I am so happy that we are going to begin this debate because I think the American people will see the more fiscal party is the Republican Party, and I think they will understand the leadership we are trying to provide to change the direction of the ship of state, and in order to change the direction of a ship, you cannot turn on a dime. We are talking about a $2.7 trillion budget, so enormous, but if we can just change the direction ever so slightly, it will have an impact over time, and that is what we are trying to begin now, Mr. Speaker.

I want to commend my colleague Congresswoman BLACKBURN from Tennessee for leading this debate, this colloquy here on the floor, and I think she, of everyone here in the House, has been so outspoken in talking about what this means to the taxpayers.

When she goes back to Tennessee, they do not know MARSHA BLACKBURN as the Congresswoman. They know MARSHA BLACKBURN as the leader of fighting taxes in Tennessee, of stopping that income tax that they wanted to put in place in Tennessee just a few years ago, and she is bringing that same leadership here to say, wait a second, let us look at our fiscal house because if we spend recklessly, they are going to tax recklessly, and that means that every American, instead of paying for their children's books, paying for their children's college, providing for their families, their perhaps retired parents or their children coming up, buying a new car or actually owning a home, that they will have to only pay their tax bill instead of doing those things.

So we need to look at how we spend money because that is directly tied to how we take money from the taxpayers. I appreciate your leadership.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from North Carolina, and as he said, it is so important that we keep the attention on both sides of this ledger, that we hone that focus and just target it, what we are taking in and what we are spending.

When we go back and we look at the 2003 tax cuts, we know that 91 million Americans saw a tax reduction of about $1,100. That is real money. We also know that when government takes more of that paycheck, that the individuals are not making choices, that the government is making choices, and that is where we see a decrease in our freedom.

The gentleman is so correct. It is the debate of ideas and putting new ideas on the table that is so very important, and we are joined, as you mentioned, by the gentlewoman from Ohio (Mrs. SCHMIDT), who has a few thoughts to offer on the line item veto and some of the ideas that are being offered for our budget process, and I yield to the gentlewoman.

Mrs. SCHMIDT. Mr. Speaker, I thank the gentlewoman from Tennessee. I appreciate the opportunity to talk tonight, Mr. Speaker, about an important tool that would I believe help eliminate wasteful spending.

When I was first elected to Congress last August, I pledged to be a fiscal conservative for the residents of the 2nd District of Ohio. Taking a fiscally disciplined approach to government has always been one of my top priorities as an elected official. I am committed, as my colleagues on this side of the aisle are, to seeking out and supporting common-sense measures that promote fiscal responsibility and curb government spending.

That is why I cosponsored and strongly support the Line Item Veto Act of 2006, which the President recently sent to Congress. The line item veto would be a useful tool designed to reduce the budget deficit, improve accountability and ensure that taxpayer dollars are spent wisely.

Many people are surprised to learn that the President currently has no power to remove wasteful or unnecessary spending in appropriations bills or other pieces of legislation that are presented to him. Oftentimes, provisions are slipped into a larger spending bill that never gets discussed or debated. The result is more spending in the Federal budget.

The Legislative Line Item Veto Act would allow the President the authority to line out unjustified spending items, eliminate new entitlement spending from larger legislation, and return the bill to Congress for consideration. The Congress, us, would then have 10 days to vote on each and every proposed cut.

I am proud to say this is a bipartisan issue. Leaders and Members of the Republican and Democratic side of this aisle, in both the House and the Senate, have supported this approach in the past. They have. In fact, in 1996, the Congress gave the President a line-item veto but the Supreme Court struck down that version of the law in 1998 because the Court felt that the act gave the President too much power to change the text of enacted statutes.

But this Line Item Veto Act does not raise those constitutional issues because the President's rescission proposals must be approved by a majority in Congress and signed into law. So we do have congressional oversight.

Forty-three governments, including my own in Ohio, have the line-item veto to reduce spending, and I believe now is the time to give the President of the United States a similar tool to help control spending in the Federal budget.

The line Item Veto Act is not about giving the President more power or taking power away from Members of

Congress. This legislation is about ensuring that hard-earned taxpayer dollars are spent more wisely, and that is our mission, is it not, to spend the taxpayer dollars more wisely, more efficiently, more prudently.

While I do believe that this legislation will go a long way toward identifying and eliminating waste in government, I caution this body to realize this is not the only solution. This is one of many, and I am committed to working with my colleagues in Congress on both sides of the aisle to seek out other ways to promote fiscal responsibility and curb spending.

Thank you, and I commend my good colleague from Tennessee for taking on this issue and all the Members that are here.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman, and it is so true. We are to spend wisely, and this week, as we look at this year's budget, there are some things that you will hear us talking, some themes that will bear themselves out as we talk about this budget this week. As I said, you can go to the Budget Committee Web site, through house.gov or go to gop.gov, our colleagues can, and get more information on the budget.

We are going to talk about strength and how we look at strength and security in this budget. We look at defense, homeland security, national security. We are going to talk about spending control, the issue that we have talked about tonight, how we work on waste, fraud and abuse, how we seek that savings and continue to seek that savings for the American people and how we continue to push for reform, so that government avails itself of every possible efficiency, every possible efficiency that is out there to be certain that the taxpayer is receiving the best buy for their dollar.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding.

When we talk about the Federal budget, sometimes the numbers are just so large that it goes out of our sphere of understanding, as I was referencing before our conversation with regard to the family budget and the dollars that they spend there, but at the end of the day the issue has really come down to the exact same thing, and that is, are you taking in as much money, income, your paycheck, what have you, through Federal tax revenues as you are paying out at the end of the day? Do you have a balanced budget? Do you have a paycheck?

That is a problem for the American family. This is a problem for the States, as well as the gentlewoman knows I come from the great State of New Jersey, and people from New Jersey know right now our State is having a difficult time with the State budget. Other people are looking in and they realize we are having a difficult time with the State budget. We have a new Governor who is trying to deal with this issue. As a matter of fact, in the State of New Jersey, we are looking at a $6 billion shortfall in revenue coming in. What that means is that we have less money coming in than is going out at the end of the day for the State treasurer when he writes out his checkbook at the end of each day.

But what the State of New Jersey has to do now, of course, is the same thing as the family budget. That is, they have to set priorities, boundaries or limits, but so, too, does the Federal Government.

The Federal Government is basically on some of the items that you have already raised. We have to decide what are the priorities of the Federal Government.

I think one major word that you described for almost all of them is security: homeland security, economic security.

In the area of homeland security, if you look at the budget that came out of the Budget Committee that I serve on, we are planning to spend a 3.8 percent increase in homeland security to make sure that Americans at home feel more secure, that our borders are secure, that the Department of Homeland Security and the people that work for them have adequate money in order to get the job done.

Another area, of course, for us in the area of security is defense. We want to make sure that we are able to protect our Nation, protect the freedoms and the liberties that our Fore Fathers have fought and other generations have fought since that time. For that reason, in this budget, we will be seeing a 7 percent increase in defense.

Veterans, of course, is another area that this budget does not skimp on at all, and I think the gentleman from Texas gave some of the numbers before as far as the policy and the goals of this administration and of this Republican Congress to make sure that our veterans are adequately taken care of and protected.

So this budget does continue what this Republican Congress has done in the past. It sets out what the appropriate priorities have got to be for this Congress and for this Nation, and once we establish those priorities, we can establish our spending.

Mrs. BLACKBURN. Mr. Speaker, the gentleman talked about priorities and where the priorities are in this budget. I think that is one of things that our colleagues will want to watch over the next couple of the days because over the past decade, we saw discretionary spending increase by an average of 7 percent each year. What we have done in last year's budget and this budget is to come to a near freeze in nonsecurity discretionary spending.

□ 2100

And that is so important, because that points to the priorities that you have mentioned and the gentleman from Texas has mentioned and the gentleman from North Carolina has mentioned.

Mr. GARRETT of New Jersey. And if the gentlewoman will yield. After anyone, a State or a family or the Federal Government sets its priorities, the second half of the equation then must be what are the items that don't rise to that level of a significant priority? Where are those areas, again as Mr. HENSARLING referred to that we can begin to say maybe we should not be spending all the money that we have been in the past. And I would humbly suggest a couple that I would at least suggest that may not be the top priorities.

Some of the areas where we could see some savings, for example, the Great Ape Conservation program, the Rhinoceros and Tiger Conservation program, the African Elephant Conservation program. Certain areas and important issues, I am sure, but when you compare them against making sure our veterans have the TRICARE services they need, I would say they pale in comparison.

How about the exchanges with Historic Whaling and Trading Partners program, or the Native Hawaiian Vocational Educational program, or the Native Hawaii Health Care program, for that matter.

Mrs. BLACKBURN. If the gentleman will yield, earlier we talked about our colleagues across the aisle and this morning how they were bemoaning the fact that we were going to freeze spending or reduce spending, or if they weren't going to get everything they wanted, then it is considered a cut. Now that is government speak, as the gentleman from Texas said. That is government speak. It is not really a cut.

But we have to realize that every single time, every single time we start to make reductions in what the Federal Government spends, there are some who try to keep us from doing that. And their answer is always, we need more money. Government can't afford that cut. Government can't afford that tax reduction.

And as you said, it is so important that we differentiate between this.

Mr. McHENRY. If the gentlewoman will yield, and I thank Congresswoman BLACKBURN.

This is one of the things they always say on the other side, if you cut taxes, you are going to cut revenue to the government. Now, that is absolutely misunderstood. Because as we know, the Bush tax cuts have fueled the economy and government returns, tax returns, the money sent to government because people are working, those things have gone through the roof. And

I will yield to the gentleman if he has something to add to that.

Mr. GARRETT of New Jersey. If the gentleman has yielded.

Mr. MCHENRY. Absolutely.

Mr. GARRETT of New Jersey. Normally, the press and the media would say that if you had unemployment under 6 percent that you are doing good. We have seen because of the actions of this Republican Congress in cutting the taxes and returning the money to the family budget, as opposed to keeping it here in Washington for the Federal budget, we now see unemployment in this Nation around 4.7 percent.

Normally, the press and the national media would say if you have growth in the economy of around 2 percent that you would be doing good. Well, we, of course, know that because of those tax cuts that you referenced just a moment ago, we have seen the growth in the economy of over 3 percent for the last 11 straight quarters. So it is because of this pro-growth economic policy you just set forth that we are seeing the economy grow.

And by having a strong national economy, obviously it is helping the revenue stream on this side and obviously it also affects the family budget.

Mr. MCHENRY. If the gentleman will yield.

Mr. GARRETT of New Jersey. I yield back.

Mr. MCHENRY. This is one of the great discussions of the day. If you cut taxes does government get less in income or taxation? What we have seen through the tax cuts is it is a pro-growth policy. We allow people to keep more of what they earn, therefore they can actually provide for their child. They can go out this time of year and buy shorts and T-shirts and tennis shoes for the kids.

Mrs. BLACKBURN. If the gentleman can yield for just a second.

Mr. MCHENRY. Absolutely.

Mrs. BLACKBURN. I want to yield to the gentleman from Texas, because I think it is important for us to bring the deficit back into this. We are allowing the taxpayer to keep more of their paycheck, and the tax reductions in 2001 and 2003 certainly have done that. The gentleman from Texas can talk for a moment about the deficit and how we are speeding along and reducing that deficit faster than we had originally thought that we were because of the growth in taxes and because of the changes we have made in budgeting.

Mr. HENSARLING. Again, I thank the gentlewoman for yielding. It is a very important point that we are going to have in this debate. Number one, there is no doubt that our colleagues on the other side of the aisle will be talking about tax cuts are bad; we can't have any more tax cuts.

Well, first, Mr. Speaker, nobody is talking today about any more tax cuts. Unfortunately, in this very odd budget process we have in Washington, tax relief is temporary and spending is forever. The only thing we are trying to do, Mr. Speaker, is make sure that the American people don't have a huge automatic tax increase brought about by the Democrats.

They will tell you, my Lord, if we allow the American people, if we allow small businesses to keep more of what they earn, that is going to cost government. Well, number one, Mr. Speaker, it is not the government's money, it is the people's money.

Second of all, we have given tax relief to American families and small businesses. And, guess what? The deficit starts to come down. Revenues are up. Again, don't take my word for it, go to the United States Treasury and here is what they will tell you. We cut marginal rates in 2003. We helped small businesses. We helped families. We cut tax rates. And guess what? We ended up with more tax revenue. More tax revenue.

Individual tax receipts were up 14.6 percent. Corporate tax receipts were up 47 percent. A huge boon of revenue. That brings the deficit down because people are going out and they are saving and they are working and they are rolling up their sleeves and they are building new businesses. In just this year, in the first few months of this fiscal year, corporate tax receipts are up 29.6 percent. Again, don't take my word for it, go to the U.S. Treasury.

Mr. GARRETT of New Jersey. Will the gentleman yield?

Mr. HENSARLING. I would be glad to yield to my friend from New Jersey.

Mr. GARRETT of New Jersey. Just for a quick point. I don't normally do this, but I would reference you to The New York Times and today's edition, because they verify that too. You can't go by what their headlines say, because their headline is a little misleading. But they did an article in the business section in The New York Times today saying who benefitted from the tax cuts that this Republican-led GOP Congress and this administration passed. And if you get beyond the headlines and you dig down into the weeds, even The New York Times admits that the benefits to them are to the middle class and the lower class, as opposed to the higher incomes, as the other side would argue.

Mrs. BLACKBURN. If the gentlemen will yield. As we wrap up our hour, I want to bring it right back to where we started, talking about the compassionate thing to do is to let the American taxpayer keep their paycheck, be certain that they have first right of refusal on that paycheck and not the Federal Government.

I also want to encourage our constituents to talk to us and our colleagues, to talk to our constituents so that we are certain that everyone understands our goal as the majority party here in this House is to be certain that we preserve individual freedom, that we preserve hope and opportunity, and that we allow the American taxpayer to keep control of their paycheck. And that as stewards of the taxpayers' money, that we are good and accountable stewards.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. As you know, those of us that are in the 30-Something Working Group come to the floor if not nightly, every other day to share not only with the Members but the American people about what is happening here, what is really happening here under the Capitol dome.

Unfortunately, many times we have to share bad news, but at other times we share very good news, the good news of saying there could possibly be a brighter future. Either one of two ways, Mr. Speaker, either the Republican majority says, hey, we want to work with the Democrats in a bipartisan way on issues such as national security, education, tax reform, issues that we can all rally around, health care for American workers, making sure that American companies wouldn't have to do what they did in Congressman TIM RYAN's district when the third shift showed up for work and they said there will no longer be a third shift. That is a problem, and that is something that we have to work on in a bipartisan way.

Or, Mr. Speaker, the American people can make the decision that they are willing to go with a Democratic House of Representatives and a Democratic Senate to move us in the direction of working together on behalf of all Americans.

First, we have to deal with the issue of incompetence, we have to deal with the issue of corruption, we have to deal with the issue of cronyism in many areas, and we have to deal with the issue of governance. And I think it is very, very important as we outline a number of these issues here tonight and also pepper it with Democratic proposals that we will hopefully be able to turn the tide in many of these areas.

Mr. DELAHUNT, my good friend from Massachusetts, and my good friend from New Jersey, and we are going to have another good friend from Ohio, and a gentlelady from Florida, and we may have some folks from Texas come in tonight, because we said last night, Mr. Speaker, that this is almost not fair. Some would believe that we just make up this information, that happens to be fact. And it is sad that it is fact.

If I was looking at this as some sort of political reason why we come to the floor to share what we believe the situation may be, it would be one thing, but we come to the floor and pull the CONGRESSIONAL RECORD. We come to the floor to talk about a vote that just took place yesterday. We come to the floor with fresh statements from Members of the Republican, former members of the Republican Caucus, and also a past Speaker that gave birth to the Republican majority, making statements to the press of saying, listen, as an American, I have to say something. Not as a Republican. I have to say something. When you are the Speaker, you are the leader.

Mr. DELAHUNT. Mr. MEEK, if the gentleman would yield.

Mr. MEEK of Florida. I would certainly yield.

Mr. DELAHUNT. I think you are talking about Newt Gingrich, who was the father, if you will, of the Gingrich revolution back in 1994. And, in fact, my friend and classmate, because we came in together into the House of Representatives back in January of 1997, STEVE ROTHMAN, we were here when Newt Gingrich presided over this House.

Both STEVE and I can attest that this was a man who was partisan, very conservative, and when you hear him saying, and this is as recent as this past Friday, "they," and by "they," he is referring to the Republican majority in this House, "they are seen by the country as being in charge of a government that can't function."

Mr. ROTHMAN. Can I first say a couple of things? I want to first thank Congressman MEEK and yourself, my dear friend Congressman DELAHUNT. We started out in Congress 9½ years ago. We are delighted to welcome this very bright young man who is now a veteran Congressman.

I represent, I suppose, the 50-somethings. I know, BILL, you are probably still 30-something. But I have been watching you young people, and Ms. WASSERMAN SCHULTZ and others, and I have always been jumping up at my television saying, gee, I wish I had the time to add my voice. Well, something happened yesterday, gentlemen, and Mr. Speaker, that so outraged me that I had to come to the floor to speak about it.

Actually, it was this past week. We had the commissioner of the IRS, Mr. Everson, before us. He announced that he was going to, according to the President's policy, in order to collect some taxes that were acknowledged to be due by the taxpayers, the IRS is now going to hire private collection firms to collect the taxes of United States citizens.

It gets worse. Private tax collecting firms collecting taxes due by United States citizens to the IRS are going to charge up to 25 percent commission. A 25 percent commission. So for every dollar they collect from the taxpayer, they are going to keep 25 cents.

Now, what is interesting is, I asked certain questions and I discovered that a Federal employee in the Internal Revenue Service who collects taxes, their overhead is about 5 cents on the dollar. Five cents on the dollar. The private collection agencies are going to get 25 cents on the dollar.

So I asked the Commissioner of the Internal Revenue Service, I said, Mr. Commissioner, why are you giving away taxpayer money? Federal employees to collect taxes costs 5 cents on the dollar, you are giving 25 cents on the dollar to a private firm to collect these taxes. Why are you giving away 20 cents of our money?

□ 2115

He said, Well, you know, the President doesn't like big government and so we are going to privatize it, in essence he was saying. We are going to give it to the private sector so we do not have it on our books that we are paying people to collect taxes.

I said, Wait a minute, the bottom line is you are wasting money, am I correct, sir?

And he said, Yes, we are.

I said, Wouldn't it make sense, Mr. Commissioner of the IRS, and by the way, we have been carrying hundreds of billions of dollars of receivables from taxpayers who didn't pay their taxes on our books for decades. So if we hired some Federal employees to add to the IRS to collect taxes, they would have plenty of work for their whole career. Isn't this a waste of money, Mr. Commissioner?

And he said, Yes.

I said, Isn't there one other element that you find frightening, to have a private company handling the private details of a taxpayers' basic and most important financial documents? Doesn't that concern you, sir?

He said, Yes, actually it does, and he pointed to some effort in New Jersey where they tried to do it and it was rife with some corruption and he was concerned about it and they were going to take steps.

I said you are worried about corruption and you are worried about the violation of the citizens' privacy by hiring these private tax collection firms, and you are going to lose 20 cents on the dollar because it costs 25 cents for these firms versus 5 cents for the IRS employee and you are wasting tens of millions of taxpayer money, and he had no answer.

Mr. DELAHUNT. Let me thank you for asking those questions. And as you explained it, I was thinking that you found something rare, and that is somebody in this administration who gave you a straight answer.

Mr. ROTHMAN. I got another one today.

Mr. DELAHUNT. And an honest answer, by the way.

Mr. ROTHMAN. It was an honest answer, and I thanked him for that. He said that it was wasteful, and he said that is the budget that the President gave me.

My subcommittee had a hearing today and we had the Secretary of the Treasury in front of us, Mr. Snow. I said Mr. Secretary, a lot of people say that tax cuts that go to the richest people in the country, people making over a million dollars a year, but if you added up all of the tax cuts, people say that we get money back from the tax cuts and it fills up the government coffers far beyond what we cut in terms of taxes to the rich.

Another honest answer, he said, Congressman ROTHMAN, for every dollar we cut in taxes, we only get back to the Federal treasury about 30 or 40 cents. For every dollar we cut in taxes, we only get back 30 or 40 cents.

I said, Wait a minute, what about the supply side notion and all this talk about the economic growth generating revenues?

He said, Well, that is the consensus of opinion, that for every dollar of taxes cut, we only get back 30 or 40 cents.

I said, Wait a minute, we are losing money every time we do a tax cut and then you tell veterans in this budget, the Bush budget, veterans have to pay more for their health care and poor people have to pay more for their prescription drugs. A family who wants to send their child to college has to pay another $2,000 or $3,000 a year. There is money for nothing but tax cuts.

He said, Oh, by the way, that deficit that we have, the largest deficit in the history of the United States, the one we have today under this Republican majority and this President, one-third of the deficit said Treasury Secretary Snow today, one-third of the deficit is directly related to the tax cuts.

Mr. DELAHUNT. Another honest, straight answer.

Mr. RYAN of Ohio. We have to talk to this guy. I just want to make a point because I am for tax cuts if they go to the right people, if they go to the middle class.

I couldn't believe we had other people citing this, but today in the New York Times an analysis finally came out that talked about the 2003 tax cut. What this says is that among taxpayers with incomes greater than $10 million annually, their investment tax bill, just for the investments that they made, was reduced by $500,000 so they got $500,000 back, less in taxes, and total savings for someone who made $10 million a year was $1 million from the Bush tax cuts and the Republican bobble-head Congress who said yes, Mr. President, deficits do not matter. We can borrow from foreign countries to foot the bill for this.

We don't have money to give a guy or woman who makes $10 million a year, we do not have the money to give them a million dollars back. We had to go out and borrow that million dollars.

Mr. ROTHMAN. Here is another interesting statistic. By the way, working people need tax cuts. They need incentives to save and incentives to work even harder than they already do, if that is possible.

But people who make over $400,000 a year, people who make over $400,000 a year, God bless them, this is a fact that we in America have to deal with in order to decide is the Republican majority and is the President or are each of them making the right policy judgments. People make tax cuts for people making over $400,000 a year.

This year if you add up just those tax cuts, it will be a greater sum than all that we spend on homeland security. And yet the majority and this administration says we can only afford to inspect 5 percent of the containers coming into America, even though in Hong Kong they inspect 100 percent of the containers. This is the priority of this administration.

By the way, I asked Secretary Snow, I said, because he was very proud that perhaps tax cuts helped get us out of the recession that was very shallow. I said, Mr. Secretary, the recession is long over. It has been over for 3 years or more. So why do we continue to give tax cuts to the wealthiest people in the country, accounting for a third of our deficit and when we tell working people and veterans and school kids we do not have money for you, in fact we are going to cut your budgets and keep those tax cuts.

Mr. RYAN of Ohio. I just want to point this out. This is publicly held debt. Tax cuts are given to a fellow, a woman who makes $10 million a year giving a million dollars back in taxes. We do not have it so what do we do, we go out and borrow it. This is the publicly held debt by China. It had quadrupled under President Bush. In 2000 it was $62 billion. In 2005 it was $257 billion. We are borrowing money from the Chinese to give a person in America who makes $10 million a year $1 million in a tax cut.

Now somebody come down here and explain how that is a good thing for our country because the money that they get, that $1 million, they are not investing it in Delphi stock. They are not investing it in General Motors stock, they are not investing it into the United States of America. They are investing it in China.

Mr. MEEK of Florida. Mr. Speaker, I would like to have Mr. RYAN please tell us the phone call that you got, what happened in your district today to the workers?

Mr. RYAN of Ohio. About 6:30, 7:00 this morning my e-mail goes off. I pick it up. The third shift at a General Motors plant that I have in Lordstown, Ohio, the third shift is being eliminated, and 1,200 United Auto workers, nothing is official, but the third shift is being eliminated and 1,200 people will be out of work. Those are average people in the United States of America that are making $60,000 or $70,000 a year, paying taxes and trying to send their kids to school and we are giving a person who makes $10 million a year a $1 million tax cut. That makes no sense to anybody except the Republican majority.

Mr. MEEK of Florida. Mr. Speaker, I thank Mr. RYAN.

This is something to be very concerned about. We started at the top of the hour, and I am glad the Ms. WASSERMAN SCHULTZ has also joined us.

The bottom line is that Mr. ROTHMAN is 110 percent right. What they say on the Republican side, especially here in this Chamber and in this city and what the White House says, I am going to tell you, I am not talking about anybody, but I am just talking about what I am talking about. You hear one thing and there is another.

You got an answer out of the IRS official that came before your committee. You got an answer out of Secretary Snow, and you got to nail them to the wall to get the answer because the administration said this is the direction we are going to go, we are going to write it in the budget; and Mr. Secretary, you will do as you are told.

Secretary Snow, the Secretary of the United States Treasury Department, appointed by the President and confirmed by the Senate, he is a great American and I appreciate his service. But he has to do his job. He did not only send one letter that said we had to raise the debt ceiling or we are going to run out of money on the eve of Near Year's eve, December 29th, 2005, he came back into the office while the rest of us were baking cookies and celebrating religious holidays back home with the family, to say we are going to run out of money because the Republican Congress has passed policies, Mr. Speaker, that cannot hold water and it is going to run us into a fiscal nightmare.

Not only did he write that letter, he turned around again when the Congress did not act, February 16, same letter. Hey, things are really getting bad, you all, we have to do something. Please help us. We have to do something about this debt ceiling.

March 6, and these are the Republican rubber stamps here, but on March 6 he writes again in almost desperation. Please, raise the debt ceiling. He begged the Congress to do it. Here is the gentleman who is in charge of what we do.

Now what Mr. RYAN was sharing with us a little earlier was the fact that when you have Members come to the floor and say Mr. Speaker, or what have you, or Members, we are fiscally responsible, our tax cuts are working for the American people. What Mr. RYAN was saying, and I am going to take it home a little further, tax cuts for whom? What, we are going to borrow money from another country, Mr. ROTHMAN, Ms. WASSERMAN SCHULTZ, Mr. Speaker, we are going to borrow money from another country to give millionaires a tax break here in this country? I am sorry, and it has been done by this Republican majority. Guess what, it is history in all the wrong way. In 4 years, and here is the President, here is the Republican Congress.

Mr. ROTHMAN. Mr. Speaker, if the gentleman would yield, not only is the gentleman absolutely correct that this is what this President and the Republican majority have done for 5½ years, they want to make this policy permanent. They want to make it permanent. Permanent tax cuts for individuals making over a million dollars a year. Permanent tax cuts for people making over $400,000 a year, the sum of which is greater than all we spend on homeland security, and they want to make it permanent. If we vote against it, you know what they say, there they go again, the Democrats want to raise taxes. We do not want to raise taxes, we want sensible fiscal policy that does not give us the biggest deficit in the history of the United States and does not give the people making millions of dollars a year a million dollar tax cut.

□ 2130

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. ROTHMAN. Yes, of course.

Ms. WASSERMAN SCHULTZ. Do you know what else we want as Democrats? We just want the Congress to do what American families all across this country do. They only pay for what they have money to pay for. They pay as they go. Now, there are a lot of families, unfortunately in this country that get themselves into trouble. They run up debt on their credit cards. They end up spending a lifetime hand wringing over how much debt they have because they have paid for luxuries on credit that they didn't have revenue in their household coming in to cover. That is what we are doing here. And there is no end in sight.

Mr. MEEK of Florida. Will the gentlewoman yield for a second?

Ms. WASSERMAN SCHULTZ. Yes, be happy to yield.

Mr. MEEK of Florida. I am just going to close out on this and then I am going to back up, because I know that Congressman DELAHUNT, sir, you were very reserved last night. We were limited to 50 minutes. I just want you to be able to share, because I know you are ready to come out of the locker room on some of this stuff, and I think it is important that we hear from you this evening.

But I want to make sure, Ms. Wasserman Schultz, that we break this down, because we don't want any Members to go back home and say, you know, I didn't quite understand that at the time I voted for it. I want to make sure that their constituents know exactly what is going on.

And the bottom line is that we are borrowing from foreign nations more than we have ever borrowed in the history of the republic, Mr. Speaker, in the history of the United States Congress.

You heard it. They want to make it permanent. It is not what we are saying. That is what the majority is saying. 1.05 trillion in 4 years. That is what the Republican Congress and the President has done, more than 42 presidents, and was only able to borrow 1.01 trillion over 224 years. 224 years. And I don't even need to get into what happened in the 224 years.

Who are we borrowing from? Well, let's just look at it. I am not going to pull this off because it came apart last night. It is just so much here.

Look at Japan, Mr. Speaker. Japan. We owe Japan. While folks are running around here defending people that are making $10 million a year, that they may very well have to pay their fair share for homeland security and all of that as it relates to the tax cut that this majority wants to make permanent. Japan, $882.8 billion of American apple pie. It pains me to stand here and hold this poster like this. I am glad it's not my creation. I am glad I voted against all of this debt that we have given foreign nations.

Mr. DELAHUNT. If the gentleman would just yield for a minute.

Mr. MEEK of Florida. I would just yield for a minute, but please allow me to get through this.

Mr. DELAHUNT. 30 seconds. I will let you get back to it. But you know what? I am just looking at that, Japan at $680 billion. Japan is actually subsidizing partially that tax cut, or that tax refund for the extremely wealthy in this country. I mean, that is where that money is going. I wonder if that extremely wealthy taxpayer might consider taking that tax refund in yen?

Mr. RYAN of Ohio. Just save the transactional cost.

Mr. DELAHUNT. Because the way we are going, we are going to bankrupt this United States of America.

Mr. ROTHMAN. Will the gentleman yield? I have a statistic you won't believe. I happen to serve on the House Appropriations Committee.

Mr. MEEK of Florida. Yes, sir.

Mr. ROTHMAN. And we were only inspecting 5 percent of the containers. That was the Republican majority's policy. They were in charge. They made the rule. The majority rules, and they won.

We said in the House Appropriations Committee, we said to our colleagues, our Republican friends, if we cut $5,000 from the 80 or $100,000 tax cut, 80 or $100,000 tax cut, depending how much money these folks make, if we just take 5,000 from the 80,000 we are sending them, we could triple the number of containers we inspect from 5 percent to 15 percent.

And do you know what every single one of my Republican colleague on the House Appropriations Committee did? They voted against it.

And I went to them and I said hey, man, what are you doing? I have nothing against people who are worth a fortune. This isn't class warfare. Do you want to give it to them, or do you want to spend it on inspecting our containers coming into the port? And they said, we are story, Steve. This was the President's directive.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. ROTHMAN. Yes.

Ms. WASSERMAN SCHULTZ. Because I want to illuminate what you just said because actually, we put our action where our words are, because it is not just that we said that we should drop those tax cuts by just a little bit and make sure we could fund port security. Here is the third party validation that we always talk about.

On June 18, 2004, there was an amendment by Representative Dave Obey, who is the ranking member on the Appropriations Committee that Mr. Rothman sits on. He offered an amendment to increase port and container security by $400 million. Republicans refused to allow consideration of that amendment.

October 7, 2004 an amendment offered by Representatives Obey and Sabo and Senator Byrd that would have increased funding to enhance port security by $150 million. Republicans defeated this amendment along party lines.

September 29, 2005, just last fall, there was an amendment which Representatives Obey, Sabo and Senator Byrd, again, to increase funding for port and container security by $300 million; all of these proposing to drop the tax cut for the wealthiest Americans by just a small amount of money. The House Conferees, led by the Republicans, defeated this amendment along party lines.

And March 2, 2006, Republicans blocked an effort by Democrats to bring the King-Thompson Dubai port deal bill to the floor, which would have expedited procedures to ensure a congressional vote on the Dubai port deal bill sponsored by a Republican and a Democrat. And Republicans voted against that 197-216. So who is for port security?

Mr. ROTHMAN. By the way, the incomes of the people who were going to have their tax cut reduced by 5,000 were only individuals whose annual income was $1 million or more. And we said, can we take 5,000 from the 80 or 100 or 150,000 they are going to get in tax cuts, take 5,000 to increase our port inspection of our containers. And every Republican said no. Mr. Speaker, that is the priority of this Republican majority and this President.

Mr. DELAHUNT. You know, if I can interject for a moment, your point is well made. And I think the American people have to realize that these statistics that they are hearing tonight are accurate. That New York Times piece that we were referring to earlier, it goes on to say that because of these recent tax cuts, even the merely rich, even those that are very rich, making hundreds of thousands of dollars a year, and I am reading from that piece, are falling behind the very, very wealthiest. In other words, what we are doing, we are creating a super rich elite in this country.

There was another New York Times story that came across my desk. And for those that are listening to our conversation this evening, I would refer them to an article that appeared in the New York Times on January 29 of this year. Corporate wealth share rises for top income Americans. In 2003, and this is the most recent data, the top 1 percent of households owned 57½ percent of corporate wealth in this country. That was up from 53.4 percent the year before. This top group, this 1 percent, in 1991 had 38.7 percent. In other words, this 1 percent is doing so well that they are leaving everybody behind. The top 1 percent is gaining so much money and corporate wealth in this Nation that the other 99 percent have experienced a decline in their share of the wealth of America.

Mr. ROTHMAN. Will the gentleman yield?

Mr. DELAHUNT. Sure.

Mr. ROTHMAN. You know, some people will say, oh, there the Democrats go again, class warfare. There they go again, class warfare. Nonsense. We love rich people. We love poor people. We love middle class people. We love Americans. This is about the choices that America is going to make with their tax dollars.

What should we do with the tax dollars that people send to Washington? Should we give them, by the way, the recession is over. We are in the start of the fourth year of the war in Iraq. We are still paying for Katrina and Hurricane Rita.

With all of these problems and the recession over 3 years ago, is this the time not only to continue these tax cuts that benefit the wealthiest people making over $400,000 a year, millions of dollars a year? Or should we, in fact, pay off some of the debt, spend down the deficit, pay for college for kids.

Mr. DELAHUNT. How about restraining spending?

Mr. ROTHMAN. And remember this, not only has this been the policy that has put us in the largest deficit in the history of the country, the Republican majority and the President want to make this policy permanent. They want to make their tax cuts for the rich permanent.

They will claim we are against wealthy people. Class warfare. Nonsense. We want the money that we send to Washington spent wisely and not given away.

Ms. WASSERMAN SCHULTZ. It is important to note that this is a matter of priorities. What is sad, and I am the least senior among the five of us, and what I have found the most sad since joining the Congress and joining you all last year, is how far astray we have come from when President Clinton was in office.

When President Clinton was in office and I was in my state legislature in Florida, what I watched Congress debate was what we were going to spend the surplus on. Were we going to use the surplus that we had at that time to shore up Social Security? Were we going to shore up Medicare? We didn't have a deficit. We had a surplus.

And Mr. MEEK, I think it would be a good idea for you to get back to really describing the scope of the foreign debt that we have here, because we got you mid map. But we really need to make sure that people understand the stark contrast between what we were able to debate during the Clinton administration and what we are forced to debate now. So I yield to the gentleman.

Mr. MEEK of Florida. And if we could, Ms. WASSERMAN SCHULTZ, I am going to go through this, because it was really to drive home a point that Mr. RYAN was making. And then Mr. RYAN was going to share that chart there, because I think these visual aids are needed at this particular time, because we have some Members that don't necessarily, I mean, I just don't want the American people to be hoodwinked. Some may say bamboozled. We say here in Washington, D.C., you know, to get the Potomac 2-step on folks saying they didn't quite understanding what they were doing while they were making history here in the United States of America of allowing these countries to own, Mr. Speaker, own a part of the American apple pie.

I am just, once again, going to mention Japan. We stopped there. But I think we could move across the country, okay? I think we can. $692.8 billion. Japan has bought our debt.

Again, this Republican Congress is saying we want to make tax cuts permanent to billionaires and we want to give subsidies to companies that come in number one in profits this year, and that is one industry, which is the oil industry.

China, $249.8 billion. They bought up our debt. That means that they have given us money to spend in a way as though we are spending our own money. We owe them this money.

America will be forever changed. But if you want to do away with allowing these countries to cover our States because of the debt that we owe them, then you can elect a Democratic Congress. I am going to slide this over a little bit.

The U.K, United Kingdom, $223.2 billion that they own of our debt.

Now, you have got to remember. This is a 4-year deal. This is the Bush policies and the Congress, the Republican majority that have voted time after time to back the President up on this. They have even lost the former speaker, Mr. Speaker, of the House, Newt Gingrich. And we need to read his quote to the Knight Ridder newspapers that cover this Nation.

Caribbean nations. Many of you will be spending time there, vacation time there. It is important. It is important that people understand that they own $115.3 billion of our debt.

Taiwan. You go in your room, unfortunately many of the toys there that your kids and grandkids may have may have Taiwan on it. We owe them $71.33 billion that they have bought of our debt.

Canada, just north of us. We owe them $53.8 billion of our debt.

□ 2145

We will take them off there. Korea, $66.5 billion we owe Korea because this Congress has said that we have to give subsidies to industry because they wanted it and that is something that we need to get back to. I do not blame industry. I blame the Republican Congress.

Germany, $65.7 billion we owe Germany. OPEC nations, Saudi Arabia, Iraq, Iran, Iran, we owe them $67.8 billion of the American apple pie.

Now, before I yield to you, Mr. RYAN, I just want to say it is almost like I bust through the door at home and say, Hey, let us go on a European vacation. We are living from paycheck to paycheck, but let us go because I am going to put it all on the credit card. As a matter of fact, in this case our credit cards are maxed out, but I am going to sign one of those little letters that come into the house that say just sign here, automatic country. That is what we are going to use to vacation on. Everyone is happy, jumping up and down, but guess what. The bill is coming in in 30 days.

And soon folks, Mr. Speaker, are going to start calling the House, and they are not going to call and say, "May I speak to Mr. MEEK." They are going to say, "I want to speak to KENDRICK," because they disrespect you when you owe them. Too many men and women laid down their lives and that are bleeding now, getting sand in their teeth for us to have the right to salute one flag, and I will be doggone if we stand here like it is just regular business here in Congress and allow this Republican majority to go without anyone checking them on this. But it is not just us. We have even got Republicans coming out, folks over there are talking about spending, that we are responsible, that we are good spenders. Yes, you are great spenders and borrowers at the same time. And so when you come to the floor, majority, and start talking about fiscal responsibility, just because you say it does not necessarily mean it is happening. I want you to come to this floor, grab these charts here that are sitting right over here in the corner, and explain what is good about them because these are your policies.

So, Mr. RYAN, what you were mentioning earlier, I just want to drive this point home because when folks start talking about "we want to make sure the American people keep their money," well, we want to make sure the American people keep their money. But who are the people? Is it the $10 million annual salary individual? Is it the individual sitting over there at some company that is getting a bonus at the same time they are telling their third shift that there will no longer be a third shift?

So the real issue here is whose side are we on? Whose side is the Republican majority on? And from what I am seeing of the polls, Ms. WASSERMAN SCHULTZ, when I am hearing prominent Republicans saying "because we are Americans first," put that party stuff aside just for a moment and look at Democrats, Republicans, Independents, Green Party, nonvoters, they are all concerned about what is happening in this country. And I am going to tell you right now the Republican majority, and it is not what I am saying but what they are saying, cannot govern. We are ready to govern.

Mr. RYAN, I yield to you, sir.

Mr. RYAN of Ohio. I appreciate that, and I wish the Republican majority would start putting the country before their own political interests. It seems that time and time again they have chosen the loyalty to their own party.

We have got a nice third party validator here. The former Republican Director of the Congressional Budget Office, who was talking about the borrow and spend Republican Congress, he said. Budgeting is about making choices, and this period the Bush presidency and Republican Congress is one that shows a complete absence of that.

They do not have to make any choices. Why? You get the credit card out. But let us take your analogy one step further. You have got the credit card. You are going to Europe, but you are living paycheck to paycheck. Who ultimately suffers in that little family scenario there? The kids. Because there will not be money for education. There will not be money for the health care bill, and they will become a burden on the rest of society. All the way down the line the ripple effect goes.

And as Mr. MEEK and Ms. WASSERMAN SCHULTZ were saying earlier, this is what they are doing. They have increased the debt limit in the United States by $3 trillion, trillion with a big fat "t." In June of 2002, May of 2003, November of 2004, March of 2006, total over $3 trillion, this Congress raised the debt ceiling that would allow the Secretary of Treasury to go out and borrow money from all the countries that Mr. MEEK showed. Time and time and time again.

I just want to reiterate the point that Ms. WASSERMAN SCHULTZ made, and that point is this: The Democrats, whether it is port security or pay-as-you-go, time and time again we tried to restrain, pull in this Republican Congress, get yourselves under control.

And I know, Mr. ROTHMAN, you were probably in the committee when these amendments were being offered time and time again by Mr. OBEY, not once but twice, by Mr. SPRATT and the Budget Committee, by Charlie Stenholm when he was here. The Democratic Party was trying to say if you are going to raise the debt limit, you had better put some restraints on the runaway spending that these Republicans have gotten into a very bad habit of doing over the past 4 or 5 years. This is ridiculous. We are sacrificing the future of the United States of America, selling it off piece by piece, diminishing opportunity for our kids and our grandkids, and at the same time just spending money like it does not matter. Let us be responsible in the United States Congress, Mr. MEEK. Mr. Speaker, let us be responsible here. We have a solemn oath that we swear to when we come into this Congress. One of the great honors is to be in this Chamber. Only 10,000 people have actually served in this body. Let us take the responsibility seriously.

And one final point, like Mr. MEEK said, we have a responsibility. And people may grumble when we walk by them in the hall, and they may look at us a little cross eyed because we come down here every night, but we have an obligation to the American people. And if we have got to crack a few eggs to make an omelet, then so be it. And I have a lot of respect for the people on the other side of the aisle, and many of them are our friends, but we have legitimate differences here.

And I would say this to my friends, Mr. Speaker: You have borrowed $3 trillion from foreign interests, raised the debt ceiling, cut funding for education, and you gave tax cuts to people who make $10 million a year. You have given them $1 million back. Do you expect us to sit up in our office and go to the little refrigerator and get out a Diet Dr. Pepper and a bag of Cheetos and just sit there and watch VH–1 in our office? No, we are not going to do it. We are going to keep coming down here until the American people get the message.

Ms. WASSERMAN SCHULTZ. And that is because we did not come here to just sit idly by and not express the outrage that our constituents communicate to us when we go home.

The chart that you had up there a minute ago, Mr. RYAN, the one with the blue background that says "Borrow and spend Republican Congress," that really says it all because what Mr. ROTHMAN said earlier is that our critics, Democratic critics, like to throw around that Democrats are supportive of class warfare, and I am not going to repeat their message. I am going to make sure that we get across like we do every single night here in the 30-Something Working Group that what is going on here in Washington is a borrow and spend Republican Congress. And it is not true just because we are here on the floor of the United States House of Representatives saying it is true. We have third-party validators that say it is true.

USA Today on Monday, April 3, 2006, headline: "Growth in Federal Spending Unchecked." The borrow and spend Republican Congress. A USA Today editorial on February 21 of this year, the title of it was "Who's Spending Big Now? The party of 'small government.'"

"Tax cuts, they say, force hard decisions and restrain reckless spending. The last time we looked, though, Republicans controlled both Congress and the White House. They are the spenders. In fact, since they took control in 2001, they have increased spending by an average of nearly 7.5 percent a year, more than double the rate in the last 5 years of Clinton-era budgets."

Now, what we talk about on this floor every night is the difference between words and actions. They can say that they are the party of small government and more personal responsibility and the claptrap that they like to throw around that are just words.

Mr. ROTHMAN. Will the gentleman yield?

Mr. MEEK. I yield to the gentleman from New Jersey.

Mr. ROTHMAN. It is important for people to understand that this majority came in saying that we needed to balance the budget and that is why the American people should elect a Republican majority. When I was the mayor of my hometown 25 years ago, a little city in New Jersey, we had to balance the budget every year. And we did. We left them with a surplus, but at least balance the budget. And they said, well, let us make a constitutional amendment. And we said, Why are you amending the Constitution? You are in the majority. Balance the budget. You have the majority. Balance the budget.

So in terms of third-party validation, Mr. Speaker, the American people know that the Republican Party has been in power, in the majority, in the House and the Senate for about 5½ years, with President Bush as our President for 5½ years. And we have the greatest deficits in history. We are projected to have deficits for the next 15, 20 years with no end in sight, with budget cuts to education, health care, veterans, college loans, the environment, clean air, clean water. Cut, cut, cut, cut everything, except tax cuts for the wealthiest. And, again, I do not want to harp on that because tax cuts for the working people are important. But is this the time to continue that policy ad infinitum and make them permanent? I do not think so.

Ms. WASSERMAN SCHULTZ. What you are pointing out is there are consequences to the fiscal recklessness. That is what I have observed for the last 15 months. It is just fiscal recklessness.

The most glaring consequence is right here in front of us with what Mr. RYAN talked about that happened in a town in his district. Twelve hundred jobs gone. Seven point two million Americans today remain unemployed with an additional 4.2 million who want a job but who are not counted among the unemployed. Since this President took office, the economy has posted only 15 months of job gains that have 150,000 or more. That is just the number of jobs that we need to keep up with population growth.

But the most telling, which is the one that is evidenced by what happened in the town in your district, Mr. RYAN, is that there are now 1.3 million more unemployed private sector workers than in January, 2001. The long-term unemployment rate, people who are unemployed for more than 26 weeks, has nearly doubled since that time. And the manufacturing jobs that we have lost literally have reached 2.9 million since 2001.

There are day-to-day policy implications that affect people's lives that result from the fiscal recklessness. There are consequences. The Republican economic disaster is hurting real people.

Mr. RYAN of Ohio. Can I intervene here for one second because I am thrilled with everything that is happening here. But I came down here to listen to Mr. DELAHUNT a little bit.

Mr. ROTHMAN. That is a good idea.

Mr. DELAHUNT. I just want to congratulate you all for a very thoughtful conversation. You have hammered home the truth.

And I think what we are saying to the American people is that if you govern, you have to govern responsibly and that your rhetoric has to match your deeds. Otherwise, you fail the American people. And the truth is that today in America, this administration, this Bush White House, and this Bush

Congress are failing the American people.

DEBBIE was making a point about the job growth. I think what is more telling is that the jobs that are being produced today and the jobs that currently exist are paying less. A family of four in America today is making less than that same family income 10 years ago. This is not about criticism. This is about telling the truth and being responsible.

☐ 2200

We use terms like PAYGO. Well, I think we owe the American people an explanation of what PAYGO means. It means what they do most every day of their lives. They make decisions and choices based upon what they have in their pocket, and if they don't have the money in their pocket, they don't buy it. It is really that simple.

That is what we are talking about this evening and on other occasions. Let's go back to those real conservative values, those genuine American, conservative values. I can't believe I am saying this. But the longer I serve in this body and listen to the neoconservatives, I find myself describing my own philosophy as fiscally conservative.

Ironically, it is the Democratic Party today that stands for sanity and stands for responsibility and doing it the old-fashioned way. That is what we are. Maybe we are an old, traditional party. But, do you know what? We made America great. When America was in trouble because of the Depression, it was those great Democrats Franklin Delano Roosevelt and Harry Truman that brought the country back, because we know there is a social compact out there that doesn't say only the very, very wealthy get most of everything. In a society which is really a community, where there are mutual rights and responsibilities, everybody has a shot.

Today what we are seeing is America becoming much like a banana republic, where it is the haves, the elites, and then there are the rest of us, and that is sad.

Mr. RYAN of Ohio. Madam Speaker, I think the gentleman makes a great point. America is not the only country with really, really rich people. There are wealthy people in every country. The difference in America is that we had a strong, vibrant, energetic middle-class of people who worked as of last night on the third shift at the GM plant in Lordstown, Ohio. That is what makes America America, and that resolve to go back and say we want everybody on board here, at least to have the opportunity; not to give the top 10 million people who make $10 million a year a tax cut, $1 million back, but to create that middle-class again and the economic environment that would do it.

Ms. WASSERMAN SCHULTZ. I just want to give one quick statistic. Here is another third-party validator, the Tax Policy Center. And here is the startling contrast between the tax cuts that Mr. ROTHMAN was talking about that go to the wealthiest few and what the tax cuts have provided for the average working family in middle income America. In 2006, according to the Tax Policy Center, millionaires received an average tax cut of $111,550, while the middle-class American received a tax cut of $750.

When I asked in my town hall meetings, and I represent a pretty middle-income, even middle to upper-middle income district, I have a lot of wealthy communities and a lot of upper-middle class communities and some middle to lower-middle income communities, no matter what kind of room, other than the wealthiest few, that I ask people to raise their hands to tell me whether they got money in their pocket from the Bush tax cuts, maybe in rooms full of several hundred people I will get two or three people that raise their hand.

If this tax relief was benefiting a wide swath of Americans, the broad spectrum of Americans of varied income, in a district like mine you would get more than three hands.

Mr. ROTHMAN. May I just remind the Speaker that today Secretary of the Treasury John Snow said in his testimony before our subcommittee of the House Appropriations Committee that the tax cuts of this majority and President Bush account for one-third of the deficit, and that every dollar that is cut for the wealthiest folks in tax cuts, we don't get back more than a dollar in revenue. We lose. For every tax dollar we cut, we only get back 30 to 40 cents. We lose 60 to 70 cents for every tax dollar we cut.

Whether that is a good thing or bad thing, the American people can decide. But in a time of war, the biggest deficits in our history, is that what we want to be doing with our money, and should we be making those tax cuts permanent?

Ms. JACKSON-LEE of Texas. If the gentleman would yield, as I was in my office and I saw this very focused message, let me just briefly say that today we added insult to injury by the debate on the floor regarding the 527s.

I know we are talking about the massive tax cuts, but I think the American people should know, rather than focusing on the seriousness of addressing these monumental tax cuts, frankly, as was distributed on the floor today, we are just passing legislation that allows random excessive spending as relates to campaigns.

So what I say to my friends on this side, the other side of the aisle, is why waste time with, as they say, this massive spending of dollars in campaigning, and not really providing transparency for the American people to note, making a mirage on the Floor of the House that we are trying to do something good about scandal and corruption, and, at the same time, not spending our time focusing on correcting this deficit, correcting this increasing debt limit and spending the people's money by enormous tax cuts.

Mr. MEEK of Florida. If I can, as it relates to time, Mr. RYAN, if you could give our website. We have to close out.

Mr. RYAN of Ohio. I want to do one-third party final validator. The former speaker the House, Mr. Gingrich, the leader of the Republican Revolution in '94. He said the Republicans, they are seen by the country as being in charge of a government that can't function.

As my friend from Florida so eloquently put it earlier today on the House floor, it is scary when the head of the Republican Revolution is referring to his friends on the other side of the aisle as "they." I think that is a tremendous point.

www.housedemocrats.gov/30something, Madam Speaker. www.housedemocrats.gov/30something for e-mails that folks may want to send to us. All these charts that were available here tonight, Madam Speaker, are available on this website. I thank everyone for the vigorous discussion.

Mr. MEEK of Florida. Madam Speaker, we would like to thank the leadership for the opportunity to speak tonight.

IRAN: THE NEXT NEOCON TARGET

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for half the time remaining until midnight.

Mr. PAUL. Madam Speaker, it has been 3 years since the U.S. launched its war against Saddam Hussein and his weapons of mass destruction. Of course, now almost everybody knows there were no weapons of mass destruction and Saddam Hussein posed no threat to the United States. Though some of our soldiers serving in Iraq still believe they are there because Saddam Hussein was involved in 9/11, even the administration now acknowledges that there was no connection.

Indeed, no one can be absolutely certain why we invaded Iraq. The current excuse, also given for staying in Iraq, is to make it a democratic state friendly to the United States. There are now fewer denials that securing oil supplies played a significant role in our decision to go into Iraq and stay there. That certainly would explain why the U.S. taxpayers are paying such a price to build and maintain numerous, huge, permanent military bases in Iraq. There are also funding a new $1 billion embassy, the largest in the world.

The significant question we must ask ourselves is, what have we learned from these 3 years in Iraq? With plans now being laid for regime change in Iran, it appears we have learned absolutely nothing. There still are plenty of administration officials who daily paint a rosy picture of the Iraq we have created. But I wonder, if the past 3 years were nothing more than a bad dream and our Nation suddenly awakened, how many would for national security reasons urge the same invasion? Or would we instead give a gigantic sigh of relief that it was only a bad dream, that we need not relive the 3-year nightmare of death, destruction, chaos and stupendous consumption of tax dollars? Conceivably, we would still see oil prices under $30 a barrel, and, most importantly, 20,000 severe U.S. casualties would not have occurred. My guess is 99 percent of all Americans would be thankful it was only a bad dream and would never support the invasion knowing what we know today.

Even with the horrible results of the past 3 years, Congress is abuzz with plans to change the Iranian government. There is little resistance to the rise and clamor for democratization in Iran, even though their current President, Mahmoud Ahmadinejad, is an elected leader.

Though Iran is hardly a perfect democracy, its system is far superior to most of our Arab allies, about which we never complain. Already the coordinated propaganda has galvanized the American people against Iran for the supposed threat it poses to us with weapons of mass destruction that are no more present than those Saddam Hussein was alleged to have had.

It is amazing how soon after being thoroughly discredited over the charges levied against Saddam Hussein the neoconservatives are willing to use the same arguments against Iran. It is frightening to see how easily Congress, the media and the people accept many of the same arguments against Iran that were used to justify an invasion of Iraq.

Since 2001, we have spent over $300 billion and occupied two Muslim nations, Afghanistan and Iraq. We are poorer, but certainly not safer, for it. We invaded Afghanistan to get Osama bin Laden, the ringleader behind 9/11. This effort has been virtually abandoned. Even though the Taliban was removed from power in Afghanistan, most of the country is now occupied and controlled by warlords who manage a drug trade bigger than ever before. Removing the Taliban from power in Afghanistan actually served the interests of Iran, the Taliban's arch-enemy, more than our own.

The long time neocon goal to remake Iraq prompted us to abandoned the search for Osama bin Laden. The invasion of Iraq in 2003 was hyped as a noble mission, justified by misrepresentation of intelligence concerning Saddam Hussein and his ability to attack us and his neighbors. This failed policy has created the current chaos in Iraq, chaos that many describe as a civil war.

Saddam Hussein is out of power, and most people are pleased. Yet some Iraqis who dream of stability long for his authoritarian rule. But, once again, Saddam Hussein's removal benefited the Iranians, who considered Saddam Hussein an arch-enemy.

Our obsession with democracy, which is clearly conditional when one looks at our response to the recent Pakistani elections, will allow the majority Shia to claim leadership title if Iraq's election actually leads to an organized government. This delights the Iranians, who are close allies of the Iraqi Shia.

Talk about unintended consequences. This war has produced chaos, civil war, death and destruction and huge financial costs. It has eliminated two of Iran's worst enemies and placed power in Iran's best friends.

Even this apparent failure of policy does nothing to restrain the current march towards a similar confrontation with Iran. What will it take for us to learn from our failures? Common sense tells us the war in Iraq soon will spread to Iran. Fear of imaginary nuclear weapons or an incident involving Iran, whether planned or accidental, will rally the support needed for us to move on Muslim country number three.

□ 2215

All the past failures and unintended consequences will be forgotten. Even with deteriorating support for the Iraq war, new information, well-planned propaganda, or a major incident will override the skepticism and heartache of our frustrating fight. Vocal opponents of an attack on Iran again will be labeled unpatriotic, unsupportive of the troops, and sympathetic to Iran's radicals.

Instead of capitulating to these charges, we should point out that those who maneuver us into war do so with little concern for our young people serving in the military and theoretically think little of their own children if they have any. It is hard to conceive that political supporters of the war would consciously claim that a preemptive war for regime change where young people are sacrificed is only worth it if the deaths and the injuries are limited to other people's children. This I am sure would be denied, which means their own children are technically available for the sacrifice that is so often praised and glorified for the benefit of families who have lost so much. If so, they should think more of their own children. If this is not so and their children are not available for such sacrifice, the hypocrisy is apparent. Remember, most neocon planners fall into the category of chicken hawks.

For the past 3 years, it has been inferred that, if one is not in support of the current policy, one is against the troops and supports the enemy. Lack of support for the war in Iraq was said to be supportive of Saddam Hussein and his evil policies. This is an insulting and preposterous argument. Those who argued for the containment of the Soviets were never deemed sympathetic to Stalin or Kruschev. Lack of support for the Iraq war should never be used as an argument that one was sympathetic to Saddam Hussein. Containment and diplomacy are far superior to confront an enemy, and are less costly and far less dangerous, especially when there is no evidence that our national security is being threatened.

Although a large percentage of the public now rejects the various arguments for the Iraq war 3 years ago, they were easily persuaded by the politicians and media to fully support the invasion. Now, after 3 years of terrible pain for so many, even the troops are awakening from their slumber and sensing the fruitlessness of our failing effort. Seventy-two percent of our troops now serving in Iraq say it is time to come home. Yet, the majority still cling to the propaganda that they are there because of the 9/11 attacks, something even the administration has ceased to claim. Propaganda is pushed on our troops to exploit their need to believe in a cause that is worth the risk to life and limb.

I smell an expanded war in the Middle East and pray that I am wrong. I sense that circumstances will arise that demand support regardless of the danger and the cost. Any lack of support once again will be painted as being soft on terrorism and al Qaeda. We will be told we must support Israel, support patriotism, support the troops, defend freedom. The public too often only smells the stench of war after the killing starts. Public objection comes later on, but eventually it helps to stop the war.

I worry that before we can finish the war we are in and extricate ourselves, the patriotic fervor for expanding into Iran will drown out the cries of, "Enough already." The agitation and congressional resolutions painting Iran as an enemy about to attack us have already begun. It is too bad we cannot learn from our mistakes. This time, there will be a greater pretense of an international effort sanctioned by the U.N. before the bombs are dropped. But even without support from the international community, we should expect the plan for regime change to continue. We have been forewarned that all options remain on the table, and there is little reason to expect much resistance from Congress. So far there is little resistance expressed in Congress for taking on Iran than there was prior to going into Iraq.

It is astonishing that after 3 years of bad results and tremendous expense there is little indication, we will reconsider our traditional non-interventionist foreign policy. Unfortunately, regime change, nation-building, policing the world, protecting our oil still constitutes an acceptable policy by the leaders of both major parties. It is already assumed by many in Washington I talk to that Iran is dead serious about obtaining a nuclear weapon and is a much more formidable opponent than Iraq. Besides, Mahmud Ahmadinejad threatened to destroy Israel, and that cannot stand. Washington sees Iran as a greater threat than Iraq ever was, a threat that cannot be ignored.

Iran's history is being ignored just as we ignored Iraq's history. This ignorance or deliberate misrepresentation of our recent relationship to Iraq and Iran is required to generate the fervor needed to attack once again a country that poses no threat to us. Our policies toward Iran have been more provocative than those toward Iraq. Yes, President Bush labeled Iran part of the axis of evil and unnecessarily provoked their anger at us. But our mistakes with Iran started a long time before this President took office. In 1953, our CIA, with the help of the British, participated in overthrowing the democratic-elected leader, Mohammed Mossadegh. We placed in power the Shah. He ruled ruthlessly but protected our oil interests, and for that, we protected him. That is, until 1979. We even provided him with Iran's first nuclear reactor.

Evidently, we did not buy the argument that his oil supplies precluded a need for civilian nuclear energy. From 1953 to 1979, his authoritarian rule served to incite a radical opposition led by the Ayatollah Khomeini who overthrew the Shah and took our hostages in 1979. This blow-back event was slow in coming, but Muslims have long memories. The hostage crisis and overthrow of the Shah by the Ayatollah was a major victory for the radical Islamists. Most Americans either never knew about or easily forgot about our unwise meddling in the internal affairs in Iran in 1953.

During the 1980s, we further antagonized Iran by supporting the Iraqis in their invasion of Iran. This made our relationship with Iran worse, while sending a message to Saddam Hussein that invading a neighboring country is not all that bad. When Hussein got the message from our State Department that his plan to invade Kuwait was not of much concern to the United States, he immediately preceded to do so. We, in a way, encouraged him to do it almost like we encouraged him to go into Iran. Of course, this time our reaction was quite different, and all of a sudden, our friendly ally, Saddam Hussein, became our arch enemy.

The American people may forget this flip-flop, but those who suffered from it never forgot. And the Iranians remember well our meddling in their affairs. Labeling the Iranians part of the axis of evil further alienated them and contributed to the animosity directed toward us.

For whatever reasons the neoconservatives might give, they are bound and determined to confront the Iranian government and demand changes in its leadership. This policy will further spread our military presence and undermine our security. The sad truth is that the supposed dangers posed by Iran are no more real than those claimed about Iraq. The charges made against Iran are unsubstantiated and amazingly sound very similar to the false charges made against Iraq. One would think promoters of the war against Iraq would be a little bit more reluctant to use the same arguments to stir up hatred toward Iran. The American people and Congress should be more cautious in accepting these charges at face value, yet it seems the propaganda is working since few in Washington object as Congress passes resolutions condemning Iran and asking for U.N. sanctions against her.

There is no evidence of a threat to us by Iran and no reason to plan and initiate a confrontation with her. There are many reasons not to do so: Iran does not have a nuclear weapon and there is no evidence that she is working on one, only conjecture. Even if Iran had a nuclear weapon, why would this be different from Pakistan, India, and North Korea having one? Why does Iran have less right to a defensive weapon than these other countries? If Iran had a nuclear weapon, the odds of her initiating an attack against anybody, which would guarantee her own annihilation are zero, and the same goes for the possibility she would place weapons in the hands of a nonstate terrorist group.

Pakistan has spread nuclear technology throughout the world, and in particular, to the North Koreans. They flaunt international restrictions on nuclear weapons, but we reward them just as we reward India. We needlessly and foolishly threaten Iran, even though they have no nuclear weapons, but listen to what a leading Israeli historian, Martin van Creveld had to say about this: "Obviously we do not want Iran to have a nuclear weapon, and I do not know if they are developing them. But if they are not developing them, they are crazy."

There has been a lot of misinformation regarding Iran's nuclear program. This distortion of the truth has been used to pump up emotions in Congress to pass resolutions condemning her and promoting U.N. sanctions. IAEA Director General Mohamed ElBaradei has never reported any evidence of undeclared sources or special nuclear material in Iran or any diversion of nuclear material. We demand that Iran prove it is not in violation of nuclear agreements, which is asking them impossibly to prove a negative. ElBaradei states Iran is in compliance with the nuclear nonproliferation treaty required IAEA safeguards agreement.

We forget that the weapons we feared Saddam Hussein had were supplied to him by the United States, and we refused to believe U.N. inspectors and the CIA that he no longer had them. Likewise, Iran received her first nuclear reactor from us; now we are hysterically wondering if some day she might decide to build a bomb in self-interest. Anti-Iran voices beating the drums of confrontation distort the agreement made in Paris and the desire of Iran to restart the enrichment process. Their suspension of the enrichment process was voluntary and not a legal obligation. Iran has an absolute right under the Nuclear Proliferation Treaty to develop and use nuclear power for peaceful purposes, and this is now said to be an egregious violation of the NPT. It is the U.S. and her allies that are distorting and violating the Nuclear Proliferation Treaty.

Likewise, our proliferation of nuclear material to India is a clear violation of the nuclear proliferation treaty as well.

The demand for U.N. sanctions is now being strongly encouraged by Congress. The Iran Freedom Support Act, H.R. 282 passed in the International Relations Committee and recently the House passed H. Con. Res. 341, which inaccurately condemned Iran for violating its international nuclear nonproliferation obligations. At present, the likelihood of reason prevailing in Congress is minimal. Let there be no doubt, the neoconservative warriors are still in charge and are conditioning Congress, the media, and the American people for a preemptive attack on Iran, never mind that Afghanistan has unraveled and Iraq is in a Civil War.

Serious plans are being laid for the next distraction which will further spread this war in the Middle East. The unintended consequences of this effort surely will be worse than any of the complications experienced in the 3-year occupation of Iraq.

Our offer of political and financial assistance to foreign and domestic individuals who support the overthrow of the current Iranian government is fraught with danger and saturated with arrogance. Imagine how Americans citizens would respond if China supported similar efforts here in the United States to bring about regime change. How many of us would remain complacent if someone like Timothy McVeigh had been financed by a foreign power? Is it any wonder the Iranian people resent us and the attitude of our leaders?

Even though ElBaradei and his IAEA investigations have found no violations of the NPT required IAEA safeguard agreement, the Iran Freedom Support Act still demands that Iran prove they have no nuclear weapons, refusing to acknowledge that proving a negative is impossible. Let there be no doubt, though, the words "regime change" are not found in the bill. That is precisely what they are talking about. Neoconservative Michael Ladine, one of the architects of the Iraq fiasco, testifying before the International Relations Committee in favor of the Iraq Freedom Support Act stated it plainly. "I know some members would prefer to dance around the explicit declaration of regime change as the policy of this country, but anyone looking closely at the language and the context of the Iraq Freedom Support Act and its close relative in the Senate can clearly see that this is, in fact, the essence of the matter.

☐ 2230

You can't have freedom in Iran without bringing down the mulahs."

Sanctions, along with financial and political support to persons and groups dedicated to the overthrow of the Iranian government, are acts of war. Once again, we are unilaterally declaring a preemptive war against a country and a people that have not harmed us and do not have the capacity to do so. And do not expect Congress to seriously debate a declaration of war. For the past 56 years, Congress has transferred to the executive branch the power to go to war as it pleases, regardless of the tragic results and costs.

Secretary of State Rice recently signaled a sharp shift toward confrontation in Iran's policy as she insisted on $75 million to finance propaganda, through TV and radio broadcasts into Iran. She expressed this need because of the so-called "aggressive" policies of the Iranian government. We are 7,000 miles from home, telling the Iraqis and the Iranians what kind of government they will have, backed up by the use of our military force, and we call them the aggressors? We fail to realize the Iranian people, for whatever faults they may have, have not in modern times invaded any neighboring country. This provocation is so unnecessary, costly and dangerous.

Just as the invasion of Iraq inadvertently served the interests of the Iranians, military confrontation with Iran will have unintended consequences. The successful alliance engendered between the Iranians and the Iraqi majority Shiia will prove a formidable opponent for us in Iraq as that civil war spreads. Shipping in the Persian Gulf through the Straits of Hormuz may well be disrupted by the Iranians in retaliation for any military confrontation. Since Iran would be incapable of defending herself by conventional means, it seems logical that they might well resort to terrorist attacks on us here at home. They will not passively lie down, nor can they be easily destroyed.

One of the reasons given for going into Iraq was to secure our oil supplies. This backfired badly. Production in Iraq is down 50 percent, and world oil prices have more than doubled to $60 per barrel. Meddling with Iran could easily have a similar result. We could see oil at $120 a barrel and gasoline at $6 a gallon. The obsession the neo-cons have with remaking the Middle East is hard to understand. One thing that is easy to understand is none of those who plan these wars expect to fight in them, nor do they expect their children to die in some IED explosion.

Exactly when an attack will occur is not known, but we have been forewarned more than once that all options are on the table. The sequence of events now occurring with regards to Iran are eerily reminiscent of the hype to our preemptive strike against Iraq. We should remember the saying: "Fool me once, shame on you; fool me twice, shame on me." It looks to me like the Congress and the country is open to being fooled once again.

Interestingly, many early supporters of the Iraq War are now highly critical of the President, having been misled as to reasons for the invasion and occupation. But these same people are only too eager to accept the same flawed arguments for our need to undermine the Iranian government.

The President's 2006 National Security Strategy, just released, is every bit as frightening as the one released in 2002 endorsing preemptive war. In it he claims, "We face no greater challenge from a single country than from Iran." He claims the Iranians have for 20 years hidden key nuclear activities, though the IAEA makes no such assumption, nor has the Security Council in at least 20 years ever sanctioned Iran. The clincher in the National Security Strategy document is if diplomatic efforts fail, confrontation will follow. The problem is the diplomatic effort, if one wants to use that term, is designed to fail by demanding the Iranians prove an unprovable negative. The West, led by the U.S., is in greater violation by demanding Iran not pursue any nuclear technology, even peaceful, that the NPT guarantees is their right.

The President states: Iran's "desire to have a nuclear weapon is unacceptable." A desire is purely subjective and cannot be substantiated nor disproved. Therefore, all that is necessary to justify an attack is if Iran fails to prove it does not have a desire to be like the United States, China, Russia, Britain, France, Pakistan, North Korea, India and Israel whose nuclear missiles surround Iran. Logic like this to justify a new war, without the least consideration for a congressional declaration of war, is indeed frightening.

Commonsense telling us Congress, especially given the civil war in Iraq and the mess in Afghanistan, should move with great caution in condoning a military confrontation with Iran.

Madam Speaker, there are reasons for my concern and let me list those. Most Americans are uninterested in foreign affairs until we get mired down in a war that costs too much, lasts too long, and kills too many U.S. troops. Getting out of a lengthy war is difficult, as I remember all too well with Vietnam while serving in the U.S. Air Force in 1963 to 1968. Getting into war is much easier.

Unfortunately, the legislative branch of our government too often defers to the executive branch and offers little resistance to war plans, even with no significant threat to our security. The need to go to war is always couched in patriotic terms and falsehoods regarding an imaginary, imminent danger. Not supporting the effort is painted as unpatriotic and wimpish against some evil that is about to engulf us. The real reason for our militarism is rarely revealed and hidden from the public. Even Congress is deceived into supporting adventurism they would not accept if fully informed.

If we accepted the traditional American and constitutional foreign policy of nonintervention across the board, there would be no temptation to go along with these unnecessary military operations. A foreign policy of intervention invites all kinds of excuses for spreading ourselves around the world. The debate shifts from nonintervention versus intervention, to where and for what particular reason should we involve ourselves. Most of the time, it is for less than honorable reasons. Even when cloaked in honorable slogans, like making the world safe for democracy, the unintended consequences and the ultimate costs cancel out the good intentions.

One of the greatest losses suffered these past 60 years from interventionism becoming an acceptable policy of both major parties is respect for the Constitution. Congress flatly has reneged on its huge responsibility to declare war. Going to war was never meant to be an executive decision, used indiscriminately with no resistance from Congress. The strongest attempt by Congress in the past 60 years to properly exert itself over foreign policy was the passage of the Foley amendment, demanding no assistance be given to the Nicaraguan contras. Even this explicit prohibition was flaunted by an earlier administration.

Arguing over the relative merits of each intervention is not a true debate, because it assumes that intervention per se is both moral and constitutional. Arguing for a Granada-type intervention because of its success and against the Iraq War because of its failure and cost is not enough. We must once again, understand the wisdom of rejecting entangling alliances and rejecting

Nation building. We must stop trying to police the world and, instead, embrace noninterventionism as the proper moral and constitutional foreign policy of our country.

The best reason to oppose interventionism is that people die, needlessly, on both sides. We have suffered over 20,000 American casualties in Iraq already, and Iraqi civilian deaths probably number over 100,000 by all reasonable counts.

The next best reason is that the rule of law is undermined, especially when military interventions are carried out without a declaration of war. Whenever a war is ongoing, civil liberties are under attack at home. The current war in Iraq and the misnamed war on terror have created an environment here at home that affords little constitutional protection of our citizens' rights. Extreme nationalism is common during war. Signs of this are now apparent.

Prolonged wars, as this one has become, have profound consequences. No matter how much positive spin is put on it, war never makes a society wealthier. World War II was not a solution to the Depression, as many claim. If $1 billion is spent on weapons of war, the GDP records positive growth in that amount, but the expenditure is consumed by destruction of the weapons or bombs it bought, and the real economy is denied $1 billion to produce products that would have raised someone's standard of living.

Excessive spending to finance the war causes deficits to explode. There are never enough tax dollars available to pay the bills, and since there are not enough willing lenders and dollars available, the Federal Reserve must create new money out of thin air and new credit for buying Treasury bills to prevent interest rates from rising too rapidly. Rising rates would tip off everyone that there are not enough savings or taxes to finance the war.

This willingness to print whatever amount of money the government needs to pursue the war is literally inflation. Without a fiat monetary system, wars would be very difficult to finance since the people would never tolerate the taxes required to pay for it. Inflation of the money supply delays and hides the real cost of war. The result of the excessive creation of new money leads to the higher cost of living everyone decries and the Fed denies. Since taxes are not levied, the increase in prices that results from printing too much money is technically the tax required to pay for the war.

The tragedy is that the inflation tax is borne more by the poor and the middle class than the rich. Meanwhile, the well-connected rich, the politicians, the bureaucrats, the bankers, the military industrialists and the international corporations reap the benefits of war profits.

A sound economic process is disrupted with a war economy and monetary inflation. Strong voices emerge blaming the wrong policies for our problems, prompting an outcry for protectionist legislation. It is always easier to blame foreign producers and savers for our inflation, our lack of savings, excessive debt and loss of industrial jobs. Protectionist measures only make economic conditions worse. Inevitably these conditions, if not corrected, lead to a lower standard of living for most of our citizens.

Careless military intervention is also bad for the civil disturbance that results. The chaos in the streets of America in the 1960s while the Vietnam War raged, aggravated by the draft, was an example of domestic strife caused by an ill-advised unconstitutional war that could not be won. The early signs of civil discord are now present. Hopefully, we can extricate ourselves from Iraq and avoid a conflict in Iran before our streets explode, as they did in the 1960s.

In a way, it is amazing there is not a lot more outrage expressed by the American people. There is plenty of complaining but no outrage over policies that are not part of our American tradition. War based on false pretenses, 20,000 American casualties, torture policies, thousands jailed without due process, illegal surveillance of citizens, warrantless searches, and yet no outrage. When the issues come before Congress, executive authority is maintained or even strengthened while real oversight is ignored.

Though many Americans are starting to feel the economic pain of paying for this war through inflation, the real pain has not yet arrived. We generally remain fat and happy with a system of money and borrowing that postpones the day of reckoning. Foreigners, in particular the Chinese and Japanese, gladly participate in the charade. We print the money and they take it, as do the OPEC Nations, and provide us with consumer goods and oil. Then they loan the money back to us at low interest rates, which we use to finance the war and our housing bubble and excessive consumption. This recycling and perpetual borrowing of inflated dollars allow us to avoid the pain of high taxes to pay for our war and welfare spending. It is fine until the music stops and the real costs are realized, with much higher interest rates and significant price inflation. That is when outrage will be heard and the people will realize we cannot afford the humanitarianism of the neo-conservatives.

The notion that our economic problems are principally due to the Chinese is nonsense. If the protectionists were to have it their way, the problem of financing the war would become readily apparent and have immediate ramifications, none good.

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Today's economic problems, caused largely by our funny money system, won't be solved by altering exchange rates to favor us in the short run or by imposing high tariffs. Only sound money with real value will solve the problems of competing currency devaluations and protectionist measures.

Economic interests almost always are major reasons for wars being fought. Noble and patriotic causes are easier to sell to a public who must pay and provide cannon fodder to defend the financial interests of a privileged class. The fact that Saddam Hussein demanded Euros for oil in an attempt to undermine the U.S. dollar is believed by many to be one of the ulterior motives for our invasion and occupation of Iraq. Similarly, the Iranian oil burse now about to open may be seen as a threat to those who depend on maintaining the current monetary system with the dollar as the world's reserve currency.

The theory and significance of "peak oil" is believed to be an additional motivating factor for the United States and Great Britain wanting to maintain firm control over the oil supplies in the Middle East. The two nations have been protecting our oil interests in the Middle East for nearly 100 years. With diminishing supplies and expanding demands, the incentive to maintain a military presence in the Middle East is quite strong. Fear of China and Russia moving in to this region to consume more control alarms those who don't understand how a free market can develop substitutes to replace diminishing resources. Supporters of the military efforts to maintain control over large regions of the world to protect oil fail to count the real cost of energy once the DOD budget is factored in. Remember, invading Iraq was costly and oil prices doubled. Confrontation in Iran may evolve differently, but we can be sure it will be costly and oil prices will rise significantly.

There are long-term consequences or blowback from our militant policies of intervention around the world. They are unpredictable as to time and place. 9/11 was a consequence of our military presence on Muslim holy lands; the Ayatollah Khomeini's success in taking over the Iranian government in 1979 was a consequence of our CIA overthrowing Mossadech in 1953. These connections are rarely recognized by the American people and never acknowledged by our government. We never seem to learn how dangerous interventionism is to us and to our security.

There are some who may not agree strongly with any of my arguments, and instead believe the propaganda Iran and her President, Mahmoud Almadinejad, are thoroughly irresponsible and have threatened to destroy Israel. So all measures must be taken to prevent Iran from getting nukes, thus the campaign to intimidate and confront Iran.

First, Iran doesn't have a nuke and it is nowhere close to getting one, according to the CIA. If they did have one, using it would guarantee almost instantaneous annihilation by Israel and the United States. Hysterical fear of Iran is way out of proportion to reality. With a policy of containment, we stood down and won the Cold War against the Soviets and their 30,000 nuclear weapons and missiles. If you are looking for a real kook with a bomb to worry about, North Korea would be high on the list. Yet we negotiate with Kim Jong Il. Pakistan has nukes and was a close ally of the Taliban up until 9/11. Pakistan was never inspected by the IAEA as to their military capability. Yet we not only talk to her, we provide economic assistance, though someday Musharraf may well be overthrown and a pro-al Qaeda government put in place. We have been nearly obsessed with talking about regime change in Iran, while ignoring Pakistan and North Korea. It makes no sense and it is a very costly and dangerous policy.

The conclusion we should derive from this is simple. It is in our best interest to pursue a foreign policy of nonintervention. A strict interpretation of the Constitution mandates it. The moral imperative of not imposing our will on others, no matter how well intentioned, is a powerful argument for minding our own business. The principle of self-determination should be respected. Strict nonintervention removes the incentives for foreign powers and corporate interests to influence and control our policies overseas. We can't afford the cost that intervention requires, whether through higher taxes or inflation. If the moral arguments against intervention don't suffice for some, the practical arguments should.

Intervention just doesn't work. It backfires and ultimately hurts the American citizens both at home and abroad. Spreading ourselves too thin around the world actually diminishes our national security through a weakened military. As the only superpower of the world, a constant interventionist policy is perceived as arrogant, and greatly undermines our ability to use diplomacy in a positive manner.

Conservatives, libertarians, constitutionalists, and many of today's liberals have all at one time or another endorsed a less interventionist foreign policy. There is no reason a coalition of these groups might not once again present the case for a pro-American nonmilitant noninterventionist foreign policy dealing with all nations. A policy of trade and peace, and a willingness to use diplomacy is far superior to the foreign policy that has evolved over the past 60 years. It is time for a change.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, MARCH 6, 2006, AT PAGE 2666

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, February 28, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find two resolutions approved by the Committee on Transportation and Infrastructure on February 16, 2006, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

LEASE—DEPARTMENT OF JUSTICE—MIAMI/ MIRAMAR, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 723,780 rentable square feet of space and 1,155 outside parking spaces for the Department of Justice, currently located in multiple leased locations throughout South Florida, at a proposed total annual cost of $25,332,300 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—ALTERNATIONS—EMANUEL CELLER COURTHOUSE—BROOKLYN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the alteration of the Emanuel Celler Courthouse located at 225 Cadman Plaza East, in Brooklyn, NY at an additional design and review cost of $3,511,000 (design and review cost of $3,791,000 was previously authorized), an additional estimated construction cost of $27,193,000 (estimated construction cost of $61,046,000 was previously authorized), and additional management and inspection cost of $4,220,000 (management and inspection cost of $4,465,000 was previously authorized) for a combined estimated total project cost of $104,226,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated July 18, 2001, authorizing $3,791,000 for design and July 23, 2003, authorizing $65,511,000 for management and inspection and construction.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAIRD) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. LEVIN, for 5 minutes, today.

Ms. KILPATRICK of Michigan, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend her remarks and include extraneous material:)

Mrs. MUSGRAVE, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, April 6, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6886. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-312, "District of Columbia Bus Shelter Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6887. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-309, "Home of Walter Washington Way Designation Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6888. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-308, "Walter E. Washington Way Designation Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6889. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-311, "Carolyn Llorente Memorial Designation Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-310, "Terry Hairston Run Designation Act of 2006," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-313, "Office and Commission on African Affairs Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-314, "Real Property Disposition Economic Analysis Amendemnt Act of 2006," pursuant to D.C. Code section 1–

233(c)(1); to the Committee on Government Reform.

6893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-315, "Lamond-Riggs Air Quality Study Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-316, "Victims of Domestic Violence Fund Establishment Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-318, "School Without Walls Development Project Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-317, "Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6897. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-335, "Way to Work Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6898. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-336, "Home Again Initiative Community Development Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6899. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-337, "Contracting and Procurement Reform Task Force Membership Authorization and Qualifications Clarification Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-338, "Unemployment Compensation Contributions Federal Conformity Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-339, "Procurement Practices Timely Competition Assurance and Direct Voucher Prohibition Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-340, "White Collar Insurance Fraud Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-341, "School Modernization Financing Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6904. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-319, "Vehicle Insurance Enforcement Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6905. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Rear Impact Guards and Rear Impact Protection [Docket No. NHTSA-2004-19523] (RIN: 2127-AJ80) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6906. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services — 2006 Update [STB Ex Parte No. 542 (Sub-No. 13)] received March 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6907. A letter from the Attorney, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department's final rule — Gas Gathering Line Definition; Alternative Definition for Onshore Lines and New Safety Standards [Docket No. PHMSA-1998-4868; Amdt. 192-102] (RIN: 2137-AB15) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6908. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Delayed Implementation of the Airspace Modification Final Rule for the Grand Canyon National Park Special Flight Rule Area and Flight Free Zones [Docket No. FAA-2001-8690] (RIN: 2120-AI71) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6909. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-23187; Directorate Identifier 2002-NM-203-AD; Amendment 39-14397; AD 2005-25-04] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshaft Engines [Docket No. FAA-2005-22928; Directorate Identifier 2005-NE-43-AD; Amendment 39-14406; AD 2005-25-13] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Vertol Model 107-H Helicopters [Docket No. FAA-2005-23085; Directorate Identifier 2005-SW-25-AD; Amendment 39-14385; AD 2005-24-05] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 Series Airplanes; Model A320-111 Airplanes; Model A320-200 Series Airplanes, and Model A321-100 and -200 Series Airplanes [Docket No. FAA-2005-20687; Directorate Identifier 2004-NM-171-AD; Amendment 39-14325; AD 2005-20-28] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes; Correction — received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-21935; Directorate Identifier 2005-CE-37-AD; Amendment 39-14387; AD 2005-24-07] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747SP, and 747SR Series Airplanes [Docket No. FAA-2005-20879; Directorate Identifier 2004-NM-55-AD; Amendment 39-14326; AD 2005-20-29] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. FAA-2005-21464; Directorate Identifier 2005-CE-32-AD; Amendment 39-14320; AD-2005-20-24] (RIN: 2120-AA64) received February 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes [Docket No. FAA-2005-22626; Directorate Identifier 2002-NM-295-AD; Amendment 39-14332; AD 2005-20-35] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100, A319-100, A320-200, A321-100, and A321-200 Series Airplanes, and Model A320-111 Airplanes [Docket No. FAA-2005-23087; Directorate Identifier 2005-NM-225-AD; Amendment 39-14386; AD 2005-24-06] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes [Docket No. FAA-2005-21935; Directorate Identifier 2005-CE-37-AD; Amendment 39-14387; AD 2005-24-07] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER,

-145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-20011; Directorate Identifier 2003-NM-22-AD; Amendment 39-14382; AD 2005-24-02] (RIN: 2120-AA64) received February 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30464; Amdt. No. 3140] received February 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Supplemental Oxygen [Docket No. FAA-2005-22915; Amendment No. 121-332] (RIN: 2120-ai65) received February 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100, A319-100, A320-200, A321-100, and A321-200 Series Airplanes; and Model A320-111 Airplanes [Docket No. FAA-2005-23382; Directorate Identifier 2005-NM-221-AD; Amendment 39-14428; AD 2005-26-07] (RIN: 2120-AA64) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Supplemental Oxygen [Docket No. FAA-2005-22915; Amendment No. 121-317] (RIN: 2120-ai65) received January 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PUTNAM: Committee on Rules. House Resolution 766. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011 (Rept. 109–405). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 767. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109-406). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2955. A bill to amend title 28, United States Code, to clarify that the Court of Appeals for the Federal Circuit has exclusive jurisdiction of appeals relating to patents, plant variety protection, or copyrights, and for other purposes; with an amendment (Rept. 109–407). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4742. A bill to amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies (Rept. 109–408). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 319. Resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were enacted in 1980 (Public Law 96–517; commonly known as the "Bayh-Dole Act"), on the occasion of the 25th anniversary of its enactment (Rept. 109–409). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. BURTON of Indiana, Mr. ENGEL, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. SMITH of New Jersey, Ms. LEE, Mr. WELLER, Mr. BERMAN, Mr. WEXLER, Mr. PAYNE, Mr. CROWLEY, Mrs. NAPOLITANO, and Mr. MEEKS of New York):

H.R. 5091. A bill to authorize assistance to the people of the Republic of Haiti to fund scholarships for talented disadvantaged students in Haiti to continue their education in the United States and to return to Haiti to contribute to the development of their country, and for other purposes; to the Committee on International Relations.

By Mr. COBLE (for himself and Mr. SCOTT of Virginia):

H.R. 5092. A bill to modernize and reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 5093. A bill to revise the limitation on Impact Aid special payments; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 5094. A bill to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina; to the Committee on Resources.

By Mr. ENGEL (for himself and Mrs. WILSON of New Mexico):

H.R. 5095. A bill to prohibit deceptive altering or disguising of caller identification on outbound telephone calls; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself and Mr. BOUCHER):

H.R. 5096. A bill to amend title 35, United States Code, to modify certain procedures relating to patents; to the Committee on the Judiciary.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. ENGLISH of Pennsylvania, and Mr. ROGERS of Kentucky):

H.R. 5097. A bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Ways and Means.

By Mr. MEEHAN:

H.R. 5098. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for tuition and related expenses for higher education and to reduce the maximum interest rate allowable on student loans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself, Mr. BONNER, Mr. BERRY, Mr. ROGERS of Alabama, Mr. ROSS, Mr. FOLEY, Mr. POMEROY, Mr. EVERETT, Mr. BOYD, Mr. ALEXANDER, Mr. CUELLAR, Mr. KENNEDY of Minnesota, Mr. MELANCON, Mrs. EMERSON, Mr. HINOJOSA, Mr. PICKERING, Ms. KAPTUR, Mr. BOUSTANY, Mr. SCOTT of Georgia, Mr. HULSHOF, Mr. MARSHALL, Mr. JINDAL, Ms. HERSETH, Mr. PORTER, Mr. SKELTON, and Mr. BAKER):

H.R. 5099. A bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, Armed Services, the Budget, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. EMANUEL, Mr. REYNOLDS, Mr. KIRK, Mr. DINGELL, Mr. HOEKSTRA, Mr. BISHOP of New York, Ms. MCCOLLUM of Minnesota, Mr. RYAN of Ohio, Mr. ENGLISH of Pennsylvania, Mr. KIND, Mr. KILDEE, Ms. BEAN, Mr. HIGGINS, Ms. SLAUGHTER, Mr. STUPAK, Ms. SCHAKOWSKY, Mr. EVANS, Mr. LEVIN, Mr. BROWN of Ohio, Mr. GUTIERREZ, Ms. KAPTUR, Mr. STRICKLAND, Mr. LIPINSKI, Ms. MOORE of Wisconsin, Mr. LATOURETTE, Mr. UPTON, Mr. MCCOTTER, and Mr. CAMP of Michigan):

H.R. 5100. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, Science, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEAUPREZ:

H.R. 5101. A bill to authorize a major medical facility project for the Department of Veterans Affairs at Denver, Colorado; to the Committee on Veterans' Affairs.

By Mr. BECERRA (for himself, Mr. DEFAZIO, Mr. SALAZAR, Mr. HONDA, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mr. BOUCHER, Mr. WEXLER, Mr. CARDOZA, Mr. MCGOVERN, Mr. MOLLOHAN, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. RANGEL, Mr. STARK, Mr. CONYERS, Mr. MCDERMOTT, Ms. HERSETH, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. REYES, Mr. RUPPERSBERGER, Mr. LARSON of Connecticut, Mr. MCNULTY, Ms. MATSUI, Mr. COSTELLO, Mrs. MALONEY, Mr. MARSHALL, Mr. LEVIN, Ms. NORTON, Mr. INSLEE, Mr. LYNCH, Mr. DELAHUNT, Mr. OWENS, Mr. ORTIZ, Ms. SCHAKOWSKY, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. DOYLE, Mr. POMEROY, Mr. SCOTT of Virginia, Mr. BACA, Mr. SANDERS, Mr. CUMMINGS, Mr. OBERSTAR, Mr. PAYNE, Mr. GONZALEZ, Mr. EMANUEL, Mr. LANTOS, Mr. DOGGETT, Ms. WASSERMAN SCHULTZ, Mr. BRADY of Pennsylvania, Mrs. CAPPS, and Ms. MCCOLLUM of Minnesota):

H.R. 5102. A bill to amend title XVIII of the Social Security Act to prohibit removal of covered part D drugs from a prescription drug plan formulary during the plan year once an individual has enrolled in the plan; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER:

H.R. 5103. A bill to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Florida:

H.R. 5104. A bill to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office"; to the Committee on Government Reform.

By Mr. HAYWORTH:

H.R. 5105. A bill to clarify that Arizona is in compliance with the Equal Educational Opportunities Act of 1974 with respect to English language learners; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA:

H.R. 5106. A bill to amend the National Science Foundation Authorization Act of 2002 to authorize grants for Partnerships for Access to Laboratory Science (PALS); to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. MEEK of Florida, Mr. DAVIS of Florida, Mr. FOLEY, Mr. BOYD, Mr. MACK, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mr. CRENSHAW, Mr. FEENEY, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. PUTNAM, Mr. HASTINGS of Florida, Mr. WELDON of Florida, Mr. MICA, Mr. BILIRAKIS, Mr. MARIO DIAZ-BALART of Florida, Mr. WEXLER, Mr. KELLER, Mr. YOUNG of Florida, Ms. WASSERMAN SCHULTZ, Mr. SHAW, and Ms. CORRINE BROWN of Florida):

H.R. 5107. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building"; to the Committee on Government Reform.

By Mr. POE:

H.R. 5108. A bill to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the "Lance Corporal Robert A. Martinez Post Office Building"; to the Committee on Government Reform.

By Mr. ROGERS of Michigan (for himself and Mr. BURGESS):

H.R. 5109. A bill to amend the Public Health Service Act to require Senate confirmation for each appointment to serve in the position of Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 5110. A bill to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 5111. A bill to amend the Energy Policy Act of 2005 to authorize discounted sales of royalty oil and gas taken in-kind from a Federal oil or gas lease to provide additional resources to Federal low-income energy assistance programs; to the Committee on Resources.

By Mr. COSTA (for himself, Mr. POE, and Ms. HARRIS):

H. Con. Res. 378. Concurrent resolution supporting the goals and ideals of the 2006 National Crime Victims' Rights Week and efforts to increase public awareness of the rights, needs, and concerns of crime victims and survivors in the United States; to the Committee on the Judiciary.

By Mr. EMANUEL (for himself, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Mr. DAVIS of Tennessee, Mr. MCDERMOTT, Mr. OWENS, Mrs. CAPPS, Mr. DOYLE, Mr. NEAL of Massachusetts, Mr. CONYERS, Mr. RYAN of Ohio, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. CLAY, and Mr. UDALL of Colorado):

H. Con. Res. 379. Concurrent resolution directing the Architect of the Capitol to establish a temporary exhibit in the rotunda of the Capitol to honor the memory of the members of the United States Armed Forces who have lost their lives in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on House Administration.

By Mr. SCHIFF (for himself and Mr. GOODLATTE):

H. Con. Res. 380. Concurrent resolution expressing the sense of Congress that United States intellectual property rights must be protected globally; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI:

H. Res. 762. A resolution raising a question of the privileges of the House:

By Mr. TOM DAVIS of Virginia:

H. Res. 763. A resolution supporting the goals and ideals of a National Children and Families Day, in order to encourage adults in the United States to support and listen to children and to help children throughout the Nation achieve their hopes and dreams, and for other purposes; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania:

H. Res. 764. A resolution recognizing and honoring firefighters for their many contributions throughout the history of the Nation; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself, Mr. PASCRELL, Mr. DENT, Mr. PORTER, Mr. DUNCAN, and Mrs. MALONEY):

H. Res. 765. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on Government Reform.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H. Res. 768. A resolution congratulating Geno Auriemma, the University of Connecticut women's basketball head coach, upon his selection to the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. YOUNG of Alaska.

H.R. 138: Mr. WESTMORELAND, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. GINGREY, Mr. BISHOP of Georgia, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mr. BARROW, and Mr. NORWOOD.

H.R. 198: Mr. CHANDLER, Mr. MEEKS of New York, and Mrs. DRAKE.

H.R. 475: Ms. MATSUI.

H.R. 517: Mr. MCDERMOTT.

H.R. 521: Mr. MCCOTTER and Mr. BACHUS.

H.R. 586: Mr. STEARNS and Mr. HULSHOF.

H.R. 663: Ms. KILPATRICK of Michigan and Mr. CUMMINGS.

H.R. 697: Ms. BEAN.

H.R. 699: Mr. BISHOP of New York and Mr. BURTON of Indiana.

H.R. 717: Mr. PAUL.

H.R. 824: Mr. DANIEL E. LUNGREN of California.

H.R. 867: Ms. HERSETH.

H.R. 999: Mr. BONNER, Mr. BLUMENAUER, and Mr. LATHAM.

H.R. 1079: Mr. TAYLOR of North Carolina.

H.R. 1100: Mrs. SCHMIDT.

H.R. 1105: Mr. GONZALEZ.

H.R. 1120: Mrs. NORTHUP, Mr. SAXTON, Mr. ISRAEL, and Mr. LAHOOD.

H.R. 1125: Mr. FILNER and Mr. LATHAM.

H.R. 1172: Mr. FRANK of Massachusetts.

H.R. 1175: Mr. YOUNG of Alaska.

H.R. 1182: Mr. HIGGINS and Ms. ZOE LOFGREN of California.

H.R. 1243: Mr. DAVIS of Kentucky.

H.R. 1256: Mr. DUNCAN.

H.R. 1298: Mr. ROTHMAN.

H.R. 1370: Mr. BEAUPREZ.

H.R. 1405: Mr. RAMSTAD, and Mr. ISRAEL.

H.R. 1447: Mrs. DAVIS of California, Mrs. TAUSCHER, Ms. MATSUI, Mr. EHLERS, and Mr. JEFFERSON.

H.R. 1545: Mr. PAYNE and Mr. SHAYS.

H.R. 1575: Mr. ANDREWS and Mr. STRICKLAND.

H.R. 1578: Mr. BEAUPREZ and Mr. EVANS.

H.R. 1652: Mr. FATTAH.

H.R. 1704: Mr. PASTOR, and Mr. PRICE of North Carolina.

H.R. 1709: Mr. HIGGINS.

H.R. 1714: Mr. MEEK of Florida, and Ms. ROS-LEHTINEN.

H.R. 1789: Mrs. MCCARTHY.

H.R. 1792: Mr. RANGEL, Ms. CARSON, Mr. MCHUGH, and Mr. JEFFERSON.

H.R. 1823: Ms. LEE.

H.R. 1849: Mr. WOLF.

H.R. 1850: Mr. SANDERS and Mr. ISRAEL.

H.R. 1951: Mr. BISHOP of New York, Mr. EDWARDS, Mr. VAN HOLLEN, Mr. INSLEE, and Mr. HINOJOSA.

H.R. 2034: Mr. REYES.

H.R. 2048: Mr. YOUNG of Alaska.

H.R. 2088: Mr. GALLEGLY.

H.R. 2122: Mr. BLUMENAUER.

H.R. 2317: Mrs. LOWEY.

H.R. 2421: Mr. MICHAUD, Mr. SMITH of New Jersey, and Mr. DOYLE.

H.R. 2456: Mr. CLAY, Mr. WYNN, Mr. LEWIS of Georgia, and Mr. HASTINGS of Florida.

H.R. 2568: Mr. FILNER.

H.R. 2629: Mr. BISHOP of New York.

H.R. 2679: Mr. MILLER of Florida, Mrs. CUBIN, Mr. SAXTON, Mr. BRADLEY of New Hampshire, Mr. RAHALL, and Mrs. EMERSON.

H.R. 2730: Mr. NADLER.

H.R. 2943: Mr. PLATTS.

H.R. 3103: Mr. ROTHMAN, Ms. KAPTUR, and Mr. SWEENEY.

H.R. 3190: Ms. BORDALLO, and Mr. MCNULTY.

H.R. 3307: Mr. WAXMAN.

H.R. 3352: Ms. BORDALLO and Ms. BERKLEY.

H.R. 3373: Ms. HERSETH.

H.R. 3435: Mr. GINGREY.

H.R. 3476: Mr. FOLEY, Mr. KENNEDY of Rhode Island, and Mr. KUCINICH.

H.R. 3590: Mr. GRIJALVA.

H.R. 3614: Mr. MCHUGH.

H.R. 3616: Mr. SAXTON.

H.R. 3644: Mr. BOUCHER, Ms. SCHWARTZ of Pennsylvania, Mr. BISHOP of New York, and Mr. PORTER.

H.R. 3809: Ms. MCCOLLUM of Minnesota.

H.R. 3850: Mr. PRICE of North Carolina and Mr. MCDERMOTT.

H.R. 3859: Mr. ANDREWS.

H.R. 3883: Mr. CAMPBELL of California.

H.R. 3949: Mr. ORTIZ.

H.R. 4005: Mr. RANGEL, Mr. BAIRD, and Ms. ZOE LOFGREN of California.

H.R. 4098: Mr. ALLEN.

H.R. 4166: Mr. CONYERS.

H.R. 4188: Mr. SMITH of Washington.

H.R. 4298: Mr. RUPPERSBERGER, Mr. WYNN, Mr. MCGOVERN, and Ms. HART.

H.R. 4341: Mr. MCHUGH, Mr. STEARNS, Mr. ALEXANDER, Mr. MARCHANT, Mr. MICA, Mr. WAMP, Mr. PUTNAM, Mr. DAVIS of Tennessee, Ms. GINNY BROWN-WAITE of Florida, Mr. LEWIS of Kentucky, Mr. ADERHOLT, Mr. FOLEY, Mr. GORDON, Mr. GINGREY, Mrs. SCHMIDT, Mr. SKELTON, Mr. HASTINGS of Washington, Mrs. JOHNSON of Connecticut, Mr. PEARCE, Mr. PITTS, Mr. GALLEGLY, Mr. REGULA, Mr. COBLE, Mr. WALSH, Mr. BISHOP of Georgia, and Mr. CANTOR.

H.R. 4409: Mr. GALLEGLY, Mr. DEFAZIO, Mr. KUHL of New York, Ms. HARMAN, and Mr. BEAUPREZ.

H.R. 4465: Ms. MATSUI, Mr. WEXLER, and Mr. EVANS.

H.R. 4479: Mr. FATTAH.

H.R. 4480: Mr. BONNER.

H.R. 4493: Mr. FRANK of Massachusetts.

H.R. 4547: Mr. BISHOP of Utah.

H.R. 4613: Mr. HINCHEY, Mr. EVANS, Mr. LANTOS, Ms. SOLIS, Mr. MCGOVERN, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. GRIJALVA, and Mr. KUCINICH.

H.R. 4624: Mr. CUELLAR.

H.R. 4673: Mr. HINCHEY.

H.R. 4740: Mr. HOYER.

H.R. 4749: Ms. KAPTUR and Ms. DELAURO.

H.R. 4755: Mr. KENNEDY of Rhode Island, Ms. ESHOO, Mr. BERRY, Ms. MATSUI, Mr. BRADLEY of New Hampshire, Mr. ROSS, Mr. GENE GREEN of Texas, Mr. ALEXANDER, and Mr. TIERNEY.

H.R. 4761: Mr. BEAUPREZ, Mr. OXLEY, Mr. PETERSON of Minnesota, Mr. NORWOOD, and Mr. DEAL of Georgia.

H.R. 4873: Mr. PETERSON of Minnesota.

H.R. 4894: Mr. KIRK and Mr. SESSIONS.

H.R. 4897: Mr. HOLDEN and Mr. TERRY.

H.R. 4899: Mr. ROTHMAN, Mr. FATTAH, Mr. CAPUANO, and Mr. GONZALEZ.

H.R. 4902: Mr. ADERHOLT, Mr. SHAW, Mrs. MCCARTHY, Mr. ORTIZ, Mr. BUTTERFIELD, Mr. ENGEL, Ms. ESHOO, Ms. HARMAN, Mr. MILLER of North Carolina, Mrs. NAPOLITANO, Mr. OLVER, Mr. SPRATT, Mr. BEAUPREZ, Mrs. CUBIN, Mr. GOODE, Mr. MCHENRY, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. UDALL of Colorado, Ms. MILLENDER-MCDONALD, Mr. MACK, Mr. SERRANO, Mr. GARY G. MILLER of California, and Ms. CARSON.

H.R. 4904: Mr. LEACH, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. GORDON, Ms. ZOE LOFGREN of California, and Mr. LOBIONDO.

H.R. 4922: Ms. HART.

H.R. 4946: Mr. ENGEL, Mr. DAVIS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Mr. BARRETT of South Carolina, Mr. HOEKSTRA, Mr. BOUCHER, Mr. SHUSTER, and Mr. BAIRD.

H.R. 4949: Mr. SAXTON, Mr. CARNAHAN, Mr. INSLEE, Mr. SODREL, and Mr. GARRETT of New Jersey.

H.R. 4959: Mr. ROGERS of Alabama.

H.R. 4975: Mr. ISSA.

H.R. 4981: Mr. CASE and Mr. PRICE of Georgia.

H.R. 5005: Ms. FOXX, Mr. NEY, Mr. WESTMORELAND, Mr. GALLEGLY, Mr. POE, Mr. DAVIS of Tennessee, Mr. BISHOP of Georgia, Mr. GOODE, Mr. BOUCHER, Mr. JINDAL, Mr. ROGERS of Alabama, Mrs. MUSGRAVE, Mr. BURTON of Indiana, Mr. SESSIONS, Mr. YOUNG of Alaska, and Mr. CANNON.

H.R. 5009: Mr. PENCE, Mr. HENSARLING, Mr. GINGREY, Mrs. MUSGRAVE, Mr. DOOLITTLE, Ms. FOXX, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. TIAHRT, Mr. AKIN, and Mr. WICKER.

H.R. 5013: Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. GUTKNECHT, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. KUHL of New York, Mr. MANZULLO, Mr. CULBERSON, Mr. BEAUPREZ, Mr. PEARCE, Mr. NEUGEBAUER, Mr. WAMP, Mr. KLINE, Mr. RYAN of Wisconsin, Mr. KING of Iowa, Mr. PENCE, Mr. KINGSTON, Mrs. MYRICK, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. COLE of Oklahoma, Mr. CANTOR, Mr. CHOCOLA, Mr. CONAWAY, Mr. HOSTETTLER, Mr. PRICE of Georgia, and Mr. AKIN.

H.R. 5015: Mr. EMANUEL, Mr. COOPER, Mr. JOHNSON of Illinois, Mr. MOORE of Kansas, Mr. LARSON of Connecticut, Mrs. MALONEY, and Mr. HOLT.

H.R. 5035: Mr. WEINER and Ms. LEE.

H.R. 5037: Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. TAYLOR of Mississippi, Mr. LEVIN, Mr. BOOZMAN, Mr. EVERETT, Mr. BOSWELL, Ms. PELOSI, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. GINGREY, Mr. ANDREWS, Mr. LAHOOD, Mr. HINCHEY, Mr. SIMPSON, Mr. HOYER, Mr. CLYBURN, and Mr. LARSON of Connecticut.

H.R. 5052: Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. CONYERS, and Mr. ROTHMAN.

H.R. 5063: Mr. MICHAUD, Mr. MCCOTTER, Mr. GONZALEZ, and Mrs. JO ANN DAVIS of Virginia.

H.R. 5065: Ms. HART.

H. Con. Res. 195: Mr. SWEENEY.

H. Con. Res. 320: Ms. BORDALLO and Ms. JACKSON-LEE of Texas.

H. Con. Res. 323: Mr. WALSH.

H. Con. Res. 343: Mrs. LOWEY.

H. Con. Res. 346: Mr. KOLBE and Mr. WEXLER.

H. Con. Res. 348: Mr. MCDERMOTT.

H. Con. Res. 366: Mr. MOLLOHAN, Mr. KUHL of New York, Mr. KUCINICH, Mr. JEFFERSON, and Mr. GONZALEZ.

H. Con. Res. 370: Mr. ENGLISH of Pennsylvania and Mr. GONZALEZ.

H. Res. 521: Ms. DELAURO.

H. Res. 566: Mr. PAYNE and Ms. MATSUI.

H. Res. 578: Mr. LANTOS.

H. Res. 675: Mr. VAN HOLLEN.

H. Res. 688: Mr. MATHESON, Mr. CLEAVER, Mr. EMANUEL, Mr. JOHNSON of Illinois, Mr. MOORE of Kansas, Ms. DELAURO, Mr. CROWLEY, Mr. LARSON of Connecticut, Mrs. MALONEY, Mr. HOLT, and Mr. GONZALEZ.

H. Res. 697: Mr. MEEKS of New York, Mr. KLINE, and Mr. BOYD.

H. Res. 699: Ms. HERSETH.

H. Res. 737: Mr. PRICE of North Carolina and Mr. DOYLE.

H. Res. 756: Mr. KING of Iowa, Mr. DELAY, Mr. WESTMORELAND, and Mr. LATHAM.

H. Res. 758: Mr. HYDE, Mr. LANTOS, Mr. BURTON of Indiana, Mr. PITTS, Mr. BERMAN, Mr. CROWLEY, Mr. WEXLER, Mr. ACKERMAN, Mr. BROWN of Ohio, Ms. BERKLEY, Ms. MCCOLLUM of Minnesota, Mr. CHANDLER, and Mr. CARNAHAN.

H. Res. 761: Mr. WEXLER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 513

OFFERED BY: MR. DREIER

AMENDMENT NO. 1: Page 2, line 4, strike "527 Reform Act of 2005" and insert "527 Reform Act of 2006".

Page 8, strike line 22 and all that follows through page 9, line 3.

Page 16, strike line 23 and all that follows through page 17, line 5.

Insert after section 3 the following (and redesignate the succeeding sections accordingly):

SEC. 4. REPEAL OF LIMIT ON AMOUNT OF PARTY EXPENDITURES ON BEHALF OF CANDIDATES IN GENERAL ELECTIONS.

(a) REPEAL OF LIMIT.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee" and inserting "Notwithstanding any other provision of law with respect to limitations on amounts of expenditures or contributions, a national committee",

(B) by striking "the general" and inserting "any", and

(C) by striking "Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection" and inserting "Federal office in any amount"; and

(2) by striking paragraphs (2), (3), and (4).

(b) CONFORMING AMENDMENTS.—

(1) INDEXING.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)(B)(i), by striking "(d),"; and

(B) in paragraph (2)(B)(i), by striking "subsections (b) and (d)" and inserting "subsection (b)".

(2) INCREASE IN LIMITS FOR SENATE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amended—

(A) in paragraph (1)(C)(iii)—

(i) by adding "and" at the end of subclause (I),

(ii) in subclause (II), by striking "; and" and inserting a period, and

(iii) by striking subclause (III);

(B) in paragraph (2)(A) in the matter preceding clause (i), by striking ", and a party committee shall not make any expenditure,";

(C) in paragraph (2)(A)(ii), by striking "and party expenditures previously made"; and

(D) in paragraph (2)(B), by striking "and a party shall not make any expenditure".

(3) INCREASE IN LIMITS FOR HOUSE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315A(a) of such Act (2 U.S.C. 441a—1(a)) is amended—

(A) in paragraph (1)—

(i) by adding "and" at the end of subparagraph (A),

(ii) in subparagraph (B), by striking "; and" and inserting a period, and

(iii) by striking subparagraph (C);

(B) in paragraph (3)(A) in the matter preceding clause (i), by striking ", and a party committee shall not make any expenditure,";

(C) in paragraph (3)(A)(ii), by striking "and party expenditures previously made"; and

(D) in paragraph (3)(B), by striking "and a party shall not make any expenditure".

Add at the end the following:

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

SENATE—*Wednesday, April 5, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, You are our dwelling place in all generations. Keep us this day from a moral casualness that leads away from ethical paths. Help our Senators to labor to please You, their most important constituent. Give them wisdom to avoid even the appearance of evil as they strive to live for Your honor. Make them fervent in their pursuit of spiritual fitness so that they will love You with passion and strength. Keep them from vacillating ways and lead them in Your righteousness.

As we take refuge in Your providence, use us all as instruments of Your grace to bring relief to a suffering world. Continue to sustain our military men and women in harm's way.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we are returning to the border security bill which has been pending since last Wednesday. Last night, the minority leader filed a cloture motion on the chairman's substitute amendment. I was a little surprised when I heard this happened, although I was not on the floor when it was filed. I certainly understand the rules that permit the minority leader to file this motion. I know it is a rare occurrence when the minority leader files such a cloture motion, and at this point he did on the bill. I believe we can make real progress on addressing the amendments if we allow them to come forward, debate them openly, and then vote on them. We do still have the first amendment which was offered to the bill last week pending before the Senate; that is, the Kyl-Cornyn amendment on which we voted on the motion to table last night, 0 to 99—a unanimous vote. The motion had been made and it was not tabled; therefore, it is the pending amendment. We have three other amendments Senators have offered and debated, but we have not been given the opportunity to vote on those.

As I said at the outset of the debate last week, my intention was to give ample time to have amendments come forward, to debate, to fully understand what is in the Judiciary bill, to modify the Judiciary bill by debate and amendment. I encourage Members to come to the floor to do just that, to offer their amendments. Members show up, and then there is an objection to even offering the amendments from the other side. I specifically set aside these weeks for the Senate to debate this particular issue, the border security and immigration issue, because it is one that is important to the safety of the American people, the security of the Nation, and fairness to immigrants. We are a nation of laws, and we are a rich nation of immigrants. Both of those principles need to be respected in the debate, but we can only do so by making sure that the laws we pass are upheld and that we address the people who have broken the law. That can be done in a comprehensive bill, and we have to have debate and amendment.

The debate over security on our borders and handling immigration has generated a lot of ideas. The debate has matured, and we have had good debate on the floor. Now we have the attention of all 100 Senators and people around the country looking at what we do. They expect us to legislate, to address the very real problems that are out there today, and that requires debate and amendment.

If you look at other large bills we have done, the Medicare prescription drug bill, we had 128 amendments considered; the Energy bill, we had 60 or 70 amendments considered; on the highway bill, 47 amendments; bankruptcy reform, 61 amendments. It is important that we debate these amendments and act on them. We just can't sit on the side lines; the problem is too big, too important. It is growing. An estimated 3 million people crossed our southwestern borders illegally last year, and we don't know who they are. We don't know what their intentions are. We need to bring a rational, fair framework to assist a system that is just flatout broken. That is our responsibility.

Today is a new day, and we are just getting started. With that, I hope we will have the opportunity to start afresh. The two managers last night indicated they would be working together and would try to work out a list of amendments to be voted upon. I assume those would include the amendments that were offered last week. I would hope that they are. I encourage them to work out a process to give Senators on both sides of the aisle the chance to offer amendments and to have them voted upon so that we can complete that path to finishing a bill which is critically important to the safety and security of the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SECURING AMERICA'S BORDERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have worked on trying to break the impasse, and staff for Senator LEAHY and myself worked late last night and have a number of amendments where both sides think we can argue them, debate them, and vote on them. But we have still not resolved the issue as to what to do with certain pending amendments. It was my hope that the pending amendments would be included in the list, but that was not to be the case. We have debated the Kyl-Cornyn amendment. It is my thought that we ought to vote on that amendment. But that is objected to by the Democrats. In order to proceed to consideration and votes on other amendments, we have to set aside the Kyl-Cornyn amendment. Senator KYL is understandably concerned about setting aside his amendment, that he will not have an opportunity to vote on it. So we are still working to try to resolve the issue.

I have just had a short discussion with the distinguished Democratic leader. We are prepared to move ahead, not as usefully as we might but at least to use floor time on matters which we would have later. We have agreed that Senator SANTORUM would be recognized to lay down an amendment and speak about it and that Senator NELSON of Florida would lay down an amendment and speak about it. In the interim, we are continuing to talk to see if we can resolve our differences of opinion.

Mr. REID. Mr. President, it is my understanding that Senator SANTORUM would lay down his amendment, speak on it for whatever time he feels appropriate. Following the termination of his remarks, the Senator from Florida would be recognized, or someone on his behalf, to lay down amendment No. 3220 and speak for whatever time he thought appropriate.

Mr. SPECTER. That is my understanding as well. So we have agreed upon something.

Mr. REID. I ask unanimous consent on that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 3214

Mr. SANTORUM. Mr. President, I call up amendment No. 3214 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself and Ms. MIKULSKI, proposes an amendment numbered 3214.

Mr. SANTORUM. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act)

At the appropriate place, insert the following:

SEC. . DESIGNATION OF POLAND AS A VISA WAIVER COUNTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States, exemplified by the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.

(2) Polish history provides pioneering examples of constitutional democracy and religious tolerance.

(3) The United States is home to nearly 9,000,000 people of Polish ancestry.

(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.

(5) Since the demise of communism, Poland has become a stable, democratic nation.

(6) Poland has adopted economic policies that promote free markets and rapid economic growth.

(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.

(8) On May 1, 2004, Poland became a member state of the European Union.

(9) Poland was a staunch ally to the United States during Operation Iraqi Freedom.

(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.

(11) The Secretary of State and the Secretary administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.

(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.

(13) More than 100,000 Polish citizens visit the United States each year.

(b) VISA WAIVER PROGRAM.—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be deemed a designated program country for purposes of the visa waiver program established under section 217 of such Act.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, this is an amendment offered along with Senator MIKULSKI on the Polish visa waiver program. This is an issue I have talked about on numerous occasions along with Senator MIKULSKI. We have concern that one of our best allies—in fact, one of our staunchest allies—has great concerns about the way they are being treated in the United States with respect to the visa waiver program.

The visa waiver program is available to 27 countries around the world. That allows citizens from those countries to travel in the United States for vacation and visiting families, et cetera, without requiring a visa. This is a program which is given to countries which we have a special relationship with and which are able to meet certain criteria laid out in the law and have been certified by the Department of State as having met that criteria.

Poland, so far, has not been able to meet the criteria that has been laid out in statute, although I will say that when Senator MIKULSKI and I introduced this in the last session and pushed for its adoption, I think we energized the administration and State Department to get to work and try to find a way for us to meet the Poles halfway with respect to getting them into the visa waiver program.

I am very pleased to see that last year, they were again writing letters, putting on pressure, threatening to bring this bill up for purposes of passage. We brought it up in the 108th Congress and tried to pass it. Unfortunately, there was an objection on the other side of the aisle. We cleared it here, and I think there is broad support for taking a country—and it is now 25 years since the strike at the Gdansk Shipyard. There has been a tremendous change in this country which was brought about by real freedom fighters, led at the time by Lech Walesa and subsequent leaders to establish a stable democracy there—a democracy that is thriving and one that had an election recently and elected a new President. It is a President who I believe will continue to have very strong ties to the United States.

I know the Polish people. I have a lot of Poles in my State, and they tell me they travel over there, and the sentiment and feeling toward America is very strong. There is support for us in the war on terror, as strong as any country in the world. They have been a terrific ally during this period of time.

Obviously, the contribution the Polish Americans have made to this country, from Revolutionary War times all the way through today, is quite striking and important. So we have a country that has made fundamental changes toward democracy and toward a free market economy, which is doing relatively well, a country that we have so much in common with. Yet while almost all of the European Union countries participate in the visa waiver program, unfortunately, Poland has not been granted that waiver.

The President, last year, in response to the activity here in Congress, was able to put together what is called the roadmap. The roadmap was negotiated on February 9 of last year with then-President Kwasniewski. He laid out some very real steps to try to help give Poland another chance to show that they are prepared to meet the requirements of the law.

Unfortunately, we still have a situation where we have very high refusal rates. That is one of the criteria, but I am not too sure it is a good criterion. It basically trusts a bureaucrat in an embassy in Poland to determine whether someone should enter this country for the purpose of travel. When they are refused, for whatever reason, that adds to the refusal rate, and that rate is high. I don't know whether the embassy there is tougher or what. Also, the refusal rate sometimes is not reflective of the actual percentage of people who are trying to come here and are refused. If 1 person wants to come and asks 10 times, that is 10 refusals, not 1. To me, that also can skew the number of refusals.

I am just suggesting that I think we have a special case here. Congress has done this in the past with Ireland. Congress stepped forward, and we pushed the executive branch at that time to allow Ireland into the visa waiver program. I think it is time for us, given the tremendous support we have gotten from the Polish people, the tremendous relationship between our countries, the tremendous contribution the Poles continue to make to this country—and I can tell you, hearing from them on a regular basis as I do, since we have a large Polish population in our State, that this is something vitally important to Polish Americans—the ability of family members to come for weddings, funerals, birthdays, et cetera, and not have to wait for the bureaucracy at the American Embassy in Poland to approve these types of activities.

This is an important sign to a good friend that we stand with them and that we want to treat them as one of our best friends because, indeed, they are one of our best friends in the world. Senator MIKULSKI and I have drafted a piece of legislation that puts Poland into the visa waiver program. I reached out to the Judiciary Committee, which is responsible for this bill. I said: Look, if you have concerns and some tweaks we can make that gets them into the program but puts reasonable standards in place, we are happy to consider that. To date, on both sides of the aisle, we have not had very much cooperation in making what I consider to be some minor tweaks that would be necessary to pass this legislation.

I have come today to offer this amendment. Hopefully, we can get this accepted. If not, I would like to have a vote on this amendment. I believe it is important for all of us to stand up before our friends in Poland and affirm our support for them, as they have affirmed over the past many years their support for the United States and the initiatives we have taken around the world.

Mr. President, if you look at some of the countries that are in this program, we have countries such as Brunei in the visa waiver program, San Marino, and Liechtenstein. I suggest that if you are looking at countries that are supportive of the United States, I am not too sure you would name those above Poland. If you name a country whose culture, whose people have close ties to the United States, I am not too sure you would list those countries above Poland.

I hope we can consider this amendment and adopt this amendment, approve this amendment, and send a very strong signal to our friends in Poland that we stand in solidarity with them for their efforts to democratize, to open markets, and to create the freedom that our President and so many in the Chamber have advocated over the past several years.

With that, I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today to continue the fight to right a wrong in America's visa program. I believe it's time for America to extend the visa waiver program to Poland. I am pleased to have formed a bipartisan partnership with Senator SANTORUM to introduce this amendment to get it done.

In September 2004, Senator SANTORUM and I met with a hero of the Cold War, Lech Walesa. When he jumped over the wall of the Gdansk Shipyard, he took Poland and the whole world with him. He told us that the visa issue is a question of honor for Poland. That day, we introduced a bill to once again stand in solidarity with the father of Solidarity by extending the visa waiver program to Poland.

Last month, I had the honor of meeting with Poland's new President, Lech Kaczynski, joined by my colleagues Senator LEVIN and Senator LUGAR. We reaffirmed and cemented the close ties between the Polish and American peoples. And we heard loud and clear that the visa waiver program remains a high priority for Poland.

My friends, Poland is not some Communist holdover or third-world country begging for a handout. The Cold War is over. Poland is a free and democratic nation. Poland is a NATO ally and a member of the European Union. But America's visa policy still treats Poland as a second-class citizen. That is just wrong.

Poland is a reliable ally, not just by treaty but in deeds. Warsaw hosted an international Conference on Combating Terrorism less than 2 months after the September 11 attacks. Poland continues to modernize its armed forces so they can operate with the Armed Forces of the U.S. and other NATO allies, buying American F-16s and Shadow UAVs and humvees.

More importantly, Polish troops have stood side by side with America's Armed Forces. Polish ships participated in Desert Shield and Desert Storm during the first gulf war. Poland sent troops to Bosnia as part of UNPROFOR and IFOR. Poland sent troops as part of the international coalition in Afghanistan.

Polish troops have been fighting alongside American troops from day 1 of the Iraq war. Seventeen Polish soldiers have been killed in Iraq, and more than 20 have been injured. They are in Iraq because they want to be reliable allies—because they are ready to stand with us even when the mission is risky and unpopular. Today, nearly 1,000 Polish troops are still on the ground in Iraq, sharing the burden and the risk and the casualties. Next year, Poland will send more than 1,000 troops to Afghanistan to lead NATO's International Security Assistance Force.

So why is France among the 27 countries in the visa waiver program but Poland is not?

This amendment will add Poland to the list of designated countries in the visa waiver program. That will allow Polish citizens to travel to the U.S. for tourism or business for up to 60 days without needing to stand in line to get a visa. That means it will be easier for Poles to visit family and friends or do business in America. Shouldn't we make it easier for the Pulaskis and Kosciuszkos and Marie Curies of today to visit our country?

We know that our borders will be no less secure because of these Polish visitors to our country. But we know that our alliance will be more secure because of this legislation.

I urge our colleagues to join us in support of this important amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 3220

Mr. NELSON of Florida. Mr. President, I call up amendment No. 3220.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3220.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To use surveillance technology to protect the borders of the United States)

After section 102, insert the following new section:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) Aerial Surveillance Program.—

(1) In general.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) Assessment and consultation requirements.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) Additional requirements.—

(A) In general.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) Continued use of aerial surveillance technologies.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) Report to congress.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) Integrated and Automated Surveillance Program.—

(1) Requirement for program.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) Program components.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) Report to congress.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) Evaluation of contractors.—

(A) Requirement for standards.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) Review by the inspector general.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

Strike section 102(a).

Mr. NELSON of Florida. Mr. President, the sole intent of this amendment is to take what the committee bill provides in enhancing border security by utilizing technology and enhancing and integrating and coordinating that technology, the use of electronic surveillance on the border to augment our border patrol, and the use of unmanned aerial vehicles, which are a much cheaper version than the military version, but you can see at night and can also see during all weather—to take that technology and integrate it and coordinate it is the intent of the amendment.

The amendment was born out of an inspector general's report of the Department of Homeland Security, as well as the GAO report on how we can use additional coordination of our technology to enhance our border security. It is as simple as that.

I am assuming that the chairman of the committee will accept this amendment because it is just a commonsense amendment. We want to secure our borders. There are so many people we can hire: therefore, we ought to augment those Border Patrol personnel to secure the borders.

Here are a couple of examples. Right now, under electronic surveillance, the signal will go off that somebody has penetrated the barrier. That signal will go to a DHS employee, who then has to activate a camera and search as to where that particular electronic sensor has gone off. That is inefficient use of personnel. We have the technology. We can integrate it so that when the electronic sensor goes off—someone has crossed the border—the cameras in that particular location can automatically go off and record the event, that event can be sent out to multiple DHS substations, and it can also be sent out into a permanent databank so that we have a permanent record of that event. That is one example.

Another example is that you have an unmanned aerial vehicle, a drone, that is flying overhead and—same thing—an event is spotted. It is a crossing of the border illegally. Right now, that event is sent back to personnel in DHS.

Both the GAO report and the inspector general's report say you ought to integrate all that. It ought to likewise—that event—be sent back to multiple DHS substations for their immediate response, and it ought to go to a permanent databank where it is recorded so that we have this vast amount of data. That is the sum and substance of the amendment.

I inquire of the Chair, is there a previous order that I was allowed to offer just this one amendment, which is No. 3220? I have a second amendment that is parallel, No. 3221. What did the previous order require?

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is entitled to offer only one amendment.

Mr. NELSON of Florida. I see. Well, then, at some point, I will then likewise be offering a second amendment, which is quite similar. I explained a bit about it yesterday.

I will simply take this opportunity, while I have the floor, to point out what that amendment does, and the committee bill has moved in the right direction. The committee bill is providing 20,000 detention beds for people who are picked up for having been illegally in the country. What happens now is that somebody comes across into America, they are here illegally, and what do you know—we don't have the detention space in which to process them. They are released. There is one part of the border where up to 90 percent of the captured illegal aliens are released after being caught by DHS. Guess what happens. They completely disappear. Only 10 percent, approximately, appear for their subsequent immigration court hearings. DHS says we don't have any space. Presently, DHS has in the range of about 10,000 detention bed facilities. So 90 percent of captured aliens are released. The committee bill clearly is a step in the right direction. What they have done is doubled that to 20,000 beds. What my amendment would do is say let's be realistic: 20,000 beds is not going to cut it, and you are going to continue on this practice of finding an illegal alien and DHS is going to be required then to release them into American society, and they are not going to turn up again. We simply have to stop this.

My amendment is going to provide an additional 20,000 beds a year for 5 years or, in other words, to get us to the point after 5 years that instead of having 20,000 detention beds, we will have 100,000 detention beds and be able to meet this problem and stop releasing illegal aliens right back into society.

At the appropriate point, I will be offering amendment No. 3221.

Mr. President, I thank you for the opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I believe under the previous order, Senators have been allowed to offer amendments as we proceed—not on the immigration bill but on an unrelated bill while the immigration bill is pending.

I ask unanimous consent to speak as in morning business for 10 minutes for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

Mr. LEAHY. Mr. President, I also ask unanimous consent that at the conclusion of the senior Senator from Louisiana's time, the Senator from Vermont then be recognized to speak on the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL ADOPTIONS

Ms. LANDRIEU. Mr. President, I thought it had been cleared to present an amendment and discuss it briefly and, at a later time, have a vote on the amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be submitted for the RECORD.

Ms. LANDRIEU. Mr. President, I offer this amendment on behalf of myself and Senator DEMINT. Senator CRAIG is also a cosponsor, and several other Senators who have been working actually for several years on this proposal. In fact, my great partner on this bill was the former Senator from Oklahoma, Mr. Nickles. Unfortunately, we couldn't get this bill through by the time he left. So I know he will be pleased we are continuing the good work he actually put into place.

This is an amendment that I think is going to get great support, broad-based support from both the Republican side and the Democratic side. While there are many issues in this bill that are extremely controversial and very difficult and complicated to work out, which is why it is taking us a good bit of time and our managers are struggling with it as I speak, this particular piece I think is going to be welcomed with open arms.

Actually, the subject of this amendment is for us to welcome children into this country with open arms. These are children who are being adopted in ever increasing numbers by American families. The number of orphans around the world is growing exponentially for many reasons—extreme poverty, war, violence, the growing AIDS epidemic—creating a tremendous increase in orphans around the world.

We are working in many different ways to address that situation, such as strengthening child welfare systems within countries of Africa, within countries such as China and India, as well as strengthening our own domestic child welfare system. Many things are underway in partnership with our Governors and our local officials to do that right here in America.

But the fact remains that despite our best efforts to strengthen families, to improve child welfare systems and procedures in our country and around the world, the number of orphans is growing. The good news, however, is Americans are stepping up in unprecedented numbers to adopt more children out of our foster care children who, through no fault of their own, have been separated from their birth families and some for very good reasons because they have been abused, neglected, and have been, unfortunately, in some instances, hideously tortured at the hands of people who are supposed to be caring for them.

We have increased the opportunities for adoption. This amendment I am offering, called the ICARE Act, as an amendment to this bill proposes to improve the international adoption process. We have increased international adoptions from 7,000 children abroad in 1990 to over 23,000 children by 2004.

You may know, Mr. President, of families from Georgia who have adopted children from other countries. In fact, Members of the Senate have themselves gone through international adoptions with great success and, of course, a great blessing to the receiving family and a great blessing to these children whose options were extremely limited to the countries from which they came.

This bill that has been thoroughly examined over the last several years by the authorizing committees would afford foreign adopted children the same automatic citizenship that is granted to a child born to an American family overseas. If you are overseas and you have a baby, that baby gets automatic citizenship. This would, at the act of adoption in a foreign country, provide that same coverage to children who are adopted.

Of course, those of us with adopted children try to explain to everyone that once you have adopted children, it is impossible to distinguish between children you have adopted and biological children. You love them the same and they are an immediate part of the family. Many of us have experienced that on our own.

The amendment would also eliminate much of the redtape and paperwork associated with foreign adoptions, centralize the current staff and resources working on international adoption into one office, the Office of International Adoption in the State Department, and it would enable our State Department to provide greater diplomatic representation and proactive advocacy in the area of international adoption.

The fact is, in conclusion, since 1965, when these original laws were placed on the books, they have not kept up with either the pace or the change of international adoption, and that is what this amendment seeks to do.

So on behalf of Senator DEMINT, myself, Senator CRAIG, who serves with me as cochair of the adoption caucus, and others, I offer this amendment for the Senate to consider. When we get to the time when we can vote on some of these amendments, I hope to reserve some time to speak again about the importance of this amendment and, hopefully, it can be adopted by a voice vote. Hopefully we won't have to have a long debate about this, but if we do, I am prepared to debate this amendment for the thousands and thousands of families in America who, in their mind, are doing literally God's work by going to countries and adopting children who, without this intervention in their life, would literally, in many instances, die.

For Americans, the least we can do is reduce the redtape, honor their extraordinary commitment and their deep financial commitment, as well as to bring a child here at great expense and to raise them, and it is not cheap to do that in the United States. We want to honor that work Americans are doing and say we are reducing their paperwork, making things more automatic for them, all the while keeping our safeguards in place for a transparent, cost-effective system of intercountry and international adoption.

That is what my amendment does. Again, I offer it on behalf of myself and Senator DEMINT.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad the senior Senator from Louisiana is on the floor. I commend her for her statement. She has been a Senate leader on this very important humanitarian matter. We have discussed the question of international adoptions many times. I know how wonderful she has been in—I don't mean to embarrass her—not just her position as a Senator, but in her personal life. She has been wonderful. She has worked with Republicans, Democrats, and those who have no political affiliation on this issue.

I have to think that because of her work there are many children throughout this country who are going to have a life much better than they would have had otherwise. I commend my colleague. I am glad to serve with her and I know she wants to bring forward an amendment on this subject. I believe it is No. 3225, which I should also note is a bipartisan amendment.

I support this amendment, the ICARE Act. I hope we can agree to have it formally offered and successfully considered. International adoption cries out for this relief. I will work with my colleagues on the other side of the aisle to see if we can get this adopted. I would be surprised if there is any Senator—Republican or Democrat—who would object to it. I certainly will give it my strong support.

Again, I commend the Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator.

Mr. LEAHY. Mr. President, we were making some progress yesterday. We had a number of amendments that were adopted—one by the distinguished Republican leader and others. But then some tried to turn this into a partisan fight, and I think that is unfortunate. I hope we are back on track. We heard from a number of Senators on both sides of the aisle who support the bipartisan comprehensive bill, some of whom came down to speak for the first time in this debate. Senator MENENDEZ spoke from his unique perspective as one who was a Member of the House during their debate on their bill. He was there when they debated their immigration bill. It turned out to be a very narrow and punitive bill, which he opposed. He is now a Member of the Senate and is supporting a far better bill here today.

Senator NELSON of Florida described amendments in which he is interested. Senator LIEBERMAN spoke about an amendment which he and Senator BROWNBACK wish to offer relating to asylum. Senator BROWNBACK and Senator LIEBERMAN have this totally bipartisan amendment to which, for some reason, my Republican colleagues on the other side of the aisle are objecting. Senator KERRY spoke forcefully and eloquently.

I wish to speak for a moment about the comments made by the distinguished Senator from Colorado, Mr. SALAZAR. I was struck by his description of the slurs to which he has been subjected for his support of the comprehensive bipartisan committee bill. I talked with Senator SALAZAR, I think it was probably about 9:30 last night. He called me at home and we talked about his experiences. I told him how proud I was of him for standing up. Some of the things that were said were things such as: "Go back to where you came from." His family came to North America in the 16th century, a lot earlier than either side of my family. He is justly and rightly proud of his background, his ethnic background, and the great contributions he and his family have made to this country. I think about how horrible it is that he has to face these kinds of slurs. We are trying to do what is right for all Americans. This is not a situation where we have tried to craft a bill for one group of Americans over others, and Senator SALAZAR has worked to help us accomplish this.

So these slurs are wrong and it should be unacceptable to all of us. Senator SALAZAR is an outstanding Senator who has made great contributions. He served previously as the attorney general of his State. He is thoughtful and genuine, and he approaches issues in a serious manner. I am deeply offended that opponents of comprehensive immigration legislation have subjected him to these slurs. Let us debate the issues and stop the name-calling.

I think that those of us, many of us, who have been called anti-Catholic or anti-Christian or anti-Hispanic or anti-southern or anti-women or anti-American, have been subjected to these attacks because those who disagree with us find it easier to smear than honestly debate the issues. I find it most unfortunate that a Senator of the quality and integrity of KEN SALAZAR would be subjected to this form of an attack. This seems to have become a new and unfortunate way to debate. It is almost like an ethnic or religious McCarthyism we are facing. People don't want to debate the issue, so they slam somebody and suggest base motives.

I remember in another debate when some Republicans disagreed with me, they tagged me as being anti-Catholic and anti-Italian. I thought of the slurs my Italian grandparents faced when they immigrated to this country, and what my mother faced as a young girl because she spoke a language different than others were used to. But I also think of the pride my Italian relatives felt, here in the United States and in my grandparents' home in Italy, when I became a Member of the Senate. I don't feel I have to prove my bona fides for any of my heritage. My father was proud of his Irish background and my mother was proud of her Italian background. They were both proud of their heritage, but they went through a difficult time at a different time in this country.

I think of the stories of when my father was a teenager and had to support his mother and sister because my grandfather died as a stonecutter in Vermont. At that time Vermont was a much different State. It was not the wonderful, proud State it is today. My father faced signs that said: "No Irish need apply" or "no Catholic need apply." In their time, my grandparents faced similar things. That has changed.

I worry about those who are unwilling to debate issues of importance to this country, people who won't debate the merits, but simply attack people, as they have Senator SALAZAR or me with baseless religious or ethnic claims. It is a form of McCarthyism; it is just intolerance of a different nature. This Senate should be above that.

Those who have seen this happen, whether they are Democrats or Republicans, should condemn it. They should stand up and condemn it, as one of the greatest Vermont Senators ever to serve, Ralph Flanders, did when he supported a resolution of censure of Joseph McCarthy for what he was doing. They were members of the same party, and he condemned what McCarthy did.

President Bush called for a civil debate and I wish his supporters would follow that suggestion. I agree with the

President on this. We should have a civil debate. But I wish somebody, even one Republican, would step up and condemn the unfounded attacks and disassociate themselves from such poisonous conduct. We have a major piece of legislation here that will affect all 295 million Americans, and it will affect 11 million people who are here in an undocumented status in our great country. Let's talk about that and how we can best solve this difficult situation for the good of our country. Let's not impugn the character or the motives of any Senator.

During yesterday's debate, we had a procedural discussion that became unnecessarily heated. I have been here 32 years. Let's go back to having a Senate that will debate issues and get away from the polemics and the name-calling. During the course of the day yesterday, both the Democratic leader and I suggested, along with members of the staff, amendments on which we could have votes. Republican and Democratic amendments alike. I think if we had votes on these amendments, or even now if we had votes on these amendments, which are offered by Republicans and Democrats, some by both, we would have the kind of movement that, in my experience after 32 years, gets legislation through.

We sent an initial list of amendments to the other side that we believe could be scheduled for debate and votes. There is one by Senator BROWNBACK and Senator LIEBERMAN that has been rejected. It could pass with probably 80 votes in this body if it came to a vote. I don't know why we can't vote on that.

Some on the other side tried to turn this into a partisan debate. The Democratic leader, Senator McCAIN, Senator KENNEDY, and others have taken a bipartisan approach. Senator SPECTER and I have worked very closely, along with our staffs, under extraordinarily difficult scheduling to get this bill on the floor. What we brought to the floor is a bipartisan product, and everybody says, let's have a piece of bipartisan legislation. The President of the United States has said that. Most columnists have said that. We say that in our speeches. Well, let's do it with our votes. Let's not do it just for the rhetoric; let's do it in reality.

The Democratic leader has filed a petition for cloture that I hope will be successful on comprehensive, realistic, and fair immigration reform so we can take action this week. If we don't, let's stay through the weekend and let's get this done. Let's get it done. Stop the polemics.

Finally, as I have said before, don't let politics in this country degenerate into an ethnic and religious McCarthyism, which is what this debate has become. As a man of faith, I am proud to be a U.S. Senator, but I will make my decisions based on what the facts are before me. I am proud of my ethnic background. I am proud of the rich culture it has brought to our family, as I am proud of my wife's background as a first-generation American and the language skills and the background she brought with her. I am proud of the diversity of my grandchildren. But I make my decisions as a Senator based on one thing: the extraordinarily solemn oath I have been privileged to take in this Chamber six different times. I am mindful of the extraordinary privilege it is to walk on this floor and to have a chance to vote. I will vote my conscience. I will bring to bear my skills and my background as a prosecutor and a lawyer, as a Vermonter, aided by as fine a staff as anyone could have. I will bring that experience to these votes. But I will not be cowed by the obscene and irrational name-calling by the other side; nor, as I mentioned earlier, will Senator SALAZAR, who is a man with an extraordinary background, tremendous integrity, honor, and abilities.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have not yet been able to reach agreement on voting on key amendments. We do have some peripheral amendments we will be offering and voting on. We have no agreement on laying down an amendment, but I believe there is no objection to having Senator KYL speak to an amendment he would like to lay down at a future time.

Mr. REID. Mr. President, we certainly have no objection to anyone speaking on this bill at any length they feel appropriate. But at this stage, we are not going to agree to set aside the pending amendment for laying down other amendments.

Mr. SPECTER. Mr. President, may I ask the distinguished Democratic leader if that applies to laying down an amendment?

Mr. REID. Yes.

Mr. SPECTER. I don't see the logic, but if we can move ahead for Senator KYL to discuss an amendment that perhaps one day he will be able to lay down and perhaps one day he will be able to vote upon it.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 3246

Mr. KYL. Mr. President, yesterday I sought to introduce amendment No. 3246. I will not offer that again right now since the minority has indicated it would object to the offering of the amendment, but I will at least explain what it is. It is a very straightforward amendment that essentially addresses the future temporary worker program. I am not talking now about what is going to happen to the group of people who are here illegally today. We are talking about people who in the future might want to come legally from their country to work temporarily in the United States. For that group of people, there obviously needs to be a system for verifying their eligibility and for ensuring that program can work. It is estimated that it would take about 18 months maximum to make sure that all of the things would be in place for that program to work.

This amendment simply provides that things that the bill calls for to be in place within that roughly 18-month period of time would actually have to be in place before the temporary worker program commenced. In other words, it answers the question that many people ask: If you grant people a right to come to the United States and work here, how can we be sure that you have done all of the other things you have said you would do? In effect, this answers it by saying the temporary worker program doesn't start until we can certify that those other things were done.

All of us have talked about the need to ensure that we have enough detention spaces for people who came here illegally and need to be detained; that we have enough Border Patrol agents; that we have enough appropriation for some of the other things the bill calls for—and we are talking about the underlying bill. Given the fact that we all seem to agree that those things need to be done, what this amendment does is answer the question, How do we know they will be done? One way we know they will be done is the temporary worker program doesn't kick in until they are done.

We are not talking about in toto, we are only talking about 18 months' worth of the program. For example, we know that the number of people within the Department of Homeland Security who will be required to investigate compliance with immigration laws related to the hiring of aliens needs to be increased by 2,000, and those people would need to have been employed. We know the number of Border Patrol agents within the Department would be increased by not less than 2,500 more than on the date of enactment. That is approximately 1 year's worth of increase in Border Patrol agents. In addition, detention spaces I mentioned would have to be increased to a level of not less than 2,000 more than the number of beds available on the date of enactment. That is about the number that would be created in 1 year's worth of activity under the bill.

The point is, we say there are certain things we have promised would be done. In order to make sure that promise is kept and to answer that question of the American people who say: How do we know, since the law hasn't been enforced in the past, that you are going to enforce the new one, one way we can demonstrate that is to say that the temporary worker program under the new law doesn't kick in until these certain objectives have been satisfied.

They are not unreasonable. They are what is already called for in the bill. If we mean what we say in the legislation, then this amendment should not be a difficult amendment to adopt.

I reiterate that this applies to what some on the staff have called future flow workers. It does not apply to the people who are here illegally today. There is a separate temporary worker program for those people. But for future flow, in order to make sure that program will work, we have to have certain things in place. This bill would require that some of the things that we have promised would occur within that year's period of time would, in fact, have to be in place before this new temporary worker program would kick in. As I say, when we get an opportunity to offer that amendment—it is amendment No. 3240—I hope it will be adopted.

AMENDMENT NO. 3206

Let me also speak to an amendment that is pending. It is the pending business, but we haven't been able to get a vote on it. The number on that amendment is No. 3206.

What this amendment implies is that people in certain categories would not be able to participate in the program, and those categories are primarily people who are criminals or people who are absconders. By "criminals," we mean people who have been convicted of a felony or three misdemeanors.

The current law provides that if you have been convicted of a crime of moral turpitude or a drug-related crime or five multiple offenses that amount to 5 years in prison, you cannot participate in the program. That is fine, but it leaves out a lot of other crimes. I read the list of crimes yesterday that would not be covered under the existing bill.

What this amendment says is, if you have ever committed one of these other crimes or if, instead, you have committed one of these other crimes, then the program would not be available to you, either. Let me note what a couple of those other crimes would be. Crimes which are not covered under the current bill but which would be included in this amendment include burglary, involuntary manslaughter, loan-sharking, assault and battery, possession of an unregistered sawed-off shotgun, riot, kidnapping, making a false statement to a U.S. agency——

Mr. DURBIN. Will the Senator yield for a question?

Mr. KYL. Yes, I would be happy to yield.

Mr. DURBIN. Will the Senator help me understand his amendment? As I understand it, he has spent a great deal of time explaining crimes that would be included which would disqualify a person from the possibility of legalization, but he has not spent time discussing what I think is the more troublesome aspect of his amendment, which would say that if a person overstays a visa, he or she would be ineligible for legalization.

If I could concede to the Senator from Arizona that, if he is going to add the crimes he has mentioned—I happen to think they are currently covered by the bill before us, but if there is need for some clarification in that regard, I think we could work on it—but would the Senator be kind enough to address that basic issue? Are you saying if a person, currently on a student visa, is failing a class, drops the class, no longer is a full-time student and is therefore out of compliance with the student visa, that person by virtue of dropping that class has now disqualified himself from legalization under the bill that is before us?

Mr. KYL. Mr. President, I am glad the Senator from Illinois asked the question. That was the second point I was going to get to. The first had to do with crimes, but I will be happy to leave that conversation and move to the absconders, as I said. "Absconders" is the word that is used to describe those people who have been ordered by a judge to leave the country because of something they have done—more than simply overstaying a visa—and have refused to do that. In other words, they have already demonstrated an unwillingness to comply with an order to leave the country.

Obviously, part of the enforcement of all of this legislation depends upon our ability to enforce the law for people who are unwilling to comply with the law's terms. If someone has already demonstrated an unwillingness do that, it seems to me they should not be eligible. And let me go on to say that the suggestion that a simple visa overstayer is caught up in this is not true—not true.

Mr. DURBIN. Will the Senator yield?

Mr. KYL. Why don't I explain it, and then the Senator from Illinois won't have to keep asking questions about what it actually does.

There are four different sections. One of them has to do with the removal of people where there has been a formal proceeding and the alien has been detained. That is section 238. There are probably about 20,000—well, probably more than that, but there is at least a minimum of 20,000 because many of those are other than Mexicans. We do not have the number for people, for example, who would be Mexican citizens.

There are also formal proceedings before an immigration judge. This number of absconders is far greater. That is section 240. There are a lot more in that category, perhaps 200,000 to 300,000 people.

Mr. DURBIN. May I ask a question?

Mr. KYL. Let me finish the discussion so the Senator will not have to interrupt and ask questions, please.

Third, there are the situations where you have visa waiver countries where, because of the terms of the visa waiver, there has been a prewaiver of a right to contest removal, so there is no formal proceeding. There are about 900 removed under that provision per year. So this is not just visa overstayers. There are millions of visa overstayers, obviously. And finally the category of expedited removal, which is section 235, where an alien is detained until deportation. We don't have data on how many were deported but are still in the United States.

These are categories of people where it is not simply violating it—it is not coming into the United States illegally that triggers a visa overstayer. In fact, I am not sure we wrote this broadly enough because a visa overstayer such as Mohamed Atta—somebody from a country that does not have a visa waiver, from a country such as Saudi Arabia—would not be caught. So here is Mohamed Atta who overstays his visa, flies an airplane into the World Trade Center, and he would not, even under the amendment we have provided here, be precluded from participating in the program.

What I am saying is I don't think we drafted this quite broadly enough, but it makes the point that merely overstaying the visa does not catch you up in this particular bill. So it is wrong to say all we have to do is overstay a visa and this amendment would catch you up. That is simply not the case. The number probably caught up in this would be in the neighborhood of 300,000.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. KYL. I would be happy to.

Mr. DURBIN. Mr. President, here is what I understand the law to be and what your amendment says. The law, as I understand it, is if you are in the United States on a student visa from a foreign country, you are required to be a full-time student and to stay. If you are failing a course, you drop out of the course, you are no longer a full-time student and, therefore, you are ineligible to stay on a student visa. At that point, you are subject to a final order of removal which means you can be deported from this country, having a presence in this country that is not recognized by your student visa because you dropped the course.

Now let me read what your amendment says. It says:

> An alien is ineligible for conditional nonimmigrant work authorization and status under this section if the alien is subject to a final order of removal.

Mr. KYL. Keep reading.

Mr. DURBIN. "Under sections 217, 235, 238, and 240."

My question to you is this——

Mr. KYL. Mr. President, let me reclaim my time. The reason I said "keep reading" is because I just read to you under each of those sections, 217, 235, 238, and 240, the specific circumstances under which someone would be precluded from participating in the benefits of the bill. It is not, with due respect, as the Senator from Illinois said, overstaying a visa. You have to have been subject to one of these four specific sections.

As I said, the first one is a visa waiver. There were 900 people last year who were removed under that. It wouldn't even include a person such as Mohamed Atta, as I said.

I need to go back and try to fix the amendment with regard to that. Sections 235 and 238 are the expedited removal of aggravated felons and I am sure the Senator doesn't want to allow those people to remain. Section 240 is where there has been a formal appearance before an immigration judge and a person has specifically been ordered to depart and has not done so.

It is simply wrong to say if you come across the border and stay here, or if you overstay your visa, you are caught up in my amendment. My amendment is much more specific than that and specifically only deals with those people you would not want the benefits to apply to.

Mr. DURBIN. Mr. President, if I might further ask a question without asking the Senator to surrender the floor, of course, let me ask this question: What you said and the last thing you mentioned was if you were in the United States and had an order issued that you will leave, depart, but the language of your amendment doesn't say that. The language says you are subject to a final order, which means you could be—you could be—subject to a final order. You are not saying a final order has been issued for deportation, and, therefore, you are ineligible. You are saying you are sure. If I have overstayed my visa, sadly, I am subject to an order of deportation, even if it has not been entered.

Mr. KYL. Mr. President, let me answer the question again by saying I know my colleague is a good lawyer, but you have to read the whole sentence. You can't read half of a sentence and drop off the last part of the sentence. It specifically says under section 217, 235, 238, or 240. It is not simply subject to a final order of removal. It is subject to a final order of removal under one of those four sections.

The last section the Senator referred to is section 240. That is where there has already been a formal proceeding before an immigration judge, an order of removal has been issued, and it has been violated. Yes, the person is subject to a final order of removal because that person has already violated the judge's order.

As to each of these sections, as I said, there is a specific reason why it is included and why it isn't merely subject to a final order of removal.

Mr. DURBIN. Mr. President, if I might further ask a question, if the Senator from Arizona wants to make it clear that overstays on visas do not disqualify you from the pathway to legalization unless a final order has been entered saying you must be deported, I wish the Senator would clarify that language. As it stands, you have said if you are subject to—meaning you could be charged with—having overstayed your visa, you could be deported then you are disqualified. I think if you would clarify and tighten the language, it would overcome some of the serious concerns we have. The example the Senator used in other cases of terrorists and people we clearly don't want in the United States, I don't think you will have much, if any, argument. But when it comes to this particular circumstance, I think the language is subject to an interpretation you may not want.

Mr. KYL. I appreciate the suggestion of the Senator from Illinois. It is a usual legislative drafting tradition to say what you mean by referring to other sections of law and only those sections of law that you intend to cover. That is what we have done here. We have not referred to sections of law that would refer broadly to anyone who has overstayed a visa.

Let me reiterate. The Senator asked about the court proceeding. That was the section 240 I referred to. That is specifically where there has been a proceeding. The others I mentioned I will reiterate again.

The visa waiver: As the Senator knows, there are 27 countries where we have a relationship with a visa waiver. What that means is the individual, upon entering the United States, waives rights somebody under section 240 would not have waived because they do not even have to present a visa to the United States. They, in effect, agree as they come in, as a condition to the use of that provision, to be removable for violation of their visa.

As I said, last year, according to our information, a grand total of 900 people were removed under that particular provision.

This is not something on which we round people up and send them home. The expedited removal, sections 235 and 238—as I said, 238 is the removal of aggravated felons—and expedited removal under the provision the Department of Homeland Security has now established for other than Mexicans who come to the United States, for whom there is no detention space and who are being removed from the United States, are subject to this as well.

To talk about what this problem is and why we are trying to solve it, you have 39,000 Chinese citizens in the United States illegally whom the Chinese Government won't take back. There are similar numbers of people from other countries, although I do not know of any quite that large.

It is not a simple matter with people from countries such as this to take them to the Mexican border and turn them over to Mexico which obviously won't take them. They are not Mexican citizens. We don't have the detention space right now to accommodate about 165,000 other-than-Mexican illegal immigrants. The Department of Homeland Security has announced their streamlined procedure of expedited removal where it tries to get the country to take the individual back within a period of less than 4 weeks. They are trying to get it down to a couple of weeks.

But as I said, many countries won't take them back. What happens is you end up with people we don't have a place to put. There is no detention space available. They are given an order to appear before the court in 90 days. Basically, they are released on their own recognizance and asked to come back in 90 days to the Department of Homeland Security and show up for their removal. They do not do so. There is no place to put them. They do not show up for removal, and they meld into our society.

I doubt the Senator from Illinois is saying these—I believe it was about 165,000 such people last year—are people we should put on a path to citizenship.

Those are the four categories of people we are talking about: aggravated felons, people who have already violated a court order, expedited removal, and a small number of visa waiver people.

It does not apply to you simply if you overstayed your visa or if you came into the country illegally and, therefore, violated our law that says you are to present yourself at a port of entry. They violated that law. But merely coming into the country illegally is not covered by this amendment.

So the roughly 12 million people, or however many we are talking about here, would not be covered by this; at most, perhaps, in the neighborhood of 300,000.

Mr. DURBIN. Mr. President, if the Senator will yield for a question. I understand the Senator's explanation, and I have to go back to a point that I think if he would clarify his language in his amendment, it would allay some of the fears we have.

Let me give an example of why we are concerned. In the original Cornyn-Kyl bill that was introduced, it was a question about the ineligibility of aliens, or deferred mandatory departure, or a similar circumstance where they would not be recognized and given this opportunity. Your language in that instance said it would be an alien who would be "ordered, excluded, deported, removed or to depart voluntarily from the United States."

There was specificity there. The decision had been made. I think that is a lot clearer and more consistent with the explanation you have given us than the words "subject to a final order" which I think is much more general in scope and perhaps too broad, maybe leading to my conclusion that may not be consistent with your intent.

I ask you if you would consider tightening your language here as you did in the original bill with Senator CORNYN so we know exactly what we are dealing with.

Mr. KYL. Mr. President, I appreciate the suggestion. I would be happy to visit with the Senator from Illinois who, as I said before, is a good lawyer and who understands the details of this to make sure we are denying the privileges of the underlying legislation only to those people whom we intend to deny those privileges to. I think we have a rough meeting of the mind as to who those people are.

I will say, however, it does get difficult because when the Senator from Illinois says, for example, we don't just want visa overstayers to be caught up in this, as a general proposition, I agree with that.

What that means is, of course, Mohamed Atta and many of his cohorts would not have been denied the benefits of this legislation because they simply overstayed a visa.

The point here is it is hard to draw these distinctions and deny the privileges to people you don't want to get them and yet not sweep too broad a broom and preclude people you have no intention of denying the benefits to from participating in those benefits.

Mr. DURBIN. Mr. President, will the Senator yield again for a question?

Mr. KYL. I would be happy to yield again.

Mr. DURBIN. Mr. President, please let us not wave the bloody shirt of Mohamed Atta. He would be disqualified from this program under existing law. Terrorists are not going to be given a legal pathway to citizenship in America. No one wants that to happen, none of us. So I don't think that was a good example of why we need the Kyl amendment.

Wouldn't you agree that in language already in the bill before the Senate, Mohamed Atta wouldn't have a prayer if he said, I want to stick around; I know I have been convicted as a terrorist, but I want to be an American citizen?

Mr. KYL. Mr. President, with all due respect, I think that question was pretty far off the mark. Mohamed Atta committed his crime before he could have been convicted of being a terrorist, and he obviously killed himself in the process. The time to apply this legislation to him is not after the fact but hopefully before the fact.

The problem is that at the time he overstayed his visa, to our knowledge, he had not committed any other crime except perhaps forging some documents or making false statements to an immigration official—something such as that.

What I am saying is we have drafted this in a way that it would not have caught people such as Mohamed Atta because to do that would be to exclude others from the benefits of the legislation both the Senator and I agree should not be excluded.

I am simply trying to say we have to be careful with the language because if we simply say—and I know the Senator from Illinois would agree with this proposition when he says we don't want to exclude just people who have overstayed their visas, and he gave the example of the student who overstayed a visa—I know he doesn't mean to include within that somebody such as Mohamed Atta because the reality is that is exactly what we have done here. If we could find some other way to add a provision that says if we have evidence to believe somebody is a terrorist, they would also be included, that probably would be a good idea, and we would both agree to do that.

Mr. DURBIN. The bill explicitly says if you want to move toward legalization, you have to submit yourself to a criminal background check; no criminal record. Frankly, I can't imagine there would be a terrorist who would say, I will wait patiently for 11 years, and I will submit to a criminal background check so that in the 12th year I will commit an act of terrorism.

Mr. KYL. Mr. President, it may well be that Mohammed Atta may not want to take advantage of the provisions of the act. That is speculation. Although these terrorists did take advantage of our immigration laws in many respects, we did not expect them to do that. We thought they would sneak into the country. Instead they filled out the forms and came in, many of them, with legal visas. I am not sure we can assume what he will do or what he will not do.

Here is the point: Under the bill as drafted, only crimes relating to drug offenses, moral turpitude, and the conviction of five offenses totaling 5 years in prison would exclude someone from the benefits. That is why we have added the other elements which, by the way, I inform my colleague from Illinois, the conviction of a felony and three misdemeanors, are precisely the language from the 1986 bill.

Those who think the 1996 act was unworkable and amnesty and not a good idea should be aware that all we are doing with respect to the criminal violations is taking that same language and putting it into this bill.

We have had a good discussion of this amendment. I am happy to see if there is any way to further clarify the language that might get the Senator from Illinois to support the amendment. I want to get a vote on it.

As I said before, I want also to be able to lay down the previous amendment which simply provides a trigger that before the temporary worker program kicks in, certain things we promised to do under the bill would have been done.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there has been an agreement to take up a number of noncontroversial amendments. We are still trying to get a vote on the Kyl-Cornyn amendment, still trying to work out a procedure so Members on both sides of the aisle may offer controversial amendments, but we have not gotten there yet. However, there has been agreement on four noncontroversial amendments. I give notice that we will take them up as soon as the authors can come over.

Mr. KYL. Will the chairman of the Judiciary Committee tell us what those four amendments are?

Mr. SPECTER. I would. And before we can do it, we have to have consent to set aside pending amendments.

Mr. KYL. Because I advise you in advance I will object to setting aside pending amendments for consideration of further amendments.

Mr. SPECTER. The ones agreed to are these, and we cannot proceed until the pending amendment is set aside: Mikulski-Warner, 3217; Collins, 3211; Dorgan-Burns, 3223; and Isakson, 3208. But we cannot take them up, as noted, unless we have consent to set aside a pending amendment.

Mr. KYL. Mr. President, I note that under the regular order, my amendment is the first in line, having been offered on Thursday. These are subsequent amendments. It seems to me our colleagues would be willing to take up these amendments in the order they were offered.

What is curious to me is why some amendments are more worthy than others to be voted on. Maybe it is that people don't want to vote on certain amendments because they are troublesome. But if the object here is to try to get this bill completed, then we have to agree on some fundamentals, and that is that all the amendments that have been offered ought to be voted on. It is logical they would be voted on in the order they were laid down. There is no reason anyone can give me why there shouldn't be a vote on the amendment I laid down and that that should not precede the other amendments. I consider mine at least as worthy as the other amendments, particularly because it goes directly to a point in the underlying bill, and to my knowledge, the other amendments, by and large, do not do that.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let us understand where we are at this moment. In the colloquy with Senator

KYL, I raised an element of his amendment which we, I think, generally agreed needs to be clarified. I hope we can work toward clarification.

The Senator from Pennsylvania, the chairman of the Senate Judiciary Committee, has asked whether we can now take up amendments which both sides agree would be constructive, moving us toward our goal of final passage, on a bipartisan basis, asking the Senator from Arizona, would you please set your amendment aside, perhaps to work on the subject of your colloquy a few moments ago, and then you will be back in the queue.

We are not only prepared, incidentally, on the Democratic side to entertain the four amendments which have been spelled out by the Senator from Pennsylvania, we are also prepared to debate and vote on at least three other amendments, the Lieberman-Brownback asylum, an Allard amendment 3213, and a Nelson amendment 3220.

So the argument among some that we are stopping the amendment process is not true. At this point, the Senator from Arizona is stopping the amendment process because his amendment, which is not quite in the shape it might be in, or wants to be in, is going to be first or nothing else. I hope that is not where we are going to end this.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. With all due respect, I think that is a bit of spin to say I am stopping the amendment process. On Thursday, Friday, Monday, and Tuesday, I asked unanimous consent to proceed to amendments. Democrats objected. The amendment following mine is the amendment of the Senator from Georgia. That is not on the list, either.

What is happening is that the Democratic side wants to vote on certain amendments—most of which do not go to the heart of the bill—and does not want to vote on other amendments.

What we are saying is, we have a right to lay down amendments and vote on those amendments. I am happy to vote on every single amendment that has been laid down. But Members on the other side will not give me an opportunity to lay down another amendment. I have asked for that repeatedly. Unanimous consent has been denied. I asked the distinguished minority leader this morning. He said no, there would not be consent for me to even lay down the amendment I just got through talking about.

So let's understand that the objections to moving forward are not on this side. They are on the other side. I simply ask for the regular order.

Mr. DURBIN. If there is no objection on the other side, I renew that unanimous consent that we move immediately to consideration of Mikulski-Warner, 3217; Collins, 3211; Dorgan, 3223; Isakson, 3203, with 2 minutes of debate evenly divided before each vote, and that we start taking those up immediately. I ask unanimous consent to move forward.

Mr. KYL. Reserving the right to object, I offer an amendment to that unanimous consent request which is that those amendments occur as identified but to be preceded by a vote on amendments that are in the regular order.

Mr. DURBIN. Reserving the right to object, we are back where we started. Senator KYL will not let a single amendment be considered unless he is first. We have a bipartisan agreement to move to four and perhaps three other worthy amendments while he works on the language of his, which is not acceptable. We have reached an impasse, and I object to his modification of my unanimous consent request.

The PRESIDING OFFICER. The objection is heard.

Mr. SPECTER. Mr. President, without being repetitious, although repetition is only a minor vice here since nothing of consequence is likely to be said in any event. Moving this bill along, Senator KYL has accurately articulated the situation. We are being prevented from voting on amendments which have priority in sequence, where we ought to be voting, and it is just make-work to take up other amendments. It would occupy some time and we would have fewer quorum calls, but it does not move toward the heart of the issue. Senator KYL ought to be accorded the opportunity to vote on his amendment. The rules have brought us to an absolute impasse again. So then we have another day wasted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I will take a minute. On Thursday of last week, I offered in this Senate amendment 3215 which is pending after the amendment by the distinguished Senator from Arizona, the Senator from Texas. On Friday, when the majority of the Senate went home and there were no votes, I stayed in this Senate for 3 hours and presided in order for Senator BINGAMAN and Senator ALEXANDER to offer their amendments. We had last week a spirit of cooperation in this Senate to ensure that suggestions and amendments of the Members would be dealt with as expeditiously as possible. The Senate stayed in session on Friday to accommodate Democrats and Republicans alike with the understanding we would proceed in regular order this week.

To blame the Senator from Arizona for being obstructionist is totally incorrect. The fact is, there are other amendments following his that would equally be objected to by the distinguished minority whip. So we are frozen at this time because there is a lack of spirit of cooperation in order to consider issues that are important to the people of the United States of America on what I consider to be the most important domestic issue in the United States of America.

So singular blame on any one individual such as Mr. KYL is not only inappropriate, it is not right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I become very frustrated when it is evident that nobody wants to do what is the will of the Senate. It is a historic responsibility when you bring a piece of legislation to the Senate, which is to allow Senators, Democrat and Republican, to work their will with offering amendments that are, hopefully, germane and responsible to be debated and voted on.

Why would I want any amendments? I have all I want in the bill. The Judiciary Committee included agricultural jobs, a guest worker revised program, and a program that will deal with illegal undocumented workers already in country that relate to agriculture in the bill.

Would I want anymore amendments? In fact, the Senator from Georgia has already offered an amendment against me. One of my colleagues on this side of the aisle has openly said he wants to kill the AgJOBS provision in this bill, and he has a multiple of amendments he wants to offer. I am willing to let him offer them. I am willing to debate him. I think I can defeat him. I hope I have the prevailing argument.

But what is at hand here is a very important piece of work done by the Judiciary Committee, S. 2454. I am not going to suggest it is perfect in every way. The amendment process does refine and direct the will of the total Senate instead of the will of a single committee.

I suspect the chairman of the Judiciary Committee would be hard pressed to say this bill is flawless, it is perfect, it is without reproach. That is not what my phone calls are saying. That is not what the public is saying. In fact, the public in many instances disagrees with the provisions I have put in the bill.

What is important is exactly what the other Senator, Senator ISAKSON, said. This is one of our major domestic issues. It is an issue of national security. It is an issue of border control. It is an issue of recognizing the diverse economies of our country and the need for an employment base that is legal, documented, and controlled. It is a matter of immigration.

To suggest we are going to play games with who is on first and who is on second about who makes an amendment, who offers an amendment—why is the other side so nervous and frightened that somehow this bill might be changed a little bit? Better or worse, I don't know.

I think all who have spent time on this issue and know the issue are certainly willing to debate it or we wouldn't be with the issue. We would simply be running politically away from it as this Congress has done for a good number of years.

But the American people, in frustration, in anger, in fear, are now saying deal with it, control your border, our border, our Nation's border. Define and prescribe, background check, inspect those who cross it, at the same time, recognize that a certain type of employee is critically necessary in American agriculture to do the tough, hard, backbreaking work in the fields of America or to change the beds in our resorts or to work in certain forms of manufacturing or in oil patch.

Now, that is at that level of work, and that is an entry-level job, and it is critical to our economy that we have them. Americans, on the large part, have chosen not to do that kind of work anymore. But I recognize the need to recognize American citizens who do, and in my AgJOBS reform of the H–2A program, we create a national labor pool and recognize, first, if someone who is an American citizen is seeking that kind of employment, we make sure they are eligible and eligible first. It is Americans first in this instance, as it should be.

At the same time, there must be a clear recognition that there are now millions in this country, yes, here illegally, but all of them working, and working hard, and paying taxes, and not getting the benefit of those. Why? Naturally, they are not citizens. We understand that. They probably ought to go home when they are through working, and 90 percent of them want to go home. But the irony is, as we continue to control our border, we create an impenetrable line, as we should, and those who have moved back and forth across that border historically no longer can do that.

Well, it is an interesting thing. It is an interesting issue. The House tried to deal with it in one way—I do not think appropriately, I do not think responsibly. I am not suggesting it is not responsible to control the border. We are doing that in this bill. But I believe we are doing it in a much more sensitive and humane way.

The border has to be secured or what we do here will not work. You cannot try to control and identify and direct employment traffic, if you will, in this country if you cannot control the flow of the traffic. That is part of what we are all about in trying to deal with this issue.

There are those who would say: Round them up and throw them out—round up 8 million, round up five times the size of the population of the State of Idaho and somehow identify them and treat them as legally as you have to under the law and get them out? We cannot do that, will not do that. It is impractical to do that. That is what this bill has struggled to accomplish.

But let's stop and suggest that if this is the issue we all believe it is, why are we fearful of amendments? Why has the other side sleepwalked us for the last 2 days? We ought to have voted on 3, 5, 8, 10 amendments by now. What are we fearful of?

I have my provision in the bill, but let Senator CHAMBLISS amend it. Let him try. Let us debate it. Let us see the differences between what he believes and what I believe. We both agree on so many things as it relates to the agricultural employment base, but we disagree on some things. There is nothing wrong with that kind of healthy debate. I do not fear it. I will not fear it.

And I must say to my colleague from Illinois, when you tried to make the straw person the Senator from Arizona, there is an expression south of the Mason-Dixon line that is simply said: That dog don't hunt. Find a new straw person. This one does not work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, and so the Senator from Idaho says we ought to have considered three, five, eight amendments by now. Well, he suggests we are sleepwalking. Perhaps he was sleepwalking when we considered three amendments, the first by Senator FRIST, the Republican majority leader, the second by Senator BINGAMAN, the third by Senator ALEXANDER. And the fourth was a motion by the Senator from Pennsylvania to table the Kyl amendment. It is not as if we have not been considering amendments. If I am not mistaken, moments ago I suggested, let's move to four right now, and maybe seven. So let's move forward on these amendments.

So to suggest we are not moving through the amendment process is not accurate. To suggest we are sleepwalking—if you were wide awake, you would be aware of the fact that we voted on three amendments already on this bill and others were just denied an opportunity to be called just moments ago on the floor by the Senator from Arizona.

It appears now that those who oppose this bill or those who want to slow it down are intent on making the Kyl amendment the way to do it. I would say that Senator KYL and I had a colloquy just a few moments ago on the floor, and it was very clear to me that his language in the amendment needs to be changed so that it is clear to everyone what he intends to achieve.

I thought that is where he was going. I thought that is what he acknowledged. But having even acknowledged that, he will not allow another amendment to come forward while his is still pending on the floor. That is unfortunate.

It was said earlier that——

Mr. CRAIG. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. CRAIG. You are really going to suggest that the last 2 days of effort are called heavy lifting? Shouldn't we redefine what work in this body is all about?

Mr. DURBIN. I would say in response, I do not believe I used that term.

Mr. CRAIG. You did not use that term; I just did. But you have suggested we have been at great industry here over the last 2 days?

Mr. DURBIN. No. I can tell you—reclaiming my time, I would say to the Senator from Idaho, most of the work that has been going on has been off the floor in the Republican caucus because the Republican majority has to decide whether we are going to have a comprehensive immigration bill. There are 55 votes on their side of the aisle, 45 votes on our side of the aisle.

We are standing firm in the belief that the bipartisan bill which emerged from the Senate Judiciary Committee, with the support of the Republican chairman, Senator SPECTER, is the good starting point for us to really address comprehensive immigration reform, for the first time in decades.

The heavy lifting has been off the floor while the party of the Senator from Idaho has been trying to decide their place in history. Will they be part of a comprehensive bipartisan immigration reform or stand in its path? They have to make that decision. We cannot make it on the floor for them. The sooner they make it, the better.

Last night, the Democratic leader, Senator REID, filed a cloture motion to make it clear there will be a moment of reckoning. Here on the Senate floor, in very short order, the Republicans and Democrats will face a basic choice: Do we stop, do we kill this bill, this bipartisan comprehensive immigration bill or do we move forward? I hope we move forward because I think this is a good bill.

When I listened to the Senator from Idaho talk about enforcement, well, let me say, the enforcement provisions of the bill before us are amazing. And I use that term advisedly. But they are amazing.

We increase the number of Border Patrol agents over the next 5 years by 12,000—12,000. Currently, there are about 2,000. Think about that. What a dramatic increase in making our borders safer.

We increase the number of interior agents going after those who should not be in this country by 5,000 over the next 5 years.

Agents dedicated to combating alien smuggling, up 1,000 over the next 5 years.

We also require the Department of Homeland Security to construct at least 200 miles of vehicle barriers at all-weather roads in areas known as transit points for illegal crossings. This is in the bill before us.

We understand, as most would concede, that America's borders are out of control. They are broken down. Part of any comprehensive immigration package must have strong enforcement. The bipartisan bill before us does exactly that.

It goes on to require primary fencing in areas where we think it is necessary to stop illegal crossings. There are technology enhancements, replacing existing fencing, constructing vehicle barriers in certain Arizona population centers. The list goes on and on. Criminalization—greater penalties for those crossing the border illegally.

All of these things indicate this is not just a bill dealing with legalization, it is a bill dealing with enforcement. We took the provisions which Senator FRIST, the Republican leader, offered and we duplicated them. So to argue the bill before us is weak on enforcement does not stand up. It is strong on enforcement.

But let me be clear. Our lesson is this: Simply increasing enforcement will not solve the immigration problems of America. We have 2,000 border agents now. We have increased them over the years. We have done a lot over the last 4 or 5 years, and illegal immigration has continued. You need to do more.

In addition to border enforcement, you have to do two things. You have to deal with the employment. What is the magnet that draws people across that border into the United States? It is the prospect of a job, a job that will pay much more than they can make in their villages in Mexico, in Central America, or in Poland or Ireland, for that matter.

What we do is say that the employers who illegally hire people and exploit them are going to be held accountable. There are tough penalties under the law. So border enforcement is tough. Employer enforcement is tough, as it should be.

But there is a third element. The third element gets to the heart of the issue. What are we going to do about 11 or 12 million people currently in the United States who are not documented? If you listen to some of the cable show hosts, they say: Send them home. Deport 12 million people. That is totally unrealistic. Physically, it could not be achieved. If it could be, it would be an expense far greater than anyone could imagine for this country.

What we have to do is have realistic, tough, fair answers. Here is what we have come up with. If you are here, having overstayed a visa, or without documentation, in the United States, we will give you a chance, a chance to become legal. But it is a long, hard road. It will take you 11 years—11 years—of your life. You better be committed to being part of America's future—11 years.

In the course of that 11 years, it is not going to be easy. If you break the law, you are out. If you are not working, demonstrating employment, caring for your family, you cannot qualify. If you do not pass a criminal background check, you are out. If you do not pay a fine of several thousand dollars, you are out. If you have not learned English, you are out. If you have not paid your back taxes, you are out. If you do not understand this government, its history, and what our country is all about, you cannot qualify.

Do you call that amnesty? Does that sound like something that is automatic, moving to the head of the line, a free ride? It is not. It is a hard, tough process.

I come to the floor—and I have said it before; I want to repeat it, as many have in their own personal circumstances—as the son of an immigrant. My mother was brought to America at the age of 2 in 1911. My grandmother brought her, her brother, and sister over on a boat from Lithuania. They landed not at Ellis Island but in Baltimore. They caught the train to St. Louis and went across Eades Bridge over to the east side of the river in East St. Louis, IL, to meet up with my grandfather, who was working in common immigrant labor—steel mills and stockyards and things we did in that part of the world.

I do not know if my mother, who became a naturalized citizen in her twenties, could have met the qualifications of this bill—all of them. They are tough. They are demanding. I hope she could have, but she may not have. Fortunately for me, she became a naturalized citizen. I am very proud of that. She raised a family with my dad—three boys, and one of them turned out to be the 47th Senator from the State of Illinois.

That is an American story, a story repeated over and over and over again. We want this bill to reflect American values. We want this bill to basically say: We are going to fix a broken immigration system. We are going to repair our borders with real enforcement. We are going to make certain that the employers who are making this situation even worse are going to be penalized. We are going to do that and give those who are here a chance to become legalized.

The Presiding Officer up here from the State of South Carolina has been very articulate about this issue. He has spoken out in many places, and I admire the statements he has made. He has noted the fact that there are many people currently serving in the U.S. Armed Forces who are not citizens. That is a fact. You do not have to be a citizen to serve as a soldier. And many of them are risking their lives today, in uniform, for the United States of America. Over 50 have been killed in Iraq. They are not legally citizens but serving their country they love, willing to risk their lives for this country.

It has been raised by the Senator from South Carolina, and others: What are we saying to them? What are we saying to those who have served, those who have risked their lives and may come home having lost a limb or suffering some serious injury? Are we saying to them that their parents, their family, must still live in the shadows of America? Or are we going to give them a chance? That is what this bill is all about.

So we have a strong bipartisan bill, supported by the Senator from Pennsylvania, supported by three other members of the majority party in the Senate Judiciary Committee.

It is true. We have been rather steadfast in our belief that this process has to move forward. And we only have a few days to try to capture the moment and to bring together the political forces to do something historic.

Last Saturday, I went to a high school in Chicago. Cristo Rey is a Jesuit high school in an area of Chicago that has a largely Mexican population. It is an incredible school with dedicated teachers, administrators who are trying to give kids a fighting chance. They know what the statistics tell us. Fifty percent of Hispanic Americans drop out of school. So they are fighting against the odds to keep these kids in school. I stood there on a stage with about 20 students from that high school and surrounding high schools, some who had graduated a few years ago and some who were currently about to graduate. I listened to their stories.

Oscar Ramirez was there. I had met him before. He said: Senator, the last time you met me, I was pursuing my degree in biology from the University of Illinois in Chicago. I got it. I got my bachelor of science degree in biology. Right now, I have applied for a master's for research in neurobiology. But once I get my master's degree—and I am going to get it—I am still undocumented. In the eyes of the Government, I am supposed to leave.

I ask my colleagues, is America a better place if Oscar leaves? Is this country better that a person of that talent would leave us at this point? He came here as a child. His parents brought him here. They didn't ask for him to vote on where to live; they brought him. This is the only land he has ever known. He defied the odds—not only graduated from high school, but he has a bachelor's degree and is going for an advanced degree. Wouldn't we be a better country with Oscar Ramirez as a citizen doing neurobiological research on Parkinson's disease and Alzheimer's? Wouldn't we be a better place?

Standing next to him was a young woman about to get her bachelor's degree in the city of Chicago in computer science and math who said: All I want to do is teach. I want to teach in high school. I hope that some kids will be as excited about math as I am.

Can we give up on a person like that? Are we ready to say we don't need them in America—thank you for dropping by, but you can go back to wherever you came from? I don't think so. I think what they bring to America is exactly what we need—values that we cherish, values that distinguish us from many other countries. Why is this such a great nation? Because it is a nation of immigrants and a nation of immigrant spirit, the spirit of those who were willing to get up and take a risk where others were not.

When my mother's family left the tiny village of Jurbarkas in Lithuania, I am sure there were villagers around them shaking their heads, saying: What are they thinking? They are leaving their home, the little plot of land they are tending to grow vegetables. They are leaving the church where they were baptized, their language, their culture, to go to a place where they can't even speak the language. That Kutkin family must be crazy.

It was a crazy family like my grandparents and many like them who have made this great Nation. They brought here risk taking. They brought here family values. They were going to stick together through thick or thin, and they did it. Because of them, because of their courage and the courage of millions like them, we are a different nation. Where other nations are torn apart by divisions, our diversity gives us strength.

That is what this bill tries to capitalize on. That is what this bill tries to build on. It says: Let us take the strength of that immigrant spirit and build a stronger America for tomorrow. Create obstacles in the path, create requirements, give people a chance to earn their way to citizenship. It is a hard, long path, but an important one.

The Senate bill we passed takes this comprehensive approach. It is tough. It is fair. We improve border security, deploy new technology, increase our manpower, crack down on employers that are hiring millions of undocumented workers. We do need tougher enforcement. We believe that. But in the Judiciary Committee bill, we acknowledge something that Senator FRIST, the Republican majority leader of the Senate, and Chairman JAMES SENSENBRENNER of Wisconsin did not acknowledge—a strategy that focuses only on enforcement is doomed to fail. In the last decade, we tripled the Border Patrol agents in America. We have spent eight times as many hours patrolling the border. During that same time, the number of undocumented immigrants has doubled. Enforcement alone is not enough. We need a realistic and comprehensive approach.

As the Department of Homeland Security acknowledges, mass deportation, which we might hear on some of the cable talk shows, isn't going to work and will cost us billions of dollars if we try. Amnesty is not an option, simply waving our hand and saying to everyone who is here: You are now legal citizens, enjoy America. That isn't the right thing to do, either.

What we try to do is find a reasonable middle ground. If we are serious about reform, we need to offer the chance for immigrants who work hard, play by the rules, pay their taxes, learn English, a chance to become legal in America.

Incidentally, what Senator KYL said earlier about those who should be disqualified, I can't argue with him. When it comes to criminal records, let's be honest, if you want to be a citizen and you want to commit crimes here, we don't want you. Can I be any clearer? If you want to commit a violent crime, if you want to endanger the life of another person with a sawed-off shotgun or commit crime of moral turpitude, you can leave right now. We don't need you, and we don't want you. We make that clear in the bill. It is already there. If you want to make it all the way to citizenship, you can't have a criminal record, period.

You have to have been employed since January 2004. Aliens who enter after that date or who have not worked continuously since then would not qualify. You have to remain continuously employed going forward. You have to pay about $2,000 in fines and fees, pass a security background check, a medical exam, learn English, learn about our history and government, and pay all back taxes. And then, if you meet all of those requirements, you go to the back of the line so that people who are trying to move forward in this convoluted, bureaucratic legal process will still be in the front of the line before you.

It is clear that is not amnesty. That is a process, a long, arduous process. It is an 11-year pathway to citizenship.

We have an important bill before us, a bipartisan bill. We have a singular opportunity to make history this week in the Senate. If we press forward with a bipartisan spirit, the same spirit that guided the Senate Judiciary Committee, we can achieve this. Having achieved it, we will be able to say that we tackled one of the biggest problems facing America today and dealt with it in a responsible fashion.

I will not renew my unanimous consent request because I know the Senator from Pennsylvania would object. There is no point wasting our time in that regard. I thank him for his leadership. I know he is trying to find some balance to build a bridge over the troubled waters of the Senate. But at this moment in time, we are prepared to move on the four amendments we have agreed to and three others. We would like to do that. I say to the Senator from Georgia. The amendment which we are prepared to accept may not be the one you want today, but perhaps we could get to your amendment at a later time. I hope we can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are at an impasse. The rules of the Senate have been used to block meaningful consideration of the pending legislation. What we have before us is the committee bill which was voted out 12 to 6. I believe it is a good bill. It is a very good bill. But under our rules, it is subject to being amended. The Senators who wish to offer amendments are being stymied by the Democrats who are imposing technical rules—led by Senator REID, the minority leader. That is the brutal fact of life.

We worked hard to try to find some amendments where we could go forward and have votes. We came up with a list, but none were meaningful. None would advance the core considerations of this legislation.

The rules of the Senate are very complex. If an amendment is not offered prior to cloture—and cloture is the expression to cut off debate—the amendment may not be voted upon, cannot be offered after cloture if it hadn't been offered before cloture. If anybody is watching on C–SPAN 2, which I doubt—it is just too dull; perhaps not by comparison with what else is available on cable or over the air—the reason is that Senators do not want to make tough votes. Today, it is the Democrats who don't want to make tough votes. But another——

Mr. DURBIN. Will the Senator yield for a question?

Mr. SPECTER. I will as soon as I finish.

Today, it is the Democrats who don't want to make tough votes, but there have been days when it was the Republicans who didn't want to make tough votes.

Senator REID said that they were experts on being cut off from offering amendments because they have tried to offer amendments and couldn't. And he mentioned the minimum wage and stem cells, among other items. But there is a significant difference on what is happening today and yesterday during the pendency of this bill, and that is that the amendments to be offered relate to the bill, are germane to the bill. Senator KYL wants to offer amendments that deal with the text of the bill. When Senator REID was talking about stem cells, he was talking about hypothetically, or maybe he did try to offer a stem cell amendment—I don't know—or tried to offer a minimum wage amendment, but he tried to offer it on a bill which was not germane.

It makes sense to say we are not going to vote on stem cells on the highway bill, illustratively. And although Senator REID wants to vote on stem cells, he hasn't pushed that issue as hard as I have. I have been working on the stem cell issue since it burst upon the scene in November of 1998. The subcommittee which I chair on Labor, Health and Human Services, and Education has had 16 hearings on it. I am the coauthor of the Specter-Harkin bill which has passed the House as the Castle bill. I really want to bring that up, but I can see not bringing it up on an unrelated bill. We are working now on a schedule. The majority leader has committed to finding a time to vote on stem cells in the immediate future.

The point is that when the Democrats tried to offer amendments, they were to bills where they were not germane. I think that is the situation. I do not have all of the amendments in my hand, but be that as it may, there is no doubt that the amendments which Senator KYL and others want to offer relate directly to this bill. Although I would like to pass this committee bill, we are not going to get a fair shot at it because we are not going to get cloture. After cloture is voted down tomorrow, there is going to be a mass exodus for the airports and the trains. People will be going on the Easter recess, and this very important piece of legislation is going to die.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SPECTER. OK.

Mr. DURBIN. I would like to ask the chairman of the Senate Judiciary Committee if he recalls a few weeks ago on the reauthorization of the PATRIOT Act when Senator FEINGOLD of Wisconsin offered amendments which were germane postcloture but was not given an opportunity to call those amendments because the Republican majority leader, Senator FRIST, filled the tree? There was no question that they were germane amendments. Senator FEINGOLD rightfully took to the floor and held us in session for days because the Republican majority would not allow votes on germane amendments on the bill that came out of our committee.

Mr. SPECTER. Mr. President, the thought that comes to my mind is, were they subject to being offered postcloture, had they been offered precloture? Don't they have to be offered precloture? The Parliamentarian is shaking her head in the negative. Repeat the question, and I will try to answer that.

Mr. DURBIN. It is my understanding that you can offer germane amendments postcloture, but the question is whether you can get into a queue where the amendment will be called. If there is a pending germane amendment filed precloture, it may take precedence in terms of being called, and you may not have an opportunity. I think you have a right under our rules to offer germane amendments postcloture. Whether you will have a chance to call those for a vote depends on the process on the floor.

Mr. SPECTER. Well, as we have seen in so many situations, and where I have been willing to concede error on both sides of the aisle, I am not going to seek to defend preventing votes on relevant, germane amendments, whether they are offered by Senator FEINGOLD or Senator KYL, or anybody else. That is just not the way the Senate ought to be run. I am glad to note that the Senator from Illinois didn't hear my answer. He was talking, which he has a right to do.

Mr. DURBIN. I apologize to the Senator, who is very patient. I will listen to his remarks.

Mr. SPECTER. It is not worth repeating. It is my hope that sanity may yet return to this Chamber. If it existed, it has certainly departed. We have, in all seriousness, a bill before us that is enormously important.

Senator DURBIN spoke at some length a few moments ago, and I agree with most of what he said. We have a tremendous problem in this country with undocumented aliens. We need to get a handle on what is going on. We need to not have a fugitive class in America that is being exploited by employers. We need to control our borders. We have a serious problem with terrorism. We have a serious question whether the people coming into this country are taking American jobs or depressing American wages. We are simply not dealing with it.

To have the Senate floor empty, and we are going to have a quorum call most of the time unless people come over and talk about ideas, which are fine but are not advancing the progress of this bill. I think it is important that our constituents know we are at an impasse because of technical reasons advanced by the Democrats. I do not say that in a partisan sense. I have voted for many Democratic proposals and for many of President Clinton's judges and across the line on many occasions when I thought the ideas merited it, not as a matter of party loyalty.

The Democrats are stonewalling this bill and no one is even on the floor to defend them, so I will not attack them anymore.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I want to pose a question to the distinguished minority whip. Last Thursday, I offered amendment No. 3215, which is second in line after the Kyl amendment. I have listened intently to the distinguished Senators from Illinois with regard to the objections they have expressed to the Kyl amendment. I have not heard them say what their objection is to amendment No. 3215.

I ask the Senator from Illinois this question: Amendment No. 3215 is a simple amendment, which says that any provisions of this act which grant legal status to someone who is here illegally do not take effect until such time as the Secretary of Homeland Security has certified to the President and the Congress that our borders are reasonably secure.

Now, I would like to hear what objection someone would have to the United States of America living up to its responsibility of securing our borders?

Mr. DURBIN. Mr. President, I say to the Senator from Georgia, I think it would be an interesting debate. We may reach that debate as to what is reasonably secure. There are some, as I understand it, 300 million people who cross our border with Mexico every year in legal status, for commercial purposes and otherwise, and whether we are secure under the Senator's amendment, I would have to listen to his arguments on who makes the certification and what are the standards for that.

If we had a situation where the fate of millions of people hinged on a subjective decision about reasonable security, I think that would raise some questions about whether we are moving forward and whether people would say: I can step out of the shadows now and I think at this point I am prepared to tell you who I am, where I live, where I work, and here are my records. If there is this uncertainty, at any given time you could stop the process.

I say to the Senator from Georgia, it would be an interesting debate and I am anxious to hear his side of the argument.

His is 1 of 100 amendments that have been filed. One of his other amendments we are prepared to take up immediately. I don't think that is the same one. We are prepared to take that up because we think it would move the bill forward in a constructive, bipartisan way.

I would like to hear the Senator's argument before making a final decision.

Mr. ISAKSON. Reclaiming my time, my response to the Senator would be that I am not an attorney, but I spent 33 years in the real estate business. I saw the term "reasonable attorney's fees" on more documents than the law would allow. I never met an attorney who could not describe what reasonable attorney's fees meant. I think we can find a lot of people in the Senate who understand that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, I ask unanimous consent to speak as in morning business for a few moments.

The PRESIDING OFFICE. Without objection, it is so ordered.

NEGRO LEAGUES BASEBALL MUSEUM

Mr. TALENT. Mr. President, I would like to take a few minutes to talk about last night's passage of S. Con.

Res. 60, a resolution that designates the Negro Leagues Baseball Museum in Kansas City, MO, as America's National Negro Leagues Baseball Museum. I can't think of a more appropriate time of the year to have passed this landmark legislation than this week—opening week of the 2006 baseball season. The passage of this historic resolution will allow an already fantastic museum to grow and become even better.

That would be reason enough to pass a resolution here were the museum on any other subject. But on this subject, which is so significant to the history of America, it made the resolution, I think, even more important. I am grateful to the Senate for passing it last night.

Many of baseball's most noted stars of the past century got their beginnings in the Negro Leagues. Greats such as Hank Aaron, Ernie Banks, Roy Campanella, Larry Doby, Willie Mays, Satchel Paige, and of course, Jackie Robinson eventually brought their fast-paced and highly competitive brand of Negro Leagues baseball to the Major Leagues. In fact, much of the fast-paced style of baseball today is owing to the influence of the Negro League's brand of ball.

Unfortunately, before the color bar was broken, many skilled African-American ballplayers were never allowed to share the same field as their White counterparts. Instead, such players played from the 1920s to the 1960s in over 30 communities located throughout the United States on teams in one of six Negro Baseball Leagues, including teams in Kansas City and St. Louis in my home State of Missouri.

The history of these leagues is an interesting one. In the late 1800s and early 1900s, African Americans began to play baseball on military teams, college teams, and company teams. The teams in those days were integrated. Many African Americans eventually found their way onto minor league teams with White players during this time. However, racism and Jim Crow laws drove African-American players from their integrated teams in the early 1900s, forcing them to form their own "barnstorming" teams which traveled around the country playing anyone willing to challenge them.

In 1920, the Negro National League, which was the first of the Negro Baseball Leagues, was formed under the guidance of Andrew "Rube" Foster—a former player, manager, and owner of the Chicago American Giants—at a meeting held at the Paseo YMCA in Kansas City, MO. Soon after the Negro National League was formed, rival leagues formed in Eastern and Southern States and brought the thrills and the innovative play of the Negro Leagues to major urban centers and rural countrysides throughout the United States, Canada, and Latin America.

For more than 40 years, the Negro Leagues maintained the highest level of professional skill and became centerpieces for economic development in their communities. The Negro Leagues constituted the third largest African American owned and run business in the country in those days. They brought jobs and economic activity to many of the cities around the United States and played in front of crowds of ten, twenty, thirty, forty, and even fifty thousand people. These crowds were integrated. White and Black fans came to watch the Negro Leagues, and they sat together.

In 1945, Branch Rickey of Major League Baseball's Brooklyn Dodgers recruited Jackie Robinson from the Kansas City Monarchs, which made Jackie the first African American in the modern era to play on a Major League roster. That historic event led to the integration of the Major Leagues and ironically prompted the decline of the Negro Leagues because, of course, Major League teams began to recruit and sign the best African-American ballplayers.

If you stop and think about it, the integration of baseball was the first of the major events in the civil rights movement in this country—well, not the first, because that movement, of course, had begun early in the last century. But it was the first significant widely known event. Baseball was even more than it is today America's game. The effect of this on the national consciousness, the progress that made toward equality and justice for all people, cannot be underestimated. That event occurred because of the Negro Baseball Leagues. Without those leagues, we would not have the pool of ability and excellent baseball players from which Branch Rickey was able to draw when he came to an agreement with Jackie Robinson. Ironically, though, that event, which led to the integration of the Major Leagues, prompted the decline of the Negro Leagues, because Major League teams began to recruit and sign the best African-American players.

The last Negro Leagues teams folded in the late 1960s. Much of the storied history of these leagues was packed away and forgotten until 1990 when the Negro Leagues Baseball Museum was founded in Kansas City, MO, to honor the players, coaches and owners who competed in Negro Leagues Baseball. This museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the participants of the Negro Leagues from the 1920s through the 1960s.

It is not a hall of fame, Mr. President. We don't want it to be a hall of fame. The Negro Leagues' baseball players belong in the Major League Hall of Fame. They were segregated long enough. It is a museum that exists in order to educate and enlighten people, and to allow them to enjoy the experience of the Negro leagues in the United States.

Today the museum educates a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants of the leagues. The museum uses onsite visits, traveling exhibits, classroom curriculum, distance learning, and other initiatives to teach the Nation about the honor, the skill, the courage, the sacrifice, the humanity, and the triumph of the Negro Leagues and their players.

This resolution designates the Negro Leagues Baseball Museum in Kansas City as America's National Negro Leagues Baseball Museum. This designation will assist the museum in its efforts to continue the collection, preservation, and interpretation of the historical memorabilia associated with the Negro Leagues. This effort is a must if we hope to enhance our knowledge and understanding of the experience of African Americans and the African-American ballplayer during the trials and tribulations of legal segregations.

The full story of the Negro Leagues should be preserved for generations to come and the passage of this legislation gives the museum another tool to do just that.

I highly recommend a visit to the Negro Leagues Baseball Museum for anybody who is in Kansas City. Whether you are a baseball fan or not, you will be moved by what you see and the stories you are told at the museum. You will be encouraged and inspired in every way by seeing how these players confronted the injustices of their times, and with great spirit and energy overcame all obstacles placed in front of them.

This museum is a first-class operation of 10,000 square feet in the historic 18th and Vine neighborhood in Kansas City. It entertains 60,000 visitors a year. There is a number of key features to the museum, but I think the passage through which you can walk and see a timeline of the Negro Leagues' development, and then next to it a timeline of important events in American history and the civil rights movement, is very enlightening and very moving. You will learn about these leagues and the players as people, and through that and through their experiences, you will learn about the times. These were not downtrodden men who played in this game, nor were the owners or the fans.

They were joyous. They played a game they loved, and they played it extremely well. Yet in the context of everything they did was the legal and social situation in the United States they were battling, over which they eventually triumphed.

Those who visit will be encouraged and inspired by seeing how those players confronted the injustices and other difficulties of their time with great spirit and energy and overcame the obstacles in front of them.

I congratulate everybody at the museum who continues to work so very hard to make sure the story of the Negro Leagues is a piece of history that is preserved for future generations. The passage of this legislation is an important way to honor the museum, its employees, all its volunteers and supporters for their years of tireless advocacy on behalf of the baseball legends of the Negro Leagues.

I especially thank and congratulate Don Motley, Bob Kendrick, Annie Pressley, and Buck O'Neil of the Negro Leagues Baseball Museum for their dedication and assistance in passing this resolution.

I also thank Senator DURBIN for cosponsoring this resolution with me and others who cosponsored it as well.

I am not going to take up much more time of the Senate. I know we are taking a little break from the important immigration debate, but I can't pass up the opportunity to put in a good word about my friend Buck O'Neil and the tremendous work he continues to do for the Negro Leagues Baseball Museum. Buck is a true American treasure whose illustrious baseball career spans seven decades. It has made him one of the game's foremost authorities and certainly one of its greatest ambassadors.

I am not going to go through all of Buck's statistics as a player, as a manager in the Negro Leagues, or as the first African American who became a coach in the Major Leagues. He did so with the Cubs. In that capacity, he discovered superstars such as Lou Brock, for which I am very grateful. If he had been in control of the Cubs' front office, they would not have traded Lou Brock to the Cardinals for Ernie Broglio in 1964, and they might have won a couple pennants themselves. So I am grateful Buck was not the Cubs' general manager at the time. I don't think he would have made that mistake.

In 1988, after more than 30 years with the Cubs, he returned home to Kansas City to scout for the Kansas City Royals.

Today Buck serves as chairman of the Negro Leagues Baseball Museum he helped to found. The work he has done after he retired from the game may be even more significant to the history of baseball than his exploits as a player or manager. Nobody has done more to build this museum and to call the rest of us to remember the significance of Negro Leagues Baseball than Buck O'Neil.

He has reminded us that the leagues are significant in so many ways on so many different levels. They represent a triumph of the human spirit, tremendous sportsmanship, high quality of play, and were of vital importance to the African-American community of the time, and they led directly to the integration of the Major Leagues.

The work of Buck O'Neil and the museum led the Hall of Fame to hold special elections earlier this year to elect a class of Negro Leagues and pre-Negro Leagues ballplayers into the 2006 Hall of Fame induction class. On February 27, 2006, the Hall of Fame in Cooperstown announced that 17 former Negro Leagues and pre-Negro Leagues players and executives would be inducted into the Hall of Fame in July 2006. That was largely because of the efforts pushed by Buck and the Negro Leagues Baseball Museum and concurred in by Major League Baseball. It was a bittersweet day for me and many of us in Missouri because the one name missing from that list of 17 players and executives was Buck O'Neil.

I certainly think there is nobody who meets the criteria for induction into the Hall of Fame more than Buck. If you look at his statistics on the field as a player, his years as a scout, his years as a manager and a coach, even more than that, his years as an ambassador for baseball, a happy warrior for the Negro Leagues and the Negro Leagues Baseball Museum, it more than qualifies him for admission into the Hall of Fame. I hope we can find some way to correct this oversight quickly.

In closing, I thank the Senate for its patience. I thank my friend and colleague from New Mexico, Senator DOMENICI, for his assistance and support in moving this legislation swiftly through the Energy Committee.

I thank the colleagues who supported the legislation and allowed it to pass by unanimous consent last night. The story of the Negro Leagues is a story of true American heroes who contributed to this Nation on and off the field and confronted life with courage, with sacrifice, and eventually with triumph in the face of injustice. I hope the Members of the Senate will take an opportunity when they are in the area to learn more about these heroes by visiting what I hope and believe will soon become known as America's National Negro Leagues Baseball Museum in Kansas City, MO.

I thank the Senate, and I yield the floor.

Mr. SESSIONS. Madam President, if I may ask a question of the Senator.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator TALENT for his leadership on this important issue. As a person who lives in Mobile, AL, I am proud of Satchel Paige. I assume he will be in the museum.

Mr. TALENT. Yes; he has a big place in the museum.

Mr. SESSIONS. Satchel Paige was denied the right to fully participate in American baseball until the very end of his career. That was a tragedy. It was really a tragedy. It is something our Nation cannot take pride in and should feel great sadness over. A number of other Negro Leagues players came from Mobile, which is a great bastion of baseball excellence, including Willie McCovey and Hank Aaron, among others, who developed out of that history of excellent baseball.

I thank the Senator from Missouri for his leadership. I think it will be an important addition to our national heritage to have this museum.

Mr. TALENT. I thank the Senator for his comments.

Mrs. BOXER. Madam President, today I wish to pay homage to Buck O'Neil a splendid athlete, a peerless ambassador of baseball, and a wonderful man who has become an American icon beloved by millions.

Many people first got to know Buck O'Neil as a major contributor to "Baseball," Ken Burns's landmark documentary on our national pastime. While narrating the history of the Negro Leagues and the breaking of the color line in Major League Baseball, Buck passed along not only his prodigious knowledge of baseball and the society it helped to change forever but also his indomitable spirit, joy of living, and love of the game.

Before becoming a television star, Buck O'Neil was a baseball star in the Negro Leagues. As a first baseman and manager between 1937 and 1955, he played on nine championship teams and three East-West All Star teams, won a batting title, starred in two Negro Leagues World Series, and managed five pennant winners and five All Star teams. As manager of the Kansas City Monarchs, he mentored more than three dozen players who eventually made it to the Major Leagues.

In 1962, Buck O'Neil became the first African-American coach in the Major Leagues, where he helped the Chicago Cubs' Ernie Banks, Billy Williams, and Lou Brock develop the skills that led them to the Baseball Hall of Fame.

Today, at age 94, Buck is still bubbling over with enthusiasm for baseball, life, and his fellow human beings. He continues to serve on the Veterans' Committee at the Hall of Fame and as chairman of the Negro Leagues Baseball Museum in Kansas City.

On May 6, 2006, the San Diego Padres will honor Buck O'Neil as part of their Third Annual Salute to the Negro Leagues. I am honored that this statement will be a part of that salute, and I send my great admiration and appreciation along to Buck O'Neil and all of the other great players of the Negro Leagues.

Mr. President, I know that you and all of our colleagues in the U.S. Senate will join me in sending our best wishes to Buck O'Neil for this very special day and for many more years of great service to baseball and the Nation.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank my colleague from Missouri as well for his great words on behalf of the contribution to baseball that has been made by some of our country's finest sportsmen.

I thank my colleague from Alabama, Senator SESSIONS, for his good work in this Chamber. I also note he and I were participants in a codel that just went into Iraq and Afghanistan. The issues we face around the world on national security are so important that it is going to require a coming together of our country to make sure we are working toward the creation of a better, safer, and more secure world.

I want to speak briefly to the bill that is currently before this Chamber, and that is the immigration reform bill in its comprehensive form that came out of the Senate Judiciary Committee. I believe from a national security and homeland security perspective this Chamber is working on one of the most very important issues facing our Nation today, and that is the issue of making sure we take our broken borders and the lawlessness coming across the borders and create a system that is comprehensive in nature to address that lawlessness.

I believe the legislation which came out of the Judiciary Committee does that, and it does so by making sure, first and foremost, that we are strengthening our borders, and secondly, making sure that within the interior, we are creating the kind of immigration law enforcement program that is going to be effective; that looking at the immigration laws and simply ignoring them is a chapter which will go away if we are able to get our hands around passage of this bill. And finally, dealing with the reality of the 11 million workers in America—those workers who toil in our fields, those workers who work in our restaurants, those workers who work in our factories, and all of those who make the kind of lifestyle we have in America possible—we need to address those issues with respect to what some have said is the big elephant in that room, and we need to do it in a thoughtful and humane manner that upholds the rule of law of our Nation.

I want to speak briefly about the importance of border security and what this legislation does.

In the days after 9/11, when we have hundreds of thousands of people coming into this country, without any sense of where they are coming from, whether they come here to seek a good job and to be a part of the American dream, or whether they come as terrorists across the border, it makes the statement that we need to make sure we are doing everything within our power to strengthen those borders. This legislation out of the Judiciary Committee does exactly that. It does so by adding 12,000 new officers to make sure our borders are being patrolled. We go from a staff level of about 12,000 Border Patrol officers up to an additional 12,000 and that will get us to almost 25,000 people who will be deployed along our borders to make sure we can enforce the law.

It creates additional border fences in those places where we know now there are significant streams of illegal and undocumented workers coming back and forth across the borders. So it creates those additional fences.

It creates virtual fences by deploying the kind of technology that allows us to detect movement across our border.

It also makes sure we create the avenues for checkpoints and ports of entry so we don't have the massive backup on the borders on either side.

I believe the border security aspects of this legislation are where Republicans and Democrats should come together in the name of national and homeland security, and we should be supportive of this legislation for that very purpose.

Second, this legislation is also about enforcing our laws. It is about making sure we have an immigration system where everyone in our country is standing up for enforcing the rule of law.

We will do that by providing an additional 5,000 new investigators to make sure those laws are being enforced. Today there are many violations of our immigration laws that are taking place across every one of our States in America, and yet our immigration laws simply are on the books. They are not being enforced. A law on the books that is not being enforced is almost like not having a law at all. So what we will do is hire 5,000 additional investigators and create the law enforcement capacity to make sure those laws are being enforced in the interior.

In addition, when apprehension occurs of someone who is here illegally, it is difficult to find a place to house these individuals until they are deported. This legislation calls for an additional 20 detention facilities. Those 20 detention facilities will give us the capacity to process those who are breaking the laws of immigration.

The legislation also addresses a very important issue that is critical to State and local governments. State and local governments have been dealing with the influx of undocumented workers and illegal aliens in our country for a very long time. Yet there has been no system providing them compensation for what they are doing to try to enforce the laws at the State and local level, essentially on behalf of the Federal Government because this is a Federal issue, after all. What this legislation will do is provide reimbursement for the States for the detention and imprisonment of criminal aliens.

The legislation also requires a faster deportation process. I go back to the old adage of justice delayed is sometimes justice denied. We have people who are sometimes waiting in the system for months and months and years and years without coming to any kind of resolution. This legislation will require a faster deportation process.

There are significant provisions in this legislation that will make additional criminal activity for gang members, money laundering, and for human traffickers. We know human trafficking across the borders creates tremendous hardship on people. It also demeans people and results in the deaths of many people. We know there is gang activity along the border that deals with drug trafficking and a whole host of illegal activity. We need to make sure those involved in that kind of criminal activity are brought to justice.

Finally, in terms of enforcing our immigration laws, it is important we address what has become an industry in this country in terms of production of fraudulent documents and identification cards used in this country. President Bush's wish to create a tamperproof card that will go along with this guest worker program is a step in the right direction because it will get us to the point where we will have a tamperproof card and we can avoid the identity theft and identity fraud we see going on in this arena.

Finally, I want to address a third point in what I consider to be this law and order bill, and that is our penalties that come along with this legislation for the 11 million undocumented workers who are in this country. There is a monetary penalty that is applied. In addition, unlike all Americans, there is a requirement that those who are here and undocumented have to register, and they must register on an annual basis. For all of us who are Americans, there is no requirement of registration. If we don't want to have a Social Security card or if we don't want to have a license or if we don't want to be a part of the Government, our right as an American citizen is not to register. For this group of people, we are going to require them to register with the U.S. Government.

There is a whole host of other things that is required of these 11 million people, including the requirement that they learn English, including the requirement that they pass a criminal background check and that they pass a medical exam, and the list of requirements goes on and on and on. I believe the legislation that was produced by the Judiciary Committee is, in fact, a law and order bill. It addresses a very fundamental issue that is of paramount importance to all of us in this Nation and that is the security of our Nation and the security of our homeland.

Finally, I conclude by making a statement about the humanitarian issues that ought to concern all of us with respect to our broken borders. I heard my good friend Senator JOHN McCAIN at the outset of the consideration of this legislation by the Senate a few days ago, talking about what he had seen in Arizona and how the Arizona Republic had reported that, I believe it was in 2004, 300 people had been found in the desert. Later he discussed how in the following year there were some 406 or 407 people who had been found dead in the desert, people who had died of thirst and hunger, rape and pillage and murder, out in the desert. Perhaps it is only in America when we see those kinds of conditions that we as an American society say. That ought to be unacceptable to us as a country. How can we have 300, 400, 500 people a year die in the deserts of Arizona? That is the kind of inhumanity that ought to cause all of us as leaders in our country and all of us in our society to say, We must do something about this.

I was moved by Senator McCAIN's description of some of the people who were dying in the desert, including the story of the 2-year-old girl who had died in the desert and the 13 year old who had died clutching her rosary in that desert in Arizona.

I believe America can, in fact, come to grips with this problem. I believe we have an opportunity here in the Senate to deal with this issue. I am very hopeful my colleagues, both my Democratic colleagues and Republican colleagues, who are working on this issue will not let this historic opportunity we have pass us by. It is this time, it is this day, it is this week where I believe we as a nation can come together and develop comprehensive immigration reform that is long term and that will be long lasting.

Madam President, I yield the floor.

Mr. SESSIONS. Madam President, I thank Senator SALAZAR. We did indeed have a most important trip to Iraq, Afghanistan, Pakistan, and Turkey, and were able to delve into some of those matters that are so important to our national security and check on the quality of care our troops are receiving. I enjoyed that very much. He is a fine addition to our Senate. I think we have a lot of agreements on this legislation, and some disagreements. I appreciate the opportunity we have to discuss these issues.

This debate is often centered around whether we are dealing with amnesty here, and I believe this legislation, by all definitions, is amnesty. But first I want to ask the question: Why is this so? Why is it that people care about whether we use a word such as "amnesty" to describe what this legislation that is before us today is? Why is that important?

It is important because most of us, when we were out campaigning for election, promised not to do amnesty again. Many people in this body who voted for the 1986 amnesty bill agreed it was amnesty and said they wouldn't do it again. The President of the United States, President Bush, despite all of his intentions to try to enhance legal immigration in our country, has always said he did not favor amnesty. So that is the deal. I think the American people have a right to expect that those they elect to office will honor what a fair interpretation of the meaning of that word is. If you promise not to support amnesty, then you shouldn't support a bill that is amnesty.

You can redefine words to make them mean most anything you want. My definition of an activist judge is a person who redefines the meaning of words to have them say whatever he or she would like them to say so they can accomplish a result they consider to be desirable. But words do have meaning. We can have some understanding of what these issues are about, and I want to discuss it in some detail.

Senator KENNEDY said:

> Many have called this adjusted status amnesty. I reject it. Amnesty means forgiveness, not pardon.

Well, I don't know exactly what that means. He said: This bill is not amnesty.

He goes on to say: "Amnesty is not a pardon."

Senator DURBIN, the assistant Democratic leader, said: "Amnesty basically says, We forgive you."

He goes on to say:

> Amnesty, very simply, is if you have been charged and found guilty of a crime, amnesty says, we forgive you. We are not going to hold you responsible for your crime.

But only if you have been charged and found guilty, apparently.

Senator FEINSTEIN says: "Amnesty is instant forgiveness, with no conditions. And there are conditions," she says, "on this" bill.

Senator SPECTER said:

> Amnesty is a code word to try to smear good-faith legislation to deal with this problem. It is not amnesty because the lawbreakers have not been unconditionally forgiven of their transgressions.

And Senator McCAIN said also:

> There is no requirements. There must be no requirement whatsoever to call this bill amnesty.

He said:

> Amnesty is simply declaring people who entered this country illegally citizens of the United States and imposing no other requirements on them. That is not what we do, Mr. President.

So in an effort to redefine this situation to mean what they want it to mean, they have said unless there is no condition whatsoever, you can't have amnesty. But people agreed that 1986 was amnesty and placed quite a number of conditions—some more significant than the ones in this bill—on those who were given amnesty.

Those of us who are familiar with the law world—I served as a lawyer the best I could for a number of years, and I know Madam President is a lawyer—we know what Black's Law Dictionary is. It is a dictionary lawyers use to define words in their legal context. Black's Law Dictionary, as part of its definition of the word "amnesty," says this:

> The 1986 Immigration Reform and Control Act provided amnesty for many undocumented aliens already present in the country.

Black's Law Dictionary, the final definition of legal words, says the 1986 Immigration Reform and Control Act provided amnesty for people here. It had conditions on it. It had some conditions on it; it just didn't have many conditions on it. So everybody recognizes it as basically amnesty, and that is why they called it that.

Again, I am not trying to use a code word here. What I am saying is there is a systematic effort in this body to redefine the definition of amnesty so they can tell their voters back home that although they opposed amnesty, this bill is not amnesty, and that is why they voted for it. That, unfortunately, I would have to say, is where we are.

What does the Democratic leader in the Senate, Senator HARRY REID, say about what amnesty is? Does he say that 1986 was amnesty and it had quite a few restrictions on the movement to full benefits of citizenship in the United States? This is what the Democratic leader says. This is what he said on September 20, 1993, when making a speech on the floor in the Senate; it is part of the CONGRESSIONAL RECORD. He said:

> In 1986 we granted amnesty, and I voted against that provision in law. We granted amnesty to 3.2 million illegal immigrants. After being in this country for 10 years, the average amnesty recipient had a sixth-grade education, earned less than $6 an hour, and presently qualifies for the earned-income tax credit.

The earned income tax credit is if you don't make enough money to pay income taxes and don't pay income taxes, not only do you not have to pay them but they give you money back. The average benefit for a person who qualifies for the earned-income tax credit, I would say parenthetically if anybody is interested, is $2,400 per year.

So that is what Senator REID had to say about it in 1993, that the 1986 law was amnesty. I don't think anybody disputes that 1986 was amnesty.

He made another speech. We have a chart and I want to refer to it because I want to drive this point home. On March 10 of 1994, the Democratic leader in this body today, Senator REID, said this:

> In 1986, Congress gave amnesty and legal status to 3.1 million individuals not lawfully

> residing here. . . . Even after Congress has passed massive legalization programs, millions of individuals do not lawfully reside in the United States today.

That was true in 1994, a mere 8 years after the bill passed.

He continues:

> And many more continue to cheat the rules and continue to enter unlawfully.

That is a true statement, I submit, this very day.

So did the Democratic leader have any doubt that 1986 was an amnesty law? I don't think so. In fact, everybody knows it was. That is what we defined it as.

I want to go over some of the provisions in that act and compare it to the provisions in today's act. Let's talk honestly here. There is no mystery here. I would submit, as several of the proponents of this legislation have tried to do, that you only have amnesty if you put no condition whatsoever on the person who is here illegally—and they put some conditions on those persons. Therefore, they say, Oh, no, I know we promised not to pass amnesty, but this isn't amnesty because there are conditions on the people who are here illegally. So there is no way to do this but go over it truthfully and analyze it and see what the facts are.

This was passed in 1986. What did it require, this amnesty of 1986? It required continuous unlawful residence in the United States before January 1, 1982. That is 4 years before the passage of the 1986 act—more than 4 years, because I am sure it didn't pass January 1. So for more than 4 years you had to be here unlawfully before this act applied to you. That is a restriction, isn't it, on amnesty, under the definition of those who want to say the current act is not amnesty?

But what does the 2006 act say? Physically present and employed in the United States before January 7, 2004—employed in the U.S. since January 7, 2004; continuous employment is not required. So the key date here is that you have to have been in the country before January 7, 2004. So we are requiring under this bill that you have to live in the country illegally for 2 years before you get on this amnesty track.

Under the previous law, they required 4 years. So with regard to 1986, I think it is a tougher standard, I submit, than we have in today's standard. I don't think anybody can dispute that.

Then you have a fee. They say they are paying a fine, a big fine. Well, in the 1986 act, they say there will be a $185 fee for the principal applicant, $50 for each child, a $420 family cap. Now we have a $1,000 fine, but it does not apply to anybody under 21 years of age; they don't pay anything. They paid $50 per child back in 1986. They don't pay anything. I submit that is about a wash. There is a little difference in money. You had an inflation rate; what difference is $1,000 to $420?

Both of them say you should meet admissibility criteria. That means, I suppose, that you are not a felon. That is one of the main criteria. Both of them said that. Surely we are not going to be taking in felons into the country. In fact, regarding this bill to which Senator KYL and CORNYN have offered an amendment—which apparently is being blocked by Democratic Leader REID from ever getting a vote—they are contending that this criminality requirement is not in this bill. In fact, this bill is weaker than the 1986 bill on the question of that issue of whether you have a criminal record.

In 1986, people were worried about welfare claims and so forth, so they put in language that said you are ineligible for most public benefits for 5 years after your application. They said if you are going to come here to be a citizen of the United States, we do not want you come here to claim welfare. We are going to prohibit you from claiming welfare for at least 5 years. After that, if you get in trouble and you need help, we will help you. But you have to come here not with a desire to gain welfare benefits in our country which exceed the annual income of most people in a lot of areas of the world. So they put that in. There is no such requirement in our bill. None of that. You can immediately go on welfare, presumably, under the legislation that is before us now.

It does require a background check and fingerprinting, but presumably that was done in 1986, also. But it focuses really on the crimes a person may have committed while they were in the United States. I don't think it has a mechanism under this act to actually go back to the country of origin—whether it is Brazil or Canada or Mexico—to see if they have a criminal history there. That is a weakness in the system. But even if it does, those systems are so immature and nonexistent, it would not be very effective, I suggest.

This requires an 18-month residency period. This one authorizes immediately a 6-year stay in the country. So they said you have to stay 18 months before you make your application for adjustment to permanent resident status. In this bill, you have to stay 6 years, so that is tougher. And you have to work. What are people here for if not to work? Spouses and children don't have to work. People are here to work. It is only a minimal work requirement—not continuous employment—and the proof level is very weak. Regardless, presumably the people who are here want to work, and they ought to be able to prove that they have.

Then you adjust to permanent resident status. That is the green card. In 1986, it required English language and civics. So, in 2006, it is English language and civics, a medical exam, payment of taxes—really? Presumably the people are paying their taxes. And Selective Service registration. So you earn your right to stay in this country by coming into the country illegally and paying your taxes. Thanks a lot.

Then the final step is, in 1986, you paid an $80 fee. $240 for a family. In this bill, it is a $1,000 fee and an application fee.

All I am saying is, if you add those up, I don't think a principled case can be made that 2006, in terms of conditions of entry and amnesty in our country, requires any more stringent requirements on them than in 1986, which Senator REID and everybody else, including "Black's Law Dictionary," have concluded was amnesty.

I say to my colleagues, I would be very dubious of someone who comes up to you and says: Now, Senator, I know you promised in your campaign repeatedly, just as President Bush did, that you would not support amnesty. Don't worry about it. This bill is not amnesty.

I am telling you, the American people are pretty fairminded, and they know perfection is not possible for any of us. But this has not been an issue which has not been discussed. Everybody has talked about the failure of the 1986 bill. As a result, we wanted to do something different. We said we were not going to do that again and we were not going to grant amnesty. I submit this bill does. I wish it were not so.

We can pass legislation that will work. I have repeatedly said we can pass legislation that has good enforcement. We can pass legislation that provides fair treatment to the millions of people who are here. They are not all going to have to be removed from our country and be arrested and prosecuted. That is not so. That is not part of any plan here. But we do need to recognize that we should not give every single benefit to someone who came illegally that we give to those who follow the law and come legally.

Senator LEAHY, who says this bill is not amnesty, even admits this is amnesty in 1986. He says:

> Opponents of a fair comprehensive approach are quick to claim that anything but the most punitive provisions are amnesty.

I am not claiming that.

> They are wrong. We had an amnesty bill. President Reagan signed an amnesty bill in 1986.

I suppose he voted for it.

> This is not an amnesty bill. Our bill is more properly called what it is, a smart, tough bill. The amnesty bill was signed by President Reagan in 1986, and this is different.

But it is not different. Fundamentally, it is the same thing. I submit that is indisputable, and that is why we have a difficulty here. Some of those masters of the universe, sitting up in those glass towers who write editorials, and the Chamber of Commerce, they don't understand what it is like to campaign for office, look your voters in the eye, and discuss directly with them the issues facing our country, and to make commitments to them about what you are going to do once you get elected. They can redefine the meaning of words and think that is just fine. They can just say whatever they want to and then write their editorials. But they don't have to answer to the people they looked in the eye and directly told they would not support amnesty.

In fact, the President, despite his drive to fix immigration and to enhance the flow of immigration into our country, has said a direct path to citizenship—by Scott McClellan, just less than 2 weeks ago. Scott McClellan said a direct path to citizenship and amnesty are two things they don't favor.

Why is this important? After 1986, we ended up with a big problem. Things were not working well in our country. So 6 years after this happened, in 1992, we did an evaluation by an independent commission of that part of the act which dealt with agricultural workers as part of the Immigration Reform and Control Act. That was the name of it, the "Immigration Reform and Control Act." We told American voters—or those in the Congress at that time did—that we are going to control the immigration system.

The congressionally created Commission on Agricultural Workers issued a report to Congress that studied the effects of the 1986 agricultural amnesty on the agricultural industry. They did a study on it because Congress wanted to find out what had really happened with regard to that legislation they had passed. One of the first things the Commission acknowledged was that the number of workers given amnesty under the bill had been severely underestimated. They said this:

> The SAW program legalized many more farm workers than expected. It appears that the number of undocumented workers who had worked in seasonal agricultural services prior to the Immigration Reform and Control Act was generally underestimated.

That is page 1 and 2 of their report, the executive summary.

What else did the Commission find? Did it tell us that the 1986 amnesty of 3 million farm workers solved our agricultural labor problems? Was that the fix that people thought it would be? How did it work?

No, their answer was this:

> Six years after the IRCA was signed into law, the problems within the system of agricultural labor continue to exist. In most areas, an increasing number of newly arriving, unauthorized [illegal] workers compete for available jobs, reducing the number of work hours available to all harvest workers and contributing to lower annual earnings.

That is page 1 of the Report of the Commission of Agricultural Workers, executive summary.

What did the Commission recommend that Congress do? What did they recommend, this independent, bipartisan Commission? Did the Commission recommend that we pass a second legalization program such as the one for agricultural jobs that has been made a part of this bill, offered in committee and is now part of the committee bill that is on the floor? Did they recommend that as a second program to solve the illegal alien agricultural workforce dilemma that was still in existence in 1992, 6 years after the amnesty that was supposed to end all amnesties occurred?

No, the Commission concluded just the opposite. They found:

> The worker-specific and industry-specific legalization programs as contained in the Immigration Reform and Control Act should not be the basis for future immigration policy.

That is page 6 of their report.

What did the Commission suggest that Congress should do? They concluded that the only way to have a structured and stable agricultural market was to increase enforcement of our immigration laws, including employer sanctions, and to reduce illegal immigration.

You talk to anybody on the street, and they will tell you the same thing. You talk to Americans. Overwhelmingly, 80 percent believe we are not enforcing the laws effectively on our borders, and any legalization today without an effective enforcement program in the future will bring us back to an amnesty situation just like we face now, just like they faced in 1986.

The Commission said this:

> Illegal immigration must be curtailed. This should be accomplished with more effective border controls, better internal apprehension mechanisms, and enhanced enforcement of employer sanctions. The U.S. Government should also develop a better employment eligibility and identification system.

This was 1993, 13 years ago. What has been done about it? Let me repeat that. We need to establish a:

> . . . better employment eligibility and identification system, including a fraud-proof work authorization document for all persons legally authorized to work in the United States so that employer sanctions can more effectively deter the employment of unauthorized workers.

What a commonsense statement that is. Wasn't that what they promised back in 1986 when we were going to have an amnesty to end all amnesties? Remember that they said this would be a one-time amnesty and we were going to fix the enforcement system and therefore the American people would go with us on that. We are going to do this one-time fix and be generous to those who violated our laws. But trust us, we are going to fix the enforcement system in the future. That is what happened.

We have known that for 14 years—that the key to securing our borders and ending illegal immigration includes more border enforcement, more interior enforcement, and a foolproof worksite verification system. Still, we are not prepared to do that. We are told we should do the same thing we did in 1986 on a much larger scale.

I note that in 1986, we estimated there were 1 million people here who would claim amnesty. That is what people were told when the bill passed. After the bill passed, how many showed up? Three-point-one million people, three times as many.

I don't know where they are saying 12 million people, and that is how many will be given amnesty now, not 1 million. They are saying there will be 11 million and that those would all be given a direct path to citizenship.

Let me point this out. When you adjust to permanent resident status, you get a green card. You are able to stay here permanently, as long as you live here, and after a period of time—5 years—you can make application and you become a citizen. If you haven't been convicted of a felony in the meantime, presumably if you don't pay your taxes and don't get caught for it or don't get convicted of it, you can still do so. Presumably you are drawing welfare or Medicare benefits and those things, you can still make application.

We added up the years. Maybe about 11 years in this process, 10 years, maybe, in the 1986 act, and about 11 years in process. They are saying it takes 11 years for you to become a citizen. That is what it took for anyone who came here in the first amnesty and became a permanent resident. They didn't get to become a citizen the next day; they had to go through the same process as this amnesty requires.

Let me explain why 1986 was a failure and why we can have every expectation that 2006 will be a failure. I am going to be frank with our Members. I don't believe this is an extreme statement. I am prepared to defend it. I believe everyone here who is honest about it will admit it.

In 1986, we passed amnesty, and it became law as soon as that bill was signed. Those people were eligible to be made legal immediately in our country and placed on a track to citizenship that day—the day the bill was signed. What did we have about enforcement? We had a promise that we were going to enforce the law in the future. We are going to fix this border, and we are going to have workplace enforcement.

That was a mere promise. It never happened because I don't think any President wanted it to happen. We went back to the problem when President Carter was here, President Reagan, President Bush, President Clinton, and this President Bush. None of them have demonstrated that they actually intend to enforce our border laws.

I used to be a Federal prosecutor. I used to deal with law enforcement issues. I actually prosecuted one day—I think when I was an assistant U.S. attorney—an immigration case, a stowaway on a ship. A bunch of them stowed away on a ship. I know a little bit about it.

But those actions which are necessary to make the legal system work were never taken by our Chief Executives. We in Congress can study the problem at the border, we can see what those problems are, and then we can pass a law to try to fix it. We can say we want more border patrol, we want more fencing, we want more UAVs, a virtual fence. We can pass those things, but unless the executive branch really wants it to succeed, then—even then, we may not get the thing to work.

The truth is, they should be coming to us. President Bush comes to us and says what he needs to win the war in Iraq, and we give it to him. If he came to this Congress—I hate to say it because I think he is a great President and a great person, and I support him on so many things. But he has never come to our Congress and said: Congress, this border is out of control; I need A, B, C, and D, and I will get it under control. So now he wants us to grant blanket amnesty to 11 million people, and after you do that: Trust me, I will get the border under control. That is a sad fact. Securing the border is the President's responsibility.

What about Congress? We were in committee and we were debating the bill. I offered an amendment to add 10,000 detention beds for the Border Patrol. I do not know how many they need. I think that is not enough. We are at 1.1 people coming into our country illegally every year. The number of people other than Mexicans who really need to be detained, sometimes for an extended period of time, has surged. We need the detention spaces to make the system work. Do you know what they all said, Democrats and Republicans? Fine. We accept that amendment. Senator FEINSTEIN and I offered an amendment to speed up the hiring of new Border Patrol agents. They accepted that. Then it hit me. All who have been in this body for some time know the difference between authorization and spending the money, appropriations. In this body, people authorize all the time.

I just left one of the finest groups of people you would every want to meet outside—national forensic science leaders from around the country. They came to see me because I supported a bill, and we passed it, the Paul Coverdell forensic sciences bill. It was to add $100 million to help jump-start forensic sciences in America. Do you think that $100 million was ever appropriated? Certainly not. I think we may have gotten to $20 million one year. Because you authorize money to be spent for forensic sciences or for immigration enforcement does not mean that it is ever going to get spent. It has to go through the appropriations process. Maybe they want to spend it on a project back home. Maybe they decided we need more money for Katrina, health issues, education, whatever. At the end of the day, you don't get the money. So we have at least two major problems: One, will it ever be appropriated and two, if the money is appropriated, will the President actually use it effectively?

I admit that this Congress authorized a budget that set forth a projected expenditure for immigration enforcement that is larger than the President requested, but it remains to be seen if it will ever be funded.

Those are the things which cause us great concern. So I would challenge quite directly the people who support this bill and say this is going to be different than 1986 to come down on the floor of this Senate, look at their colleagues and people who may be watching back home directly in the eye, and assure them that we are going to have the money and we are going to have the will to enforce this legislation.

I was on a radio talk show earlier today. I was asked about enforcement actions that were taken against certain big businesses recently. They all called their Congressmen and complained, and the enforcement sort of went away. You have heard those stories. Do we have the will to actually make this happen? I think we could. I am not hopeless about this. I think we could, but I don't get the sense that we are there yet.

I have compared it to leaping across a 10-foot chasm but leaping only 8 feet, and like the Coyote and the Roadrunner, you fall to the bottom of the pit. That is where we are. We have some things in this bill which make enforcement much more likely to occur, but it does not all get there yet. We need to do a number of things.

For example, employment: The workplace law and provisions in the bill are not effective and do not cover all employees of an employer. It is a critical step. You have heard it said that this bill has fencing in it. It is the most minimal amount of fencing; it is nothing like a legitimate fencing.

I wish to say this: Good fences make good neighbors. There is nothing wrong with a fence. There is nothing in the Scripture that says you can't build a fence. You have thousands of people coming across the border in a given area, and you have just a few Border Patrol officers, and they are trying to do their duty every day. And you say it is somehow offensive or improper or against the Lord's will to build a fence to try to contain it so you can maximize the capabilities of the limited number of Border Patrol agents who are out there putting their lives at risk this very day to try to enforce these laws? They arrest 1.1 million a year. What possible objection could we have to legitimate fencing?

They built one in San Diego; it was an unqualified success. They said it could be breached. I am told the one in San Diego has never been breached. What happened on both sides of the fence, where lawlessness, crime, gangs, and drugs were disrupting entire neighborhoods? Those neighborhoods have been restored. They have come back strong. They are prospering. The property values are up as a result of bringing some lawfulness to a lawless area.

Let me say this. Why is it that there has been such an aversion to fences? I will tell you why. Because those who want to have open borders, who have no desire to see the laws enforced, know, first of all, that it will work; and second of all, they have used it to twist the argument and to say that anybody who favors a fence wants no immigration, they want to stop all immigration, they just want to build a fence around America—totally mischaracterizing the need for a barrier on our borders. That is not fair. That is wrong.

The amendment I offered would have increased substantially the number of border-crossing points, so lawful people could come back and forth far easier and at less expense with a biometric card. They could enter and exit the country with it. This could work. We can make this work. We need more legal exit and entry points, and we need to block the illegal entry points. If we do that and we send a message throughout the world that the border is now closed and no longer open to those who want to come illegally, I think we will have a lot less people wandering off in the desert, being abused by those who transport them, and putting their lives at risk and many of them dying.

That is what you need to do. I am prepared to support any legislation that would increase legal immigration. When we end illegal immigration, we are going to need to increase the opportunity for people in numbers to come here lawfully, and we need to increase the exit and entry points.

Another thing. I mentioned this biometric card and entering and exiting the country. Let me tell you why some of us are concerned about promises in the future.

We passed, 10 years ago, the US-VISIT program. It is supposed to do just what I said. A person comes to this country legally, comes with a card. It is a computer-read card, and the person is then approved for entry. They need a biometric identifier, a fingerprint, and it can read that. You are allowed to come in. It also calculates when you leave, so people who do not leave can be identified and removed because they didn't comply with the law.

Well, 10 years after passing that bill, we still don't have that system up and running. They tell us that this summer, we will have some pilot program which can actually identify those when they exit in certain border places, which, of course, means it is no system at all.

We authorized 10 years ago a perfectly logical, sensible system to monitor the legal entry of people into our country, monitor their exit. What we have learned, particularly after September 11, is that many of the terrorists were overstays. They came lawfully, but they did not exit on time.

We need additional bed space. This is so basic. Not an unlimited number of beds, but we need more. What is happening is, people come across the border, and particularly those other-than-Mexicans cannot be readily taken back across the border and dumped if they are from Brazil, Russia, or China. What do we do with these people? They need to be held and they need to be transported back. We are doing that, to some degree.

But what happens when we do not have the bed space? This is what happens. I read a newspaper article in the committee a couple of months ago on this very subject. People come in from foreign countries. They come into the border, enter illegally, head off across the desert, they see a border patrol officer and they are told to go up to the border patrol officer and turn themselves in.

Why would they do that? The border patrol officer puts them in the van or his vehicle and he takes them another 100 miles inside the border to the Customs and Border Protection Office and they are taken before an administrative officer. What does the administrative officer do? He does not have any beds or place to put them, so he says we will have a hearing on whether you are legally here. We will have a hearing and we will set it in 30 days. I will release you on bail; come back in 30 days.

How many do you think come back? The newspaper reporter said at the place he examined, 95 percent did not show up. So all we have done is send the border patrol agents out to pick them up and transport people into the country illegally. That does not make sense. We have to have a certain amount of detention space.

We have an insufficient number of Border Patrol agents. There are just not enough. We need to get to that tipping point where people realize it is not going to work if they try to enter illegally. We added some Border Patrol agents in committee, but they say it takes years to hire them. That is why we passed, 5 years ago, legislation to add increased numbers of Border Patrol agents. Senator KYL got that through. Being on the Arizona border, he knew the problem. What happened? They still have just now been hired 5 years later. They say it is hard to hire enough people.

I was reading recently a book on World War I. When World War I started, we had 130,000 people in our Army, and 18 months later we had 4 million people in uniform, 2 million of them in France. To say we cannot add 10,000 trained Border Patrol agents and get them trained in a prompt period of time is not credible. There has been a lack of will to see this occur. Who is to say if we pass this legislation we will have a renewed will in the future? The American people have a right.

We had a hearing on Monday in the Judiciary Committee. It dealt with the problem of the appeals being filed by people who object to being returned to their country. Since 2001, 4 years, we have had a 600-percent increase in appeals to the Federal court, court of appeals. You can legitimately appeal a determination you are in the country illegally, but a sixfold increase in 4 years? What has that resulted in? It has resulted in a 27-month delay before your case is heard.

What does this tell an immigration lawyer who is meeting with a person who has been apprehended and who has an appeal pending about being deported and the guy or the woman does not want to leave the country and says, if you appeal, even if it is frivolous, it will be 27 months before anyone ever reads it or makes a decision. That is why we are having this surge. That system is broken.

Senator SPECTER, Judiciary Committee chairman, had legislation in his bill in the Judiciary Committee to help fix it—not completely, I didn't think—that made a substantial step toward fixing this broken system. They offered an amendment in committee to strip that language and it passed. So not only did we not improve the bill and have not improved the bill with regard to fixing the broken system, but we stripped language that would have made a good step forward in fixing.

What does that say about the intent of the Members of this Congress to actually see the immigration law be enforced?

I repeat once again, our nation is a nation of immigrants. We believe in immigration. We have been enriched by immigration. But our Nation is a sovereign nation and it has a right to decide how many people come and what kind of skill sets they bring. Once it makes that decision, it should create a legal system that will make sure that occurs. We have not done that.

As a result, in 1986 we provided amnesty, which no one disputes. Not Senator LEAHY, not Senator REID. We gave amnesty in 1986, thinking we could fix it once and for all. And 20 years later we end up with not 3 million people here illegally but at least 11 million people here illegally and no enforcement mechanism close to being in place that would actually work. I encourage my colleagues to think carefully. We can fix our border enforcement. We can increase the number of people who come here illegally. We can tighten up the workforce workplace very easily. We can make this system work.

As we tighten up the border, we eliminate the magnet of the workplace, we can reach that magic tipping point where all of a sudden the message is going out around the world that if you want to come to America, the border is closed. You better wait in line and file your application and come lawfully because if you come unlawfully, it won't work. Then we will have a massive flip. We will not see so many bed spaces. We may not even need as many Border Patrol agents as we have today. But that message is not out there. In fact, the opposite is out there. If we pass this bill, it will be business as usual. We should not do it.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Washington.

PORT SECURITY

Mrs. MURRAY. Mr. President, I rise today to report on some of the progress we have made in our effort to secure our Nation's ports and our cargo container system.

This morning, I testified before the Senate Committee on Homeland Security and Governmental Affairs about the GreenLane Maritime Cargo Security Act which I introduced last year with Senators COLLINS, COLEMAN, and LIEBERMAN. That critical and effective bill is on the fast track both in the House and in the Senate.

While that hearing was starting, we received another urgent reminder of why we need to improve our cargo security in this Nation. This morning, this very morning at the Port of Seattle, 21 Chinese nationals were discovered. They had been smuggled into the United States in a cargo container. That incident is a stark remainder that we today are still not doing enough to keep our cargo container system secure. This appears to have been a case of human smuggling, but that cargo container could have been filled with anything from a dirty bomb to a cell of terrorists. Today our country is vulnerable to a terrorist attack. Time is not on our side.

I will spend a few minutes this afternoon outlining the threat and explaining how our legislation helps. By using cargo containers, terrorists can deliver a one-two punch to our country. The first punch would create an untold number of American casualties. The second punch would bring our economy to a halt.

Cargo containers carry the building blocks of our economy, but they can also carry the deadly tools of a terror attack. Today we are not doing enough to keep America safe.

In the Senate it can feel as though the dangers at our ports are millions of miles away, but in recent years some in our Government have said they could never have imagined the devastation caused by recent disasters.

Let me make this crystal clear. On March 21, 2 weeks ago, a container ship called the Hyundai Fortune was traveling off the coast of Yemen when an explosion occurred in the rear of that ship. Here is a photo of what happened next. About 90 containers were blown off the side of the ship, creating a debris field 5 miles long. Thankfully, there were few fatalities and the crew was rescued. They are still investigating the cause. It does not appear at this time to be terrorist related.

Imagine this same burning ship sitting a few feet from our shores in New York, or Puget Sound, off the coast of Los Angeles, Charleston, Miami, Portland, Delaware Bay, or the Gulf of Mexico. Imagine we are not just dealing with a conventional explosion but we are dealing with a dirty bomb that has exploded on America's shore. Let me walk through what would happen next.

First, there would be an immediate loss of life. Many of our ports are located in or near major cities. If there was a nuclear device exploded at a major port, up to a million people could be killed. If this was a chemical weapon exploding in Seattle, the chemical plume could contaminate our rail system, Interstate 5, Sea-Tac Airport, not to mention our entire downtown business and residential areas. At the port there would immediately be a lot of confusion. People would try to contain the fire. But it is unclear today who, if anyone, would be in charge.

Then, when word spreads that it is a dirty bomb, panic is likely to set in and there would be chaos as first responders try to react and people who live in the area try to flee.

Next, our Government would shut down every port in America to make sure there were not any other bombs or any other containers in any one of our cities. That shutdown would be the equivalent of driving our economy right into a brick wall and it could even spark a global recession. Day by day we would be feeling the painful economic impact of such an attack. American factories would not be able to get the supplies they needed. They would have to shut their doors and lay off workers. Stores across our country would not be able to get the products they need to stock their shelves.

In 2002, we saw what a closure of just a few ports on the west coast could do. It could cost our economy about $1 billion a day. Now, imagine if we shut down all of our ports. One study concluded that if U.S. ports were shut down for just 12 days, it would cost $58 billion.

Next, we would soon realize we have no plan for resuming trade after an attack—no protocol for what would be searched, what would be allowed in, or even who would be in charge. There would be a mad scramble to create a new system in a crisis atmosphere.

Eventually, we would begin the slow process of manually inspecting all the cargo that is waiting to enter the U.S. ports. One report has found it could take as long as 4 months to get it all inspected and moving again.

Finally, we would have to set up a new regime for port security. I can bet you that any new rushed plan would not balance strong security with efficient trade.

The scenario I just outlined could happen tomorrow. We are not prepared. Nearly 5 years after September 11, we still have not closed a major loophole that threatens our lives and our economy. Time is not on our side. We must act.

I approach this as someone who understands the importance of both improving security and maintaining the flow of commerce. My home State of Washington is the most trade-dependent State in the Nation. We know what is at stake if there were an incident at one of our ports. That is why I wrote and funded Operation Safe Commerce, to help us find where we are vulnerable and to evaluate the best security practices. It is why I have worked to boost funding for the Coast Guard and have fought to keep the Port Security Grant Program from being eliminated year after year.

Right after 9/11, I started talking with security and trade experts to find out what we need to be doing to both improve security and to keep our commerce flowing. Ten months ago, I sought out Senator COLLINS as a partner in this effort. I approached Senator COLLINS because I knew she cared about this issue. I knew she had done a lot of work on it already, and I knew she was someone who would get things done. Since that day, we have worked hand in hand to develop a bill and move it forward. I am very grateful to Senator LIEBERMAN and Senator COLEMAN for their tremendous work on this issue as well.

The GreenLane Act, which we had a hearing on this morning, recognizes two facts: We must protect our country and we must keep our trade flowing.

We know we are vulnerable. Terrorists have many opportunities to introduce deadly cargo into a container. It could be tampered with any time from when it leaves a foreign factory overseas to when it arrives at a consolidation warehouse and moves to a foreign port. It could be tampered with while it is en route to the United States.

There are several dangers. I outlined what would happen if terrorists exploded a container in one of our ports. But they could as easily use cargo containers to transport weapons or personnel into the United States to launch an attack anywhere on American soil.

The programs we have in place today are totally inadequate. Last May, thanks to the insistence of Senators COLLINS and COLEMAN, the Government Accountability Office found that C-TPAT was not checking to see if companies were doing what they promised in their security plans.

Even when U.S. Customs inspectors do find something suspicious at a foreign port, they cannot today force that container to be inspected. So we have a clear and deadly threat. We know current programs are inadequate. The question is, what are we going to do about it? We could manually inspect every container, but that would cripple our economy.

The real challenge here is to make trade more secure without slowing it to a crawl. That is why Senators COLLINS, COLEMAN, LIEBERMAN, and I have been working with the stakeholders and experts to strike the right balance. The result is the GreenLane Maritime Cargo Security Act. That bill provides a comprehensive blueprint for how we can improve security while we keep trade efficient.

At its very heart, this challenge is about keeping the good things about trade—speed and efficiency—without being vulnerable to the bad things about trade—the potential for terrorists to use our engines of commerce.

Our bill does five things.

First, it creates tough, new standards for all cargo. Today we do not have any standards for cargo security.

Secondly, it creates what we call the GreenLane option, which will provide an even higher level of security. Companies that join it have to follow the higher standards of the GreenLane cargo. Their cargo would be essentially tracked and monitored from the moment it leaves a factory floor overseas until it reaches the United States. We will know everywhere that cargo has been. We will know every person who has touched it. And we will know if it has been tampered with. The GreenLane essentially pushes our borders out by conducting inspections overseas before cargo is ever loaded onto a ship bound for the United States. We provide incentives for companies to use the highest standards of GreenLane.

Third, our bill sets up a plan to resume trade quickly and safely, to minimize the impact on our economy.

Fourth, our bill will secure our ports here at home by funding port security grants at $400 million.

And, finally, our bill will hold DHS accountable for improving cargo security. DHS is long overdue in establishing cargo security standards and transportation worker credentials. We need to hold DHS accountable, and our bill provides that infrastructure to ensure accountability and coordination.

I thank all of our cosponsors and our partners. I especially thank Senator COLLINS for her tremendous leadership. She chaired the hearing this morning, and her expertise and her commitment were clear to everyone in the hearing room.

I also thank Senator COLEMAN for his leadership and his work as chairman of the Permanent Subcommittee on Investigations. Senator COLEMAN has helped expose our vulnerabilities and has worked to develop solutions.

I also thank Senator LIEBERMAN for his leadership and support. I commend our cosponsors, including SENATORS FEINSTEIN, SNOWE, and DEWINE.

I would add, we are also beginning to see progress on the House side with the SAFE Port Act. I thank Representatives DAN LUNGREN and JANE HARMAN for their leadership on that side.

Today we have a choice in how we deal with cargo security challenges facing us. But if we wait for a disaster, our choices are going to be much starker. Let's make the changes now, on our terms, before there is a deadly incident. Let us not wait until a terrorist incident strikes again to protect our people and our economy.

Two months ago, the people of America woke up and spoke out when they heard that a foreign government-owned company could be running our ports. That sparked a critical debate. Now we need to set up a security regime that will actually make us safer. Until we do so, none of us should sleep well at night. A terrible image such as this one—a burning container ship with a dirty bomb in one of America's harbors—could be on our TV screens tomorrow. So this Congress must act today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to return to the issue before us and which has been before the Senate for the last week and a half, and to say it has been my pleasure to work on the issue of immigration reform and border security ever since I have been in this Senate—a little over 3 years now.

As a Senator from a border State, it will come as no surprise that I have actually spent a fair amount of time along the border talking to my constituents, as well as visiting Mexico and other countries that are a source of a large number of immigrants who come to our country seeking a better life.

I believe that experience has given me some insight into what the challenges we have are when it comes to border security. Of course, we have proposals before this body to deal with this issue of our porous borders and the need to find some way to deal with the workforce demands of this growing economy of ours.

We need comprehensive immigration reform. I have consistently called for comprehensive reform because I believe we will not fix the broken immigration system unless we address all aspects of the problem: that is, border security; interior enforcement; worksite enforcement; and the 12 million who are in our country without authorization, finding some way to allow them to reenter our immigration system legally, and to give them a second chance living in the country, not in the shadows but out in the open, and enjoying the benefits and protection of our laws.

This is, as we have all discovered, an exceedingly complex issue. And no one—no one—has a monopoly on all wisdom or on suggestions for ways to improve the system. The Senator from Arizona, Mr. KYL, has one amendment pending that I believe will improve the proposal on the floor of the Senate, which is the bill produced by the Judiciary Committee. He has sought a vote, and I have joined him in seeking a vote, on that amendment to the bill that is on the floor. I have several other amendments that have been filed that will also, in my opinion, improve the work of the committee.

But we have been denied an opportunity to have those amendments considered and voted on by the Senate because the Democratic leader has simply refused to allow any amendment that he personally does not agree with to get a vote. We have had three votes in the last week and a half, relatively—I should say completely noncontroversial votes—but the Democratic leader has refused to let the Senate vote on Senator KYL's amendment.

This is particularly troubling to me because it is one that I believe the American people would wholeheartedly agree with, and that—whatever we decide to do with regard to the 12 million people who are currently living in our country in the shadows and outside the law—we ought to make sure whatever we do does not include a blanket amnesty for 500,000 or so felons, individuals who have committed at least three misdemeanors, and those who have had their day in court, who are under final orders of deportation or who have agreed to voluntarily leave the country once they have been caught in the country illegally.

Those individuals, either because they have had their day in court or because they are, in fact, felons or people with criminal records, ought not to get the benefits, whatever they may ultimately be, of the amnesty that is proposed in the underlying bill.

This is especially troubling to me because, as I have said earlier, if you look at what happened in 1986, with the Immigration Reform Act that was passed then, Congress, in effect, told America you should trust us to enforce the laws, but, of course, as we now know, that did not happen. Indeed, when the amnesty was granted in 1986, some 3 million people stood to benefit from that amnesty.

I have demonstrated here on the floor that that amnesty, which we all agree, in fact, meets that definition, was a complete and total failure. The reason why it was a complete and total failure is because the American people were, in essence, told one thing and Congress did another.

I believe the American people will forgive an awful lot of mistakes, but they will not forgive being fooled twice. The proposal that is on the floor now, the committee bill that is being proposed, would, in fact, be a repeat of what happened in 1986, except to the extent that it is actually even worse because in 1986, in order to get the benefit of the amnesty, you could not be a felon, you could not be a person with at least three misdemeanors, but under this bill, as offered and as voted out of the Judiciary Committee, you can. Thus, you can see the importance of having a vote on this amendment, which we have been denied, even though it was offered last Friday.

Now here we come up on the midweek, and we are going to have a recess of Congress for the next 2 weeks after this Friday, and I am afraid that because of the lack of movement and progress on this bill, there are going to be some who are going to be blamed for our inability to move forward. And I submit—I hate to say this, but I submit that the blame lies on those who simply denied the greatest deliberative body on the planet from the chance to actually consider and vote on amendments to this bill.

This is not democracy. This is not what we are trying to export to other countries that have known nothing other than the boot heel of a tyrant. This is not our finest hour because what we are seeing is the minority leader on the other side simply denying democracy in action. It is intolerable and inexcusable.

It is clear to me that if we are unsuccessful in getting this bill through the floor and passed and an opportunity for the process to reconcile the differences between the Senate and the House version, should we get a Senate version, the blame will lie at the feet of the Democratic leader.

One of the things Congress promised the American people in 1986 was there would actually be a fraud detection system as part of the amnesty that was then granted to make sure it would actually be successful and that we would not have to find ourselves in the condition we are in today where at the time we had 3 million who benefited from the amnesty and now today the potential number is 12 million. We know the potential for amnesty is a huge magnet for those who come to this country in violation of our immigration laws. I don't want to find the Senate, 5 or 10 or 20 years from now, saying: In 1986, it was 3 million who wanted to benefit from amnesty. In 2006, it was 12 million. And 20 years from now we find the number is 24 million.

We know this is a national security problem. We know that we have, as a sovereign nation, a right to protect our borders. We know there are on average 2,300 people coming into our country each day. Each day the Democratic leader denies us an opportunity to fix that problem, to allow the process to go forward, we are seeing 2,300 more people come into the country illegally. I hope and pray it is not a criminal, a terrorist, someone who intends to do us harm but, indeed, it could well be.

The Democratic leader supports a bill that would grant an automatic path to citizenship for 12 million people who are in this country in violation of our immigration laws, yet he won't allow a vote on an amendment that would bar felons and repeated criminal offenders from participating in the program. He argues that he likes the bill voted out of the Judiciary Committee and doesn't believe that amendment will, in fact, improve it. He certainly is entitled to his opinion, but he is not entitled to obstruct the process. He is not entitled to dictate to the Senate or the American people what this particular legislation will look like.

I simply don't understand why this amendment, that would bar felons and repeat offenders and which actually clarifies that they can't be given whatever benefit will be conferred by this bill, would create any controversy whatsoever. If the American people were polled or asked, do you think we ought to bar convicted felons, do you think we ought to bar repeat criminal offenders from the grant of amnesty, I think they would say yes. If given an opportunity for a vote on the floor, this body will say yes, because we are representative of the American people. Yet we have been denied that chance for a vote.

There is simply a credibility gap with the American people on immigration and border security. Congress needs to openly debate and vote on amendments so there is transparency regarding who will receive green cards and whether there are sufficient protections against fraud that ran rampant during 1986, with the amnesty that was granted at that time. As someone who has worked on this issue and devoted time to it, I want nothing more than the opportunity to debate and vote on amendments. I am interested, and I believe most Senators are actually interested, in trying to find a solution to this problem. But we are met with obstruction and a refusal to let the process move forward. It is simply unacceptable.

We cannot debate and vote on amendments until there has been an agreement on who will participate in the program and the extent to which fraud can be detected and prevented. Yet the Democratic leader does not believe it is necessary to secure the confidence of the American people that Congress is not giving amnesty to felons or repeat criminal offenders. Without public debate and votes with regard to the foundation of this proposal, none of us will be able to return home and defend the broader policy implications of this complex legislation.

The Kyl amendment has been pending since last Thursday. Not a single Senator has voted to table that amendment. Yesterday we went through a strange exercise where, in order to determine how we can obtain some progress on this bill, there was actually a motion to table the Kyl amendment that would bar felons and repeat criminal offenders. Every single Senator who voted voted not to table the amendment. Ordinarily that would indicate an agreement with the amendment. Yet we were not given an opportunity to vote on the amendment. The amendment ordinarily would be accepted by the manager of the bill or would be subject to a voice vote and become part of the larger bill, but that didn't happen because we, unfortunately, have some people in the process who are not interested in finding solutions. They are not interested in allowing the process to move forward but, rather, they are more interested in trying to jam their solution down the throat of the rest of the Senate and to deny the rest of us a chance to offer suggestions and to get votes.

I don't like to lose any more than anyone else, but I am willing to submit to this body amendments that I have and on which I wish to have a vote. I hope to persuade my fellow Senators that these amendments are actually an improvement over the bill that is before the Senate. But if this body decides, 51 or more Senators decide, to vote against those amendments, I am willing to accept that. That is democracy. That is majority rule. But to simply defy majorities and the process and say, if I don't like it, I am not going to allow anybody else to amend it, is unacceptable. In an institution known as the world's greatest deliberative body, it brings this body no honor to obstruct the process and to try to jam this unacceptable bill down our throats.

The current committee bill disqualifies from the legalization program any alien who is ineligible for a visa. The Kyl-Cornyn amendment would clarify that by saying any alien who is ineligible for a visa or who has been convicted of a felony or three misdemeanors would be ineligible from the legalization program.

There are certain crimes, including felonies, that do not disqualify an alien for a visa. This amendment, therefore, ensures that no felon or repeat criminal offender will obtain an automatic path to a green card and permanent residence in the United States.

This amendment is exactly the same text that was in the 1986 amnesty. In other words, the very amendment Senator KYL and I have offered to exclude felons and three-time misdemeanants was part of the 1986 amnesty. So the proposal on the floor is even weaker than the amnesty granted in 1986.

All we are trying to do is to bring it on a par with that amnesty of 1986. Crimes that do not automatically disqualify an alien for a visa and would not, therefore, be covered by the Judiciary Committee bill that is on the floor include assault and battery, manslaughter, kidnapping, weapons possession—for example, possession of a sawed-off shotgun—contributing to the delinquency of a minor, burglary, including possession of tools to commit burglary, malicious destruction of property, possession of stolen property, alien smuggling, conspiracy to commit offenses against the United States, and money laundering. Unless we are able to get a vote on the amendment that is now pending that Senator KYL and I have offered to exclude felons and three-time misdemeanants, the proposal this body is asked to accept would give amnesty to people who have engaged in alien smuggling, manslaughter, kidnapping, or illegal possession of a sawed-off shotgun.

The American people will forgive a lot, but they won't be fooled again. And they won't forgive us if a minority of this body tries to jam down the throats of the rest of the Senate provisions which would allow the entry of these individuals into the United States and would confer a blanket amnesty and a path to a green card and legal permanent residency in the United States. It simply defies common sense.

I have a number of additional amendments I intend to offer and intend to ask for a vote on. I will not be satisfied—and I submit there are other Senators who will not vote to close off debate—until we get a chance to have these considered on the Senate floor. One amendment, No. 3310, addresses the confidentiality provisions. The Judiciary Committee amendment that is on the floor contains provisions that would prohibit the use of information furnished by an applicant to be used for any purpose other than a determination on the application. While the committee amendment would allow the information to be shared with law enforcement entities upon their request, the information could not be used by the Department of Homeland Security to investigate fraud in the program.

It is also worth noting that these provisions almost word for word were included in the 1986 amnesty but are missing from the proposal that is now on the floor. These confidentiality provisions have been cited by Government authorities as one reason why there is so much fraud in our immigration system, particularly the amnesty that was granted in 1986.

For example, the testimony of Paul Virtue, former Immigration and Naturalization Service general counsel, in 1999 before the House regarding fraud in the prior amnesty program:

> There is no question that the provisions of [that 1986 amnesty] were subject to widespread abuse, especially the Special Agricultural Worker program that granted agricultural workers who had performed 90 days of

> qualifying agricultural employment within a specific period temporary lawful status that automatically converted to permanent lawful status after one year.
>
> Nearly 1.3 million applications were filed under [this Special Agricultural Worker] status, about double the number of foreign farm workers usually employed in the United States in any given year.
>
> Much of the fraud that occurred under the IRCA

—the 1986 amnesty bill—

> is attributable to statutory limitations placed on [the Immigration and Naturalization Service].
>
> The confidentiality restrictions of law . . . prevented INS from pursuing cases of possible fraud detected during the application process. The agency was further thwarted by the courts, which ruled that INS could not deny an application simply because the supporting documentation was from a claimed employer suspected or convicted of fraud.

Let me say that again. He said the confidentiality restrictions contained in the underlying bill here that I want to amend thwarted the INS from denying an application simply because the supporting documentation was from an employer "suspected or convicted of fraud."

In 1986, just a few million amnesty applications were filed, but under this bill, Congress is now considering an amnesty for 12 million immigrants who are in this country in an unauthorized status. We need to make sure we don't hamper the Immigration and Naturalization Service's ability to detect fraud. Yet this amendment would repeat the worst failures of that 1986 amnesty.

One other amendment I have filed and intend to call up, if we are ever given a chance to have amendments and votes on this bill, is amendment No. 3309.

The committee amendment pending on the floor, which I offer this amendment to improve, would create safe harbors for illegal aliens who have filed applications for conditional immigration status.

To be clear, these are not aliens who have yet established eligibility, or have even gone through background and security checks. They have simply filed an application with the Government, and their application might be in a stack of 10 million other applications.

Under this committee amendment, the one pending on the floor, to be clear, the Department of Homeland Security would be required to issue a travel document and an employment authorization document to an alien before the agency has even determined eligibility under the program. Travel documents are as important as weapons. Yet this section would require the Department of Homeland Security to issue a travel document to all illegal aliens simply because they have filed an application.

Under the underlying bill, an illegal alien may not be detained, ordered deported, or removed while the alien has an application pending. That means any illegal alien can simply file an application to avoid deportation, and many will, of course, because it could take several years, and probably will take several years, for the Department of Homeland Security to process all applications.

Another disturbing point is there are also no carve-outs for criminal aliens or other dangerous illegal aliens who would normally be subject to mandatory detention. This underlying bill could be interpreted as not allowing the Department of Homeland Security to detain any alien, irrespective of how dangerous that alien is to society.

While the amendment does say an alien may be deported if the alien "becomes ineligible," that is prospective and it means any illegal alien could only be subject to deportation for criminal activity that occurs after they filed their application.

We should be unwilling to create a significant loophole for criminal illegal aliens who could avoid deportation or detention by simply filing an application with the Government.

The underlying bill would require the Department of Homeland Security to allow any alien apprehended before the program is operational, which could be several years down the road, to apply for amnesty after the program is up and running. If it does indeed take several years, that means our immigration enforcement system, which right now apprehends more than a million illegal aliens a year on the southern border, would grind to a halt because any alien who is apprehended could simply file an application or indicate an intent to file an application, and the Government would be required to stop the removal process to allow that to occur.

Mr. President, I know there are other Senators who wish to speak. I am going to stop in a moment to give them that opportunity.

My point is there are many commonsense amendments that I believe would garner the support of a majority of the Senate because they are commonsense amendments. But as long as we are blocked from having those amendments called up and considered and voted on, then there is no way that Members of this body should vote to close off debate, vote for cloture, because we will be producing a product that is simply unworthy of the trust that has been placed in us by the American people. I believe that no individual Senator and, indeed, no leader of either party should be allowed to refuse to allow this process to move forward. I think what is going to happen, because I think we are on a path toward failure—at least between now and Friday—and what we are going to see is the blame game.

There is going to be an attempt by those who have blocked this process from going forward to point the finger of blame at those who have voted against ending the debate because we cannot get a vote on our amendments. I want to make it clear where the fault lies. That blame should be squarely placed at the feet of the Democratic leader, who has denied us an opportunity to have a vote on these commonsense amendments—amendments that I believe the American people would agree with and, if given an opportunity, I believe the Senate would agree with.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. No. We are on the bill.

Mr. DORGAN. Mr. President, I listened with some interest to my colleague. I have to observe, though, he said that now we are going to see the blame game, and he tells us where the fault lies. Well, that is the first chapter of the blame game. I have not been out here with respect to amendments. I have been chairing a hearing for a couple of hours. But I say this to those who are talking about these amendments: Those of us on this side of the aisle have certainly had a great deal of experience with having our amendments not considered by the Senate. Most recently, we had an amendment to a bill that would have dealt with this issue of the Dubai company taking over American ports. The United Arab Emirates' wholly-owned company, Dubai Ports World, was going to take over the management of American shipping ports. We attempted to offer an amendment, but it shut the Senate down because the majority party didn't want an amendment such as that offered.

I have been trying for a couple of years to offer an amendment on the reimportation of prescription drugs to drive down prescription drug prices in this country. We have been thwarted on that. I could go on at some great length. To the extent there is a complaint that some have not been able to offer amendments, we understand that pretty well. We have been in that position for a couple of years now, including my colleague from Arizona, Senator MCCAIN, who offered an amendment that would have effectively prohibited our country from engaging in torture with respect to those whom we have apprehended during wartime. That amendment on the prohibition of torture shut down the consideration of the Defense authorization bill last year month after month because the majority didn't want to vote on the McCain amendment on torture. So there is plenty of practice that has existed in this Chamber for prohibiting amendments.

Again, I don't know what the approach has been this morning on the floor because I have not been here. When I listen to discussions about why can we not offer amendments, that is a cry that has been echoing in this Chamber for a couple of years, much to the regret of those of us who have had amendments to offer. It is a cry that has not been heard by the majority party, which now jumps to the front of the line to complain today.

I want to talk about this issue of the underlying bill, the immigration bill and guest workers. I should also start by saying I don't have any particular claim to understanding or expertise in this area. I don't serve on the Judiciary Committee. I was not someone who helped write the underlying bill. So I don't come to the floor to claim to be an expert on the legislation. But I have spent a great deal of time in the last year or so doing research in a range of areas for a writing project dealing with American jobs and American workers, so I claim to know something about that.

I claim to know, for example, that we have lost somewhere around 3 million-plus jobs in this country, most of them having moved to China or Indonesia or Bangladesh or Sri Lanka—but most perhaps to China. We have lost millions of jobs in this country in the last 3½ to 4 years. American workers, middle-income workers, and particularly workers at the bottom of the economic ladder, have been devastated by what has happened with this race toward globalization and the race by the largest American corporations to produce where it is cheap, and then sell their products in our marketplace. All of that is going on in a very accelerated way.

Now we see, with the bill brought to the floor of the Senate, not only do we have a strategy in this country of allowing the export of good American jobs, now we will have a strategy of importing additional low-wage jobs.

I will review some numbers, if I might. We have somewhere around 11 million to 12 million people who have come into this country illegally and have stayed here. Some have been here a long while, and some recently arrived.

Is it surprising that we have a lot of people who have come into this country and stayed in violation of the law? No, it is not surprising to me. We live in a big world, and a lot of people in this world don't have the opportunities we have in this country. We have built something very special in the United States. This is a country that provides basic rights for people. It took us some while to perfect all that, but having struggled through the issues of civil rights, workers' rights, and women's rights, we have created an extraordinary country in which workers can band together to collectively bargain and negotiate. We have made decisions about the workplace and the right of a worker to work in a safe workplace, child labor laws, minimum wages, environmental protection, so you cannot produce a product and emit poisonous chemicals into the air and water.

At the same time, we have created circumstances where businesses can earn a profit, and a good one. This is an economy in which we have a vast consumer base, with the most affluent consumers in the world. All of that coming together created a country that is unparalleled on the face of this planet. So if you go anywhere in the world, and particularly impoverished areas in less developed countries, you will find, in discussing this with those people, that many would say they want to come to the United States of America. If you ask the question "why," they will say it is because there is opportunity there, jobs there, better income, better pay. That is what you find. I have found that in many parts of the world, particularly in less developed countries.

Think for a moment what would be the case if tomorrow the United States said: Look, what we have built here is quite wonderful. We understand it is unique and we want to share it with everyone. We have no immigration quotas and anybody who wishes to come here can come. Tomorrow, you are all welcome. Come and stay as long as you want.

What would be the consequences of that? We all know the consequences of that. Those who are living in impoverished conditions from other parts of the world will find their way to this country. We will be importing poverty and we will have a massive number of people migrating to the United States of America, because they would see this as an opportunity. So we don't have a circumstance where we say that anybody who wants to come tomorrow, come on, this is wide open, and stay as long as you want. No. We have a series of quotas for immigrants. We have immigration quotas by country, by category, and then we allow people in based on these quotas.

I will describe exactly what we now face. We have 11 million to 12 million people who are here illegally. Last year, according to data I have seen, 1.1 million additional people tried to cross the border from Mexico into this country, but they were denied access. So 1.1 million were kept out who wanted to come in. And 400,000 to 700,000 who wanted in illegally got in illegally and are here. They came last year. Another roughly 150,000 people—according to estimates I have seen—are here on a temporary basis, H-2A or H-2B. Another 175,000 people came in last year legally, as family members and quotas, just from Mexico. That is what we face.

Now, at the same time we face these pressures of people wanting to come into our country, particularly in most cases low-skilled and low-wage workers, we face the largest trade deficits in the history of the world. We face the wholesale movement of American jobs overseas. So we see the two elements of the worst marriage of public policy; those are the export of good American jobs to China and elsewhere, and the import of low-wage workers to take the jobs of those in this country who are at the bottom of the economic ladder. That is about corporations, big companies, about their strategy, which has been embraced and given a bear hug by this President and the Congress, controlled by the President's party, standing for corporations and their interests. Export American jobs, do another trade deal, cause more American jobs to leave this country. Import cheap labor.

Why? They say: We want to import more cheap labor because we cannot find Americans to do the work. So not only does the bill on the floor of the Senate describe that we will create a legal status for 11 million to 12 million people who are here because, practically speaking, nobody is going to round them up, or arrest them, or detain them, or export them—we will create a status for those folks—but in addition to that, it says let's also create a new guest worker program of 400,000 people per year each year, with an escalator of being able to increase that by 20 percent each year, which over 6 years could amount to 4.7 million more people coming into this country who now live outside of this country.

And so the bill provides a guest worker program saying we not only want to deal with the legalization of those who are here illegally—millions and millions and millions of them—we also want to add potentially another 4.7 million. And, by the way, there is more than that, but that is just the piece about which I am talking. On top of that would be the provisions dealing with the new agricultural workers, which was an amendment offered in the committee.

So where do these 4.7 million people go—the ones who are now living outside of our country who come into our country legally—under this legislation? They go to find jobs in competition with American workers.

Let's talk about low-skilled, low-wage American workers.

This Congress, as stingy as it has been for low-wage, low-skilled workers, has decided for 8 years it will not increase the minimum wage. Boy, it is Katy bar the door if it comes to helping somebody at the top—tax breaks, unbelievable tax breaks for people at the top.

One of the world's richest people told me the other day when I was talking with him that he pays a lower income tax rate than the receptionist in his office. Why? Because the priority in this Chamber, the priority in this Congress, the priority of the President, is to drive down income tax rates for people who have capital gains. Who has capital gains? The wealthy. They have most of the capital gains. The wealthiest Americans are now paying the lowest tax rates, and this Congress can't be quick enough to see if they can't offer another gift to those at the top of the income scale.

I have nothing at all against those at the top of the income ladder. God bless them, that is what America is about; it is about success. But that does not justify saying that those who are the most successful shall pay the lowest income tax rates in our country, and that is what is happening. At the same time, Congress can't move quickly enough to provide the lowest tax rates to those with the highest incomes. It says to the people with the lowest incomes: We don't have any interest in increasing the minimum wage. Sit there for 8 years, let inflation work against your purchasing power; doesn't matter to us, we don't intend to increase it. I think that is a terrible mistake, but that is the way people at the bottom of the economic ladder have been treated in this country now for many years.

Now they will be treated again to the prospect of saying: Let's have some more people come in; let's not just deal with this 11 to 12 million, let's have more people come in on top of that because we can't find Americans to do that work.

Why can't we find Americans to do that work? Let me read something from Robert Samuelson, a Washington Post editorial. I fully agree with this. He talks about:

> It's a myth that the U.S. economy "needs" more poor immigrants.

He is speaking especially of the guest worker provisions.

> The illegal immigrants already here represent only about 4.9 percent of the current labor force, reports the Pew Hispanic Center. In no major occupation are they a majority. . . .
>
> Hardly anyone thinks that most existing illegal immigrants will leave—

Or be rounded up, arrested, or deported. I understand that. I think all of us probably understand that. I think there should be some enforcement of employer sanctions which we created but have not enforced, which would make a big difference with respect to illegal immigration. Here is what Samuelson said:

> In 2004, the median hourly wage in Mexico was $1.86 compared to $9 for Mexicans working in the United States, says Rakesh Kochhar of Pew. With high labor turnover in the jobs they take, most new illegal immigrants can get work by accepting wages slightly below prevailing levels. . . .
>
> But what would happen if new illegal immigration stopped and wasn't replaced by these guest workers?

That is an assumption. First, I don't buy the assumption that even if this bill is passed with legalizing 11 to 12 million immigrants and then allowing up to 4.7 million new people to come in who are now living outside our country, I don't buy the notion that we have plugged the border. I don't think we in any way inhibit illegal immigrants from coming across the border. I know my colleagues are talking about tightening the border and employer sanctions, and I will talk about that in a minute. Employer sanctions was the 1986 Simpson-Mazzoli bill. That was a miserable failure, and I will explain why.

Again quoting Samuelson:

> But what would happen if new illegal immigration stopped and wasn't replaced by guest workers?

At some point higher wages would be going to American workers.

> President Bush says that his guest worker program would "match willing foreign workers with willing American employers, when no Americans can be found to fill the jobs." But at some higher wage, there would be willing Americans.

As long as you can bring illegal immigrants, which is what has been happening, into the country and they can work in the shadows and employers can employ them for subminimum wage, I understand why employers would not be employing American workers because they have a steady stream of workers they can employ below the minimum wage.

> Business organizations understandably support guest worker programs. They like cheap labor and ignore the social consequences.

That is what is at work here. What is at work here is the same corporate interests who are exporting good American jobs are supporting this bill because they cannot only export good American jobs on the production side, but for those jobs you can't export, you can import cheap labor. And that is what this is about: Export good jobs and import cheap labor.

Let me talk for a moment about the debate over the Simpson-Mazzoli bill two decades ago at a time when we were told we had a significant immigration problem. That was a bill about border enforcement, strengthening enforcement at the border, and also creating employer sanctions.

The purpose of that bill was to say to employers: Don't you dare hire illegal immigrants; if you are hiring workers who are illegal, you are going to be in trouble, you are going to be slapped with a fine and subject to enforcement actions. So I went back and read the 1985 and 1986 debate about Simpson-Mazzoli. I won't embarrass anybody by reading it on the floor of the Senate. It was fascinating debate in the House and the Senate. This was nirvana. This was the entire solution. It was going to work like a charm because if you say to employers you dare not hire people who are not here legally, you shut down the job, you shut down the magnet, you shut down illegal immigration, end of story.

The fact is it didn't work at all. We have people in my State, the State of North Dakota, today—in fact, I think there is a story in today's paper about illegal immigrants working on some energy plants in the middle of North Dakota, found to be illegal. The question is: Is anybody going to take action against the employer? That would be a Minnesota employer, by the way.

Most of our troubles come from Minnesota. We joke about that.

If a Minnesota employer hires illegal workers, and he is caught, are there any problems for the Minnesota employer? No, no, not even a slap on the wrist; just a pat on the back. Nobody is going to prosecute. Nobody is going to fine them. Nobody is going to take enforcement action. It is exactly why we are in the situation we are in today. There are no sanctions for employers who hire illegal aliens.

I want to say very clearly that I don't in any way, because I oppose this guest worker program that will bring 4.7 million people in to compete with American workers at the bottom of the economic ladder, I don't in any way want to diminish the dignity and self-worth of immigrants. I don't mean that at all. I know in most cases these are hard-working people, good families. Most of us have come from immigrant families at some point in our lineage. Because someone would come out and say, as I do today, that I don't support this proposal offered by the President and offered on the floor of the Senate, saying not only are we going to legalize or give legal status to 11 or 12 million people who came here illegally, but in addition to that, we are going to allow 400,000 people a year with a 20-percent escalation clause for the 4.7 million additional people potentially in 6 years to come into this country. I am not going to support that. That is a strategy for corporations to provide a ladder of cheap labor coming into this country, displacing American workers.

We have a serious crisis in this country with respect to the plight of America's workers. A lot of people who worked hard all their lives, worked for companies and were proud of it are now discovering their jobs are not safe, their jobs are not secure. In many cases, their jobs are gone—gone to China, gone to Indonesia. Yes, they can find another job. The statistics show they find another job at 20 percent less income. In most cases, they have lost their pensions; they have lost their health care. These are middle-income American workers, and the low-income workers, the people at the bottom of the ladder, the people who are high school dropouts, they work hard, they struggle, and now what they have confronted in recent years is a corporate strategy of being able to hire illegal immigrants at subpar wages, so the jobs are not there for them.

We have a lot of people come to this floor and want to offer amendments.

They say they speak for this immigration bill, and they say they speak for immigrants. Again, let me emphasize, I don't want to diminish their concern for immigrant families. I don't want to do that. That is not what I am about. But I want to come to this floor to say a word on behalf of American workers because nobody is coming to this floor to talk about American workers, American jobs, and what it means to our country's future to have good jobs that pay well with retirement benefits and health benefits.

The current strategy we are employing in this country today, a strategy embraced by this President and this Congress, a corporate strategy that says let us export good jobs and import cheap labor, that is a strategy that undermines our economy.

I am interested in the long-term economic health of this country. We have a lot of kids who will grow up in this country, American kids, who want opportunity. Every single set of parents wants to leave a country that is better for their children. They want to leave a country that provides more opportunities for their children, and that is simply not the case these days, regrettably. It is because we have an economic strategy that is off track, and we need to put it on track. I have ideas about how to do that. Others do as well. But one of those ideas would not include suggesting that we ought to displace American workers with 4.7 million additional immigrant workers who now live outside of our country but who will come into our country to assume low-wage jobs and displace jobs for low-wage American workers. That would not be included in my suggestion of how to fix what is wrong in our country.

There is so much to say about this subject. I know there is great passion. I have heard it from all of the groups. I have used a lot of statistics. This is not, after all, about statistics or data. It is about hopes and dreams and aspirations. It is about human misery. It is about living in the shadows. It is about all of those things. So I understand the passion that exists on the floor of this Senate about this matter. But I also, as one Member of this body, lament that there seems to be so little effort and so little activity on this floor about the passions and the hopes and the dreams and the inspiration American workers have about their future.

I have indicated previously, I know we have this global economy and I know part of that global economy plays a role in this immigration debate. People say you are a hopeless xenophobe who doesn't get it. We all see over the horizon, and you somehow are nearsighted. My sense is that we as a country will have our better days ahead of us if we adopt public policy which is thoughtful and, yes, which has as a self-interest the long-term economic well-being of our country.

But this global economy has marched and now galloped forward without adequate rules with respect to jobs and income and opportunity in this country, and too few people seem to care about the diminished circumstances facing most American families and most American workers. That, too, should play a central role in this discussion. That, too, should be a part of the consideration here in the Senate. Regrettably, it has not been. My hope is that perhaps in the next 48 hours it will be, finally.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the majority leader be recognized at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I take offense at the characterizations of the Democratic leader about obstructing this legislation, particularly from those from southern border States who, in addition to the culpability of the Federal Government, should take the blame for some of the failures of these last few years that have perpetrated these 11 million, 12 million illegal immigrants upon the United States. I respect the comments of the Senator from North Dakota, putting those responsibilities, some of them, on the businesses of Minnesota, but I must say that the businesses of Minnesota and perhaps other Northern States have, to their credit, resisted the imposition of workers from other countries upon themselves—again, to their credit. It is from the States of southern borders, those businesses which have allowed this illegal immigration to go unchecked and which have, I believe to their discredit, employed these individuals.

It surprises me—in fact, I would call it the rank hypocrisy of those who have stood here today representing these States whose businesses have allowed these illegal immigrants to be employed, who have benefited and profited from those employments, and who now are suddenly trying to take aggressive action to impose these sanctions upon all businesses. I believe strongly that Minnesota businesses and others in Northern States have been forced to accept illegal immigrants because of the failure of States on the southern border to stand up and to protect their borders, in addition to the Federal Government. I deeply object to those who are claiming that somehow that is the failure of Northern States such as Minnesota.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 3232 be called up.

Mr. DAYTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHAMBLISS. Mr. President, I am disappointed that my colleagues across the aisle will not let those of us who have good faith amendments to call them up, debate them, and have a vote on them. This is most troubling because, while I disagree with many of the provisions in the bill, the border security provisions are absolutely critical. The majority of Americans consider border security to be one of the most important priorities considered by Congress. In holding up the amendment process, the Democrats are holding up the chance to move forward on these critical border security issues. This legislation is too important to fall victim to politics as usual.

As I said, I strongly disagree with this legislation in its current form. I think the provisions relative to agriculture are not in the best interests of farmers and agribusiness people. I can't tell you how many phone calls and letters and emails I have received from my constituents in Georgia as well as from farmers across the Nation voicing their objection to many pieces of the Judiciary Committee bill and encouraging me in my efforts to make some important changes.

So I was astounded to hear the minority leader yesterday suggest that the Judiciary Committee's bill is good enough for him and therefore should be accepted whole hog by the Senate. That is not the way the Senate works. This body is based on the concept of debate. To suggest that this legislation should reflect the will of the 18 members of Judiciary Committee and ignore the will of the full Senate is to belittle the enormous implications that will result from whatever legislation the Senate passes.

I recognize that a number of pending amendments are going to require the Senate to make some difficult votes. But we cannot try to avoid these votes for political expediency. The American people deserve to know where their Senators stand on these critical issues. And every Senator has the right to try to shape this legislation.

The folks on the other side of the aisle need to stop playing politics as usual—which is obstruct, obstruct, obstruct. This bill is too important and their antics are going to prevent us from having a bill that actually means something and isn't just a repeat of the past. Georgians and the American people deserve more than politics as usual—they deserve a thoughtful and thorough debate.

Even though I am not allowed to offer my amendment at this time, I would like to take a few moments to speak about it. And at this point I would like to ask unanimous consent that Senator BROWNBACK be added as a cosponsor to amendment No. 3232.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, the Judiciary substitute bill mandates that the minimum wage that must be paid to workers admitted under the H-2A program shall be the greater of: the applicable state minimum wage, the prevailing wage, or the adverse effect wage rate, often referred to as the AEWR. In almost every case in every State, the AEWR is significantly higher than the local prevailing wage. Interestingly enough, the U.S. Department of Labor does not determine this AEWR. AEWR wages are based solely on a U.S. Department of Agriculture's National Agriculture Statistics Service quarterly survey—a survey that has been published by the Department of Agriculture for decades; a survey that was never intended for the purpose for which the Department of Labor utilizes the collected data.

The AEWR reflects the average wage for disparate field and livestock work over a multistate area. Packing house work—an occupation filled by a large number of H2-A workers—is not surveyed. The NASS survey result is the average of all agricultural wages, including the wages that are paid to workers whose higher production levels entitle them to additional incentives or piecework pay. The U.S. Department of Labor then uses this average wage without regard for differences in occupations, skills and seasonality by turning that average into a minimum guaranteed wage for purposes of the AEWR.

To put this in terms my colleagues can understand, this would be like if you took a survey of all congressional salaries, from Senators and Congressmen to staff assistants, and then took the average of those salaries and mandated that the average wage must be the minimum amount paid to any congressional staffer.

Agricultural employers who use the H-2A program to avoid breaking the law by hiring legal workers are put at a distinct competitive disadvantage when compared to growers who use the available undocumented workforce. In fact, this competitive disadvantage caused by the additional expense of using H-2A is a major factor in the agricultural industry's increasing dependency on an illegal workforce.

Those employers who have been utilizing an illegal workforce have not been paying those illegal workers anywhere near the adverse effect wage rate. Most troubling to me is that in the Judiciary Committee's bill, once agricultural employers transition those illegal workers to blue card workers, there is still no mandated wage floor for them! Therefore, H-2A growers will continue to experience unfair competition if the AEWR is not replaced with local prevailing wages.

I would also like to point out that the wages required of employers of workers admitted under every other temporary, non-immigrant visa category is a local prevailing wage rate determined by the U.S. Department of Labor through specific occupational surveys by the various states.

I believe this should be the case for the H-2A program as well. Moving from an Adverse Effect Wage Rate requirement to a prevailing wage would allow the use of a more localized, occupation-specific, competitive wage when growers access legal workers through the H-2A program. This would naturally raise wages for some farm workers and better reflect the economic realities of the area in which the work is performed and the type of work being performed. It would also encourage agricultural employers to participate in a program designed to protect and identify the workers on our Nation's farms.

I urge you to support the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I will sound, unfortunately, like a broken record for the next 15 minutes or so.

Mr. CHAMBLISS. I will object to an amendment being called up at this time.

The PRESIDING OFFICER. The Senator from Nebraska has been recognized. The quorum call has been lifted. No other unanimous consent request has been made.

The Senator from Nebraska.

Mr. NELSON of Nebraska. It is important to stress again and again we must focus on border security first.

When I first announced and then introduced my border security bill last fall along with my colleagues, Senator SESSIONS and Senator COBURN, people across America were talking about securing our borders but there wasn't any action.

No bill in Congress was moving because most of the efforts tried to tackle everything and ended up doing nothing.

I proposed changing the way we address immigration reform and introduced a bipartisan bill that focuses on border security first.

Until we secure our borders, the U.S. will never be able to control the deeper problems of illegal immigration. I repeat: without securing our borders first, the U.S. will never be able to deal with its illegal immigration problems.

That is why, I, along with my colleagues Senator SESSIONS, Senator BYRD, and Senator VITTER are offering our bipartisan border security bill as a complete substitute to the bill that Senator SPECTER and the Judiciary Committee have offered.

We all have great respect for Senator SPECTER and the hard work by the Judiciary Committee to complete the bill they reported out last week under difficult time constraints. It is a good thing that we have so many people working together trying to find solutions to our illegal immigration problem. But it is important that those efforts are not lost because we tried to tackle everything and accomplished nothing. Those efforts are why we must focus on border security.

My colleagues and I are convinced that there is only one way we are going to find consensus and see real action this year, and that is if we take the very important step of securing our borders first.

Our proposal would add 3,000 border patrol agents per year for 5 years and enhance border security technology.

It also adds:

1,000 new investigative personnel dedicated to stopping immigrant smuggling;

10,000 new Department of Homeland Security investigators dedicated to worksite enforcement; and

15,000 immigration enforcement agents dedicated to fraud detection.

At the same time, we give employers the tools they need to confirm the status of prospective employees to ensure that they are following the law.

If the companies have completed the verification process they will be protected in their hiring decisions. And the companies will not need to be concerned with verifying documents nor will they have to be in the business of making sure that documents handed to them are not fraudulent. However, if a company ignores this process and hires illegal immigrants anyway, our proposal enhances the penalties for breaking the law.

We believe that this is an important component for securing our borders and addressing the problem of illegal immigration. By removing the motivation behind most illegal immigration—securing employment through fraudulent documents or unscrupulous employers—we can take another important step towards resolving our illegal immigration problems.

In addition to aiding employers identifying illegal immigrants, this proposal also helps border security agents to stop immigrant smuggling, human trafficking, and other border offenses. This will ensure that gangs, organized crime, and individuals looking to exploit illegal immigrants for profit are prosecuted and prevented from putting immigrants in harms way.

Currently, these offenders are difficult to prosecute and are soon back committing new offenses of the same old crime.

I understand there has been some confusion about who this provision of the Border Security First proposal targets. I would like to set the record straight and make absolutely clear that this section is not aimed at prosecuting any religious or humanitarian groups that assist individuals in need. These people are not prosecuted now nor will they be in the future—nor should they be.

Instead, we need to stop the criminals who are smuggling people for financial gain and commercial profit. They are the ones hurting immigrants, not our religious and nonprofit groups.

I would also like to clarify for the record that this proposal does not make illegal immigrants in this country felons. It merely seeks to secure our borders as a first step towards resolving our illegal immigration problems.

I continue to push for border security first because I believe that it is our responsibility to work together to find a solution to this problem confronting our Nation. Our fellow Americans expect no less from us.

I continue to push for border security first because it makes common sense.

We all agree that the borders need to be secured.

And with a problem as pressing as illegal immigration, it is important that we work to build a consensus and that we concentrate our efforts on getting something accomplished that moves us along the path towards resolving this problem.

The disagreements we face all stem from the additional problem of what to do with the illegal immigrants already here. I am for securing the border first—and then developing a plan for the illegal immigrants already here. We cannot afford to miss this opportunity to begin solving this problem because we concentrated on the things we disagree about rather than working to make sure we accomplished what we all agree needs to be accomplished first.

Unless we secure our borders first, the problem will only continue to worsen and the number of illegal immigrants we need to address will be larger than it is now.

Unless we secure our borders first, the U.S. will never have a firm grasp on the interior problems we have as a result of illegal immigration.

Unless we secure our borders first, we will never be able to adequately address the remaining issues that illegal immigration present.

Unless we secure our borders first, we will miss this opportunity to begin solving a problem and we will have failed to properly do our jobs for the American people.

By implementing tough new changes to secure our borders we can take an important first step toward addressing illegal immigration.

Today as we continue this debate and we continue to think about the bill that is before the Senate, we need to redirect our attention and put border security first so we can then go on. The "do everything" bill that is before the Senate today will end up doing nothing. The reason is if it is passed by this Senate and goes to the conference committee, it cannot be squared with the House version that has already been passed. It will be easier to square the circle than it will be to bring these two disparate bills together, and that is why we need to do something to secure our borders first.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I come to the floor, and I am broadly supported by our caucus, because we come to a moment in time where people are looking at the Senate, America is looking at the Senate, and asking: Why? Why are we at a point where we are addressed with a problem that is not insurmountable—seemingly insurmountable at times but a problem which can be addressed, which addresses the issues that are so fundamental to our country—issues of national security, issues of fairness, issues of compassion—challenges that if not addressed will continue to grow, thereby threatening the security of the American people, who are watching.

Republicans are here—we see it right here on the floor right now—and we have been here since last Wednesday on a bill doing what the American people expect; that is, identifying a problem, discussing a problem, putting together amendments in order to take a bill to the floor and, therefore, improve a bill. And yet we are being denied that basic opportunity.

Right this very moment, we are here to address a national problem, a problem that is pressing. It impacts every American listening. I mentioned the word "fairness" because it is basically a matter of fairness—of fairness to a group of people, the 12 million undocumented people here in this country today, who, yes, came here illegally, but who are listening and watching right now and asking that question, Will my plight be addressed and addressed appropriately?

It has to do with fairness to the Senate, where each of us came here probably for different reasons, but to participate in governing and moving America forward to a future that we know will be safer, that will be healthier, that will be more prosperous; and fairness for our constituents, who are scratching their heads right now, at first maybe saying, well, there it is, the Senate, once again, not able to address problems, but then, after a moment, saying that is wrong; those are the people who are sent to Washington to represent us, to address the toughest, most fundamental problems that are out there today, and that is our secureness, our security, to address issues that affect internal enforcement of the laws of the land, a nation of laws, and, yes, a nation that has captured the richness of our immigrants.

Twelve million people are living in the shadows. I would argue that today our Democratic colleagues are living in the shadows by not standing up and addressing the problems, the challenges, the opportunities that have been identified. The minority refuses to vote. They refuse to give us simple votes, up-or-down votes, on issues we can debate on the floor, that we are ready to debate.

The other side of the aisle is refusing to govern. That is why we came to the Senate. They refuse to come to the table to even attempt to address the problem. They are willing to let these 12 million people continue to struggle. They are willing to let our national security, by not addressing the problem, be compromised. They are willing to let our health care, our education, and our immigration system be crippled.

I come to the floor to make the statement that the immigration system is broken, and yet the Democrats today do not have the courage to address the problem, to fix the problem. They show a lack of courage, I think, conviction, and leadership to fix the problem. You fix the problem by doing something, not coming with a solution and saying: This is it; take it or leave it. It is to allow us to have an amendment proposed, to debate that amendment, and then to vote on that amendment.

What happens, then, when we take an issue that is totally nonpartisan—it is not a red State, blue State, liberal, conservative, Democratic or Republican issue—and all of a sudden politics gets injected into it? Thus I ask the other side of the aisle to please put the politics aside and allow this body—100 individuals—to cast votes, take up amendments and vote on them.

There have been a lot of media reports saying that caucuses are fractured—our caucus is fractured and the Democratic caucus is fractured. I think that in many ways can be overplayed, but it does reflect the fact—not the fracturing but the diversity of ideas, good ideas, that need to come to the floor and be debated in order to solve these huge problems that are out there: on the border, first and foremost; interior enforcement at the workplace; the temporary workers, the 12 million people.

We have ideas right here. There are 50 different people with a bunch of ideas, yet not one is being allowed to come to the floor, lay down their amendment, have the manager take up the amendment, debate it, and then vote on that amendment. And we are not going to all agree. That is what the Senate is all about: to debate, to deliberate, to discuss, and then to act.

I think our side has shown our courage to come forth and address a problem. There are not clear-cut answers and not answers everybody is going to agree with. But by working together—not Republican and Democrat, but by working together, each of us operating with our own convictions, allowed to vote with our own convictions, we can move this process forward.

It comes back to fairness again. It is the fairness for each of us. It is the fairness for the 12 million. It is the fairness for the immigrants who want to come to this country, yes, legally so they will have a clearly defined system.

I want to thank the members of my caucus for coming to the table. It is a tough issue, the whole immigration issue. It is a broken system. It demands to be fixed. They are ready to fix it, but right now the other side of the aisle is not allowing us. Without fail, all of our people have come forward with good ideas. We do not all agree with each other—but to work together in a constructive way, bringing out the very best of this body, when, I would argue, over the last 24 hours we have seen the absolute worst.

I do believe the American people deserve better. And again, as I opened, I said the American people have to be scratching their head. Now I used to say this is another insufferable attempt of the other side to block, to obstruct, to postpone, to delay, but now I think it is beyond that.

We know the American people care passionately about this issue. It is time for us to come together—not Republican versus Democrat—and allow these amendments, in an orderly way, determined by the managers, to be debated and voted upon so we can move this country forward, where we know if we act we will be safer, we will give hope where there is no hope today, we will respond with compassion, because I have confidence in the system itself.

Mr. SPECTER. Mr. President, will the distinguished majority leader yield for a question?

Mr. FRIST. I am happy to yield to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, my questions to the majority leader are whether the conduct of the Democrats is consistent with the usual practice of the Senate, which allows Senators to offer, at a minimum, germane amendments to pending legislation, and whether the position taken by the distinguished Democratic leader is consistent with the practices and protocol of the Senate?

His approach was summarized in a news conference yesterday that I spoke about on the Senate floor—I had a minor confrontation with the Democratic leader yesterday—where a question was posed by a reporter. Quote:

> Senator REID, the Republicans are saying that you are not allowing amendments to be voted on on the floor. Is there a reason for that?

And Senator REID responded, and I quote:

> We are happy to take a look at amendments that don't damage the integrity of the bill, but if it is going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

My question is, is it up to a Senator or a caucus or a party or the Members on one side of the aisle to take a look at the amendments and decide whether they damage the integrity of the bill and to set a standard that if an amendment is going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have a vote on that amendment? Or is it the practice and protocol of the Senate to allow Senators to vote for amendments as individual Senators see the situation in their own right?

Mr. FRIST. Mr. President, in response to my colleague and the manager of this bill, it is clear that by protocol, precedent—and I would even take it back to something more basic than that—and simple fairness and respect for individual Members. Members be allowed to come forward and offer their amendments and then, yes, discuss it with the Democratic leader, the Republican leader, and especially the managers of the bill. But to think that the minority party can cherry-pick which amendments will be considered and no other amendments will be considered is totally outside of the realm of both practice, protocol and, again, fairness of the body itself.

Mr. SPECTER. I thank the distinguished majority leader for a very poignant, accurate, conclusive response.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Mr. President, I just hope that my friends on the other side of the aisle—and there isn't a single Senator over there I don't consider a friend and have great respect for—I hope they remember this exchange between the chairman of the Judiciary Committee and the majority leader today, as we wind down this session of this Congress. I want them to remember this because you don't have to have a very long memory to understand what has happened in the Senate with our inability to offer amendments. The most recent that I can think of, of course, was the Dubai Ports situation on lobbying. The next thing I can go back and look at is the PATRIOT Act, where the distinguished majority leader filled the tree.

There is no need—we went through this yesterday. There is no need to do this. But the Senate, in the 200-plus years it has been in existence—even though the rules are somewhat difficult to accept, they are here. And they are here for a reason. Because over the generations of the Senate, there is always the ability to have an endgame. There is a way to proceed orderly on a piece of legislation. And what we should do on this, if everyone is so upset with what is taking place here, is in the morning we will have an opportunity to invoke cloture. All germane amendments will be allowed, if they were filed before 1 o'clock today. There would be an opportunity then to debate these amendments and vote on them. So there is no more orderly way to proceed to a matter than cloture.

I wish to switch a little bit here and talk about something that is extremely personal to me. I have been a legislator for a long time. The first job I had in public office was in 1964. I have been involved in government for 42 years. I was a city attorney, served on county boards, the State legislature, and other such opportunities that the people of the State of Nevada have given me. I don't want this to be true confessions, but I want to relate to the Senate that the biggest mistake I ever made, the largest error I ever made was 15 or 18 years ago, as a Member of the U.S. Congress, when, with my chief of staff, my dear friend Reynaldo Martinez—he and I played baseball together. He was a star on that team. I wasn't. But we beat everybody. We were the California

Scholastic Federation champions when I was a sophomore in high school.

He was my chief of staff. He is retired, a wonderful man. He has credentials in the Hispanic community. He has had a school named after him in Nevada. He has a youth center named after him. He is a very famous Nevadan and my dear friend.

A group of people came and talked to us and convinced us that the thing to do would be to close the borders between Mexico and the United States; in effect, stop people from coming across our borders to the United States. This period of time for which I am so apologetic—to my family, mostly—lasted about a week or two. I introduced legislation. My little wife is 5 feet tall. We have been together for soon to be 50 years. As I said here on the floor a few days ago, her father was born in Russia. He was run out of Russia. His name was Goldfarb, his family. They were Jewish. My wife heard that I had done this. She does not interfere with my legislation. Only when I ask her does she get involved in what I am doing. I didn't ask her about this. She, in effect, said: I can't believe that you have done it. But I had done it.

To compound this, I held a meeting a day or two after being confronted by my wife, a meeting in Las Vegas. It was a townhall meeting to explain this travesty that I called legislation. My friend, Judge John Mendoza, was there, somebody who, when I lost my Senate race in 1974 by 524 votes, spent all night with me consoling me, but he was in that audience. Larry Luna, Larry Mason, Isabelle Pfeiffer, people I had not talked to about this, in addition to my wife, pointed out the errors of my way. I have done everything since that meeting in Las Vegas, in conversation with my wife, to undo my embarrassment.

I have nothing against my friend, the junior Senator from Alabama, for bringing up what I had said those many years ago today on the Senate floor. I have no problem with that at all. But I do want to tell him and the rest of my friends in the Senate, that is a low point of my legislative career, the low point of my governmental career. That is why I believe we need comprehensive immigration reform today. People in America are counting on us to move forward with comprehensive immigration reform. They recognize that this country's national security depends on securing our borders and fixing our immigration system. They all want us to do this, Democrats and Republicans, to come together and do this.

I still believe that the bill before us is a compromise. I believe it is a good bill. It is up to my Republican friends to decide what they want to do. They can work with us to move forward and vote cloture and have some amendments that are germane postcloture. My friends, the majority, can move forward with a bill that will fix our borders and reform the immigration system or continue to stonewall. It is in the eyes of the beholder who is stonewalling. I think what we have here is a compromise. We have a real bipartisan opportunity to fix our immigration system. Thanks to the hard work of the Democrats and Republicans on the Judiciary Committee, we have a bill that will do it.

So I hope that tomorrow morning, an hour after we come into session, that there will be a bipartisan vote to invoke cloture, move forward with this legislation, look at those germane amendments, vote them up or down, and move forward with the process.

I, first of all, want everyone in this Chamber to know that there is no animosity between the two leaders. We have jobs to do. We do the best we can to fulfill those responsibilities. But as far as the two of us are concerned, there is no ill will toward me from Senator FRIST. He has never shown that on a personal basis. I have attempted not to do that with him. I will say on one occasion I did, and he brought it to my attention. I acknowledged that, and I understood what he was critical of. It was constructive criticism, and I took it as that.

I hope we can move forward. There have been proposals made by both sides. My friend's proposal on this side of the aisle was not acceptable. My proposal to him was not acceptable. But it is only 4 o'clock. Maybe something will happen before tomorrow morning's cloture vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, as I said in my remarks a few minutes ago, the disappointing thing to me is the situation we are in, in that in all likelihood, unless we have a radical departure in the next hour, the course we are on is to leave here in a few days having accomplished nothing for the American people. The American people expect more.

We all know that the institutions of government in today's world are watched by the American people because we were elected on their behalf to identify problems, to struggle and work through those problems through a process that has worked well for a couple hundred years, and that is debate and amendment. We have a bill on the floor that came out of the Judiciary Committee, a process I am actually proud of.

It has been confusing to people, I know, but I basically said: There is a problem out there that we know is there. It is getting worse. It affects the safety and security of the American people, plus the compassionate side, people dying crossing the borders, plus 12 million people who are having to wake up every day in the shadows out of fear that in some way somebody is going to come and touch them in a devastating way or not being able to report a domestic violence incident because it exposes them. That is wrong.

We have the opportunity—because of leadership, and working with the Democratic leadership, we got a bill to the floor, knowing 3 to 4 months in advance that we would be here now spending time on it—to fix the problem, to solve the problem. And maybe it is the surgical personality in me that says, if somebody in the room has cancer, you cut it out. You just don't sit there and talk to them and say: Come back in a few weeks or a few months or a few years, because they die from not acting and fixing it.

That may be too much my approach, but stepping back from that, I know this is a process here whereby if we start now and take the first amendment from last week, the Kyl amendment, which was introduced and has been discussed and debated, and last night we voted not to table it—why don't we take it and vote on it and go straight through, and then we would have the opportunity to effect a bill. I think we can improve the bill. I think it would get 60 votes for cloture, and then we could have a bill that would solve the problems that are out there.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, it is well known that there are a number of Senators who have been engaged in active negotiations and are trying to come to an agreement so that we could get this very difficult and challenging issue behind us. There are Senators GRAHAM, MARTINEZ, DOMENICI, BROWNBACK, HAGEL, and SPECTER, who led the legislation through the Judiciary Committee, and Senators GREGG, OBAMA, SALAZAR, DURBIN, and especially Senator KENNEDY. We have all been involved in negotiations and discussions morning, noon, and night, as have our staffs, as well as various outside groups. We are always very close to agreement. I cannot say we are going to reach agreement, but it is not for lack of knowledge, expertise, or dedication in trying to solve this issue.

Senator FRIST has encouraged us. We have met with him constantly and he has offered his encouragement as a leader and we are grateful for that. We are close. If we can reach an agreement, I think it would have 60 votes in this body. I haven't seen an issue in recent years that has so much emotion associated with it. Nor do I know of one that probably defines the Republican Party and the Democratic Party and what kind of a nation we are.

The occupant of the chair, Senator MARTINEZ, and Senator SALAZAR brought a perspective to this issue which is very valuable. Both have added life experiences on this issue. So it is not for lack of knowledge or expertise or talent, and we are very close.

But there has been a shadow on our discussions. The fact is the Senate has not moved forward with debate and amendments and votes. The Senate is supposed to do that. That is what this body is supposed to be all about. Now for a week and a half we have not been able to have a vote on a single issue. We should not be afraid to debate these issues and to vote on them. That is what we are supposed to do. We don't have to wait for cloture every time before we debate and have votes. Senator KYL and Senator CORNYN have devoted thousands of hours to this issue. They deserve a vote on their proposal. That is the way the Senate is supposed to function.

There are those on the other side who have amendments that probably would be very tough votes for those of us on this side. We are here to take tough votes. That is what we come here for—to take tough votes. I could argue, as we do maybe too often, legitimately that this is one of the greatest challenges we face in our time—securing our borders, taking 11 million people out of the shadows who are exploited every day, fulfilling the job requirements that we all know are necessary to ensure our economic future.

I want to assure the Democratic leader that those of us on this side follow the leadership of our elected leader. We cannot vote for cloture when it is proposed by the other side. The majority rules. The majority sets the agenda in the Senate. For there to be an expectation that somehow we would vote for cloture as proposed by the Democratic leader—I imagine if my friend from Nevada were in the majority, he could take great exception to the Senator from Tennessee filing cloture and then expecting the other side to follow that.

We have a short period of time. I hope as these negotiations continue—and we are close, I must say. I think my friend from Massachusetts would agree, although I must say he is very interesting to negotiate with. But I also point out that his word is good.

I hope people will listen to the Senator from Florida, who is in the chair. I hope people will listen to the Senator from Colorado, Mr. SALAZAR, and others who can explain to us better than anyone how urgent it is that we resolve this issue. Americans are unhappy with us, in general. But this issue has aroused passion in a way that few of us have ever seen across this country. In Los Angeles, Phoenix, Arizona, and New York City, and around the Nation, it seems to me we owe every American a resolution on this issue.

Can we please move forward with amendments, start voting, and then come to a resolution of this issue. I thank both leaders for their indulgence and my colleagues for their active involvement in this issue.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I am sure it was an oversight by my friend from Arizona in just mentioning Senator SALAZAR, but also Senator MENENDEZ has been involved in the things we have done over here, and he is a great addition to our caucus.

My friend from Arizona, who has established his credentials as being courageous as none of the rest of us have, except perhaps Senator INOUYE, said we should not be afraid to take votes. So my suggestion—I made it yesterday and I make it today—is that there has been significant debate on the Specter-Leahy substitute. It is now before this body. We should not be afraid to vote on that. As I said, we are willing to vote. We don't need to have cloture. We can have an up-or-down vote on that right now. That is one alternative that could be considered.

Mr. FRIST. Mr. President, I think our point has been made. If we are going to address an issue that deserves to be addressed and that the American people expect us to address, we have to change course here from the last several days. It is going to require amendments and debate and allowing amendments to come to the floor. There is no comparable bill. The Medicare bill had 128 amendments; the highway bill had 47; the Energy bill had 70. But to think we can make progress on a bill flying through the Senate without the opportunity for debate and amendment is unrealistic. It is outside of the realm of what the American people expect and what our responsibilities are as Senators.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I so appreciate that the majority leader has called this to the Nation's attention because we have been working on this bill for almost 2 weeks now. The majority of the body has not had its say. The Judiciary Committee worked very hard on this bill. However, it is a bill that I could not possibly invoke cloture on before we have had a chance to have input and the opportunity to change it in the direction that the full majority of this body—hopefully, a resounding majority of the body—would support.

The House of Representatives passed a bill that probably not one Member of the Senate would support. That is not going to be the final position of Congress. The Senate is taking a different approach. The Senate, in general, agrees that there should be a guest worker program. It has been very difficult to come up with the right solution on how our country handles the 12 million people who are here illegally—a solution that is fair and equitable for the citizens of the United States and ensures law and order on our borders. It would be wrong for Congress to pass a bill which indicates border security is business as usual, or that the laws of our country can be broken with no penalty whatsoever. Most of us want to pass a guest worker program that allows people to come back and forth legally into our country, help our economy, earn their benefits and be able to keep them—not in the underground, but aboveboard. Most of us want that.

Unfortunately, the bill before us does not provide the right solution. Yet, we are sincere in our desire to amend it. That is what our leader is trying to say. I think it is wrong for the Democratic minority to hold up amendments and not allow those who have worked for hours, days, weeks, and months on this bill, to offer alternatives, hear debate, and start shaping a bill that would put our country in the right direction, secure our borders, keep our friendship with Mexico—our neighbor to the South, and treat people fairly.

Passing a bill that achieves these objectives is a goal I think we can all reach, but not if we cannot have amendments and are forced to vote on cloture. I could not possibly vote for cloture, nor could all but one or two on our side. That is not bipartisan. It is not the process we have followed in this Senate.

I urge my colleagues on the other side of the aisle to let us proceed with amendments. Don't waste the next 24 hours. Let Senator KYL have his chance to have his amendment voted on. Let others who have ideas have their amendments voted on.

I think one area we have not significantly addressed, one I would like to be able to talk about, is an alternative for people who do not seek citizenship in America. There are many wonderful Mexican workers in our country who want to remain citizens of Mexico, who intend to stay with their families in Mexico, but who desire the economic opportunities in America. Why would we not provide them an opportunity to come out of the shadows, to work and earn their pay in the open, and then go home? Why should they wait in a 10-year line for U.S. citizenship, which they do not seek?

Clearly, we have not fully vetted this issue. The Judiciary Committee worked hard to produce a bill, a bill which I do not support. Yet, they certainly worked hard, did their homework, and were very thorough. We need to have a chance to work on that bill with the rest of the Senate because most of us are not on the Judiciary Committee. Immigration is an issue that affects all of our States and our country as a whole. We need to address it in a sincere, productive way that will come to the right solution. The only way to do that is to allow the Senate to debate and vote on amendments. If we can come to a consensus, and have a 75-to-25 vote, or a 90-to-10 vote on a final bill, then we would have produced the right solution. We will not be able to do that if we invoke cloture before voting on amendments.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DURBIN. Mr. President, I am seeking recognition, standing on the floor.

The PRESIDING OFFICER (Mr. COBURN). The Chair heard the Senator from Kansas first.

Mr. ROBERTS. Mr. President, I tell my friend from Illinois that I will be very brief.

I understand all of the discussion has been about cloture. It has been about the process of the Senate. It has been about denying Members—in this particular case, on our side—the ability to offer amendments. Let me say that we are about to go on a 2-week recess without doing anything about trying to secure our borders. We are doing some things, but we are not doing the things we need to do. There are 32,200 reasons why we should move and why we should reach accommodation, if we possibly can, to pass a good immigration reform bill. That is 32,200 people who will be coming across our borders during the 2 weeks we will be in recess. And 2,300 are coming across per day as of today. There have been about 150 come across our borders illegally while we have been speaking.

As a matter of fact, as chairman of the Senate Select Committee on Intelligence, I know how this affects our national security. I know all the talk has been about procedure and germaneness and allowing amendments. But let me talk a minute about national security.

Mr. President, 1.2 million illegal aliens were apprehended as they came across our borders last year. Two or three times that amount were not apprehended. If you lived in Tucson, the number was about 439,000 who were apprehended. Two or three times that amount were not apprehended. If you lived in Yuma, in California, that number was about 140,000 approximately, and in McAllen, TX, there were 135,000 in just 1 year.

Of the 1.2 million who were apprehended who came across illegally—I am not talking about the ones who came across and were not apprehended—165,000 were persons coming from countries other than Mexico. Where did they come from? We are talking about the Middle East. We are talking about Southeast Asia. We are talking about Eastern Europe. We know because we have apprehended people from Afghanistan, Pakistan, Iraq, and Iran. We have actually apprehended people from Iran, 10 of them, and Somalia and Venezuela.

I want to say something about these folks. Their goals may be to find a job and be part of the American dream, but they may not be as well. And truthfully, I think that is only a snapshot of the reality.

I think the intelligence community can tell you who we caught, but they can't tell you who we haven't caught. So at 2,300 people coming across the border who are illegal every day—every day that we argue or that we don't argue it, that basically we don't have an opportunity to consider the amendments and move this bill forward, national security is being threatened.

I want Members to consider that and see if we can't work toward some solution that will allow a series of amendments to be considered and move on with this bill. Otherwise, in the next 2 weeks, I have to tell my colleagues, the people of Kansas are going to look at me or, for that matter, every Senator and say: What on Earth are you doing going on recess for 2 weeks when you have 32,200 more people coming in, most of whom are not vetted and some could be injurious to the national security of the United States?

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I asked my staff how many amendments have been filed to this bill. The number is 228 amendments; 228 amendments have been filed to this bill. If you follow the proceedings of the Senate, you know there is no way on Earth we can consider 228 amendments and actually vote on this bill by the end of this week or even by the end of next week. It is physically impossible. Decisions will have to be made, as they are made on every single piece of legislation, on which amendments will be cut, which amendments will be considered.

I have had amendments that I thought were extremely important that didn't make the cut. That is the nature of this Chamber. Sometimes we have to step back and say at some point we will have to vote on a bill if we want a bill passed.

Our concern on this side of the aisle is that if we get mired down in the amendment process, we have a fundamental problem. What we are witnessing here you cannot analogize to a baseball game because in a baseball game, there is no clock. In the Senate, there is a clock, not just by day but by week. And at the end of this week, we are scheduled to go on recess.

For that reason, Senator HARRY REID, the Democratic leader of the Senate, filed a cloture motion yesterday. Under the Senate rules, that means that tomorrow morning at about 10 o'clock, we will vote as to whether we want to close off debate, close off the amendment number at 228, or let more amendments pile on.

What is the likelihood that we would consider and pass this bill this week if we allow all amendments to be filed that each Member wishes? There is no chance whatsoever.

What Senator REID believes and I share is that we have a historic opportunity. We may never get this chance again. The last time we had any serious debate about immigration reform was more than a decade ago. Honestly, the situation has gotten worse in this country ever since. Now we have a chance. We have a chance because on a bipartisan basis, the Senate Judiciary Committee produced a bill. It is not perfect, but it is a good bill, strongly supported by Senator KENNEDY on our side and Senator MCCAIN on the other side, supported by Republicans and Democrats who brought it out of the committee 12 to 6.

Our fear is that if we allow this process to mire down with hundreds of amendments, the clock will run out; we will have missed our chance.

It pains me to hear my colleagues on the other side of the aisle say there is no way we can vote for cloture, there is no way we can vote to close down the amendments that are going to be filed here. We have to stand together as a party. I think there is more at stake. I think this bill, this bipartisan bill, is evidence that both parties can come together and must come together if we are going to solve an intractable problem, such as the problem of immigration reform.

America is not going to remember whether we considered 1 amendment, 5 amendments, 10 amendments or 20 amendments. America will not remember whether Senator KYL's amendment was called first or fifth in order. But America will remember with this vote tomorrow who was on the right side of history, who was on that side of history that said we have to move forward to reconcile a serious challenge in this Nation.

The Senator from Kansas talks about security. I am happy to report to him that every bill under consideration dealing with immigration has strong security provisions. There is a provision offered by Senator FRIST to make our borders stronger. Virtually the same provision is being offered on the Democratic side of the aisle in a bipartisan bill. There is no argument about enforcement, strengthening our borders, knowing who is here, where they work, where they live, and what they do. If we are going to be a secure nation, that is essential.

There is no argument about employer enforcement. It has to be part of an enforcement system.

Where we do have differences of opinion, of course, is what to do with 11 or 12 million people already here. We think we have struck the right balance, giving people an opportunity over an 11-year period of time to earn their way to citizenship. If they work hard, if they have a job, if they pay their taxes, if they have had a criminal background check, if they are learning English, if they know about our Nation's history and its civics, if the people who are asking for this clearly are good citizens, people of good moral virtue, those are the ones we want as part of our Nation.

I hear my colleagues on the other side of the aisle say unless we can call one amendment or five amendments before 10 o'clock tomorrow morning, we would as soon see this process stop. That would be unfortunate. Voting for cloture doesn't mean there is an end to amendments. It means there is a limited time for those amendments pending, some 30 hours. We still have time to debate and amend this bill, and we will. But Senator REID and I share in the belief that we need a process that brings this to a conclusion. There is no way we can deal with 228 amendments and have this bill completed this week. That is why we moved forward on this effort to try to file cloture on a bipartisan basis and move this bill to final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, first, I thank our majority leader for coming to the floor and pointing out what is happening because I think this is a miscarriage of justice, very unfair, and is an indication of what is fundamentally wrong with the Senate these days. It is important that in the light of day, the American people be told why immigration reform, on which the American people feel very strongly we should act and I believe they feel we should put great focus on border security, is long overdue.

We made runs on it in the past. I was around when we passed immigration reform, by title at least, in 1986 and again in 1996. It didn't work. We have to do more for border security. We have to decide if we want a temporary worker program, how is it going to be assigned, what are the responsibilities for it to be implemented, and exactly how are we going to deal with, again, 11 and 12 million people who are in this country.

Frankly, I have very little to say on this subject because I am not a member of the Judiciary Committee. I do not consider myself an authority, an expert on the substance, as is my colleague from Arizona, Senator KYL. He worked on it. He is on the Judiciary Committee. They discussed it, considered it for weeks and months. I have a lot of respect for the work that was done in the committee.

I have been proud that our majority leader, Senator FRIST, has forced this issue to a head. Some people have said: Wait a minute, we are not ready, we haven't had time to cook this issue; there are too many problems. We should have done this last year, and our leader has been saying since January this issue must be addressed. It is overdue, and it is going to be addressed. And, frankly, he told us when it was coming up—last week. He forced an action in the Judiciary Committee. Maybe it was a forced action, but it was time we acted.

I have made the point in a variety of forums in the last couple of days that this is what the Senate ought to be doing. This is a big, important, difficult issue. The American people expect us to act instead of sweeping around the edges on salami issues and all kinds of other issues. This is a big issue. This is an important issue. This is about who we are and who we are going to be.

Thank goodness the Senate is living up to the expectations our forefathers had for us: to take up a tough issue, have a debate, have amendments, and have votes. And all of a sudden people say: Oh, we can't have votes; we can't vote on amendments on both sides of the aisles. Senators are saying: I don't want to have to cast a tough vote. Hallelujah, finally we are going to do something that matters around here.

Will we get it right? I don't know. I have been trying to listen to both sides of the debate. I want action. I hope it is the right one. But we are never going to know until we go forward and consider this issue and get it done in a responsible way.

If forced to vote on the bill that came out of the committee right now, I would vote against it. I don't think we have found a third way. I don't think we have found the sweet spot. I think we have to have more responsibility.

Illegal aliens are illegal. This is a very difficult, sensitive problem. We have to think about it. But I don't think we can say: OK, gee, say you're sorry and pay a fine and everything will be OK. It has to be more serious than that.

I was looking forward to amendments. Some people will say: Oh, vote for cloture, let's get this over with; there are too many amendments. We haven't voted on one amendment. We have been dragging around here for over a week now. Senator KYL has tried every way in the world to get a vote, and the minority in the Senate is blocking even a vote on a critical amendment by a senior Senator in the leadership of the majority, I might add, because they don't want to vote.

Frankly, for floor people, I note there are some ways this issue can be stuffed down the opposition's throat. I don't want to do that. I thought we were going to rise to the occasion and have a bipartisan debate.

This is the Senate. This is not the House. And, by the way, I have been a party to stuffing the minority, and people didn't agree with me. I filled up the tree. I filed cloture instantly on bills and on amendments. But almost every way, almost every time it backfired on me. I admit it now. I remember filling up the tree and blocking Senator McCAIN from offering his amendment on campaign finance reform. I did it more than once. I told him I was going to do it. In the end, he won.

This tactic that has been employed by the Democratic leadership blocking even a vote on amendments on an issue of this magnitude is outrageous and, quite frankly, I am offended cloture has been filed by the minority leader. It is not unprecedented. It has been done 18 times in the last 10 years. Yes, I did it, too, and again, it doesn't add to anything. It destroys the potential for good will.

I will vote against any cloture motion filed by the minority leader. He does not manage the Senate. The majority leader does. And even when I disagree with him—I admire Senator McCAIN standing up and saying: I am not going to support that. Senator McCAIN has the high hand, he has the winning hand probably, but he said: Wait a minute, you can't block Senators from even having a vote on their amendments, even though he is going to vote against them and speak against them.

What have we done here? This approach cannot stand, it will not stand, and what I am going to urge our leadership to consider doing is if we don't get something worked out by sunrise, then the Senate Democrats are going to be cut out. There is a way we can get an agreement between the Republicans in the House and the Senate, the majority in the House and the Senate, and force it to the floor whole-hog and say: Vote for it, up or down. It can be done. I don't want to do that. I object to that. But when David Broder writes these articles about how he can't understand why the majority doesn't work with the minority, hey, Mr. Broder, take a look at the Senate today. This is the kind of conduct which makes it impossible for us to get our work done and makes the majority decide to just ignore the minority.

I am one of those people whose votes hang in the balance. I am not locked into a position. I probably am willing to go further toward what the Judiciary Committee did than some of my colleagues. But I am offended by this, and it may affect my overall vote on the final product.

This bill has the potential to be bipartisan. It has the potential to be a major achievement by the Senate and by the Congress and, more importantly, for the American people. I hope our leadership will say: Oh well, maybe we just didn't talk enough to each other, and let's work this out. Let's go forward. We are not going to be able to finish this legislation this week. So what. Take next week. Take next month. This issue is too big, too important. The illegal alien problem we have in this country—and the need for immigration reform—is doing serious damage to our country. There are good aspects to the bill, but there is damage being done and the relationship between people is not moving in a positive way. This is where we show whether we are statesmen or political hacks who are just trying to find a way to avoid a tough vote.

I plead with my colleagues: Let's find a way to go forward on this and get a solution we can all vote for and feel good about. Right now, we should be ashamed of what we are doing and the way we look.

I yield the floor.

Mr. KENNEDY. Mr. President, I would like to take a few moments of the Senate's time to try to put this legislation at least into some perspective, as someone who has worked on legislation dealing with immigration for some period of time, so the American people can have an understanding of what this debate is really all about.

I think all of us understand what has been well stated here, and that is our borders are broken and porous. Ten years ago, we estimated that about 40,000 were coming into this country illegally and we were catching maybe almost half of them. Now the estimates are from 400,000 to over 1 million, and we are catching 5 or 10 percent of them. We have increased expenditures by $20 billion in terms of law enforcement and building fences and increasing border guards 300 percent over the period of the last 10 years, and it doesn't work. It has not worked, and it is not working today. Although there are a number of our colleagues who believe it offers the best way to try to get a handle on our borders.

That was the position which was taken by the House of Representatives and passed by the House of Representatives, effectively criminalizing every individual who is undocumented here in the United States and criminalizing any individual who might have been indirectly helping that person, whether it was a minister, a member of the clergy, or a nonprofit organization such as a humane group that operates in a feeding program or looks after people who have been in shelters. That is why Bishop Mahony, the cardinal of Los Angeles, said that the House legislation was such a vicious piece of legislation. Those aren't my words; those are his. That was the position of the House of Representatives. Many of us who have worked on immigration issues believe that is not the answer.

The fact is, it was the majority leader who introduced similar legislation in the Senate of the United States which to many of us represented the position of the Republican Party. That was the position which was introduced by the majority leader. There wasn't a great deal of turmoil or opposition at the time he did that, so that was why many thought that was going to be the position of the Republican Party. That is at least one aspect of this debate and discussion.

Another aspect of it: Some 3½ years ago, the Senator from Arizona, Mr. McCAIN, introduced legislation dealing with immigration in a more comprehensive way—rather than just law enforcement, looked at other factors in addition to law enforcement. Over 3 years ago, I introduced legislation that looked at a number of different aspects in terms of legalization and other kinds of approaches but different from those of Senator McCAIN. At about that time, Senator HAGEL and Senator Daschle introduced different legislation. This was all before the 2004 election.

Then, after the election, when we saw that these different pieces of legislation which were introduced were not working, Senator McCAIN and I worked together and in May of 2005 introduced common legislation. We were convinced of a number of things. We were convinced, first of all, about the importance of securing our borders from a national security point of view. You have all these individuals who are coming in here, and in the wake of 9/11, we don't know who they are, and this presents a national security issue. If you have millions of immigrants who are virtually underground because they are undocumented, this is a national security issue. When we find out that Homeland Security is worried about different cells in different parts of the country, and we know we have millions of immigrants who are subject to exploitation because they are undocumented, this is a national security issue.

So we looked at it and said: What are the features that are going to be necessary to deal with national security, because that is very important, and to deal with the fact that there is this magnet, drawing people to the United States, the magnet of the American economy so that strong individuals who want to provide for their families, work hard, play by the rules, and provide for their families are offered jobs by American employers? So they come here and send money back to look after their children and families, to develop a community. Many hard-working individuals have come, and many of them have enlisted in the Armed Forces of our country. More than 70,000 are serving in the Armed Forces of our country. Permanent resident aliens are in the Armed Forces serving in Iraq and Afghanistan.

So we said: What is necessary is we have to bring these people out of the shadows. How are we going to do that? We have to entice them out so they feel they can be a part of our American system, and how is that going to happen? Since they cut in front of this line instead of waiting their turn, if they were to follow the immigration laws, we would say: You have to go to the back of the line. You have to go to the back of the line. You have to wait until that line is cleared up. You have to pay a fine, pay your taxes, abide by the laws of this country, work hard, and then, 11 years from now—11 years from now—you will be eligible to become an American citizen. The other side says: We can't do that because that is amnesty. That is amnesty.

It is very interesting that whenever we talk about the undocumented, in many instances men and women who work hard, who are trying to provide for their families, who are devoted to their religion—98 percent of the undocumented are working today. Working. These are qualities which we admire—people who work hard, provide for their families, have beliefs in their God, are attentive to their church, care for their children—all qualities we admire. But that is too bad; we are just going to send them back or criminalize them. We are going to send them back.

So we have a difference here in the Senate. We have an agreement that we have to get a border and it has to be secure. We have the undocumented, and the question is, How are we going to deal with them? And we have differences in this body. Many say we have to send them back. We heard speeches even earlier today saying that we can't permit, under any circumstances, that they remain here in this country. There has been no talk about how they are going to do it. Of the 240 amendments that are before us, I didn't see any asking for $240 billion to get the buses out there to ship them back, while their children, who are American citizens, are pleading that they remain here, and their children are going to school and want their parents to stay. No, no. Let's just get a bumper-sticker solution and call it amnesty. Bumper sticker: It Is Amnesty. Bumper sticker: Bad. It is just a bumper-sticker solution, rather than dealing with a complex issue.

So Senator McCAIN and I worked on this issue. We worked out the program, the penalties, the requirements for people who are here to be able to earn their way toward the possibility of citizenship, bring them out of the shadows, treat them in a humane way, understanding that we have a problem and an issue. And as much as those on the other side of the aisle might bellyache about this solution, they don't have any answer, other than criminalizing it. That is the answer they have: criminalizing. So we have what I consider a just solution. It may not be the right one, it may not be, but at least it is—I believe and the majority of the American people believe that earning your way to be a citizen in this country is an acceptable way to treat these individuals.

So then the issue is, we have a magnet here in the United States. Now we are talking about the border. How are we going to lessen the pressure on the border? There are a number of things in our bill. One is that we want to try to cooperate with Mexico, the countries of Central America, in terms of trying to work out more effective ways and means of being able to do it. There are a variety of different ways. The

Mexican Government has indicated that. I think there are a variety of different ways of trying to do that to lessen the pressure. We have basically the only proposal that gives any consideration to that whatsoever, and I think it can be extremely meaningful.

We find the remittances, as they go back to Mexico, to many of these communities. So many of the people who are here remit funds because they care about their families and their communities. We could work with Mexico to lessen the pressure.

Nonetheless, we understand that we are still going to be a magnet. So we say: OK, let's set a figure. We had a negotiation, and 400,000 was the figure for temporary workers. After 4 years, they have an opportunity to petition for a green card and after 5 more years—to become 9 years—to be able to become American citizens if they demonstrate they have worked hard, paid their taxes, haven't run into trouble with the law.

So we are saying we want to make the borders secure in terms of the security issues, and we want to make it safe for people to come here, and we want to have a process so that the magnet which is the American economy will draw people in an orderly way—not to replace American jobs but to advertise and see if there are Americans available. But if they are jobs Americans won't do, there will be a legal way for people to come in. So the person who is down in the center part of Mexico will have an alternative: Do you want to risk going across the desert and dying in the desert, or do you want to go to your embassy and find out if there is a job for which you are qualified and go to the United States and have at least some job protection in the job you have? That is the alternative. Legality. Legality. Legality in gaining entrance, not illegal across the border, earning the legal position by earning your legalization.

Then we have the enforcement provisions. In the United States, if employers are going to hire undocumented aliens, then we have 5,000 individuals who are going to be trained and equipped to be able to go after employers who are going to attempt to violate the law. The temporary worker gets the biometric card, comes up and presents it to the employer, and then we know he or she is documented. If not, then we know he is undocumented, and then that person is going to be subject to penalties. It has never been tried before, but it is a local process and a legal system.

What many of us are saying here tonight is we have a total package that talks about the border, talks about the temporary worker, talks about law enforcement, and talks about earned legalization. That is the package. That is the package that came out of the Judiciary Committee 12 to 6. Not bits and pieces, not just border security like the Republican leader had or like the House of Representatives had. It garnered 12 members of the Judiciary Committee, Republicans and Democrats alike, in a bipartisan way, after 7 days of hearings, 6 days of markups, and scores of different amendments. What Senator REID is talking about is why not let us have a vote on that particular approach to the challenge that we are facing on immigration? There are those who just want law enforcement—fine. But why is it that those who worked, and worked hard, and looked at this and studied it, and studied hard, and after days of hearings and a lot of work—why should we be denied the opportunity to have a vote on the total package?

That is what we are being asked. We are being asked: Let's split that package up somewhat. Let's try to divert it.

I know there are those strongly opposed to it. I respect them. I have heard them. I listened to them. They are on our committee and strongly oppose it. I strongly respect that. But aren't we entitled to at least a chance to have a vote on a comprehensive approach? What is so difficult about it? I agree with the Senator from Mississippi, this is important. We ought to be continuing on this issue. It is of vital importance and consequence. It affects the lives of hundreds of thousands, millions of people. We have seen what is out there, across the country—500,000 people in southern California, 100,000 people in Chicago. You are going to see next Monday in 10 different cities, more than a million individuals who are out there demonstrating.

Why are we not dealing with this? Why don't we deal with it? What many of us are asking, including myself, is give us at least the opportunity to vote on that. If that is not successful, if we cannot get the majority here, then so be it. We have to find a different approach.

We talk about trying to work through these accommodations. I am always interested in listening to individuals, people who are concerned about this. We have had, as I mentioned, early in this debate, the extraordinary stories from our friend and colleague, the Senator from New Mexico, Mr. DOMENICI, telling his life story—the absolutely extraordinary story of his parents. We listened to the good Senator from Florida, MEL MARTINEZ, talk about this. I listened to my colleagues. KEN SALAZAR'S relatives were here 250 years before any of our ancestors were here, down in the Southwest and out in Colorado. We listened to BOB MENENDEZ as well. We listened to our other colleagues who have been engaged in this. They understand its difficulty and its complexity.

We do have a recommendation from our committee. It seems that in the life of this institution we ought to be able to have a vote on that particular proposal. If it does not carry, then we will have to deal with the other reality. But to deny us the opportunity to get that as well as consider other amendments, as the Senator from Illinois pointed out, that will be relevant and current tomorrow, after cloture—I think would be an enormous loss.

I certainly have worked and I am glad to work to reduce the differences among views and opinions. I think all of us are going through the learning experience. As much as we know about immigration, we always learn more from talking with people who are concerned and interested and knowledgeable about these issues. The legislative process is an evolving process. I have certainly observed that over an extensive period of time. So we are always interested.

If there are ways we can achieve the outlines that we talked about, at least from my point of view then it makes sense. What does not make sense is to try to separate different groups against each other. That I find difficult to accept. We cannot have one group that has been here for a lengthy period of time, another group that has been here almost as long, and have them treated in different ways. That doesn't really solve the problem. It might help some people in terms of how they are going to vote on a particular issue, but it really is not dealing with the substance. We are interested in dealing with the substance, not just getting safe political positions for our colleagues. We want to get this legislation done.

We certainly want to try to find common ground, right up until the very end. I will certainly work in any way I can. I know others are thinking and working hard on it. As has been pointed out by every speaker, this is too important a piece of legislation to let it slip by. It is too important.

I am proud of the proposal that is before the Senate. I think it is the result of a great deal of thought and examination by a variety of our different colleagues from all parts of the country and with all different kinds of constituents. When you get an issue that is as volatile as this, and you have a 12 to 6 vote and you have that kind of bipartisanship in this, recognize those of us who support this proposal understand it is a total kind of approach to the challenge. The single-shot approaches have not worked. Let's just try, here in the United States Senate, to give an opportunity for this comprehensive approach, which is meaningful in terms of our national security, is enormously important in terms of economic progress, and most important is a reflection of our humanitarian values. Let's give that a chance. That is what we are hoping, and I hope the Senate will give us that opportunity to do so.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before the Senator from Massachusetts leaves the floor, I wonder if I might ask him a question—if he would be kind enough just to respond to this, I hope.

The Senator from Massachusetts was one of the prime participants in our Judiciary Committee markup and meetings. He was on the prevailing side of the vote which passed out the bill which we are now debating.

I inform the Senator, by the way, it was my recommendation at the leadership meeting that rather than the leader's bill, the Senate judiciary bill be the underlying bill.

The question I wanted to ask the Senator is this: The Senator is aware of the Cornyn-Kyl bill, which to some extent is a competitor of the bill that passed. That was rejected in the Judiciary Committee; that is to say, we lost that vote.

The Senator was talking a moment ago about alternatives in the Senate, I believe. I don't think he would want to be misunderstood in this regard. He said there is no answer but to criminalize them. I know the Senator—I presume the Senator did not mean that in the Senate there has been nothing proposed except to criminalize the people who are here illegally because the Senator, of course, is aware of the alternative legislation Senator CORNYN and I introduced.

Would the Senator at all like to comment on that?

Mr. KENNEDY. The remarks that I had were directed toward the undocumented. The Senator from Arizona has an amendment that is portrayed as only preventing the adjustment status for criminals, but if you look and examine the various provisions which are included in the Senator's amendment, they also include the status offenders which effectively would be denied any opportunity for the benefits of this legislation.

In the provisions included in the legislation—I haven't got the amendment right before me, but there are three or four different items that would do so. That, I think, goes to the heart of this whole process because effectively, if the Cornyn-Kyl amendment is adopted, it effectively takes out 60 percent, as I understand it, of those who are undocumented from any kind of adjustment of status.

I have listened to the Senator debate this. That is certainly my understanding and the understanding of others who studied it carefully, and that would leave the individuals in the kind of state they are today, where they would have an illegality in their current status and would continue to be subject to the kinds of exploitation which is happening now and continue to depress wages on other workers. I believe that would really strike at the heart of the legislation. I know the Senator does not agree with me on that.

Mr. KYL. Mr. President, if I could just ask the Senator from Massachusetts, I was not referring to the amendment which is pending on the floor of the Senate. I was referring to the Cornyn-Kyl bill, which is a comprehensive immigration reform bill that deals with enforcement at the border, enforcement at the worksite, a temporary worker program, a way to deal with the illegal immigrants different in ways from the bill that passed the Judiciary Committee but nonetheless is a comprehensive reform bill which was voted down. But it does represent an alternative on which we would like to have a vote on the Senate floor.

I wanted to give the Senator an opportunity to acknowledge that in the Senate there are alternatives to criminalizing the illegal immigrants—if he wanted to?

Mr. KENNEDY. I thought at the beginning of the Senator's comments he was referring to the amendment——

Mr. KYL. There was a misunderstanding.

Mr. KENNEDY. As the Senator notes, the House bill had the criminalization. The Frist bill had the criminalization issues. The Cornyn-Kyl does not have that particular provision. I do think when we voted on that issue, on the Durbin amendment, I think the Senator voted against the Durbin amendment, if I am correct, which was to decriminalize. So I don't quite know what the Senator's position is on the issue, but I stand corrected.

I was mentioning the House bill and the Senate majority leader's bill.

Mr. KYL. I thank the Senator from Massachusetts. In the debate and characterization of things, sometimes we make a characterization and it might be subject to misinterpretation. It may well not have been, but in any event, I appreciate the Senator's clarification.

I want to respond to several things that have been said here—first of all, to join the majority leader and the others who have spoken to the issue of the need for a debate and the ability to offer amendments and to vote on those amendments as a part of this very important legislative effort. I don't know that we will do anything more important this year than try to adopt comprehensive immigration reform. It is critical to my State. There are an awful lot of people in the State of Arizona illegally who do not enjoy the protection of the law, and should. Simply because they came here illegally, they should not be denied that protection. We need to find a way to ensure that in some way the status of everyone who works in and remains in the United States is in a legal status. It is also critical that we secure the border and provide an enforcement mechanism to ensure that people who work here work here legally.

Let me divide my remarks in two pieces, if I could, first of all, to respond to something the Senator from Illinois, the minority whip, had to say when he was here. He noted there are about 200 amendments that have been filed. His point was it is hard to figure out which ones to consider.

My point is this. If anything is certain, it is that if you do not start, you don't consider any of them. It is always the case that there are more amendments filed than are considered. But at least we start the process at the beginning of the debate. I laid down an amendment last Thursday afternoon. It is the pending amendment. This is Wednesday afternoon. Tomorrow it will be pending an entire week. It was the first amendment laid down. The other 199 followed it. We have not even gotten a vote on amendment No. 1 yet.

To complain that there are 200 amendments out there and we just don't know where to start and it has been a whole week and we can't figure out where to start and that is why we are stopping you from voting on any of them doesn't wash. Let's be very clear. The reason the Democratic side has prevented us from offering amendments and from voting on amendments is because they don't want to vote on them—period. It is not that there are so many they can't figure out which ones to allow a vote. They don't want to vote on them.

Why? There are two reasons. The first is they like the bill as it is. That is a perfectly legitimate point. But that is always the case with one side or the other. But whichever side doesn't like the bill gets a chance to try to amend it. If the majority is right, that they have the votes, they can vote these amendments down.

Senator KENNEDY just spoke to the amendment that is pending. He obviously does not think it is a good amendment. He is going to vote against it. I think it is a real good amendment and it goes right to a point of the bill that is pending before us: should criminals be allowed to participate in the benefits of this legislation? I say no.

That is an amendment that people do not want to vote on. I guess that is the other thing. Not only do a lot of folks on the other side like the bill as it is, and therefore they don't want to see it changed—although that is not really a good reason for denying us a right to offer amendments—but I don't think they want to take a vote on some of these amendments perhaps because it is somewhat embarrassing.

I am willing to concede that there are lots of drafting errors. I have made some including on this bill. So it is not always the way you want it to be. But including crimes of moral turpitude and drug crimes—whoever drafted the bill on the other side—they felt they had cut out criminals from participating in the program. The problem is, there are a lot of crimes besides drug crimes and crimes of moral turpitude. I read that list. I think it would be better to simply say we agree that we didn't mean for criminals to participate, and either table the amendment or again vote for it or vote against it, whatever. But we could have had that done with a long time ago. Instead we have spent a day debating on whether to vote on the amendment.

As I said before, with all these 200 amendments you are never going to get any of them done if you do not start. The Democratic side has prevented us from starting. As the majority leader said, that is not acceptable. And for the minority leader to file cloture to cut off debate and cut off the filing of any other amendments, that adds insult to injury because then it says not only can't you debate this bill or amendments that are offered, but there can't be any other amendments offered.

There is talk about some kind of compromise. Clearly, if a new amendment is offered there should be an opportunity to respond to that in some way, including potentially offering an amendment to it. It is very difficult because of the complexity of this bill to ensure that any amendment is germane. That is a term of art which you will hear in this body, but that is all you can do after cloture is invoked, and it is hard to do that. It is no simple proposition to say let's close off debate and finish the bill, whatever is germane. That is very difficult to do. Choking off debate with a cloture motion is done to stop filibusters. There hasn't been a filibuster. We would like to get a bill. We would like to have debate and vote on amendments and vote on a bill.

Most of us in this body want comprehensive immigration reform.

The reason I engaged in the colloquy with the Senator from Massachusetts is because we have two competing versions. His version passed in the Judiciary Committee; mine did not. Both are comprehensive. They both deal with border security, with security in the entire area of the country, including at the workplace with a temporary work program and with providing a new status for the people who are here illegally. They do that in different ways, but they both tackle the same comprehensive issue.

It is a straw man that anybody on this side doesn't want a bill.

It is also wrong to say that we can't start voting because we just do not know where to start. The reality is, we could have started and we should have started and this bill is not going to be completed until we start.

There were a couple of things that the Senator from Massachusetts said that I want to clarify. One is there is quite a bit of derogation with the House position. While there are some things in the House bill that I agree with and others that I disagree with, I must say this is a very different picture of what the House stands for and what Republicans stand for than what has been portrayed.

For example, I think there are probably many out there who believe the House bill stands for the proposition that we need to make it a felony for people to be in this country illegally. And since the House is controlled by Republicans, that must be the Republican position. Nothing could be further from the truth. I don't know of a Republican Senator, No. 1, who wants to have it a felony for a status violation of the immigration law or for crossing the border illegally.

What happened in the House of Representatives? Representative SENSENBRENNER, chairman of the Judiciary Committee, said we need to take that felony status and change it to a misdemeanor. So a vote was taken. On that vote there were 164 ayes and 257 nays. The vote lost. So it remained a felony.

Who voted against the amendment to make it a misdemeanor? Mr. President, 191 of the 202 Democrats voted against the amendment to turn the felony to a misdemeanor; 191 of the 202 Democrats voted to leave it a felony. The majority of Republicans voted to make it a misdemeanor.

Let us stop denigrating the House of Representatives, and in particular the Republicans, by somehow contending that either Republicans, or the majority of the House Members who are Republicans, wanted this to be a felony. It was the Democratic Members of the House of Representatives who voted to keep it a felony. The majority of Republicans voted to make it a misdemeanor.

We need to clear up some of the impressions that have been created around here because of very sloppy language. I will put it that way so I don't ascribe any bad motive to anyone.

Part of that impression could have been created. That is what I was trying to correct with the Senator from Massachusetts a moment ago when he said that the alternative was to round them up and send them back and that there was no answer but to criminalize them. I appreciated what the Senator said because the Senate does not have a bill to criminalize the status of aliens, certainly not to make them felonies. And no one I know of has proposed an alternative to round them up and send them back. Everyone has agreed. I shouldn't say everyone because there are people who believe it is possible to somehow force all of the illegal immigrants to be returned to their country of origin. I think that is a very unrealistic option and that, therefore, it would not be appropriate to round up everybody and send them back. That is a false choice. There isn't a bill on the floor of the Senate today that does that.

Why are these false choices presented as the only alternative to the bill that is before us on the floor? As I pointed out, there are several other choices. One was introduced by Senator CORNYN and myself, a comprehensive bill that doesn't round up everybody and send them back but criminalizes everyone.

I think to engage in this debate we should engage with reason and without mischaracterizing things. There are good enough reasons to oppose each other's bill without mischaracterizing them. If I have ever mischaracterized anything—I hope I haven't—I apologize for it.

The Senator from Massachusetts said something else that is very important. He said it was a necessity to have an incentive for illegal aliens to come out of the shadows, and the bill that he and others had crafted provided this potential for citizenship to provide that incentive.

That is one approach. I disagree with it. But that is certainly an approach. But it is not the only approach.

I want to go back to what most people have said about the people who are here illegally to illustrate a point. Most folks say they just came here to do work that Americans won't do. Let me stipulate that many—in fact, the majority—of the people did come here to work. There is no question about that. Let us not forget that between 10 and 15 percent of the people who are apprehended when they come here by crossing the border illegally are criminals. These are bad people. They don't just come here to work. They come here for illicit purposes. They are criminals and they need to be dealt with as criminals. That is between 10 and 15 percent.

But there is another 85 to 90 percent who undoubtedly come here primarily to work, to earn money, mostly to send back to friends or relatives in their home country. So let us stipulate to that.

Most of them did not come here to become citizens of the United States. As a matter of fact, Senator HUTCHISON pointed out something which is very true. If you know one thing about Mexican citizens, it is that they are very proud. They have a beautiful country. It is actually a wealthy country. Their culture is a tremendous culture and they are very proud of it. They are very patriotic and nationalistic.

I think it is a bit odd that we—not me but many here—just assume that they all want to be citizens of the United States. Many want the ability to be here permanently, to reside here and to work here permanently, if that is their choice and they have green cards for that reason. Many other people from other parts of the world have green cards but don't choose to become citizens. That is fine. But we shouldn't presume that everyone wants to be a citizen simply because they came here to work.

The other fallacy is they came here to do work that Americans won't do. I think you have to amend that slightly to say that they came here to do work that Americans won't do at the price that people from other countries are willing to do it for.

In fact, there is a lot of work that Americans are willing to do, if the work is there, that people from foreign countries are doing today side by side. I mention the construction industry as a good example because in my State of Arizona it is hard to get enough good construction workers. There are many thousands, tens of thousands or more, working in construction that are illegal. I would quickly grant them temporary permits to work in the United States in construction. We need their help. But I also know that in the field of construction there have been many times when a very well-qualified American citizen construction worker can't find a job. It is very cyclical employment.

What we don't want to do is assume that all of the people who came here from another country came here to do jobs that Americans won't do and, therefore, there will always be a job for them because Americans will never do the work. Americans will do this kind of work. They will do it gladly. They don't want to do it for free. They do not want to do it too cheaply. But there aren't very many jobs that they will do for a pretty cheap price. If the jobs aren't there, obviously the reason we have a temporary program is to issue a temporary permit while the job is there, and when the work returns you can start issuing more temporary permits.

One of the problems with the underlying bill is you convert all the temporary permits into permanent legal residency and then you have no ability to ask anyone who is a guest here to leave because they have a right to stay here permanently even though there is no job for them some years in the future.

The point is, it is true that you need an incentive for illegal immigrants to participate in a legal program. All of the bills have different kinds of legal programs. The Cornyn-Kyl bill has one; the bill on the floor has one. We provide a lot of incentives and some disincentives. You can stay for up to 5 years under our bill. Nobody is rounded up and deported. You can stay for 5 years.

One reason that number was fixed was because the survey of over 35,000 Mexican citizens who are illegal immigrants said if they could stay for 5 years and participate in the guest worker program, 71 percent of them said they would then return home. I don't know that they all would. I think it is totally wrong to assume they all won't. There is an incentive to stay here for 5 years. You can also participate in a temporary work program when you go home. The sooner you go home the longer you can participate in that program. You can build a nest egg and take that back with you when you leave.

There are incentives in our bill as well. It may not be the incentive of citizenship. I don't think you have to have that incentive in order to, as the phrase goes, bring people out of the shadows.

Different people can argue about this. Reasonable people can differ about all of these things. I am willing to listen to the debate on the other side. But I would ask a favor in return. Just as we allowed the bill to be passed out of the Judiciary Committee, as the Presiding Officer is well aware—and we didn't filibuster the bill there, though it could have been filibustered—we allowed it to pass out knowing that it would pass over our votes. We had an alternative. It didn't have the votes to pass. We would like an opportunity to vote on that alternative on the floor of the Senate. Is that too much to ask?

We would like an opportunity to vote on about five amendments.

I am speaking now for Senator CORNYN and myself. That is all. We boiled it down to just five along with our underlying amendment. I would like the opportunity to do that.

When we debated the energy bill, I think the comment was there were over 70 amendments, and these were significant amendments. This isn't like the amendments to the budget bill. I think there have been two relatively insignificant—well, one good—I won't characterize them. There have been two amendments voted on. The authors, I am sure, thought they were all significant.

But the bottom line is nothing has gone to the heart of the bill one way or the other until that debate occurs and until those amendments are allowed to be offered and until they are allowed to be voted on. It is unfair to think that we could just shut off the debate, have one vote on final passage and be done with it.

I will say this because there is another Member of the minority here. I have another amendment that I have repeatedly tried to lay down. All it does is say with regard to the temporary worker program that before that program actually starts, the mechanisms be in place for it to work. The experts say that it takes about 18 months. You can start getting ready for it. You can put those mechanisms in place, and the minute they are ready, the program can start.

You might disagree with the amendment, but it is not an unreasonable amendment. There are a lot of folks who say: How can we trust you to have a workable program? And the answer is, watch us. We will create it. The sooner it is ready, you can start your program. That is the kind of thing we are talking about. I don't think they are unreasonable.

I appreciate the indulgence of my colleagues, but I wanted to clear up some things. You can't finish the voting until you start the voting. We need to start it. There are legitimate amendments. Nobody is filibustering.

Let us get on with the process so that we can conclude this important piece of legislation, get the bill to the House of Representatives, and hopefully be able to say at the end of this year that we were able to tackle and to successfully resolve the most difficult issue domestically facing this country today, the problem of illegal immigration.

I thank the Chair.

While the Senator from Maryland is present, allow me to congratulate her on her Lady Terps who in the first half didn't look like they were going to pull it out but came back like the champs they are.

Mr. ALLARD. Mr. President, I also have been working on a terrorist visa amendment. I call up that amendment, No. 3216, for consideration.

Ms. MIKULSKI. Mr. President, I object on behalf of the minority leader.

The PRESIDING OFFICER. The objection is heard.

Mr. ALLARD. I am very disappointed we cannot get that amendment up. I have been working now for some time to get that amendment to move forward. It is an amendment I filed last week. It is a simple, commonsense amendment that denies visas to advocates of terrorism. Yesterday morning, I came to the Senate to speak on that amendment and asked for a vote.

Now, more than 24 hours later, we have still not had a vote on my simple, 14-line amendment. It is just one example of the Democrats continued obstruction of well intentioned efforts to debate and make improvements to the immigration bill.

Put simply, the Democrats are denying me a vote on my proposal to deny visas to terrorists. Any Democrat who says this is anything other than partisan obstructionism are themselves in denial.

To demonstrate the height to which this obstructionism has risen, I am again going to explain what my amendment does and how simple it really is.

My amendment is so simple, in fact, that it adds only 6 words to the entire Immigration and Nationality Act. And half of those are the word "or." The other three are "advocate," "advocates," and "advocated."

These 6 words are narrowly targeted to address a loophole in our current visa system that is evidenced by the following statement:

Colleagues, believe it or not, this a heading from our very own Department of State Foreign Affairs Manual. The same Foreign Affairs Manual issued to the Department's 25,000 employees located in more than 250 posts or missions worldwide.

Even more alarmingly, this is from the chapter that instructs our consular officers to whom visas should be issued. Visas are, of course, the ticket that foreigners, including terrorists, need to enter the U.S.

This instruction says to the consular officer deciding whether or not to issue a visa that they need not deny a visa to an individual who advocates terrorism. I, for one, cannot imagine a more pertinent ground for denial. If advocacy of terrorism is not grounds for exclusion, I don't know what is.

Not only am I concerned about the message this sends to our dedicated consular officers, I am just as concerned about the message this sends to terrorists. It says to them, feel free to lay the groundwork for an attack at home, apply for a visa, and come to America to finish the job. This is not the message that the U.S. should be conveying to terrorists.

This Congress has already passed important legislation denying visas to terrorists, including in the PATRIOT and REAL ID Acts. The REAL ID Act, signed into law on May 11, 2005, specifically states that one who endorses or espouses terrorist activity is inadmissible.

The real REAL ID Act became public law on May 11 of last year, 8 days after publication of this manual. Yet, today, more 10 months later, the State Department is still instructing its consular officers that advocacy of terrorism may not be a ground for exclusion.

Clearly, the State Department needs to be sent a message that we, in Congress, are serious about securing our borders. And particularly serious about preventing known advocates of terrorism—people who are most likely to wish harm to our country—from entering into the United States.

Admittance to the United States is a privilege, not a right. My amendment says, if you advocate terrorism, you lose the privilege of coming to the United States.

I would like the opportunity to debate this amendment. I, for one, am curious to hear from the Democrats their reason for opposing it.

It is a common sense amendment worthy of debate and a vote. I urge my colleagues to join me in calling for a vote on this legislation that slams the door shut in the face of advocates of terrorism who seek to enter our country.

I also submitted a second amendment last week which I believe is another commonsense amendment to improve the immigration bill.

My amendment No. 3213 calls upon the administration to develop a plan for securing the borders to curb the inflow of vast quantities of methamphetamine into this country.

Our Nation has been hard hit by the illegal trafficking of methamphetamine. My home State of Colorado is no exception. In just 10 years, methamphetamine has become America's worst drug problem—worse than marijuana, cocaine or heroin.

According to estimates from the DEA, an alarming 80 percent of the methamphetamine used in the United States comes from larger labs, increasingly abroad, while only 20 percent of the methamphetamine consumed in this country comes from the small laboratories.

Therefore, my simple amendment calls for a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government will implement to reduce the amount of methamphetamine being trafficked into the United States.

My amendment aims to build upon the methamphetamine provisions of the PATRIOT Act. We must impress upon the Secretary of State, the Attorney General, and the Secretary of the Department of Homeland Security the immediate need for a firm plan of action. It is imperative that such a plan include, at a minimum, a specific timeline to reduce the inflow of methamphetamine into the United States.

There must be a tough standard for keeping excessive amounts of pseudophedrine products out of the hands of methamphetamine traffickers. We must outline a specific plan to engage the top five exporters of methamphetamine precursor chemicals. It is important that we protect our borders to ensure national security and the safety of our communities.

Now, here we are today, 1 week to the day after filing my methamphetamine amendment, and still there has been no opportunity for a debate, much less a vote. I urge my colleagues from across the aisle to allow us to proceed on this and other amendments worthy of debate.

Mr. President, I yield for a question from the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Colorado for his leadership on this issue. I do not know if he saw the program "Frontline" recently, but it talked about the methamphetamine scourge that is affecting the United States and the fact that now more of this illicit drug is coming in from Mexico. It is a serious, serious problem. I congratulate him for addressing this problem.

I hope he understands that when we offered to call his amendment, asked for unanimous consent to call his amendment and adopt his amendment, there was objection on his side of the aisle. We stand ready at this moment to call your amendment for a vote and to adopt it immediately. I think it is a very important amendment, and it is one of those that was on the agreed list and, unfortunately, a Member on your side objected to it. So I hope we can get to it soon. I thank the Senator for his leadership on this amendment.

Mr. ALLARD. Mr. President, I understand negotiations are going on between the leadership in both parties, and my understanding is the methamphetamine amendment may very well be included in a managers' amendment and we will not have to be necessarily voting on that particular amendment.

There is a second amendment, though, that is very important we do bring up for a vote. I know this is also being discussed by the leadership. That is the one which states that advocates of terrorism be denied a visa.

I have two amendments. My hope is we can get that particular amendment up for a vote. It is the one I just recently asked for a vote on and was denied by your side. But I also understand the leadership on both sides are negotiating. I understand they are negotiating seriously. So I appreciate the fact it is being considered.

Mr. DURBIN. Mr. President, if the Senator will yield for a question or comment.

Mr. ALLARD. Yes.

Mr. DURBIN. I will just say that we believe the underlying bill, the Specter substitute bill, has very strong language to make it clear we do not want anyone in the United States associated with terrorism. We certainly do not want anyone in the United States associated with terrorism to reach legal status. That is reprehensible.

So I am prepared to offer to work with the Senator from Colorado on his amendment to make sure we have included that category with which he is most concerned. I thank him for his leadership.

Mr. ALLARD. Mr. President, I thank the Senator from Illinois for indicating support for that. I just think we need to go and get more specific language in the bill that we will be considering and, hopefully, will be reported off the floor of the Senate. I am just trying to address that.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3420

Mr. SESSIONS. Mr. President, I send to the desk an amendment to the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3420 to the language proposed to be stricken by amendment No. 3192.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 3421 TO AMENDMENT NO. 3420

Mr. NELSON of Nebraska. Mr. President, I send to the desk a second-degree amendment to the Sessions amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 3421 to amendment No. 3420.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. NELSON of Nebraska. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, over the last hour or two on the floor of the Senate there has been a procedural move by some Senators on the other side of the aisle which reduces the likelihood of a compromise on the immigration bill. I sincerely hope it doesn't end this effort because I think there are people of good faith on both sides of the aisle still trying to find a way to pass this important piece of legislation.

I want to give special credit on the Republican side of the aisle to Senator MARTINEZ, who I believe is working as hard as any person can to find the right language that preserves the basic principles of the Specter substitute, the bipartisan bill which passed the Senate Judiciary Committee. I hope he is successful. But there is a deadline looming and that deadline is a vote tomorrow morning on a motion for cloture.

Cloture is a procedure in the Senate which closes down debate and says we will limit the number of amendments that may be considered in the 30 hours after cloture is voted favorably. I am hoping that before tomorrow morning people of good will, trying to find a way to break this deadlock, will be able to do so. But the procedural effort by Senator KYL a few minutes ago is going to make that a little more difficult. I still think we can achieve that goal.

I also want to address a couple of comments made by the junior Senator from Arizona on the floor concerning the history of this bill and the process that led to this day. This last Sunday I was on a talk show, "Face The Nation," with Chairman JAMES SENSENBRENNER of Wisconsin, the chairman of the House Judiciary Committee. He is the author of the House immigration bill which passed in December. That bill includes very serious criminal penalties for those who are living in the United States undocumented, who may number as many as 11 or 12 million people. It also includes very serious criminal penalties for those who would help them reside in the United States if they are undocumented.

The charge under the Sensenbrenner bill is aggravated felony. It is the same charge leveled at someone accused of being a rapist. It is an extremely serious criminal charge, and the Sensenbrenner bill which passed the House includes this aggravated felony charge.

Most people across America believe the House bill has gone way too far in charging so many people who are in the United States with such a serious crime. On the floor it has been said by the Senator from Arizona that there was an effort to reduce that penalty to a misdemeanor on the floor of the House and that unfortunately the Democrats did not support that effort. It is true that 190 Democrats did not support that effort because they do not favor a criminal penalty for those who are here in an undocumented status. So ultimately the majority party in the House, the Republican Party, prevailed and the bill came to us with an aggravated felony as a charge against those who are here undocumented and those who help them.

What it means in the real world is that people of faith who are volunteers at soup kitchens or shelters for homeless people and those who are victims of domestic violence, volunteers who help children of the undocumented, tutoring them for classes, helping them in their lives, coaching their teams, nurses who provide volunteer assistance at clinics that treat the undocumented in the city of Chicago and around the United States, would be subject to a felony charge under the Sensenbrenner bill.

Senator SPECTER came to the Senate Judiciary Committee and offered an alternative. His alternative reduced the criminal charge to a misdemeanor. We brought that up for a vote in the Senate Judiciary Committee and I am glad that on a bipartisan basis we removed the criminal penalty that was in the original bill. I think that was a positive step forward.

The Senator from Arizona, who has raised this question, did not support our efforts to remove criminalization from the Specter bill, but the bill as it comes to the floor, thankfully, does not include criminalization. I hope that is the end of that issue as to whether we are going to charge Good Samaritans with a misdemeanor or a felony for helping needy people across America. I hope it is not revived as one of the concepts in this immigration reform.

The junior Senator from Arizona, Senator KYL, also raised questions about whether people who were guilty of a crime should be allowed to become legal in America or citizens in America. We tried to be very express in our statement in the bill, the Specter substitute, which was drafted originally by Senators MCCAIN and KENNEDY on a bipartisan basis, that if you are guilty of a crime we don't want you as an American. We understand you have done something in your life which disqualifies you from what we are going to offer you, a long and serious opportunity to find a pathway to legalization and citizenship.

Under the Judiciary Committee bill, the Specter bill as reported, the following is a partial list of crimes that make an individual ineligible for legalization. I read this list because there have been suggestions on the floor by the Senator from Arizona that we are not serious about this. Let me tell you expressly the crimes that would disqualify you from ever becoming a legal resident of America or a citizen under this bill: Crimes of moral turpitude such as aggravated assault, assault with a deadly weapon, aggravated DUI, fraud, larceny, forgery; controlled substances offenses—sale, possession, distribution of drugs and drug trafficking; theft offenses, including shoplifting; public nuisances; multiple criminal convictions. Any alien convicted of two or more offenses, regardless of whether the offense arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement were 5 years or more, crimes of violence, counterfeiting, bribery, perjury, certain aliens involved in serious criminal activity who have asserted immunity from prosecution, foreign government officials who have committed particularly severe violations of religious freedom, significant traffickers of persons, money laundering, murder, rape, sexual abuse of a minor, possession of explosives, child pornography, attempts or conspiracies to commit most of these offenses—and there are some security-related crimes that make a person ineligible as well, espionage or sabotage—engaging in terrorist activity.

The reason I make special note of that is there have been references several times on the floor by the Senator from Arizona to Mohamed Atta, the fact he was a terrorist, a man who was responsible in large part for the tragedy of 9/11. Make no mistake, that bill would not give him an opportunity to become a citizen of the United States. Why in the world would we ever consider that? I am sure the Senators from both sides of the aisle who supported the bill would never, ever consider that possibility.

Those who were associated with terrorist activities, representatives of a terrorist organization, spouse or child of an individual who is inadmissible as a terrorist, activity that is deemed to have adverse foreign policy consequences, and those who are members in a totalitarian party.

We have cast the net far and wide to disqualify people from even being considered for legal status in this country if they have been guilty of this type of conduct.

So though the Senator from Arizona and I may disagree on some other aspects of the bill, when it comes to criminal activity I think we are in agreement. Criminal activity is going to disqualify you from being considered for legalization in the United States. That is a tough standard, but it is the right standard and I hope we can make it clear during the course of this debate that we believe it is important to maintain in the bill and that the amendment of Senator KYL does not add anything, really, remarkably, to this criminal disqualification.

The bill which passed out of committee, of course, sets up several things. First, it sets up an enforcement mechanism which is substantial, much like the amendment offered by Senator SESSIONS of Alabama in the committee. It adds 12,000 new agents to our Border Patrol, adds 1,000 investigators a year for the next 5 years—that was Senator SPECTER's amendment; new security perimeter, under Senator SPECTER, virtual fence, tightened controls, exit/entry security system at all land borders and airports, construction of barriers for vehicles and mandating new roads where needed, fences, checkpoints, ports of entry, increased resources for transporting aliens, new criminal penalties for tunnels—that was a recommendation of Senators FEINSTEIN and KYL—new criminal penalties for evading immigration officers, by Senator SESSIONS—all of these amendments accepted, included in the bill in the enforcement section—new criminal penalties for money laundering offered by Senator SESSIONS, accepted as part of this bipartisan bill.

There is an amendment on a comprehensive surveillance plan by Senator SPECTER; and also, I should say, expanded smuggling efforts, improved interagency cooperation on alien smuggling; increased document fraud detection; biometric identifiers; expanded detention authority; and increased detention facilities and beds.

We require the Department of Homeland Security to acquire 20 new detention facilities to accommodate at least 10,000 detainees, a suggestion by Senator SESSIONS which is part of this bill; expanded terrorist removal grounds; expanded aggravated felony definition; increased Federal penalties for gangs; removal of those who have failed to depart; increased criminal sentences for repeat illegal entrants; new removal grounds; passport fraud and fraud offenses as a ground for removal; removal of criminals prior to release; new authority for State and local police to investigate, apprehend, arrest, detain, or transfer aliens to Federal custody; immigration status in the NCIC database now becomes an element that we require; we prohibit time limits on background collection; impose criminal penalties for aid for the undocumented; assistance to States to help prosecute and imprison undocumented criminal aliens; stronger employment verification procedures; penalties for employers who hire undocumented aliens are increased; additional worksite enforcement and fraud detection agents.

We add 10,000 new worksite enforcement agents, 2,000 every year for the next 5 years, and 5,000 new fraud detection agents, 1,000 each year for the next 5 years.

I read this lengthy list so the Record would be clear that we have made serious efforts on a bipartisan basis to accept amendments even from those Senators who oppose the underlying bill so there is no question that we will have strong enforcement standards to secure our Nation's borders, and to also say those employers who ignore the law will be penalized and will be investigated so that they understand we are serious.

The reason, of course, I bring this up is the suggestion earlier that this bill would not strengthen our borders. I think it does. I think it makes a genuine effort on a bipartisan basis to deal with our broken borders.

It also says, however, that once in the United States, for the undocumented status we will give you a chance, a chance to work your way to citizenship. It is a long journey. It has many serious requirements as you move toward that goal, and many people won't make it. Some will fail in the effort. But if you want to become legal in the United States of America, you need a clean criminal record. And I spelled out here the crimes that would clearly disqualify you.

You must show you have been employed here since January of 2004. You must remain continuously employed, pay approximately $2,000 in fines and fees, pass a security background check, pass a medical exam, learn English, learn U.S. history, pay all your U.S. back taxes, and then if you have met all nine requirements, you go to the back of the line. It is your turn after all of those who have applied through the legal processes which are currently available.

So those who argue this bill is amnesty and it is automatic, that it is a free ticket to citizenship overlook the obvious. These are stringent requirements. Many people will never meet them. Some will give up. But those who are determined to become American citizens and a part of our country, determined to be legal in their residency, who work hard and achieve it, if they keep their eye on the goal—and the goal is after 11 years—will finally see that day when they can be sworn in as a citizen of the United States.

Tomorrow morning we are facing a very serious vote on cloture. There have been a lot of arguments made on the floor as to whether the right amendments have been called. We tried to bring additional amendments to the floor in the last couple of days, unsuccessfully. There have been disagreements about which amendments should be called and in what order.

I don't think history is going to long note or remember what order the amendments were that were called before this bill is up for cloture. If the cloture vote fails tomorrow, if 60 Senators don't step forward to vote for it, sadly that could be the end of immigration reform for the entire year.

It is a very busy calendar we have in the Senate. It deals with things that are of great urgency. When we return after the Easter recess, we will have a supplemental appropriations bill for our troops in Iraq and Afghanistan. It is a very high priority. The Defense authorization bill will follow; then a string of appropriations bills that need to be enacted before we take our 4th of July break.

There is a lot to be done. I am hoping we can get it all done. But the thought that we can carve out another week or two to return to immigration at a later date may be fanciful. I am not sure we can achieve that. This is the moment.

Tomorrow many Senators will come to the floor and decide whether they will be part of history, whether they will cast a vote for cloture which brings to the floor a definite deadline and timetable for debating this comprehensive immigration reform.

It has been decades since we took this up seriously. We have spent a lot of time. We have a strong bipartisan bill. We have a bill that is supported by business and labor groups across America, including many religious groups that have come forward and encouraged us to do this in the name of humanity and of American values.

Tomorrow, with this cloture vote we will have a chance to be on the RECORD for time immemorial as to where we stand on this issue.

Some have already decided to oppose this bill. They are going to, post-cloture. I understand that. But for those who think they can vote against cloture and argue they were for this bill, they may have a tough time describing that to the people back home.

I think about those I met this last week. I mentioned it earlier on the floor. The students in the Catholic high school in Chicago are following this debate every single day. They know their future is at stake. These are children who came to the United States at an early age because their parents decided to come here. They have lived here their entire lives. They have gone to school here, lived in the neighborhoods of America, and some have been extraordinary successes against great odds. Their life's dream is the same dream those children have, to be a part of America's future and do something good in their lives. They will be denied that opportunity if the DREAM Act, which is part of this bill, does not pass. They will be illegal and undocumented. If the legal system catches up with them, it will tell them to return to a country they cannot even remember. If it doesn't catch up to them, they will continue to reside in the United States in undocumented and illegal status, unable to get a driver's license in many States, unable to be approved to be teachers and licensed to contribute to America, unable to secure the important jobs that can make a difference in our future. Their fate is tied to this bill.

Those who vote against cloture tomorrow have basically said we don't need them; that we don't need to pass the DREAM Act; that these children and their fate and their future is none of our business. I think it is.

I think these young people, some of whom I was with this last Saturday, are amazing. They have overcome the odds. They want to contribute, have the chance every kid in America wants, to prove themselves and have an opportunity to show they are worthy of American citizenship. Why do we turn them down? Wouldn't we want to make certain they have that chance? A vote for cloture tomorrow is going to give them that chance. A vote against cloture will not.

There are many who will argue that they are against this bill. I hope other amendments will be offered.

Senator KENNEDY came to the floor earlier and said if you don't like this bill, vote for cloture. Close down the amendments that can be offered, limit the amount of debate and then vote against the bill, if that is your wish. But give us a chance.

Tomorrow morning we will be asking for that chance from 60 Members of the Senate which is necessary for that cloture motion to prevail.

Senator KYL suggested that the only way to move forward to a vote on this comprehensive package and the amendments is if his amendment is voted on first. Senator KYL was in discussion with me this morning and acknowledged that we need to sit down and make some important changes to the amendment which is presently before us. There are some parts that are vague and uncertain. Lives hang in the balance.

I tried to make it clear to Senator KYL there are ways he can use his own language that he used in previous bills and tighten up the language in his bill so there is no uncertainty and less vagueness. I am prepared to sit down with him and the staff. I tried to reach him during the course of the day. I know he is very busy. If he wants to work to bring the language together on this amendment, I want to work with him and hope we can find a way to strike some good language that might be supported on both sides of the aisle.

I see the chairman of the Senate Judiciary Committee on the floor. I will not miss this opportunity to say while I have the floor that I respect him very much for what he has done in the committee, the hard work in committee which I am proud to be part of. I thank him for his hard work in bringing this bill to the floor. We have had a rocky period of time during the amendment phase—not nearly as many amendments as I would have liked to have seen called. But I hope after the cloture vote tomorrow we can roll up our sleeves in the remaining period of time and do the right thing, pass the Specter substitute with some key amendments and show that this Senate is dedicated to true, comprehensive immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I appreciate the contribution the distinguished Senator from Illinois has made to the Judiciary Committee. When he says we have had a rocky time, he is a master of understatement.

Again, he didn't hear my comment, like earlier today in responding to one of his questions. He was conversing. So I will repeat this one.

When the distinguished Senator from Illinois says we have had a rocky time on the amendments, he is a master of understatement.

I share his hope, although not much expectation, that we will be able to complete action on this bill before we adjourn for the recess. The Senate is a phenomenal institution, smarter than any of its Members or the composite of all of its Members—not that that would necessarily take a whole lot. But the Senate has functioned for a long time as an institution where there seems to be a way to work through these issues ultimately. If we cannot find that answer before we adjourn for the recess, it is my hope we will find it shortly thereafter. This is an issue and a problem which has to be addressed and has to be solved.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 426 are printed in today's RECORD under "Submitted Resolutions.")

Mr. SPECTER. Mr. President, it appears conclusively at this point that we are not going to make any—I was about to say any more progress. I can't say that because that suggests there has been some progress. We can't make any progress on the immigration reform bill, so that my colleagues will be aware that nothing further will happen on that bill for the remainder of the evening. Hopefully, we can make some progress overnight and in the morning on the proposed compromises so we can have a fruitful day tomorrow.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank the distinguished Senator from Pennsylvania, the chairman of the Judiciary Committee, for his good work in producing a bill that has become the subject of debate in the Senate dealing with a very important issue to our Nation, something that people are extremely engaged in, one that has generated a lot of debate and a lot of controversy around the country but clearly one that needs to be addressed.

I have listened and observed as the debate has gone forward and listened to the content of that debate over the past several days and come to somewhat of an objective point of view because I come from a State that is not a border State. We do not have to deal with the issues on a daily basis affecting many of our States on the northern or southern border.

Having said that, it is an issue which has captured the discussion being held across this country even in States such as mine, the State of South Dakota. The reason for that is very simple: People see day in and day out some of the images broadcast across the television screen and the people who come to the United States illegally. They deal with the burden and cost associated with some of the public services associated with illegal immigration in this country. So they view it very much as taxpayers. They view it as an issue that, frankly, needs to be addressed. They want to see the Senate act in an appropriate and a timely way.

I have to say, too, I have heard a lot of people in the Senate reference their ancestry. Various Members of the Senate have described in detail how their ancestors came to this country, the personal perspective they have on the issue, and the experiences that have helped shed light and inform their opinions about it. I, too, am not the exception to that. I have roots that go back, with a grandfather that came here from Norway, back in 1906, along with my great-uncle Matt, when they came through Ellis Island. The name that I now have, the Thune name, was not their name. Their name was Gjelsvik. They came through Ellis Island and the immigration officials asked them to change their name because they thought it would be difficult for people in these United States both to spell and pronounce. They did not speak a word of English. I should say, almost no English. My understanding is that when they boarded the train that took them to South Dakota, the only English they knew were the words "apple pie" and "coffee." So they had a lot of apple pie and coffee between Ellis Island and South Dakota.

They came to this country for the same reason that people all over the world come to this country. I am very sympathetic to those who want to come to the United States for everything that we stand for: for opportunity, for freedom, to live the American dream.

My grandfather and my great-uncle came here and worked on the railroads when they were building the Transcontinental Railroad into South Dakota. They put their money together to start a merchandising company that later became Thune Hardware. So they were small business people in this country, something that so many people aspire to all over the world. They want to come to the United States for the miracle and for the dream that is America.

I am sympathetic to the history and the culture and the tradition we have as a nation of being a welcoming country, a country that says to bring your poor, your huddled masses yearning to breathe free. I approach the debate on immigration from that perspective, that context of having a grandfather, one generation removed from me, who came to this country for all the various reasons that people today continue to want to flock to America.

As I have listened to the debate, I have tried to give consideration to all the different perspectives that are presented. It seems to me, at least as I try to make decisions about this, formed by my constituents in South Dakota and formed by my experience, background, and my history, to come to conclusions in the best interests of our Nation, in the best interests of continuing that tradition of treating those who come here fairly, but also the importance of American principles.

One of those American principles is the rule of law. We are a nation of laws, and that entails that we have to be able to enforce those laws. If we cannot enforce those laws, if we are not going to apply and adhere to those laws, those laws end up being pretty meaningless and irrelevant in the long run. I come to this debate with some principles in mind, not having drawn any hard conclusions on any specific piece of legislation but wanting to see the Senate do its work, wanting to see the Senate do what the people in this country expect us to do, and that is to confront the big issues, to deal with the challenging issues, to vote on the big issues, to bring resolution and clarity to the problems and the challenges that face this country.

What is perplexing about what is happening in the Senate right now is we have a base bill that has been reported out by the Judiciary Committee. Granted, it may not be the perfect bill. Frankly, there are many who would like to see that particular piece of legislation amended. Many of us would like to vote on some of those types of amendments that could be offered. Regrettably, the minority has decided they are not going to allow votes on amendments, allegedly because they are votes they do not want to put their Members in precarious political situations, having to make votes on amendments they would rather not vote on.

As a consequence, we are not having votes on amendments. We are just basically blocking the whole substance of this debate from going forward and the Senate from doing the work that the American people expect us to do and, frankly, what the tradition and history of the Senate would suggest that we ought to be doing; that is, amending this base bill, having this debate, this discussion, allowing people with different ideas and different perspectives and different points of view to come in and offer their amendments, to have those amendments debated, to have people listen to that debate, and then come and vote on those amendments so that eventually we can produce a product that is the composite view of the Senate, reflective of a majority of the Senators.

What has happened in the Senate is the minority has decided, one, we are not going to vote on amendments. If we do have any votes on amendments, they will dictate what those amendments are that we will vote on. So far as tomorrow, insisting on a cloture vote on the underlying bill without having allowed any of the debate on any of the amendments so that we have an opportunity for people to be heard, people to offer their amendments, and people to improve, in their view, in their particular point of view, the legislation before it is ultimately passed out of the Senate and goes to conference with the House and enacted into law.

The fundamental problem with the way the Senate is functioning in this debate is that if we fail to allow individual Members to follow what is the protocol of the Senate, what is the tradition of the Senate, and that is the institution that allows for open debate, the institution that allows for amendments to be offered to legislation, for individual Senators to come over and to have their point of view heard in that debate and offer amendments that are more reflective of their particular idea about how this problem ought to be addressed or this challenge ought to be met, we are undermining the basic foundation of what this Senate and this institution is all about. But, more importantly, we are keeping the people's business from being done.

We are, if we have this cloture vote tomorrow—and I suspect the minority will insist on this cloture vote because they want to have a vote on this bill without having any debate on any of the amendments that our side wants to have votes on and report a bill out. You have the minority of the Senate dictating the terms and conditions under which we will have this debate, the amendments that will be voted on, and, ultimately, the shape of the bill that will come out of here.

This side of the aisle, the majority, 55 Members of the Senate, want to be heard on this issue, as well. What we need to understand is, yes, there are rules that allow the Senate to slow things down, to allow for extended debate on subjects, but ultimately we need to move the process forward. That means voting on legislation.

We had a big debate in the last couple of years about inaction in the Senate due to obstruction, due to blockage, due to dilatory tactics employed by the minority. People have rejected that. People in this country want action. They want action on this specific issue. This is an issue that generates strong emotions all across the country.

Frankly, I believe the American people expect and they deserve better than what they are getting from the minority in the Senate who have insisted, again, that we not vote on amendments that the majority wants to offer. Basically, we report the bill out, they dictate the bill that passes the Senate.

That is not right. We have heard people get up on both sides today, both Democrats and Republicans, and speak to this issue. We heard earlier today the Democrats get up and say: We are not really trying to block this. We are willing to vote on amendments—our amendments, just not your amendments, not amendments that are offered by the majority side in the Senate.

That is not to say they do not have some good ideas, but the truth is, there is not a monopoly on good ideas on either the Republican or Democrat side, and this Senate ought to be allowed to work in the way it was intended to work. Republicans and Democrats can both offer their amendments and they can both be voted on and we can shape the legislation in a way that is reflective of the majority view in the Senate.

Tomorrow we will have a cloture vote. It will fail because the minority is going to insist we have a cloture vote. But no one on this side is going to allow the minority to dictate the terms of this debate or the amendments that ought to be considered or to block having votes on amendments that the Republicans in the Senate would like to have votes on.

As I said before, I tried to approach this debate in a very objective way and, frankly, as I look at it, there are some very critical components that need to be in a bill. First and foremost, border security. As I said earlier, one of the reasons that America stands unique in all the world is we are a nation of laws. We respect the rule of law. It means something in America.

There are other places in the world where the rule of law does not mean much, and tyrants and dictators come up with their own version of what the laws are. Here in the United States, we have a Constitution. We are a constitutional Republic. We have laws. We abide by those laws. We need to enforce those laws.

We have not been doing the job we need to be doing of enforcing our laws with respect to the borders, controlling the borders in this country. That has all kinds of implications. This should not be lost on the American people. One of the reasons people in South Dakota care about this issue, even though we are not a border State is, they understand, as I do, that controlling and protecting and securing our borders is a matter of national security. Irrespective of where you come from in the world, if you come to the United States—as I said earlier, I have Norwegian ancestry, but if you have Hispanic ancestry, European ancestry, Asian ancestry, whatever—when the terrorists come across the border like they did on September 11 to destroy and kill Americans, they do not discriminate about where that individual comes from in the world. They want to kill Americans, pure and simple. I don't care what your race or national origin, ethnicity is, flatly, very simply, this is a matter of national security. And securing our borders has to be the fundamental component around which we build this debate.

That is one of the principles I come to the debate with. Again, I have no previous position as we enter this debate about individual pieces of legislation. I am listening to it. I will have the opportunity, I hope, at some point, if the Democrats will allow us to, to vote on amendments. But the reality is right now we are not having that opportunity. Again, I simply say that as a matter of principle, ultimately we need to report a bill out of here that does secure the borders of the United States so that people in this country can know with confidence and can trust that we are serious about keeping our borders secure if for no other reason than as a matter of national security.

Secondly, I would say, as a fundamental principle, we have to enforce our laws. There has been a big debate about: What do you do about people who are already here illegally? I think that is a very important question in this debate. There are somewhere between 11 and 12 million people, we are told, who have come to this country who are now here illegally, and we have to figure out, from the standpoint of status, how we deal with those people in this country.

But, again, a fundamental underlying principle ought to be that we cannot reward illegal behavior. We want to reward legal behavior. We want to reward people who came here and who followed the rules. I heard lots of people get up and talk on the floor about their ancestry and how they came to this country, but I suspect most of them, like my grandfather and great-uncle, came here by the rules that were put in place. They followed the law.

We want to encourage and provide incentives for that kind of behavior. For people who want to come to America, we have a process by which they can come here, but it is consistent with a set of rules and laws we have in place. We have to make sure we are encouraging legal behavior, that we are discouraging illegal behavior, that we are not putting incentives in place for illegal behavior and, furthermore, condoning or conferring benefits on people who systematically decide to break the law.

So I happen to be of a view that I believe in a guest, temporary worker program, perhaps some form of permanent resident status. But I think, again, when you start talking about conferring the benefits of citizenship on people in this country who are here illegally without some sort of penalty for that—in other words, if we just wave our magic wand and say anybody who is here can stay, and so be it, we have done a disservice to our history and our traditions as a nation of laws.

I think it is important we understand there needs to be consequences to illegal behavior. We have talked about amnesty. It has been thrown around a lot here. Essentially, what that means is there is no consequence to behavior that is illegal. I think it is important we make it fundamentally clear to people who do want to come to this country that we are a nation, yes, of immigrants, we welcome people, but we want people to come here according to the laws.

I would say that at the end of day, when this is all said and done, again, we need to have votes because this is an issue that around the country is generating tremendous heat, tremendous emotion, and has been percolating for some time. As people look at the images on their television of people who come here illegally, they are worried about national security, they are worried about the economic consequences, the consequences to the taxpayer of providing services to people who are here illegally.

People want action. They want action by the U.S. Senate. I think we have a responsibility, in this body, after everything is said and done—and usually what happens in the Senate is more gets said than done—but when everything is said and done, to come together on legislation that would accomplish the goal; that is, to address the issue of immigration in a way that is fair and in a way that is consistent with our culture and our history and our tradition as a welcoming country but is also consistent with our tradition as a nation of laws. I believe we can come to that kind of a resolution here in the Senate if—if—our colleagues on the other side will allow us to vote on amendments.

Now, the Senator from Georgia, who is currently the Presiding Officer in the Senate, has an amendment I would like to vote on. It is called the trigger amendment. Basically, it says that until it is certified that the borders are secure, then all these other issues we are talking about with respect to this debate are just conversation; that, first and foremost, we have to secure the borders, and it has to be certified we have made the efforts, that we are serious about doing that. I think it is a good approach. At least it ought to be an approach that is voted on.

Now, our colleagues on the other side, the Democrats, do not want a vote on the amendment of the Senator from Georgia because they do not think that would be a good political vote for them. What it suggests to me is we have colleagues on the other side of the aisle who are a lot more concerned about having an issue, a political issue, than they are about having a solution to this problem. What we need in the Senate are more people on both sides, Republicans and Democrats, who will confront this issue for what it is.

That is probably the most difficult, challenging issue that is facing the country, on a domestic level at least, currently or for some time. We are fighting a war on terror in Iraq. It has demanded a lot of attention and a tremendous amount of resources. But when it comes to domestic issues—and there are many. I am very interested in this body working on issues. As we move forward throughout the year, we have votes scheduled on health care reform because health care costs are critical. We have to get that under control in this country.

We are going to have votes on extending some of the tax relief that will allow the economy to continue to grow and to create jobs and to make sure the economic engines are keeping this country moving forward. We are going to have votes on those types of issues as we go forward. And, of course, we are going to deal with the annual appropriations and budget process, and a whole range of other issues before the year is out.

They are important issues. They are all important to the American public. But I would submit to you that right now there is no more urgent issue, no issue that demands an answer, that demands a solution, that demands action by the Senate than the issue of immigration.

And what is the Senate going to do? Are we going to move forward? Are we going to, consistent with the tradition and the history of the Senate, allow for debate and allow for votes on amendments or are the Democrats, the minority in the Senate, going to continue to insist on blocking amendments, votes on amendments, simply because they do not want to vote on certain amendments because those amendments might be tough political votes for them?

Well, we all make tough political votes. There are amendments they are going to offer that I will not want to vote on. In fact, there may be some amendments offered by colleagues on my side of the aisle that I really do not want to vote on. But we are here to vote. That is what people send us here to do. It is to do the people's business.

It is important we have the opportunity to deal with what is the most important singular issue I think the American public is focused on today and that they want us to deal with. It is the responsibility of the Senate to debate—allow for extended debate—to consider amendments, but ultimately to vote. That means voting on amendments that are offered both by my colleagues on the Democratic side as well as my colleagues on the Republican side, even if they are amendments that I may not want to vote on.

I have to say again, there are amendments I probably would rather not vote on, if I was thinking purely about the political consequences of some of these votes. But the fact is, we are here to vote. We are here to do the people's business. It is high time we did it.

I encourage and I urge my colleagues on the Democratic side to join with my colleagues on the Republican side in putting aside the politics, putting aside the delaying tactics, putting aside the obstruction and the blocking of the agenda, and allow us to move forward to vote on amendments and to report out of the Senate a bill—and it may not be everything we want but allow this institution to act in the manner in which the people of this country expect us to act, and, frankly, in a way the American people deserve.

So I hope tomorrow will be the day we will break the logjam, that we will be able to get a bill we can report that the Senate can take a final vote on but that is reflective of the majority views in the Senate, including an opportunity to vote on individual amendments and to move this debate and this process forward so we can get into conference with the House and shape a bill we can put on the President's desk that will send a loud, clear message to the American people we are serious about border security, we are serious about our Nation's history as a nation, a welcoming culture, a nation of immigrants, but we are serious about enforcing the rule of law in America.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator yields back.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as a prelude, we have a number of requests and items of business to take care of. I will explain here shortly.

MOTION TO COMMIT

Mr. President, I move to commit the bill to the Judiciary Committee to report back forthwith with an amendment in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to commit the bill to the Committee on the Judiciary with instructions to report back forthwith the following amendment No. 3424.

Mr. FRIST. I now ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3425

Mr. FRIST. I send a first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3425 to the instructions to the motion to commit.

The amendment is as follows:

At the end of the instructions, add the following amendment:

This section shall become effective one (1) day after the date of enactment.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3426 TO AMENDMENT NO. 3425

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3426 to amendment No. 3425.

Mr. FRIST. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike "one (1) day" and insert "two days".

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk on the pending motion to commit.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion to commit S. 2454, the Securing America's Borders Act.

Bill Frist, Arlen Specter, Michael B. Enzi, Lindsey Graham, Trent Lott, Chuck Hagel, John McCain, Mitch McConnell, George V. Voinovich, Mel Martinez, Lamar Alexander, Norm Coleman, Pete Domenici, Orrin Hatch, David Vitter, Johnny Isakson, Jim DeMint.

Mr. REID. Parliamentary inquiry: Does this mean there are no other amendments in order? I couldn't file another amendment now, could I?

Mr. FRIST. Mr. President, that is correct. At this moment in time, you would not. If we were allowed to go ahead on the amendments, and once we start disposing of the amendments, this is something that would be in order.

Mr. REID. I was curious why we aren't able to offer any amendments at this time, but we can talk about that tomorrow.

Mr. FRIST. Mr. President, the point is well made.

CLOTURE MOTION

I send a cloture motion to the underlying bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 376, S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Craig Thomas, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Wayne Allard, Norm Coleman, Trent Lott, John Thune.

Mr. FRIST. All right. Mr. President, what we have just done, so our colleagues will understand, is as follows: Tomorrow morning, notwithstanding the fact we have yet to vote on even the very first amendment offered, we will have a cloture vote that——

Mr. DURBIN. We have adopted three.

Mr. FRIST. I will stand corrected. No, I will not stand corrected. On the very first amendment that was offered we still have not had a vote. And, yes, there have been several other amendments that have been addressed. We will have a cloture vote, which was filed by the minority leader, on the underlying Specter substitute amendment, and that will be the first vote tomorrow morning.

I suspect that cloture vote will fail. And we have been very clear about our desire on this side to consider amendments from Senators on both sides of the aisle and our willingness for votes. We discussed that over the course of the day. It appears that this will not be likely and, therefore, we will be prevented from making any real progress on the bill.

So moments ago I offered a motion to commit, which incorporates an amendment by Senators HAGEL and MARTINEZ and others who have been working on this amendment over the course of the day. The fact that those cloture motions were filed tonight means that we would have the cloture vote on that motion on Friday. And depending on the outcome of that cloture motion, we could have a second cloture vote on the underlying bill, the so-called Frist bill, as well.

So we will have the Specter cloture vote tomorrow morning, and then one or possibly two other cloture votes on Friday morning.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, I would hope, the amendment—we have a general idea what it is about—I would hope this amendment is one, as it has been related to me, that is such that it improves the underlying Specter substitute, that it deals with only the legalization process.

I would hope, after Senators and staff pursue that amendment in detail tonight, that it is something we could all support and move on to completing the bill as soon as germane amendments were offered and debated and voted upon.

It would be great if we could end this very acrimonious week on a high note. And we will not know that until we study this amendment. We are hearing of a lot of things that are in it and not in it. So time will only tell.

I would say, through the Chair to the majority leader, because we have already had phone calls in the last half hour or so from Senators—they have asked me, as the distinguished majority leader did earlier today, if I would agree to earlier cloture votes. I do not know what the pleasure is of the Senator from Tennessee, if you want to wait until Friday, or you want to try to complete this tomorrow.

Mr. FRIST. Mr. President, through the Chair—and we had discussed the possibility of that a little earlier—I think it is best for us to make that decision tomorrow, only because the Hagel-Martinez amendment is a negotiated compromise amendment that none of our colleagues have had the opportunity to really see yet.

I have had numerous phone calls over the course of tonight as well. I think it is important people have the opportunity to look at that carefully tomorrow and see how much time it takes for people to have both the opportunity to look at it themselves, as well as their staff. We ought to keep that potential on the table.

Mr. REID. So unless there is some agreement, the two cloture votes would begin occurring an hour after we come in on Friday.

Mr. FRIST. Through the Chair, that is correct.

Mr. REID. Is that right, I say to the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. There may be some other cloture motions to consider on Friday, which I will come to here shortly.

UNANIMOUS CONSENT REQUEST—S. 1086

Mr. FRIST. But before doing that, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086. I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, Senator KENNEDY and other Senators have been told prior to this piece of legislation passing there would be a vote on hate crimes legislation that has been in this body for a long time.

I would hope—and it is my understanding the chairman of the committee had worked this out with Senator KENNEDY—we could, at an early date, I mean in a matter of hours, work this out. This sex offender registry is an important piece of legislation. But also, as we have learned here in the Senate, people keeping their word is also important. I am confident it was some kind of a misunderstanding. I am hopeful that is the case. But until Senator KENNEDY and others and Senator SPECTER work this out, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, just a moment of explanation because I think this bill is, in substance, broadly supported. I am disappointed to hear the objections tonight.

Let me comment very briefly on the bill because it is an issue that I think this body does feel strongly about and that we need to move forward on because it can make a difference. This particular bill is child predator legislation, and we all need to be working together to keep our children safe from child predators. American families, as we all know, should not have to live in fear of sexual predators lurking in neighborhoods and enticing our children.

In the last 24 hours, we have all seen—actually here in the Senate and in this town—we have learned some shocking and tragic news about the growing problem of online child pornography. The abuse of the Internet has really, unfortunately, become the gateway to more serious violent sex offenses against both children and adults.

On Tuesday night, we learned of the arrest of another online child predator and the tragic plight of a child predator victim. The predator was an official from the Department of Homeland Security who was arrested for seducing a child over the Internet. Allegedly, this individual initiated a sexually explicit online chat with a detective posing as a 14-year-old girl. He allegedly described in graphic detail the sexual acts he wanted to perform with her and offered to exchange sexually explicit photos. Fortunately, law enforcement intercepted this individual before he could victimize an innocent child.

But for too many innocent children, the child predators are not caught until it is too late. Yesterday we also heard from one of the victims: 19-year-old Justin Berry from California who courageously testified before a House Energy and Commerce Committee hearing on sexual exploitation of children over the internet. For 5 five years, Justin was the victim of an online child pornography ring. At 13, this lonely teenager innocently hooked up a web camera to his computer, hoping to meet other teenagers online. Instead, he heard only from adult child predators who struck up friendly chats and offered him compliments and gifts. One day, one predator offered to pay him $50 to take off his shirt in front of the webcam. Eventually, these predators lured him into performing pornographic acts in front of the webcam for an audience that grew to more than 1,500 people who paid him hundreds of thousands of dollars.

These shocking stories are not isolated incidents. They are symptomatic of a larger problem.

I believe we should seize this opportunity to transform these tragedies into positive action.

The bill I called up tonight—S. 1086, the Sex Offender Registration and Notification Act—would help protect our kids against child predators. It was introduced by Senator HATCH. It has 33 bipartisan cosponsors. It was reported unanimously by the Senate Judiciary

Committee. It is supported by the Fraternal Order of Police, the National Center for Missing and Exploited Children, the Boys and Girls Club of America, the Federal Law Enforcement Officers Association, and the National District Attorneys Association. And it is supported by the families of child predator victims.

Among its many provisions, the bill will create a national sex offender registry accessible on the Internet and searchable by zip code;

Require convicted sex offenders to register, including child predators who use the Internet to commit a crime against a minor;

Make failure to register a felony;

Encourage information sharing among local, State and Federal law enforcement; and

Toughen criminal penalties for violent crimes against children under 12.

Here in the Senate, we need to act to address this issue. In light of the events this week, we should not delay. We should act now before another innocent child becomes a victim of a child predator.

It is an issue we do need to address, and I believe it will pass in an overwhelmingly bipartisan way. In light of the events of this week, we should not be delaying it any longer. I look forward to working with my colleagues on the other side in getting this bill passed as soon as possible.

Mr. REID. Mr. President, very briefly, if the distinguished majority leader will yield, Democrats support the concept of a national registry. It is important. But we also support the concept that people who are injured, maimed, or murdered as a result of hate crimes also deserve protection. We hope we can do all this at one time. I am hopeful and confident that can happen.

EXECUTIVE SESSION

NOMINATION OF BENJAMIN A. POWELL TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent to proceed en bloc to the following nominations on the calendar: No. 239, Benjamin Powell; No. 310, Gordon England; No. 485, Dorrance Smith; No. 252, Peter Flory. I further ask unanimous consent that the clerk report them individually at this time in order to file cloture motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the first nomination.

The legislative clerk read the nomination of Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Benjamin Powell to be General Counsel of the Office of the Director of National Intelligence.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, R.F. Bennett, John Thune.

NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF DEFENSE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Gordon England, of Texas, to be Deputy Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Gordon England to be Deputy Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Larry E. Craig, Ted Stevens, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, R.F. Bennett, John Thune, Craig Thomas.

NOMINATION OF DORRANCE SMITH TO BE AN ASSISTANT SECRETARY OF DEFENSE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Dorrance Smith to be Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, R.F. Bennett, John Thune.

NOMINATION OF PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter Cyril Wyche Flory to be an Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, Robert F. Bennett, John Thune.

Mr. FRIST. Mr. President, for clarification, I just filed cloture on four defense nominations that have been pending since last year.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING MARGO CARLISLE

Mr. COCHRAN. Mr. President, yesterday was a sad day for me because it was the day when friends and family of Margo Carlisle, my former chief of staff, gathered to bid her farewell.

Margo worked faithfully in a number of positions of responsibility here in the Senate. She was the first female staff director of the Senate Republican Conference, under the chairmanship of former Senator Jim McClure of Idaho. She was my chief of staff from 1991 to 1997. All who worked with her here know of her respect and appreciation for the Senate, and her conscientious devotion to our great country.

She served as Assistant Secretary of Defense for Legislative Affairs from 1986 to 1989, and at that time, she was one of the highest ranking women in the Department of Defense. She received the Distinguished Public Service Medal in recognition of her outstanding performance of duty in this important office.

She also served as vice president of the Heritage Foundation, president of the Philadelphia Society, and was a member of the board of the Marine Corps University in Quantico and the Washington Home Hospice.

She is survived by her husband of 45 years, Miles; and two children, Mary "Nisi" Hamilton of Bethesda and Tristram Coffin Carlisle of Alexandria. We extend to them our sincerest condolences.

ADDITIONAL STATEMENTS

TRIBUTE TO LEE HUMPHREY AND COREY BREWER

• Mr. ALEXANDER. Mr. President, the University of Tennessee, Belmont University, and the University of Memphis men's basketball teams all deserve congratulations for qualifying for the men's NCAA tournament this year. The Lady Vols made it to the Sweet Sixteen in women's basketball for the 25th consecutive time. None of those teams made it all the way to the championship, but two Tennesseans who play for the University of Florida did. I want to congratulate them, especially since one is from my hometown, Maryville.

Lee Humphrey was Tennessee's Class AAA Mr. Basketball when he attended Maryville High School. He is the school's all-time leader in points and steals. His dad, Tony, a middle school teacher in Maryville, had the key to the gym. And on many nights, Lee and his dad would go to the gym and while Lee took shots his dad rebounded. Apparently, the practice paid off. Dick Vitale said that Lee was the "X factor" in the Final Four. In the championship game he scored 15 points, making 4 of 8 shots from the field. Coincidentally, the game was played in the current home stadium of Lee's boyhood idol, Peyton Manning.

Lee's teammate Corey Brewer from Portland, TN, was 1 of 24 seniors named nationwide as a 2004 McDonald's All-American player. He scored 29.4 points a game and averaged 12.8 rebounds his senior season at Portland High. He received a lot of honors that year, including being named grand marshal of Portland's Strawberry Festival. Corey has credited his success to hard work in practice and a childhood spent playing sports with his older brother Jason and Jason's friends. He is a role model who returns to Portland and talks to elementary school kids, urging them to study and warning about the dangers of drugs. He follows the lessons he learned from his mother, Glenda, a teacher.

Recruited for his tenacious defense as well as his scoring ability, Corey has been a big game player for the University of Florida all year. In the championship game, he scored 11 points and grabbed 7 rebounds to go along with 4 assists and 3 steals.

Mr. President, we Tennesseans are proud of our State's basketball teams. We want them to win. But we are also proud of our young scholar-athletes who play for other teams. They are Tennesseans, too, and we want them to know we are proud of their accomplishments.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:06 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 355. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 355. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6264. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Internet Communications" ((11 CFR Parts 100, 110, and 114) (Notice 2006–8)) received on April 4, 2006; to the Committee on Rules and Administration.

EC-6265. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2006–22) received on April 4, 2006; to the Committee on Finance.

EC-6266. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, a report of the Department's activities during Calendar Year 2005 pursuant to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EC-6267. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN 1117–AA98) received on April 4, 2006; to the Committee on the Judiciary.

EC-6268. A communication from the Director, Office of Management Programs, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States" (RIN 1105–AA82) received on April 4, 2006; to the Committee on the Judiciary.

EC–6269. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Fiscal Year 2004 Superfund Five-Year Review Report to Congress; to the Committee on Environment and Public Works.

EC–6270. A communication from the Acting Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Oklahoma as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6271. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled "Audit of the Exchange Stabilization Fund's Fiscal Years 2005 and 2004 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–6272. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States for fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6273. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Annual Surplus Property Report for Fiscal Year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-6274. A communication from the Administrator, General Service Administration, transmitting, a report relative to prospectuses that support the Administration's Fiscal Year 2007 Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC-6275. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6276. A communication from the Chief Executive Officer, NeighborWorks America, transmitting, pursuant to law, the Agency's Fiscal Year 2005 Annual Program Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC-6277. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to extend for two years, until September 30, 2008, the Department of Energy's excepted service authority, which expires on September 30, 2006; to the Committee on Energy and Natural Resources.

EC-6278. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to extend for two years the National Nuclear Security Administration's Facilities and Infrastructure Recapitalization Program; to the Committee on Energy and Natural Resources.

EC-6279. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to increase the minor construction threshold for certain Department of Energy construction projects from $5,000,000 to $10,000,000; to the Committee on Energy and Natural Resources.

EC-6280. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas Lease Acreage Limitation Exemptions and Reinstatement of Oil and Gas Leases" (RIN 1004-AD83) received on April 4, 2006; to the Committee on Energy and Natural Resources.

EC-6281. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report entitled "Annual Status Report on the Disposal of Chemical Weapons and Materiel for Fiscal Year 2005"; to the Committee on Armed Services.

EC-6282. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the total cost for the planning, design, construction and installation of equipment for the renovation of Wedges 2 through 5 of the Pentagon; to the Committee on Armed Services.

EC-6283. A communication from the Acting General Counsel, Office of General Counsel, Department of Defense, transmitting, a report of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2007; to the Committee on Armed Services.

EC-6284. A communication from the Acting General Counsel, Office of General Counsel, Department of Defense, transmitting, the report of a proposed National Defense Bill for Fiscal Year 2007; to the Committee on Armed Services.

EC-6285. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerances" (FRL No. 7772-8) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6286. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerance" (FRL No. 7756-8) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6287. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emamectin; Pesticide Tolerance" (FRL No. 7765-4) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6288. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "FD&C Blue No. 1 PEG Derivatives; Exemptions from the Requirement of a Tolerance" (FRL No. 7765-1) received on April 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6289. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on April 4, 2006; to the Committee on Foreign Relations.

EC-6290. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the criteria the Department of State is using to determine appropriate adjustments in post differentials and danger pay allowances; to the Committee on Foreign Relations.

EC-6291. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Competitive Sourcing Activities Report for Fiscal Year 2005; to the Committee on Foreign Relations.

EC-6292. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the quarterly report of obligations and outlays of fiscal years 2004 and 2005 funds under the President's Emergency Plan for AIDS Relief through September 30, 2005; to the Committee on Foreign Relations.

EC-6293. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement involving the manufacture of significant military equipment and the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC-6294. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed retransfer of defense articles or defense services involving major defense equipment in the amount of $14,000,000 or more (TOW missiles to Egypt from the Royal Netherlands Army); to the Committee on Foreign Relations.

EC-6295. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, reports prepared by the Department of State and the National Security Council on progress toward a negotiated solution of the Cyprus question covering the periods December 1, 2005 through January 31, 2006; to the Committee on Foreign Relations.

EC-6296. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Twenty-First Annual Report of Accomplishments under the Airport Improvement Program for Fiscal Year 2004; to the Committee on Commerce, Science, and Transportation.

EC-6297. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, the report of proposed legislation entitled "National Transportation Safety Board Amendments Act of 2006" received on April 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6298. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, Amtrak's Grant and Legislative Request for Fiscal Year 2007; to the Committee on Commerce, Science, and Transportation.

EC-6299. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 030706A) received on April 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6300. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska" (I.D. No. 030106A) received on April 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6301. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea" (I.D. No. 030306A) received on April 4, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4939. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–230).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 2508. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SUNUNU (for himself and Mr. JOHNSON):

S. 2509. A bill to authorize the issuance of charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the regulation and supervision of National Insurers and National Agencies, to provide for policyholder protections in the event of an insolvency or impairment of a National Insurer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. REID, Mr. BAUCUS, Mr. KENNEDY, Mr. KERRY, Mr. BINGAMAN, Mr. CARPER, Mr. DAYTON, Mr. HARKIN, Mr. KOHL, Mr. NELSON of Florida, Ms. CANTWELL, Mrs. CLINTON, Mr. DODD, Mr. LEAHY, Ms. MIKULSKI, Mr. PRYOR, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. JOHNSON, Mr. MENENDEZ, Mr. ROCKEFELLER, and Mrs. BOXER):

S. 2510. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 2511. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. DEMINT:

S. 2512. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. TALENT:

S. 2513. A bill to suspend temporarily the duty on Spiroxamine; to the Committee on Finance.

By Mr. TALENT:

S. 2514. A bill to reduce temporarily the duty on Bronate Advanced; to the Committee on Finance.

By Mr. TALENT:

S. 2515. A bill to suspend temporarily the duty on Cyclanilide technical; to the Committee on Finance.

By Mr. TALENT:

S. 2516. A bill to suspend temporarily the duty on Beta-cyfluthrin; to the Committee on Finance.

By Mr. TALENT:

S. 2517. A bill to suspend temporarily the duty on 4-Chlorobenzaldehyde; to the Committee on Finance.

By Mr. TALENT:

S. 2518. A bill to modify the article description relating to 2-Chlorobenzyl chloride, and for other purposes; to the Committee on Finance.

By Mr. TALENT:

S. 2519. A bill to suspend temporarily the duty on Spiromesifen; to the Committee on Finance.

By Mr. TALENT:

S. 2520. A bill to suspend temporarily the duty on Thiacloprid; to the Committee on Finance.

By Mr. TALENT:

S. 2521. A bill to suspend temporarily the duty on Pyrimethanil; to the Committee on Finance.

By Mr. TALENT:

S. 2522. A bill to extend the temporary suspension of duty with respect to Iprodione, and for other purposes; to the Committee on Finance.

By Mr. TALENT:

S. 2523. A bill to reduce temporarily the duty on Trifloxystrobin; to the Committee on Finance.

By Mr. TALENT:

S. 2524. A bill to suspend temporarily the duty on NAHP; to the Committee on Finance.

By Mr. TALENT:

S. 2525. A bill to suspend temporarily the duty on Foramsulfuron; to the Committee on Finance.

By Mr. TALENT:

S. 2526. A bill to extend the temporary suspension of duty with respect to Ethoprop; to the Committee on Finance.

By Mr. TALENT:

S. 2527. A bill to suspend temporarily the duty on Fenamidone; to the Committee on Finance.

By Mr. TALENT:

S. 2528. A bill to suspend temporarily the duty on Alkylketone; to the Committee on Finance.

By Mr. TALENT:

S. 2529. A bill to suspend temporarily the duty on Oxadiazon; to the Committee on Finance.

By Mr. TALENT:

S. 2530. A bill to suspend temporarily the duty on 4-Methyl-5-n-propoxy-2,4-dihydro-1,2,4-triazol-3-one; to the Committee on Finance.

By Mr. TALENT:

S. 2531. A bill to extend the temporary suspension of duty with respect to Fosetyl-Al; to the Committee on Finance.

By Mr. TALENT:

S. 2532. A bill to reduce temporarily the duty on Cyclopropane-1,1-dicarboxylic acid, dimethyl ester; to the Committee on Finance.

By Mr. TALENT:

S. 2533. A bill to suspend temporarily the duty on Phosphorus Thiochloride; to the Committee on Finance.

By Mr. TALENT:

S. 2534. A bill to suspend temporarily the duty on 2,4-Dichloroaniline; to the Committee on Finance.

By Mr. TALENT:

S. 2535. A bill to suspend temporarily the duty on Mixtures of (+-)-(cis and trans)-1[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole; to the Committee on Finance.

By Mr. TALENT:

S. 2536. A bill to suspend temporarily the duty on 2-Acetylbutyrolactone; to the Committee on Finance.

By Mr. TALENT:

S. 2537. A bill to suspend temporarily the duty on Cyfluthrin (Baythroid); to the Committee on Finance.

By Mr. TALENT:

S. 2538. A bill to suspend temporarily the duty on Bromoxynil Octanoate Tech; to the Committee on Finance.

By Mr. TALENT:

S. 2539. A bill to suspend temporarily the duty on Bromoxynil Meo; to the Committee on Finance.

By Mr. TALENT:

S. 2540. A bill to suspend temporarily the duty on Deltamethrin; to the Committee on Finance.

By Mr. TALENT:

S. 2541. A bill to suspend temporarily the duty on Quinoline, 6 ethoxy 1,2 dihydro 2,2,4 trimethyl; to the Committee on Finance.

By Mr. TALENT:

S. 2542. A bill to suspend temporarily the duty on tricholorobenzene; to the Committee on Finance.

By Mr. TALENT:

S. 2543. A bill to suspend temporarily the duty on 1,3-Dibromo-5-dimethyl-hydantoin; to the Committee on Finance.

By Mr. TALENT:

S. 2544. A bill to suspend temporarily the duty on MCPA; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. VOINOVICH, Mrs. CLINTON, and Mr. SCHUMER):

S. 2545. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TALENT:

S. 2546. A bill to extend the temporary suspension of duty with respect to Flufenacet (FOE hydroxy); to the Committee on Finance.

By Mr. ALLARD:

S. 2547. A bill to authorize a major medical facility project for the Department of Veterans Affairs at Denver, Colorado; to the Committee on Veterans' Affairs.

By Mr. STEVENS (for himself and Mr. LAUTENBERG):

S. 2548. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT:

S. 2549. A bill to amend the Internal Revenue Code of 1986 to expand the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 2550. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2551. A bill to provide for prompt payment and interest on late payments of health care claims; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself, Mr. DORGAN, and Ms. CANTWELL):

S. 2552. A bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. LEAHY, and Mr. FEINGOLD):

S. 2553. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself and Mr. DEWINE):

S. 2554. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2555. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLARD:

S. Res. 424. A resolution congratulating and commending the members of the United States Olympic and Paralympic Teams, and the United States Olympic Committee, for their success and inspired leadership; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. Res. 425. A resolution to commend the University of Maryland women's basketball team for winning the 2006 National Collegiate Athletic Association Division I National Basketball Championship; considered and agreed to.

By Mr. SPECTER (for himself and Mr. FEINGOLD):

S. Res. 426. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CHAFEE, Ms. MURKOWSKI, Mr. VITTER, Mr. THUNE, Mr. DEMINT, Mr. ISAKSON, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. OBAMA, and Mr. REID):

S. Res. 427. A resolution commemorating the 50th Anniversary of the Interstate System; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 428. A resolution congratulating the University of Wisconsin men's cross country team for winning the 2005 National Collegiate Athletic Association Division I Cross Country Championship; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 429. A resolution congratulating the University of Wisconsin women's hockey team for winning the 2006 National Collegiate Athletic Association Division I Hockey Championship; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 430. A resolution commending the University of Florida men's basketball team for winning the 2006 National Collegiate Athletic Association Division I Basketball Championship; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. CHAFEE, Mrs. CLINTON, Mr. CRAPO, Mr. BIDEN, Mr. BYRD, Mr. FEINGOLD, Mr. REED, Ms. CANTWELL, Mr. LEVIN, Mr. LIEBERMAN, Mr. DODD, and Ms. SNOWE):

S. Res. 431. A resolution designating May 11, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide; considered and agreed to.

By Mr. FRIST:

S. Res. 432. A resolution to authorize testimony of a Member of the Senate in E.M. Gunderson v. Neil G. Galatz; considered and agreed to.

By Mr. DURBIN (for himself, Mr. ENSIGN, and Mr. LAUTENBERG):

S. Res. 433. A resolution honoring The American Society for the Prevention of Cruelty to Animals for the 140 years of service that it has provided to the citizens of the United States and their animals; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mr. KENNEDY, Mr. JOHNSON, Mrs. BOXER, Mr. MENENDEZ, Ms. LANDRIEU, and Mrs. FEINSTEIN):

S. Con. Res. 86. A concurrent resolution directing the Architect of the Capitol to establish a temporary exhibit in the rotunda of the Capitol to honor the memory of the members of the United States Armed Forces who have lost their lives in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Rules and Administration.

By Mr. BIDEN (for himself and Mr. SMITH):

S. Con. Res. 87. A concurrent resolution expressing the sense of Congress that United States intellectual property rights must be protected globally; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 440

At the request of Mr. BUNNING, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 663

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 663, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 841

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 841, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 886

At the request of Mr. MCCAIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 886, a bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

S. 1370

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1370, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1912

At the request of Mr. LIEBERMAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1912, a bill to establish a global network for avian influenza surveillance among wild birds nationally and internationally to combat the growing threat of bird flu, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1955

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Oklahoma

(Mr. COBURN) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2185, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2200

At the request of Mr. FRIST, his name was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2322

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2361

At the request of Mr. DORGAN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2361, a bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

AMENDMENT NO. 3214

At the request of Mr. FRIST, his name was added as a cosponsor of amendment No. 3214 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3225

At the request of Ms. LANDRIEU, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3225 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3232

At the request of Mr. CHAMBLISS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 3232 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MENENDEZ:

S. 2508. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, as we approach May, the National Month to Prevent Teen Pregnancy, I rise to introduce the Teen Pregnancy Prevention, Responsibility and Opportunity Act. This legislation will establish a comprehensive program for reducing adolescent pregnancy through education and information programs, as well as positive activities and role models both in and out of school.

As parents, there is nothing more important than protecting our children and giving them a future filled with hope and opportunity. As leaders, we also have a responsibility to our young people—to provide resources for communities, parents, and children to help them achieve those goals. There are many ways we can provide parents with the tools they need to help kids make responsible decisions and avoid destructive behavior such as drug and alcohol abuse or sexual activity which can lead to unintended pregnancies.

The U.S. continues to have the highest teen pregnancy rate and teen birth rate in the Western industrialized world. In a fiscal context, it costs the U.S. at least $7 billion annually, and in a human context, this impacts one third of all teenage girls. It is time to do something about it.

While we have done a good job of progressively decreasing teen pregnancy, we can do much better.

With the sons of teen mothers more likely to end up in prison, and the daughters of teen mothers more likely to end up teen mothers themselves, we must act now to break this problematic cycle.

Our schools, community and faith-based organizations need access to funds to teach age-appropriate, factually and medically accurate, and scientifically-based family life education.

We need programs that encourage teens to delay sexual activity.

We need to provide services and interventions for sexually active teens.

We need to educate both young men and women about the responsibilities and pressures that come along with parenting.

We need to help parents communicate with teens about sexuality.

We need to teach young people responsible decision making.

And, we need to fund after school programs that will enrich their education, replace destructive behavior time with constructive activities, and offer character and counseling services.

We know that after-school programs reduce risky adolescent behavior by involving teens in positive activities that also provide positive life skills. Teenage girls who play sports, for instance, are more likely to wait to become sexually active, and to have fewer partners. They are consequently less likely to become pregnant.

Let us join together to recommit ourselves to continuing to decrease the incidence of teen pregnancy, and recommit ourselves to offering family life education and positive after school programs that will foster responsible young adults.

The time is now to invest in our teens. As all parents know, we place overwhelming pressure on ourselves to make sure we raise our children well. Decisions we make—and they make—will affect them for the rest of their lives. We cannot afford to let the doors close on them. Instead we must continue to open the door of opportunity. I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teen Pregnancy Prevention, Responsibility, and Opportunity Act of 2006".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The United States has the highest teen-pregnancy rate and teen birth rate in the western industrialized world, costing the United States not less than $7,000,000,000 annually.

(2) About 1 out of 3 of all young women in the United States becomes pregnant before she reaches the age of 20.

(3) Teen pregnancy has serious consequences for young women, their children, and communities as a whole. Too-early childbearing increases the likelihood that a young woman will drop out of high school and that she and her child will live in poverty.

(4) Statistically, the sons of teen mothers are more likely to end up in prison. The daughters of teen mothers are more likely to end up teen mothers too.

(5) Teens that grow up in disadvantaged economical, social, and familial circumstances are more likely to engage in risky behavior and have a child during adolescence.

(6) Teens with strong emotional attachments to their parents are more likely to become sexually active at a later age. 7 out of 10 teens say that they are prepared to listen to things parents thought they were not ready to hear.

(7) 78 percent of white and 70 percent of African American teenagers report that lack of communication between a teenage girl and her parents is frequently a reason a teenage girl has a baby.

(8) One study found that the likelihood of teens having sex for the first time increased with the number of unsupervised hours teens have during a week.

(9) After-school programs reduce teen risky behavior by involving teens in activities that provide alternatives to sex. Teenage girls who play sports, for instance, are more likely to delay sex and have fewer partners and less likely to become pregnant.

(10) After-school programs help prevent teen pregnancy by advancing good decision-making skills and providing teens health education and positive role models in a supervised setting.

(11) 8 in 10 girls and 6 in 10 boys report that they wish they had waited until they were older to have sex.

SEC. 3. EDUCATION PROGRAM FOR PREVENTING TEEN PREGNANCIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") may make grants to local educational agencies, State and local public health agencies, and nonprofit private entities for the purpose of carrying out projects to provide education on preventing teen pregnancies.

(b) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to applicants that will carry out the projects under such subsection in communities for which the rate of teen pregnancy is significantly above the average rate [in the United States?] of such pregnancies.

(c) CERTAIN REQUIREMENTS.—A grant may be made under subsection (a) only if the applicant for the grant meets the following conditions with respect to the project involved:

(1) The applicant agrees that information provided by the project on pregnancy prevention will be age-appropriate, factually and medically accurate and complete, and scientifically-based.

(2) The applicant agrees that the project will give priority to preventing teen pregnancies by—

(A) encouraging teens to delay sexual activity;

(B) providing educational services and interventions for sexually active teens or teens at risk of becoming sexually active;

(C) educating both young men and women about the responsibilities and pressures that come along with parenting;

(D) helping parents communicate with teens about sexuality; or

(E) teaching young people responsible decision-making.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—With respect to the costs of the project to be carried out under subsection (a) by an applicant, a grant may be made under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided in the grant).

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(e) MAINTENANCE OF EFFORT.—With respect to the activities for which a grant under subsection (a) is authorized to be expended, such a grant may be made for a fiscal year only if the applicant involved agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the applicant for the fiscal year preceding the first fiscal year for which the applicant receives such a grant.

(f) EVALUATION OF PROJECTS.—The Secretary shall establish criteria for the evaluation of projects under subsection (a). A grant may be made under such subsection only if the applicant involved—

(1) agrees to conduct evaluations of the project in accordance with such criteria;

(2) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(3) submits to the Secretary, in the application under subsection (g), a plan for conducting the evaluations.

(g) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under subsections (c) through (f) and the plan under subsection (f)(3), as the Secretary determines to be necessary to carry out this section.

(h) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under subsection (a) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out

(i) DEFINITIONS.—In this section:

(1) AGE-APPROPRIATE.—The term "age-appropriate", with respect to information on pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(2) FACTUALLY AND MEDICALLY ACCURATE AND COMPLETE.—The term "factually and medically accurate and complete" means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(A) published in peer-reviewed journals, where applicable; or

(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(3) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $20,000,000 for each of the fiscal years [2007 through 2011].

SEC. 4. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.

(a) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(1) in paragraph (5), by striking "$2,250,000,000" and inserting "$2,500,000,000"; and

(2) in paragraph (6), by striking "$2,500,000,000" and inserting "$2,750,000,000".

(b) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(1) by striking "There are" and inserting "(a) IN GENERAL.—There are"; and

(2) by adding at the end the following:

"(b) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $73,000,000 for each of fiscal years [2007 and 2008] to carry out subpart 10.".

(c) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965

(20 U.S.C. 1070a–11(f)) is amended by striking "$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$883,000,000 for fiscal year [2007] and such sums as may be necessary for each of the 5 succeeding fiscal years".

(d) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking "$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "$325,000,000 for fiscal year [2007] and such sums as may be necessary for each of the 5 succeeding fiscal years".

SEC. 5. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO TEEN PREGNANCY PREVENTION AND AFTER-SCHOOL PROGRAMS.

(a) In General.—The Secretary may make grants to public or nonprofit private entities for the purpose of assisting the entities in demonstrating innovative approaches to prevent teen pregnancies.

(b) Certain Approaches.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to pregnancy prevention.

(2) Exposing teens to realistic simulations of the physical, emotional, and financial toll of pregnancy and parenting.

(3) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) Matching Funds.—

(1) In general.—With respect to the costs of the project to be carried out under subsection (a) by an applicant, a grant may be made under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided in the grant).

(2) Determination of amount contributed.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) Evaluation of Projects.—The Secretary shall establish criteria for the evaluation of projects under subsection (a). A grant may be made under such subsection only if the applicant involved—

(1) agrees to conduct evaluations of the project in accordance with such criteria;

(2) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(3) submits to the Secretary, in the application under subsection (e), a plan for conducting the evaluations.

(e) Application for Grant.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under subsections (c) and (d) and the plan under subsection (d)(3), as the Secretary determines to be necessary to carry out this section.

(f) Report to Congress.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under subsection (a) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) Authorization of Appropriations.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years [2007 through 2011].

By Mr. DURBIN (for himself, Mrs. Lincoln, Mr. Reid, Mr. Baucus, Mr. Kennedy, Mr. Kerry, Mr. Bingaman, Mr. Carper, Mr. Dayton, Mr. Harkin, Mr. Kohl, Mr. Nelson of Florida, Ms. Cantwell, Mrs. Clinton, Mr. Dodd, Mr. Leahy, Ms. Mikulski, Mr. Pryor, Mr. Lieberman, Mr. Lautenberg, Mr. Johnson, Mr. Menendez, Mr. Rockefeller, and Mrs. Boxer.

S. 2510. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection. the text of the bill was ordered to be printed in the Record, as follows:

S. 2510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Employers Health Benefits Program Act of 2006".

SEC. 2. DEFINITIONS.

(a) In General.—In this Act, the terms "member of family", "health benefits plan", "carrier", "employee organizations", and "dependent" have the meanings given such terms in section 8901 of title 5, United States Code.

(b) Other Terms.—In this Act:

(1) Employee.—The term "employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)). Such term shall not include an employee of the Federal Government.

(2) Employer.—The term "employer" has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include only employers who employed an average of at least 1 but not more than 100 employees on business days during the year preceding the date of application. Such term shall not include the Federal Government.

(3) Health status-related factor.—The term "health status-related factor" has the meaning given such term in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(9)).

(4) Office.—The term "Office" means the Office of Personnel Management.

(5) Participating employer.—The term "participating employer" means an employer that—

(A) elects to provide health insurance coverage under this Act to its employees; and

(B) is not offering other comprehensive health insurance coverage to such employees.

(c) Application of Certain Rules in Determination of Employer Size.—For purposes of subsection (b)(2):

(1) Application of aggregation rule for employers.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(2) Employers not in existence in preceding year.—In the case of an employer which was not in existence for the full year prior to the date on which the employer applies to participate. the determination of whether such employer meets the requirements of subsection (b)(2) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the employer's first full year.

(3) Predecessors.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(d) Waiver and Continuation of Participation.—

(1) Waiver.—The Office may waive the limitations relating to the size of an employer which may participate in the health insurance program established under this Act on a case by case basis if the Office determines that such employer makes a compelling case for such a waiver. In making determinations under this paragraph. the Office may consider the effects of the employment of temporary and seasonal workers and other factors.

(2) Continuation of participation.—An employer participating in the program under this Act that experiences an increase in the number of employees so that such employer has in excess of 100 employees, may not be excluded from participation solely as a result of such increase in employees.

(e) Treatment of Health Benefits Plan as Group Health Plan.—A health benefits plan offered under this Act shall be treated as a group health plan for purposes of applying the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) except to the extent that a provision of this Act expressly provides otherwise.

SEC. 3. HEALTH INSURANCE COVERAGE FOR NON-FEDERAL EMPLOYEES.

(a) Administration.—The Office shall administer a health insurance program for non-Federal employees and employers in accordance with this Act.

(b) Regulations.—Except as provided under this Act. the Office shall prescribe regulations to apply the provisions of chapter 89 of title 5, United States Code, to the greatest extent practicable to participating carriers, employers, and employees covered under this Act.

(c) Limitations.—In no event shall the enactment of this Act result in—

(1) any increase in the level of individual or Federal Government contributions required under chapter 89 of title 5, United States Code, including copayments or deductibles;

(2) any decrease in the types of benefits offered under such chapter 89; or

(3) any other change that would adversely affect the coverage afforded under such chapter 89 to employees and annuitants and members of family under that chapter.

(d) Enrollment.—The Office shall develop methods to facilitate enrollment under this Act, including the use of the Internet.

(e) CONTRACTS FOR ADMINISTRATION.—The Office may enter into contracts for the performance of appropriate administrative functions under this Act.

(f) SEPARATE RISK POOL.—In the administration of this Act, the Office shall ensure that covered employees under this Act are in a risk pool that is separate from the risk pool maintained for covered individuals under chapter 89 of title 5, United States Code.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require a carrier that is participating in the program under chapter 89 of title 5, United States Code, to provide health benefits plan coverage under this Act.

SEC. 4. CONTRACT REQUIREMENT.

(a) IN GENERAL.—The Office may enter into contracts with qualified carriers offering health benefits plans of the type described in section 8903 or 8903a of title 5, United States Code, without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to provide health insurance coverage to employees of participating employers under this Act. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Office shall ensure that health benefits coverage is provided for individuals only, individuals with one or more children, married individuals without children, and married individuals with one or more children.

(b) ELIGIBILITY.—A carrier shall be eligible to enter into a contract under subsection (a) if such carrier—

(1) is licensed to offer health benefits plan coverage in each State in which the plan is offered; and

(2) meets such other requirements as determined appropriate by the Office.

(c) STATEMENT OF BENEFITS.—

(1) IN GENERAL.—Each contract under this Act shall contain a detailed statement of benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Office considers necessary or desirable.

(2) ENSURING A RANGE OF PLANS.—The Office shall ensure that a range of health benefits plans are available to participating employers under this Act.

(3) PARTICIPATING PLANS.—The Office shall not prohibit the offering of any health benefits plan to a participating employer if such plan is eligible to participate in the Federal Employees Health Benefits Program.

(4) NATIONWIDE PLAN.—With respect to all nationwide plans, the Office shall develop a benefit package that shall be offered in the case of a contract for a health benefit plan that is to be offered on a nationwide basis that meets all State benefit mandates.

(d) STANDARDS.—The minimum standards prescribed for health benefits plans under section 8902(e) of title 5, United States Code, and for carriers offering plans, shall apply to plans and carriers under this Act. Approval of a plan may be withdrawn by the Office only after notice and opportunity for hearing to the carrier concerned without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

(e) CONVERSION.—

(1) IN GENERAL.—A contract may not be made or a plan approved under this section if the carrier under such contract or plan does not offer to each enrollee whose enrollment in the plan is ended, except by a cancellation of enrollment, a temporary extension of coverage during which the individual may exercise the option to convert, without evidence of good health, to a nongroup contract providing health benefits. An enrollee who exercises this option shall pay the full periodic charges of the nongroup contract.

(2) NONCANCELLABLE.—The benefits and coverage made available under paragraph (1) may not be canceled by the carrier except for fraud, over-insurance, or nonpayment of periodic charges.

(f) REQUIREMENT OF PAYMENT FOR OR PROVISION OF HEALTH SERVICE.—Each contract entered into under this Act shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Office finds that the employee, annuitant, family member, former spouse, or person having continued coverage under section 8905a of title 5, United States Code, is entitled thereto under the terms of the contract.

SEC. 5. ELIGIBILITY.

An individual shall be eligible to enroll in a plan under this Act if such individual—

(1) is an employee of an employer described in section 2(b)(2), or is a self employed individual as defined in section 401(c)(1)(B) of the Internal Revenue Code of 1986; and

(2) is not otherwise enrolled or eligible for enrollment in a plan under chapter 89 of title 5, United States Code.

SEC. 6. ALTERNATIVE CONDITIONS TO FEDERAL EMPLOYEE PLANS.

(a) TREATMENT OF EMPLOYEE.—For purposes of enrollment in a health benefits plan under this Act, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89 of title 5, United States Code.

(b) PREEXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—Each contract under this Act may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

(2) EXCLUSION PERIOD.—A preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not later than 6 months after the date on which the coverage of the individual under a health benefits plan commences, reduced by the aggregate 1 day for each day that the individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this Act. This provision shall be applied notwithstanding the applicable provision for the reduction of the exclusion period provided for in section 701(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(3)).

(c) RATES AND PREMIUMS.—

(1) IN GENERAL.—Rates charged and premiums paid for a health benefits plan under this Act—

(A) shall be determined in accordance with this subsection;

(B) may be annually adjusted subject to paragraph (3);

(C) shall be negotiated in the same manner as rates and premiums are negotiated under such chapter 89; and

(D) shall be adjusted to cover the administrative costs of the Office under this Act.

(2) DETERMINATIONS.—In determining rates and premiums under this Act, the following provisions shall apply:

(A) IN GENERAL.—A carrier that enters into a contract under this Act shall determine that amount of premiums to assess for coverage under a health benefits plan based on an community rate that may be annually adjusted—

(i) for the geographic area involved if the adjustment is based on geographical divisions that are not smaller than a metropolitan statistical area and the carrier provides evidence of geographic variation in cost of services;

(ii) based on whether such coverage is for an individual, two adults, one adult and one or more children, or a family; and

(iii) based on the age of covered individuals (subject to subparagraph (C)).

(B) LIMITATION.—Premium rates charged for coverage under this Act shall not vary based on health-status related factors, gender, class of business, or claims experience

(C) AGE ADJUSTMENTS.—

(i) IN GENERAL.—With respect to subparagraph (A)(iii), in making adjustments based on age, the Office shall establish no more than 5 age brackets to be used by the carrier in establishing rates. The rates for any age bracket may not vary by more than 50 percent above or below the community rate on the basis of attained age. Age-related premiums may not vary within age brackets.

(ii) AGE 65 AND OLDER.—With respect to subparagraph (A)(iii), a carrier may develop separate rates for covered individuals who are 65 years of age or older for whom medicare is the primary payor for health benefits coverage which is not covered under medicare.

(3) READJUSTMENTS.—Any readjustment in rates charged or premiums paid for a health benefits plan under this Act shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Office, is consistent with the practice of the Office for the Federal Employees Health Benefits Program.

(d) TERMINATION AND REENROLLMENT.—If an individual who is enrolled in a health benefits plan under this Act terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following the expiration of 6 months after the date of such termination.

(f) CONTINUED APPLICABILITY OF STATE LAW.—

(1) HEALTH INSURANCE OR PLANS.—

(A) PLANS.—With respect to a contract entered into under this Act under which a carrier will offer health benefits plan coverage, State mandated benefit laws in effect in the State in which the plan is offered shall continue to apply.

(B) RATING RULES.—The rating requirements under subparagraphs (A) and (B) of subsection (c)(2) shall supercede State rating rules for qualified plans under this Act, except with respect to States that provide a rating variance with respect to age that is less than the Federal limit or that provide for some form of community rating.

(2) LIMITATION.—Nothing in this subsection shall be construed to preempt—

(A) any State or local law or regulation except those laws and regulations described in subparagraph (B) of paragraph (1);

(B) any State grievance, claims, and appeals procedure law, except to the extent that such law is preempted under section 514 of the Employee Retirement Income Security Act of 1974; and

(C) State network adequacy laws.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the application of the service-charge system used by the Office for determining profits for participating carriers under chapter 89 of title 5, United States Code.

SEC. 7. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH ADJUSTMENTS FOR RISK.

(a) APPLICATION OF RISK CORRIDORS.—

(1) IN GENERAL.—This section shall only apply to carriers with respect to health benefits plans offered under this Act during any of calendar years 2007 through 2009.

(2) NOTIFICATION OF COSTS UNDER THE PLAN.—In the case of a carrier that offers a health benefits plan under this Act in any of calendar years 2007 through 2009, the carrier shall notify the Office, before such date in the succeeding year as the Office specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

(3) ALLOWABLE COSTS DEFINED.—For purposes of this section, the term "allowable costs" means, with respect to a health benefits plan offered by a carrier under this Act, for a year, the total amount of costs described in paragraph (2) for the plan and year, reduced by the portion of such costs attributable to administrative expenses incurred in providing the benefits described in such paragraph.

(b) ADJUSTMENT OF PAYMENT.—

(1) NO ADJUSTMENT IF ALLOWABLE COSTS WITHIN 3 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for a calendar year are at least 97 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for the plan and year.

(2) INCREASE IN PAYMENT IF ALLOWABLE COSTS ABOVE 103 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 103 AND 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 103 percent, but not greater than 108 percent, of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier of an amount equal to 75 percent of the difference between such allowable costs and 103 percent of such target amount.

(B) COSTS ABOVE 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier in an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between such allowable costs and 108 percent of such target amount.

(3) REDUCTION IN PAYMENT IF ALLOWABLE COSTS BELOW 97 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 92 AND 97 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or equal to 92 percent, of the target amount for the plan and year, the carrier shall be required to pay into the contingency reserve fund maintained under section 8909(b)(2) of title 5, United States Code, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

(B) COSTS BELOW 92 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the carrier shall be required to pay into the stabilization fund under section 8909(b)(2) of title 5, United States Code, an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

(4) TARGET AMOUNT DESCRIBED.—

(A) IN GENERAL.—For purposes of this subsection, the term "target amount" means, with respect to a health benefits plan offered by a carrier under this Act in any of calendar years 2007 through 2011, an amount equal to—

(i) the total of the monthly premiums estimated by the carrier and approved by the Office to be paid for enrollees in the plan under this Act for the calendar year involved; reduced by

(ii) the amount of administrative expenses that the carrier estimates, and the Office approves, will be incurred by the carrier with respect to the plan for such calendar year.

(B) SUBMISSION OF TARGET AMOUNT.—Not later than December 31, 2006, and each December 31 thereafter through calendar year 2010, a carrier shall submit to the Office a description of the target amount for such carrier with respect to health benefits plans provided by the carrier under this Act.

(c) DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Each contract under this Act shall provide—

(A) that a carrier offering a health benefits plan under this Act shall provide the Office with such information as the Office determines is necessary to carry out this subsection including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4)(B); and

(B) that the Office has the right to inspect and audit any books and records of the organization that pertain to the information regarding costs provided to the Office under such subsections.

(2) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by officers, employees, and contractors of the Office only for the purposes of, and to the extent necessary in, carrying out this section.

SEC. 8. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH REINSURANCE.

(a) ESTABLISHMENT.—The Office shall establish a reinsurance fund to provide payments to carriers that experience one or more catastrophic claims during a year for health benefits provided to individuals enrolled in a health benefits plan under this Act.

(b) ELIGIBILITY FOR PAYMENTS.—To be eligible for a payment from the reinsurance fund for a plan year, a carrier under this Act shall submit to the Office an application that contains—

(1) a certification by the carrier that the carrier paid for at least one episode of care during the year for covered health benefits for an individual in an amount that is in excess of $50,000; and

(2) such other information determined appropriate by the Office.

(c) PAYMENT.—

(1) IN GENERAL.—The amount of a payment from the reinsurance fund to a carrier under this section for a catastrophic episode of care shall be determined by the Office but shall not exceed an amount equal to 80 percent of the applicable catastrophic claim amount.

(2) APPLICABLE CATASTROPHIC CLAIM AMOUNT.—For purposes of paragraph (1), the applicable catastrophic episode of care amount shall be equal to the difference between—

(A) the amount of the catastrophic claim; and

(B) $50,000.

(3) LIMITATION.—In determining the amount of a payment under paragraph (1), if the amount of the catastrophic claim exceeds the amount that would be paid for the healthcare items or services involved under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the Office shall use the amount that would be paid under such title XVIII for purposes of paragraph (2)(A).

(d) DEFINITION.—In this section, the term "catastrophic claim" means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

(e) TERMINATION OF FUND.—The reinsurance fund established under subsection (a) shall terminate on the date that is 2 years after the date on which the first contract period becomes effective under this Act.

SEC. 9. CONTINGENCY RESERVE FUND.

Beginning on October 1, 2010, the Office may use amounts appropriated under section 14(a) that remain unobligated to establish a contingency reserve fund to provide assistance to carriers offering health benefits plans under this Act that experience unanticipated financial hardships (as determined by the Office).

SEC. 10. EMPLOYER PARTICIPATION.

(a) REGULATIONS.—The Office shall prescribe regulations providing for employer participation under this Act, including the offering of health benefits plans under this Act to employees.

(b) ENROLLMENT AND OFFERING OF OTHER COVERAGE.—

(1) ENROLLMENT.—A participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan under this Act.

(2) PROHIBITION ON OFFERING OTHER COMPREHENSIVE HEALTH BENEFIT COVERAGE.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan that—

(A) meets the requirements described in section 4(a); and

(B) is offered only through the enrollment process established by the Office under section 3.

(3) OFFER OF SUPPLEMENTAL COVERAGE OPTIONS.—

(A) IN GENERAL.—A participating employer may offer supplementary coverage options to employees.

(B) DEFINITION.—In subparagraph (A), the term "supplementary coverage" means benefits described as "excepted benefits" under section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91(c)).

(c) RULE OF CONSTRUCTION.—Except as provided in section 15, nothing in this Act shall be construed to require that an employer make premium contributions on behalf of employees.

SEC. 11. ADMINISTRATION THROUGH REGIONAL ADMINISTRATIVE ENTITIES.

(a) IN GENERAL.—In order to provide for the administration of the benefits under this Act with maximum efficiency and convenience for participating employers and health care providers and other individuals and entities providing services to such employers, the Office is authorized to enter into contracts with eligible entities to perform, on a regional basis, one or more of the following:

(1) Collect and maintain all information relating to individuals, families, and employers participating in the program under this Act in the region served.

(2) Receive, disburse, and account for payments of premiums to participating employers by individuals in the region served, and for payments by participating employers to carriers.

(3) Serve as a channel of communication between carriers, participating employers, and individuals relating to the administration of this Act.

(4) Otherwise carry out such activities for the administration of this Act, in such manner, as may be provided for in the contract entered into under this section.

(5) The processing of grievances and appeals.

(b) Application.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Office an application at such time, in such manner, and containing such information as the Office may require.

(c) Process.—

(1) Competitive bidding.—All contracts under this section shall be awarded through a competitive bidding process on a bi-annual basis.

(2) Requirement.—No contract shall be entered into with any entity under this section unless the Office finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Office finds pertinent.

(3) Publication of standards and criteria.—The Office shall publish in the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and opportunity shall be provided for public comment prior to implementation. In establishing such standards and criteria, the Office shall provide for a system to measure an entity's performance of responsibilities.

(4) Term.—Each contract under this section shall be for a term of at least 1 year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term, except that the Office may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the entity involved as the Office may provide in regulations) if the Office finds that the entity has failed substantially to carry out the contract or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the program established by this Act.

(d) Terms of Contract.—A contract entered into under this section shall include—

(1) a description of the duties of the contracting entity;

(2) an assurance that the entity will furnish to the Office such timely information and reports as the Office determines appropriate;

(3) an assurance that the entity will maintain such records and afford such access thereto as the Office finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this Act;

(4) an assurance that the entity shall comply with such confidentiality and privacy protection guidelines and procedures as the Office may require; and

(5) such other terms and conditions not inconsistent with this section as the Office may find necessary or appropriate.

SEC. 12. COORDINATION WITH SOCIAL SECURITY BENEFITS.

Benefits under this Act shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those medicare benefits) to the same extent and in the same manner as if coverage were under chapter 89 of title 5, United States Code.

SEC. 13. PUBLIC EDUCATION CAMPAIGN.

(a) In General.—In carrying out this Act, the Office shall develop and implement an educational campaign to provide information to employers and the general public concerning the health insurance program developed under this Act.

(b) Annual Progress Reports.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Office shall submit to the appropriate committees of Congress a report that describes the activities of the Office under subsection (a), including a determination by the office of the percentage of employers with knowledge of the health benefits programs provided for under this Act.

(c) Public Education Campaign.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 and 2008.

SEC. 14. APPROPRIATIONS.

There are authorized to be appropriated to the Office, such sums as may be necessary in each fiscal year for the development and administration of the program under this Act.

SEC. 15. REFUNDABLE CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

"SEC. 36. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) Determination of Amount.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

"(1) the expense amount described in subsection (b), and

"(2) the expense amount described in subsection (c), paid by the taxpayer during the taxable year.

"(b) Subsection (b) Expense Amount.—For purposes of this section—

"(1) In general.—The expense amount described in this subsection is the applicable percentage of the amount of qualified employee health insurance expenses of each qualified employee.

"(2) Applicable percentage.—For purposes of paragraph (1)—

"(A) In general.—The applicable percentage is equal to—

"(i) 25 percent in the case of self-only coverage,

"(ii) 35 percent in the case of family coverage (as defined in section 220(c)(5)), and

"(iii) 30 percent in the case of coverage for two adults or one adult and one or more children.

"(B) Bonus for payment of greater percentage of premiums.—The applicable percentage otherwise specified in subparagraph (A) shall be increased by 5 percentage points for each additional 10 percent of the qualified employee health insurance expenses of each qualified employee exceeding 60 percent which are paid by the qualified small employer.

"(c) Subsection (c) Expense Amount.—For purposes of this section—

"(1) In general.—The expense amount described in this subsection is, with respect to the first credit year of a qualified small employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee.

"(2) First credit year.—For purposes of paragraph (1), the term 'first credit year' means the taxable year which includes the date that the health insurance coverage to which the qualified employee health insurance expenses relate becomes effective.

"(d) Limitation Based on Wages.—With respect to a qualified employee whose wages at an annual rate during the taxable year exceed $25,000, the percentage which would (but for this section) be taken into account as the percentage for purposes of subsection (b)(2) or (c)(1) for the taxable year shall be reduced by an amount equal to the product of such percentage and the percentage that such qualified employee's wages in excess of $25,000 bears to $5,000.

"(e) Definitions.—For purposes of this section—

"(1) Qualified small employer.—The term 'qualified small employer' means any employer (as defined in section 2(b)(2) of the Small Employers Health Benefits Program Act of 2006) which—

"(A) is a participating employer (as defined in section 2(b)(5) of such Act),

"(B) pays or incurs at least 60 percent of the qualified employee health insurance expenses of each qualified employee for self-only coverage, and

"(C) pays or incurs at least 50 percent of the qualified employee health insurance expenses of each qualified employee for all other categories of coverage.

"(2) Qualified employee health insurance expenses.—

"(A) In general.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage under such Act to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) Exception for amounts paid under salary reduction arrangements.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(3) Qualified employee.—

"(A) Definition.—

"(i) In general.—The term 'qualified employee' means, with respect to any period, an employee (as defined in section 2(b)(1) of such Act) of an employer if the total amount of wages paid or incurred by such employer to such employee at an annual rate during the taxable year exceeds $5,000 but does not exceed $30,000.

"(ii) Annual adjustment.—For each taxable year after 2007, the dollar amounts specified for the preceding taxable year (after the application of this subparagraph) shall be increased by the same percentage as the average percentage increase in premiums under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code for the calendar year in which such taxable year begins over the preceding calendar year.

"(B) Wages.—The term 'wages' has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section).

"(f) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(g) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under subsection (a) with respect to a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Small business employee health insurance expenses
"Sec. 37. Overpayments of tax".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2006.

SEC. 16. EFFECTIVE DATE.

Except as provided in section 10(e), this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2007 and each calendar year thereafter.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. VOINOVICH, Mrs. CLINTON, and Mr. SCHUMER):

S. 2545. A bill to establish a collaborative program to protect the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, today I am proud to introduce the Great Lakes Collaboration Implementation Act with my colleague, Senator LEVIN. I would like to thank him for all of his hard work on this legislation and the Great Lakes.

The Great Lakes are a unique natural resource that need to be protected for future generations. The Great Lakes hold one-fifth of the world's surface freshwater, cover more than 94,000 square miles, and drain more than twice as much land. Over thirty of the basin's biological communities—and over 100 species—are globally rare or found only in the Great Lakes basin. The 637 State parks in the region accommodate more than 250 million visitors each year. The Great Lakes are significant to the eight States and two Canadian provinces that border them, as well as to the millions of other people around the country who fish, visit the surrounding parks, or use products that are affordably shipped to them via the lakes.

Unfortunately, the Great Lakes remain in a degraded state. A 2003 GAO report said, "Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats." Many scientists affirm that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and hydrologic modifications. A 2005 report from a group of Great Lakes scientific experts states that "historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response."

One cannot see the many threats to the Lakes simply by looking at them. The zebra mussel, an aquatic invasive species, causes $500 million per year in economic and environmental damage to the Great Lakes. One study found that since 1990—the year that zebra mussels really began to make an impact—Lake Michigan's yellow perch population has decreased by about 80 percent. In 2000, seven people died after pathogens entered the Walkerton, Ontario drinking water supply from the lakes. In May of 2004, more than ten billion gallons of raw sewage and storm water were dumped into the Great Lakes. In that same year, over 1,850 beaches in the Great Lakes were closed. Each summer, Lake Erie develops a 6,300 square mile dead zone. There is no appreciable natural reproduction of lake trout in the lower four lakes. More than half of the Great Lakes region's original wetlands have been lost, along with 60 percent of the forests. Wildlife habitat has been destroyed, thus diminishing opportunities necessary for fishing, hunting and other forms of outdoor recreation.

For several years, I have been calling for a plan to restore the Lakes and have been urging governors, mayors, environmental community and other regional interests to agree on a vision for the Great Lakes—not just immediately, but for the long-term future.

Last year, over 1,500 people worked to draft a plan through a process called Great Lakes Regional Collaboration. The Collaboration strategy includes dozens of recommendations for action at the federal, state, local, and tribal actions that will help restore the Great Lakes. Senator CARL LEVIN and I—as well as our colleagues in the House—have crafted a bill to implement these recommendations.

This bill would reduce the threat of non-native species invading the Great Lakes through ballast water and other pathways. The bill targets the Asian carp by authorizing the Corps of Engineers to improve the dispersal barrier project and prohibiting the importation or interstate commerce of live Asian carp.

The bill addresses threats to fish and wildlife habitat by reauthorizing the Great Lakes Fish & Wildlife Restoration Act, a current program that provides grants to states and tribes.

The bill reauthorizes the State Revolving Loan Fund and provides $20 billion over five years to assist communities with the critical task of upgrading and improving their wastewater infrastructure.

The bill authorizes $150 million per year for contaminated sediment cleanup at Areas of Concern under the Great Lakes Legacy program. It also provides the EPA with greater flexibility in implementing the program by allowing the Great Lakes National Program Office to disburse funds to the non-federal sponsor of a Legacy Act project.

The bill establishes a new grant program within EPA, called the Great Lakes Mercury Product Stewardship Strategy Grant Program, to phase out mercury in products.

The bill improves existing research programs and fills the gap where work is needed. We need baseline data to understand how the lakes are changing and where improvements are succeeding.

The bill authorizes NOAA to restore and remediate waterfront areas. Projects will require a non-federal partner who will provide at least a 35% cost-share. Individual projects may not cost more than $5 million.

Lastly, the bill establishes the Great Lakes Interagency Task Force and the Great Lakes Regional Collaboration process in order to coordinate and improve Great Lakes programs.

Restoring the Great Lakes to a healthy ecosystem is not something that will happen overnight. This is a long-term process, but Congress needs to act now. Our bill is a major step in the right direction. We need to continue to refocus and improve our efforts in order to reverse the trend of degradation of the Great Lakes. They are a unique natural resource for Ohio, the entire region, and the country—a resource that must be protected for future generations. I ask my colleagues to join me in support of this bill and in our efforts to help preserve and protect the long-term viability of our Great Lakes.

Ms. STABENOW. Mr. President, I rise today to join my colleagues, Senator LEVIN an Senator DEWINE, in offering the Great Lakes Collaboration Implementation Act of 2006. I am a cosponsor of this bipartisan bill, introduced on behalf of the Great Lakes Senators by the co-chairs of our Great Lakes Task Force. Our bill is also cosponsored by Senator CLINTON, Senator VOINOVICH, and Senator SCHUMER.

The health and sustainability of the Great Lakes are something I feel passionately about. There is no more important issue to Michigan and our region of the country than the Great Lakes.

I want to take just a moment to recognize someone else who is equally passionate about Great Lakes protection and restoration. No single person has devoted more time, energy, and personal resources to the Great Lakes than Peter Wege of Grand Rapids, Michigan.

Peter Wege has been a leader and visionary for Great Lakes restoration for decades. Through the Wege Foundation, which he founded in 1967, he has made generous gifts to the people of Grand Rapids and communities all over Western Michigan for community development. I believe that part of the reason we are standing here today with a comprehensive bill to restore the Lakes is due to the work of Peter Wege. In 2005, a gift from the Wege Foundation created the Healing Our Waters Coalition, a coalition of grassroots groups dedicated to securing a sustainable restoration plan and Federal and State funding to carry it out. The Healing Our Waters Coalition and Peter Wege have been instrumental in bringing Great Lakes restoration to the forefront of national policy.

For the people of Michigan the Great Lakes are more than just one-fifth of the world's fresh water and a unique ecosystem—they are part of our identity. The Lakes are where we spend summers with our families, where we boat and swim, and where we fish and hunt. The Lakes also sustain our State and local economies by providing a major route for intrastate and international commerce. The health and future of Michigan is directly linked to the health and future of the Great Lakes.

We in Michigan are blessed with a beautiful State full of lakes, rivers, forests, and streams. We have more public access to waterways than all of the other 49 States combined. We are surrounded by four of the five Great Lakes and more than 40,000 interior lakes, streams, and trails. This rich abundance of natural resources has made the outdoors a critical part of Michigan's economy and our way-of-life. The Great Lakes are key in this. Consider that the total revenue from Michigan's fishing, hunting and wildlife watching is nearly $5 billion every year. Fishing brings $2 billion annually to our State economy. Michigan has the most registered boaters of any State, nearly one million, and recreational boating brings $2 billion annually to the state. It's easy to see what restoring the Great Lakes is so important to us.

There are currently between 140 and 200 separate Great Lakes environmental programs administered by 10 Federal agencies. Each of these is important and has helped us significantly improve the health of the Great Lakes over the past 35 years. That said true restoration will take local, regional, and national coordination on projects that address all of the critical challenges facing the health of the Great Lakes.

In May 2004, President Bush signed a Presidential Executive Order creating the Great Lakes Regional Collaboration, also called the GLRC. The group is composed of Federal agencies, Great Lakes governors and mayors, local communities, Native American Tribes, and other stakeholders from the Great Lakes Basin. In December of last year the GLRC released a report outlining comprehensive and collaborative restoration of the Great Lakes ecosystem—the Great Lakes Regional Collaboration Strategy. The report calls for $20 billion in Federal, State, and local funding to clean up toxic hotspots, restore wetlands, prevent the introduction of new invasive species, and modernizing water treatment systems.

The GLRC Strategy has been endorsed through the Great Lakes Regional Collaboration Resolution by Great Lakes mayors, governors, tribes, the Congressional delegation, and the Interagency Task Force.

The bill that I am introducing today with my colleagues takes the next critical step and turns the strategy document into an on-the-ground reality.

Our commitment is strong. We have the will and the way, all we need now is the support of Congress to ensure the future of the Great Lakes—a magnificent natural resource that has been entrusted to our care.

Mr. LEVIN. Mr. President, I am pleased to introduce the "Great Lakes Restoration Implementation Act" with Senator MIKE DEWINE and our co-sponsors, Senators DEBBIE STABENOW, GEORGE VOINOVICH, and HILLARY RODHAM CLINTON. I also want to thank Representatives VERN EHLERS and RAHM EMANUEL for introducing similar Great Lakes restoration legislation in the House today.

The Great Lakes are vital not only to Michigan but to the Nation. Roughly one-tenth of the U.S. population lives in the Great Lakes basin and depends daily on the lakes. The Great Lakes provide drinking water to 33 million people. They provide the largest recreational resource for their neighboring States. They form the largest body of freshwater in the world, containing roughly 18 percent of the world's total; only the polar ice caps contain more freshwater. They are critical for our economy by helping move natural resources to the factory and to move products to market.

While the environmental protections that were put in place in the early 1970s have helped the Great Lakes make strides toward recovery, a 2003 GAO report made clear that there is much work still to do. That report stated: "Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats."

The Great Lakes problems have been well-known for several years, and, for the past year, 1,500 people through the Great Lakes region have worked together to compile recommendations for restoring the lakes. These recommendations were released last December, and, today, I am introducing this legislation to implement those recommendations.

This bill would reduce the threat of new invasive species by enacting comprehensive invasive species legislation and put ballast technology on board ships; it specifically targets Asian carp by authorizing the operation and maintenance of the dispersal barrier. The bill would restore fish and wildlife habitat by reauthorizing the Great Lakes Fish and Wildlife Restoration Act. It would provide additional resources to States and cities for their water infrastructure. It would provide additional funding for contaminated sediment cleanup and would give the EPA additional tools under the Great Lakes Legacy Act to move projects along faster. The bill would create a new grant program to phase-out mercury in products. It would authorize additional research through existing Federal programs as well as our non-Federal research institutions. And it would authorize coordination of federal programs.

The Great Lakes are a unique American treasure. We must recognize that we are only their temporary stewards. If Congress does not act to keep pace with the needs of the lakes, and the tens of millions of Americans dependent upon them and affected by their condition, the current problems will continue to build, and we may start to undo some of the good work that has already been done. We must be good stewards by ensuring that the federal government meets its ongoing obligation to protect and restore the Great Lakes. This legislation will help us meet that great responsibility to future generations.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 2550. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

Mr. AKAKA. Mr. President. As the tax filing deadline approaches, I am delighted to introduce the Free Internet Filing Act. The bill requires the Internal Revenue Service (IRS) to provide universal access to individual taxpayers filing their tax returns directly through the IRS Web site. I thank Senator BINGAMAN for cosponsoring this bill and working with me on so many issues that are important to taxpayers.

It is frustrating that individual taxpayers completing their own returns are not able to file directly with the IRS. Taxpayers are dependent on commercial preparers to electronically file their taxes. If a taxpayer takes the time necessary to prepare their returns by themselves, they must be provided with the option of electronically filing directly with the IRS. My legislation would make this direct filing possible.

The current system that provides a select group of taxpayers with the ability to file electronically for free using third party intermediaries, called the Free File Alliance, is a failure. In testimony before the Finance Committee yesterday. The National Taxpayer Advocate, Ms. Nina Olson, testified that "As currently structured, Free File amounts to a Wild, Wild West of differing eligibility requirements, differing capabilities, differing availability of and fees for add-on products, and many sites that are difficult to use." Ms. Olson also stated that the "IRS should place a basic, fill-in template on its website to allow any taxpayer who wants to self-prepare his or her return to do so and file directly with the IRS for free." I completely agree.

The current Free File Alliance agreement leaves out too many taxpayers. Taxpayers that make more than $50,000 are not eligible. In addition, tax preparation companies try to sell additional products and services, such as refund anticipation loans, to consumers that utilize their free file services that are accessed via the IRS Web site. Taxpayers should not be forced to access online filing through companies that peddle services and products to them. Taxpayers are directed to these companies via the IRS Web site. This should not happen. While paying their taxes and fulfilling their obligations, taxpayers should be allowed to file directly without being subjected to sales pitches or ads. Taxpayers should not have the additional worry associated with sharing their private financial information with a tax preparation company. In the current environment where there have been so many electronic breeches of financial information, taxpayers should not be forced to hand over their private information if they want to electronically file their return with the IRS. Taxpayers should not lose out on the benefits of electronic filing simply because they are worried about sending their data to third parties.

My legislation will help increase the number of electronically filed returns. As Ms. Olson pointed out, nearly 45 million returns prepared using software are mailed in rather than electronically filed. With universal access to free e-file, this number could be substantially reduced. Electronic returns help taxpayers receive their refunds faster than mailing them in. This would also save the IRS resources and reduce possible errors that can occur when the mailed in returns are transcribed.

I want to take a moment to express my appreciation for all of the tremendous work that Ms. Olson has done in an attempt to improve the lives of taxpayers. It is a pleasure to work with Ms. Olson and her staff both in Washington and Hawaii. I look forward to continuing to work with the National Taxpayer Advocate, other Treasury officials, and my colleagues to expand access to Internet filing.

I ask unanimous consent that the full text of the bill be printed in the RECORD. I also ask unanimous consent that a letter of support from the Hawaii Alliance for Community-Based Economic Development be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD as follows:

S. 2550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Internet Filing Act".

SEC. 2. DIRECT ACCESS TO E-FILE FEDERAL INCOME TAX RETURNS.

(a) IN GENERAL.—The Secretary of the Treasury shall provide individual taxpayers with the ability to electronically file their Federal income tax returns through the Internal Revenue Service website without the use of an intermediary or with the use of an intermediary which is contracted by the Internal Revenue Service to provide free universal access for such filing (hereafter in this section referred to as the "direct e-file program") for taxable years beginning after the date which is not later than 3 years after the date of the enactment of this Act.

(b) DEVELOPMENT AND OPERATION OF PROGRAM.—In providing for the development and operation of the direct e-file program, the Secretary of the Treasury shall—

(1) consult with nonprofit organizations representing the interests of taxpayers as well as other private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary,

(2) promulgate such regulations as necessary to administer such program, and

(3) conduct a public information and consumer education campaign to encourage taxpayers to use the direct e-file program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the direct e-file program. Any sums so appropriated shall remain available until expended.

(d) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION.—The Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives every 6 months regarding the status of the implementation of the direct e-file program.

(2) REPORT ON USAGE.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives annually on taxpayer usage of the direct e-file program.

HAWAI'I ALLIANCE FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT,
Honolulu, HI, April 4, 2006.
Hon. DANIEL K. AKAKA,
U.S. Senate, 141 Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The Hawai'i Alliance for Community Based Economic Development (HACBED) is writing in support of the "Free Internet Filing Act."

HACBED is a statewide 501(c)3 organization established in 1992 to help maximize the impact of community-based economic development organizations (CBEDOs). We pursue our mission by helping CBEDOs to increase community control of their assets and means of production. We accomplish this in many ways—by providing technical support to help CBEDOs deal with organizational issues; by networking on a local and national basis for funding and financing for community-based efforts; and, by advocating for communities to play a more active role in the political process in order to effect systemic change. To this end, HACBED has been facilitating statewide conversations to develop a comprehensive asset policy agenda. Core to this agenda is the recognition of the importance of creating policies that assist individuals, families and the broader community to build wealth.

Tax season is an essential time for low income families to take advantage of their tax related benefits, including the earned income tax credit. Electronic filing of taxes is a quicker, more efficient way to process a tax return. In many cases, working families must pay a professional tax preparer to prepare their return and file electronically. By providing free universal access to electronic filing these low income working families would be able to keep more of their hard earned dollars in their pocket.

HACBED fully supports this bill and we look forward to working with you in the future to insure free and low cost tax related services for low income families.

Sincerely,

BRENT DILLABAUGH,
Public Policy Director.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2551. A bill to provide for prompt payment and interest on late payments of health care claims; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce legislation, along with my colleague, Senator LAUTENBERG, to preserve seniors' and all patients' access to local pharmacies, doctors and hospitals. Since these providers are on the front lines of our communities' health care systems and often find themselves squeezed by insurance copies on the one hand and their obligation to take care of patients on the other, this bill aims to relieve their burden by requiring prescription drug managers, managed care plans and other private health insurers to pay health care claims in a timely fashion.

The Prompt Payment of Health Benefits Claims Act bill seeks to address the financial strains being faced by hospitals and physicians in my State of New Jersey and across the country. In addition, this legislation would address the new financial crisis pharmacies are facing in light of the new Medicare Prescription Drug benefit. Specifically, the legislation requires prescription drug managers, private health plans and other private health insurers to pay manually filed claims within 30 days and electronically filed claims within 14 days. Insurers that fail to meet these timeframes would be required to pay interest for every day the claims goes unpaid. Insurers that knowingly violate these prompt payment requirements would be subject to monetary penalties.

A Federal prompt pay law is critical to ensuring that our pharmacies and health care providers maintain adequate cash flows and are able to continue functioning. Seniors and all patients depend on their local pharmacists and preferred physicians. They are the providers that know their patients best and ensure that they receive the important care they need and deserve. The threat of local pharmacies, physicians and hospitals going out of business has serious consequences with regards to the kind of care the community will receive.

The need for this legislation cannot be understated. In my State of New Jersey, local pharmacies have never had a more challenging financial situation. They are encountering lower reimbursement rates from the prescription drug managers and a 60–90 day lag time in reimbursements, which are putting many on the brink of going out of business. Almost half of all hospitals are operating in the red, and that number is growing. Physicians and hospitals are experiencing rising health care operating costs and tight Federal and State budgets. Untimely payment of claims has only compounded these problems.

The problem of late payments has reached such a crisis that the majority of States, including New Jersey, have enacted "prompt pay" laws to require insurers to pay their bills within a specific timeframe. Unfortunately, New Jersey's law, like most similar State laws, is largely ineffective because it lacks strong enforcement provisions and offers no incentives for private insurers to comply. Furthermore, State prompt-pay laws apply only to State-regulated plans, which only cover approximately half of New Jerseyans that are insured.

The bottom line is that pharmacies, physicians, hospitals and other health care providers should not have to shoulder the burden of unpaid claims. These local providers have fulfilled their commitment to care for patients, and my legislation will ensure that private insurers assume the financial responsibilities for the health coverage they are being paid to provide.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prompt Payment of Health Benefits Claims Act of 2006".

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. PROMPT PAYMENT OF HEALTH BENEFITS CLAIMS.

"(a) TIMEFRAME FOR PAYMENT OF CLEAN CLAIM.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall pay all clean claims and uncontested claims—

"(1) in the case of a claim that is submitted electronically, within 14 days of the date on which the claim is submitted; or

"(2) in the case of a claim that is not submitted electronically, within 30 days of the date on which the claim is submitted.

"(b) PROCEDURES INVOLVING SUBMITTED CLAIMS.—

"(1) IN GENERAL.—Not later than 10 days after the date on which a clean claim is submitted, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall provide the claimant with a notice that acknowledges receipt of the claim by the plan or issuer. Such notice shall be considered to have been provided on the date on which the notice is mailed or electronically transferred.

"(2) CLAIM DEEMED TO BE CLEAN.—A claim is deemed to be a clean claim under this section if the group health plan or health insurance issuer involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

"(3) CLAIM DETERMINED TO NOT BE A CLEAN CLAIM.—

"(A) IN GENERAL.—If a group health plan or health insurance issuer determines that a claim for health care expenses is not a clean claim, the plan or issuer shall, not later than the end of the period described in paragraph (2), notify the claimant of such determination. Such notification shall specify all deficiencies in the claim and shall list with specificity all additional information or documents necessary for the proper processing and payment of the claim.

"(B) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the group health plan or health insurance issuer involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which additional information is received pursuant to subparagraph (A).

"(C) PAYMENT OF UNCONTESTED PORTION OF A CLAIM.—A group health plan or health insurance issuer shall pay any uncontested portion of a claim in accordance with subsection (a).

"(4) OBLIGATION TO PAY.—A claim for health care expenses that is not paid or contested by a group health plan or health insurance issuer within the timeframes set forth in this subsection shall be deemed to be a clean claim and paid by the plan or issuer in accordance with subsection (a).

"(c) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under this section is considered to have been made on the date on which full payment is received by the health care provider.

"(d) INTEREST SCHEDULE.—

"(1) IN GENERAL.—With respect to a clean claim, a group health plan or health insurance issuer that fails to comply with subsection (a) shall pay the claimant interest on the amount of such claim, from the date on which such payment was due as provided in this section, at the following rates:

"(A) 1½ percent per month from the 1st day of nonpayment after payment is due through the 15th day of such nonpayment.

"(B) 2 percent per month from the 16th day of such nonpayment through the 45th day of such nonpayment.

"(C) 2½ percent per month after the 46th day of such nonpayment.

"(2) CONTESTED CLAIMS.—With respect to claims for health care expenses that are contested by the plan or issuer, once such claim is deemed clean under subsection (b), the interest rate applicable for noncompliance under this subsection shall apply consistent with paragraph (1).

"(e) PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to prohibit or limit a claim or action not covered by the subject matter of this section that any claimant has against a group health plan, or a health insurance issuer.

"(f) ANTI-RETALIATION.—Consistent with applicable Federal or State law, a group health plan or health insurance issuer shall not retaliate against a claimant for exercising a right of action under this section.

"(g) FINES AND PENALTIES.—

"(1) FINES.—

"(A) IN GENERAL.—If a group health plan, or health insurance issuer offering group health insurance coverage, willfully and knowingly violates this section or has a pattern of repeated violations of this section, the Secretary shall impose a fine not to exceed $1,000 per claim for each day a response is delinquent beyond the date on which such response is required under this section.

"(B) REPEATED VIOLATIONS.—If 3 separate fines under subparagraph (A) are levied within a 5-year period, the Secretary is authorized to impose a penalty in an amount not to exceed $10,000 per claim.

"(2) REMEDIAL ACTION PLAN.—Where it is established that the group health plan or health insurance issuer willfully and knowingly violated this section or has a pattern of repeated violations, the Secretary shall require the group health plan or health insurance issuer to—

"(A) submit a remedial action plan to the Secretary; and

"(B) contact claimants regarding the delays in the processing of claims and inform claimants of steps being taken to improve such delays.

"(h) DEFINITIONS.—In this section:

"(1) CLAIMANT.—The term 'claimant' means a participant, beneficiary, pharmacy, or health care provider submitting a claim for payment of health care expenses.

"(2) CLEAN CLAIM.—The term 'clean claim' means a claim—

"(A) with respect to health care expenses for an individual who is covered under a group health plan on the date such expenses are incurred;

"(B) for such expenses that are covered under such plan at such time; and

“(C) that is submitted with all of the information requested by a group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan on the claim form or other instructions provided to the health care provider prior to submission of the claim.

“(3) CONTESTED CLAIM.—The term ‘contested claim’ means a claim for health care expenses that is denied by a group health plan or health insurance issuer during or after the benefit determination process.

“(4) HEALTH CARE PROVIDER.—The term ‘health care provider’ includes a physician or other individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification, as well as an institution or other facility or agency that provides health care services and is licensed, accredited, or certified to provide health care items and services under applicable State law.”.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

“SEC. 2707. PROMPT PAYMENT OF HEALTH BENEFITS CLAIMS.

“(a) TIMEFRAME FOR PAYMENT OF CLEAN CLAIM.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall pay all clean claims and uncontested claims—

“(1) in the case of a claim that is submitted electronically, within 14 days of the date on which the claim is submitted; or

“(2) in the case of a claim that is not submitted electronically, within 30 days of the date on which the claim is submitted.

“(b) PROCEDURES INVOLVING SUBMITTED CLAIMS.—

“(1) IN GENERAL.—Not later than 10 days after the date on which a clean claim is submitted, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall provide the claimant with a notice that acknowledges receipt of the claim by the plan or issuer. Such notice shall be considered to have been provided on the date on which the notice is mailed or electronically transferred.

“(2) CLAIM DEEMED TO BE A CLEAN CLAIM.—A claim is deemed to be a clean claim under this section if the group health plan or health insurance issuer involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

“(3) CLAIM DETERMINED TO NOT BE A CLEAN CLAIM.—

“(A) IN GENERAL.—If a group health plan or health insurance issuer determines that a claim for health care expenses is not clean, the plan or issuer shall, not later than the end of the period described in paragraph (2), notify the claimant of such determination. Such notification shall specify all deficiencies in the claim and shall list with specificity all additional information or documents necessary for the proper processing and payment of the claim.

“(B) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the group health plan or health insurance issuer involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the additional information is received pursuant to subparagraph (A).

“(C) PAYMENT OF UNCONTESTED PORTION OF A CLAIM.—A group health plan or health insurance issuer shall pay any uncontested portion of a claim in accordance with subsection (a).

“(4) OBLIGATION TO PAY.—A claim for health care expenses that is not paid or contested by a group health plan or health insurance issuer within the timeframes set forth in this subsection shall be deemed to be a clean claim and paid by the plan or issuer in accordance with subsection (a).

“(c) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under this section is considered to have been made on the date on which full payment is received by the health care provider.

“(d) INTEREST SCHEDULE.—

“(1) IN GENERAL.—With respect to a clean claim, a group health plan or health insurance issuer that fails to comply with subsection (a) shall pay the claimant interest on the amount of such claim, from the date on which such payment was due as provided in this section, at the following rates:

“(A) 1½ percent per month from the 1st day of nonpayment after payment is due through the 15th day of such nonpayment.

“(B) 2 percent per month from the 16th day of such nonpayment through the 45th day of such nonpayment.

“(C) 2½ percent per month after the 46th day of such nonpayment.

“(2) CONTESTED CLAIMS.—With respect to claims for health care expenses that are contested by the plan or issuer, once such claim is deemed clean under subsection (b), the interest rate applicable for noncompliance under this subsection shall apply consistent with paragraph (1).

“(e) PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to prohibit or limit a claim or action not covered by the subject matter of this section that any claimant has against a group health plan, or a health insurance issuer.

“(f) ANTI-RETALIATION.—Consistent with applicable Federal or State law, a group health plan or health insurance issuer shall not retaliate against a claimant for exercising a right of action under this section.

“(g) FINES AND PENALTIES.—

“(1) FINES.—

“(A) IN GENERAL.—If a group health plan, or health insurance issuer offering group health insurance coverage, willfully and knowingly violates this section or has a pattern of repeated violations of this section, the Secretary shall impose a fine not to exceed $1,000 per claim for each day a response is delinquent beyond the date on which such response is required under this section.

“(B) REPEATED VIOLATIONS.—If 3 separate fines under subparagraph (A) are levied within a 5-year period, the Secretary is authorized to impose a penalty in an amount not to exceed $10,000 per claim.

“(2) REMEDIAL ACTION PLAN.—Where it is established that the group health plan or health insurance issuer willfully and knowingly violated this section or has a pattern of repeated violations, the Secretary shall require the health plan or health insurance issuer to—

“(A) submit a remedial action plan to the Secretary; and

“(B) contact claimants regarding the delays in the processing of claims and inform claimants of steps being taken to improve such delays.

“(h) DEFINITIONS.—In this section:

“(1) CLAIMANT.—The term ‘claimant’ means a participant, beneficiary, pharmacy, or health care provider submitting a claim for payment of health care expenses.

“(2) CLEAN CLAIM.—The term ‘clean claim’ means a claim—

“(A) with respect to health care expenses for an individual who is covered under a group health plan on the date such expenses are incurred;

“(B) for such expenses that are covered under such plan at such time; and

“(C) that is submitted with all of the information requested by a group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan on the claim form or other instructions provided to the health care provider prior to submission of the claim.

“(3) CONTESTED CLAIM.—The term ‘contested claim’ means a claim for health care expenses that is denied by a group health plan or health insurance issuer during or after the benefit determination process.

“(4) HEALTH CARE PROVIDER.—The term ‘health care provider’ includes a physician or other individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification, as well as an institution or other facility or agency that provides health care services and is licensed, accredited, or certified to provide health care items and services under applicable State law.”.

(b) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

“SEC. 2753. STANDARDS RELATING TO PROMPT PAYMENT OF HEALTH BENEFITS CLAIMS.

“The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.”.

SEC. 4. AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

“(4) PROMPT PAYMENT OF CLEAN CLAIMS.—

“(A) PROMPT PAYMENT.—

“(i) IN GENERAL.—Each contract entered into with a PDP sponsor under this section with respect to a prescription drug plan offered by such sponsor shall provide that payment shall be issued, mailed, or otherwise transmitted with respect to all clean claims submitted under this part within the applicable number of calendar days after the date on which the claim is received.

“(ii) CLEAN CLAIM DEFINED.—In this paragraph, the term ‘clean claim’ means a claim—

“(I) with respect to health care expenses for an individual who is covered under a group health plan on the date such expenses are incurred;

“(II) for such expenses that are covered under such plan at such time; and

“(III) that is submitted with all of the information requested by a group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan on the claim form or other instructions provided to the health care provider prior to submission of the claim.

"(B) APPLICABLE NUMBER OF CALENDAR DAYS DEFINED.—In this paragraph, the term 'applicable number of calendar days' means—

"(i) with respect to claims submitted electronically, 14 days; and

"(ii) with respect to claims submitted otherwise, 30 days.

"(C) INTEREST SCHEDULE.—

"(i) IN GENERAL.—With respect to a clean claim, a PDP sponsor that fails to comply with subparagraph (A) shall pay the claimant interest on the amount of such claim, from the date on which such payment was due as provided in this paragraph, at the following rates:

"(I) 1½ percent per month from the 1st day of nonpayment after payment is due through the 15th day of such nonpayment.

"(II) 2 percent per month from the 16th day of such nonpayment through the 45th day of such nonpayment.

"(III) 2½ percent per month after the 46th day of such nonpayment.

"(D) PROCEDURES INVOLVING CLAIMS.—

"(i) IN GENERAL.—A contract entered into with a PDP sponsor under this section with respect to a prescription drug plan offered by such sponsor shall provide that, not later than 10 days after the date on which a clean claim is submitted, the PDP sponsor shall provide the claimant with a notice that acknowledges receipt of the claim by such sponsor. Such notice shall be considered to have been provided on the date on which the notice is mailed or electronically transferred.

"(ii) CLAIM DEEMED TO BE A CLEAN CLAIM.—A claim is deemed to be a clean claim if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

"(iii) CLAIM DETERMINED TO NOT BE A CLEAN CLAIM.—

"(I) IN GENERAL.—If a PDP sponsor determines that a submitted claim is not a clean claim, the PDP sponsor shall, not later than the end of the period described in clause (ii), notify the claimant of such determination. Such notification shall specify all defects or improprieties in the claim and shall list with specificity all additional information or documents necessary for the proper processing and payment of the claim.

"(II) DETERMINATION AFTER SUBMISSION OF ADDITIONAL INFORMATION.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any defect or impropriety in the claim within 10 days of the date on which additional information is received under subclause (I).

"(III) PAYMENT OF CLEAN PORTION OF A CLAIM.—A PDP sponsor shall, as appropriate, pay any portion of a claim that would be a clean claim but for a defect or impropriety in a separate portion of the claim in accordance with subparagraph (A).

"(iv) OBLIGATION TO PAY.—A claim submitted to a PDP sponsor that is not paid or contested by the provider within the applicable number of days (as defined in subparagraph (B)) shall be deemed to be a clean claim and shall be paid by the PDP sponsor in accordance with subparagraph (A).

"(v) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under such subparagraph is considered to have been made on the date on which full payment is received by the provider.

"(E) PRIVATE RIGHT OF ACTION.—

"(i) IN GENERAL.—Nothing in this paragraph shall be construed to prohibit or limit a claim or action not covered by the subject matter of this section that any individual or organization has against a provider or a PDP sponsor.

"(ii) ANTI-RETALIATION.—Consistent with applicable Federal or State law, a PDP sponsor shall not retaliate against an individual or provider for exercising a right of action under this subparagraph.

"(F) FINES AND PENALTIES.—

"(i) FINES.—

"(I) IN GENERAL.—If a PDP sponsor willfully and knowingly violates this section or has a pattern of repeated violations of this section, the Secretary shall impose a fine not to exceed $1,000 per claim for each day a response is delinquent beyond the date on which such response is required under this paragraph.

"(II) REPEATED VIOLATIONS.—If 3 separate fines under subclause (I) are levied within a 5-year period, the Secretary is authorized to impose a penalty in an amount not to exceed $10,000 per claim.

"(ii) REMEDIAL ACTION PLAN.—Where it is established that the PDP sponsor willfully and knowingly violated this section or has a pattern of repeated violations, the Secretary shall require the PDP sponsor to—

"(I) submit a remedial action plan to the Secretary; and

"(II) contact claimants regarding the delays in the processing of claims and inform claimants of steps being taken to improve such delays.".

(b) PROMPT PAYMENT BY MA-PD PLANS.—Section 1857(f) of the Social Security Act (42 U.S.C. 1395w–27) is amended by adding at the end the following new paragraph:

"(3) INCORPORATION OF CERTAIN PRESCRIPTION DRUG PLAN CONTRACT REQUIREMENTS.—The provisions of section 1860D–12(b)(4) shall apply to contracts with a Medicare Advantage organization in the same manner as they apply to contracts with a PDP sponsor offering a prescription drug plan under part D.".

(c) MEDICAID.—Section 1932(f) of the Social Security Act (42 U.S.C. 1396u–2(f)) is amended by striking "the claims payment procedures described in section 1902(a)(37)(A), unless the health care provider and the organization agree to an alternate payment schedule" and inserting "section 1860D–12(b)(4), in the same manner as the provisions of such section apply to a PDP sponsor offering a prescription drug plan under part D".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed on or after December 31, 2006.

SEC. 5. PREEMPTION.

The provisions of this Act shall not supersede any contrary provision of State law if the provision of State law imposes requirements, standards, or implementation specifications that are equal to or more stringent than the requirements, standards, or implementation specifications imposed under this Act, and any such requirements, standards, or implementation specifications under State law that are equal to or more stringent than the requirements, standards, or implementation specifications under this Act shall apply to group health plans and health insurance issuers as provided for under State law.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 4 and subsection (b), the amendments made by this Act shall apply with respect to group health plans and health insurance issuers for plan years beginning after December 31, 2006.

(b) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this Act shall not apply to plan years beginning before the later of—

(1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(2) January 1, 2007.

For purposes of paragraph (1), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 7. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, is held by a court to be invalid, such invalidity shall not affect the remaining provisions of this Act, or amendments made by this Act.

By Mr. MCCAIN (for himself, Mr. DORGAN, and Ms. CANTWELL):

S. 2552. A bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I am joined today by Senators DORGAN and CANTWELL in introducing a bill to amend the recently passed PATRIOT Act reauthorization to ensure that Indian tribes are eligible for Federal methamphetamine-related grants. The legislation would allow tribes, like States, to receive grants to reduce the availability of meth in hot spot areas; grants for programs for drug-endangered children; and grants to address methamphetamine use by pregnant and parenting women offenders.

The scourge of methamphetamine has afflicted much of our Nation, and it has had particularly devastating effects on Indian reservations. The problem of meth in Indian country, which the National Congress of American Indians identified this year as its top priority, is ubiquitous, and has strained already overburdened law enforcement, health, social welfare, housing, and child protective and placement services on Indian reservations. Last week a former tribal judge on the Wind River Reservation in Wyoming pled guilty to conspiracy to distribute methamphetamine and other drugs. The day before, the Navajo Nation police arrested an 81 year old grandmother, her daughter, and her granddaughter, for selling meth. One tribe in Arizona had over 60 babies born last year with meth in their systems. At a hearing in the Senate Indian Affairs Committee last month on child abuse, witnesses testified that methamphetamine is a significant cause of abuse and neglect of Indian children. Last year, the National Indian Housing Council expanded its training for dealing with meth in tribal housing: the average cost of decontaminating a single residence that has been used a meth lab is $10,000. Meth is affecting every aspect of tribal life and something must be done.

The measure I am introducing today takes but a small step on the long journey toward ridding Indian country of the blight of methamphetamine. I encourage my colleagues to support it. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribes Methamphetamine Reduction Grants Act of 2006".

SEC. 2. INDIAN TRIBES PARTICIPATION IN METHAMPHETAMINE GRANTS.

(a) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "and Indian tribes (as defined in section 2704)" after "to assist States"; and

(B) in subparagraph (B), by inserting ", Tribal," before "and local";

(2) in paragraph (2), by inserting "and Indian tribes" after "make grants to States"; and

(3) in paragraph (3)(C), by inserting ", Tribal," after "support State".

(b) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177) is amended by inserting "and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))" after "make grants to States".

(c) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177) is amended—

(1) in subsection (a)(2), by inserting ", territorial, or Tribal" after "State";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ", territorial, or Tribal" after "State"; and

(ii) by striking "and/or" and inserting "or";

(B) in paragraph (2)—

(i) by inserting ", territory, or Indian tribe" after "agency of the State"; and

(ii) by inserting ", territory, or Indian tribe" after "criminal laws of that State"; and

(C) by adding at the end the following:

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the same meaning as in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d)."; and

(3) in subsection (c)—

(A) in paragraph (3), by striking "Indian Tribe" and inserting "Indian tribe"; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "State's services" and inserting "services of the State, territory, or Tribe"; and

(II) by striking "and/or" and inserting "or";

(ii) in subparagraph (A), by striking "State";

(iii) in subparagraph (C), by inserting ", Indian tribes," after "involved counties"; and

(iv) in subparagraph (D), by inserting ", Tribal" after "Federal, State".

By Mr. ENSIGN (for himself and Mr. DEWINE):

S. 2554. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I rise to introduce legislation to help individuals, small businesses, and the uninsured afford health insurance coverage. Today, 60 percent of Americans obtain health insurance coverage through their employers. The system of employer-sponsored health insurance has long provided coverage to the vast majority of America's workers and their families. However, a significant number of Americans, particularly those who work for small businesses, lack access to coverage through the employment-based system.

Employees of small businesses often go uninsured or purchase health insurance coverage on their own because continuing double-digit cost increases and burdensome state regulations are making it difficult for small employers to offer health insurance coverage.

Health insurance is valuable for a number of reasons. People who are insured are protected against uncertain and high medical expenses and are more likely to receive needed and appropriate health care. Having health insurance is also associated with improved health outcomes and lower mortality, so employees with health insurance are more likely to be productive workers.

Health savings accounts have become an important option for individuals and small businesses who have struggled to afford health insurance coverage.

The Affordability in the Individual Market Act, also known as the AIM Act, builds on the foundation of a previously passed law that established Health Savings Accounts. These accounts allow individuals with high-deductible health insurance to set aside money, tax free, up to a set limit, to use for routine medical expenses.

You can make a contribution to Health Savings Accounts or your employer can make a contribution to the account. If you don't use all the money in a year you can roll it over, tax free, to meet future expenses.

Today, individuals trying to build up a nest egg for their retiree health expenses through a Health Savings Account are not able to use these funds to purchase their health insurance, except under limited circumstances.

The AIM Act would expand the definition of what is considered a "qualified medical expense" under the Internal Revenue Code to allow individuals and families who purchase high-deductible health plans on their own to use their Health Savings Accounts to pay plan premiums. It seems completely reasonable to allow these individuals to pay high-deductible health plan premiums with Health Savings Account dollars.

I ask my colleagues to consider cosponsoring this responsible, commonsense legislation.

Mr. DEWINE. Mr. President, I am cosponsoring a bill today, along with Senator ENSIGN and Senator FRIST, to add another option for individuals and families to purchase affordable health insurance.

The law currently allows individuals and families to set aside tax-free savings for lifetime healthcare needs in Health Savings Accounts that are combined with a high deductible health insurance plan. This has already made health care more affordable. This important legislation expands on the foundation of Health Savings Accounts by allowing individuals and families to use their Health Savings Accounts to pay the premiums of their health insurance plans.

This is the right thing to do, individuals and families need affordable health insurance options. I urge my colleagues to join Senator ENSIGN, Senator FRIST and me in supporting this legislation.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2555. A bill to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building."

This legislation honors my friend and fellow Illinoisan LANE EVANS who has decided to retire instead of seeking reelection to the House of Representatives in November. Congressman LANE EVANS, born and raised in Rock Island, represents Illinois' 17th Congressional District. He was first elected in 1982 and is serving his eleventh term in the U.S. House of Representatives. From the Quad Cities to Quincy, from Springfield to Decatur and Carlinville, in cities and towns throughout his district, LANE EVANS is deeply respected. His service will be greatly missed.

Congressman EVANS was a Vietnam-era veteran of the U.S. Marine Corps and rose to the position of Ranking Democratic Member of the House Veterans' Affairs Committee. He is recognized as a leading advocate of veterans in Congress. He successfully led legislative efforts to pass Agent Orange compensation and health and compensation benefits for children of veterans exposed to Agent Orange who were born with spina bifida, a crippling birth defect. Congressman EVANS also led the effort to secure benefits for Persian Gulf veterans and to provide full disclosure about their possible exposure to toxins during their service. He has also worked to expand services to women veterans, pushed for increased help for veterans suffering from post-traumatic stress disorder, and established important new programs to assist in the rehabilitation and health care treatment of thousands of homeless veterans.

Congressman EVANS is also a member of the House Armed Services Committee and is Chairman of the Vietnam Veterans in Congress Caucus. He is also Co-Chairman of the Alcohol Fuels Caucus, the Congressional Working Group on Parkinson's Disease, and the International Workers Rights Caucus. Congressman EVANS has been named an "Environmental Hero" for his pro-environment voting record by the League of Conservation Voters and awarded the Conservationist of the Year Award for 1995 by the Heart of Illinois Sierra Club, the first time the organization gave the honor to a non-volunteer.

Congressman EVANS was born in Rock Island on August 4, 1951. He attended grade school and high school in Rock Island. Following graduation from high school, he joined the Marine Corps and was stationed in Okinawa. He received an honorable discharge in 1971. Congressman EVANS received a B.A. (magna cum laude) in 1974 from Augustana College in Rock Island, Illinois. He also attended Black Hawk College in Moline, Illinois. He is a 1978 graduate of Georgetown University Law Center in Washington, D.C. Following his graduation from law school, he practiced law in Rock Island where he served children, the poor and working families.

For over 20 years, LANE EVANS has been my closest friend in the Illinois Congressional Delegation. We came to the House of Representatives together and he proved to be an indomitable force. Time and again, LANE EVANS has shown extraordinary political courage fighting for the values that brought him to public service. But his greatest show of courage has been over the last 10 years as he battled Parkinson's disease and those who tried to exploit his physical weakness. His determination to serve the 17th Congressional District he loves pushed him to work harder as Parkinson's became a heavier burden each day. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to everyone who knows LANE EVANS.

I am pleased to offer this legislation to permanently and publicly recognize LANE EVANS and his service to his Congressional District, our State of Illinois, and the entire United States by naming the Rock Island Post Office in his honor. It would be a most appropriate way for us to express our appreciation to Congressman EVANS and to commemorate his public life and work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANE EVANS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, shall be known and designated as the "Lane Evans Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lane Evans Post Office Building".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 424—CONGRATULATING AND COMMENDING THE MEMBERS OF THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS, AND THE UNITED STATES OLYMPIC COMMITTEE, FOR THEIR SUCCESS AND INSPIRED LEADERSHIP

Mr. ALLARD submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 424

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 9 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by the competitors of the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, who donated his considerable monetary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games; and

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic Teams for their performance on and off the field of competition in Torino, Italy;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and their numerous supporters who are preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

SENATE RESOLUTION 425—TO COMMEND THE UNIVERSITY OF MARYLAND WOMEN'S BASKETBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL BASKETBALL CHAMPIONSHIP

Ms. MIKULSKI (for herself and Mr. SARBANES) submitted the following resolution; which was considered and agreed to:

S. RES. 425

Whereas the University of Maryland women's basketball team has worked vigorously, dynamically, and very enthusiastically to reach a championship level of play;

Whereas the students, alumni, faculty, and fans of the Terrapins should be congratulated for their commitment to the University of Maryland Terrapins national champion women's basketball team;

Whereas the student athletes, led by Crystal Langhorne and her teammates, Kristi Toliver, Freshman of the Year Marissa Coleman, Shay Doron, Laura Harper, Kalika France, Christie Marrone, Ashleigh Newman, Aurelie Noirez, Jade Perry, Angel Ross, Charmaine Carr, and Sa'de Wiley-Gatewood participated in this national championship season;

Whereas Head Coach Brenda Frese has recruited and taught the top talent in the United States to be student athletes at the University of Maryland and has been assisted by coaches Jeff Walz, Erica Floyd, Joanna Bernabei, and Director of Basketball Operations Mark Pearson, to imbue in these young women the values of teamwork, perseverance, and competitiveness;

Whereas the University of Maryland women's basketball team, also known as the "Terps", was able to defeat their 2 greatest foes en route to a first national championship in women's basketball;

Whereas the championship game was won in overtime after overcoming a deficit of 13 points with only 15 minutes remaining in regulation play; and

Whereas the grit, heart, and maturity of the 2006 University of Maryland Terrapins women's basketball team will be the standard-bearer for years to come in the game of Women's College Basketball: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Maryland Terrapins women's college basketball team for winning the 2006 National Collegiate Athletic Association Division I National Championship;

(2) recognizes the breathtaking achievements of Head Coach Brenda Frese, her assistant coaches, and all of the outstanding players; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Brenda Frese, Head Coach of the national champions University of Maryland Terrapins and to the University of Maryland College Park President, Dr. Dan Mote for appropriate display.

SENATE RESOLUTION 426—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CAMPUS SAFETY AWARENESS MONTH

Mr. SPECTER (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 426

Whereas students and faculty on college and university campuses are subject to criminal threats from—

(1) within the borders of their respective institutions; and

(2) the communities in which their respective institutions are located;

Whereas, between 2001 and 2003, 84 homicides, 7,941 sex offenses, 9,296 aggravated assaults, and 3,367 arsons on the campuses of colleges and universities in the United States were reported under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f));

Whereas between ⅕ and ¼ of all female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers;

Whereas more than 97,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assaults each year;

Whereas, each year, more than 696,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking;

Whereas 1,700 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes;

Whereas, according to the Center for Campus Fire Safety, there were 82 fire fatalities in student housing buildings between January 2000 and January 2006;

Whereas Security On Campus, Inc., a national group dedicated to promoting safety and security on college and university campuses, has designated September 2006 as "National Campus Safety Awareness Month"; and

Whereas the designation of National Campus Safety Awareness Month provides an opportunity to colleges and universities to inform students about—

(1) existing campus crime trends;

(2) campus security policies;

(3) crime prevention techniques;

(4) fire safety issues; and

(5) alcohol and other drug education, prevention, and treatment programs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Campus Safety Awareness Month; and

(2) encourages students who are enrolled in colleges and universities to participate in events and awareness initiatives held during the month of September.

Mr. SPECTER. Mr. President, today is the 20th anniversary of the murder of a 19-year-old on a Pennsylvania college campus, Lehigh University in Bethlehem, PA. Twenty years ago, a student who was on drugs and alcohol entered her room through three doors which should have been locked and committed a brutal rape and murder.

When I was district attorney of Philadelphia, I dealt with numerous incidents of campus crime and knew firsthand of the severity. However, I believe that many people would be surprised by the extent of the problem.

According to U.S. Department of Education statistics, from 2001 to 2003, there were a total of 84 homicides, 7,941 sex offenses, 9,296 aggravated assaults, and 3,367 arsons on college campuses during that period of time.

The parents of Jeanne Clery, Connie and Howard Clery, have undertaken a crusade to try to prevent the recurrence of the brutal crime against their daughter and have had a national campaign. Part of that was their efforts, which I joined them on, to introduce the Crime Awareness and Campus Security Act of 1989, which became law in 1990.

Regrettably, there is only about one-third compliance with the schools on that act. The beginning of the school year is the time they call the Red Zone, when there are more offenses likely to be committed. For this reason, Security on Campus has designated September 2006 as National Campus Safety Awareness Month to provide an opportunity for colleges and universities to inform students about existing campus crime trends. At a very minimum, the colleges and universities ought to comply with the law on disclosure so that students may know what the risks are.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER

NATIONAL CAMPUS SAFETY AWARENESS MONTH RESOLUTION

Mr. SPECTER. Mr. President, I have sought recognition today to introduce a resolution supporting the goals and ideals of National Campus Safety Awareness Month. Today is a somber yet, important day for this resolution to be introduced as it marks the 20th Anniversary of Jeanne Clery's murder. In the early morning hours of April 5, 1986, Jeanne Clery, a 19 year old student at Lehigh University in Bethlehem, Pennsylvania, was brutally raped and murdered in her dormitory room. Her killer was a drug and alcohol abuser and a Lehigh University student whom Jeanne had never met. He gained access to her room by proceeding, unopposed, through three propped-open doors, each of which should have been locked. This heinous crime opened the eyes of our nation to the extent of crime on college and university campuses.

When I was district attorney of Philadelphia, I dealt with numerous incidents of campus crime and know firsthand of its severity. However, I believe that many would be surprised by the extent of the problem. According to recent U.S. Department of Education statistics, a total of 84 homicides; 7,941 sex offenses; 9,296 aggravated assaults; and 3,367 arsons were reported on our nation's college and university campuses from 2001 to 2003. In addition, 1,700 college students between the ages of 18 and 24 die each year from alcohol related unintentional injuries, including motor vehicle crashes. Additionally, more than 696,000 students are assaulted by another student who has been drinking and more than 97,000 students are victims of alcohol related sexual assault or date rape according to the latest research from the National Institute on Alcohol Abuse and Alcoholism.

Since their daughter's death, Connie and Howard Clery, have worked tirelessly in their daughter's memory to protect the lives of college students by warning them of these dangers through the work of Security On Campus, Inc., a national nonprofit that they founded, which is based in King of Prussia, Pennsylvania. The Clerys first brought these issues to my attention shortly after their daughter's murder and I worked with them to develop the Crime Awareness and Campus Security Act of 1989, which became law in 1990. This Act was modified and included in the Higher Education Act of 1998, as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Although the U.S. Department of Justice has concluded that only a third of all schools are reporting their campus crime statistics in a manner fully compliant with the law, the Clery Act has significantly changed the landscape of campus security for the better, but as the statistics reveal, more work remains to be done.

Security on Campus has found that the beginning of each new school year can be an especially dangerous time for students. This is particularly true for first year students who are on their own for the first time in a new environment and are experiencing new freedoms. Due to the increased risk of sexual assault that female college students face during this time, the period from the start of the Fall semester through the end of November is often referred to as the "Red Zone". For this reason, Security on Campus has designated September 2006 as National Campus Safety Awareness Month to provide opportunity for colleges and universities to inform students about existing campus crime trends, campus security policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention and treatment programs.

Throughout the past several years, I have worked together with the Clerys, Security on Campus, and crime prevention professionals on campuses across the country to help raise much needed awareness about these dangers. Thus, I urge my colleagues, in honor of Jeanne Clery's memory, to join me in this effort by supporting the goals and ideals of National Campus Safety Awareness Month.

Thank you, Mr. President. I yield the floor.

SENATE RESOLUTION 427—COMMEMORATING THE 50TH ANNIVERSARY OF THE INTERSTATE SYSTEM

Mr. INHOFE (for himself, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CHAFEE, Ms. MURKOWSKI, Mr. VITTER, Mr. THUNE, Mr. DEMINT, Mr. ISAKSON, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. OBAMA, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 427

Whereas, on June 29, 1956, President Dwight D. Eisenhower signed into law—

(1) the Federal-Aid Highway Act of 1956 (Public Law 84–627; 70 Stat. 374) to establish the 41,000-mile National System of Interstate and Defense Highways, later designated as the "Dwight D. Eisenhower National System of Interstate and Defense Highways"; and

(2) the Highway Revenue Act of 1956 (Public Law 84–627; 70 Stat. 387) to create the Highway Trust Fund;

Whereas, in 1990, the National System of Interstate and Defense Highways was renamed the Dwight D. Eisenhower System of Interstate and Defense Highways to recognize the role of President Eisenhower in the creation of the Interstate Highway System;

Whereas that web of superhighways, now spanning a total of 46,876 miles throughout the United States, has had a powerful and positive impact on the lives of United States citizens;

Whereas the Interstate System has proven to be a vital tool for transporting people and goods from 1 region to another speedily and safely;

Whereas the use of the Interstate System has helped the Nation facilitate domestic and global trade, and has allowed the Nation to create unprecedented economic expansion and opportunities for millions of United States citizens;

Whereas the Interstate System has enabled diverse communities throughout the United States to come closer together, and has allowed United States citizens to remain connected to each other as well as to the larger world;

Whereas the Interstate System has made it easier and more enjoyable for United States citizens to travel to long-distance destinations and spend time with family members and friends who live far away;

Whereas the Interstate System is a pivotal link in the national chain of defense and emergency preparedness efforts;

Whereas the Interstate System remains 1 of the paramount assets of the United States, as well as a symbol of human ingenuity and freedom;

Whereas the anniversary of the Interstate System provides United States citizens with an occasion to honor 1 of the largest public works achievements of all time, and reflect on how the Nation can maintain the effectiveness of the System in the years ahead: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims 2006 as the Golden Anniversary Year of the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(2) recognizes and celebrates the achievements of the Federal Highway Administration, State departments of transportation, and the highway construction industry of the United States, including contractors, designers, engineers, labor, materials producers, and equipment companies, for their contributions to the quality of life of the citizens of the United States; and

(3) encourages citizens, communities, governmental agencies, and other organizations to promote and participate in celebratory and educational activities that mark this uniquely important and historic milestone.

SENATE RESOLUTION 428—CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S CROSS COUNTRY TEAM FOR WINNING THE 2005 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I CROSS COUNTRY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 428

Whereas, on November 21, 2005, after finishing second for 3 consecutive years, the University of Wisconsin men's cross country team (referred to in this preamble as the "Badgers cross country team") won the National Collegiate Athletic Association Division I Cross Country Championship in Terre Haute, Indiana, by placing first ahead of—

(1) the University of Arkansas; and

(2) Notre Dame University;

Whereas the Badgers cross country team secured its victory through the strong performances of its members, including—

(1) Simon Bairu, who won his second consecutive individual national championship with a time of 29:15.9;

(2) Chris Solinksy, who finished third in the championship race with a time of 29:27.8;

(3) Matt Withrow, who finished ninth in the race with a time of 29:50.7;

(4) Antony Ford, who finished 14th with a time of 29:55.2;

(5) Stuart Eagon, who finished 17th with a time of 30:05.3;

(6) Tim Nelson, who finished 18th with a time of 30:06.4; and

(7) Christian Wagner, who finished 58th with a time of 30:35.7;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers cross country team, including—

(1) Simon Bairu;
(2) Brandon Bethke;
(3) Bryan Culver;
(4) Stuart Eagon;
(5) Antony Ford;
(6) Ryan Gasper;
(7) Ben Gregory;
(8) Bobby Lockhart;
(9) Tim Nelson;
(10) Teddy O'Reilly;
(11) Tim Pierie;
(12) Joe Pierre;
(13) Ben Porter;
(14) Codie See;
(15) Chris Solinsky;
(16) Christian Wagner; and
(17) Matt Withrop;

Whereas, on October, 30, 2005, the Badgers cross country team won its seventh straight Big Ten championship with a record-setting score and margin of victory by sweeping the top four positions and eight of the top ten positions;

Whereas numerous members of the Badgers cross country team were recognized for their performance in the Big Ten Conference, including—

(1) Simon Bairu, who was named the Big Ten Men's Cross Country Athlete of the Year and won the Big Ten Conference individual title;

(2) Matt Withrop, who was named the Big Ten Men's Cross Country Freshman of the Year after finishing third in the conference meet; and

(3) Head Coach Jerry Schumacher, who was named the Big Ten Men's Cross Country Coach of the Year for the fifth consecutive year; and

Whereas Simon Bairu, Chris Solinsky, Matt Withrow, Antony Ford, Stuart Eagon, and Tim Nelson earned All-American honors: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin men's cross country team, Head Coach Jerry Schumacher and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Clerk of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 429—CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution, which was considered and agreed to:

S. RES. 429

Whereas on March 26, 2006, the University of Wisconsin Badgers won the women's Frozen Four in Minneapolis, Minnesota, with a victory over the 2-time defending champion University of Minnesota Golden Gophers by 3 to 0 in the championship game after having defeated St. Lawrence University by 1 to 0 in the semifinals;

Whereas Jinelle Zaugg of Eagle River, Wisconsin, scored 2 goals, Grace Hutchison of Winnetka, Illinois, scored a goal, and Jessie Vetter of Cottage Grove, Wisconsin, had 31 saves in the championship game, and recorded the first shut-out in the history of the women's Frozen Four championship games;

Whereas every player on the University of Wisconsin women's hockey team (Sara Bauer, Rachel Bible, Nikki Burish, Sharon Cole, Vicki Davis, Christine Dufour, Kayla Hagen, Tia Hanson, Meghan Horras, Grace Hutchins, Cyndy Kenyon, Angie Keseley, Heidi Kletzien, Erika Lawler, Alycia Matthews, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Bobbi-Jo Slusar, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of this team;

Whereas Sara Bauer and Bobbi-Jo Slusar were named to the All-Western Collegiate Hockey Association (known as "WCHA") First Team, Sharon Cole, Meaghan Mikkelson, and Meghan Horras were named to the All-WCHA Second Team, Bobbi-Jo Slusar was named the WCHA Defensive Player of the Year, and Sara Bauer was named the WCHA Player of the Year;

Whereas Coach Mark Johnson, who won a National Collegiate Athletic Association National (known as "NCAA") championship as a member of the University of Wisconsin men's 1977 championship team, was a star on the 1980 United States Olympic hockey team, which produced what is known as the "Miracle on Ice", and is one of the few people who have won a national championship as both a player and coach, and was named the WCHA Coach of the Year;

Whereas Sara Bauer and Bobbi-Jo Slusar were named first team All-Americans, and Sara Bauer won the Patty Kazmaier Award, as the Nation's top player;

Whereas Jessie Vetter won the 2006 NCAA Tournament's Most Outstanding Player award and was joined on the All-Tournament Team by Jinelle Zaugg and Bobbi-Jo Slusar;

Whereas the victory in the women's Frozen Four is the University of Wisconsin's first varsity women's hockey national championship, and the university's first women's team national championship since 1984; and

Whereas this victory ended a terrific season in which the University of Wisconsin women's hockey team outscored their opponents 155-51 and had a record of 34-4-1: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson, Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and

(2) respectfully requests the Clerk of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

SENATE RESOLUTION 430—COMMENDING THE UNIVERSITY OF FLORIDA MEN'S BASKETBALL TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I BASKETBALL CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 430

Whereas on Monday, April 3, 2006, the University of Florida men's basketball team (referred to in this preamble as the "Florida Gators") defeated the men's basketball team of the University of California, Los Angeles, by a score of 73-57, to win the 2006 National Collegiate Athletic Association Division I Basketball Championship;

Whereas that historic victory by the Florida Gators was a product of—

(1) an almost flawless and unselfish team performance; and

(2) individual player excellence and versatility from members of the Florida Gators;

Whereas that victory marked the first national basketball championship victory for the University of Florida, and occurred 10 years after the school won the National Collegiate Athletic Association Division I Football Championship;

Whereas the head coach of the Florida Gators, Billy Donovan, became the second youngest coach to win the national championship, after leading the Florida Gators to a school-best, 33-6 record;

Whereas University of Florida sophomore Joakim Noah was chosen as the most outstanding player of the Final Four;

Whereas each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators reached the pinnacle of team achievement; and

Whereas the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the basketball program at the University of Florida; Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men's basketball team for winning the 2006 National Collegiate Athletic Association Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men's basketball team win the 2006 National Collegiate Athletic Association Division I Basketball Championship, and invites those individuals to the United States Capitol Building to be honored; and

(3) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display; and

(B) the coach of the University of Florida men's basketball team, Billy Donovan.

SENATE RESOLUTION 431—DESIGNATING MAY 11, 2006, AS "ENDANGERED SPECIES DAY", AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO BECOME EDUCATED ABOUT, AND AWARE OF, THREATS TO SPECIES, SUCCESS STORIES IN SPECIES RECOVERY, AND THE OPPORTUNITY TO PROMOTE SPECIES CONSERVATION WORLDWIDE

Mrs. FEINSTEIN (for herself, Mr. CHAFEE, Mrs. CLINTON, Mr. CRAPO, Mr. BIDEN, Mr. BYRD, Mr. FEINGOLD, Mr. REED, Ms. CANTWELL, Mr. LEVIN, Mr. LIEBERMAN, Mr. DODD, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 431

Whereas in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas two-thirds of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical for habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 11, 2006, as "Endangered Species Day"; and

(2) encourages—

(A) educational entities to spend at least 30 minutes on Endangered Species Day teaching and informing students about threats to, and the restoration of, endangered species around the world, including the essential role of private landowners and private stewardship to the protection and recovery of species;

(B) organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate on educational information for use in schools; and

(C) the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 432—TO AUTHORIZE TESTIMONY OF A MEMBER OF THE SENATE IN E.M. GUNDERSON v. NEIL G. GALATZ

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 432

Whereas, in E.M Gunderson v. Neil G. Galatz, File No. 04-106, pending before the Fee Dispute Arbitration Committee of the State Bar of Nevada, the petitioner has requested an affidavit from Senator Harry Reid;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it *Resolved* that Senator Harry Reid is authorized to testify in the case of E.M. Gunderson v. Neil G. Galatz, except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Harry Reid in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 433—HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR THE 140 YEARS OF SERVICE THAT IT HAS PROVIDED TO THE CITIZENS OF THE UNITED STATES AND THEIR ANIMALS

Mr. DURBIN (for himself, Mr. ENSIGN, and Mr. LAUTENBERG) submitted the following resolution: which was considered and agreed to:

S. RES. 433

Whereas April 10, 2006, marks the 140th anniversary of the founding of The American Society for the Prevention of Cruelty to Animals (referred to in this preamble as "ASPCA");

Whereas ASPCA has provided services to millions of citizens of the United States and their animals since Henry Bergh established the society in New York City in 1866;

Whereas ASPCA was the first humane society established in the western hemisphere;

Whereas ASPCA teaches children the character-building virtues of compassion, kindness, and respect for all of God's creatures;

Whereas the dedicated directors, staff, and volunteers of ASPCA have provided shelter, medical care, behavioral counseling, and placement for abandoned, abused, or homeless animals in the United States for more than a century; and

Whereas ASPCA, through its observance of April as "Prevention of Cruelty to Animals Month", its Animal Poison Control Center, and its promotion of humane animal treatment through programs dedicated to law enforcement, education, shelter outreach, legislative affairs, counseling, veterinary services, and behavioral training, has provided invaluable services to the citizens of the United States and their animals: Now, therefore, be it

Resolved, That the Senate—

(1) honors The American Society for the Prevention of Cruelty to Animals for its 140 years of service to the citizens of the United States and their animals; and

(2) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the president of The American Society for the Prevention of Cruelty to Animals.

SENATE CONCURRENT RESOLUTION 86—DIRECTING THE ARCHITECT OF THE CAPITOL TO ESTABLISH A TEMPORARY EXHIBIT IN THE ROTUNDA OF THE CAPITOL TO HONOR THE MEMORY OF THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO HAVE LOST THEIR LIVES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mr. KENNEDY, Mr. JOHNSON, Mrs. BOXER, Mr. MENENDEZ, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 86

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. EXHIBIT IN ROTUNDA OF THE CAPITOL IN HONOR OF MEMBERS OF ARMED FORCES KILLED IN IRAQ AND AFGHANISTAN.

(a) ESTABLISHMENT OF TEMPORARY EXHIBIT.—During the period beginning on May 29, 2006, and ending on July 4, 2006, the Architect of the Capitol shall display in the rotunda of the Capitol an exhibit to honor the memory of the members of the United States Armed Forces who have lost their lives in—

(1) Operation Iraqi Freedom; and

(2) Operation Enduring Freedom.

(b) FORM OF EXHIBIT.—The exhibit displayed under this section shall be in such form and contain such material as the Architect may select, so long as—

(1) the exhibit displays the name, photograph, and biographical information with respect to each individual member of the United States Armed Forces who has lost his or her life in the Operations referred to in subsection (a); and

(2) the exhibit provides—

(A) an opportunity for visitors to write messages of support and sympathy to the families of the individuals represented in the exhibit; and

(B) a means to ensure that those messages are transmitted to the families.

Mr. LAUTENBERG. Mr. President, I rise to submit a concurrent resolution to honor the fallen soldiers we have lost in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF). My resolution, which Congressman RAHM EMANUEL is introducing in the House of Representatives, directs the Architect of the Capitol to display an exhibit to honor the memory of these brave men and women in the Rotunda of the Capitol building during the period beginning on May 29, 2006, and ending on July 4, 2006. The exhibit will display the name, photograph, and biographical information of each individual member of the United States Armed Forces who has been killed in Afghanistan and Iraq. Visitors will also have the opportunity to write messages of support and sympathy to the families of the fallen.

On March 20, 2006, we observed the third anniversary of the war of Iraq. Since the start of the war, more than 2,500 American soldiers have been killed serving their country. As we continue our efforts in Iraq and Afghanistan, we must recognize the ultimate sacrifice made by these troops. This temporary display will show the families of these heroes that they will always be remembered by a grateful nation.

I want to thank Senators CLINTON, BINGAMAN, KENNEDY, JOHNSON, BOXER, MENENDEZ, LANDRIEU, KERRY, and FEINSTEIN for co-sponsoring this important resolution. I hope that the rest of the Senate will support its passage, too.

SENATE CONCURRENT RESOLUTION 87—EXPRESSING THE SENSE OF CONGRESS THAT UNITED STATES INTELLECTUAL PROPERTY RIGHTS MUST BE PROTECTED GLOBALLY

Mr. BIDEN (for himself and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 87

Whereas the United States is the world's largest creator, producer, and exporter of copyrighted materials;

Whereas this important sector of the United States economy continues to be at great risk due to the widespread unauthorized reproduction, distribution, and sale of copyrighted United States works, including motion pictures, home video and television programming, music and sound recordings, books, video games, and software;

Whereas estimates point to a rate of intellectual property piracy of between 70 to 90 percent in some countries, with annual losses to the United States economy in the billions of dollars;

Whereas the major copyright industries are responsible for an estimated 6 percent of the Nation's total gross domestic product and an annual employment rate of more than 3 percent;

Whereas strong overseas sales and exports by the major copyright industries are even more important as the United States trade deficit continues to increase, and as the United States economy grows more reliant on the generation of intellectual property and in services related thereto;

Whereas the Congress is greatly concerned about the failure of some of the trading partners of the United States to meet their international obligations with respect to intellectual property protection;

Whereas in the Russian Federation, perpetrators of piracy, including one of the largest commercial Internet pirates in the world, are permitted to operate without meaningful hindrance from the Russian Government, and a number of factories located on government property produce pirated products;

Whereas the Russian Federation is now considering the adoption of a civil code that would annul the country's existing intellectual property law, and incorporate principles that do not conform to its international obligations;

Whereas the Senate and the House of Representatives have both overwhelmingly passed legislation expressing the sense of the Congress that the Russian Federation must significantly improve the protection of intellectual property as part of its effort to accede to the World Trade Organization and to maintain eligibility in the generalized system of preferences (GSP) program;

Whereas markets in the People's Republic of China are replete with pirated versions of United States movies, sound recordings, business software, and video games, resulting in over $2,000,000,000 in losses each year to the United States economy;

Whereas the People's Republic of China has made a number of commitments to the United States which it has yet to meet, including pledges to significantly reduce piracy rates, increase criminal prosecutions of intellectual property rights infringements, reduce exports of infringing goods, improve national police coordination, and join global Internet treaties;

Whereas the People's Republic of China and the Russian Federation export thousands of pirated versions of products of the United States to other countries;

Whereas Mexico has a strong market for pirated goods, with thousands of street vendors offering pirated products throughout the country;

Whereas Canada has become a source of camcorder piracy, has failed to bring its copyright law into conformity with international standards, and has failed to adequately prevent pirated products from other parts of the world from entering the country;

Whereas India can further improve copyright protections, particularly with regard to enforcement, deterrent sentencing, and coordination of national efforts;

Whereas Malaysia continues to be a leading source of pirated entertainment software and other copyrighted materials produced for export; and

Whereas steps must be taken to ensure that the rights of creators and distributors are protected abroad and that creative industries in the United States continue to flourish: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should not complete any agreement relating to the accession of the Russian Federation to the World Trade Organization until the Russian Federation takes concrete steps to address widespread intellectual property violations, including—

(A) the closure and seizure of factories and machinery used for piracy;

(B) imposition of meaningful penal sanctions;

(C) investigation and prosecution of organized criminal piracy syndicates; and

(D) rejection of proposals that would undermine its existing intellectual property rights regime and retreat further from global standards;

(2) the People's Republic of China should fundamentally change its intellectual property rights enforcement model by significantly increasing the application of criminal sanctions against major copyright pirates and imposing effective deterrent penalties;

(3) Mexico, Canada, India, and Malaysia should work in cooperation with the United States Government and industries in the United States to address growing piracy problems within their borders;

(4) the failure of the countries listed in paragraph (3) to act and protect against the theft of United States intellectual property will have political and economic consequences with regard to relations between these countries and the United States; and

(5) the President should use all effective remedies and solutions to protect the intellectual property rights of United States persons and entities, and maintain policies that vigorously respond to the failure by other countries to abide by international standards of protection or to otherwise provide adequate and effective protection of intellectual property as provided under United States law.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3312. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3313. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3314. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3315. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3316. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3317. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3318. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3319. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3320. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3321. Mr. OBAMA (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3322. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3323. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3324. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3325. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3326. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3327. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3328. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3329. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3330. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3331. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3332. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3333. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3334. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3335. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3336. Mr KERRY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3337. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3338. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3339. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3340. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3341. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3342. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3343. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3344. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3345. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3346. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3347. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3348. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3349. Mr. BOND (for himself, Mr. ALEXANDER, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3350. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3351. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3352. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3353. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3354. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S.

2454, supra; which was ordered to lie on the table.

SA 3355. Mr. ALEXANDER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3356. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3357. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3358. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3359. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3360. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3361. Mr. GRASSLEY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3362. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3363. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3364. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3365. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3366. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3367. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3368. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3369. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3370. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3371. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3372. Mrs. CLINTON (for herself, Mr. OBAMA, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3373. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3374. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3375. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3376. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3377. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3378. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3379. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3380. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3381. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3382. Mr. STEVENS (for himself, Mr. SHELBY, Mr. INOUYE, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3383. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3384. Mr. GRASSLEY (for himself, Mr. CHAMBLISS, Mr. HARKIN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3385. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3386. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3387. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3388. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3389. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3390. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3391. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3392. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3393. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3394. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3395. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3396. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3397. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3398. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3399. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3400. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3401. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3402. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3403. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3404. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3405. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3406. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3407. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3408. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3409. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3410. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3411. Mr. DORGAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3412. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3413. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3414. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3415. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3416. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3417. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3418. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3419. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3420. Mr. SESSIONS proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3421. Mr. NELSON, of Nebraska proposed an amendment to amendment SA 3420 proposed by Mr. SESSIONS to the amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra.

SA 3422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3386 submitted by Mr. KYL and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3424. Mr. FRIST proposed an amendment to the bill S. 2454 , supra.

SA 3425. Mr. FRIST proposed an amendment to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra.

SA 3426. Mr. FRIST proposed an amendment to amendment SA 3425 proposed by Mr. FRIST to the amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra.

TEXT OF AMENDMENTS

SA 3312. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 252 of the amendment, between lines 2 and 3, insert the following:

(13) AGREEMENT TO COLLECT PERCENTAGE OF WAGES TO OFFSET COST OF EMERGENCY HEALTH SERVICES FURNISHED TO UNINSURED H–2C NONIMMIGRANTS.—The employer shall collect an amount equal to 1.45 percent of the wages paid by the employer to any H–2C nonimmigrant and shall transmit such amount to the Secretary of the Treasury for deposit into the H–2C Nonimmigrant Health Services Trust Fund established under section 404(c) of the Comprehensive Immigration Reform Act of 2006 at such time and in such manner as the Secretary of the Treasury shall determine.

On page 266, after line 22, add the following:

(c) H–2C NONIMMIGRANT HEALTH SERVICES TRUST FUND.—

(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "H–2C Nonimmigrant Health Services Trust Fund", consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this subsection or under rules similar to the rules of section 9602 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the H–2C Nonimmigrant Health Services Trust Fund amounts equivalent to the amounts received by the Secretary of the Treasury as a result of the provisions of section 218B(b)(13) of the Immigration and Nationality Act.

(3) EXPENDITURES FROM TRUST FUND.—Amounts in the H–2C Nonimmigrant Health Services Trust Fund shall be available only for making payments by the Secretary of Health and Human Services out of the State allotments established in accordance with paragraph (4) directly to eligible providers for the provision of eligible services to H–2C nonimmigrants to the extent that the eligible provider was not otherwise reimbursed (through insurance or otherwise) for such services, as determined by such Secretary. Such payments shall be made under rules similar to the rules for making payments to eligible providers under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(4) STATE ALLOTMENTS.—Not later than January 1 of each year, the Secretary of Health and Human Services shall establish an allotment for each State equal to the product of—

(A) the total amount the Secretary of the Treasury notifies the Secretary of Health and Human Services was appropriated or credited to the H–2C Nonimmigrant Health Services Trust Fund during the preceding year; and

(B) the number of H–2C nonimmigrants employed in the State during such preceding year (as determined by the Secretary of Labor).

(5) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PROVIDER; ELIGIBLE SERVICES.—The terms "eligible provider" and "eligible services" have the meanings given those terms in section 1011(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(B) H–2C NONIMMIGRANT.—The term "H–2C nonimmigrant" has the meaning given that term in section 218A(n)(7) of the Immigration and Nationality Act.

SA 3313. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NONCITIZEN MEMBERSHIP IN THE ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (b)., by striking "subsection (a)" and inserting "subsection (a) and (d)"; and

(2) by adding at the end the following:

"(d) Notwithstanding any other provision of law, except for provisions relating to revocation of citizenship under subsection (c), individuals who are not United States citizens shall not be denied the opportunity to apply for membership in the United States Armed Forces. Such individuals who become active duty members of the United States Armed Forces shall, consistent with subsections (a) through (e) and with the approval of their chain of command, be granted United States citizenship after performing at least 2 years of honorable and satisfactory service on active duty. Not later than 90 days after such requirements are met with respect to an individual, such individual shall be granted United States citizenship.

"(e) An alien described in subsection (d) shall be naturalized without regard to the requirements of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) and any other requirements, processes, or procedures of the Immigration and Naturalization Service, if the alien—

"(1) filed an application for naturalization in accordance with such procedures to carry out this section as may be established by regulation by the Secretary of Homeland Security or the Secretary of Defense;

"(2) demonstrates to his or her military chain of command, proficiency in the English language, good moral character, and knowledge of the Federal Government and United States history, consistent with the requirements contained in the Immigration and Nationality Act; and

"(3) takes the oath required under section 337 of such Act (8 U.S.C. 1448 et seq.) and participates in an oath administration ceremony in accordance with such Act.".

SA 3314. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 477, after line 23, add the following:

Subtitle E—Farm Worker Transportation Safety

SEC. 651. SHORT TITLE.

This subtitle may be cited as the "Farm Worker Transportation Safety Act".

SEC. 652. SEATS AND SEAT BELTS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS.

(a) SEATS.—Except as provided in subsection (d), in promulgating vehicle safety standards under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of migrant and seasonal agricultural workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle subject to such standards is provided with a seat that is a designated seating position (as such term is defined for purposes of the Federal motor vehicle safety standards issued under chapter 301 of title 49, United States Code).

(b) SEAT BELTS.—Each seating position required under subsection (a) shall be equipped with an operational seat belt, except that this subsection shall not apply with respect to seating positions in buses that would otherwise not be required to have seat belts under the Federal motor vehicle safety standards.

(c) PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall issue minimum performance requirements for the strength of seats and the attachment of seats and seat belts in vehicles that are converted, after being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(2) EXPIRATION.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for such purpose prior to being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 500.103, or the provision pertaining to transportation that is primarily on private roads in section 500.104(l), of title 29, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(e) DEFINITIONS.—The definitions contained in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802) shall apply to this section.

(f) COMPLIANCE DATE.—Not later than 1 year after such date of enactment, all vehicles subject to this Act shall be in compliance with the requirements of this section.

SA 3315. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 8 and 9, insert the following:

(c) NORTHERN BORDER TRAINING FACILITY.—

(1) IN GENERAL.—The Secretary shall establish a northern border training facility at Rainy River Community College in International Falls, Minnesota, to carry out the training programs described in this subsection.

(2) USE OF TRAINING FACILITY.—The training facility established under paragraph (1) shall be used to conduct various supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(3) TRAINING CURRICULUM.—The Secretary shall design training curriculum to be offered at the training facility through multi-day training programs involving classroom and real-world applications, which shall include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

SA 3316. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 9, and insert the following:

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall—

(1) procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration; and

(2) acquire and utilize real time, high-resolution, multi-spectral, precisely-rectified digital aerial imagery to detect physical changes and patterns in the landscape along the northern or southern international border of the United States to identify uncommon passage ways used by aliens to illegally enter the United States.

SA 3317. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDIES AND REPORTS ON ILLEGAL IMMIGRATION FROM MEXICO.

(a) STUDIES.—Not later than 1 year after the date of the enactment of this Act, and once every 5 years thereafter, the Secretary of State, in cooperation with the Secretary, shall conduct a study—

(1) to identify the geographic areas in Mexico from which—

(A) large numbers of residents are leaving to enter the United States in violation of Federal immigration law; and

(B) large percentages of the population of such areas are leaving to enter the United States in violation of Federal immigration law; and

(2) to analyze the social, political, and economic conditions in the geographic areas identified under paragraph (1) that contribute to illegal immigration into the United States.

(b) REPORTS.—Not later than 16 months after the date of the enactment of this Act, and every 5 years thereafter, the Secretary of State shall submit to Congress a report that—

(1) describes the results of the study conducted under subsection (a); and

(2) provides recommendations on how the Government of the United States can improve the conditions described in subsection (a)(2).

(c) IMMIGRATION IMPACT FOCUS AREAS.—

(1) DESIGNATION.—Based on the results of each study conducted under subsection (a) and subject to paragraph (2), the Administrator of the United States Agency for International Development, in consultation with the Secretary of State, the Secretary, and appropriate officials of the Government of Mexico, shall designate not more than 4 geographic areas within Mexico as Immigration Impact Focus Areas.

(2) POPULATION LIMITS.—An area may not be designated as an Immigration Impact Focus Area under paragraph (1) unless the population of such area is—

(A) not less than 0.5 percent of the total population of Mexico; and

(B) not more than 5.0 percent of the total population of Mexico.

(d) DEVELOPMENT ASSISTANCE PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of State, shall develop a plan to concentrate, to the extent practicable, economic development and humanitarian assistance provided to Mexico in the Immigration Impact Focus Areas designated under subsection (c)(1).

SA 3318. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 51, between lines 18 and 19, insert the following:

SEC. 13 . SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen

municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) Impact on Commercial Motor Vehicles.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 3319. Mr. LEVIN (for himself, Mr. Kennedy, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 5 through 7 and insert the following:

(a) Denial or Termination of Asylum.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(v), by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)"; and

(B) by adding at the end the following:

"(4) Changed country conditions.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be denied asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien's nationality."; and

(2) in subsection (c)(2)(A), by striking "a fundamental change in circumstances" and inserting "fundamental and lasting changes that have stabilized the country of the alien's nationality".

SA 3320. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) Continuing employment.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) Use of labor through contract.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) Rebuttable presumption of unlawful hiring.—A rebuttable presumption is created for the purpose of a civil enforcement proceeding that an employer knowingly violated paragraph (1)(A) if the Secretary determines that—

"(A) the employer hired 50 or more new employees during a calendar year and that at least 10 percent of new employees hired in the calendar year by the employer were unauthorized aliens; or

"(B) the employer hired less than 50 new employees during a calendar year and that 5 new employees hired by the employer in the calendar year were unauthorized aliens.

"(5) Defense.—

"(A) In general.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) Exception.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) Order of Internal Review and Certification of Compliance.—

"(1) Authority to require certification.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) Content of certification.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) Extension.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) Document Verification Requirements.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) Attestation by employer.—

"(A) Requirements.—

"(i) In general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) Signature requirements.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) Standards for examination.—An employer has complied with the requirement of this paragraph with respect to examination of a document if the document examined reasonably appears on its face to be genuine. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine and that is sufficient to meet the requirement of clause (i), nothing in this paragraph may be construed as requiring the employer to solicit the production of any other document or as requiring the individual to produce such another document.

"(iv) Requirements for employment eligibility system participants.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

"(B) Documents establishing both employment eligibility and identity.—A document described in this subparagraph is an individual's—

"(i) United States passport; or

"(ii) permanent resident card or other document designated by the Secretary, if the document—

"(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

"(II) is evidence of eligibility for employment in the United States; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(C) Documents evidencing employment eligibility.—A document described in this subparagraph is an individual's—

"(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or "(ii) any other documents evidencing eligibility of employment in the United States, if—

"(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States provided that such a card or document—

"(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

"(ii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

"(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

"(iii) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i) or (ii), a document of personal identity of such other type that—

"(I) the Secretary determines is a reliable means of identification; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of recruiting or referral for a fee of an individual, 3 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 3 years after the date of such hiring;

"(ii) 1 year after the date of the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

"(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(B) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

"(C) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

"(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

"(2) MANAGEMENT OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

"(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

"(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

"(B) INITIAL RESPONSE.—

"(i) IN GENERAL.—The Secretary shall, through the System, tentatively confirm or nonconfirm an individual's identity and eligibility for employment in the United States not later than 1 working day after an employer submits an inquiry regarding the individual.

"(ii) MANUAL VERIFICATION.—If a tentative nonconfirmation is provided for an individual under clause (i), the Secretary, through the System, shall conduct a secondary manual verification not later than 9 working days after such tentative nonconfirmation is made.

"(iii) NOTICES.—Not later than 10 working days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(I) if the System is able to confirm, through a verification described in clause (i) or (ii), the individual's identity and eligibility for employment in the United States, an appropriate code indicating such confirmation; or

"(II) if the System is unable to confirm, through a verification described in clause (i) or (ii), the individual's identity or eligibility for employment in the United States, an appropriate code indicating such tentative nonconfirmation.

"(iv) DEFAULT CONFIRMATION IN CASE OF SYSTEM FAILURE.—If the Secretary, through the System, fails to provide a notice described in clause (iii) for an individual within the period described in such clause, an appropriate code indicating confirmation shall be provided to the employer. Such confirmation shall remain in effect for the individual until the Secretary, through the System, provides a notice that—

"(I) the System is unable to confirm the individual's identity; or

"(II) the individual is ineligible for employment in the United States.

"(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

"(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(iii)(II), not later than 10 working days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue to the employer an appropriate code indicating final confirmation or final nonconfirmation.

"(ii) DEFAULT CONFIRMATION IN CASE OF SYSTEM FAILURE.—If the Secretary, through the System, fails to confirm or tentatively nonconfirm the individual's identity and eligibility for employment in the United States within the period described in clause (i), an appropriate code indicating confirmation shall be provided to the employer. Such confirmation shall remain in effect for the individual until the Secretary, through the System, provides a notice that—

"(I) the System is unable to confirm the individual's identity; or

"(II) the individual is ineligible for employment in the United States.

"(iii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

"(D) RIGHT TO APPEAL FINAL NONCONFIRMATION.—The individual shall have the right to an administrative or judicial appeal of a notice of final nonconfirmation. The Secretary shall consult with the Commissioner of Social Security to develop a process for such appeals.

"(E) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

"(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

"(ii) to respond to each inquiry made by an employer; and

"(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

"(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information during use, transmission, storage, or disposal of that information, including the use of encryption, carrying out periodic stress testing of the System to detect, prevent, and respond to vulnerabilities or other failures, and utilizing periodic security updates;

"(v) to allow for monitoring of the use of the System and provide an audit capability;

"(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status; and

"(vii) to permit individuals—

"(I) to view their own records in order to ensure the accuracy of such records; and

"(II) to contact the appropriate agency to correct any errors through an expedited process established by the Secretary, in consultation and coordination with the Commissioner of Social Security.

"(F) LIMITATION ON DATA ELEMENTS STORED.—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation under the System shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, and in no case shall the data stored be other than—

"(i) the individual's full legal name;

"(ii) the individual's date of birth;

"(iii) the individual's social security account number, or employment authorization status identification number;

"(iv) the address of the employer making the inquiry and the dates of any prior inquiries concerning the identity and authorization of the employee by the employer or any other employer and the address of such employer;

"(v) a record of each prior confirmation, tentative nonconfirmation, or final nonconfirmation made by the System for such individual; and

"(vi) in the case of the individual successfully contesting a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity or eligibility for employment of the individual, including the source of that error.

"(G) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

"(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(ii) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner; and

"(iii) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(H) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

"(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

"(ii) a determination of whether such number was issued to the named individual;

"(iii) a determination of whether the individual is authorized to be employed in the United States; and

"(iv) any other related information that the Secretary may require.

"(I) OFFICE OF ELECTRONIC VERIFICATION.—

"(i) IN GENERAL.—The Secretary shall establish the Office of Electronic Verification in the Bureau of Citizenship and Immigration Services.

"(ii) RESPONSIBILITIES.—Subject to available appropriations, the Office of Electronic Verification shall work with the Commissioner of Social Security—

"(I) to update the information maintained in the System in a manner that promotes maximum accuracy;

"(II) to provide a process for correcting erroneous information by registering not less than 97 percent of the new information and information changes submitted by employees within all relevant databases within 24 hours after submission and registering not less than 99 percent of such information within 10 working days after submission;

"(III) to ensure that at least 99 percent of the data received from field offices of the Bureau of Customs and Border Protection and from other points of contact between immigrants and the Department of Homeland Security is registered within all relevant databases within 24 hours after receipt;

"(IV) to ensure that at least 99 percent of the data received from field offices of the Social Security Administration and other points of contact between citizens and the Social Security Administration is registered within all relevant databases within 24 hours after receipt;

"(V) to employ a sufficient number of manual status verifiers to resolve 99 percent of the tentative nonconfirmations within 3 days;

"(VI) to establish and promote call-in help lines accessible to employers and employees on a 24-hour basis with questions about the functioning of the System or about the specific issues underlying a tentative nonconfirmation;

"(VII) to establish an outreach and education program to ensure that all new employers are fully informed of their responsibilities under the System; and

"(VIII) to conduct a random audit of a substantial percentage of workers' files in a database maintained by an agency or department of the United States each year to determine accuracy rates and require corrections of errors in a timely manner.

"(J) RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any individual who contests a tentative nonconfirmation or final nonconfirmation may review and challenge the accuracy of the data elements and information within the System upon, which such a nonconfirmation was based. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation to the Office of Electronic Verification. The Office of Electronic Verification shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge. The Office of Electronic Verification shall at least annually study and issue findings concerning the most common causes for erroneous nonconfirmations and issue recommendations concerning the resolution of such causes.

"(K) PRIVACY IMPACT ASSESSMENT.—The Commissioner of Social Security and the Secretary shall each complete a privacy impact assessment as described in section 208 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) with regard to the System.

"(L) TRAINING.—The Commissioner of Social Security and the Secretary shall provide appropriate training materials to participating employers to ensure such employers are able to utilize the System in compliance with the requirements of this section.

"(M) HOTLINE.—The Secretary shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particular data that resulted on the issuance of a nonconfirmation notice under the System.

"(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

"(A) CRITICAL EMPLOYERS.—

"(i) REQUIRED PARTICIPATION.—

"(I) DESIGNATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall designate, in the Secretary's sole and unrevieweable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers is part of the critical infrastructure of the United States or directly related to the national security or homeland security of the United States.

"(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary shall require such employer or class of employers to participate in the System, with respect to employees hired by the employer on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

"(ii) DISCRETIONARY PARTICIPATION.—

"(I) DESIGNATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may designate, in the Secretary's sole and unreviewable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers as a critical employer based on immigration enforcement or homeland security needs.

“(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary may require such employer or class of employers to participate in the System, with respect to employees hired on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

“(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (B), (C), (D), and (E) prior to the effective date of such requirements.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis.

“(5) WAIVER.—

“(A) AUTHORITY TO PROVIDE A WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

“(B) REQUIREMENT TO PROVIDE A WAIVER.—The Secretary shall waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers until the date that the Comptroller General of the United States submits the initial certification described in paragraph (13)(E) and shall waive or delay such participation during a year if the Comptroller General fails to submit a certification of paragraph (13)(E) for such year.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section however such presumption may not apply to a prosecution under subsection (f)(1).

“(7) SYSTEM REQUIREMENTS.—

“(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, of any individual for employment in the United States, shall—

“(i) notify employees of the employer and prospective employees to whom the employer has extended a job offer that the employer participates in the System and that the System may be used for immigration enforcement purposes;

“(ii) obtain from the individual and record on the form designated by the Secretary—

“(I) the individual's social security account number; and

“(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require;

“(iii) retain such form in electronic format, paper, microfilm, or microfiche and make such a form available for inspection for the periods and in the manner described in subsection (c)(3); and

“(iv) safeguard any information collected for purposes of the System and protect any means of access to such information to ensure that such information is not used for any other purpose and to protect the confidentiality of such information, including ensuring that such information is not provided to any person other than a person that carries out the employer's responsibilities under this subsection.

“(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be).

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(ii) NONCONFIRMATION AND VERIFICATION.—

“(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and shall provide the individual with information about the right to contest the tentative nonconfirmation and contact information for the appropriate agency to file such contest.

“(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice. An individual's failure to contest a tentative nonconfirmation may not be the basis for determining that the individual acted in a knowing (as defined in section 274a.1 of title 8, Code of Federal Regulations, or any corresponding similar regulation) manner.

“(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 working days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

“(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

“(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under subclause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

“(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(ii) ASSISTANCE IN IMMIGRATION ENFORCEMENT.—If an employer has received a final nonconfirmation which is not the result of the individual's failure to contest a tentative nonconfirmation in subparagraph (C)(ii)(II), the employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws.

“(E) UNLAWFUL USE OF SYSTEM.—It shall be an unlawful immigration-related employment practice for an employer—

“(i) to use the System prior to an offer of employment;

“(ii) to use the System selectively to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most applicants;

“(iii) to terminate or undertake any adverse employment action based on a tentative nonconfirmation described in paragraph (2)(B)(iii)(II); or

“(iv) to reverify the employment authorization of hire employees after the 3 days of the employee's hire and after the employee has satisfied the eligibility verification provisions of subsection (b)(1) or to reverify employees hired before the date that the person or entity is required to participate in the System.

“(F) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

“(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined no less than $1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

“(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

“(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

“(10) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than such an officer or employee who is responsible for the verification of employment eligibility or for the evaluation of an employment eligibility verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information, database, or other records utilized by the System.

“(11) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

“(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

“(13) ANNUAL STUDY AND REPORT.—

“(A) REQUIREMENT FOR STUDY.—The Comptroller General of the United States shall conduct an annual study of the System as described in this paragraph.

“(B) PURPOSE OF THE STUDY.—The Comptroller General shall, for each year, undertake a study to determine whether the System meets the following requirements:

“(i) DEMONSTRATED ACCURACY OF THE DATABASES.—New information and information changes submitted by employees to the System is updated in all of the relevant databases within 3 working days of submission in at least 99 percent of all cases.

“(ii) LOW ERROR RATES AND DELAYS IN VERIFICATION.—

“(I) That, during a year, the System provides incorrect tentative nonconfirmation notices under paragraph (2)(B)(ii) for no more than 1 percent of all such notices sent during such year.

“(II) That, during a year, the System provides incorrect final nonconfirmation notices under paragraph (2)(C)(i) for no more than 3 percent of all such notices sent during such year.

“(III) That the number of incorrect tentative nonconfirmation notices under paragraph (2)(B)(ii) provided by the System during a year for individuals who are not citizens of the United States is not more than 300 percent more than the number of such incorrect notices sent to citizens of the United States during such year.

“(IV) That the number of final nonconfirmation notices under paragraph (2)(C)(i) provided by the System during a year for individuals who are not citizens of the United States is not more than 300 percent more than the number of such incorrect notices sent to citizens of the United States during such year.

“(iii) LIMITED IMPLEMENTATION COSTS TO EMPLOYERS.—No employer is required to spend more than $10 to verify the identity and employment eligibility of an individual through the system in any year, including the costs of all staff, training, materials, or other related costs of participation in the System.

“(iv) MEASURABLE EMPLOYER COMPLIANCE WITH SYSTEM REQUIREMENTS.—

“(I) The System has not and will not result in increased discrimination or cause reasonable employers to conclude that employees of certain races or ethnicities are more likely to have difficulties when offered employment caused by the operation of the System.

“(II) The determination described in subclause (I) is based on an independent study commissioned by the Comptroller General in each phase of expansion of the System that includes the use of testers.

“(v) PROTECTION OF WORKERS' PRIVATE INFORMATION.—At least 97 percent of employers who participate in the System are in full compliance with the privacy requirements described in this subsection.

“(vi) ADEQUATE AGENCY STAFFING AND FUNDING.—The Secretary and Commissioner of Social Security have sufficient funding to meet all of the deadlines and requirements of this subsection.

“(C) CONSULTATION.—In conducting a study under this paragraph, the Comptroller General shall consult with representatives from business, labor, immigrant communities, State governments, privacy advocates, and appropriate executive branch agencies.

“(D) REQUIREMENT FOR REPORTS.—Not later that 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to the Secretary and to Congress a report containing the findings of the study carried out under this paragraph. Each report shall include any certification made under subparagraph (E) and, at a minimum, the following:

“(i) An assessment of the impact of the System on the employment of unauthorized workers, including whether it has indirectly caused an increase in exploitation of unauthorized workers.

“(ii) An assessment of the accuracy of databases employed by the System and of the timeliness and accuracy of the System's responses to employers.

“(iii) An assessment of the privacy and confidentiality of the System and of its overall security with respect to cyber theft and theft or misuse of private data.

“(iv) An assessment of whether the System is being implemented in a nondiscriminatory and non-retaliatory manner.

“(v) Recommendations regarding whether or not the System should be modified prior to further expansion.

“(E) CERTIFICATION.—If the Comptroller General determines that the System meets the requirements described in subparagraph (B) for a year, the Comptroller shall certify such determination and submit such certification to Congress with the report required by subparagraph (D).

“(14) SUNSET PROVISION.—Mandatory participation in the System shall be discontinued 6 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006 unless Congress reauthorizes such participation.

“(e) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

“(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

“(2) AUTHORITY IN INVESTIGATIONS.—

“(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

“(i) shall have reasonable access to examine evidence of any employer being investigated; and

“(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

“(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

“(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

“(3) COMPLIANCE PROCEDURES.—

“(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

"(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

"(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

"(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

"(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until the appeal process is completed. The burden shall be on the employer to show that the final determination was not supported by a preponderance of the evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, no earlier than 46 days, but no later than 90 days, after the date the final determination is issued, in any appropriate district court of the United States. The burden shall remain on the employer to show that the final determination was not supported by a preponderance of the evidence.

"(7) RECOVERY OF COSTS AND ATTORNEYS' FEES.—In any appeal brought under paragraph (5) by an employer or suit brought under paragraph (6) against an employer, the employer shall be entitled to recover from the Department of Homeland Security reasonable costs and attorneys' fees if such employer substantially prevails on the merits of the case. An award of such attorneys' fees may not exceed $25,000. Any costs and attorneys' fees assessed against the Department of Homeland Security under this paragraph shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and shall not be reimbursed from any other source.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $2,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, the deposit of such amounts as miscellaneous receipts in the general fund.

"(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer may be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, may be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(C) Waiver.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

"(3) Suspension.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(i) Miscellaneous Provisions.—

"(1) Documentation.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) Preemption.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(j) Definitions.—In this section:

"(1) Employer.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) Secretary.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) Unauthorized Alien.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) Conforming Amendments.—

(1) Amendments.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a) are repealed.

(2) Construction.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) Technical Amendments.—

(1) Definition of unauthorized alien.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) Document requirements.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(d)".

(d) Authorization of Appropriations.—

(1) Commissioner of social security.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out the responsibilities of the Commission under section 274A of the Immigration and Nationality Act, as amended by subsection (a).

(2) Secretary of homeland security.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out section 274A of the Immigration and Nationality Act, as amended by section 301(a).

(e) Effective Date.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) Worksite Enforcement.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) Fraud Detection.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 303. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 304. ANTIDISCRIMINATION PROTECTIONS.

(a) Application of Prohibition of Discrimination to Verification System.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) Classes of Aliens as Protected Individuals.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) Requirements for Electronic Employment Verification.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) Antidiscrimination requirements of the electronic employment verification system.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(4)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(b).".

(d) Increase in Civil Money Penalties.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) Increased Funding of Information Campaign.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2007 through 2009" before the period at the end.

(f) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 3321. Mr. OBAMA (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title IV and insert the following:

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

SEC. 401. IMMIGRATION IMPACT STUDY.

(a) Effective Date.—Any regulation that would increase the number of aliens who are eligible for legal status may not take effect before 90 days after the date on which the Director of the Bureau of the Census submits a report to Congress under subsection (c).

(b) Study.—The Director of the Bureau of the Census, jointly with the Secretary, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the

Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and nonimmigrant status, along with the current level of illegal immigration, on the infrastructure of and quality of life in the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report on the findings of the study required by subsection (b), including the following information:

(1) An estimate of the total legal and illegal immigrant populations of the United States, as they relate to the total population.

(2) The projected impact of legal and illegal immigration on the size of the population of the United States over the next 50 years, which regions of the country are likely to experience the largest increases, which small towns and rural counties are likely to lose their character as a result of such growth, and how the proposed regulations would affect these projections.

(3) The impact of the current and projected foreign-born populations on the natural environment, including the consumption of nonrenewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current standards will deteriorate if such expenditures are not forthcoming, and the additional effects the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on employment and wage rates, particularly in industries such as agriculture and services in which the foreign born are concentrated, an estimate of the associated public costs, and the additional effects the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet this need, the impact on Americans' mobility if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(6) The impact of the current and projected foreign-born populations on enrollment, class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain current median standards, the degree to those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(7) The impact of the current and projected foreign-born populations on home ownership rates, housing prices, and the demand for low-income and subsidized housing, the public expenditures required to maintain current median standards in these areas, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(8) The impact of the current and projected foreign-born populations on access to quality health care and on the cost of health care and health insurance, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(9) The impact of the current and projected foreign-born populations on the criminal justice system in the United States, an estimate of the associated public costs, and the additional effect the proposed regulations would have.

SEC. 402. NONIMMIGRANT TEMPORARY WORKER.

(a) TEMPORARY WORKER CATEGORY.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended to read as follows:

“(H) an alien—

“(i)(b) subject to section 212(j)(2)—

“(aa) who is coming temporarily to the United States to perform services (other than services described in clause (ii)(a) or subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) or as a fashion model;

“(bb) who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished merit and ability; and

“(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that the intending employer has filed an application with the Secretary in accordance with section 212(n)(1);

“(b1)(aa) who is entitled to enter the United States under the provisions of an agreement listed in section 214(g)(8)(A);

“(bb) who is engaged in a specialty occupation described in section 214(i)(3); and

“(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed an attestation with the Secretary of Labor in accordance with section 212(t)(1); or

“(c)(aa) who is coming temporarily to the United States to perform services as a registered nurse;

“(bb) who meets the qualifications described in section 212(m)(1); and

“(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or

“(ii)(a) who—

“(aa) has a residence in a foreign country which the alien has no intention of abandoning; and

“(bb) is coming temporarily to the United States to perform agricultural labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986), agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

“(b) who—

“(aa) has a residence in a foreign country which the alien has no intention of abandoning;

“(bb) is coming temporarily to the United States to perform nonagricultural work or services of a temporary or seasonal nature (if unemployed persons capable of performing such work or services cannot be found in the United States), excluding medical school graduates coming to the United States to perform services as members of the medical profession; or

“(c) who—

“(aa) has a residence in a foreign country which the alien has no intention of abandoning;

“(bb) is coming temporarily to the United States to perform temporary labor or services other than the labor or services described in clause (i)(b), (i)(c), (ii)(a), or (iii), or subparagraph (L), (O), (P), or (R) (if unemployed persons capable of performing such labor or services cannot be found in the United States); and

“(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

“(iii) who—

“(a) has a residence in a foreign country which the alien has no intention of abandoning; and

“(b) is coming temporarily to the United States as a trainee (other than to receive graduate medical education or training) in a training program that is not designed primarily to provide productive employment; or

“(iv) who—

“(a) is the spouse or a minor child of an alien described in clause (iii); and

“(b) is accompanying or following to join such alien.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date which is 1 year after the date of the enactment of this Act and shall apply to aliens, who, on such effective date, are outside of the United States.

SEC. 403. ADMISSION OF NONIMMIGRANT TEMPORARY GUEST WORKERS.

(a) TEMPORARY GUEST WORKERS.—

(1) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

“SEC. 218A. ADMISSION OF H-2C NONIMMIGRANTS.

“(a) AUTHORIZATION.—The Secretary of State may grant a temporary visa to an H-2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

“(b) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for H-2C nonimmigrant status if the alien meets the following requirements:

“(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(ii)(c).

“(2) EVIDENCE OF EMPLOYMENT.—The alien shall establish that the alien has received a job offer from an employer who has complied with the requirements of 218B.

“(3) FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

“(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

“(5) APPLICATION CONTENT AND WAIVER.—

“(A) APPLICATION FORM.—The alien shall submit to the Secretary a completed application, on a form designed by the Secretary of Homeland Security, including proof of evidence of the requirements under paragraphs (1) and (2).

“(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien's eligibility for H–2C nonimmigrant status, the Secretary shall require an alien to provide information concerning the alien's—

“(i) physical and mental health;

“(ii) criminal history and gang membership;

“(iii) immigration history; and

“(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

“(C) KNOWLEDGE.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

“(i) the alien has read and understands all of the questions and statements on the application form;

“(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

“(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(c) GROUNDS OF INADMISSIBILITY.—

“(1) IN GENERAL.—In determining an alien's admissibility as an H–2C nonimmigrant—

“(A) paragraphs (5), (6)(A), (7), (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date of the Comprehensive Immigration Reform Act of 2006;

“(B) the Secretary of Homeland Security may not waive the application of—

“(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

“(ii) section 212(a)(3) (relating to security and related grounds); or

“(iii) subparagraph (A), (C) or (D) of section 212(a)(10) (relating to polygamists and child abductors); and

“(C) for conduct that occurred before the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien—

“(i) for humanitarian purposes;

“(ii) to ensure family unity; or

“(iii) if such a waiver is otherwise in the public interest.

“(2) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as an H–2C nonimmigrant shall establish that the alien is not inadmissible under section 212(a).

“(d) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking H–2C nonimmigrant status unless all appropriate background checks have been completed.

“(e) INELIGIBLE TO CHANGE NONIMMIGRANT CLASSIFICATION.—An H–2C nonimmigrant may not change nonimmigrant classification under section 248.

“(f) PERIOD OF AUTHORIZED ADMISSION.—

“(1) AUTHORIZED PERIOD AND RENEWAL.—The initial period of authorized admission as an H–2C nonimmigrant shall be 3 years, and the alien may seek 1 extension for an additional 3-year period.

“(2) INTERNATIONAL COMMUTERS.—An alien who resides outside the United States and commutes into the United States to work as an H–2C nonimmigrant, is not subject to the time limitations under paragraph (1).

“(3) LOSS OF EMPLOYMENT.—

“(A) IN GENERAL.—Subject to subsection (c), the period of authorized admission of an H–2C nonimmigrant shall terminate if the alien is unemployed for 60 or more consecutive days.

“(B) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to leave the United States.

“(C) PERIOD OF VISA VALIDITY.—Any alien. whose period of authorized admission terminates under subparagraph (A), who leaves the United States under subparagraph (B), may reenter the United States as an H–2C nonimmigrant to work for an employer, if the alien has complied with the requirements of subsections (b) and (f)(2). The Secretary may, in the Secretary's sole and unreviewable discretion, reauthorize such alien for admission as an H–2C nonimmigrant without requiring the alien's departure from the United States.

“(4) VISITS OUTSIDE UNITED STATES.—

“(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, an H–2C nonimmigrant—

“(i) may travel outside of the United States; and

“(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

“(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

“(5) BARS TO EXTENSION OR ADMISSION.—An alien may not be granted H–2C nonimmigrant status, or an extension of such status, if—

“(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265;

“(B) the alien is inadmissible as a nonimmigrant; or

“(C) the granting of such status or extension of such status would allow the alien to exceed 6 years as an H–2C nonimmigrant, unless the alien has resided and been physically present outside the United States for at least 1 year after the expiration of such H–2C nonimmigrant status.

“(g) EVIDENCE OF NONIMMIGRANT STATUS.—Each H–2C nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

“(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

“(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement;

“(3) shall, during the alien's authorized period of admission under subsection (f), serve as a valid entry document for the purpose of applying for admission to the United States—

“(A) instead of a passport and visa if the alien—

“(i) is a national of a foreign territory contiguous to the United States; and

“(ii) is applying for admission at a land border port of entry; and

“(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

“(4) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

“(5) shall be issued to the H–2C nonimmigrant by the Secretary of Homeland Security promptly after the final adjudication of such alien's application for H–2C nonimmigrant status.

“(h) PENALTY FOR FAILURE TO DEPART.—If an H–2C nonimmigrant fails to depart the United States before the date which is 10 days after the date that the alien's authorized period of admission as an H–2C nonimmigrant terminates, the H–2C nonimmigrant may not apply for or receive any immigration relief or benefit under this Act or any other law, except for relief under sections 208 and 241(b)(3) and relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

“(i) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—Any alien who enters, attempts to enter, or crosses the border after the date of the enactment of this section, and is physically present in the United States after such date in violation of this Act or of any other Federal law, may not receive, for a period of 10 years—

“(1) any relief under sections 240A and 240B; or

“(2) nonimmigrant status under section 101(a)(15).

“(j) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided H–2C nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

“(1) the employer complies with section 218B; and

“(2) the alien, after lawful admission to the United States, did not work without authorization.

“(k) CHANGE OF ADDRESS.—An H–2C nonimmigrant shall comply with the change of address reporting requirements under section 265 through either electronic or paper notification.

“(l) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(c).

“(m) ISSUANCE OF H–4 NONIMMIGRANT VISAS FOR SPOUSE AND CHILDREN.—

“(1) IN GENERAL.—The alien spouse and children of an H–2C nonimmigrant (referred to in this section as ‘dependent aliens’) who are accompanying or following to join the H–2C nonimmigrant may be issued nonimmigrant visas under section 101(a)(15)(H)(iv).

“(2) REQUIREMENTS FOR ADMISSION.—A dependent alien is eligible for nonimmigrant status under 101(a)(15)(H)(iv) if the dependant alien meets the following requirements:

“(A) ELIGIBILITY.—The dependent alien is admissible as a nonimmigrant and does not fall within a class of aliens ineligible for H–4A nonimmigrant status listed under subsection (c).

“(B) MEDICAL EXAMINATION.—Before a nonimmigrant visa is issued to a dependent alien under this subsection, the dependent alien may be required to submit to a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

“(C) BACKGROUND CHECKS.—Before a nonimmigrant visa is issued to a dependent alien under this section, the consular officer shall conduct such background checks as the Secretary of State, in consultation with the

Secretary of Homeland Security, considers appropriate.

"(n) DEFINITIONS.—In this section and sections 218B, 218C, and 218D:

"(1) AGGRIEVED PERSON.—The term 'aggrieved person' means a person adversely affected by an alleged violation of this section, including—

"(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

"(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

"(2) AREA OF EMPLOYMENT.—The terms 'area of employment' and 'area of intended employment' mean the area within normal commuting distance of the worksite or physical location at which the work of the temporary worker is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

"(4) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(5) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(6) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(ii)(c).

"(7) H-2C NONIMMIGRANT.—The term 'H-2C nonimmigrant' means a nonimmigrant described in section 101(a)(15)(H)(ii)(c).

"(8) SEPARATION FROM EMPLOYMENT.—The term 'separation from employment' means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

"(9) UNITED STATES WORKER.—The term 'United States worker' means an employee who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) admitted as a refugee under section 207;

"(iii) granted asylum under section 208; or

"(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.".

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H-2C workers.".

(b) CREATION OF STATE IMPACT ASSISTANCE ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Aid Account'. Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account all family supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B.".

SEC. 404. EMPLOYER OBLIGATIONS.

(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section 218A, as added by section 403, the following:

"SEC. 218B. EMPLOYER OBLIGATIONS.

"(a) GENERAL REQUIREMENTS.—Each employer who employs an H–2C nonimmigrant shall—

"(1) file a petition in accordance with subsection (b); and

"(2) pay the appropriate fee, as determined by the Secretary of Labor.

"(b) PETITION.—A petition to hire an H-2C nonimmigrant under this section shall include an attestation by the employer of the following:

"(1) PROTECTION OF UNITED STATES WORKERS.—The employment of an H-2C nonimmigrant—

"(A) will not adversely affect the wages and working conditions of workers in the United States similarly employed; and

"(B) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

"(2) WAGES.—

"(A) IN GENERAL.—The H-2C nonimmigrant will be paid not less than the greater of—

"(i) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

"(ii) the prevailing wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

"(B) CALCULATION.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

"(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance as follows:

"(i) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage shall be the wage rate set forth in the collective bargaining agreement.

"(ii) If the job opportunity is not covered by such an agreement and it is in an occupation that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be the appropriate statutory wage.

"(iii)(I) If the job opportunity is not covered by such an agreement and it is in an occupation that is not covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be based on published wage data for the occupation from the Bureau of Labor Statistics, 'including the Occupational Employment Statistics survey, Current Employment Statistics data, National Compensation Survey, and Occupational Employment Projections program. If the Bureau of Labor Statistics does not have wage data applicable to such occupation, the employer may base the prevailing wage level on another wage survey approved by the Secretary of Labor.

"(II) The Secretary shall promulgate regulations applicable to approval of such other wage surveys that require, among other things, that the Bureau of Labor Statistics determine such surveys are statistically viable.

"(3) WORKING CONDITIONS.—All workers in the occupation at the place of employment at which the H–2C nonimmigrant will be employed will be provided the working conditions and benefits that are normal to workers similarly employed in the area of intended employment.

"(4) LABOR DISPUTE.—There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the H-2C nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the petition, the employer will provide notification in accordance with regulations promulgated by the Secretary of Labor.

"(5) PROVISION OF INSURANCE.—If the position for which the H-2C nonimmigrant is sought is not covered by the State workers' compensation law, the employer will provide, at no cost to the H–2C nonimmigrant, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(6) NOTICE TO EMPLOYEES.—

"(A) IN GENERAL.—The employer has provided notice of the filing of the petition to the bargaining representative of the employer's employees in the occupational classification and area of employment for which the H-2C nonimmigrant is sought.

"(B) NO BARGAINING REPRESENTATIVE.—If there is no such bargaining representative, the employer has—

"(i) posted a notice of the filing of the petition in a conspicuous location at the place or places of employment for which the H-2C nonimmigrant is sought; or

"(ii) electronically disseminated such a notice to the employer's employees in the occupational classification for which the H–2C nonimmigrant is sought.

"(7) RECRUITMENT.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H-2C nonimmigrant is sought—

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition; and

"(B) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

"(i) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the petition was filed with the Department of Homeland Security and ending on the date that is 14 days before such filing date; and

“(ii) the actual wage paid by the employer for the occupation in the areas of intended employment was used in conducting recruitment.

“(8) INELIGIBILITY.—The employer is not currently ineligible from using the H–2C nonimmigrant program described in this section.

“(9) BONAFIDE OFFER OF EMPLOYMENT.—The job for which the H–2C nonimmigrant is sought is a bona fide job—

“(A) for which the employer needs labor or services;

“(B) which has been and is clearly open to any United States worker; and

“(C) for which the employer will be able to place the H–2C nonimmigrant on the payroll.

“(10) PUBLIC AVAILABILITY AND RECORDS RETENTION.—A copy of each petition filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

“(A) be provided to every H–2C nonimmigrant employed under the petition;

“(B) be made available for public examination at the employer's place of business or work site;

“(C) be made available to the Secretary of Labor during any audit; and

“(D) remain available for examination for 5 years after the date on which the petition is filed.

“(11) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT.—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of an H–2C nonimmigrant's separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with regulations promulgated by the Secretary of Homeland Security.

“(12) ACTUAL NEED FOR LABOR OR SERVICES.—The petition was filed not more than 60 days before the date on which the employer needed labor or services for which the H–2C nonimmigrant is sought.

“(c) AUDIT OF ATTESTATIONS.—

“(1) REFERRALS BY SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall refer all approved petitions for H–2C nonimmigrants to the Secretary of Labor for potential audit.

“(2) AUDITS AUTHORIZED.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Labor.

“(d) INELIGIBLE EMPLOYERS.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall not approve an employer's petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program if the Secretary of Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents—

“(A) has, with respect to the attestations required under subsection (b)—

“(i) misrepresented a material fact;

“(ii) made a fraudulent statement; or

“(iii) failed to comply with the terms of such attestations; or

“(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor.

“(2) LENGTH OF INELIGIBILITY.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification programs of the Secretary of Labor for not less than the time period determined by the Secretary, not to exceed 3 years.

“(3) EMPLOYERS IN HIGH UNEMPLOYMENT AREAS.—Beginning on the date that is 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may not approve any employer's petition under subsection (b) if the work to be performed by the H–2C nonimmigrant is located in a metropolitan or micropolitan statistical area (as defined by the Office of Management and Budget) in which the unemployment rate for unskilled and low-skilled workers during the most recently completed 6-month period averaged more than 9.0 percent.

“(e) REGULATION OF FOREIGN LABOR CONTRACTORS.—

“(1) COVERAGE.—Notwithstanding any other provision of law, an H–2C nonimmigrant may not be treated as an independent contractor.

“(2) APPLICABILITY OF LAWS.—An H–2C nonimmigrant shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

“(3) TAX RESPONSIBILITIES.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

“(f) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of an H–2C nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

“(1) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act; or

“(2) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act.

“(g) LABOR RECRUITERS.—

“(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker's recruitment—

“(A) the place of employment;

“(B) the compensation for the employment;

“(C) a description of employment activities;

“(D) the period of employment;

“(E) any other employee benefit to be provided and any costs to be charged for each benefit;

“(F) any travel or transportation expenses to be assessed;

“(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

“(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

“(I) the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including—

“(i) work related injuries and death during the period of employment;

“(ii) the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance;

“(iii) the name and the telephone number of each person who must be notified of an injury or death; and

“(iv) the time period within which such notice must be given;

“(J) any education or training to be provided or required, including—

“(i) the nature and cost of such training;

“(ii) the entity that will pay such costs; and

“(iii) whether the training is a condition of employment, continued employment, or future employment; and

“(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

“(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

“(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

“(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

“(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

“(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

“(7) OTHER WORKER PROTECTIONS.—

“(A) NOTIFICATION.—Not less frequently than once every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

“(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

“(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

“(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

“(I) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

“(II) an expeditious means to update registrations and renew certificates; and

“(III) any other requirements that the Secretary may prescribe.

“(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

"(iv) Refusal to issue; revocation; suspension.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph if—

"(I) the application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate;

"(II) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

"(aa) is a person who has been refused issuance or renewal of a certificate;

"(bb) has had a certificate suspended or revoked; or

"(cc) does not qualify for a certificate under this paragraph; or

"(III) the applicant for or holder of the certification has failed to comply with this Act.

"(C) Remedy for violations.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (h) and (i). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (h) and (i). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (h) and (i).

"(D) Employer notification.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

"(E) Written agreements.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

"(F) Bonding requirement.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

"(h) Enforcement.—

"(1) In general.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

"(2) Filing deadline.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

"(3) Reasonable cause.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

"(4) Notice and hearing.—

"(A) In general.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

"(B) Complaint.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

"(C) Hearing deadline.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

"(5) Attorneys' fees.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

"(6) Power of the secretary.—The Secretary may bring an action in any court of competent jurisdiction—

"(A) to seek remedial action, including injunctive relief;

"(B) to recover the damages described in subsection (i); or

"(C) to ensure compliance with terms and conditions described in subsection (g).

"(7) Solicitor of labor.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

"(8) Procedures in addition to other rights of employees.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

"(i) Penalties.—

"(1) In general.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (b), (e), (f), or (g), the Secretary may impose administrative remedies and penalties, including—

"(A) back wages;

"(B) benefits; and

"(C) civil monetary penalties.

"(2) Civil penalties.—The Secretary of Labor may impose, as a civil penalty—

"(A) for a violation of subsection (e) or (f)—

"(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

"(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

"(B) for a violation of subsection (g)—

"(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

"(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

"(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

"(3) Use of civil penalties.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

"(4) Criminal penalties.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined in an amount not more than $35,000, or both.".

(b) Clerical amendment.—The table of contents is amended by inserting after the item relating to section 218A, as added by section 403, the following:

"Sec. 218B. Employer obligations.".

SEC. 405. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

(a) In general.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218B, as added by section 404, the following:

"SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

"(a) Establishment.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commission of Social Security, shall develop and implement a program (referred to in this section as the 'alien employment management system') to manage and track the employment of aliens described in sections 218A and 218D.

"(b) Requirements.—The alien employment management system shall—

"(1) provide employers who seek employees with an opportunity to recruit and advertise employment opportunities available to United States workers before hiring an H–2C nonimmigrant;

"(2) collect sufficient information from employers to enable the Secretary of Homeland Security to determine—

"(A) if the nonimmigrant is employed;

"(B) which employers have hired an H–2C nonimmigrant;

"(C) the number of H–2C nonimmigrants that an employer is authorized to hire and is currently employing;

"(D) the occupation, industry, and length of time that an H–2C nonimmigrant has been employed in the United States;

"(3) allow employers to request approval of multiple H–2C nonimmigrant workers; and

"(4) permit employers to submit applications under this section in an electronic form.".

(b) Clerical amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218B, as added by section 404, the following:

"Sec. 218C. Alien employment management system.".

SEC. 406. RULEMAKING; EFFECTIVE DATE.

(a) Rulemaking.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to carry out the provisions of sections 218A, 218B, and 218C, as added by this Act.

(b) Effective date.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act with regard to aliens, who, on such effective date, are in the foreign country where they maintain residence.

SEC. 407. RECRUITMENT OF UNITED STATES WORKERS.

(a) Electronic job registry.—The Secretary of Labor shall establish a publicly accessible Web page on the Internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States to United States workers.

(b) Recruitment of United States workers.—

(1) POSTING.—An employer shall attest that the employer has posted an employment opportunity at a prevailing wage level, as described in section 218B(b)(2)(C) of the Immigration and Nationality Act, as added by section 404 of this Act.

(2) RECORDS.—An employer shall maintain records for not less than 1 year after the date on which an H–2C nonimmigrant is hired that describe the reasons for not hiring any of the United States workers who may have applied for such position.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall promulgate regulations regarding the maintenance of electronic job registry records for the purpose of audit or investigation.

(d) ACCESS TO ELECTRONIC JOB REGISTRY.—The Secretary of Labor shall ensure that job opportunities advertised on an electronic job registry established under this section are accessible—

(1) by the State workforce agencies, which may further disseminate job opportunity information to other interested parties; and

(2) through the Internet, for access by workers, employers, labor organizations, and other interested parties.

SEC. 408. TEMPORARY GUEST WORKER VISA PROGRAM TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the "Temporary Worker Task Force" (referred to in this section as the "Task Force").

(b) PURPOSES.—The purposes of the Task Force are—

(1) to study the impact of the admission of aliens under section 101(a)(15)(ii)(c) on the wages, working conditions, and employment of United States workers; and

(2) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(ii)(c).

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(2) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of the enactment of this Act.

(3) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) QUORUM.—Six members of the Task Force shall constitute a quorum.

(d) QUALIFICATIONS.—

(1) IN GENERAL.—Members of the Task Force shall be—

(A) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(B) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(2) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(3) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(e) MEETINGS.—

(1) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(f) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Task Force shall submit, to Congress, the Secretary of Labor, and the Secretary, a report that contains—

(1) findings with respect to the duties of the Task Force; and

(2) recommendations for imposing a numerical limit.

(g) NUMERICAL LIMITATIONS.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(C) under section 101(a)(15)(H)(ii)(c) may not exceed—

"(i) 300,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year—

"(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

"(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

"(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.".

(h) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa—

"(A) by the alien's employer; or

"(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

"(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

"(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SEC. 409. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in cooperation with the Secretary and the Attorney General, shall negotiate with each home country of aliens described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as added by section 402, to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(B) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems; and

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers.

SEC. 410. S VISAS.

(a) Expansion of S Visa Classification.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security";

(B) in subclause (I), by inserting before the semicolon, ', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials';

(C) in subclause (III), by inserting "where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials," before "whose"; and

(D) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

"and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) Numerical Limitation.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking "The number of aliens" and all that follows through the period and inserting the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.".

(c) Reports.—

(1) Content.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking "The Attorney General" and inserting "The Secretary of Homeland Security"; and

(ii) by striking "concerning—" and inserting "that includes—";

(B) in subparagraph (D), by striking "and";

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting at the end the following:

"(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

"(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

"(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

"(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.".

(2) Form of Report.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

"(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.".

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

"(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.".

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) Requirements for an Order Granting Prospective Relief Against the Government.—

(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) Written explanation.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) Expiration of preliminary injunctive relief.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

SA 3322. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 276, strike line 4 and all that follows through page 277, line 21, and insert the following:

"(n) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) shall not be eligible for any adjustment of the status of the alien.".

SA 3323. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 235, strike lines 12 through 16.

On page 235, line 17, strike "(3)" and insert "(2)".

On page 236, line 8, strike "subsections (b) and (f)(2)" and insert "subsection (b)".

On page 236, line 13, strike "(4)" and insert "(3)".

On page 237, line 3, strike "(5)" and insert "(4)".

SA 3324. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 343, strike lines 1 through 7 and insert the following:

"(i) has completed or will complete not less than 500 hours of community service; and

"(ii)(I) meets the requirements of section 312; or

"(II) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

SA 3325. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 325, strike line 1 and all that follows through page 382, line 7.

SA 3326. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 276, strike line 4 and all that follows through page 277, line 21, and insert the following:

"(n) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) shall not be eligible for any adjustment of the status of the alien.".

Beginning on page 325, strike line 1 and all that follows through page 382, line 7.

SA 3327. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 268, strike line 22 and all that follows through page 269, line 2, and insert the following:

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act with regard to aliens, who, on such effective date, are in the foreign country where they maintain residence.

(2) LIMITATION.—Notwithstanding any other provision of this Act, or the amendments made by this Act, a visa may not be issued to a nonimmigrant alien described in clause (ii)(C) or (iv) of section 101(a)(15)(H) of

the Immigration and Nationality Act, as added by section 402, until Congress appropriates sufficient funds to fully implement the border security and interior enforcement provisions of titles I and II of this Act.

SA 3328. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 348, line 7, strike "There" and insert "Subject to subsection (c), there"

On page 348, strike lines 14 through 20 and insert the following:

(c) EFFECTIVE DATE.—Funds may not be appropriated pursuant to the authorization under subsection (a) until Congress has appropriated sufficient funds to fully implement the border security and interior enforcement provisions of titles I and II of this Act.

SA 3329. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 477, after line 23, add the following:

SEC. 644. SUNSET PROVISION.

This title, titles IV and V, and the amendments made by such titles, are repealed on the date that is 6 years after the date of the enactment of this Act.

SA 3330. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . VISA ISSUANCE REPORT.

Not later than March 31 of each year, the Secretary of State, in consultation with the Secretary and the Attorney General, shall submit to Congress a report that identifies, for the most recent calendar year, the number of visas issued in each visa category.

SA 3331. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . PROMISE ACT.

(a) SHORT TITLE.—This section may be cited as the "Parental Responsibility Obligations Met through Immigration System Enforcement Act" or the "PROMISE Act".

(b) ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—Section 212(a)(10) (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(31) of the Social Security Act (42 U.S.C. 654(31)) is inadmissible.

"(ii) EXCEPTION.—An alien described in clause (i) may become admissible when—

"(I) child support payments under the judgment, decree, or order are satisfied; or

"(II) the alien is in compliance with a payment agreement approved by the appropriate State enforcement agency or court.

"(iii) FEDERAL PARENT LOCATOR SERVICE.—The Federal Parent Locator Service, established under section 453 of the Social Security Act (42 U.S.C. 653), shall be used to determine if an alien is inadmissible under clause (i).

"(iv) REQUEST BY FOREIGN COUNTRY.—For purposes of clause (i), any request for services by a foreign reciprocating country or a foreign country with which a State has an arrangement described in section 459A(d) of the Social Security Act (42 U.S.C. 659a(d)) shall be treated as a State request.".

(c) AUTHORITY TO PAROLE ALIENS EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—Section 212(d)(5) (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following:

"(C)(i) The Secretary of Homeland Security may, in the Secretary's discretion, parole into the United States, any alien who is inadmissible under subsection (a)(10)(F) if—

"(I) the Secretary places such alien into removal proceedings;

"(II) the alien demonstrates to the satisfaction of the Secretary that such parole is essential to the compliance and fulfillment of child support obligations;

"(III) the alien demonstrates that the alien has employment in the United States and is authorized by law for employment in the United States; and

"(IV) the alien is not inadmissible under any other provision of law.

"(ii) The Secretary of State may permit an alien described in clause (i) to present himself or herself at a port of entry for the limited purpose of seeking parole pursuant to clause (i).

"(iii) The Secretary of Homeland Security and the Secretary of State shall exercise the discretionary authority described in this subparagraph in a manner consistent with the objective of facilitating collection of payment of child support arrearages.

"(iv) For purposes of this subparagraph, unless waived by the alien, the Attorney General shall not enter a final order of removal—

"(I) during the 180-day period beginning on the date on which the Secretary of Homeland Security initially charges the alien as removable under subsection (a)(10)(F); or

"(II) during the pendency of State court proceedings involving the child support obligations of the alien.".

(d) EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (9) the following:

"(10) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act (42 U.S.C. 659(i))) and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(31) of that Act (42 U.S.C. 654(31)), unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.".

(e) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN VISA APPLICANTS AND ARRIVING ALIENS.—Section 235(d) (8 U.S.C. 1225(d)), as amended by section 128, is further amended by adding at the end the following:

"(6) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve, on any alien who is an applicant for admission to the United States, legal process with respect to—

"(i) any action to enforce a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act (42 U.S.C. 659(i)); or

"(ii) any action to establish paternity.

"(B) LEGAL PROCESS DEFINED.—In this paragraph, the term 'legal process' means any writ, order, summons, or other similar process that is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

(f) AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.—Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

"(4) PROVISION OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law and in accordance with the requirements of subsection (b), upon the request of the Attorney General, Secretary of Homeland Security, or Secretary of State, the Secretary of Health and Human Services shall provide and transmit to authorized persons through the Federal Parent Locator Service, such information as the Secretary of Health and Human Services determines may aid the authorized person in establishing whether an alien is delinquent in the payment of child support.

"(B) PROHIBITION ON DISCLOSURE OF INFORMATION.—In no case may an authorized person permit use by, or disclosure to, any person (other than a sworn officer or employee of the United States Government for legitimate law enforcement purposes) of any information obtained under this paragraph through the Federal Parent Locator Service.

"(C) PENALTY.—Any person who willfully uses, publishes, or permits information to be disclosed in violation of this paragraph shall be subject to appropriate disciplinary action and subject to a civil monetary penalty of not more than $5,000 for each such violation.

"(D) AUTHORIZED PERSON DEFINED.—As used in this paragraph, the term 'authorized person' means any administrative agency, immigration officer, or consular officer (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) having the authority to investigate or enforce the immigration and naturalization laws of the United States with respect to the legal entry and status of aliens.".

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to aliens who apply for benefits under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on or after such effective date.

SA 3332. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 231, strike lines 14 through 18 and insert the following:

“(3) FEES.—

“(A) VISA ISSUANCE FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application.

“(B) COMMUNITY RESPONSIBILITY AND ASSISTANCE FEE.—In addition to the fee required under subparagraph (A), the alien shall pay a $100 community responsibility and assistance fee, which shall be made available, in its entirety, to the State Criminal Alien Assistance Program established under section 241(i).

“(C) SAVINGS PROVISION.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

SA 3333. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 16 through 22.

SA 3334. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike titles III, IV, V, and VI, and insert the following:

TITLE III—NONPARTISAN COMMISSION ON IMMIGRATION REFORM

SEC. 301. NONPARTISAN COMMISSION ON IMMIGRATION REFORM.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—

(1) ESTABLISHMENT.—Not later than May 1, 2006, the President shall establish a commission to be known as the Nonpartisan Commission on Immigration Reform (in this section referred to as the “Commission”).

(2) COMPOSITION.—The Commission shall be composed of 9 members to be appointed as follows:

(A) 1 member who shall serve as Chairman, to be appointed by the President.

(B) 2 members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the House of Representatives.

(C) 2 members to be appointed by the minority leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the House of Representatives.

(D) 2 members to be appointed by the majority leader of the Senate who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the Senate.

(E) 2 members to be appointed by the minority leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the Senate.

(3) INITIAL APPOINTMENTS.—Initial appointments to the Commission shall be made during the 45-day period beginning on May 1, 2006.

(4) VACANCY.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(5) TERM OF APPOINTMENT.—Members shall be appointed to serve for the life of the Commission, except that the term of the member described in paragraph (2)(A) shall expire at noon on January 20, 2008, and the President shall appoint an individual to serve for the remaining life, if any, of the Commission.

(b) FUNCTIONS OF COMMISSION.—The Commission shall—

(1) review and evaluate the impact of this Act and the amendments made by this Act, in accordance with subsection (c);

(2) conduct a systematic and comprehensive review of this Nation's immigration laws, in accordance with subsection (c); and

(3) transmit to the Congress—

(A) not later than April 15, 2008, a first report describing the progress made in carrying out paragraphs (1) and (2); and

(B) not later than April 15, 2010, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional comprehensive changes that should be made with respect to immigration laws in the United States as the Commission deems appropriate, including, when applicable, such model legislative language for the consideration of Congress.

(c) CONSIDERATIONS.—

(1) GENERAL CONSIDERATIONS.—The Commission may investigate and make recommendations upon any subject that it determines would substantially contribute to the development of an equitable, efficient, and sustainable immigration system that will facilitate border security specifically and national security generally.

(2) GUEST WORKER PROGRAM.—The Commission shall analyze and make recommendations on the advisability of modifying the requirements for admission of nonimmigrants described in section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), including increasing the number of such nonimmigrants admitted to the United States and adopting a national guest worker program, and if, in the opinion of this Commission, such a modification or program should be adopted, then the Commission shall—

(A) set forth minimum requirements for such modification or program, including—

(i) the numerical limitations, if any, on such a program; and

(ii) the temporal limitations (in terms of participant duration), if any, on such a program;

(B) assess the impact and advisability of allowing aliens admitted under such section or participating in such a program to adjust their status from nonimmigrant to immigrant classifications; and

(C) determine whether and, if appropriate, to what degree, low-skilled enterprises should be included in a national guest worker program.

(3) PROJECT SUNSHINE.—The Commission shall analyze and make recommendations on the disposition of the unlawful alien population present in the United States, and such report shall—

(A) examine the impact of earned adjustment, amnesty, or similar programs on future illegal immigration;

(B) examine the ability, and advisability, of the United States Government to locate and deport individuals unlawfully present in the United States;

(C) assess the impact, advisability, and ability of earned adjustment, amnesty, or similar programs to locate and register individuals unlawfully present in the United States; and

(D) provide alternate solutions, if any, to the realm of options otherwise mentioned in this section.

(4) JUDICIAL REVIEW.—The Commission shall examine the operation of the relevant adjudicatory structures and mechanisms and make such recommendations as are necessary to ensure expediency of process consistent with applicable constitutional protections.

(5) INTERIOR ENFORCEMENT.—The Commission shall analyze current interior enforcement efforts and make such recommendations as are necessary to ensure viable interior enforcement, including issues surrounding worksite enforcement and the impact of inadequate interior enforcement on rural communities.

(d) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) TRAVEL EXPENSE.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 (Public Law 99–603; 8 U.S.C. 1160 note) shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of such subsection (e) shall not apply.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(3)(B), except that the Commission may continue to function until January 1, 2012, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

SA 3335. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 63, strike line 12 and all that follows through "(L)" on page 70, line 9, and insert the following;

(E) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

(F) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

(G)

On page 75, lines 14 and 15, strike ", including classified, sensitive, or national security information".

On page 76, line 3, strike "; and" and all that follows through line 14, and insert a period.

On page 78, lines 7 and 8, strike ", including classified, sensitive, or national security information,".

On page 80, strike line 5 and all that follows through "(3)" on page 81, line 20, and insert "(1)".

On page 129, strike line 14 and all that follows through "(2)" on line 22, and insert "(1)".

On page 130, line 3, strike "(3)" and insert "(2)".

On page 130, strike lines 11 through 13 and insert the following:

"(3) FAILURE TO COMPLY WITH AGREEMENT.—If an alien agrees to

On page 130, line 20, strike "(i) ineligible" and insert the following:

"(A) ineligible

On page 130, line 22, strike "(ii) subject" and insert the following:

"(B) subject

On page 131, line 1, strike "(iii) subject" and insert the following:

"(C) subject

On page 131, line 3, strike the period at the end and all that follows through "Secretary" on line 23.

On page 133, line 2, strike the period at the end and all that follows through "protection" on line 18.

SA 3336. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —RECRUITMENT AND RETENTION OF ADDITIONAL IMMIGRATION LAW ENFORCEMENT PERSONNEL

SEC. _01. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

"(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

"(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

"(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.".

SEC. _02. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 03. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 8401(17) of title 5, United States Code, is amended—

(A) in subparagraph (C)—

(i) by striking "and" at the end; and

(ii) by striking "subparagraph (A) and (B)" and inserting "subparagraph (A), (B), (E), or (F)"; and

(B) by inserting after subparagraph (D) the following:

"(E) an employee (not otherwise covered by this paragraph)—

"(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

"(ii) who is authorized to carry a firearm; and

"(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;".

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(20) of title 5, United States Code, is amended in the matter preceding subparagraph (A) by inserting after "position." the following: "For the purpose of this paragraph, an employee described in the preceding sentence shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).".

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (as defined in the amendments) on or after that date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) DEFINITIONS.—In this subsection:

(A) INCUMBENT.—The term "incumbent" means an individual who—

(i) is first appointed as a law enforcement officer before the date of enactment of this Act; and

(ii) is serving as a law enforcement officer on that date.

(B) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code, as a result of the amendments made by subsection (a).

(C) PRIOR SERVICE.—The term "prior service", with respect to an incumbent who retires from Government service, means any service performed before the date on which a written notice is to be submitted under paragraph (2)(B).

(D) SERVICE.—The term "service" means service performed as a law enforcement officer.

(2) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—For purposes other than purposes described in subparagraph (B), service that is performed by an incumbent on or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer, irrespective of the manner in which the service is treated under subparagraph (B).

(B) RETIREMENT.—For purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, service that is performed by an incumbent before, on, or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer if an appropriate written notice of the election of the incumbent to retire from Government service is submitted to the Office of Personnel Management by the earlier of—

(i) the date that is 5 years after the date of enactment of this Act; or

(ii) the date of retirement of the incumbent.

(3) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) AMOUNT OF CONTRIBUTIONS.—An incumbent who makes an election described in paragraph (2)(B) may, with respect to prior service performed by the incumbent, contribute to the Civil Service Retirement and Disability Fund an amount equal to the difference between—

(i) the individual contributions that were actually made for that service; and

(ii) the individual contributions that would have been made for that service under the amendments made by subsection (a).

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid—

(i) all prior service of the incumbent shall remain fully creditable as law enforcement officer service; but

(ii) the resulting annuity shall be reduced in a manner similar to the manner described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(4) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (2)(B), the agency in or under which the incumbent was serving at the time of any prior service shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to that service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date on which a written notice is to be submitted under paragraph (2)(B).

(5) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of

title 5, United States Code, shall cause the involuntary separation of a law enforcement officer before the end of the 3-year period beginning on the date of enactment of this Act.

(6) REGULATIONS.—The Office shall promulgate regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (3) or (4) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) is first appointed as a law enforcement officer before the date of enactment of this Act; and

(II) serves as a law enforcement officer after the date of enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual described in clause (i), who dies before making an election under paragraph (2)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(7) RULE OF CONSTRUCTION.—Nothing in this subsection applies in the case of a reemployed annuitant.

SA 3337. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—RAPID RESPONSE MEASURES

SEC. __01. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. __02. ELIMINATION OF FIXED DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

The Secretary of Homeland Security shall ensure that no United States Border Patrol agent is precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances where the temporary use of fixed deployment positions is necessary.

SEC. __03. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 04. CONTROL OF UNITED STATES BORDER PATROL ASSETS.

The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

SEC. __05. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a "panic button" and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. __06. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. __07. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all law enforcement personnel working in every area where United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times. Each portable communications device shall be equipped with a "panic button" and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of the agent in distress.

SEC. __08. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued a state-of-the-art handheld global positioning system device for navigational purposes.

SEC. 09. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. __10. BORDER ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. Officers shall be strongly encouraged, but not mandated, to wear such body armor whenever practicable. All body armor shall be replaced at least every 5 years.

SEC. 11. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the Department's policies allow all such officers to carry weapons that are suited to the potential threats that they face.

SEC. __12. UNIFORMS.

The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SA 3338. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 204, line 8, insert "with 50 or more employees that is" after "employer".

SA 3339. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 17, strike "(e)" and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program, based at the Northern Border airbase in Great Falls, Montana, to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

SA 3340. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

(1) by striking "the date of the enactment of the Legal Immigration Family Equity Act" and inserting "January 1, 2011"; and

(2) by striking "3 years" each place it appears and inserting "180 days".

SA 3341. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 295, strike line 12 and all that follows through page 296, line 8, and insert the following:

"(A) 290,000; and

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year.

"(2) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS FOR FISCAL YEARS 2001 THROUGH 2005.—

"(A) IN GENERAL.—Beginning in fiscal year 2006, the number of employment-based visas made available for immigrants described in paragraph (1), (2), or (3) of section 203(b) during any fiscal year, as calculated under paragraph (1), shall be increased by the number described in subparagraph (B).

"(B) ADDITIONAL NUMBER.—

"(i) IN GENERAL.—Subject to clause (ii), the number referred to in subparagraph (A) shall be equal to the sum of—

"(I) the difference between—

"(aa) the number of employment-based visas made available during the period of fiscal years 2001 through 2005; and

"(bb) the number of employment-based visas actually used during that period; and

"(II) the number of immigrant visas issued after September 30, 2004, to spouses and children of employment-based immigrants that were counted for purposes of paragraph (1)(B).

"(ii) REDUCTION.—For fiscal year 2007 and each fiscal year thereafter, the number described in clause (i) shall be reduced by the number of employment-based visas actually used under subparagraph (A) during the preceding fiscal year.".

On page 296, strike lines 9 through 18 and insert the following:

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent".

On page 320, strike lines 17 through 20 and insert the following:

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

"(4) FILING IN CASES OF UNAVAILABLE VISA NUMBERS.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

"(5) PENDING APPLICATIONS.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this paragraph, on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

"(6) EMPLOYMENT AUTHORIZATIONS AND ADVANCED PAROLE TRAVEL DOCUMENTATION.—The Attorney General shall—

"(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

"(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.".

On page 321, strike lines 14 through 20 and insert the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and are employed in a related field.

On page 324, after line 22, insert the following:

(e) TEMPORARY WORKER VISA DURATION.—Section 106 of the American Competitiveness in the Twenty-First Century Act of 2000 (Public Law 106-313; 114 Stat. 1254) is amended by striking subsection (b) and inserting the following:

"(b) EXTENSION OF H-1B WORKER STATUS.—The Attorney General shall—

"(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in not less than 3 increments, the duration of each of which shall be not less than 3 years, until such time as a final decision is made with respect to the lawful permanent residence of the alien; and

"(2) adjust each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".

SA 3342. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 20 and insert the following:

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, autonomous unmanned ground vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, autonomous unmanned ground vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

SA 3343. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 4, insert "autonomous unmanned ground vehicles," after "vehicles,".

On page 9, line 16, insert "autonomous unmanned ground vehicles," after "vehicles,".

SA 3344. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BORDER SECURITY CERTIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), beginning on the date of enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States, until the Secretary provides written certification to the President and Congress that the borders of the United States are reasonably sealed and secured.

(b) WAIVER AND IMPLEMENTATION.—The President may waive the certification requirement under subsection (a) and direct the Secretary to implement a new conditional nonimmigrant work authorization program or any similar or subsequent program described in that subsection, if the President determines that implementation of the program would strengthen the national security of the United States.

SA 3345. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 6 and 7, insert the following:

"(6) CRIMINAL AND RELATED GROUNDS.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section under any of the following circumstances:

"(A) CONVICTION OF CERTAIN CRIMES.—

"(i) IN GENERAL.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed acts which constitute the essential elements of—

"(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

“(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(ii) EXCEPTION.—Clause (i)(I) shall not apply to an alien who committed only 1 crime if—

“(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

“(II) the maximum allowable penalty for the crime for which the alien was convicted, admits having committed, or admits having committed the acts constituting the essential elements of, is not longer than imprisonment for 1 year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment longer than 6 months (regardless of the extent to which the sentence was ultimately executed).

“(B) MULTIPLE CRIMINAL CONVICTIONS.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

“(i) the conviction was in a single trial;

“(ii) the offenses arose from a single scheme of misconduct; or

“(iii) the offenses involved moral turpitude, .

“(C) CONTROLLED SUBSTANCE TRAFFICKERS.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

“(i) is or has been—

“(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

“(II) a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

“(ii) is the spouse, son, or daughter of an alien ineligible under clause (i), and has—

“(I) during the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien; and

“(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

“(D) CERTAIN ALIENS INVOLVED IN SERIOUS CRIMINAL ACTIVITY WHO HAVE ASSERTED IMMUNITY FROM PROSECUTION.—The alien—

“(i) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

“(ii) exercised immunity from criminal jurisdiction with respect to that offense;

“(iii) as a consequence of the offense and exercise of immunity, has departed from the United States; and

“(iv) has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

“(E) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)).

“(F) SIGNIFICANT TRAFFICKERS IN PERSONS.—

“(i) IN GENERAL.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons (as defined in the section 103 of such Act (22 U.S.C. 7102)).

“(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), the consular officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

“(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

“(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

“(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

“(G) MONEY LAUNDERING.—A consular officer or the Attorney General knows, or has reason to believe, that the alien—

“(i) has engaged, is engaging, or seeks to enter the United States to engage, in an offense described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

“(ii) is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense referred to in clause (i).

“(H) CRIMINAL CONVICTIONS.—The alien has been convicted of any felony or at least 3 misdemeanors.

SA 3346. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 6 and 7, insert the following:

“(6) CRIMINAL AND RELATED GROUNDS.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section under any of the following circumstances:

“(A) CONVICTION OF CERTAIN CRIMES.—

“(i) IN GENERAL.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed acts which constitute the essential elements of—

“(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

“(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(ii) EXCEPTION.—Clause (i)(I) shall not apply to an alien who committed only 1 crime if—

“(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

“(II) the maximum allowable penalty for the crime for which the alien was convicted, admits having committed, or admits having committed the acts constituting the essential elements of, is not longer than imprisonment for 1 year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment longer than 6 months (regardless of the extent to which the sentence was ultimately executed).

“(B) MULTIPLE CRIMINAL CONVICTIONS.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

“(i) the conviction was in a single trial;

“(ii) the offenses arose from a single scheme of misconduct; or

“(iii) the offenses involved moral turpitude, .

“(C) CONTROLLED SUBSTANCE TRAFFICKERS.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

“(i) is or has been—

“(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

“(II) a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

“(ii) is the spouse, son, or daughter of an alien ineligible under clause (i), and has—

“(I) during the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien; and

“(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

“(D) CERTAIN ALIENS INVOLVED IN SERIOUS CRIMINAL ACTIVITY WHO HAVE ASSERTED IMMUNITY FROM PROSECUTION.—The alien—

“(i) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

“(ii) exercised immunity from criminal jurisdiction with respect to that offense;

“(iii) as a consequence of the offense and exercise of immunity, has departed from the United States; and

“(iv) has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

“(E) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)).

“(F) SIGNIFICANT TRAFFICKERS IN PERSONS.—

“(i) IN GENERAL.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons (as defined in the section 103 of such Act (22 U.S.C. 7102)).

"(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), the consular officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

"(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

"(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

"(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

"(G) MONEY LAUNDERING.—A consular officer or the Attorney General knows, or has reason to believe, that the alien—

"(i) has engaged, is engaging, or seeks to enter the United States to engage, in an offense described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

"(ii) is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense referred to in clause (i).

SA 3347. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 374, strike lines 13 through 19 and insert the following:

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance—

(A) directly related to an application for adjustment of status under this section; or

(B) to nonimmigrant workers admitted to, or permitted to remain in, the United States under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for forestry labor or services, if the legal assistance is related to wages, housing, transportation, and other employment rights provided in the specific contract of the worker under which the worker was admitted.

SA 3348. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99-603) is amended—

(1) by striking "section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))" and inserting "item (a) or (b) of section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))"; and

(2) by inserting "or forestry" after "agricultural".

SA 3349. Mr. BOND (for himself, Mr. ALEXANDER, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 316, strike line 2 and all that follows through page 323, line 24, and insert the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.".

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

"(J) an alien with a residence in a foreign country that the alien has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

"(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii))designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

"(ii) has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the physical or life sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.".

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (J)(ii), (L), or (V)".

(d) REQUIREMENTS FOR F-4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" before "No person";

(2) by striking "admission (i) whose" and inserting the following: "admission—

"(A) whose";

(3) by striking "residence, (ii) who" and inserting the following: "residence;

"(B) who";

(4) by striking "engaged, or (iii) who" and inserting the following: "engaged; or

"(C) who";

(5) by striking "training, shall" and inserting the following: "training,

"shall";

(6) by striking "United States: *Provided*, That upon" and inserting the following: "United States.

"(2) Upon";

(7) by striking "section 214(l): And provided further, That, except" and inserting the following: "section 214(l).

"(3) Except"; and

(8) by adding at the end the following:

"(4) An alien who qualifies for adjustment of status under section 214(m)(3)(C) shall not be subject to the 2-year foreign residency requirement under this subsection.".

(f) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(g) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before such alien's graduation;

"(B) the alien has earned a master's or doctorate degree or completed post-doctoral studies in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(h) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has a master's or doctorate degree, or completed post-doctoral studies, in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math.";

SA 3350. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COMMUNICATION BETWEEN GOVERNMENT AGENCIES AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking "Immigration and Naturalization Service" and inserting "Department of Homeland Security" each place it appears; and

(2) by adding at the end the following:

"(d) ENFORCEMENT.—

"(1) INELIGIBILITY FOR FEDERAL LAW ENFORCEMENT AID.—Upon a determination that any person, or any Federal, State, or local government agency or entity, is in violation of subsection (a) or (b), the Attorney General shall not provide to that person, agency, or entity any grant amount pursuant to any law enforcement grant program carried out by any element of the Department of Justice, including the program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 241(i)), and shall ensure that no such grant amounts are provided, directly or indirectly, to such person, agency, or entity. In the case of grant amounts that otherwise would be provided to such person, agency, or entity pursuant to a formula, such amounts shall be reallocated among eligible recipients.

"(2) VIOLATIONS BY GOVERNMENT OFFICIALS.—In any case in which a Federal , State, or local government official is in violation of subsection (a) or (b), the government agency or entity that employs (or, at the time of the violation, employed) the official shall be subject to the sanction under paragraph (1).

"(3) DURATION.—The sanction under paragraph (1) shall remain in effect until the Attorney General determines that the person, agency, or entity has ceased violating subsections (a) and (b).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to grant requests pending on or after the date of the enactment of this Act.

SA 3351. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 3352. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 225, beginning on line 17, strike all that follows and insert the following:

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

“(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

“(1) 480,000;

“(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

“(3) the difference between—

“(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

“(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.”.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

“(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

“(A) 290,000;

“(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

“(C) the difference between—

“(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

“(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

“(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).”.

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking “, (4), and (5)” and inserting “and (4)”; and

(B) by striking “7 percent (in the case of a single foreign state) or 2 percent” and inserting “10 percent (in the case of a single foreign state) or 5 percent”; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

“(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

“(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

“(A) 10 percent of such worldwide level; and

“(B) any visas not required for the class specified in paragraph (4).

“(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

“(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

“(i) the spouses or children of an alien lawfully admitted for permanent residence; or

“(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

“(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

“(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

“(A) 10 percent of such worldwide level; and

“(B) any visas not required for the classes specified in paragraphs (1) and (2).

“(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.”.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking “28.6 percent” and inserting “15 percent”;

(2) in paragraph (2)(A), by striking “28.6 percent” and inserting “15 percent”;

(3) in paragraph (3)(A)—

(A) by striking “28.6 percent” and inserting “35 percent”; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking “7.1 percent” and inserting “5 percent”;

(7) by inserting after paragraph (4), as redesignated, the following:

“(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.”; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking “subject to the numerical limitations of section 203(b)(4),”.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) IN GENERAL.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

“(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

“(ii) In this subparagraph, the term ‘immediate relative’ means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

“(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

“(I) 2 years after such date; or

“(II) the date on which the spouse remarries.

“(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

“(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.”.

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking “in the second sentence of section 201(b)(2)(A)(i) also” and inserting “in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)”.

SEC. 505. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

“(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

“(I) who is otherwise described in section 203(b); and

“(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

“(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.”.

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking “201(b)(2)(A)(i)” and inserting “201(b)”.

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting “, except for aliens described in section 201(b),” after “any fiscal year”.

(d) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) Short Title.—This section may be cited as the "Widows and Orphans Act of 2006".

(b) New Special Immigrant Category.—

(1) Certain children and women at risk of harm.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(2) Statutory construction.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(3) Expedited process.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) Report to congress.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) Requirements for Aliens.—

(1) Requirement prior to entry into the untied states.—

(A) Database search.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) Requirement after entry into the united states.—

(A) Requirement to submit fingerprints.—

(i) In general.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality

Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon;

(3) in clause (iii), by adding "and" at the end; and

(4) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) Applicability.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SA 3353. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 225, beginning on line 17, strike all that follows, and insert the following:

(d) Other Studies and Reports.—

(1) Study by labor.—The Secretary of Labor shall conduct a study on a sector-by-sector basis on the need for guest workers and the impact that any proposed temporary worker or guest worker program would have on wages and employment opportunities of American workers.

(2) Study by GAO.—The Comptroller General of the United States shall conduct a study regarding establishing minimum criteria for effectively implementing any proposed temporary worker program and determining whether the Department has the capability to effectively enforce the program. If the Comptroller General determines that the Department does not have the capability to effectively enforce any proposed temporary worker program, the Comptroller General shall determine what additional manpower and resources would be required to ensure effective implementation.

(3) Study by the department.—The Secretary shall conduct a study to determine if the border security and interior enforcement measures contained in this Act are being properly implemented and whether they are effective in securing United States borders and curbing illegal immigration.

(4) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in cooperation with the Secretary of Labor and the Comptroller General of the United States, submit a report to Congress regarding the studies conducted pursuant to paragraphs (1), (2), and (3).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) Family-Sponsored Immigrants.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

(b) Employment-Based Immigrants.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) Worldwide Level of Employment-Based Immigrants.—

"(1) In general.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A) 290,000;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) Visas for spouses and children.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) Preference Allocation for Family-Sponsored Immigrants.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) Preference Allocations for Family-Sponsored Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) Unmarried sons and daughters of citizens.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the class specified in paragraph (4).

"(2) Spouses and unmarried sons and daughters of permanent resident aliens.—

"(A) In general.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

"(i) the spouses or children of an alien lawfully admitted for permanent residence; or

"(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(B) Minimum percentage.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

"(3) Married sons and daughters of citizens.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the classes specified in paragraphs (1) and (2).

"(4) Brothers and sisters of citizens.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.".

(b) Preference Allocation for Employment-Based Immigrants.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other workers.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States."; and

(8) by striking paragraph (6).

(c) Conforming Amendments.—

(1) Definition of special immigrant.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4).".

(2) Repeal of temporary reduction in workers' visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) In General.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

"(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(I) 2 years after such date; or

"(II) the date on which the spouse remarries.

"(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.".

(b) Petition.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)".

SEC. 505. SHORTAGE OCCUPATIONS.

(a) Exception to Direct Numerical Limitations.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

"(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

"(I) who is otherwise described in section 203(b); and

"(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

"(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.".

(b) Exception to Nondiscrimination Requirements.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)".

(c) Exception to Per Country Levels for Family-Sponsored and Employment-Based Immigrants.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting ", except for aliens described in section 201(b)," after "any fiscal year".

(d) Increasing the Domestic Supply of Nurses and Physical Therapists.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) Short Title.—This section may be cited as the "Widows and Orphans Act of 2006".

(b) New Special Immigrant Category.—

(1) Certain children and women at risk of harm.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(2) Statutory construction.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon;

(3) in clause (iii), by adding "and" at the end; and

(4) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) Student visas.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) Use of Fees.—

(1) Job training; scholarships.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) Fraud prevention and detection.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) Aliens With Certain Advanced Degrees Not Subject to Numerical Limitations on Employment Based Immigrants.—

(1) In general.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) Applicability.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) Labor Certification.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) Temporary Workers.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) Applicability.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SA 3354. Mr. ALEXANDER (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 321, strike lines 14 through 20 and insert the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and are employed in a field relating to science, technology, engineering, or math in the United States under a nonimmigrant visa during the 3-year period preceding the application of the alien for an immigrant visa under section 203(b).

SA 3355. Mr. ALEXANDER (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 320, strike lines 17 through 20 and insert the following:

"(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

"(4) Filing in cases of unavailable visa numbers.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

"(5) Pending applications.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this paragraph, on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

"(6) Employment authorizations and advanced parole travel documentation.—The Attorney General shall—

"(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

"(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.".

On page 324, after line 22, insert the following:

(e) Temporary Worker Visa Duration.—Section 106 of the American Competitiveness in the Twenty-First Century Act of 2000 (Public Law 106–313; 114 Stat. 1254) is amended by striking subsection (b) and inserting the following:

"(b) Extension of H–1B Worker Status.—The Attorney General shall—

"(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in not less than 3 increments, the duration of each of which shall be not less than 3 years, until such time as a final decision is made with respect to the lawful permanent residence of the alien; and

"(2) adjust each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".

SA 3356. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 13 through page 13, line 21, and insert the following:

SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States;

(2) increase the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER SECTORS.—

(1) REINFORCED FENCING—The Secretary shall construct a double- or triple-layered fence

(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b) and (c), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b) and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3357. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 13 through page 13, line 21, and insert the following:

"SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States;

(2) increase the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER SECTORS.—

(1) REINFORCED FENCING—The Secretary shall construct not less than 700 additional miles or double- or triple-layered fencing at strategic locations along the southwest international border to be determined by the Secretary.

(2) PRIORITY AREAS.—In determining strategic locations under paragraph (c)(1), the Secretary shall prioritize, to the maximum extent practicable—

(A) areas with the highest illegal alien apprehension rates; and

(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) (b) and (c), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) (b) and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section."

SA 3358. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—IMMIGRATION LITIGATION REDUCTION

SEC. 701. CONSOLIDATION OF IMMIGRATION APPEALS.

(a) REAPPORTIONMENT OF CIRCUIT COURT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended in the item relating to the Federal Circuit by striking "12" and inserting "15".

(b) REVIEW OF ORDERS OF REMOVAL.—Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (2), by striking the first sentence and inserting "The petition for review shall be filed with the United States Court of Appeals for the Federal Circuit.";

(2) in paragraph (5)(B), by adding at the end the following: "Any appeal of a decision by the district court under this paragraph shall be filed with the United States Court of Appeals for the Federal Circuit."; and

(3) in paragraph (7), by amending subparagraph (C) to read as follows:

"(C) CONSEQUENCE OF INVALIDATION AND VENUE OF APPEALS.—

"(i) INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a).

"(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the district court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.".

(c) REVIEW OF ORDERS REGARDING INADMISSABLE ALIENS.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:

"(6) VENUE.—The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.".

(d) EXCLUSIVE JURISDICTION.—Section 242(g) (8 U.S.C. 1252(g)) is amended—

(1) by striking "Except"; and inserting the following:

"(1) IN GENERAL.—Except"; and

(2) by adding at the end the following:

"(2) APPEALS.—Notwithstanding any other provision of law, the United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to review a district court order arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States, including a district court order granting or denying a petition for writ of habeas corpus.".

(e) JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) EXCLUSIVE JURISDICTION.—Section 1295(a) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(15) of an appeal to review a final administrative order or a district court decision arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States.".

(2) CONFORMING AMENDMENTS.—Such section 1295(a) is further amended—

(A) in paragraph (13), by striking "and"; and

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and "and".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the such Court.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 702. CERTIFICATE OF REVIEWABILITY.

(a) BRIEFS.—Section 242(b)(3)(C) (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

"(C) BRIEFS.—

"(i) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this subparagraph, the court shall dismiss the appeal unless a manifest injustice would result.

"(ii) UNITED STATES BRIEF.—The United States shall not be afforded an opportunity to file a brief in response to the alien's brief until a judge issues a certificate of reviewability as provided in subparagraph (D), unless the court requests the United States to file a reply brief prior to issuing such certification.".

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) (8 U.S.C. 1252 (b)(3)) is amended by adding at the end the following new subparagraphs:

"(D) CERTIFICATE OF REVIEWABILITY.—

"(i) After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals.

"(ii) Unless such judge issues a certificate of reviewability, the petition for review shall be denied and the United States may not file a brief.

"(iii) Such judge may not issue a certificate of reviewability under clause (ii) unless the petitioner establishes a prima facie case that the petition for review should be granted.

"(iv) Such judge shall complete all action on such certificate, including rendering judgment, not later than 60 days after the date on which the judge is assigned the petition for review, unless an extension is granted under clause (v).

"(v) Such judge may grant, on the judge's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

"(I) all parties to the proceeding agree to such extension; or

"(II) such extension is for good cause shown or in the interests of justice, and the judge states the grounds for the extension with specificity.

"(vi) If no certificate of reviewability is issued before the end of the period described in clause (iv), including any extension under clause (v), the petition for review shall be denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the Government, and the alien may be removed.

"(vii) If such judge issues a certificate of reviewability under clause (ii), the Government shall be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government brief, and the court may not extend this deadline except upon motion for good cause shown.

"(E) NO FURTHER REVIEW OF DECISION NOT TO ISSUE A CERTIFICATE OF REVIEWABILITY.—The decision of a judge on the Federal Circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the Federal Circuit Court of Appeals and may not be reconsidered, reviewed, or reversed by the such Court through any mechanism or procedure.".

SA 3359. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 13 through 20 and insert the following:

SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent the number of ports of entry along the southwestern border of the United States;

(2) increase the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

On page 13, between lines 5 and 6 insert the following:

(c) OTHER SECTORS.—

(1) REINFORCED FENCING.—The Secretary shall construct not less than 700 additional miles of double- or triple-layered fencing at strategic locations along the southwest border to be determined by the Secretary.

(2) PRIORITY AREAS.—In determining strategic locations under paragraph (1), the Secretary shall prioritize, to the maximum extent practicable—

(A) areas with the highest illegal alien apprehension rates; and

(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.

On page 13, line 6, strike "(c)" and insert "(d)".

On page 13, line 11, strike "(d)" and insert "(e)".

On page 13, line 18, strike "(e)" and insert "(f)".

SA 3360. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 248, line 11, insert "**AND WIDOWS**" after "**CHILDREN**".

On page 249, line 3, insert "or, if married for less than 2 years at the time of the citizen's death, proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit," after "death".

On page 249, after line 25, add the following:

(c) TRANSITION PERIOD.—

(1) IN GENERAL.—In applying clause (iii) of section 201(b)(2)(A) of the Immigration and Nationality Act, as added by subsection (a), to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may (notwithstanding the deadlines specified in such clause) file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined by 201(b)(2)(A)(ii) of the Immigration and Nationality Act) due to the citizen's death—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act; and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act.

(d) ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

"(1) IN GENERAL.—Any alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

"(2) ALIEN DESCRIBED.—An alien is described in this paragraph is an alien who—

"(A) is an immediate relative (as described in section 201(b)(2)(A));

"(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(C) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

"(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).".

(e) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed or departed voluntarily before the date of the enactment of this Act—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of the Immigration and Nationality Act; and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act.

(f) Processing of Immigrant Visas.—Section 204(b) (8 U.S.C. 1154) is amended—

(1) by striking "After an investigation" and inserting the following:

"(1) In general.—After an investigation"; and

(2) by adding at the end the following:

"(2) Death of qualifying relative.—

"(A) In general.—Any alien described in paragraph (2) whose qualifying relative died before the completion of immigrant visa processing may have an immigrant visa application adjudicated as if such death had not occurred. An immigrant visa issued before the death of the qualifying relative shall remain valid after such death.

"(B) Alien described.—An alien is described in this paragraph is an alien who—

"(i) is an immediate relative (as described in section 201(b)(2)(A));

"(ii) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(iii) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

"(iv) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).".

(g) Naturalization.—Section 319(a) (8 U.S.C. 1429(a)) is amended by inserting "(or, if the spouse is deceased, the spouse was a citizen of the United States)" after "citizen of the United States".

SA 3361. Mr. GRASSLEY (for himself and Mr. Kyl) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) Continuing employment.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) Use of labor through contract.—Any employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien with respect to performing such labor shall be considered to have hired the alien for employment in the united States in violation of paragraph (1)(A). Any employer who uses a contract, subcontract, or exchange to obtain the labor of a person in the United States shall be in violation of paragraph (1)(B) unless—

"(A) the employer includes in the contract or subcontract or other binding agreement a requirement that the person hiring the alien shall comply with this section and keep records necessary to demonstrate compliance with this section; and

"(B) the employer exercises reasonable diligence to ensure that person complies with this section.

"(4) Defense.—

"(A) In general.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) Exception.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) Order of Internal Review and Certification of Compliance.—

"(1) Authority to require certification.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) Content of certification.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) Extension.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) Document Verification Requirements.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the requirements of subsection (d) and the following paragraphs:

"(1) Attestation by employer.—

"(A) Requirements.—

"(i) In general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) Signature requirements.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) Standards for examination.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(iv) Registration of employers.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under paragraph (3) or (4) of subsection (d).

"(v) Requirements for employment eligibility system participants.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

"(B) Documents establishing both employment eligibility and identity.—A document described in this subparagraph is an individual's—

"(i) United States passport; or

"(ii) permanent resident card or other document designated by the Secretary, if the document—

"(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

"(II) is evidence of eligibility for employment in the United States; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(C) Documents evidencing employment eligibility.—A document described in this subparagraph is an individual's social security account number card issued by the Commissioner of Social Security (other than a card which bears the legend 'not valid for employment' or 'valid for work only with DHS authorization').

"(D) Documents establishing identity of individual.—A document described in this subparagraph is an individual's—

"(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

"(ii) employee identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency or department of a State, or a Native American tribal document, provided that such card or document—

"(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

"(iii) in the case of an individual who is unable to obtain a document described in clause (i) or (ii), a document of personal identity of such other type that—

"(I) the Secretary determines is a reliable means of identification;

"(II) contains the individual's photograph or information including the individual's name, date of birth, gender, and address; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 7 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents and reflect the signature of the employer and the individual and the date of receipt of such documents.

"(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(B) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

"(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

"(2) MANAGEMENT OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

"(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

"(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

"(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

"(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

"(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 business days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

"(ii) EXTENSION OF TIME.—The Secretary, in consultation with the Commissioner of Social Security, may extend the 10-day period described in clause (i) for no more than 180 days if the information needed to resolve an initial negative response cannot be obtained by or submitted to the Secretary or the Commissioner and verified or entered into the System within such 10-day period.

"(iii) AUTOMATIC EXTENSION.—If the most recent previous report submitted by the Comptroller General of the United States under paragraph (12) includes an assessment that the System is not able to issue, during a period that averages 10 days or less, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States, the Secretary shall automatically extend the 10-day period referred to in clause (i) to a period of not less than 180 days.

"(iv) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

"(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

"(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

"(ii) to respond to each inquiry made by an employer;

"(iii) to track and record any occurrence when the System is inoperable;

"(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

"(v) to allow for monitoring of the use of the System and provide an audit capability;

"(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from using the System to engage in unlawful discriminatory practices, based on national origin or citizenship status; and

"(vii) to establish a process to allow an individual to verify the individual's employment eligibility prior to obtaining or changing employment to facilitate the updating and correction of information used by the System.

"(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

"(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

"(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided;

"(ii) a determination of whether such number was issued to the named individual;

"(iii) a determination of whether the individual is authorized to be employed in the United States; and

"(iv) any other related information that the Secretary may require.

"(G) UPDATING INFORMATION.—The Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

"(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraph (4), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require any employer or class of employers to participate in the System with respect to employees hired prior to, on, or after such date of enactment if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on critical infrastructure, national security, or homeland security needs.

“(B) REMAINING EMPLOYERS.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that funds are appropriated and made available to the Secretary to implement this subsection.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

“(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

“(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable causes to believe that the employer has engaged in violations of the immigration laws.

“(5) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in paragraphs (3) and (4) prior to the effective date of such requirements.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

“(7) SYSTEM REQUIREMENTS.—

“(A) IN GENERAL.—An employer that participates in the System shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

“(i) obtain from the individual and record on the form designated by the Secretary—

“(I) the individual's name and date of birth;

“(II) the individual's social security account number; and

“(III) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such alien identification or authorization number that the Secretary shall require;

“(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

“(B) INITIAL INQUIRY.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(ii) NONCONFIRMATION AND VERIFICATION.—

“(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and shall provide the individual with detailed information about the right to contest the tentative nonconfirmation and the procedures established by the Secretary and the Commissioner of Social Security for contesting such nonconfirmation.

“(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 business days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

“(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice under procedures prescribed by the Secretary, in consultation with the Commissioners of Social Security, not later than 10 business days after receiving the notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(iii).

“(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

“(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than such tentative nonconfirmation.

“(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

“(D) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to emplcy, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(8) CONSTRUCTION.—Nothing in this section shall be construed to limit the right of an individual who claims to be a national of the United States to pursue that claim as provided for in section 360(a).

“(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(10) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under any provision of law.

“(11) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

“(12) ANNUAL GAO STUDY AND REPORT.—

“(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

“(B) PURPOSE.—The study shall evaluate the accuracy, integrity, and impact of the System.

“(C) REPORT.—Not later than 12 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Such report shall include, at a minimum, the following:

“(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within 10 days, including the assessment described in paragraph (2)(C)(iii).

“(ii) An assessment of the privacy and security of the System and its impact on identity fraud or the misuse of personal data.

“(iii) An assessment of the impact of the System on the employment of unauthorized aliens and employment discrimination based on national origin or citizenship.

“(e) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

“(C) for the investigation of other violations of subsection (a) that the Secretary determines are appropriate.

“(2) AUTHORITY IN INVESTIGATIONS.—

“(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

“(i) shall have reasonable access to examine evidence of any employer being investigated; and “(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

“(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

“(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

“(3) COMPLIANCE PROCEDURES.—

“(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

“(iii) disclose the material facts which establish the alleged violation; and

“(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

“(B) REMISSION OR MITIGATION OF PENALTIES.—

“(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

“(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

“(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsections (c) and (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

“(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(i) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law—

"(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

"(B) requiring as a condition of conducting, continuing, or expanding a business that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.

"(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(k) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(d)".

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

"(I)(i) The Commissioner of Social Security shall establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraphs (2)(B) and (2)(C) of such subsection—

"(I) a determination of whether the name and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(II) a determination of whether such social security account number was issued to such individual;

"(III) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(V) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(VI) a confirmation notice or a nonconfirmation notice described in such paragraph (2)(B) or (2)(C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.".

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 who has received written notice from the Commissioner of Social Security during calendar year 2005, 2006, or 2007 that such person reported remuneration on such a return—

"(I) with more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) with more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

"(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe is the result of identity fraud due to the use by multiple persons filing such returns of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

"(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 and for which the Commissioner of Social Security has reason to believe is not recorded as participating in the Electronic Employment Verification

System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—Upon certification by the Secretary of Homeland Security that each person identified by such request based on the records of the Department of Homeland Security is not recorded as participating in the System, taxpayer identity information of all employees (within the meaning of section 6051) of such person hired after the date which such person is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—Upon certification by the Secretary of Homeland Security that each person identified by such request based on the records of the Department of Homeland Security is designated by the Secretary of Homeland Security under section 274A(d)(3)(A) of the Immigration and Nationality Act or is required by the Secretary of Homeland Security to participate in the System under section 274A(d)(4)(B) of such Act, taxpayer identity information of all employees (within the meaning of section 6051) of such person.

"(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

"(I) the earlier of the date such person volunteers to participate in the System or the date such person is required to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

"(i) establishing and enforcing employer participation in the System,

"(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, and 274C of the Immigration and Nationality Act, and

"(iii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3) of such Code is amended by striking "or (18)" and inserting "(18), or (21)".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)", and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary of Homeland Security has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(4) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—

(1) INCREASE IN NUMBER OF INVESTIGATORS.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(2) USE OF ENFORCEMENT PERSONNEL.—The Secretary shall ensure that not less than 20 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement of the Department to enforce the immigration and customs laws shall be used to enforce compliance with section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 301(a).

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SA 3362. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—IMMIGRATION LITIGATION REDUCTION

Subtitle A—Appeals and Review

SEC. 701. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) TRIAL ATTORNEYS.—In each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 above the number of such

positions for which funds were made available during each preceding fiscal year.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) LITIGATION ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice.

(2) UNITED STATES ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of attorneys in the United States Attorneys' office to litigate immigration cases in the Federal courts.

(3) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 the number of positions for personnel to support the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) STAFF ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 10 the number of positions for full-time staff attorneys in the Board of Immigration Appeals compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 10 the number of positions for personnel to support the staff attorneys described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, increase by not less than 50 the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts.

Subtitle B—Immigration Review Reform

SEC. 711. DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.

Notwithstanding any other provision of law or regulation, the Director of the Executive Office for Immigration Review of the Department of Justice described in section 1003.0 of title 8, Code of Federal Regulations (or any corresponding similar regulation) shall be appointed by the President with the advice and consent of the Senate.

SEC. 712. BOARD OF IMMIGRATION APPEALS.

(a) COMPOSITION AND APPOINTMENT.—Notwithstanding any other provision of law or regulation, the Board of Immigration Appeals of the Department of Justice described in section 1003.1 of title 8, Code of Federal Regulations (or any corresponding similar regulation) (referred to in this section as the "Board"), shall be composed of a Chair and 22 other immigration appeals judges, appointed by the Director of the Executive Office for Immigration Review, in consultation with the Attorney General.

(b) TERM OF APPOINTMENT.—The term of appointment of each member of the Board shall be 6 years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office, a Board member may continue to act until a successor has been appointed and qualified.

(c) CURRENT MEMBERS.—Each individual who is serving as a member of the Board on the date of the enactment of this Act shall be appointed to the Board utilizing a system of staggered terms of appointment based on seniority.

(d) QUALIFICATIONS.—Each member of the Board, including the Chair, shall—

(1) be an attorney in good standing of a bar of a State or the District of Columbia;

(2) have at least—

(A) 7 years of professional, legal expertise; or

(B) 5 years of professional, legal expertise in immigration and nationality law; and

(3) meet the minimum qualification requirements of an administrative law judge under title 5, United States Code.

(e) DUTIES OF THE CHAIR.—The Chair of the Board, subject to the supervision of the Director, shall—

(1) be responsible, on behalf of the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed for that purpose;

(2) direct, supervise, and establish internal operating procedures and policies of the Board;

(3) designate a member of the Board to act as Chair if the Chair is absent or unavailable;

(4) adjudicate cases as a member of the Board;

(5) form 3-member panels as provided by subsection (i);

(6) direct that a case be heard en banc as provided by subsection (j); and

(7) exercise such other authorities as the Director may provide.

(f) BOARD MEMBERS DUTIES.—In deciding a case before the Board, the Board—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with the authority provided in this section and any regulations established in accordance with this section.

(g) JURISDICTION.—

(1) IN GENERAL.—The Board shall have jurisdiction to hear appeals described in section 1003.1(b) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(2) LIMITATION.—The Board shall not have jurisdiction to hear an appeal of a decision of an immigration judge for an order of removal entered in absentia.

(h) SCOPE OF REVIEW.—

(1) FINDINGS OR FACT.—The Board shall—

(A) accept findings of fact determined by an immigration judge, including findings as to the credibility of testimony, unless the findings are clearly erroneous; and

(B) give due deference to an immigration judge's application of the law to the facts.

(2) QUESTIONS OF LAW.—The Board shall review de novo questions of law, discretion, and judgment, and all other issues in appeals from decisions of immigration judges.

(3) APPEALS FROM OFFICERS' DECISIONS.—The Board shall review de novo all questions arising in appeals from decisions issued by officers of the Department.

(4)(A) PROHIBITION ON FACT FINDING.—Except for taking administrative notice of commonly known facts such as current events or the contents of official documents, the Board may not engage in fact-finding in the course of deciding appeals.

(B) REMAND.—A party asserting that the Board cannot properly resolve an appeal without further fact-finding shall file a motion for remand. If further fact-finding is needed in a case, the Board shall remand the proceeding to the immigration judge or, as appropriate, to the Secretary.

(i) PANELS.—

(1) IN GENERAL.—Except as provided in paragraph (5) all cases shall be subject to review by a 3-member panel. The Chair shall divide the Board into 3-member panels and designate a presiding member.

(2) AUTHORITY.—Each panel may exercise the appropriate authority of the Board that is necessary for the adjudication of cases before it.

(3) QUORUM.—Two members appointed to a panel shall constitute a quorum for such panel.

(4) CHANGES IN COMPOSITION.—The Chair may from time to time make changes in the composition of a panel and of the presiding member of a panel.

(5) PRESIDING MEMBER DECISIONS.—The presiding member of a panel may act alone on any motion as provided in paragraphs (3) and (4) of subsection (k) and may not otherwise dismiss or determine an appeal as a single Board member.

(j) EN BANC PROCESS.—

(1) IN GENERAL.—The Board may on its own motion, by a majority vote of the Board members, or by direction of the Chair—

(A) consider any case as the full Board en banc; or

(B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel or by a limited en banc panel.

(2) QUORUM.—A majority of the Board members shall constitute a quorum of the Board sitting en banc.

(k) DECISIONS OF THE BOARD.—

(1) BINDING DECISIONS.—

(A) IN GENERAL.—A precedent decision of the Board shall be binding on the Secretary and the immigration judges unless such decision is modified or reversed by the Court of Appeals for the Federal Circuit or by the United States Supreme Court.

(B) APPEAL BY THE SECRETARY.—The Secretary, with the concurrence of the Attorney General, may appeal a decision of the Board under this section to the Court of Appeals for the Federal Circuit.

(2) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board may affirm the decision of an immigration judge without opinion only if—

(A) the decision of the immigration judge resolved all issues in the case;

(B) the issue on appeal is squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation;

(C) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and

(D) the Board approves both the result reached in the decision below and all of the reasoning of that decision.

(3) SUMMARY DISMISSAL OF APPEALS.—The 3-member panel or the presiding member acting alone may summarily dismiss any appeal or portion of any appeal in any case which—

(A) the party seeking the appeal fails to specify the reasons for the appeal;

(B) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding;

(C) the appeal is from an order that granted such party the relief that had been requested;

(D) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; or

(E) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law.

(4) UNOPPOSED DISPOSITIONS.—The 3-member panel or the presiding member acting alone may—

(A) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or

(B) adjudicate a motion to remand any appeal—

(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration;

(ii) if remand is required because of a defective or missing transcript; or

(iii) if remand is required for any other procedural or ministerial issue.

(5) NOTICE OF RIGHT TO APPEAL.—The decision by the Board shall include notice to the alien of the alien's right to file a petition for review in the United States Court of Appeals for the Federal Circuit within 30 days of the date of the decision.

SEC. 713. IMMIGRATION JUDGES.

(a) APPOINTMENT OF CHIEF IMMIGRATION JUDGE.—Notwithstanding any other provision of law or regulation, the Chief Immigration Judge described in section 1003.9 of title 8, Code of Federal Regulations (or any corresponding similar regulation) shall be appointed by the Director of the Executive Officer for Immigration Review, in consultation with the Attorney General.

(b) APPOINTMENT OF IMMIGRATION JUDGES.—

(1) IN GENERAL.—Immigration judges shall be appointed by the Director of the Executive Office for Immigration Review, in consultation with the Chief Immigration Judge and the Chair of the Board of Immigration Appeals.

(2) TERM OF APPOINTMENT.—The term of appointment of each immigration judge shall be 7 years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office, the immigration judge may continue to act until a successor has been appointed and qualified.

(3) CURRENT MEMBERS.—Each individual who is serving as an immigration judge on the date of the enactment of this Act shall be appointed as an immigration judge utilizing a system of staggered terms of appointment based on seniority.

(4) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 5 years of professional, legal expertise or at least 3 years professional or legal expertise in immigration and nationality law.

(c) JURISDICTION.—An Immigration judge shall have the authority to hear matters related to any removal proceeding pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) described in section 1240.1(a) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(d) DUTIES OF IMMIGRATION JUDGES.—In deciding a case, an immigration judge—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with their authorities under this section and regulations established in accordance with this section.

(e) REVIEW.—Decisions of immigration judges are subject to review by the Board of Immigration Appeals in any case in which the Board has jurisdiction.

SEC. 714. REMOVAL AND REVIEW OF JUDGES.

(a) IN GENERAL.—Immigration judges and members of the Board of Immigration Appeals may be removed from office, subject to review by the Merit Systems Protection Board, only for good cause—

(1) by the Director of the Executive Office for Immigration Review, in consultation with the Chair of the Board, in the case of the removal of a member of the Board; or

(2) by the Director, in consultation with the Chief Immigration Judge, in the case of the removal of an immigration judge.

(b) INDEPENDENT JUDGMENT.—No immigration judge or member of the Board may be removed or otherwise subject to disciplinary or adverse action for their exercise of independent judgment and discretion as prescribed by this subtitle.

SEC. 715. LEGAL ORIENTATION PROGRAM.

(a) CONTINUED OPERATION.—The Director of the Executive Office for Immigration Review shall continue to operate a legal orientation program to provide basic information about immigration court procedures for immigration detainees and shall expand the legal orientation program to provide such information on a nationwide basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out such legal orientation program.

SEC. 716. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this subtitle.

SA 3363. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NUMERICAL LIMITATIONS ON H-2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is further amended—

(1) in subparagraph (A)(ix), by striking "or" at the end;

(2) in subparagraph (B), by striking "and" at the end;

(3) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(D) under section 101(a)(15)(H)(ii)(a) may not exceed 90,000.".

SA 3364. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . GRANTS FOR LOCAL PROGRAMS RELATING TO UNDOCUMENTED IMMIGRANTS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award competitive grants to units of local government for innovative programs that address the increased expenses incurred in responding to the needs of undocumented immigrants.

(b) MAXIMUM AMOUNT.—The Secretary may not award a grant under this section to a unit of local government in an amount which exceeds $5,000,000.

(c) USE OF GRANT FUNDS.—Grants awarded under this section may be used for activities relating to the undocumented immigrant population residing in the locality, including—

(1) law enforcement activities;

(2) uncompensated health care;

(3) public housing;

(4) inmate transportation; and

(5) reduction in jail overcrowding.

(d) APPLICATION.—Each unit of local government desiring a grant under this section shall submit an application to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

SA 3365. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING REIMBURSING STATES FOR THE COSTS OF UNDOCUMENTED IMMIGRANTS.

(a) FINDINGS.—The Senate finds the following:

(1) It is the obligation of the Federal Government to adequately secure the borders of the United States and prevent the flow of undocumented immigrants into the United States.

(2) Despite the fact that, according to the Congressional Research Service, Border Patrol agents apprehend more than 1,000,000 individuals each year trying to illegally enter the United States, the net growth in the number of unauthorized immigrants entering the United States has increased by approximately 500,000 each year.

(3) The costs associated with incarcerating undocumented criminal immigrants and providing education and healthcare to undocumented immigrants place a tremendous financial burden on States and local governments.

(4) In 2003, States received compensation from the Federal Government, through the State criminal alien assistance program

under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), for incarcerating approximately 74,000 undocumented criminal immigrants.

(5) In 2003, 700 local governments received compensation from the Federal Government, through the State criminal alien assistance program, for incarcerating approximately 138,000 undocumented criminal immigrants.

(6) It is estimated that Federal Government payments through the State criminal alien assistance program reimburse States and local governments for 25 percent or less of the actual costs of incarcerating the undocumented criminal immigrants.

(7) It is estimated that providing kindergarten through grade 12 education to undocumented immigrants costs States more than $8,000,000,000 annually.

(8) It is further estimated that more than $1,000,000,000 is spent on healthcare for undocumented immigrants each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) States should be fully reimbursed by the Federal Government for the costs associated with providing education and healthcare to undocumented immigrants; and

(2) the program authorized under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) should be fully funded, for each of the fiscal years 2007 through 2012, at the levels authorized for such program under section 241(i)(5) of such Act (as amended by section 218(b)(2) of this Act).

SA 3366. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 327, beginning on line 21, strike all through page 328, line 16, and insert the following:

"(c) SPOUSES AND CHILDREN AND CERTAIN OTHER INDIVIDUALS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

"(1) adjust the status to that of a conditional nonimmigrant under this section for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under this section;

"(2) adjust the status to that of a conditional nonimmigrant under this section for an alien who, before January 7, 2004, was the spouse or child of an alien who is provided conditional nonimmigrant status under this section, or is eligible for such status, if—

"(A) the termination of the qualifying relationship was connected to domestic violence; and

"(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided conditional nonimmigrant status under this section; or

"(3) adjust the status to that of a conditional immigrant under this section for an individual who was present in the United States on January 7, 2004, and is the national of a country designated at that time for protective status pursuant to section 244.

SA 3367. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 7, before "The Secretary" insert the following: "(a) IN GENERAL.—".

On page 32, between lines 20 and 21, insert the following:

(b) COMMUNICATION SYSTEM GRANTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "demonstration project" means the demonstration project established under paragraph (2)(A); and

(B) the term "emergency response provider" has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project".

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in a demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) PROJECT REQUIREMENTS.—The demonstration projects shall—

(A) address the interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(B) foster interoperable communications—

(i) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the international land borders of the United States; and

(ii) with similar agencies in Canada and Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of interoperable communications equipment;

(E) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(F) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(G) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in a demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this subsection.

(6) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this subsection.

SA 3368. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of the Department of Homeland Security, shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides regular daily services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing and standardizing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats each day for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

SA 3369. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 332, strike lines 6 through 18, and insert the following:

"(1) PERIOD OF AUTHORIZED STAY.—The period of authorized stay for a conditional nonimmigrant described in this section shall be 2 years. The Secretary may extend such period for an unlimited number of 2-year periods if the alien remains eligible for conditional nonimmigrant classification and status under this section.

On page 335, between lines 11 and 12, insert the following:

"(h) PROHIBITION ON ADJUSTMENT OF STATUS.—An alien granted conditional nonimmigrant work authorization and status under this section and the spouse of such alien are ineligible for any additional adjustment of status. The child of such an alien may be granted a change of status under subtitle C of title VI of the Comprehensive Immigration Reform Act of 2006.

Strike section 602.

SA 3370. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE SECURITY OF THE LAND AND SEA BORDERS OF THE UNITED STATES.

It is the sense of the Senate that—

(1) the net growth of 500,000 unauthorized aliens entering the United States each year, and the potential for terrorists to take advantage of the porous borders of the United States, represent a clear and present danger to the national security of the United States;

(2) the inability to secure the international borders of the United States has given rise to an immigration crisis that has profound social, legal, and political ramifications;

(3) while assessing the identity and location of the estimated 11,000,000 unauthorized aliens currently in the United States, the Federal Government must simultaneously act to secure the borders and prevent further illegal entry;

(4) the President of the United States should demonstrate the highest level of commitment to securing the land and sea borders of the United States by using all the resources at the disposal of the President, including—

(A) declaring that a state of emergency exists in States that share an international border with Mexico and Canada until such time as the President determines that—

(i) the additional resources and manpower provided under this Act are deployed; and

(ii) there is a significant reduction in the number of illegal aliens entering the United States;

(B) immediately deploying the Armed Forces, including the National Guard, to secure those international borders;

(C) requiring each Cabinet Secretary to detail the resources and capabilities that their respective Federal agencies have available for use in securing the land and sea borders of the United States; and

(D) facilitating the development of a program to enable all willing citizens of the United States to contribute to securing the land and sea borders of the United States; and

(5) the President of Mexico should be encouraged to use all authority within the power of the President of Mexico to secure the international border between the United States and Mexico from illegal crossings.

SA 3371. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____. NORTH AMERICAN TRAVEL CARDS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) NORTH AMERICAN TRAVEL CARDS.—

(1) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall, not later than December 31, 2007, issue to a citizen of the United States who submits an application in accordance with paragraph (4) a travel document that will serve as a North American travel card.

(2) APPLICABILITY.—A North American travel card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(3) LIMITATION ON USE.—A North American travel card may only be used for the purpose of international travel by United States citizens through land border ports of entry, including ferries, between the United States and Canada and the United States and Mexico.

(4) APPLICATION FOR ISSUANCE.—To be issued a North American travel card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(5) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a North American travel card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the North American travel card is not developed by that date.

(B) TECHNOLOGY.—The Secretary of Homeland Security and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department of Homeland Security, allows for future technological innovations, and ensures maximum facilitation at the northern and southern border.

(6) SPECIFICATIONS FOR CARD.—A North American travel card shall be easily portable and durable. The Secretary of State and the Secretary of Homeland Security shall consult regarding the other technical specifications of the card, including whether the security features of the card could be combined with other existing identity documentation.

(7) FEE.—Except as in provided in paragraph (8), an applicant for a North American travel card shall submit an application under paragraph (4) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Fees for a North American travel card shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended. The fee for the North American travel card shall not exceed $20, of which not more than $2 shall be allocated to the United States Postal Service for postage and other application processing functions. Such fee shall be waived for children under 16 years of age.

(c) FOREIGN COOPERATION.—In order to maintain and encourage cross-border travel and trade, the Secretary of State and the Secretary of Homeland Security shall use all possible means to coordinate with the appropriate representatives of foreign governments to encourage their citizens and nationals to possess, not later than the date at which the certification required by subsection (j) is made, appropriate documentation to allow such citizens and nationals to cross into the United States.

(d) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the North American travel card and to facilitate the acquisition of a passport or North American travel card. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the establishment of at least 200 new passport acceptance facilities, with emphasis on facilities located near international borders;

(4) the collection and analysis of data to measure the success of the public promotion plan; and

(5) additional measures as appropriate.

(e) ACCESSIBILITY.—In order to make the North American travel card easily obtainable, an application for a North American travel card shall be accepted in the same manner and at the same locations as an application for a passport.

(f) EXPEDITED TRAVEL PROGRAMS.—To the maximum extent practicable, the Secretary of Homeland Security shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists.

(g) ALTERNATIVE OPTIONS.—

(1) IN GENERAL.—In order to give United States citizens as many secure, low-cost options as possible for travel within the Western Hemisphere, the Secretary of Homeland Security shall continue to pursue additional alternative options, such as NEXUS, to a passport that meet the requirements of section 7209 of the Intelligence Reform and Terrorism Prevent Act (Public Law 108-458; 8 U.S.C. 1185 note).

(2) FEASIBILITY STUDY.—Not later than 120 days after the date of enactment of this Act, the Congressional Budget Office shall submit to the Committee on Homeland Security and Government Affairs and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security and the Committee on International Relations of the House of Representatives, a study on the feasibility of incorporating into a driver's license, on a voluntary basis, information about citizenship, in a manner that enables a driver's license which meets the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13) to serve as an acceptable alternative document to meet the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act. Such study shall include a description of how such a program could be implemented, and shall consider any cost advantage of such an approach.

(h) IDENTIFICATION PROCESS.—The Secretary of Homeland Security shall have appropriate authority to develop a process to ascertain the identity of and make admissibility determinations for individuals who arrive at the border without proper documentation.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a North American travel card.

(j) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the date that is 3 months after the Secretary of State and the Secretary of Homeland Security certify to Congress that—

(1) North American travel cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(2) North American travel cards are provided to applicants, on average, within 4 weeks of application;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept North American travel cards at all United States border crossings;

(4) the outreach plan described in subsection (d) has been implemented and deemed to have been successful according to collected data; and

(5) a successful pilot has demonstrated the effectiveness of the North American travel card program.

(k) REPORTS.—

(1) REPORTS ON THE ISSUANCE OF NORTH AMERICAN TRAVEL CARDS.—The Secretary of State shall, on a quarterly basis during the first year of issuance of North American travel cards, submit to Congress a report containing information relating to the number of North American travel cards issued during the immediately preceding quarter or year, as appropriate, and the number of United States citizens in each State applying for such cards.

(2) REPORT ON PRIVATE COLLABORATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State and the Secretary shall report to Congress on their efforts to solicit policy suggestions and the incorporation of such suggestions into the implementation strategy from the private sector on the implementation of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note). The report should include the private sector's recommendations concerning how air, sea, and land travel between countries in the Western Hemisphere can be improved in a manner that establishes the proper balance between national security, economic well being, and the particular needs of border communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this section.

SA 3372. Mrs. CLINTON (for herself, Mr. OBAMA, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 245, strike line 4 and insert the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) ESTABLISHMENT.—There

On page 245, strike line 11 and insert the following:

"218A and 218B.

"(2) USE OF FEES FOR GRANT PROGRAM.—Amounts deposited in the State Impact Assistance Account under paragraph (1) shall remain available to the Secretary until expended for use for the State Impact Assistance Grant Program established under paragraph (3)(A).

"(3) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

"(A) ESTABLISHMENT.—Not later than January 1 of each year beginning after the date of enactment of this subsection, the Secretary, in cooperation with the Secretary of Health and Human Services (referred to in this paragraph as the 'Secretary'), shall establish a State Impact Assistance Grant Program, under which the Secretary shall make grants to States for use in accordance with subparagraph (D).

"(B) AVAILABLE FUNDS.—For each fiscal year beginning after the date of enactment of this subsection, the Secretary shall use ½ of the amounts deposited into the State Impact Assistance Account under paragraph (1) during the preceding fiscal year to provide grants under this paragraph.

"(C) ALLOCATION.—The Secretary shall allocate grants under this paragraph as follows:

"(i) NONCITIZEN POPULATION.—

"(I) IN GENERAL.—Subject to subclause (II), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

"(aa) the noncitizen population of the State; bears to

"(bb) the noncitizen population of all States.

"(II) MINIMUM AMOUNT.—Notwithstanding the formula under subclause (I), no State shall receive less than $5,000,000 under this clause.

"(ii) HIGH GROWTH RATES.—20 percent shall be allocated on a pro-rata basis among the 20 States with the largest growth rate in noncitizen population, as determined by the Secretary, according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

"(I) the growth rate in the noncitizen population of the State during the most recent 3-year period for which data is available; bears to

"(II) the combined growth rate in noncitizen population of the 20 States during the 3-year period described in subclause (I).

"(D) USE OF FUNDS.—A State shall use a grant received under this paragraph to return to local governments, organizations, and entities moneys for the costs of providing health services, educational services, and public safety services to noncitizen communities.

"(E) ADMINISTRATION.—A local government, organization, or entity may provide services described in subparagraph (D) directly or pursuant to contracts with the State or another entity, including—

"(i) a unit of local government;

"(ii) a public health provider, such as a hospital, community health center, or other appropriate entity;

"(iii) a local education agency; and

"(iv) a charitable organization.

"(F) REFUSAL.—

"(i) IN GENERAL.—A State may elect to refuse any grant under this paragraph.

"(ii) ACTION BY SECRETARY.—On receipt of notice of a State of an election under clause (i), the Secretary shall deposit the amount of the grant that would have been provided to the State into the State Impact Assistance Account.

"(G) REPORTS.—

"(i) IN GENERAL.—Not later than March 1 of each year, each State that received a grant under this paragraph during the preceding fiscal year shall submit to the Secretary a report in such manner and containing such information as the Secretary may require, in accordance with clause (ii).

"(ii) INCLUSIONS.—A report under clause (i) shall include a description of—

"(I) the services provided in the State using the grant;

"(II) the amount of grant funds used to provide each service and the total amount available during the applicable fiscal year from all sources to provide each service; and

"(III) the method by which the services provided using the grant addressed the needs of communities with significant and growing noncitizen populations in the State.

"(H) COLLABORATION.—In promulgating regulations and issuing guidelines to carry out this paragraph, the Secretary shall collaborate with representatives of State and local governments.

"(I) EFFECT OF PARAGRAPH.—

"(i) ENFORCEMENT OF FEDERAL IMMIGRATION LAW.—Nothing in this paragraph authorizes any State or local law enforcement agency or officer to exercise Federal immigration law enforcement authority.

"(ii) STATE APPROPRIATIONS.—Funds received by a State under this paragraph shall be subject to appropriation by the legislature of the State, in accordance with the terms and conditions described in this paragraph.".

On page 245, line 22, insert ", to be deposited in the Treasury in accordance with section 286(w)" after "Labor".

On page 333, strike lines 9 through 12 and insert the following:

"(4) COLLECTION OF FINES AND FEES.—Of the fines and fees collected under this section—

"(A) 50 percent shall be deposited in the Treasury in accordance with section 286(w); and

"(B) 50 percent shall be deposited in the Treasury in accordance with section 286(x).

On page 341, line 17, insert ", to be deposited in the Treasury in accordance with section 286(w)" before the period.

SA 3373. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 231, strike lines 14 through 18 and insert the following:

"(3) FEE.—

"(A) IN GENERAL.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application.

"(B) HEALTH AND EDUCATION FEE.—Each alien seeking H–2C nonimmigrant status under this section shall submit, in addition to any fees otherwise authorized for processing an application under this section, a health and education fee in the amount of $500, for the alien, and $100 for the spouse and each child accompanying such alien. Notwithstanding subsection (1), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

"(C) SAVINGS PROVISION.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

On page 245, strike lines 4 through 11 and insert the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistance Account'.

"(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account—

"(A) all family supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B; and

"(B) all supplemental application fees collected under subsections (c)(1)(F)(ii) and (g)(2) of section 218D.

"(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account under paragraph (2)(B) shall remain available to the Secretary of Health and Human Services, in consultation with the Secretary of Education, to provide financial assistance to health care providers for health and educational services to aliens granted conditional nonimmigrant status under section 218A.

"(4) STATE ALLOCATIONS.—The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Homeland Security, shall allocate funds among States in proportion to the number of aliens granted conditional nonimmigrant status residing in each State.".

On page 279, line 3, strike "and" and all that follows through "(5)" and insert the following:

(5) provide a minimum level of health care, as determined by the Secretary of Health and Human Services, to nationals of the home country who are participating in a temporary worker program in the United States; and

(6)

On page 332, strike lines 19 through 24 and insert the following:

"(2) APPLICATION FEE.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee for filing an application for a grant of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(B) HEALTH AND EDUCATION FEE.—Each alien seeking conditional nonimmigrant worker authorization and status under this section shall submit, in addition to the fee imposed under subparagraph (A), a health and education fee in the amount of $500, for the alien, and $100, for the spouse and each child accompanying such alien. Notwithstanding paragraph (4), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

SA 3374. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 231, strike lines 14 through 18 and insert the following:

"(3) FEE.—

"(A) IN GENERAL.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application.

"(B) HEALTH AND EDUCATION FEE.—Each alien seeking H–2C nonimmigrant status under this section shall submit, in addition to any fees otherwise authorized for processing an application under this section, a health and education fee in the amount of $500, for the alien, and $100 for the spouse and each child accompanying such alien. Notwithstanding subsection (1), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

"(C) SAVINGS PROVISION.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

On page 245, strike lines 4 through 11 and insert the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistance Account'.

"(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account—

"(A) all family supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B; and

"(B) all supplemental application fees collected under subsections (c)(1)(F)(ii) and (g)(2) of section 218D.

"(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account under paragraph (2)(B) shall remain available to the Secretary of Health and Human Services, in consultation with the Secretary of Education, to provide financial assistance to health care providers for health and educational services to aliens granted conditional nonimmigrant status under section 218A.

"(4) STATE ALLOCATIONS.—The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Homeland Security, shall allocate funds among States in proportion to the number of aliens granted conditional nonimmigrant status residing in each State.".

(6)

On page 332, strike lines 19 through 24 and insert the following:

"(2) APPLICATION FEE.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee for filing an application for a grant of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(B) HEALTH AND EDUCATION FEE.—Each alien seeking conditional nonimmigrant worker authorization and status under this section shall submit, in addition to the fee imposed under subparagraph (A), a health and education fee in the amount of $500, for the alien, and $100, for the spouse and each child accompanying such alien. Notwithstanding paragraph (4), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

SA 3375. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 332, strike lines 19 through 24 and insert the following:

"(2) APPLICATION FEE.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee for filing an application for a grant of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(B) HEALTH AND EDUCATION FEE.—Each alien seeking conditional nonimmigrant worker authorization and status under this section shall submit, in addition to the fee imposed under subparagraph (A), a health and education fee in the amount of $500, for the alien, and $100, for the spouse and each child accompanying such alien. Notwithstanding paragraph (4), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

SA 3376. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 231, strike lines 14 through 18 and insert the following:

"(3) FEE.—

"(A) IN GENERAL.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application.

"(B) HEALTH AND EDUCATION FEE.—Each alien seeking H–2C nonimmigrant status under this section shall submit, in addition to any fees otherwise authorized for processing an application under this section, a health and education fee in the amount of $500, for the alien, and $100 for the spouse and each child accompanying such alien. Notwithstanding subsection (1), the fee collected under this subparagraph shall be deposited in the State Impact Assistance Account established under section 286(x).

"(C) Savings provision.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

SA 3377. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 245, strike lines 4 through 11 and insert the following:

"(x) State Impact Assistance Account.—

"(1) Establishment.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistance Account'.

"(2) Source of funds.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account—

"(A) all family supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B; and

"(B) all supplemental application fees collected under subsections (c)(1)(F)(ii) and (g)(2) of section 218D.

"(3) Use of funds.—Amounts deposited into the State Impact Assistance Account under paragraph (2)(B) shall remain available to the Secretary of Health and Human Services, in consultation with the Secretary of Education, to provide financial assistance to health care providers for health and educational services to aliens granted conditional nonimmigrant status under section 218A.

"(4) State allocations.—The Secretary of Health and Human Services, in consultation with the Secretary of Education and the Secretary of Homeland Security, shall allocate funds among States in proportion to the number of aliens granted conditional nonimmigrant status residing in each State.".

SA 3378. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. ENGLISH FLUENCY REQUIREMENTS FOR CERTAIN EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION.

Section 214(g)(5)(A) (8 U.S.C. 1184(g)(5)(A)) is amended by striking "entity;" and inserting "entity, and has demonstrated a high proficiency in the spoken English language;".

SA 3379. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 279, line 3, strike "and" and all that follows through "(5)" and insert the following:

(5) provide a minimum level of health care, as determined by the Secretary of Health and Human Services, to nationals of the home country who are participating in a temporary worker program in the United States; and

(6)

SA 3380. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 276, between lines 15 and 16, insert the following:

"(A)(i) has been physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application; and

"(ii)(I) is 65 years of age or older;

"(II) establishes that the alien's departure from the United States upon the expiration of conditional nonimmigrant status would result in significant hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

"(III) establishes that the alien's employer has designated the alien as a vital worker because the alien is vital to the operation of an existing and functioning business on the date of such application and—

"(aa) possesses the ability to operate a highly customized machine used in an inextricable part of the business operation; or

"(bb) possesses a very high degree of skill in manufacturing or agriculture, or creating products for a specific industry, and is recognized as such by well-established trade associations.

On page 276, line 5, insert after the word "visas," (when allocations provided for under 203(b)(4))"

SA 3381. Mr. KYL (for himself and Mr. Cornyn) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 276, strike line and all that follows through page 277, line 21.

SA 3382. Mr. STEVENS (for himself, Mr. Shelby, Mr. Inouye, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

TITLE —IMPROVED PUBLIC TRANSPORTATION, RAIL, AND MARITIME SECURITY

Subtitle A—Public Transportation Security

SEC. _101. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This subtitle may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

(b) Table of Contents.—The table of contents for this subtitle is as follows:

Sec. 101. Short title; table of contents.
Sec. 102. Findings and purpose.
Sec. 103. Security assessments.
Sec. _104. Security assistance grants.
Sec. _105. Intelligence sharing.
Sec. _106. Research, development, and demonstration grants.
Sec. _107. Reporting requirements.
Sec. _108. Authorization of appropriations.
Sec. 109. Sunset provision.

SEC. _102. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. _103. SECURITY ASSESSMENTS.

(a) Public Transportation Security Assessments.—

(1) Submission.—Not later than 30 days after the date of enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) Review.—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) Allocations.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section —104, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) Security improvement priorities.—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 104.

(5) Updates.—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) Use of Security Assessment Information.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) Bus and Rural Public Transportation Systems.—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. _104. SECURITY ASSISTANCE GRANTS.

(a) Capital Security Assistance Program.—

(1) In general.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section _103(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) Operational Security Assistance Program.—

(1) In general.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 103(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section 103(a)(4); and

(F) other appropriate security improvements identified under section 103(a)(4), excluding routine, ongoing personnel costs.

(c) Congressional Notification.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) Public Transportation Agency Responsibilities.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 105. INTELLIGENCE SHARING.

(a) Intelligence Sharing.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) Public transportation agency participation.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) Grants Authorized.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) Use of Funds.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) Reporting Requirement.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. 107. REPORTING REQUIREMENTS.

(a) Semi-Annual Report to Congress.—

(1) In general.—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections _103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) Annual Report to Governors.—

(1) In general.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this subtitle.

(2) Contents.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) Capital Security Assistance Program.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section _104(a), which shall remain available until expended.

(b) Operational Security Assistance Program.—There are authorized to be appropriated to carry out the provisions of section _104(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) Intelligence.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section _105.

(d) Research.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section _106, which shall remain available until expended.

SEC. _109. SUNSET PROVISION.

The authority to make grants under this subtitle shall expire on October 1, 2009.

Subtitle B—Improved Rail Security

SEC. _201. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This subtitle may be cited as the "Rail Security Act of 2006".

(b) Table of Contents.—The table of contents for this subtitle is as follows:

Sec. _201. Short title; table of contents.
Sec. _202. Rail transportation security risk assessment.
Sec. 203. Systemwide AMTRAK security upgrades.
Sec. 204. Fire and life-safety improvements.
Sec. _205. Freight and passenger rail security upgrades.
Sec. 206. Rail security research and development.

Sec. _207. Oversight and grant procedures.
Sec. 208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec. 209. Northern border rail passenger report.
Sec. 210. Rail worker security training program.
Sec. _211. Whistleblower protection program.
Sec. _212. High hazard material security threat mitigation plans.
Sec. 213. Memorandum of agreement.
Sec. 214. Rail security enhancements.
Sec. _215. Public awareness.
Sec. _216. Railroad high hazard material tracking.
Sec. _217. Authorization of appropriations.

SEC. 202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2007.

SEC. 203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section _202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2007;

(2) $30,000,000 for fiscal year 2008; and

(3) $30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. _204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section _217(b) of this subtitle, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2007;

(B) $190,000,000 for fiscal year 2008; and

(C) $190,000,000 for fiscal year 2009.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2007;

(B) $19,000,000 for fiscal year 2008; and

(C) $19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2007;

(B) $13,333,000 for fiscal year 2008; and

(C) $13,333,000 for fiscal year 2009.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 217(b) of this subtitle, there shall be made available to the Secretary of Transportation for fiscal year 2007 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 202, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this subtitle and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 202, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 203(b) of this subtitle.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 202 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2007;

(2) $100,000,000 for fiscal year 2008; and

(3) $100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 205(g) of this subtitle; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 202.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 205(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this subtitle and the priorities and other criteria developed by the Secretary.

(d) Authorization of Appropriations.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $35,000,000 for fiscal year 2007;

(2) $35,000,000 for fiscal year 2008; and

(3) $35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 207. OVERSIGHT AND GRANT PROCEDURES.

(a) Secretarial Oversight.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) Use of Funds.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this subtitle.

(c) Procedures for Grant Award.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this subtitle, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) Use of Information.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) Limitation on Liability.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Funding.—Out of funds appropriated pursuant to section 217(b) of the Rail Security Act of 2006, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. _209. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. _210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) RAILROAD CARRIER PROGRAMS.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) TRAINING.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§20118. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters.".

SEC. 212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 205(g) of this subtitle and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under"; and

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. _216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this subtitle) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

"(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

"(1) $206,500,000 for fiscal year 2007;

"(2) $168,000,000 for fiscal year 2008; and

"(3) $168,000,000 for fiscal year 2009.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this subtitle and sections 20118 and 24316 of title 49, United States Code, as added by this subtitle—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

Subtitle C—Improved Maritime Security

SEC. _301. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the "Maritime Security Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this subtitle is as follows:

Sec. 301. Short title; table of contents.
Sec. 302. Establishment of additional interagency operational centers for port security.
Sec. _303. Area maritime transportation security plan to include salvage response plan.
Sec. 304. Post-incident resumption of trade.
Sec. 305. Assistance for foreign ports.
Sec. _306. Improved data for targeted cargo searches.
Sec. _307. Technical requirements for non-intrusive inspection equipment.
Sec. 308. Random inspection of containers.
Sec. _309. Cargo security.
Sec. 310. Secure systems of international intermodal transportation.
Sec. 311. Port security user fee study.
Sec. 312. Deadline for transportation security cards.
Sec. 313. Port security grants.
Sec. _314. Customs-trade partnership against terrorism security validation program.
Sec. 315. Work stoppages and employee-employer disputes.
Sec. 316. Appeal of denial of waiver for transportation security card.
Sec. _317. Inspection of car ferries entering from Canada.

SEC. 302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security, and State and local law enforcement or port security agencies and personnel; and

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70116 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

SEC. 303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.".

SEC. 304. POST-INCIDENT RESUMPTION OF TRADE.

Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after "incident." the following: "The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

"(i) vessels that have a vessel security plan approved under subsection (c);

"(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105; and

"(iii) vessels on which all the cargo has undergone screening and inspection under standards and procedures established under section 70116(b)(2) of this title.".

SEC. 305. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 70109. International cooperation and coordination” ; and

(2) by adding at the end the following:

“(c) Foreign Assistance Programs.—

“(1) In general.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

“(2) Caribbean basin.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

“(A) the strategic location of such ports between South America and United States;

“(B) the relative openness of such ports; and

“(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

“(d) International Cargo Security Standards.—The Secretary of State, in consultation with the Secretary acting through the Commissioner of Customs and Border Protection, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Standards Organization, as appropriate—

“(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

“(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section 306 of the Maritime Security Act of 2006;

“(3) to implement the requirements of the container security initiative under section 70121; and

“(4) to implement standards and procedures established under section 70116.”.

(b) Report on Security at Ports in the Caribbean Basin.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) Conforming Amendment.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

“70901. International cooperation and coordination”.

SEC. 306. IMPROVED DATA FOR TARGETED CARGO SEARCHES.

(a) In General.—In order to provide the best possible data for the automated targeting system developed and operated by United States Customs and Border Protection under section 70116(b)(1) of title 46, United States Code, that identifies high-risk cargo for inspection before it is loaded in a foreign port for shipment to the United States, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, shall require importers shipping goods to the United States via cargo container to supply entry data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)).

(b) Deadline.—The requirement imposed under subsection (a) shall apply to goods entered after July 1, 2006.

(c) Authorization of Appropriations.—

(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

(A) $30,700,000 for fiscal year 2007;

(B) $33,200,000 for fiscal year 2008; and

(C) $35,700,000 for fiscal year 2009.

(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

SEC. _307. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

Within 2 years after the date of enactment of this Act, the Commissioner of Customs and Border Protection, in consultation with the National Institute of Science and Technology, shall initiate a rulemaking to establish minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, that help ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary, while considering the need not to endorse specific companies or to create sovereignty conflicts with participating countries.

SEC. _308. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. _309. CARGO SECURITY.

(a) In General.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122; and

(4) by inserting after section 70120, as redesignated by paragraph (2), the following:

“§ 70121. Container security initiative

“(a) In General.—Pursuant to the standards established under subsection (b)(1) of section 70116—

“(1) the Secretary, through the Commissioner of Customs and Border Protection, shall issue regulations to—

“(A) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

“(B) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means; and

“(2) the Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under paragraph (1) are implemented in an effective manner.

“(b) Extension of Container Security Initiative to Other Ports.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

“(1) the seaport—

“(A) presents a significant level of risk;

“(B) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

“(C) is potentially capable of validating a secure system of transportation pursuant to section 70116; and

“(2) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

“(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) $142,000,000 for fiscal year 2007;

“(2) $144,000,000 for fiscal year 2008; and

“(3) $146,000,000 for fiscal year 2009.”.

(b) Conforming Amendments.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70117. In rem liability for civil penalties and certain costs
“70118. Firearms, arrests, and seizure of property
“70119. Withholding of clearance
“70120. Enforcement by State and local officers
“70121. Container security initiative
“70122. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking "section 70120" and inserting "section 70122".

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking "under section 70119," and inserting "under section 70122,"; and

(B) by striking "under section 70120," and inserting "under that section,".

(4) Section 111 of the Maritime Transportation Security Act of 2002 is repealed.

SEC. _310. SECURE SYSTEMS OF INTERNATIONAL INTERMODAL TRANSPORTATION.

Section 70116 of title 46, United States Code, is amended—

(1) by striking "transportation." in subsection (a) and inserting "transportation—

"(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

"(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program."; and

(2) by striking subsection (b) and inserting the following:

"(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

"(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

"(2) establish standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port;

"(3) establish standards and procedures for securing cargo and monitoring that security while in transit;

"(4) develop performance standards to enhance the physical security of shipping containers, including performance standards for seals and locks;

"(5) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

"(6) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

"(c) BENEFITS FROM PARTICIPATION.—The Commissioner of Customs and Border Protection may provide expedited clearance of cargo to an entity that—

"(1) meets or exceeds the standards established under subsection (b); and

"(2) certifies the security of its supply chain not less often than once every 2 years to the Secretary.".

SEC. 311. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. _312. DEADLINE FOR TRANSPORTATION SECURITY CARDS.

The Secretary shall issue a final rule under section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. _313. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "based on risk and vulnerability".

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.".

SEC. _314. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM SECURITY VALIDATION PROGRAM.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section _309 of this subtitle, is further amended—

(1) by redesignating section 70122 (as redesignated by section —309(a)(3) of this subtitle) as section 70123; and

(2) by inserting after section 70121 the following:

"§ 70122. Customs-Trade Partnership Against Terrorism validation program.

"(a) VALIDATION; RECORDS MANAGEMENT.—The Secretary of Homeland Security, through the Commissioner of Customs and Border Protection, shall issue regulations—

"(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

"(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

"(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

"(B) tracking member status.

"(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Maritime Security Act of 2006, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out section 70122 of title 49, United States Code, not to exceed—

(1) $60,000,000 for fiscal year 2007;

(2) $65,000,000 for fiscal year 2008; and

(3) $72,000,000 for fiscal year 2009.

(c) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, as amended by section 309(b) of this subtitle, is further amended by striking the item relating to section 70122 and inserting the following:

"*70122. Customs-Trade Partnership Against Terrorism validation program*

"*70123. Civil penalty*".

(2) Section 70117(a) and 70119(a) of title 46, United States Code, as amended by section _309(b)(2) and (3), respectively, of this Act, are each amended by striking "section 70122," and inserting "section 70123,".

SEC. 315. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after "area." the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.".

SEC. _316. APPEAL OF DENIAL OF WAIVER FOR TRANSPORTATION SECURITY CARD.

Section 70105(c)(3) of title 46, United States Code, is amended by inserting "or a waiver under paragraph (2)" after "card".

SEC. _317. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3383. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by amending the last sentence to read as follows: 'Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.'.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visa revocations effected before, on, or after such date.

SA 3384. Mr. GRASSLEY (for himself, Mr. CHAMBLISS, Mr. HARKIN, and

Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. ADDRESSING POVERTY IN MEXICO.

(a) FINDINGS.—

Whereas there is a strong correlation between economic freedom and economic prosperity;

Whereas trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and informal market activity are key factors in economic freedom;

Whereas poverty in Mexico, including rural poverty, can be mitigated through strengthened economic freedom within Mexico;

Whereas strengthened economic freedom in Mexico can be a major influence in mitigating illegal immigration;

Whereas advancing economic freedom within Mexico is an important part of any comprehensive plan to understanding the sources of poverty and the path to economic prosperity;

(b) IN GENERAL.—The Secretary of State may award a grant to a land grant university in the United States to establish one national program for a broad-based university Mexican rural poverty program.

(c) FUNCTIONS.—The national program shall:

(1) Pair a U.S. land grant university with the lead Mexican public university in each of Mexico's 31 states to provide state-level coordination of rural poverty programs.

(2) Establish and coordinate relationships and programmatic ties between U.S. universities and Mexican universities to address the issue of Mexican rural poverty.

(3) Establish and coordinate ties with key leaders in Mexico and the United States to explore how rural poverty drives illegal immigration of Mexicans into the United States; and

(4) Address immigration and border security concerns through a university-based, binational approach for long-term institutional change.

(d) USE OF FUNDS.—

1. IN GENERAL.—Grants awarded under this section shall be used—

(A) for education, training, technical assistance, and all related costs (including personnel and equipment) incurred by the grantee in implementing a program under this Act;

(B) to establish a program administrative structure in the United States.

(C) No funds can be used for the activities, responsibilities, or related costs incurred by entities in Mexico.

(e) AUTHORIZATION OF FUNDS.—

1. Such funds as deemed necessary by the Secretary shall by used for the execution of this program.

SA 3385. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

SA 3386. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, beginning on line 9, strike all through page 294, line 4, and insert the following:

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;

"(2) 2,400 in fiscal year 2007;

"(3) 2,400 in fiscal year 2008;

"(4) 2,400 in fiscal year 2009;

"(5) 2,400 in fiscal year 2010; and

"(6) 2,400 in fiscal year 2011;

"(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country

prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) Limitations on Assistance.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) Requirement for Plan.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) Content.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) Report.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) Savings Provision.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In General.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) Components of Review.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US–VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US–VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) Training.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) Forensic Document Laboratory.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) Assessment.—

(1) Requirement for assessment.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) Report to congress.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) In General.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "entry and exit documents" and inserting "travel and entry documents and evidence of status";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) Other Documents.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) Collection of Biometric Data From Aliens Departing the United States.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the

United States to provide biometric data and other information relating to their immigration status.''.

(b) Inspection of Applicants for Admission.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) Authority to Collect Biometric Data.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

''(A) any applicant for admission or alien seeking to transit through the United States; or

''(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).''.

(c) Collection of Biometric Data From Alien Crewmen.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

''(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.''.

(d) Grounds of Inadmissibility.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

''(C) Withholders of Biometric Data.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.''; and

(2) in subsection (d), by inserting after paragraph (1) the following:

''(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.''.

(e) Implementation.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) Implementation. In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.''; and

(2) in subsection (l)—

(A) by striking ''There are authorized'' and inserting the following:

''(1) In General.—There are authorized''; and

(B) by adding at the end the following:

''(2) Implementation at All Land Border Ports of Entry.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.''.

SEC. 129. BORDER STUDY.

(a) Southern Border Study.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) Report.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) In General.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Inspector General.—

(1) Action.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) Report.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) Reports by the Secretary.—

(1) In General.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) Contracts with Foreign Companies.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) Reports on United States Ports.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) Authorization of Appropriations.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In General.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) Requirements During Interim Period.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) Rules of Construction.—

(1) Asylum and removal.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) Treatment of certain aliens.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) Discretion.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) In General.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) Prohibition.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

"(b) Penalties.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) Conspiracy.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) Prima Facie Evidence.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) Conforming Amendment.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(c) Failure to Obey Border Enforcement Officers.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) Failure to Obey Lawful Orders of Border Enforcement Officers.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "Border Tunnel Prevention Act".

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) In General.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) Clerical Amendment.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) Criminal Forfeiture.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) Requirements.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) Asylum.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(b) Cancellation of Removal.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) Voluntary Departure.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) Restriction on Removal.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.".

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

“(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

“(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

“(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

“(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

“(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

“(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

“(i) the alien fails to comply with the conditions of release;

“(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

“(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

“(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

“(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

“(i) has effected an entry into the United States; and

“(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

“(aa) failed or refused to make all reasonable efforts to comply with a removal order;

“(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

“(cc) conspired or acted to prevent removal; or

“(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

“(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

“(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting “(1)” before “If, after a hearing”;

(C) in subparagraphs (B) and (C), as redesignated, by striking “paragraph (1)” and inserting “subparagraph (A)”; and

(D) by adding after subparagraph (C), as redesignated, the following:

“(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

“(A) is an alien; and

“(B)(i) has no lawful immigration status in the United States;

“(ii) is the subject of a final order of removal; or

“(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328).”; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking “and” at the end; and

(B) by adding at the end the following:

“(C) the person's immigration status; and”.

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking “The term ‘aggravated felony’ means—” and inserting “Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Reform Act of 2006), the term ‘aggravated felony’ applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—”;

(2) in subparagraph (A), by striking “murder, rape, or sexual abuse of a minor;” and inserting “murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;”;

(3) in subparagraph (N), by striking “paragraph (1)(A) or (2) of”;

(4) in subparagraph (O), by striking “section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph” and inserting “section 275 or 276 for which the term of imprisonment is at least 1 year”;

(5) in subparagraph (U), by striking “an attempt or conspiracy to commit an offense described in this paragraph” and inserting “aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense”; and

(6) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) APPLICATION OF IIRAIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

“(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;”;

(2) in paragraph (8), by striking “(as defined in subsection (a)(43))” and inserting the following: “, regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

“(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

“(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or”; and

(3) in the undesignated matter following paragraph (9), by striking “a finding that for other reasons such person is or was not of good moral character” and inserting the following: “a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.”.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))."; and

(3) by amending subsection (d) to read as follows:

"(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) CRIMINAL OFFENSES AND PENALTIES.—

"(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

“(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

“(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

“(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

“(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

“(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

“(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

“(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

“(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

“(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

“(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

“(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

“(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

“(i) transporting the person in an engine compartment, storage compartment, or other confined space;

“(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

“(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

“(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

“(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

“(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

“(ii) intending to engage in terrorist activity;

“(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

“(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

“(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

“(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

“(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

“(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

“(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

“(2) DEFINITION.—An alien described in this paragraph is an alien who—

“(A) is an unauthorized alien (as defined in section 274A(h)(3));

“(B) is present in the United States without lawful authority; and

“(C) has been brought into the United States in violation of this subsection.

“(c) SEIZURE AND FORFEITURE.—

“(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

“(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

“(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

“(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

“(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

“(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

“(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

“(2) other officers responsible for the enforcement of Federal criminal laws.

“(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

“(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

“(2) the deposition otherwise complies with the Federal Rules of Evidence.

“(f) OUTREACH PROGRAM.—

“(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

“(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

“(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

“(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

“(g) DEFINITIONS.—In this section:

“(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

“(2) LAWFUL AUTHORITY.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved.

No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.".

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"Sec. 274. Alien smuggling and related offenses.".

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting ", alien smuggling crime," after "such crime of violence";

(C) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

"(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry.".

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States.

"(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland

Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

“(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

“(i) Definitions.—In this section:

“(1) Crosses the border.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

“(2) Felony.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(3) Misdemeanor.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

“(4) Removal.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

“(5) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) Passport, Visa, and Immigration Fraud.—

(1) In general.—Chapter 75 of title 18, United States Code, is amended to read as follows:

“CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

“Sec.
“1541. Trafficking in passports.
“1542. False statement in an application for a passport.
“1543. Forgery and unlawful production of a passport.
“1544. Misuse of a passport.
“1545. Schemes to defraud aliens.
“1546. Immigration and visa fraud.
“1547. Marriage fraud.
“1548. Attempts and conspiracies.
“1549. Alternative penalties for certain offenses.
“1550. Seizure and forfeiture.
“1551. Additional jurisdiction.
“1552. Additional venue.
“1553. Definitions.
“1554. Authorized law enforcement activities.
“1555. Exception for refugees and asylees.

“§ 1541. Trafficking in passports

“(a) Multiple Passports.—Any person who, during any 3-year period, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more passports;

“(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

“(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(b) Passport Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1542. False statement in an application for a passport

“Any person who knowingly—

“(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

“(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

“(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1543. Forgery and unlawful production of a passport

“(a) Forgery.—Any person who—

“(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

“(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Unlawful Production.—Any person who knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

“(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1544. Misuse of a passport

“(a) In General.—Any person who—

“(1) knowingly uses any passport issued or designed for the use of another;

“(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Entry; Fraud.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

“(1) to enter or to attempt to enter the United States; or

“(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1545. Schemes to defraud aliens

“(a) In General.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

“(1) to defraud any person, or

“(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Misrepresentation.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1546. Immigration and visa fraud

“(a) In General.—Any person who knowingly—

“(1) uses any immigration document issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document;

“(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

“(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Multiple Violations.—Any person who, during any 3-year period, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) Immigration Document Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

“§1547. Marriage fraud

“(a) Evasion or Misrepresentation.—Any person who—

“(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

“(2) knowingly misrepresents the existence or circumstances of a marriage—

“(A) in an application or document authorized by the immigration laws; or

“(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) Multiple Marriages.—Any person who—

“(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

“(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) Commercial Enterprise.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

“(d) Duration of Offense.—

“(1) In general.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

“(2) Commercial enterprise.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

“§1548. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

“§1549. Alternative penalties for certain offenses

“(a) Terrorism.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

“(b) Offense Against Government.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

“§1550. Seizure and forfeiture

“(a) Forfeiture.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) Applicable Law.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§1551. Additional jurisdiction

“(a) In General.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) Extraterritorial Jurisdiction.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

“(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

“(6) the offender is a stateless person whose habitual residence is in the United States.

“§1552. Additional venue

“(a) In General.—An offense under section 1542 may be prosecuted in—

“(1) any district in which the false statement or representation was made;

“(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

“(b) Savings Clause.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

“§1553. Definitions

“As used in this chapter:

“(1) The term ‘falsely make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

“(A) contains a statement or representation that is false, fictitious, or fraudulent;

“(B) has no basis in fact or law; or

“(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

“(2) The term a ‘false statement or representation’ includes a personation or an omission.

“(3) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(4) The term ‘immigration document’—

“(A) means—

“(i) any passport or visa; or

“(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

“(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

“(5) The term ‘immigration laws’ includes—

“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

“(B) the laws relating to the issuance and use of passports; and

“(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

“(6) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

“(7) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

“(8) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

“(9) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

“(10) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

“§1554. Authorized law enforcement activities

“Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

“§1555. Exception for refugees, asylees, and other vulnerable persons

“(a) In General.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

“(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

“(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

“(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

“(b) Savings Provision.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

(2) Clerical amendment.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

“75. Passport, visa, and immigration fraud .... 1541”.

(b) Protection for Legitimate Refugees and Asylum Seekers.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

“(e) Protection for Legitimate Refugees and Asylum Seekers.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) Inadmissibility.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended–

(1) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting “; or”; and

(3) by inserting after subclause (II) the following:

“(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,”.

(b) Removal.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

“(iii) of a violation of any provision of chapter 75 of title 18, United States Code,”.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) Institutional Removal Program.—

(1) Continuation.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the “Program”) or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) Expansion.—The Secretary may extend the scope of the Program to all States.

(b) Authorization for Detention After Completion of State or Local Prison Sentence.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) Technology Usage.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) Report to Congress.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) In General.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) Instead of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

“(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.”;

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

“(A) Instead of removal.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.”;

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

“(B) Before the conclusion of removal proceedings.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.”;

(iv) in subparagraph (C), as redesignated, by striking “subparagraphs (C) and(D)(ii)” and inserting “subparagraphs (D) and (E)(ii)”;

(v) in subparagraph (D), as redesignated, by striking “subparagraph (B)” each place that term appears and inserting “subparagraph (C)”; and

(vi) in subparagraph (E), as redesignated, by striking “subparagraph (B)” each place that term appears and inserting “subparagraph (C)”; and

(F) in paragraph (4), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(2) in subsection (b)(2), by striking “a period exceeding 60 days” and inserting “any period in excess of 45 days”;

(3) by amending subsection (c) to read as follows:

“(c) Conditions on Voluntary Departure.—

“(1) Voluntary departure agreement.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

“(2) Concessions by the secretary.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

“(3) Advisals.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

“(4) Failure to comply with agreement.—

“(A) In general.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) Effect of filing timely appeal.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) Voluntary departure period not affected.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) Penalties for Failure to Depart.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) Civil penalty.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) Ineligibility for relief.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) Reopening.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) Eligibility.—

"(1) Prior grant of voluntary departure.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) Rulemaking.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) Rulemaking.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) Exception.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) Inadmissible Aliens.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) Bar on Discretionary Relief.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) Ineligibility for Relief.—

"(1) In general.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) Savings provision.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) Effective Dates.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "Admitted Under Nonimmigrant Visas" and inserting "in a Nonimmigrant Classification";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) Clerical Amendment.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) In General.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) Minimum Number of Agents in States.—

"(1) In general.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) Waiver.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) Effective Date.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) In General.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) In General.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) Denial; Withholding.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) Authorization of Appropriations.—

(1) Processing criminal illegal aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) Compensation upon request.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 223. REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d) Address to Be Provided.—

"(1) In general.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) Specific requirements.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) Detention.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) Use of Most Recent Address Provided by the Alien.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) Obligation.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) Penalties.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Failure to Provide Notice of Alien's Current Address.—

"(1) Criminal penalties.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) Effect on immigration status.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) Conforming and technical amendments.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) In General.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) In General.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law," after "offense)".

(b) Effective Date.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SEC. 227. EXPEDITED REMOVAL.

(a) In General.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "Expedited Removal From Correctional Facilities.—";

(3) in subsection (b), by striking the subsection heading and inserting: "Removal of Criminal Aliens.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (vii), any";

(2) in subparagraph (A), by inserting after clause (vi) the following:

"(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(vii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport; or

"(ii) permanent resident card or other document designated by the Secretary, if the document—

"(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

"(II) is evidence of eligibility for employment in the United States; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

"(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

"(ii) any other documents evidencing eligibility of employment in the United States, if—

"(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

"(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

"(I) is not required by the Secretary to comply with such requirements; and

"(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

"(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

"(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

"(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

"(I) the Secretary determines is a reliable means of identification; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

“(B) in the case of the hiring of an individual the later of—

“(i) 7 years after the date of such hiring;

“(ii) 1 year after the date the individual's employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

“(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

“(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

“(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

“(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

“(2) MANAGEMENT OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

“(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

“(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

“(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

“(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

“(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

“(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(ii) a determination of whether such social security account number was issued to the named individual;

“(iii) a determination of whether such social security account number is valid for employment in the United States; and

“(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

“(I) part of the critical infrastructure of the United States; or

“(II) directly related to the national security or homeland security of the United States.

“(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of

2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

“(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

“(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

“(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

“(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

“(7) SYSTEM REQUIREMENTS.—

“(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

“(i) obtain from the individual and record on the form designated by the Secretary—

“(I) the individual's social security account number; and

“(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

“(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

“(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(ii) NONCONFIRMATION AND VERIFICATION.—

“(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

“(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

“(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

“(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

“(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

“(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

“(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

“(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

“(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

“(e) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

“(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

“(2) AUTHORITY IN INVESTIGATIONS.—

“(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

“(i) shall have reasonable access to examine evidence of any employer being investigated; and

“(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

“(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

“(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C.

211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

“(3) COMPLIANCE PROCEDURES.—

“(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

“(iii) disclose the material facts which establish the alleged violation; and

“(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

“(B) REMISSION OR MITIGATION OF PENALTIES.—

“(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

“(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

“(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

“(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

"(3) Suspension.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(i) Miscellaneous Provisions.—

"(1) Documentation.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) Preemption.—The provisions of this section preempt any State or local law—

"(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

"(B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.

"(j) Deposit of Amounts Received.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(k) Definitions.—In this section:

"(1) Employer.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) No-match notice.—The term 'no-match notice' means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W–2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

"(3) Secretary.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(4) Unauthorized alien.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) Conforming Amendment.—

(1) Amendment.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) Construction.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) Employer Compliance Fund.—

"(1) In general.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) Deposits.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) Purpose.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) Availability of funds.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) Worksite Enforcement.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) Fraud Detection.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

TITLE IV—REQUIREMENTS FOR PARTICIPATING COUNTRIES

SEC. 401. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) In General.—An alien is not eligible for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 501 of this Act, or deferred mandatory departure status under section 218B of the Immigration and Nationality Act, as added by section 601 of this Act, unless the home country of the alien has entered into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) Requirements of Bilateral Agreements.—Each agreement under subsection (a) shall require the home country to—

(1) accept, within 3 days, the return of nationals who are ordered removed from the United States;

(2) cooperate with the United States Government in—

(A) identifying, tracking, and reducing gang membership, violence, and human trafficking and smuggling; and

(B) controlling illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to or are present in the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems;

(4) take steps to educate nationals of the home country regarding the program under title V or VI to ensure that such nationals are not exploited; and

(5) provide a minimum level of health coverage to its participants.

(c) Rulemaking.—

(1) In general.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall, by regulation, define the minimum level of health coverage to be provided by participating countries.

(2) Responsibility to obtain coverage.—If the health coverage provided by the home country falls below the minimum level defined pursuant to paragraph (1), the employer of the alien shall provide or the alien shall obtain coverage that meets such minimum level.

(d) Housing.—Participating countries shall agree to evaluate means to provide housing incentives in the alien's home country for returning workers.

TITLE V—NONIMMIGRANT TEMPORARY WORKER PROGRAM

SEC. 501. NONIMMIGRANT TEMPORARY WORKER CATEGORY.

(a) New Temporary Worker Category.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(W) an alien having a residence in a foreign country which the alien has no intention of abandoning who is coming temporarily to the United States to perform temporary labor or service, other than that which would qualify an alien for status under sections 101(a)(15)(H)(i), 101(a)(15)(H)(ii)(a), 101(a)(15)(L), 101(a)(15)(O), 101(a)(15)(P), and who meets the requirements of section 218A; or".

(b) Repeal of H–2b Category.—Section 101(a)(15)(H)(ii) is amended by striking ", or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession".

(c) Technical Amendments.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking "or" at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and "or".

SEC. 502. TEMPORARY WORKER PROGRAM.

(a) In General.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218 the following new section:

"SEC. 218A. TEMPORARY WORKER PROGRAM.

"(a) In General.—The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(W) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15)).

"(b) Requirements for Admission.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(W), an alien shall meet the following requirements:

"(1) Eligibility to work.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(W).

"(2) Evidence of employment.—The alien must establish that he has a job offer from an employer authorized to hire aliens under the Alien Employment Management Program.

"(3) Fee.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) Medical examination.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) Application content and waiver.—

"(A) Application form.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of being admitted as a nonimmigrant under section 101(a)(15)(W).

"(B) Content.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for admission as a nonimmigrant under section 101(a)(15)(W), the Secretary shall require an alien to provide information concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

"(C) Waiver.—The Secretary of Homeland Security may require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), the alien agrees to waive any right—

"(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

"(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

"(D) Knowledge.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) Grounds of Inadmissibility.—

"(1) In general.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(W)—

"(A) paragraphs (5), (6)(A), (7), and (9)(B) or (C) of section 212(a) may be waived for conduct that occurred on a date prior to the effective date of this Act; and

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraphs (A), (C) or (D) of section 212(a)(10) (relating to polygamists, child abductors and illegal voters);

"(C) for conduct that occurred prior to the date this Act was introduced in Congress, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

"(2) Waiver fee.—An alien who is granted a waiver under subparagraph (1) shall pay a $500 fee upon approval of the alien's visa application.

"(3) Renewal of authorized admission and subsequent admissions.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

"(d) Background Checks and Interview.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking admission under section 101(a)(15)(W) until all appropriate background checks have been completed. The Secretary of State shall ensure that an employee of the Department of State conducts a personal interview of an applicant for a visa under section 101(a)(15)(W).

"(e) Ineligible to Change Nonimmigrant Classification.—An alien admitted under section 101(a)(15)(W) is ineligible to change status under section 248.

"(f) Duration.—

"(1) General.—The period of authorized admission as a nonimmigrant under 101(a)(15)(W) shall be 2 years, and may not be extended. An alien is ineligible to reenter as an alien under 101(a)(15)(W) until the alien has resided continuously in the alien's home country for a period of 1 year. The total period of admission as a nonimmigrant under section 101(a)(15)(W) may not exceed 6 years.

"(2) Seasonal workers.—An alien who spends less than 6 months a year as a nonimmigrant described in section 101(a)(15)(W) is not subject to the time limitations under subparagraph (1).

"(3) Commuters.—An alien who resides outside the United States, but who commutes to the United States to work as a nonimmigrant described in section 101(a)(15)(W), is not subject to the time limitations under paragraph (1).

"(4) Deferred mandatory departure.—An alien granted Deferred Mandatory Departure status, who remains in the United States under such status for—

"(A) a period of 2 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 5 years;

"(B) a period of 3 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 4 years;

"(C) a period of 4 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 3 years; or

"(D) a period of 5 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 2 years.

"(g) Intent to Return Home.—In addition to other requirements in this section, an alien is not eligible for nonimmigrant status under section 101(a)(15)(W) unless the alien—

"(1) maintains a residence in a foreign country which the alien has no intention of abandoning; and

"(2) is present in such foreign country for at least 7 consecutive days during each year that the alien is a temporary worker.

"(h) Biometric Documentation.—Evidence of status under section 101(a)(15)(W) shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity.

"(i) Penalty for Failure to Depart.—An alien who fails to depart the United States prior to 10 days after the date that the alien's authorized period of admission as a temporary worker ends is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(j) Penalty for Illegal Entry or Overstay.—An alien who, after the effective date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, enters the United States without inspection, or violates a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission, shall be ineligible for nonimmigrant status under section 101(a)(15)(W) or Deferred Mandatory Departure status under section 218B for a period of 10 years.

"(k) Establishment of Temporary Worker Task Force.—

"(1) In general.—There is established a task force to be known as the Temporary Worker Task Force (referred to in this section as the 'Task Force').

"(2) Purposes.—The purposes of the Task Force are—

"(A) to study the impact of the admission of aliens under section 101(a)(15)(W) on the wages, working conditions, and employment of United States workers; and

“(B) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(W).

“(3) Membership.—The Task Force shall be composed of 10 members, of whom—

“(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

“(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

“(C) 2 shall be appointed by the majority leader of the Senate;

“(D) 2 shall be appointed by the minority leader of the Senate;

“(E) 2 shall be appointed by the Speaker of the House of Representatives; and

“(F) 2 shall be appointed by the minority leader of the House of Representatives.

“(4) Qualifications.—

“(A) In general.—Members of the Task Force shall be—

“(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

“(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

“(B) Political affiliation.—Not more than 5 members of the Task Force may be members of the same political party.

“(C) Nongovernmental appointees.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

“(5) Deadline for appointment.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

“(6) Vacancies.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

“(7) Meetings.—

“(A) Initial meeting.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

“(B) Subsequent meetings.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

“(8) Quorum.—Six members of the Task Force shall constitute a quorum.

“(9) Report.—Not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

“(A) findings with respect to the duties of the Task Force;

“(B) recommendations for imposing a numerical limit.

“(10) Determination.—Not later than 6 months after the submission of the report, the Secretary of Labor may impose a numerical limitation on the number of aliens that may be admitted under section 101(a)(15)(W). Any numerical limit shall not become effective until 6 months after the Secretary of Labor submits a report to Congress regarding the imposition of a numerical limit.

“(l) Family Members.—

“(1) Family members of W nonimmigrants.—

“(A) In general.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

“(i) as a nonimmigrant under section 101(a)(15)(B) for a period of not more than 30 days, which may not be extended unless the Secretary of Homeland Security, in his sole and unreviewable discretion, determines that exceptional circumstances exist; or

“(ii) under any other provision of this Act, if such family member is otherwise eligible for such admission.

“(B) Application fee.—

“(i) In general.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking to be admitted as a nonimmigrant under section 101(a)(15)(B) shall submit, in addition to any other fee authorized by law, an additional fee of $100.

“(ii) Use of fee.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

“(m) Travel Outside the United States.—

“(1) In general.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(W)—

“(A) may travel outside of the United States; and

“(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

“(2) Effect on period of authorized admission.—Time spent outside the United States under paragraph (1) shall not extend the period of authorized admission in the United States.

“(n) Employment.—

“(1) Portability.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens admitted under section 218C.

“(2) Continuous employment.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien departs the United States and reenters as a nonimmigrant under section 101(a)(15)(W). The Secretary of Homeland Security may, in its sole and unreviewable discretion, reauthorize an alien for employment, without requiring the alien's departure from the United States.

“(o) Enumeration of Social Security Number.—The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at time of admission of an alien under section 101(a)(15)(W).

“(p) Denial of Discretionary Relief.—The determination of whether an alien is eligible for a grant of nonimmigrant status under section 101(a)(15)(W) is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

“(1) any judgment regarding the granting of relief under this section; or

“(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

“(q) Judicial Review.—

“(1) Limitations on relief.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

“(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

“(i) an order or notice denying an alien a grant of nonimmigrant status under section 101(a)(15)(W) or any other benefit arising from such status; or

“(ii) an order of removal, exclusion, or deportation entered against an alien if such order is entered after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W); or

“(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

“(2) Challenges to validity.—

“(A) In general.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

“(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

“(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.”.

(b) Prohibition on Change in Nonimmigrant Classification.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking “or (S)” and inserting “(S), or (W)”.

SEC. 503. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this title.

TITLE IX—CIRCULAR MIGRATION

SEC. 901. INVESTMENT ACCOUNTS.

(a) In General.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

“(o)(1) Notwithstanding any other provision of this section, the Secretary of the Treasury shall transfer at least quarterly from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund 100 percent of the temporary worker taxes to the Temporary Worker Investment Fund for deposit in a temporary worker investment account for each temporary worker as specified in section 253.

“(2) For purposes of this subsection—

“(A) the term ‘temporary worker taxes’ means that portion of the amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under this section and properly attributable to the wages (as defined in section 3121 of the Internal Revenue Code of 1986) and self-employment income (as defined in section 1402 of such Code) of temporary workers as determined by the Commissioner of Social Security; and

"(B) the term 'temporary worker' means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.".

(b) TEMPORARY WORKER INVESTMENT ACCOUNTS.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the "**PART A—SOCIAL SECURITY**"; and

(2) by adding at the end the following:

"PART II—TEMPORARY WORKER INVESTMENT ACCOUNTS

"DEFINITIONS

"SEC. 251. For purposes of this part:

"(1) COVERED EMPLOYER.—The term 'covered employer' means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to having an individual in the person's employ to whom wages are paid by such person during such calendar year.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(3) TEMPORARY WORKER.—The term 'temporary worker' an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

"(4) TEMPORARY WORKER INVESTMENT ACCOUNT.—The term 'temporary worker investment account' means an account for a temporary worker which is administered by the Secretary through the Temporary Worker Investment Fund.

"(5) TEMPORARY WORKER INVESTMENT FUND.—The term 'Temporary Worker Investment Fund' means the fund established under section 253.

"TEMPORARY WORKER INVESTMENT ACCOUNTS

"SEC. 252. (a) IN GENERAL.—A temporary worker investment account shall be established by the Secretary in the Temporary Worker Investment Fund for each individual not later than 10 business days after the covered employer of such individual submits a W-4 form (or any successor form) identifying such individual as a temporary worker.

"(b) TIME ACCOUNT TAKES EFFECT.—A temporary worker investment account established under subsection (a) shall take effect with respect to the first pay period beginning more than 14 days after the date of such establishment.

"(c) TEMPORARY WORKER'S PROPERTY RIGHT IN TEMPORARY WORKER INVESTMENT ACCOUNT.—The temporary worker investment account established for a temporary worker is the sole property of the worker.

"TEMPORARY WORKER INVESTMENT FUND

"SEC. 253. (a) IN GENERAL.—There is created on the books of the Treasury of the United States a trust fund to be known as the 'Temporary Worker Investment Fund' to be administered by the Secretary. Such Fund shall consist of the assets transferred under section 201(o) to each temporary worker investment account established under section 252 and the income earned under subsection (e) and credited to such account.

"(b) NOTICE OF CONTRIBUTIONS.—The full amount of a temporary worker's investment account transfers shall be shown on such worker's W–2 tax statement, as provided in section 6051(a)(14) of the Internal Revenue Code of 1986.

"(c) INVESTMENT EARNINGS REPORT.—

"(1) IN GENERAL.—At least annually, the Temporary Worker Investment Fund shall provide to each temporary worker with a temporary worker investment account managed by the Fund a temporary worker investment status report. Such report may be transmitted electronically upon the agreement of the temporary worker under the terms and conditions established by the Secretary.

"(2) CONTENTS OF REPORT.—The temporary worker investment status report, with respect to a temporary worker investment account, shall provide the following information:

"(A) The total amounts transferred under section 201(o) in the last quarter, the last year, and since the account was established.

"(B) The amount and rate of income earned under subsection (e) for each period described in subparagraph (A).

"(d) MAXIMUM ADMINISTRATIVE FEE.—The Temporary Worker Investment Fund shall charge each temporary worker in the Fund a single, uniform annual administrative fee not to exceed 0.3 percent of the value of the assets invested in the worker's account.

"(e) INVESTMENT DUTIES OF SECRETARY.—The Secretary shall establish policies for the investment and management of temporary worker investment accounts, including policies that shall provide for prudent Federal Government investment instruments suitable for accumulating funds.

"TEMPORARY WORKER INVESTMENT ACCOUNT DISTRIBUTIONS

"SEC. 254. (a) DATE OF DISTRIBUTION.—Except as provided in subsections (b) and (c), a distribution of the balance in a temporary worker investment account may only be made on or after the date such worker departs the United States and abandons such worker's nonimmigrant status under section 101(a)(15)(W) of the Immigration and Nationality Act and returns to the worker's home country.

"(b) DISTRIBUTION IN THE EVENT OF DEATH.—If the temporary worker dies before the date determined under subsection (a), the balance in the worker's account shall be distributed to the worker's estate under rules established by the Secretary.".

(c) TEMPORARY WORKER INVESTMENT ACCOUNT TRANSFERS SHOWN ON W–2S.—

(1) IN GENERAL.—Section 6051(a) of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended—

(A) by striking "and" at the end of paragraph (12);

(B) by striking the period at the end of paragraph (13) and inserting "; and"; and

(C) by inserting after paragraph (13) the following:

"(14) in the case of a temporary worker (as defined in section 251(1) of the Social Security Act), of the amount shown pursuant to paragraph (6), the total amount transferred to such worker's temporary worker investment account under section 201(o) of such Act.".

(2) CONFORMING AMENDMENTS.—Section 6051 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)(6), by inserting "and paid as tax under section 3111" after "section 3101"; and

(B) in subsection (c), by inserting "and paid as tax under section 3111" after "section 3101".

TITLE X—BACKLOG REDUCTION

SEC. 1001. EMPLOYMENT BASED IMMIGRANTS.

(a) EMPLOYMENT-BASED IMMIGRANT LIMIT.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 140,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005; and

"(4) the number of visas previously made available under section 203(e).".

(b) DIVERSITY VISA TERMINATION.—The allocation of immigrant visas to aliens under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), and the admission of such aliens to the United States as immigrants, is terminated. This provision shall become effective on October 1st of the fiscal year following enactment of this Act.

(c) IMMIGRATION TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Immigration Task Force (referred to in this section as the "Task Force").

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the impact of the delay between the date on which an application for immigration is submitted and the date on which a determination on such application is made;

(B) to study the impact of immigration of workers to the United States on family unity; and

(C) to provide to Congress any recommendations of the Task Force regarding increasing the number immigrant visas issued by the United States for family members and on the basis of employment.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of this Act.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(9) REPORT.—Not later than 18 months after the date of enactment of this Act, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

(A) findings with respect to the duties of the Task Force; and

(B) recommendations for modifying the numerical limits on the number immigrant visas issued by the United States for family members of individuals in the United States and on the basis of employment.

SEC. 1002. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 1003. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "10 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "10 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "4 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 36 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States"; and

(8) by striking paragraph (6).

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

SA 3387. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3192, submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 5 through 7 and insert the following:

(a) DENIAL OR TERMINATION OF ASYLUM.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(v), by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)"; and

(B) by adding at the end the following:

"(4) CHANGED COUNTRY CONDITIONS.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be denied asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien's nationality."; and

(2) in subsection (c)(2)(A), by striking "a fundamental change in circumstances" and inserting "fundamental and lasting changes that have stabilized the country of the alien's nationality".

SA 3388. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 350, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SA 3389. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

SA 3390. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, line 17, strike "and".

On page 351, line 21, strike the period at the end and insert "; and".

On page 351, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 363, strike lines 18 through 20 and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 366, strike lines 22 through 24 and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SA 3391. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table: as follows:

On page 353, line 2, strike "or".

On page 353, strike line 14 and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 3392. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

Beginning on page 360, strike line 18 and all that follows through page 361, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during 3 of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

SA 3393. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

On page 381, strike lines 8 through 11 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.

SA 3394. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 350, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

On page 351, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

On page 351, line 17, strike "and".

On page 351, line 21, strike the period at the end and insert "; and".

On page 351, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 353, line 2, strike "or".

On page 353, strike line 14 and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

Beginning on page 360, strike line 18 and all that follows through page 361, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during 3 of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

On page 363, strike lines 18 through 20 and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 366, strike lines 22 through 24 and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 381, strike lines 8 through 11 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.

SA 3395. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . RADIATION SOURCE PROTECTION.

(a) TRACKING SYSTEM.—Section 170H of the Atomic Energy Act of 1954 (42 U.S.C. 2210h) is amended—

(1) in subsection c.—

(A) in paragraph (1)(B)—

(i) by inserting "and the Secretary of Homeland Security" after "Secretary of Transportation" the first place it appears; and

(ii) by inserting "or the Secretary of Homeland Security" after "Secretary of Transportation" the second place it appears; and

(B) in paragraph (2)(A), by inserting "and each license holder" after "unique identifier"; and

(2) by adding at the end the following:

"h. LICENSE VERIFICATION FOR EXPORTS AND IMPORTS.—The Commission shall—

"(1) assist the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security in verifying the authenticity of any documentation or authorization issued by the Commission associated with the export or import of a radiation source regulated under this section, including allowing the Department of Homeland Security access to the tracking system established under subsection c.;

"(2) require any individual transporting radiation sources that are exported from or imported into the United States to possess the applicable and required documentation issued by the Commission; and

"(3) issue regulations to ensure that the licenses, permits, certificates, and other documents of the Commission needed to export or import a radiation source includes tamper-proof and other security features that prevent counterfeiting.".

(b) CUSTOMS REVENUE FUNCTION.—Section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215) is amended by adding at the end the following:

"(9) Verifying the authorizations issued by the Nuclear Regulatory Commission to possess and transport radiation sources when individuals pass through United States ports of entry.".

SA 3396. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. REQUIREMENTS FOR NATURALIZATION.

(a) ENGLISH LANGUAGE REQUIREMENTS.—Section 312(a)(1) (8 U.S.C. 1423(a)(1)) is amended to read as follows:

"(1) an understanding of the English language on an 6th grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State; and".

(b) REQUIREMENT FOR HISTORY AND GOVERNMENT TESTING.—Section 312(a)(2) (8 U.S.C. 1423(a)(2)) is amended by striking the period at the end and inserting ", as demonstrated by receiving a passing score on a standardized test administered by the Secretary of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary.".

SA 3397. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection 644(b)(3) and insert:

(3) ENGLISH AND HISTORY AND GOVERNMENT REQUIREMENTS.—Section 312(a) is amended to read as follows:

"(a) No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own application who cannot demonstrate—

"(1) an understanding of the English language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State; and

"(2) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States, as demonstrated by receiving a passing score on a standardized test administered by the Secretary of the Department of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary.".

SA 3398. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 161, line 16 and 17 strike "of the criminal provisions"

SA 3399. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER for (himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 18, insert "(including, at a minimum, 10 fingerprints from each individual)" after "standards".

On page 20, line 21, insert "(including, at a minimum, 10 fingerprints from each individual)" after "standards".

On page 21, lines 20 and 21, insert "(including, at a minimum, 10 fingerprints from each individual)" after "documents".

On page 23, line 12, insert "(including, at a minimum, 10 fingerprints from each individual)" after "biometrics".

On page 31, line 25, insert "10" after "all".

On page 37, line 2, insert "(including, at a minimum, all 10 fingerprints from the individual)" after "biometric identifier".

On page 38, lines 7 and 8, strike "is authorized to" and insert "shall".

On page 38, line 9, insert "(including, at a minimum, 10 fingerprints from each individual)" after "data".

On page 38, line 16, strike "are authorized to" and insert "shall".

On page 38, line 17, insert "(including, at a minimum, 10 fingerprints from each individual)" after "data".

On page 39, line 4, strike "is authorized to" and insert "shall".

On page 39, line 5, insert "(including, at a minimum, 10 fingerprints from each individual)" after "data".

On page 237, line 24, strike "allow for biometric authentication" and insert "provide for biometric authentication through the matching of the fingerprints of an individual, all 10 of which shall be incorporated into the machine-readable documentary evidence".

On page 312, strike lines 19 and 20 and insert the following:

(i) IN GENERAL.—Upon entry to the

On page 312, line 23, strike "such" and insert "all 10".

On page 313, line 8, insert ", provided that all 10 of the fingerprints of the alien are submitted" before the period at the end.

On page 331, line 13, insert "all 10" after "submits".

On page 354, line 11, insert "all 10" after "including".

SA 3400. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, after line 16, add new Sections 3 (3); 3(4); and 3(5) that reads:

(3) BIOMETRIC.—The term "Biometric" includes the collection of, at a minimum, all 10 fingerprints from an individual, unless the individual is missing one or more of their digits, in which case the term "biometric" shall include the collection of, at a minimum, all fingerprints available.

(4) BIOMETRIC IDENTIFIER.—The term "biometric identifier" includes identifying an individual through the use of, at a minimum, fingerprint biometrics. The term does not include identification through a facial recognition biometric alone.

(5) BIOMETRIC AUTHENTICATION.—The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.

SA 3401. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.

No alien granted conditional nonimmigrant status or status as an H2C nonimmigrant status under this Act or an amendment made by this Act shall be granted any public benefit as a result of the changed status of the alien, including any cash or non-cash assistance, postsecondary educational assistance, housing assistance, daycare assistance, food stamps, Medicaid, or other individual public assistance, whether or not receipt of the public assistance would be sufficient for the person to be considered a public charge under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

SA 3402. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 355, strike lines 7 through 14, and insert the following:

"(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS—An alien in status under this Title shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a))."

SA 3403. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 233, strike lines 16 and 17 and insert the following:

(A) paragraphs (5) and (7) of section 212(a) may be waived for

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SA 3404. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 337, strike line 20 and all that follows through 338, line 8, and insert the following:

(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may use the information filed by the applicant under this section for any purpose other than the enforcement and administration of the immigration laws.

SA 3405. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 338, strike lines 19 through 22, and insert the following:

(3) CRIMINAL PENALTY.—Any person who knowingly uses, discloses, or allows to be disclosed information in violation of this subsection shall be fined not more than $1,000.

SA 3406. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 337, strike line 19 and all that follows through 338, line 22, and insert the following:

(i) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may use the information filed by the applicant under this section for any purpose other than the enforcement and administration of the immigration laws.

(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

(3) CRIMINAL PENALTY.—Any person who knowingly uses, discloses, or allows to be disclosed information in violation of this subsection shall be fined not more than $1,000.

SA 3407. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of the amendment, insert the following:

SEC. 2. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

"(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

"(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed or the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.".

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian and Immigrant Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; and

(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under

paragraph (1), or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SEC 3. INADMISSIBILITY DETERMINATION.

Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting "(6)(C)(i)," after "(6)(A),".

SA 3408. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 21 and 22, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SA 3409. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 9.

SA 3410. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 170, strike line 3 and all that follows through page 171, line 17, and insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking "8,000" and inserting "20,000".

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) FUNDING TO CONSTRUCT OR ACQUIRE DETENTION FACILITIES.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(f) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

SA 3411. Mr. DORGAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In title IV of the amendment, strike subtitle A.

SA 3412. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ANNUAL REPORT ON THE NORTH AMERICAN DEVELOPMENT BANK.

Section 2 of Public Law 108–215 (22 U.S.C. 290m–6) is amended—

(1) in paragraph (1), by inserting after "The number" the following: "of applications received by, pending with, and awaiting final approval from the Board of the North American Development Bank and the number"; and

(2) by adding at the end the following:

"(8) Recommendations on how to improve the operations of the North American Development Bank.

"(9) An update on the implementation of this Act, including the business process review undertaken by the North American Development Bank.

"(10) A description of the activities and accomplishments of the North American Development Bank during the previous year, including a brief summary of meetings and actions taken by the Board of the North American Development Bank.".

SA 3413. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike line 9 and all that follows through page 221, line 18 and insert the following:

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;

"(2) 2,400 in fiscal year 2007;

"(3) 2,400 in fiscal year 2008;

"(4) 2,400 in fiscal year 2009;

"(5) 2,400 in fiscal year 2010; and

"(6) 2,400 in fiscal year 2011;

"(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) Construction of Border Control Facilities.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) Tucson Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) Yuma Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) Construction Deadline.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) Requirement for Plan.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for Strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) Content.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) Consultation.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) Coordination.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) Submission to Congress.—

(1) Strategy.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) Updates.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not

later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) Limitations on Assistance.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) Requirement for Plan.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) Content.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) Report.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) Savings Provision.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In General.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) Components of Review.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) Training.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) Forensic Document Laboratory.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) Assessment.—

(1) Requirement for assessment.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) Report to congress.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) In General.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) Other Documents.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) Collection of Biometric Data From Aliens Departing the United States.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

“(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

“(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

“(1) fined under this title;

“(2)(A) imprisoned for not more than 3 years, or both;

“(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

“(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

“(3) both fined and imprisoned under this subsection.

“(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

“(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

“554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.”.

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

“(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.”.

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the “Border Tunnel Prevention Act”.

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“§ 554. Border tunnels and passages

“(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

“(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

“(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

“Sec. 554. Border tunnels and passages.”.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting “554,” before “1425,”.

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking “or (VI)” and inserting “(V), (VI), (VII), or (VIII)”.

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking “inadmissible under” and inserting “described in”; and

(2) by striking “deportable under” and inserting “described in”.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.".

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1)" before "If, after a hearing";

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

"(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328)."; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense"; and

(6) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) APPLICATION OF IIRAIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for

other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) Pending Proceedings.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) Conditional Permanent Resident Status.—

(1) In general.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) Certain alien entrepreneurs.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) Judicial Review of Naturalization Applications.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) Persons Endangering National Security.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) Persons Endangering the National Security.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) Concurrent Naturalization and Removal Proceedings.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) District Court Jurisdiction.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) Request for Hearing Before District Court.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) Effective Date.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) Criminal Street Gangs.—

(1) Inadmissibility.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) Members of criminal street gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) Deportability.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) Members of criminal street gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) Temporary protected status.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) Penalties Related to Removal.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))."; and

(3) by amending subsection (d) to read as follows:

"(d) Denying Visas to Nationals of Country Denying or Delaying Accepting Alien.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) Alien Smuggling and Related Offenses.—

(1) In general.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) Criminal Offenses and Penalties.—

"(1) Prohibited activities.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both: or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year: or

"(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

"(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

"(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

"(2) DEFINITION.—An alien described in this paragraph is an alien who—

"(A) is an unauthorized alien (as defined in section 274A(h)(3));

"(B) is present in the United States without lawful authority; and

"(C) has been brought into the United States in violation of this subsection.

"(c) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

"(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

"(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

"(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

"(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

"(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class: and

"(2) other officers responsible for the enforcement of Federal criminal laws.

"(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

"(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(f) OUTREACH PROGRAM.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

"(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section: and

"(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

"(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

"(g) DEFINITIONS.—In this section:

"(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

“(2) LAWFUL AUTHORITY.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

“(3) PROCEEDS.—The term ‘proceeds’ includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

“(4) UNLAWFUL TRANSIT.—The term ‘unlawful transit’ means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.”.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

“Sec. 274. Alien smuggling and related offenses.”.

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “, alien smuggling crime,” after “any crime of violence”;

(B) in subparagraph (A), by inserting “, alien smuggling crime,” after “such crime of violence”;

(C) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of violence”; and

(2) by adding at the end the following:

“(6) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).”.

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

“SEC. 275. ILLEGAL ENTRY.

“(a) IN GENERAL.—

“(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

“(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

“(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

“(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

“(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

“(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

“(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

“(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

“(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

“(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

“(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.”.

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

“Sec. 275. Illegal entry.”.

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

“SEC. 276. REENTRY OF REMOVED ALIEN.

“(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

“(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

“(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

“(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

“(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

“(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

“(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(1) alleged in the indictment or information; and

“(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

“(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

“(2) with respect to an alien previously denied admission and removed, the alien—

“(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

“(B) had complied with all other laws and regulations governing the alien's admission into the United States.

“(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

“(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

“(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.

“(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

"(i) DEFINITIONS.—In this section:

"(1) CROSSES THE BORDER.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

"(2) FELONY.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.—

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Additional venue.
"1553. Definitions.
"1554. Authorized law enforcement activities.
"1555. Exception for refugees and asylees.

"§1541. Trafficking in passports

"(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

"(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1544. Misuse of a passport

"(a) IN GENERAL.—Any person who—

"(1) knowingly uses any passport issued or designed for the use of another;

"(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

"(1) to enter or to attempt to enter the United States; or

"(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1545. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

"(1) to defraud any person, or

"(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1546. Immigration and visa fraud

"(a) IN GENERAL.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1547. Marriage fraud

"(a) EVASION OR MISREPRESENTATION.—Any person who—

"(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(2) knowingly misrepresents the existence or circumstances of a marriage—

"(A) in an application or document authorized by the immigration laws; or

"(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) MULTIPLE MARRIAGES.—Any person who—

"(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

"(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

"(d) DURATION OF OFFENSE.—

"(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

"§ 1548. Attempts and conspiracies

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

"§ 1549. Alternative penalties for certain offenses

"(a) TERRORISM.—Any person who violates any section of this chapter—

"(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

"(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

"(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

"(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

"(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1550. Seizure and forfeiture

"(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

"§ 1551. Additional jurisdiction

"(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

"(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

"(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§ 1552. Additional venue

"(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

"(1) any district in which the false statement or representation was made;

"(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

"(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

"(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

"§ 1553. Definitions

"As used in this chapter:

"(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

"(A) contains a statement or representation that is false, fictitious, or fraudulent;

"(B) has no basis in fact or law; or

"(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

"(2) The term a 'false statement or representation' includes a personation or an omission.

"(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(4) The term 'immigration document'—

"(A) means—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

"(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(8) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

"(9) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(10) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"§ 1554. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

"§ 1555. Exception for refugees, asylees, and other vulnerable persons

"(a) IN GENERAL.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

“(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

“(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

“(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

“(b) SAVINGS PROVISION.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

“75. Passport, visa, and immigration fraud .... 1541”.

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

“(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting “; or”; and

(3) by inserting after subclause (II) the following:

“(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,”.

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

“(iii) of a violation of any provision of chapter 75 of title 18, United States Code,”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the “Program”) or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

“(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.”;

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

“(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.”;

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

“(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.”;

(iv) in subparagraph (C), as redesignated, by striking “subparagraphs (C) and(D)(ii)” and inserting “subparagraphs (D) and (E)(ii)”;

(v) in subparagraph (D), as redesignated, by striking “subparagraph (B)” each place that term appears and inserting “subparagraph (C)”; and

(vi) in subparagraph (E), as redesignated, by striking “subparagraph (B)” each place that term appears and inserting “subparagraph (C)”; and

(F) in paragraph (4), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(2) in subsection (b)(2), by striking “a period exceeding 60 days” and inserting “any period in excess of 45 days”;

(3) by amending subsection (c) to read as follows:

“(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

“(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

“(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

“(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) Failure to comply with agreement.—

"(A) In general.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) Effect of filing timely appeal.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) Voluntary departure period not affected.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) Penalties for Failure to Depart.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) Civil penalty.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) Ineligibility for relief.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) Reopening.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) Eligibility.—

"(1) Prior grant of voluntary departure.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) Rulemaking.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) Rulemaking.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) Exception.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) Inadmissible Aliens.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) Bar on Discretionary Relief.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) Ineligibility for Relief.—

"(1) In general.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) Savings provision.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) Effective Dates.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "Admitted Under Nonimmigrant Visas" and inserting "In a Nonimmigrant Classification";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) MINIMUM NUMBER OF AGENTS IN STATES.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States

Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)” and inserting “which is described in chapter 75 of title 18, United States Code, and”; and

(2) by inserting the following: “that is not described in section 1548 of such title (relating to increased penalties), and” after “first offense”.

SEC. 223. REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking “notify the Attorney General in writing” and inserting “submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,”;

(B) by striking “the Attorney General may require by regulation” and inserting “the Secretary may require”; and

(C) by adding at the end the following: “If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.”;

(2) in subsection (b), by striking “Attorney General” each place such term appears and inserting “Secretary”;

(3) in subsection (c), by striking “given to such parent” and inserting “given by such parent”; and

(4) by adding at the end the following:

“(d) Address to Be Provided.—

“(1) In general.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

“(2) Specific requirements.—The Secretary may provide specific requirements with respect to—

“(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

“(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

“(3) Detention.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

“(e) Use of Most Recent Address Provided by the Alien.—

“(1) In general.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

“(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

“(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

“(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

“(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

“(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

“(3) Obligation.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).”.

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(2) in section 263(a), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(B) in subsection (f)—

(i) by striking “Attorney General is authorized” and inserting “Secretary of Homeland Security and Attorney General are authorized”; and

(ii) by striking “Attorney General or the Service” and inserting “Secretary or the Attorney General”.

(c) Penalties.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

“(b) Failure to Provide Notice of Alien's Current Address.—

“(1) Criminal penalties.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

“(2) Effect on immigration status.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.”;

(2) in subsection (c), by inserting “or a notice of current address” before “containing statements”; and

(3) in subsections (c) and (d), by striking “Attorney General” each place it appears and inserting “Secretary”.

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) Conforming and technical amendments.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) In General.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: “If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.”; and

(2) in paragraph (4), by adding at the end the following: “The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.”.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) In General.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting “, including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law,” after “offense)”.

(b) Effective Date.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “and before June 1, 2006.”.

SEC. 227. EXPEDITED REMOVAL.

(a) In General.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting “EXPEDITED REMOVAL OF CRIMINAL ALIENS”;

(2) in subsection (a), by striking the subsection heading and inserting: “Expedited Removal From Correctional Facilities.—”;

(3) in subsection (b), by striking the subsection heading and inserting: “Removal of Criminal Aliens.—”;

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (vii), any";

(2) in subparagraph (A), by inserting after clause (vi) the following:

"(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(vii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the National Crime Information Center.—

(1) In general.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) Removal of information.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) Procedure for removal of erroneous information.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) Inclusion of Information in the National Crime Information Center Database.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) Construction or Acquisition of Detention Facilities.—

(1) In general.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) Determination of location.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) Use of installations under base closure laws.—In acquiring detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) Technical and Conforming Amendment.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) Responsibility of United States Attorneys.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) Guidelines.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) Responsibilities of Federal Courts.—

(1) Modifications of records and case managements systems.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) Data entries.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) Construction.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) Annual Report to Congress.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) Continuing employment.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport; or

"(ii) permanent resident card or other document designated by the Secretary, if the document—

"(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

"(II) is evidence of eligibility for employment in the United States; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

"(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

"(ii) any other documents evidencing eligibility of employment in the United States, if—

"(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302);

"(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

"(I) is not required by the Secretary to comply with such requirements; and

"(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

"(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

"(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

"(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

"(I) the Secretary determines is a reliable means of identification; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related

Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

“(B) in the case of the hiring of an individual the later of—

“(i) 7 years after the date of such hiring;

“(ii) 1 year after the date the individual's employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

“(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

“(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

“(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

“(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

“(2) MANAGEMENT OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

“(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

“(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

“(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

“(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

“(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

“(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(ii) a determination of whether such social security account number was issued to the named individual;

“(iii) a determination of whether such social security account number is valid for employment in the United States; and

“(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

“(I) part of the critical infrastructure of the United States; or

“(II) directly related to the national security or homeland security of the United States.

“(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the

Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

"(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

"(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

"(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

"(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

"(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

"(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

"(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

"(7) SYSTEM REQUIREMENTS.—

"(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

"(i) obtain from the individual and record on the form designated by the Secretary—

"(I) the individual's social security account number; and

"(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

"(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

"(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

"(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

"(C) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

"(ii) NONCONFIRMATION AND VERIFICATION.—

"(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

"(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

"(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

"(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

"(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

"(D) CONSEQUENCES OF NONCONFIRMATION.—

"(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

"(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

"(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence of any employer being investigated; and

"(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C.

211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

“(3) COMPLIANCE PROCEDURES.—

“(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

“(iii) disclose the material facts which establish the alleged violation; and

“(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

“(B) REMISSION OR MITIGATION OF PENALTIES.—

“(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

“(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

“(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

“(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(i) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law—

"(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

"(B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.

"(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(k) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) NO-MATCH NOTICE.—The term 'no-match notice' means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W–2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

"(3) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(4) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

On page 332, line 9, strike "6 years" and insert "5 years".

On page 332, line 15, strike "The" and all that follows through line 18, and insert the following:

"(C) ADMISSION OF NONIMMIGRANTS.—An alien granted conditional nonimmigrant work authorization and status under this section who departs the United States during the 6-year period described in subparagraph (A) may seek admission as a nonimmigrant under section 101(a)(15) without regard to the numerical limitations under section 214.

On page 340, strike line 10 and all that follows through the undesignated matter before line 19 on page 345, and insert the following:

SEC. 602. CANCELLATION OF DEPARTURE AND ADJUSTMENT FOR HUMANITARIAN CASES.

(a) IN GENERAL.—Section 240A (8 U.S.C. 1229b) is amended by adding at the end the following:

"(f) CANCELLATION OF DEPARTURE FOR HUMANITARIAN REASONS.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, may adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

"(A) is a conditional nonimmigrant who has not violated any material term or condition of such status;

"(B) makes an application for such adjustment of status;

"(C) has been physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application;

"(D) establishes that the alien's departure from the United States upon the expiration of conditional nonimmigrant status would result in significant hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence;

"(E) establishes that the alien meets the English language, history, and principles and form of government requirements under section 312; and

"(F) establishes that the alien has paid all Federal income taxes owed for employment during the required period of continuous residence.

"(2) APPLICATION FEE.—An alien seeking humanitarian relief shall submit to the Secretary of Homeland Security, in addition to any other fees authorized by law, a supplemental application fee of $1000, which shall be deposited in the Temporary Worker Program Account established under section 286(y).".

(b) CREATION OF BORDER SECURITY AND TEMPORARY WORKER ACCOUNT.—Section 286 (8 U.S.C. 1356), as amended by sections 302 and 403(b), is further amended by adding at the end the following:

"(y) BORDER SECURITY AND TEMPORARY WORKER ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Border Security and Temporary Worker Account'.

"(2) DEPOSITS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the Border Security and Temporary Worker Account the supplemental application fee collected under section 240A(f).

"(3) USE OF FUNDS.—Of the amounts deposited into the Border Security and Temporary Worker Account—

"(A) 75 percent shall be used to carry out titles I, II, and III of this Act, and the amendments made by such titles; and

"(B) 25 percent shall be used to carry out title VI of this Act, and the amendments made by such title.".

SA 3414. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 17 and 18, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) Codification of Detention Operations.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) Detention Standards for Nuclear Family Units and Certain Non-Criminal Aliens.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) Legal Orientation to Ensure Effective Removal Process.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3415. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DIASPORA RESEARCH NETWORK.

(a) In General.—There is established a grant program to be known as "Diaspora Research Network".

(b) Purpose.—The purpose of the Diaspora Research Network is to—

(1) provide policy makers with systematic, comparative, and reliable data and expertise on diasporas;

(2) support efforts within diaspora communities to address self-identified concerns; and

(3) provide guidelines on how best to incorporate and account for diasporas in development, humanitarian assistance, and political strategies.

(c) Authorization of Appropriations.—There is authorized to be appropriated for the Diaspora Research Network, $30,000,000 for each of the fiscal years 2006, 2007, 2008, 2009, and 2010.

SA 3416. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 156, strike lines 10 through 12 and insert the following:

(a) In General.—Any alien with nonimmigrant status under subparagraph (H)(i)(b) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), who seeks to practice medicine in the United States other than during participation in an accredited medical residency program, shall, during the 3-year period from the date of commencement of such status (or, in the case of an alien who initially practices medicine as part of such medical residency program, from the date of completion of such program), practice medicine in a facility that treats patients who reside in a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations) or a Medically Underserved Area (as designated by the Secretary of Health and Human Services).

(b) Exemption From Numerical Limitation.—Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) practices medicine in a facility that treats patients who reside in a Health Professional Shortage Area or a Medically Underserved Area, in accordance with section 226(a) of the Comprehensive Immigration Reform Act of 2006.".

(c) Extension of Waiver Program.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SA 3417. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PEACE GARDEN PASS.

(a) Authorization.—Notwithstanding section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), the Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the "Peace Garden Pass") to allow citizens and nationals of the United States to travel to the International Peace Garden.

(b) Admittance.—The Peace Garden Pass shall be issued to, and shall authorize the admittance of, any person who enters the International Peace Garden from the United States and exits the International Peace Garden into the United States without having been granted entry into Canada.

(c) Identification.—The Secretary of State, in consultation with the Secretary, shall—

(1) determine what form of identification (other than a passport, passport card, or similar alternative to a passport) will be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(d) Limitation.—The Peace Garden Pass shall not grant entry into Canada.

(e) Duration.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(f) Cost.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 3418. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) Short Title.—This section may be cited as the "Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006".

(b) Purpose.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) Definitions.—In this section:

(1) Community-based organization.—The term "community-based organization" means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA grant.—The term "IEACA grant" means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) Establishment of Initial Entry, Adjustment, and Citizenship Assistance Grant Program.—

(1) Grants authorized.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) Use of funds.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) Initial application.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by section 601. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) Adjustment of Status.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) Citizenship.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics; or

(iv) applying for United States citizenship.

(3) Duration and Renewal.—

(A) Duration.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.

(B) Renewal.—The Secretary may renew any grant awarded under this section in 1-year increments.

(4) Application for Grants.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) Eligible Organizations.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise directed by an attorney.

(6) Selection of Grantees.—Grants awarded under this section shall be awarded on a competitive basis.

(7) Geographic Distribution of Grants.—The Secretary shall approve applications under this section in a manner that ensures, to greatest extent practicable, that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).

(8) Ethnic Diversity.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.

(e) Liaison Between USCIS and Grantees.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.

(f) Reports to Congress.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(g) Source of Grant Funds.—

(1) Application Fees.—The Secretary may use funds made available under sections 218A(l)(2) and 218D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) Authorization of Appropriations.—

(A) Amounts Authorized.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) Availability.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

(h) Distribution of Fees and Fines.—

(1) H-2C Visa Fees.—Notwithstanding section 218A(l) of the Immigration and Nationality Act, as added by section 403, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

(2) Conditional Nonimmigrant Visa Fees and Fines.—Notwithstanding section 218D(f)(4) of the Immigration and Nationality Act, as added by section 601, 2 percent of the fees and fines collected under section 218D of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

SA 3419. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _. SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee or penalty required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3420. Mr. SESSIONS proposed an amendment to amendment SA 3192 submitted by Mr. Specter (for himself, Mr. Leahy, and Mr. Hagel) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

In the bill, strike all after the word "SECTION" and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Securing America's Borders Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US–VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure Border Initiative financial accountability.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry or unlawful presence of an alien.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and immigration fraud offenses.
Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Denial of benefits to terrorists and criminals.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. State and local law enforcement of Federal immigration laws.
Sec. 221. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 222. Alternatives to detention.
Sec. 223. Conforming amendment.
Sec. 224. Reporting requirements.
Sec. 225. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 226. Removal of drunk drivers.

Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Listing of immigration violators in the National Crime Information Center database.
Sec. 231. Laundering of monetary instruments.
Sec. 232. Severability.
TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS
Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.
TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS AND ALIENS WITH ADVANCED DEGREES
Sec. 401. Elimination of existing backlogs.
Sec. 402. Country limits.
Sec. 403. Allocation of immigrant visas.
Sec. 404. Relief for minor children.
Sec. 405. Student visas.
Sec. 406. Visas for individuals with advanced degrees.
Sec. 407. Medical services in underserved areas.
TITLE V—IMMIGRATION LITIGATION REDUCTION
Sec. 501. Consolidation of immigration appeals.
Sec. 502. Additional immigration personnel.
Sec. 503. Board of immigration appeals removal order authority.
Sec. 504. Judicial review of visa revocation.
Sec. 505. Reinstatement of removal orders.
Sec. 506. Withholding of removal.
Sec. 507. Certificate of reviewability.
Sec. 508. Discretionary decisions on motions to reopen or reconsider.
Sec. 509. Prohibition of attorney fee awards for review of final orders of removal.
Sec. 510. Board of Immigration Appeals.
TITLE VI—MISCELLANEOUS
Sec. 601. Technical and conforming amendments.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 250 the number of positions for full-time active duty Customs and Border Protection officers.

(2) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 250 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(3) BORDER PATROL AGENT.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended—

(A) by striking "2010" both places it appears and inserting "2011"; and

(B) by striking "2,000" and inserting "2,400".

(4) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INSPECTORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (2) of subsection (a).

(3) BORDER PATROL AGENTS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), as amended by subsection (a)(3).

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 25 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona

with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) Construction Deadline.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) Requirement for Plan.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for Strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) Content.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) Consultation.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) Coordination.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) Submission to Congress.—

(1) Strategy.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) Updates.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) Immediate Action.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) Requirement for Reports.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) Contents.—Each report submitted under subsection (a) shall contain a description of the following:

(1) Security Clearances and Document Integrity.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) Immigration and Visa Management.—The progress of efforts to share information

regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than September 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US–VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US–VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance; and

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end:

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to—

(A) any aliens in a removal, deportation, or exclusion proceeding pending on or after the date of the enactment of this Act; and

(B) any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.".

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with subparagraphs (C) and (E).

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1)" before "If, after a hearing";

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

"(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328)."; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (including any provision providing an effective date), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(3) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(4) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense"; and

(5) by striking the undesignated matter following subparagraph (U).

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law. Except in a proceeding under section 340, and notwithstanding any other provision of law, no court shall have jurisdiction to determine, or to review a determination of the Secretary regarding, whether, for purposes of an application for naturalization, an alien—

"(1) is a person of good moral character;

"(2) understands and is attached to the principles of the Constitution of the United States; or

"(3) is well disposed to the good order and happiness of the United States.".

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such district court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary's determination on the application.".

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act;

(2) shall apply to any act that occurred before, on, or after such date of enactment; and

(3) shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed after, such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) Members of Criminal Street Gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) Temporary Protected Status.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) Penalties Related to Removal.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))"; and

(3) by amending subsection (d) to read as follows:

"(d) Denying Visas to Nationals of Country Denying or Delaying Accepting Alien.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) Alien Smuggling and Related Offenses.—

(1) In general.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) Criminal Offenses and Penalties.—

"(1) Prohibited activities.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) Criminal penalties.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) Limitation.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

"(B) for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered, provided that such assistance is rendered without compensation or the expectation of compensation.

"(4) Extraterritorial jurisdiction.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) Employment of Unauthorized Aliens.—

‘‘(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

‘‘(2) DEFINITION.—An alien described in this paragraph is an alien who—

‘‘(A) is an unauthorized alien (as defined in section 274A(h)(3));

‘‘(B) is present in the United States without lawful authority; and

‘‘(C) has been brought into the United States in violation of this subsection.

‘‘(c) SEIZURE AND FORFEITURE.—

‘‘(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

‘‘(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

‘‘(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

‘‘(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

‘‘(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

‘‘(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

‘‘(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

‘‘(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

‘‘(2) other officers responsible for the enforcement of Federal criminal laws.

‘‘(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

‘‘(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

‘‘(2) the deposition otherwise complies with the Federal Rules of Evidence.

‘‘(f) OUTREACH PROGRAM.—

‘‘(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

‘‘(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

‘‘(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

‘‘(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

‘‘(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

‘‘(g) DEFINITIONS.—In this section:

‘‘(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

‘‘(2) LAWFUL AUTHORITY.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

‘‘(3) PROCEEDS.—The term ‘proceeds’ includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

‘‘(4) UNLAWFUL TRANSIT.—The term ‘unlawful transit’ means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.’’.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

‘‘Sec. 274. Alien smuggling and related offenses.’’.

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ‘‘, alien smuggling crime,’’ after ‘‘any crime of violence’’;

(B) in subparagraph (A), by inserting ‘‘, alien smuggling crime,’’ after ‘‘such crime of violence’’;

(C) in subparagraph (D)(ii), by inserting ‘‘, alien smuggling crime,’’ after ‘‘crime of violence’’; and

(2) by adding at the end the following:

‘‘(6) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).’’.

SEC. 206. ILLEGAL ENTRY OR UNLAWFUL PRESENCE OF AN ALIEN.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

‘‘SEC. 275. ILLEGAL ENTRY OR UNLAWFUL PRESENCE OF AN ALIEN.

‘‘(a) IN GENERAL.—

‘‘(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

‘‘(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

‘‘(B) knowingly eludes examination or inspection by an immigration officer;

‘‘(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact; or

‘‘(D) is otherwise present in the United States, knowing that such presence violates the terms and conditions of any admission, parole, immigration status, or authorized stay granted the alien under this Act.

‘‘(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

‘‘(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

‘‘(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

‘‘(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

‘‘(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

‘‘(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

‘‘(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

‘‘(A) alleged in the indictment or information; and

‘‘(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

‘‘(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

‘‘(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

‘‘(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

‘‘(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

‘‘(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

‘‘(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry or unlawful presence of an alien.".

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States.

"(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered, provided that such assistance is rendered without compensation or the expectation of compensation.

"(i) DEFINITIONS.—In this section:

"(1) CROSSES THE BORDER.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

"(2) FELONY.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Additional venue.
"1553. Definitions.
"1554. Authorized law enforcement activities.

"§ 1541. Trafficking in passports

"(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

“(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1544. Misuse of a passport

“(a) IN GENERAL.—Any person who—

“(1) knowingly uses any passport issued or designed for the use of another;

“(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

“(1) to enter or to attempt to enter the United States; or

“(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1545. Schemes to defraud aliens

“(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

“(1) to defraud any person, or

“(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1546. Immigration and visa fraud

“(a) IN GENERAL.—Any person who knowingly—

“(1) uses any immigration document issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document;

“(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

“(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1547. Marriage fraud

“(a) EVASION OR MISREPRESENTATION.—Any person who—

“(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

“(2) knowingly misrepresents the existence or circumstances of a marriage—

“(A) in an application or document authorized by the immigration laws; or

“(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) MULTIPLE MARRIAGES.—Any person who—

“(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

“(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

“(d) DURATION OF OFFENSE.—

“(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

“(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

“§ 1548. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

“§ 1549. Alternative penalties for certain offenses

“(a) TERRORISM.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

“(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1550. Seizure and forfeiture

“(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§ 1551. Additional jurisdiction

“(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§1552. Additional venue

"(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

"(1) any district in which the false statement or representation was made;

"(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

"(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

"(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

"§1553. Definitions

"As used in this chapter:

"(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

"(A) contains a statement or representation that is false, fictitious, or fraudulent;

"(B) has no basis in fact or law; or

"(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

"(2) The term a 'false statement or representation' includes a personation or an omission.

"(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(4) The term 'immigration document'—

"(A) means—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

"(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(8) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

"(9) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(10) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"§1554. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).".

(b) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

"75. Passport, visa, and immigration fraud .... 1541".

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended–

(1) in subclause (I), by striking ", or" at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,".

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) of a violation of any provision of chapter 75 of title 18, United States Code,".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

"(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.";

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and(D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—

"(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal, whether the removal order was entered before, on, or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end,

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "ADMITTED UNDER NONIMMIGRANT VISAS" and inserting "IN A NONIMMIGRANT CLASSIFICATION";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) MINIMUM NUMBER OF AGENTS IN STATES.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following: .

"SEC. 362. CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary of Homeland Security shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a Department of Homeland Security detention facility.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 220. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the

functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 221. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 222. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 223. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 224. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by inserting at the end the following:

"(d) ADDRESS TO BE PROVIDED.—

"(1) IN GENERAL.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) SPECIFIC REQUIREMENTS.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) DETENTION.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) RELIANCE.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) OBLIGATION.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

"(1) CRIMINAL PENALTIES.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) EFFECT ON IMMIGRATION STATUS.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) In General.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) Conforming and Technical Amendments.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 225. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In General.—Beginning on October 1, 2006, an alien who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land or maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) Requirements During Interim Period.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2006, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) Rules of Construction.—

(1) Asylum and Removal.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) Treatment of Certain Aliens.—The mandatory detention requirement in subsection (a) shall not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) Discretion.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 226. REMOVAL OF DRUNK DRIVERS.

(a) In General.—Section 101(a)(43)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State or Federal law," after "offense)".

(b) Effective Date.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 227. EXPEDITED REMOVAL.

(a) In General.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "Expedited Removal From Correctional Facilities.—";

(3) in subsection (b), by striking the subsection heading and inserting: "Removal of Criminal Aliens.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) In General.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) Aliens Described.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) Application to Certain Aliens.—

(1) In General.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) Exception.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) Exceptions.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) Limit on Injunctive Relief.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) Immigrants.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i) by striking "Any" and inserting "Except as provided in clause (viii), any";

(2) in subparagraph (A) by inserting after clause (vii) the following:

"(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in section 101(a)(43)(A), section 101(a)(43)(I), or section 101(a)(43)(K), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in section 101(a)(43)(A), section 101(a)(43)(I), or section 101(a)(43)(K), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) Nonimmigrants.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(viii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) In General.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) Authority.—Notwithstanding any other provision of law, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) Construction.—Nothing in this subsection shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) Transfer.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States, either—

"(i) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) The cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States and political subdivisions of States which routinely submit requests described in subsection (c) into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or where appropriate, the political subdivision in which the agencies are located has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 230. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180 time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 231. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 232. SEVERABILITY.

If any provision of this title, any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Securing America's Borders Act, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the

Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

“(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

“(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

“(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

“(A) the employer is in compliance with the requirements of subsections (c) and (d); or

“(B) that the employer has instituted a program to come into compliance with such requirements.

“(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

“(1) ATTESTATION BY EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

“(I) a document described in subparagraph (B); or

“(II) a document described in subparagraph (C) and a document described in subparagraph (D).

“(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

“(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

“(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

“(i) United States passport; or

“(ii) permanent resident card or other document designated by the Secretary, if the document—

“(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

“(II) is evidence of eligibility for employment in the United States; and

“(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

“(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

“(ii) any other documents evidencing eligibility of employment in the United States, if—

“(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

“(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302);

“(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

“(I) is not required by the Secretary to comply with such requirements; and

“(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

“(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

“(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

“(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

“(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii) a document of personal identity of such other type that—

“(I) the Secretary determines is a reliable means of identification; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

“(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

“(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

“(2) ATTESTATION OF EMPLOYEE.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

“(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

“(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

“(B) in the case of the hiring of an individual the later of—

“(i) 7 years after the date of such hiring;

“(ii) 1 year after the date the individual's employment is terminated; or

“(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

“(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

“(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

“(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

“(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

“(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

“(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

“(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

“(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) as described in this subsection.

“(2) MANAGEMENT OF SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, through the System—

“(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

“(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

“(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

“(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquire to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

“(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

“(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

“(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

“(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

“(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(ii) a determination of whether such social security account number was issued to the named individual;

“(iii) determination of whether such social security account number is valid for employment in the United States; and

“(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Securing America's Borders Act, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

“(I) part of the critical infrastructure of the United States; or

“(II) directly related to the national security or homeland security of the United States.

“(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Securing America's Borders Act, the Secretary may require additional any employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Securing America's Borders Act, Secretary shall require an employer with more than 5,000 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MID-SIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Securing America's Borders Act, the Secretary shall require an employer with less than 5,000 employees and with more than 1,000 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Securing America's Borders Act, the Secretary shall require all employers with less than 1,000 employees and with more than 250 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Securing America's Borders Act, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

“(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

“(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

“(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Securing America's Borders Act, if the Secretary has reasonable causes to believe that the employer has engaged in violations of the immigration laws.

"(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

"(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

"(7) SYSTEM REQUIREMENTS.—

"(A) IN GENERAL.—An employer that participates in the System shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

"(i) obtain from the individual and record on the form designated by the Secretary—

"(I) the individual's social security account number; and

"(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

"(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

"(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

"(ii) in the case of an employee hired prior to the date of enactment of the Securing America's Borders Act, at such time as the Secretary shall specify.

"(C) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

"(ii) NONCONFIRMATION AND VERIFICATION.—

"(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

"(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

"(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

"(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

"(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

"(D) CONSEQUENCES OF NONCONFIRMATION.—

"(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

"(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

"(12) REPORT.—Not later than 1 year after the date of the enactment of the Securing America's Borders Act, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence of any employer being investigated; and

"(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

"(3) COMPLIANCE PROCEDURES.—

"(A) PRE-PENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

"(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

“(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of the subsection (b), (c), and (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

“(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good-faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(i) MISCELLANEOUS PROVISIONS.—

“(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

“(2) PREEMPTION.—The provisions of this section preempt any State or local law—

“(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

"(B) requiring as a condition of conducting, continuing, or expanding a business that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.

"(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(k) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) NO-MATCH NOTICE.—The term 'no-match notice' means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

"(3) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(4) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(d)(9)".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS, MEDICAL PROVIDERS, AND ALIENS WITH ADVANCED DEGREES

SEC. 401. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A) 290,000;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

SEC. 402. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 403. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

"(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

"(i) the spouses or children of an alien lawfully admitted for permanent residence; or

"(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.".

(b) Preference Allocation for Employment-Based Immigrants.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other workers.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States."; and

(8) by striking paragraph (6).

(c) Conforming Amendments.—

(1) Definition of special immigrant.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) Repeal of temporary reduction in workers' visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105-100; 8 U.S.C. 1153 note) is repealed.

SEC. 404. RELIEF FOR MINOR CHILDREN.

(a) In General.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

"(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(I) 2 years after such date; or

"(II) the date on which the spouse remarries.

"(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.".

(b) Petition.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)".

SEC. 405. STUDENT VISAS.

(a) In General.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon;

(3) in clause (iii), by adding "and" at the end; and

(4) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) Admission of Nonimmigrants.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) Requirements for F-4 Visa.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) Nonimmigrant Elementary, Secondary, and Post-Secondary School Students.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) Off Campus Work Authorization for Foreign Students.—

(1) In general.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) Adjustment of Status.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) Authorization.—

"(1) In general.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) Student visas.—Notwithstanding the requirement under paragraph (1)(C), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $1,000 is remitted to the Secretary on behalf of the alien.

"(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) Use of Fees.—

(1) Job training; scholarships.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) Fraud prevention and detection.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 406. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) Aliens With Certain Advanced Degrees Not Subject to Numerical Limitations on Employment Based Immigrants.—

(1) In general.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(G) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(H) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) Applicability.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) Labor Certification.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) Temporary Workers.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) Applicability.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SEC. 407. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note; Public Law 103-416) is amended by striking "Act and before June 1, 2006." and inserting "Act.".

TITLE V—IMMIGRATION LITIGATION REDUCTION

SEC. 501. CONSOLIDATION OF IMMIGRATION APPEALS.

(a) Reapportionment of Circuit Court Judges.—The table in section 44(a) of title 28, United States Code, is amended in the item relating to the Federal Circuit by striking "12" and inserting "15".

(b) Review of Orders of Removal.—Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (2), by striking the first sentence and inserting "The petition for review shall be filed with the United Sates Court of Appeals for the Federal Circuit.";

(2) in paragraph (5)(B), by adding at the end the following: "Any appeal of a decision by the district court under this paragraph shall be filed with the United States Court of Appeals for the Federal Circuit."; and

(3) in paragraph (7), by amending subparagraph (C) to read as follows:

"(C) Consequence of invalidation and venue of appeals.—

"(i) Invalidation.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a).

"(ii) Appeals.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the district court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.".

(c) Review of Orders Regarding Inadmissable Aliens.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:

"(6) Venue.—The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.".

(d) Exclusive Jurisdiction.—Section 242(g) (8 U.S.C. 1252(g)) is amended—

(1) by striking "Except"; and inserting the following:

"(1) In general.—Except"; and

(2) by adding at the end the following:

"(2) Appeals.—Notwithstanding any other provision of law, the United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to review a district court order arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States, including a district court order granting or denying a petition for writ of habeas corpus.".

(e) Jurisdiction of the United States Court of Appeals for the Federal Circuit.—

(1) Exclusive jurisdiction.—Section 1295(a) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(15) of an appeal to review a final administrative order or a district court decision arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States.".

(2) Conforming amendments.—Such section 1295(a) is further amended—

(A) in paragraph (13), by striking "and"; and

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and "and".

(f) Authorization of Appropriations.—There are authorized to be appropriated to the United States Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the such Court.

(g) Effective Date.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 502. ADDITIONAL IMMIGRATION PERSONNEL.

(a) Department of Homeland Security.—

(1) Trial attorneys.—In each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) Department of Justice.—

(1) Litigation attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice.

(2) United states attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of attorneys in the United States Attorneys' office to litigate immigration cases in the Federal courts.

(3) Immigration judges.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 the number of positions for personnel to support the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) Staff attorneys.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 10 the number of positions for full-time staff attorneys in the Board of Immigration Appeals compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 10 the number of positions for personnel to support the staff attorneys described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, increase by not less than 50 the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts.

SEC. 503. BOARD OF IMMIGRATION APPEALS REMOVAL ORDER AUTHORITY.

(a) IN GENERAL.—Section 101(a)(47) (8 U.S.C. 1101(a)(47)) is amended to read as follows:

"(47)(A)(i) The term 'order of removal' means the order of the immigration judge, the Board of Immigration Appeals, or other administrative officer to whom the Attorney General or the Secretary of Homeland Security has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable, or ordering removal.

"(ii) The term 'order of deportation' means the order of the special inquiry officer, immigration judge, the Board of Immigration Appeals, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable, or ordering deportation.

"(B) An order described under subparagraph (A) shall become final upon the earlier of—

"(i) a determination by the Board of Immigration Appeals affirming such order;

"(ii) the entry by the Board of Immigration Appeals of such order;

"(iii) the expiration of the period in which any party is permitted to seek review of such order by the Board of Immigration Appeals;

"(iv) the entry by an immigration judge of such order, if appeal is waived by all parties; or

"(v) the entry by another administrative officer of such order, at the conclusion of a process authorized by law other than under section 240.".

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended—

(1) in section 212(d)(12)(A) (8 U.S.C. 1182(d)(12)(A)), by inserting "an order of" before "removal"; and

(2) in section 245A(g)(2)(B) (8 U.S.C. 1255a(g)(2)(B))—

(A) in the heading, by inserting ", REMOVAL," after "DEPORTATION"; and

(B) in clause (i), by striking "deportation," and inserting "deportation or an order of removal,".

SEC. 504. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) (8 U.S.C. 1201(i)) is amended by striking the last sentence and inserting "Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

SEC. 505. REINSTATEMENT OF REMOVAL ORDERS.

(a) REINSTATEMENT.—

(1) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1231(a)(5)) is amended to read as follows:

"(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—

"(A) IN GENERAL.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

"(i) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

"(ii) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

"(iii) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

"(B) NO OTHER PROCEEDINGS.—Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge.".

(2) CONFORMING AMENDMENT.—Section 242(a)(2)(D) (8 U.S.C. 1252(a)(2)(D)) is amended by striking "section)" and inserting "section or section 241(a)(5))".

(b) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(a)(5).—

"(1) REVIEW OF REINSTATEMENT.—Judicial review of a determination under section 241(a)(5) is available under subsection (a) of this section.

"(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from or relating to any challenge to the original order.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated on or after that date by the Secretary (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

SEC. 506. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) (8 U.S.C. 1231(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end "The burden of proof is on the alien to establish that the alien's life or freedom would be threatened in that country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat."; and

(2) in subparagraph (C), by striking "In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A)" and inserting "For purposes of this paragraph,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

SEC. 507. CERTIFICATE OF REVIEWABILITY.

(a) BRIEFS.—Section 242(b)(3)(C) (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

"(C) BRIEFS.—

"(i) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this subparagraph, the court shall dismiss the appeal unless a manifest injustice would result.

"(ii) UNITED STATES BRIEF.—The United States shall not be afforded an opportunity to file a brief in response to the alien's brief until a judge issues a certificate of reviewability as provided in subparagraph (D), unless the court requests the United States to file a reply brief prior to issuing such certification.".

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) (8 U.S.C. 1252 (b)(3)) is amended by adding at the end the following new subparagraphs:

"(D) CERTIFICATE OF REVIEWABILITY.—

"(i) After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals.

"(ii) Unless such judge issues a certificate of reviewability, the petition for review shall be denied and the United States may not file a brief.

"(iii) Such judge may not issue a certificate of reviewability under clause (ii) unless the petitioner establishes a prima facie case that the petition for review should be granted.

"(iv) Such judge shall complete all action on such certificate, including rendering judgment, not later than 60 days after the date on which the judge is assigned the petition for review, unless an extension is granted under clause (v).

"(v) Such judge may grant, on the judge's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

"(I) all parties to the proceeding agree to such extension; or

"(II) such extension is for good cause shown or in the interests of justice, and the judge states the grounds for the extension with specificity.

"(vi) If no certificate of reviewability is issued before the end of the period described in clause (iv), including any extension under clause (v), the petition for review shall be denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the Government, and the alien may be removed.

"(vii) If such judge issues a certificate of reviewability under clause (ii), the Government shall be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government brief, and the court may not extend this deadline except upon motion for good cause shown.

"(E) NO FURTHER REVIEW OF DECISION NOT TO ISSUE A CERTIFICATE OF REVIEWABILITY.—The decision of a judge on the Federal Circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the Federal Circuit Court of Appeals and may not be reconsidered, reviewed, or reversed by the such Court through any mechanism or procedure.".

SEC. 508. DISCRETIONARY DECISIONS ON MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) (8 U.S.C. 1229a(c)) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion."; and

(2) in paragraph (7), by adding at the end the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion.".

(b) ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY.—Section 240(c) (8 U.S.C. 1229a(c)), as amended by subsection (a), is further amended by adding at the end of paragraph (7)(C) the following new clause:

"(v) SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.—The requirements of this paragraph may not apply if—

"(I) the Secretary of Homeland Security is seeking to remove the alien to an alternative or additional country of removal under paragraph (1)(C), 2(D), or 2(E) of section 241(b) that was not considered during the alien's prior removal proceedings;

"(II) the alien's motion to reopen is filed within 30 days after receiving notice of the Secretary's intention to remove the alien to that country; and

"(III) the alien establishes a prima facie case that the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, with respect to that particular country.".

(c) EFFECTIVE DATE.—This amendment made by this section shall apply to motions to reopen or reconsider which are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, whether a final administrative order is entered before, on, or after the date of the enactment of this Act.

SEC. 509. PROHIBITION OF ATTORNEY FEE AWARDS FOR REVIEW OF FINAL ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 (8 U.S.C. 1252), as amended by section 505(b), is further amended by adding at the end the following new subsection:

"(i) PROHIBITION ON ATTORNEY FEE AWARDS.—Notwithstanding any other provision of law, a court may not award fees or other expenses to an alien based upon the alien's status as a prevailing party in any proceedings relating to an order of removal issued under this Act, unless the court of appeals concludes that the determination of the Attorney General or the Secretary of Homeland Security that the alien was removable under sections 212 and 237 was not substantially justified.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to proceedings relating to an order of removal issued on or after the date of the enactment of this Act, regardless of the date that such fees or expenses were incurred.

SEC. 510. BOARD OF IMMIGRATION APPEALS.

(a) REQUIREMENT TO HEAR CASES IN 3-MEMBER PANELS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), cases before the Board of Immigration Appeals of the Department of Justice shall be heard by 3-member panels of such Board.

(2) HEARING BY A SINGLE MEMBER.—A 3-member panel of the Board of Immigration Appeals or a member of such Board alone may—

(A) summarily dismiss any appeal or portion of any appeal in any case which—

(i) the party seeking the appeal fails to specify the reasons for the appeal;

(ii) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding;

(iii) the appeal is from an order that granted such party the relief that had been requested;

(iv) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; or

(v) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law;

(B) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or

(C) adjudicate a motion to remand any appeal—

(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration;

(ii) if remand is required because of a defective or missing transcript; or

(iii) if remand is required for any other procedural or ministerial issue.

(3) HEARING EN BANC.—The Board of Immigration Appeals may, by a majority vote of the Board members—

(A) consider any case as the full Board en banc; or

(B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel.

(b) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board of Immigration Appeals may affirm the decision of an immigration judge without opinion only if—

(1) the decision of the immigration judge resolved all issues in the case;

(2) the issue on appeal is squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation;

(3) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and

(4) the Board approves both the result reached in the decision below and all of the reasoning of that decision.

(c) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall promulgate regulations to carry out this section.

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL AND CONFORMING AMENDMENTS.

The Attorney General, in consultation with the Secretary, shall, as soon as practicable but not later than 90 days after the date of the enactment of this Act, submit to Congress a draft of any technical and conforming changes in the Immigration and Nationality Act which are necessary to reflect the changes in the substantive provisions of law made by the Homeland Security Act of 2002, this Act, or any other provision of law.

SA 3421. Mr. NELSON of Nebraska proposed an amendment to amendment SA 3420 proposed by Mr. SESSIONS to the amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place in the Sessions amendment add the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Border Security and Interior Enforcement Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—SOUTHWEST BORDER SECURITY

Sec. 101. Construction of fencing and security improvements in border area from Pacific Ocean to Gulf of Mexico.
Sec. 102. Border patrol agents.
Sec. 103. Increased availability of Department of Defense equipment to assist with surveillance of southern international land border of the United States.
Sec. 104. Ports of entry.
Sec. 105. Authorization of appropriations.

TITLE II—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

Subtitle A—Additional Federal Resources

Sec. 201. Necessary assets for controlling United States borders.
Sec. 202. Additional immigration personnel.
Sec. 203. Additional worksite enforcement and fraud detection agents.
Sec. 204. Document fraud detection.
Sec. 205. Powers of immigration officers and employees.

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

Sec. 211. Entry-exit system.
Sec. 212. State and local law enforcement provision of information regarding aliens.
Sec. 213. Listing of immigration violators in the National Crime Information Center database.
Sec. 214. Determination of immigration status of individuals charged with Federal offenses.

Subtitle C—Detention of Aliens and Reimbursement of Costs

Sec. 221. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 222. Federal custody of illegal aliens apprehended by State or local law enforcement.
Sec. 223. Institutional Removal Program.

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

Sec. 231. Congressional affirmation of immigration law enforcement authority by States and political subdivisions of States.
Sec. 232. Immigration law enforcement training of State and local law enforcement personnel.
Sec. 233. Immunity.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance and Validity

Sec. 301. Curtailment of visas for aliens from countries denying or delaying repatriation of nationals.
Sec. 302. Judicial review of visa revocation.
Sec. 303. Elimination of diversity immigrant program.
Sec. 304. Completion of background and security checks.

Sec. 305. Naturalization and good moral character.
Sec. 306. Denial of benefits to terrorists and criminals.
Sec. 307. Repeal of adjustment of status of certain aliens physically present in United States under section 245(i).
Sec. 308. Grounds of Inadmissibility and Removability for Persecutors.
Sec. 309. Technical Corrections to SEVIS Reporting Requirements.

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

Sec. 401. Short title.
Sec. 402. Findings.

Subtitle B—Employment Eligibility Verification System

Sec. 411. Employment Eligibility Verification System.
Sec. 412. Employment eligibility verification process.
Sec. 413. Expansion of employment eligibility verification system to previously hired individuals and recruiting and referring.
Sec. 414. Extension of preemption to required construction of day laborer shelters.
Sec. 415. Basic pilot program.
Sec. 416. Protection for United States workers and individuals reporting immigration law violations.
Sec. 417. Penalties.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

Sec. 421. Verification responsibilities of the Commissioner of Social Security.
Sec. 422. Notification by commissioner of failure to correct social security information.
Sec. 423. Restriction on access and use.
Sec. 424. Sharing of information with the commissioner of Internal Revenue Service.
Sec. 425. Sharing of information with the Secretary of Homeland Security.

Subtitle D—Sharing of Information

Sec. 431. Sharing of information with the Secretary of Homeland Security and the Commissioner of Social Security.

Subtitle E—Identification Document Integrity

Sec. 441. Consular identification documents.
Sec. 442. Machine-readable tamper-resistant immigration documents.

Subtitle F—Effective Date; Authorization of Appropriations

Sec. 451. Effective date.
Sec. 452. Authorization of appropriations.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

Sec. 501. Alien smuggling and related offenses.
Sec. 502. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.
Sec. 503. Improper entry by, or presence of, aliens.
Sec. 504. Fees and Employer Compliance Fund.
Sec. 505. Reentry of removed alien.
Sec. 506. Civil and criminal penalties for document fraud, benefit fraud, and false claims of citizenship.
Sec. 507. Rendering inadmissible and deportable aliens participating in criminal street gangs.
Sec. 508. Mandatory detention of suspected criminal street gang members.
Sec. 509. Ineligibility for asylum and protection from removal.
Sec. 510. Penalties for misusing social security numbers or filing false information with Social Security Administration.
Sec. 511. Technical and clarifying amendments.

Subtitle B—Detention, Removal, and Departure

Sec. 521. Voluntary departure reform.
Sec. 522. Release of aliens in removal proceedings.
Sec. 523. Expedited removal.
Sec. 524. Reinstatement of previous removal orders.
Sec. 525. Cancellation of removal.
Sec. 526. Detention of dangerous alien.
Sec. 527. Alternatives to detention.
Sec. 528. Authorization of appropriations.

SEC. 2. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such holding.

TITLE I—SOUTHWEST BORDER SECURITY

SEC. 101. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

(a) IN GENERAL.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) is amended to read as follows—

"(1) BORDER SECURITY IMPROVEMENTS.—

"(A) BORDER ZONE CREATION.—

"(i) IN GENERAL.—In carrying out subsection (a), the Secretary of Homeland Security shall create and control a border zone, along the international land border between the United States and Mexico, subject to the following conditions:

"(I) SIZE.—The border zone shall consist of the United States land area within 100 yards of such international land border, except that with respect to areas of the border zone that are contained within an organized subdivision of a State or local government, the Secretary may adjust the area included in the border zone to accommodate existing public and private structures.

"(II) FEDERAL LAND.—Not later than 30 days after the date of the enactment of the Border Security and Interior Enforcement Improvement Act of 2006, the head of each Federal agency having jurisdiction over Federal land included in the border zone shall transfer such land, without reimbursement, to the administrative jurisdiction of the Secretary of Homeland Security.

"(III) CONSULTATION.—Before installing any fencing or other physical barriers, roads, lighting, or sensors under subparagraph (B) on land transferred by the Secretary of Defense under subclause (II), the Secretary of Homeland Security shall consult with the Secretary of Defense for purposes of mitigating or limiting the impact of the fencing, barriers, roads, lighting, and sensors on military training and operations.

"(ii) OTHER USES.—The Secretary may authorize the use of land included in the border zone for other purposes so long as such use does not impede the operation or effectiveness of the security features installed under subparagraph (B) or the ability of the Secretary to carry out subsection (a).

"(B) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for—

"(i) the construction along the southern international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward to the Gulf of Mexico, of at least 2 layers of reinforced fencing; and

"(ii) the installation of such additional physical barriers, roads, lighting, ditches, and sensors along such border as may be necessary to eliminate illegal crossings and facilitate legal crossings along such border.

"(C) PRIORITY AREAS.—With respect to the border described in subparagraph (B), the Secretary shall ensure that initial fence construction occurs in high traffic and smuggling areas along such border.".

(b) CONFORMING AMENDMENTS.—Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) as amended by subsection (a) is further amended—

(1) in subsection (a), by striking "Attorney General, in consultation with the Commissioner of Immigration and Naturalization," and inserting "Secretary of Homeland Security";

(2) in subsection (b), by striking the heading and inserting "BORDER ZONE CREATION AND REINFORCED FENDING—"; and

(3) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 102. BORDER PATROL AGENTS.

Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended—

(1) by striking "2010" both places it appears and inserting "2011"; and

(2) by striking "2,000" and inserting "3,000".

SEC. 103. INCREASED AVAILABILITY OF DEPARTMENT OF DEFENSE EQUIPMENT TO ASSIST WITH SURVEILLANCE OF SOUTHERN INTERNATIONAL LAND BORDER OF THE UNITED STATES.

(a) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary of Defense and the Secretary of Homeland Security shall develop and implement a plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with Department of Homeland Security surveillance activities conducted at or near the southern international land border of the United States.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall submit a report to Congress that contains—

(1) a description of the current use of Department of Defense equipment to assist with Department of Homeland Security surveillance of the southern international land border of the United States;

(2) the plan developed under subsection (a) to increase the use of Department of Defense equipment to assist with such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by Department of Defense under such plan during the

1-year period beginning after submission of the report.

SEC. 104. PORTS OF ENTRY.

To facilitate legal trade, commerce, tourism, and legal immigration, the Secretary of Homeland Security is authorized to—

(1) construct additional ports of entry along the international land border of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $5,000,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103), as amended by section 101. Such sums shall be available until expended.

(b) BORDER PATROL AGENTS.—There are authorized to be appropriated $3,000,000,000 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), as amended by section 102.

(c) PORTS OF ENTRY.—There are authorized to be appropriated $125,000,000 to carry out section 104.

(d) CONFORMING AMENDMENT.—Section 102(b)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is repealed.

TITLE II—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

Subtitle A—Additional Federal Resources

SEC. 201. NECESSARY ASSETS FOR CONTROLLING UNITED STATES BORDERS.

(a) PERSONNEL.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2007 through 2011, the Secretary of Homeland Security shall increase by not less than 250 the number of positions for full-time active duty Customs and Border Protection officers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (1).

(b) TECHNOLOGICAL ASSETS.—

(1) ACQUISITION.—The Secretary of Homeland Security shall procure unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 for each of fiscal years 2007 through 2011 to carry out paragraph (1).

(c) BORDER PATROL CHECKPOINTS.—Notwithstanding any other provision of law or regulation, temporary or permanent checkpoints may be maintained on roadways in border patrol sectors close to the international land borders of the United States in such locations and for such time period durations as the Secretary of Homeland Security, in the Secretary's sole discretion, determines necessary.

SEC. 202. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), for each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department of Homeland Security investigating alien smuggling and immigration status violations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) TRIAL ATTORNEYS.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department of Homeland Security who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) ASSISTANT ATTORNEY GENERAL FOR IMMIGRATION ENFORCEMENT.—

(A) ESTABLISHMENT.—There is established within the Department of Justice the position of Assistant Attorney General for Immigration Enforcement. The Assistant Attorney General for Immigration Enforcement shall coordinate and prioritize immigration litigation and enforcement in the Federal courts, including—

(i) removal and deportation;

(ii) employer sanctions; and

(iii) alien smuggling and human trafficking.

(B) CONFORMING AMENDMENT.—Section 506 of title 28, United States Code, is amended by striking "ten" and inserting "11".

(2) LITIGATION ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice above the number of such positions for which funds were made available during the preceding fiscal year.

(3) ASSISTANT UNITED STATES ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of Assistant United States Attorneys to litigate immigration cases in the Federal courts above the number of such positions for which funds were made available during the preceding fiscal year.

(4) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges above the number of such positions for which funds were made available during the preceding fiscal year.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

SEC. 203. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a) above the number of such positions in which funds were made available during the preceding fiscal year.

(b) FRAUD DETECTION.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for Immigration Enforcement Agents dedicated to immigration fraud detection above the number of such positions in which funds were made available during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated during each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 204. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—The Secretary of Homeland Security shall provide all customs and border protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary of Homeland Security shall provide all officers of the Bureau of Customs and Border Protection with access to the Forensic Document Laboratory.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 205. POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.

Section 287(a) of the Immigration and Nationality Act (8 U.S.C. 1357(a)) is amended—

(1) by striking paragraph (5) and the 2 undesignated paragraphs following paragraph (5);

(2) in the material preceding paragraph (1)—

(A) by striking "(a) Any" and inserting "(a)(1) Any"; and

(B) by striking "Service" and inserting "Department of Homeland Security";

(3) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(4) by inserting after subparagraph (D), as redesignated by paragraph (3), the following:

"(E) to make arrests—

"(i) for any offense against the United States, if the offense is committed in the officer's or employee's presence; or

"(ii) for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

"(2) Under regulations prescribed by the Attorney General or the Secretary of Homeland Security, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States.".

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

SEC. 211. ENTRY-EXIT SYSTEM.

(a) INTEGRATED ENTRY AND EXIT DATA SYSTEM.—Section 110(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(b)(1)) is amended to read as follows:

"(1) provides access to, and integrates, arrival and departure data of all aliens who arrive and depart at ports of entry, in an electronic format and in a database of the Department of Homeland Security or the Department of State (including those created or used at ports of entry and at consular offices);".

(b) CONSTRUCTION.—Section 110(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(c)) is amended to read as follows:

"(c) CONSTRUCTION.—Nothing in this section shall be construed to reduce or curtail any authority of the Secretary of Homeland Security or the Secretary of State under any other provision of law.".

(c) DEADLINES.—Section 110(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(d)) is amended—

(1) in paragraph (1), by striking "December 31, 2003" and inserting "October 1, 2006"; and

(2) by amending paragraph (2) to read as follows:

"(2) LAND BORDER PORTS OF ENTRY.—Not later than October 1, 2006, the Secretary of Homeland Security shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at all land border ports of entry. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.".

(d) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—Section 110(f)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(f)(1)) is amended by adding at the end: "The Secretary of Homeland Security shall ensure that any officer or employee of the Department of Homeland Security or the Department of State having need to access the data contained in the integrated entry and exit data system for any lawful purpose under the Immigration and Nationality Act has such access, including access for purposes of representation of the Department of Homeland Security in removal proceedings under section 240 of such Act and adjudication of applications for benefits under such Act.".

(e) BIOMETRIC DATA ENHANCEMENTS.—Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the automated biometric fingerprint identification system (IDENT) of the Department of Homeland Security and the integrated automated fingerprint identification system (IAFIS) of the Federal Bureau of Investigation fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all 10 fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), as amended by this section.

SEC. 212. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION REGARDING ALIENS.

(a) VIOLATIONS OF FEDERAL LAW.—A statute, policy, or practice that prohibits, or restricts in any manner, a law enforcement or administrative enforcement officer of a State or of a political subdivision therein, from enforcing Federal immigration laws or from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the investigative or enforcement duties of the officer or from providing information to an official of the United States Government regarding the immigration status of an individual who is believed to be illegally present in the United States, is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644).

(b) STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ILLEGAL ALIENS.—

(1) PROVISION OF INFORMATION.—

(A) IN GENERAL.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), each law enforcement agency of a State or of a political subdivision therein shall provide to the Department of Homeland Security the information listed in paragraph (2) for each alien who is apprehended in the jurisdiction of such agency and who cannot produce the valid certificate of alien registration or alien registration receipt card described in section 264(d) of the Immigration and Nationality Act (8 U.S.C. 1304(d)).

(B) TIME LIMITATION.—Not later than 15 days after an alien described in subparagraph (A) is apprehended, information required to be provided under subparagraph (A) shall be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(C) EXCEPTION.—The reporting requirement in paragraph (A) shall not apply in the case of any alien determined to be lawfully present in the United States.

(2) INFORMATION REQUIRED.—The information listed in this subsection is as follows:

(A) The alien's name.

(B) The alien's address or place of residence.

(C) A physical description of the alien.

(D) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(E) If applicable—

(i) the alien's driver's license number and the State of issuance of such license;

(ii) the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document;

(iii) the license number and description of any vehicle registered to, or operated by, the alien; and

(iv) a photo of the alien and a full set of the alien's 10 rolled fingerprints, if available or readily obtainable.

(3) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse such law enforcement agencies for the costs, per a schedule determined by the Secretary, incurred by such agencies in collecting and transmitting the information described in paragraph (2).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.—

(A) TECHNICAL AMENDMENT.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(i) in subsections (a), (b)(1), and (c), by striking "Immigration and Naturalization Service" each place it appears and inserting "Department of Homeland Security"; and

(ii) in the heading by striking "**IMMIGRATION AND NATURALIZATION SERVICE**" and inserting "**DEPARTMENT OF HOMELAND SECURITY**".

(B) CONFORMING AMENDMENT.—Section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546) is amended by striking the item related to section 642 and inserting the following:

"Sec. 642. Communication between government agencies and the Department of Homeland Security.".

(2) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(A) IN GENERAL.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is amended—

(i) by striking "**IMMIGRATION AND NATURALIZATION SERVICE**" and inserting "**DEPARTMENT OF HOMELAND SECURITY**"; and

(ii) in the heading by striking "**IMMIGRATION AND NATURALIZATION SERVICE**" and inserting "**DEPARTMENT OF HOMELAND SECURITY**".

(B) CONFORMING AMENDMENT.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642) is amended by striking the item related to section 434 and inserting the following:

"Sec. 434. Communication between State and local government agencies and the Department of Homeland Security.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.

SEC. 213. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary of Homeland Security has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) or (b)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) detained by a Federal, State, or local law enforcement agency whom a Federal immigration officer has confirmed to be unlawfully present in the United States but, in the exercise of discretion, has been released from detention without transfer into the custody of a Federal immigration officer;

(D) who has remained in the United States beyond the alien's authorized period of stay; and

(E) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center

should promptly remove any information provided by the Secretary of Homeland Security under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(b) Inclusion of Information in the National Crime Information Center Database.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or the alien has already been removed; and".

SEC. 214. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) Responsibility of United States Attorneys.—Beginning 2 years after the date of the enactment of this Act, the office of the United States attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) Guidelines.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) Responsibilities of Federal Courts.—

(1) Modifications of records and case managements systems.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) Data entries.—Beginning 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) Annual Report to Congress.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with the Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(e) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 2007 through 2012, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

Subtitle C—Detention of Aliens and Reimbursement of Costs

SEC. 221. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) Construction or Acquisition of Detention Facilities.—

(1) In general.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) Determination of location.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department of Homeland Security. The detention facilities shall be located so as to enable the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) Use of installations under base closure laws.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) Technical and Conforming Amendment.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 222. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) In General.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY.

"(a) In General.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an illegal alien; and

"(B) if the individual is an illegal alien, either—

"(i) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the illegal alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.

"(b) Reimbursement.—

"(1) In general.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1).

"(2) Cost computation.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the criminal or illegal alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained illegal alien during the period between the time of transmittal of the request described in subsection (a) and the time of transfer into Federal custody.

"(c) Requirement for Appropriate Security.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(d) Requirement for Schedule.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended illegal aliens from the custody of those States and political subdivisions of States which routinely submit requests described in subsection (a) into Federal custody.

"(e) Authority for Contracts.—

"(1) In general.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) Determination by Secretary.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or where appropriate, the political subdivision in which the agencies are located has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

"(f) Illegal Alien Defined.—In this section, the term 'illegal alien' means an alien who—

"(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

"(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

"(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

"(B) comply with the conditions of any such status;

"(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

"(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.".

(b) Authorization of Appropriations for the Detention and Transportation to Federal Custody of Aliens Not Lawfully Present.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 223. INSTITUTIONAL REMOVAL PROGRAM.

(a) Institutional Removal Program.—

(1) Continuation.—The Secretary of Homeland Security shall continue to operate the Institutional Removal Program or develop and implement any other program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) Expansion.—The Secretary of Homeland Security shall extend the institutional removal program to all States. Each State should—

(A) cooperate with officials of the Federal Institutional Removal Program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey the information collected under subparagraph (B) to officials of the Institutional Removal Program.

(b) Implementation of Cooperative Institutional Removal Programs.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), is amended by adding at the end the following:

"(d) Authorization for Detention After Completion of State or Local Prison Sentence.—Law enforcement officers of a State or political subdivision of a State are authorized to—

"(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

"(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

"(e) Technology Usage.—Technology such as videoconferencing shall be used to the maximum extent practicable in order to make the Institutional Removal Program available in remote locations. Mobile access to Federal databases of aliens, such as the automated biometric fingerprint identification system (IDENT) of the Department of Homeland Security, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

"(f) Report to Congress.—Not later than 1 year after the date of the enactment of the Border Security and Interior Enforcement Improvement Act of 2006, the Secretary of Homeland Security shall submit to Congress a report on the participation of States in the Institutional Removal Program and in any other program carried out under subsection (a).

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out the Institutional Removal Program—

"(1) $30,000,000 for fiscal year 2007;

"(2) $40,000,000 for fiscal year 2008;

"(3) $50,000,000 for fiscal year 2009;

"(4) $60,000,000 for fiscal year 2010; and

"(5) $70,000,000 for fiscal year 2011 and each fiscal year thereafter.".

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

SEC. 231. CONGRESSIONAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT AUTHORITY BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

SEC. 232. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) Training Manual and Pocket Guide.—

(1) Establishment.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(2) Availability.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) Applicability.—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.

(4) Costs.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under this subsection.

(b) Training Flexibility.—

(1) In general.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness of the Department of Homeland Security, on-site training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) Online training.—The head of the Distributed Learning Program of the Federal Law Enforcement Training Center shall make training available for State and local law enforcement personnel via the Internet through a secure, encrypted distributed learning system that has all its servers based in the United States.

(3) Federal personnel training.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(c) Cooperative Enforcement Programs.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

(d) Duration of Training.—Section 287(g)(2) of the Immigration and Nationalization Act (8 U.S.C. 1357(g)(2)) is amended by adding at the end "Such training may not exceed 14 days or 80 hours of classroom training.".

(e) Clarification.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising the inherent authority of the officer to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out the law enforcement duties of the officer.

(f) Technical Amendments.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 233. IMMUNITY.

(a) Personal Immunity.—Notwithstanding any other provision of law, a law enforcement officer of a State, or of a political subdivision of a State, shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law. The immunity provided by this subsection shall only apply to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer's official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of such agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance and Validity

SEC. 301. CURTAILMENT OF VISAS FOR ALIENS FROM COUNTRIES DENYING OR DELAYING REPATRIATION OF NATIONALS.

(a) IN GENERAL.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by adding at the end the following new subsection:

"(e) PUBLIC LISTING OF ALIENS WITH NO SIGNIFICANT LIKELIHOOD OF REMOVAL.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain a public listing of every alien who is subject to a final order of removal and with respect to whom the Secretary or any Federal court has determined that there is no significant likelihood of removal in the reasonably foreseeable future due to the refusal, or unreasonable delay, of all countries designated by the alien under this section to receive the alien. The public listing shall indicate whether such alien has been released from Federal custody, and the city and State in which such alien resides.

"(2) DISCONTINUATION OF VISAS.—If 25 or more of the citizens, subjects, or nationals of any foreign state remain on the public listing described in paragraph (1) throughout any month—

"(A) such foreign state shall be deemed to have denied or unreasonably delayed the acceptance of such aliens;

"(B) the Secretary of Homeland Security shall make the notification to the Secretary of State prescribed in subsection (d) of this section; and

"(C) the Secretary of State shall discontinue the issuance of nonimmigrant visas to citizens, subjects, or nationals of such foreign state until such time as the number of aliens on the public listing from such foreign state has—

"(i) declined to fewer than 6; or

"(ii) remained below 25 for at least 30 days.".

(b) TECHNICAL AMENDMENT.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)(D), by inserting "or the Secretary of Homeland Security" after "Attorney General";

(2) in subsection (c)—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) by striking "Commissioner" and inserting "Secretary"; and

(3) in subsection (d)—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) by inserting "of State" after "notifies the Secretary".

SEC. 302. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ", except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B)".

SEC. 303. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking "(a), (b), or (c)," and inserting "(a) or (b),";

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking "(a), (b), or (c)" and inserting "(a) or (b)"; and

(5) in subsection (g), by striking "(a), (b), and (c)" and inserting "(a) and (b)".

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking "(a), (b), or (c)" and inserting "(a) or (b)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 304. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court shall not—

"(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court,

until such background and security checks as the Secretary may in his discretion require have been completed to the satisfaction of the Secretary.".

SEC. 305. NATURALIZATION AND GOOD MORAL CHARACTER.

(a) NATURALIZATION REFORM.—

(1) BARRING TERRORISTS FROM NATURALIZATION.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(g) No person shall be naturalized who the Secretary of Homeland Security determines, in the Secretary's discretion, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and shall be binding upon, and unreviewable by, any court exercising jurisdiction under the immigration laws over any application for naturalization, regardless whether such jurisdiction to review a decision or action of the Secretary is de novo or otherwise.".

(2) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—The last sentence of section 318 of such Act (8 U.S.C. 1429) is amended—

(A) by striking "shall be considered by the Attorney General" and inserting "shall be considered by the Secretary of Homeland Security or any court";

(B) by striking "pursuant to a warrant of arrest issued under the provisions of this or any other Act:" and inserting "or other proceeding to determine the applicants inadmissibility or deportability, or to determine whether the applicants lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced:"; and

(C) by striking "upon the Attorney General" and inserting "upon the Secretary of Homeland Security".

(3) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) of such Act (8 U.S.C. 1154(b)) is amended by adding at the end "No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could (whether directly or indirectly) result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(4) CONDITIONAL PERMANENT RESIDENTS.—Section 216(e) of such Act (8 U.S.C. 1186a(e)) and section 216A(e) of such Act (8 U.S.C. 1186b(e)) are each amended by inserting before the period at the end of each such section ", if the alien has had the conditional basis removed under this section".

(5) DISTRICT COURT JURISDICTION.—Section 336(b) of such Act (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section (as such terms are defined in regulations issued by the Secretary), the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary for the Secretary's determination on the application.".

(6) CONFORMING AMENDMENTS.—Section 310(c) of such Act (8 U.S.C. 1421(c)) is amended—

(A) by inserting ", not later than 120 days after the date of the Secretary's final determination" before "seek"; and

(B) by striking the second sentence and inserting "The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, for purposes of an application for naturalization, whether an alien is a person of good moral character, whether an alien understands and is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on

the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed on or after, such date.

(b) BAR TO GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(A) by inserting after paragraph (1) the following new paragraph:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or section 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and which shall be binding upon any court regardless of the applicable standard of review;";

(B) in paragraph (8), by inserting ", regardless whether the crime was classified as an aggravated felony at the time of conviction" after "(as defined in subsection (a)(43))"; and

(C) by striking the first sentence in the undesignated paragraph following paragraph (9) and inserting "The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good moral character. The Secretary and the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.".

(2) AGGRAVATED FELONY EFFECTIVE DATE.—Section 509(b) of the Immigration Act of 1990 (Public Law 101-649), as amended by section 306(a)(7) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Public Law 102–232)), is amended to read as follows:

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 29, 1990, and shall apply to convictions occurring before, on, or after such date.".

(3) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM ACT.—Section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741) is amended by striking "adding at the end" and inserting "inserting after paragraph (8) and before the undesignated paragraph at the end".

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other benefit or relief or any other case or matter under the immigration laws pending on, or filed on or after, such date; or

(B) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The amendments made by paragraph (3) shall take effect as if included in the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638).

SEC. 306. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following new section:

"SEC. 219A. PROHIBITION ON PROVIDING IMMIGRATION BENEFITS TO CERTAIN ALIENS.

"Nothing in this Act or any other provision of law shall permit the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraphs (A)(i), (A)(iii), (B), or (F) of sections 212(a)(3) or subparagraphs (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.".

(b) INADMISSIBILITY ON SECURITY AND RELATED GROUNDS.—Section 212(a)(3)(B)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)(I)) is amended by inserting "is able to demonstrate, by clear and convincing evidence, that such spouse or child" after "who".

SEC. 307. REPEAL OF ADJUSTMENT OF STATUS OF CERTAIN ALIENS PHYSICALLY PRESENT IN UNITED STATES UNDER SECTION 245(i).

Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is repealed.

SEC. 308. GROUNDS OF INADMISSIBILITY AND REMOVABILITY FOR PERSECUTORS.

(a) GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION.—

(1) PERSECUTION.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(A) in the header, by striking "NAZI"; and

(B) by inserting after clause (iii) the following new clause:

"(iv) PARTICIPATION IN OTHER PERSECUTION.—Any alien who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion is inadmissible.".

(2) RECOMMENDATIONS BY CONSULAR OFFICERS.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) by striking "and clauses (i) and (ii) of paragraph (3)(E)" both places it appears and inserting "or 3(E)".

(b) GENERAL CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(4)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) in the header, by striking "NAZI"; and

(2) by striking "or (iii)" and inserting "(iii), or (iv)".

(c) BAR TO GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking "or";

(2) in paragraph (9), as added by section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741), as amended by section 305(b)(3) of this Act, by striking the period at the end and inserting a semicolon and "or"; and

(3) inserting after paragraph (9), as added by section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741), as amended by section 305(b)(3) of this Act, and before the undesignated paragraph at the end the following new paragraph:

"(10) one who at any time has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.".

(d) VOLUNTARY DEPARTURE.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) in subsection (a)(1), by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B)" and inserting "removable under section 237(a)(2)(A)(iii), subparagraph (B) or (D) or section 237(a)(4), or section 212(a)(3)(E)."; and

(2) in subsection (b)(1)(C), by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B)" and inserting "removable under section 237(a)(2)(A)(iii), subparagraph (B) or (D) of section 237(a)(4), or section 212(a)(3)(E).".

(e) AIDING OR ASSISTING CERTAIN ALIENS TO ENTER THE UNITED STATES.—Section 277 of such Act (8 U.S.C. 1327) is amended by striking "or 212(a)(3) (other than subparagraph (E) thereof)" and inserting ", section 212(a)(3)".

SEC. 309. TECHNICAL CORRECTIONS TO SEVIS REPORTING REQUIREMENTS.

(a) PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.—

(1) IN GENERAL.—Section 641(a)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)(4)) is amended—

(A) by striking "Not later than 30 days after the deadline for registering for classes for an academic term" and inserting "Not later than the program start date (for new students) or the next session start date (for continuing students) of an academic term"; and

(B) by striking "shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation." and inserting "shall report to the Secretary of Homeland Security any failure to enroll or to commence participation by the program start date or next session start date, as applicable.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Except as provided in subparagraph (B), section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

(B) EXCEPTIONS.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended—

(i) in subsections (b), (c)(4)(A), (c)(4)(B), (e)(1), (e)(6), and (g) by inserting "Secretary of Homeland Security or the" before "Attorney General" each place that term appears;

(ii) by striking the heading of section (c)(4)(B) and inserting "SECRETARY OF HOMELAND SECURITY AND ATTORNEY GENERAL"; and

(iii) in subsection (f), by inserting "the Secretary of Homeland Security," before "the Attorney General".

(b) CLARIFICATION OF RELEASE OF INFORMATION.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), as amended by subsection (a), is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (G), by striking "and" at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon and "and"; and

(C) by adding at the end the following new subparagraph:

"(I) any other information the Secretary of Homeland Security determines is necessary."; and

(2) in subsection (c)(2), by adding at the end "Approved institutions of higher education or other approved educational institutions shall release information regarding alien students referred to in this section to the Secretary of Homeland Security as part of such information collection program or upon request.".

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 401. SHORT TITLE.

This title may be cited as the "Employment Security Act of 2006".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State, and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is a primary cause of illegal immigration.

(2) The use of modern technology not available in 1986, when the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) created the I–9 worker verification system, will enable employers to rapidly and accurately verify the identity and work authorization of their employees and independent contractors.

(3) The Government and people of the United States share a compelling interest in protection of United States employment authorization, income tax withholding, and social security accounting systems, against unauthorized access by illegal aliens.

(4) Limited data sharing between the Department of Homeland Security, the Internal Revenue Service, and the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises that seek judicial protection against injury to their wages and working conditions due to unlawful employment of illegal alien workers and the United States enterprises that utilize the labor or services provided by illegal aliens, especially where lack of resources constrains enforcement of Federal immigration law by Federal immigration officials.

Subtitle B—Employment Eligibility Verification System

SEC. 411. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

"(7) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish and administer a verification system, known as the Employment Eligibility Verification System, through which the Secretary—

"(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

"(ii) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

"(B) INITIAL RESPONSE.—The verification system shall provide verification or a tentative nonverification of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

"(C) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONVERIFICATION.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final verification or nonverification within 10 working days after the date of the tentative nonverification. When final verification or nonverification is provided, the verification system shall provide an appropriate code indicating such verification or nonverification.

"(D) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

"(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

"(ii) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

"(iii) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

"(iv) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

"(I) the selective or unauthorized use of the system to verify eligibility;

"(II) the use of the system prior to an offer of employment; or

"(III) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

"(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

"(F) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

"(ii) When a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the time periods specified in subparagraphs (B) and (C), in order to ensure that no fraudulent use of a social security account number has taken place. If the Secretary has selected a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

"(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

"(H) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than the enforcement and administration of the immigration laws, the Social Security Act, or any provision of Federal criminal law.

"(I) FEDERAL TORT CLAIMS ACT.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

"(J) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION.—No person or entity shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.".

(b) Repeal of Provision Relating to Evaluations and Changes in Employment Verification.—Section 274A(d) (8 U.S.C. 1324a(d)) is repealed.

(c) Effective Date.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 412. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) In General.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting "(A)" after "Defense.—", and by adding at the end the following:

"(B) Failure to Seek and Obtain Verification.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

"(i) Failure to seek verification.—

"(I) In general.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(8)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

"(II) Special rule for failure of verification mechanism.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

"(ii) Failure to obtain verification.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (b)(7)(B) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.";

(2) by amending subparagraph (A) of subsection (b)(1) to read as follows:

"(A) In general.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Secretary by regulation, that it has verified that the individual is not an unauthorized alien by—

"(i) obtaining from the individual the individual's social security account number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under paragraph (2), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

"(ii)(I) examining a document described in subparagraph (B); or

"(II) examining a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and, if the document bears an expiration date, that expiration date has not elapsed. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and is sufficient to meet the first sentence of this paragraph, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce another document.";

(3) in subsection (b)(1)(D)—

(A) in clause (i), by striking "or such other personal identification information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section"; and

(B) in clause (ii), by inserting before the period "and that contains a photograph of the individual";

(4) in subsection (b)(2), by adding at the end the following: "The individual must also provide that individual's social security account number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under this paragraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.";

(5) by amending paragraph (3) of subsection (b) to read as follows:

"(3) Retention of verification form and verification.—

"(A) In general.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity shall—

"(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual or the date of the completion of verification of a previously hired individual and ending—

"(I) in the case of the recruiting or referral of an individual, three years after the date of the recruiting or referral;

"(II) in the case of the hiring of an individual, the later of—

"(aa) three years after the date of such hiring; or

"(bb) one year after the date the individual's employment is terminated; and

"(III) in the case of the verification of a previously hired individual, the later of—

"(aa) three years after the date of the completion of verification; or

"(bb) one year after the date the individual's employment is terminated;

"(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of previously hired individuals, the date specified in subsection (b)(8)(B), or before the recruiting or referring commences; and

"(iii) not commence recruitment or referral of the individual until the person or entity receives verification under subparagraph (B)(i) or (B)(iii).

"(B) Verification.—

"(i) Verification received.—If the person or other entity receives an appropriate verification of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final verification of such identity and work eligibility of the individual.

"(ii) Tentative nonverification received.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the process for secondary verification provided under paragraph (7). The nonverification will remain tentative until a final verification or nonverification is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonverification becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(iii) Final verification or nonverification received.—If a final verification or nonverification is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a verification or nonverification of identity and work eligibility of the individual.

"(iv) Extension of time.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

"(v) Consequences of nonverification.—

"(I) Termination or notification of continued employment.—If the person or other entity has received a final nonverification regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

"(II) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under subclause (I), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

"(vi) CONTINUED EMPLOYMENT AFTER FINAL NONVERIFICATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonverification, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).";

(6) by amending paragraph (4) of subsection (b) to read as follows:

"(4) COPYING AND RECORD KEEPING OF DOCUMENTATION REQUIRED.—

"(A) LAWFUL EMPLOYMENT DOCUMENTS.—Notwithstanding any other provision of law, a person or entity shall retain a copy of each document presented by an individual to the individual or entity pursuant to this subsection. Such copy may only be used (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection and shall be maintained for a time period to be determined by the Secretary of Homeland Security.

"(B) SOCIAL SECURITY CORRESPONDENCE.—A person or entity shall maintain records of correspondence from the Commissioner of Social Security regarding name and number mismatches or no-matches and the steps taken to resolve such mismatches or no-matches. The employer shall maintain such records for a time period to be determined by the Secretary.

"(C) OTHER DOCUMENTS.—The Secretary may, by regulation, require additional documents to be copied and maintained."; and

(7) by amending paragraph (5) of subsection (b) to read as follows:

"(5) USE OF ATTESTATION FORM.—A form designated by the Secretary to be used for compliance with this subsection, and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter or of title 18, United States Code.".

(b) INVESTIGATION NOT A WARRANTLESS ENTRY.—Section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) is amended by adding at the end the following: "An investigation authorized pursuant to subsections (b)(7) or (e) of section 274A is not a warrantless entry.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 413. EXPANSION OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM TO PREVIOUSLY HIRED INDIVIDUALS AND RECRUITING AND REFERRING.

(a) APPLICATION TO RECRUITING AND REFERRING.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(A), by striking "for a fee";

(2) in subsection (a)(1), by amending subparagraph (B) to read as follows:

"(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).";

(3) in subsection (a)(2) by striking "after hiring an alien for employment in accordance with paragraph (1)," and inserting "after complying with paragraph (1),"; and

(4) in subsection (a)(3), as amended by section 702, is further amended by striking "hiring," and inserting "hiring, employing," each place it appears.

(b) EMPLOYMENT ELIGIBILITY VERIFICATION FOR PREVIOUSLY HIRED INDIVIDUALS.—Section 274A(b) of such Act (8 U.S.C. 1324a(b)), as amended by section 411(a), is amended by adding at the end the following new paragraph:

"(8) USE OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM FOR PREVIOUSLY HIRED INDIVIDUALS.—

"(A) ON A VOLUNTARY BASIS.—Beginning on the date that is 2 years after the date of the enactment of the Employment Security Act of 2006 and until the date specified in subparagraph (B)(iii), a person or entity may make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the person or entity, as long as it is done on a nondiscriminatory basis.

"(B) ON A MANDATORY BASIS.—

"(i) INITIAL COMPLIANCE.—A person or entity described in clause (ii) shall make an inquiry as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date 3 years after the date of the enactment of the Employment Security Act of 2006.

"(ii) PERSON OR ENTITY COVERED.—A person or entity is described in this clause if it is a Federal, State, or local governmental body (including the Armed Forces of the United States), or if it employs individuals working in a location that is a Federal, State, or local government building, a military base, a nuclear energy site, a weapon site, an airport, or that contains critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))), but only to the extent of such individuals.

"(iii) SUBSEQUENT COMPLIANCE.—All persons and entities other than a person or entity described in clause (ii) shall make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity that have not been previously subject to an inquiry by the person or entity by the date 6 years after the date of the enactment of the Employment Security Act of 2006.".

SEC. 414. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking "imposing", and inserting a dash and "(A) imposing";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.".

SEC. 415. BASIC PILOT PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "at the end of the 11-year period beginning on the first day the pilot program is in effect" and inserting "2 years after the date of the enactment of the Employment Security Act of 2006".

SEC. 416. PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS.

Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) PROTECTION OF RIGHT TO REPORT.—Notwithstanding any other provision of law, the rights protected by this subsection include the right of any individual to report a violation or suspected violation of any immigration law to the Secretary of Homeland Security or a law enforcement agency.".

SEC. 417. PENALTIES.

(a) CIVIL AND CRIMINAL PENALTIES.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended to read:

"(4) CIVIL AND CRIMINAL PENALTIES.—

"(A) KNOWINGLY HIRING UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(1)(A) shall—

"(i) in the case of a first offense, be fined $10,000 for each unauthorized alien;

"(ii) (in the case of a second offense, be fined $50,000 for each unauthorized alien; and

"(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

"(B) CONTINUING EMPLOYMENT OF UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(2) shall be fined in accordance of title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.".

(b) PAPERWORK OR VERIFICATION VIOLATIONS.—Section 274A(e)(5) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read:

"(5) PAPERWORK OR VERIFICATION VIOLATIONS.—Any person or entity that violates subsection (a)(1)(B) shall—

"(A) in the case of a first offense, be fined $1,000 for each violation;

"(B) in the case of a second violation, be fined $5,000 for each violation; and

"(C) in the case of a third and subsequent violation, be fined $10,000 for each such violation.".

(c) GOVERNMENT CONTRACTS.—Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) GOVERNMENT CONTRACTS.—

"(A) EMPLOYERS.—

"(i) IN GENERAL.—If the Secretary of Homeland Secretary determines that a person or entity that employs an alien is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a 2-year period.

"(ii) WAIVER.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and Attorney General, may waive the application of this subparagraph or may limit the duration or scope of the debarment imposed under it.

"(iii) PROHIBITION ON JUDICIAL REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

“(B) CONTRACTORS AND RECIPIENTS.—

“(i) IN GENERAL.—If the Secretary of Homeland Security determines that a person or entity that employs an alien and holds a Federal contract, grant, or cooperative agreement is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. Prior to debarring the employer, the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise the head of each agency holding such a contract, grant, or cooperative agreement with person or entity of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(ii) WAIVER.—After consideration of the views of the head of each such agency, the Secretary of Homeland Security may, in lieu of debarring the employer from the receipt of new a Federal contract, grant, or cooperative agreement for a period of 2 years, waive application of this subparagraph, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation.

“(iii) PROHIBITION ON REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

“(C) CAUSE FOR SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this paragraph shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(D) APPLICABILITY.—The provisions of this paragraph shall apply to any Federal contract, grant, or cooperative agreement that is effective on or after the date of the enactment of the Employment Security Act of 2006.”.

(d) CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(f)(1)) is amended to read as follows:

“(1) CRIMINAL PENALTY.—Any person or entity engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 3 years and not more than 5 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels. The amount of the gross proceeds of such violation, and any property traceable to such proceeds, shall be seized and subject to forfeiture under title 18, United States Code.”.

(e) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Subsections (b)(2) and (f)(2) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) are amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

SEC. 421. VERIFICATION RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.

The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, however in no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

SEC. 422. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall promptly notify the Secretary of Homeland Security of the failure of any individual to provide, upon any request of the Commissioner made pursuant to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), evidence necessary, under such section to—

(1) establish the age, citizenship, immigration or work eligibility status of the individual;

(2) establish such individual's true identity; or

(3) determine which (if any) social security account number has previously been assigned to such individual.

SEC. 423. RESTRICTION ON ACCESS AND USE.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

“(I)(i) Access to any information contained in the Employment Eligibility Verification System established section 274A(b)(7) of the Immigration and Nationality Act, shall be prohibited for any purpose other than the administration or enforcement of Federal immigration, social security, and tax laws, any provision of title 18, United States Code, or as otherwise authorized by Federal law.

“(ii) No person or entity may use the information in such Employment Eligibility Verification System for any purpose other than as permitted by Federal law.

“(iii) Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of information in such Employment Eligibility Verification System in violation of clause (i) or (ii) shall be fined not more than $10,000 per individual injured by such violation. The Commissioner of Social Security shall establish procedure to ensure that 60 percent of any fine imposed under this clause is awarded to the individual injured by such violation.”.

SEC. 424. SHARING OF INFORMATION WITH THE COMMISSIONER OF INTERNAL REVENUE SERVICE.

Section 205(c)(2)(H) of the Social Security Act (42 U.S.C. 405(c)(2)(H)) is amended to read as follows:

“(H) The Commissioner of Social Security shall share with the Secretary of the Treasury—

“(i) the information obtained by the Commissioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children; and

“(ii) information relating to the detection of wages or income from self-employment of unauthorized aliens (as defined by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud by such persons incident to the administration of immigration, social security, or tax laws of the United States. Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.”.

SEC. 425. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) AMENDMENT TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), as amended by section 423, is amended by adding at the end the following new subparagraph:

“(J) Upon the issuance of a social security account number under subparagraph (B) to any individual or the issuance of a Social Security card under subparagraph (G) to any individual, the Commissioner of social security shall transmit to the Secretary of Homeland Security such information received by the Commissioner in the individual's application for such number or such card as the Secretary of Homeland Security determines necessary and appropriate for administration of the immigration laws of the United States.”.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—

(1) FORMS AND PROCEDURES.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

“(f) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual's own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion on any application, document, or form provided under or required by the immigration laws.”.

(2) CENTRAL FILE.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code) if earnings are reported on or after January 1, 1997, to the Commissioner of Social Security on a social security account number issued to an alien who is not authorized to work in the United States, the Commissioner shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

“(3) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where a social security account number does not match the name in the Social Security Administration record. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where the individual has more than one person reporting earnings for the individual during a single tax year and where a social security number was used with multiple names. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner, so long as the Secretary certifies that the purpose of the search or manipulation is to obtain information likely to assist in identifying individuals (and their employers) who—

"(i) are using false names or social security numbers; who are sharing among multiple individuals a single valid name and social security number;

"(ii) are using the social security number of persons who are deceased, too young to work or not authorized to work; or

"(iii) are otherwise engaged in a violation of the immigration laws.

"(B) The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision of law (including section 6103 of title 26, United States Code). The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations reported by the Secretary.".

Subtitle D—Sharing of Information

SEC. 431. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 6103(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE OF INFORMATION RELATING TO VIOLATIONS OF FEDERAL IMMIGRATION LAW.—

"(A) Upon receipt by the Secretary of the Treasury of a written request, by the Secretary of Homeland Security or Commissioner of Social Security, the Secretary of the Treasury shall disclose return information to officers and employees of the Department of Homeland Security and the Social Security Administration who are personally and directly engaged in—

"(i) preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or

"(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

"(iii) any investigation which may result in the proceedings enumerated in clauses (i) and (ii) above.

"(B) LIMITATION ON USE AND RETENTION OF TAX RETURN INFORMATION.—

"(i) Information disclosed under this paragraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

"(ii) Should the proceeding for which such information has been disclosed not commence within 3 years after the date on which the information has been disclosed by the Secretary, the information shall be returned to the Secretary in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the information that has been retained.".

(b) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following new subsection:

"(i) NO-MATCH NOTICE.—

"(1) NO-MATCH NOTICE DEFINED.—In this subsection, the term 'no-match notice' means a written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

"(2) PROVISION OF INFORMATION.—

"(A) REQUIREMENT TO PROVIDE.—Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner shall provide the Secretary of Homeland Security with information relating to employers who have received no-match notices and, upon request, with such additional information as the Secretary certifies is necessary to administer or enforce the immigration laws.

"(B) FORM OF INFORMATION.—The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(C) USE OF INFORMATION.—A no-match notice received by the Secretary from the Commissioner may be used as evidence in any civil or criminal proceeding.

"(3) OTHER AUTHORITIES.—

"(A) VERIFICATION REQUIREMENT.—The Secretary, in consultation with the Commissioner, is authorized to establish by regulation requirements for verifying the identity and work authorization of an employee who is the subject of a no-match notice.

"(B) PENALTIES.—The Secretary is authorized to establish by regulation penalties for failure to comply with this subsection.

"(C) LIMITATION ON AUTHORITIES.—This authority in this subsection is provided in aid of the Secretary's authority to administer and enforce the immigration laws, and nothing in this subsection shall be construed to authorize the Secretary to establish any regulation regarding the administration or enforcement of laws otherwise relating to taxation or the Social Security system.".

Subtitle E—Identification Document Integrity

SEC. 441. CONSULAR IDENTIFICATION DOCUMENTS.

(a) ACCEPTANCE OF FOREIGN IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), for purposes of personal identification, no agency, commission, entity, or agent of the executive or legislative branches of the Federal Government may accept, acknowledge, recognize, or rely on any identification document issued by the government of a foreign country, unless otherwise mandated by Federal law.

(2) AGENT DEFINED.—In this section, the term "agent" shall include the following:

(A) A Federal contractor or grantee.

(B) An institution or entity exempted from Federal income taxation under the Internal Revenue Code of 1986.

(C) A financial institution required to ask for identification under section 5318(l) of title 31, United States Code.

(3) EXCEPTIONS.—

(A) IN GENERAL.—An individual who is not a citizen or national of the United States may present for purposes of personal identification an official identification document issued by the government of a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States, if—

(i) such individual simultaneously presents valid verifiable documentation of lawful presence in the United States issued by the appropriate agency of the Federal Government;

(ii) reporting a violation of law or seeking government assistance in an emergency;

(iii) the document presented is a passport issued to a citizen or national of a country that participates in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by the government of such country; or

(iv) such use is expressly permitted another provision of Federal law.

(B) NONAPPLICATION.—The provisions of paragraph (1) shall not apply to—

(i) inspections of alien applicants for admission to the United States; or

(ii) verification of personal identification of persons outside the United States.

(4) LISTING OF ACCEPTABLE DOCUMENTS.—The Secretary of Homeland Security shall issue and maintain an updated public listing, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of paragraph (3)(A).

(b) ESTABLISHMENT OF PERSONAL IDENTITY.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a comma and "or"; and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except—

"(A) in the case of a person who is not a citizen of the United States—

"(i) the person simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of the Federal Government;

"(ii) the person is reporting a violation of law or seeking government assistance in an emergency; or

"(iii) such use is expressly permitted by Federal law.".

SEC. 442. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) in the heading, by striking “**ENTRY AND EXIT DOCUMENTS**” and inserting “**TRAVEL, ENTRY, AND EVIDENCE OF STATUS DOCUMENTS**”;

(2) in subsection (b)(1)—

(A) by striking “Not later than October 26, 2004, the Attorney General” and inserting “The Secretary of Homeland Security”; and

(B) by striking “visas and” each place it appears and inserting “visas, evidence of status, and”;

(3) by striking subsection (d) and inserting the following:

“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of immigrant, nonimmigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and incorporate a biometric identifier to allow the Secretary of Homeland Security to electronically verify the identity and status of the alien.

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

“(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) are not made pursuant to law, the Secretary of Homeland Security is authorized to implement and collect a fee sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

“(3) EXCEPTION.—The fee described in paragraph (2) may not be levied against nationals of a foreign country if the Secretary of Homeland has determined that the total estimated population of such country who are unlawfully present in the United States does not exceed 3,000 aliens.”.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173; 116 Stat. 543) is amended by striking the item relating to section 303 and inserting the following:

“Sec. 303. Machine-readable, tamper-resistant travel, entry, and evidence of status documents.”.

Subtitle F—Effective Date; Authorization of Appropriations

SEC. 451. EFFECTIVE DATE.

Except as otherwise specially provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

SEC. 452. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

SEC. 501. ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended to read as follows:

“SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

“(a) CRIMINAL OFFENSES AND PENALTIES.—

“(1) PROHIBITED ACTIVITIES.—Whoever—

“(A) assists, encourages, directs, or induces a person to come to or enter the United States, or to attempt to come to or enter the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to or enter the United States;

“(B) assists, encourages, directs, or induces a person to come to or enter the United States at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such person has official permission or lawful authority to be in the United States, knowing or in reckless disregard of the fact that such person is an alien;

“(C) assists, encourages, directs, or induces a person to reside in or remain in the United States, or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

“(D) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, where the transportation or movement will aid or further in any manner the person's illegal entry into or illegal presence in the United States;

“(E) harbors, conceals, or shields from detection a person in the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States;

“(F) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the person is in fact seeking to enter the United States without official permission or lawful authority; or

“(G) conspires or attempts to commit any of the preceding acts,

shall be punished as provided in paragraph (2), regardless of any official action which may later be taken with respect to such alien.

“(2) CRIMINAL PENALTIES.—A person who violates the provisions of paragraph (1) shall—

“(A) except as provided in subparagraphs (D) through (H), in the case where the offense was not committed for commercial advantage, profit, or private financial gain, be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both;

“(B) except as provided in subparagraphs (C) through (H), where the offense was committed for commercial advantage, profit, or private financial gain—

“(i) in the case of a first violation of this subparagraph, be imprisoned for not more than 20 years, or fined under title 18, United States Code, or both; and

“(ii) for any subsequent violation, be imprisoned for not less than 3 years nor more than 20 years, or fined under title 18, United States Code, or both;

“(C) in the case where the offense was committed for commercial advantage, profit, or private financial gain and involved 2 or more aliens other than the offender, be imprisoned for not less than 3 nor more than 20 years, or fined under title 18, United States Code, or both;

“(D) in the case where the offense furthers or aids the commission of any other offense against the United States or any State, which offense is punishable by imprisonment for more than 1 year, be imprisoned for not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

“(E) in the case where any participant in the offense created a substantial risk of death or serious bodily injury to another person, including—

“(i) transporting a person in an engine compartment, storage compartment, or other confined space;

“(ii) transporting a person at an excessive speed or in excess of the rated capacity of the means of transportation; or

“(iii) transporting or harboring a person in a crowded, dangerous, or inhumane manner,

be imprisoned not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

“(F) in the case where the offense caused serious bodily injury (as defined in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of title 18, United States Code, if the conduct occurred in the special maritime and territorial jurisdiction of the United States) to any person, be imprisoned for not less than 7 nor more than 30 years, or fined under title 18, United States Code, or both;

“(G) in the case where the offense involved an alien who the offender knew or had reason to believe was an alien—

“(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

“(ii) intending to engage in such terrorist activity,

be imprisoned for not less than 10 nor more than 30 years, or fined under title 18, United States Code, or both; and

“(H) in the case where the offense caused or resulted in the death of any person, be punished by death or imprisoned for not less than 10 years, or any term of years, or for life, or fined under title 18, United States Code, or both.

“(3) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

“(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

“(1) IN GENERAL.—Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

“(2) ALIEN DESCRIBED.—A alien described in this paragraph is an alien who—

“(A) is an unauthorized alien (as defined in section 274A(h)(3)); and

“(B) has been brought into the United States in violation of subsection (a).

“(c) SEIZURE AND FORFEITURE.—

“(1) IN GENERAL.—Any property, real or personal, that has been used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

“(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

"(e) ADMISSIBILITY OF EVIDENCE.—

"(1) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the violation lacks lawful authority to come to, enter, reside, remain, or be in the United States or that such alien had come to, entered, resided, remained or been present in the United States in violation of law:

"(A) Any order, finding, or determination concerning the alien's status or lack thereof made by a federal judge or administrative adjudicator (including an immigration judge or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed thereunder.

"(B) An official record of the Department of Homeland Security, Department of Justice, or the Department of State concerning the alien's status or lack thereof.

"(C) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

"(2) VIDEOTAPED TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or the regulations prescribed thereunder. Such term does not include any such authority secured by fraud or otherwise obtained in violation of law, nor does it include authority that has been sought but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside, remain, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(2) The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present, or any country from which or to which the alien is traveling or moving.".

(b) CLERICAL AMENDMENT.—The item relating to section 274 in the table of contents of such Act is amended to read as follows:

"Sec. 274. Alien smuggling and related offenses.".

SEC. 502. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end a new section as follows:

"§554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person—

"(1) attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint; or

"(2) intentionally violates an arrival, reporting, entry, or clearance requirement of—

"(A) section 107 of the Federal Plant Pest Act (7 U.S.C. 105ff);

"(B) section 10 of the Act of August 20, 1912 (7 U.S.C. 164(a));

"(C) section 7 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2806);

"(D) the Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213);

"(E) section 431, 433, 434, or 459 of the Tariff Act of 1930 (19 U.S.C. 1431, 1433, 1434, and 1459);

"(F) section 10 of the Act of August 20, 1890 (21 U.S.C. 105);

"(G) section 2 of the Act of February 2, 1903 (21 U.S.C. 111);

"(H) section 4197 of the Revised Statutes (46 U.S.C. App. 91); or

"(I) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 5 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(b) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

SEC. 503. IMPROPER ENTRY BY, OR PRESENCE OF, ALIENS.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in the section heading, by inserting "**UNLAWFUL PRESENCE;**" after "**IMPROPER TIME OR PLACE;**";

(2) in subsection (a)—

(A) by striking "Any alien" and inserting "Except as provided in subsection (b), any alien";

(B) by striking "or" before (3);

(C) by inserting after "concealment of a material fact," the following: "or (4) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder,"; and

(D) by striking "6 months" and inserting "one year";

(3) by amending subsection (c) to read as follows:

"(c)(1) Whoever—

"(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(B) knowingly misrepresents the existence or circumstances of a marriage—

"(i) in an application or document arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder, or

"(ii) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals);

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

"(2) Whoever—

"(A) knowingly enters into two or more marriages for the purpose of evading any provision of the immigration laws; or

"(B) knowingly arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws;

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

"(3) An offense under this subsection continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(4) For purposes of this section, the term 'proceeding' includes an adjudication, interview, hearing, or review."

(4) in subsection (d)—

(A) by striking "5 years" and inserting "10 years";

(B) by adding at the end the following: "An offense under this subsection continues until the fraudulent nature of the commercial enterprise is discovered by an immigration officer."; and

(5) by adding at the end the following new subsections:

"(e)(1) Any alien described in paragraph (2)—

"(A) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both, if the offense described in such paragraph was committed subsequent to a conviction or convictions for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony;

"(B) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

"(C) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 60 months or more, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

"(2) An alien described in this paragraph is an alien who—

"(A) enters or attempts to enter the United States at any time or place other than as designated by immigration officers;

"(B) eludes examination or inspection by immigration officers;

"(C) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact; or

"(D) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder.

"(3) The prior convictions in subparagraph (A), (B), or (C) of paragraph (1) are elements of those crimes and the penalties in those subparagraphs shall apply only in cases in which the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime, and the criminal trial for a violation of this section shall not be bifurcated.

"(4) An offense under subsection (a) or paragraph (1) of this subsection continues until the alien is discovered within the United States by immigration officers.

"(f) For purposes of this section, the term 'attempts to enter' refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.".

(b) Rule of Construction.—Nothing in the amendment made by subsection (a) may be construed to limit the authority of any State or political subdivision therein to enforce criminal trespass laws against aliens whom a law enforcement agency has verified to be present in the United States in violation of this Act or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 504. FEES AND EMPLOYER COMPLIANCE FUND.

(a) Equal Access to Justice Fees.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) Fees and Costs.—The provisions of section 2412, title 28, United States Code, shall not apply to civil actions arising under or related to the immigration laws, including any action under—

"(1) any provision of title 5, United States Code;

"(2) any application for a writ of habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision; or

"(3) any action under section 1361 or 1651 of title 28, United States Code, that involves or is related to the enforcement or administration of the immigration laws with respect to any person or entity.".

(b) Employer Compliance Fund.—

(1) Establishment.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(x) Employer Compliance Fund.—

"(1) In general.—There is established in the general fund of the Treasury, a separate account which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund')

"(2) Deposits.—There shall be deposited as offsetting receipts into the Fund all monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) Use of funds.—Amounts deposited into the Fund shall be used by the Secretary of Homeland Security for the purposes of enhancing employer compliance with section 274A, compliance training, and outreach.

"(4) Availability of funds.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

(2) Conforming amendment.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 431(b), is further amended by adding at the end the following new subsection:

"(j) Deposits of Amounts Received.—Amounts collected under this section shall be deposited by the Secretary of Homeland Security into the Employer Compliance Fund established under section 286(x).".

SEC. 505. REENTRY OF REMOVED ALIEN.

(a) In General.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking all that follows "United States" the first place it appears and inserting a comma;

(B) in the matter following paragraph (2), by striking "imprisoned not more than 2 years," and inserting "imprisoned for a term of not less than 1 year and not more than 2 years,"; and

(C) by adding at the end the following: "It shall be an affirmative defense to an offense under this subsection that (A) prior to an alien's reembarkation at a place outside the United States or an alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to the alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, such alien was not required to obtain such advance consent under this Act or any prior Act.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "imprisoned not more than 10 years," and insert "imprisoned for a term of not less than 5 years and not more than 10 years,";

(B) in paragraph (2), by striking "imprisoned not more than 20 years," and insert "imprisoned for a term of not less than 10 years and not more than 20 years,";

(C) in paragraph (3), by striking ". or" and inserting "; or";

(D) in paragraph (4), by striking "imprisoned for not more than 10 years," and insert "imprisoned for a term of not less than 5 years and not more than 10 years,"; and

(E) by adding at the end the following: "The prior convictions in paragraphs (1) and (2) are elements of enhanced crimes and the penalties under such paragraphs shall apply only where the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime and the criminal trial for a violation of either such paragraph shall not be bifurcated.";

(3) in subsections (b)(3), (b)(4), and (c), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears;

(4) in subsection (c)—

(A) by inserting "(as in effect before the effective date of the amendments made by section 305 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-597)), or removed under section 241(a)(4)," after "242(h)(2)";

(B) by striking "(unless the Attorney General has expressly consented to such alien's reentry)";

(C) by inserting "or removal" after "time of deportation"; and

(D) by inserting "or removed" after "reentry of deported";

(5) in subsection (d)—

(A) in the matter before paragraph (1), by striking "deportation order" and inserting "deportation or removal order"; and

(B) in paragraph (2), by inserting "or removal" after "deportation"; and

(6) by adding at the end the following new subsection:

"(e) For purposes of this section, the term 'attempts to enter' refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.".

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to criminal proceedings involving aliens who enter, attempt to enter, or are found in the United States, after such date.

SEC. 506. CIVIL AND CRIMINAL PENALTIES FOR DOCUMENT FRAUD, BENEFIT FRAUD, AND FALSE CLAIMS OF CITIZENSHIP.

(a) Civil Penalties for Document Fraud.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended—

(1) in subparagraph (A), by striking "$250 and not more than $2,000" and inserting "$500 and not more than $4,000"; and

(2) in subparagraph (B), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000".

(b) Fraud and False Statements.—Chapter 47 of title 18, United States Code, is amended—

(1) in section 1015, by striking "not more than 5 years" and inserting "not more than 10 years"; and

(2) in section 1028(b)—

(A) in paragraph (1), by striking "15 years" and inserting "20 years";

(B) in paragraph (2), by striking "5 years" and inserting "6 years";

(C) in paragraph (3), by striking "20 years" and inserting "25 years"; and

(D) in paragraph (6), by striking "one year" and inserting "2 years".

(c) Document Fraud.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "not more than 25 years" and inserting "not less than 25 years"

(B) by inserting "and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life," after "section 2331 of this title)),";

(C) by striking "20 years" and inserting "imprisoned not more than 40 years";

(D) by striking "10 years" and inserting "imprisoned not more than 20 years"; and

(E) by striking "15 years" and inserting "imprisoned not more than 25 years"; and

(2) in subsection (b), by striking "5 years" and inserting "10 years".

(d) Crimes of Violence.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

“CHAPTER 52—ILLEGAL ALIENS

“Sec.
“1131. Enhanced penalties for certain crimes committed by illegal aliens.

“§1131. Enhanced penalties for certain crimes committed by illegal aliens

“(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking crime (as such terms are defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

“(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

“(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

“52. Illegal aliens .... 1131”.

SEC. 507. RENDERING INADMISSIBLE AND DEPORTABLE ALIENS PARTICIPATING IN CRIMINAL STREET GANGS.

(a) INADMISSIBLE.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

“(J) CRIMINAL STREET GANG PARTICIPATION.—

“(i) IN GENERAL.—Any alien is inadmissible if—

“(I) the alien has been removed under section 237(a)(2)(F); or

“(II) the consular officer or the Secretary of Homeland Security knows, or has reasonable ground to believe that the alien—

“(aa) is a member of a criminal street gang and has committed, conspired, or threatened to commit, or seeks to enter the United States to engage solely, principally, or incidentally in, a gang crime or any other unlawful activity; or

“(bb) is a member of a criminal street gang designated under section 219A.

“(ii) DEFINITIONS.—In this subparagraph:

“(I) CRIMINAL STREET GANG.—The term ‘criminal street gang’ means an ongoing group, club organization or informal association of 5 or more persons who engage, or have engaged within the past 5 years in a continuing series of 3 or more gang crimes (1 of which is a crime of violence, as defined in section 16 of title 18, United States Code).

“(II) GANG CRIME.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for 1 year or more, in any of the following categories:

“(aa) A crime of violence (as defined in section 16 of title 18, United States Code).

“(bb) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(cc) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(dd) Any conduct punishable under section 844 of title 18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

“(ee) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.”.

(b) DEPORTABLE.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) CRIMINAL STREET GANG PARTICIPATION.—

“(i) IN GENERAL.—An alien is deportable if the alien—

“(I) is a member of a criminal street gang and is convicted of committing, or conspiring, threatening, or attempting to commit, a gang crime; or

“(II) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

“(ii) DEFINITIONS.—For purposes of this subparagraph, the terms ‘criminal street gang’ and ‘gang crime’ have the meaning given such terms in section 212(a)(2)(J)(ii).”.

(c) DESIGNATION OF CRIMINAL STREET GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

“SEC. 219A. DESIGNATION OF CRIMINAL STREET GANGS.

“(a) DESIGNATION.—

“(1) IN GENERAL.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(J)(ii)(I).

“(2) PROCEDURE.—

“(A) NOTICE.—

“(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Attorney General shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group or association, and the factual basis therefore.

“(ii) PUBLICATION IN FEDERAL REGISTER.—The Attorney General shall publish the designation in the Federal Register 7 days after providing the notification under clause (i).

“(B) EFFECT OF DESIGNATION.—A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

“(3) RECORD.—In making a designation under this subsection, the Attorney General shall create an administrative record.

“(4) PERIOD OF DESIGNATION.—

“(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

“(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph shall provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

“(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

“(III) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

“(5) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

"(A) In general.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (b) and (c) of paragraph (4) if the Attorney General finds that—

"(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

"(ii) the national security of the United States warrants a revocation.

"(B) Procedure.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

"(6) Effect of revocation.—The revocation of a designation under paragraph (5) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

"(7) Use of designation in hearing.—If a designation under this subsection has become effective under paragraph (2)(B), an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

"(b) Judicial Review of Designation.—

"(1) In general.—Not later than 60 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

"(2) Basis of review.—Review under this subsection shall be based solely upon the administrative record.

"(3) Scope of review.—The court shall hold unlawful and set aside a designation the court finds to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

"(D) lacking substantial support in the administrative record taken as a whole; or

"(E) not in accord with the procedures required by law.

"(4) Judicial review invoked.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

"(c) Relevant Committee Defined.—As used in this section, the term 'relevant committees' means the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.".

(2) Clerical amendment.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

"Sec. 219A. Designation of criminal street gangs.".

SEC. 508. MANDATORY DETENTION OF SUSPECTED CRIMINAL STREET GANG MEMBERS.

(a) In General.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(1) by inserting "or 212(a)(2)(J)" after "212(a)(3)(B)"; and

(2) by inserting "or 237(a)(2)(F)" before "237(a)(4)(B)".

(b) Annual Report.—Not later than March 1 2007, and annually thereafter, the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the number of aliens detained under the amendments made by subsection (a).

SEC. 509. INELIGIBILITY FOR ASYLUM AND PROTECTION FROM REMOVAL.

(a) Inapplicability of Restriction on Removal to Certain Countries.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting "who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) or who is" after "to an alien".

(b) Ineligibility for Asylum.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking "or" at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

"(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) (relating to participation in criminal street gangs); or".

(c) Denial of Review of Determination of Ineligibility for Temporary Protected Status.—Section 244(c)(2) of such Act (8 U.S.C. 1254a(c)(2)) is amended by adding at the end the following:

"(C) Limitation on judicial review.—There shall be no judicial review of any finding under subparagraph (B) that an alien is described in section 208(b)(2)(A)(vi).".

SEC. 510. PENALTIES FOR MISUSING SOCIAL SECURITY NUMBERS OR FILING FALSE INFORMATION WITH SOCIAL SECURITY ADMINISTRATION.

(a) Misuse of Social Security Numbers.—

(1) In general.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(A) in paragraph (7), by adding after subparagraph (C) the following:

"(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records), to any person; or";

(B) in paragraph (8), by adding "or" at the end; and

(C) by inserting after paragraph (8) the following:

"(9) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number that purports to be a social security account number;

"(10) willfully acts or fails to act so as to cause a violation of section 205(c)(2)(C)(xii);

"(11) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof, or a person acting as an agent of such an agency or instrumentality (or an officer or employee thereof or a person acting as an agent thereof) in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C); or

"(12) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x) or (xi) of section 205(c)(2)(C).".

(2) Effective dates.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act, as added by paragraph (1), shall apply with respect to each violation occurring after the date of the enactment of this Act. Paragraphs (10), (11), and (12) of section 208(a) of such Act, as added by paragraph (1)(C), shall apply with respect to each violation occurring on or after the effective date of this Act.

(b) Report on Enforcement Efforts Concerning Employers Filing False Information Returns.—The Commissioner of Internal Revenue and the Commissioner of Social Security shall submit to Congress an annual report on efforts taken to identify and enforce penalties against employers that file incorrect information returns.

SEC. 511. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Terrorist Activities.—Section 212 (a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended—

(1) by striking "Subclause (VII) of clause (i)" and inserting "Subclause (IX) of clause (i)"; and

(2) in subclause (II), by striking "consular officer or Attorney General" and inserting "consular officer, Attorney General, or Secretary of Homeland Security".

(b) Clarification of Ineligibility for Misrepresentation.—Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

Subtitle B—Detention, Removal, and Departure

SEC. 521. VOLUNTARY DEPARTURE REFORM.

(a) Encouraging Aliens to Depart Voluntarily.—

(1) Authority.—Subsection (a) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(A) by amending paragraph (1) to read as follows:

"(1) In lieu of removal proceedings.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, in lieu of being subject to proceedings under section 240, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4).";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1) the following new paragraph:

"(2) Prior to the conclusion of removal proceedings.—After removal proceedings under section 240 are initiated, the Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, prior to the conclusion of such proceedings before an immigration judge, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4)."; and

(E) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

(2) Voluntary departure period.—Such section is further amended—

(A) in subsection (a)(3), as redesignated by paragraph (1)(C)—

(i) by amending subparagraph (A) to read as follows:

"(A) IN LIEU OF REMOVAL.—Subject to subparagraph (C), permission to depart voluntarily under paragraph (1) shall not be valid for a period exceeding 90 days. The Secretary of Homeland Security may require an alien permitted to depart voluntarily under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) in subparagraph (B), by striking "subparagraphs (C) and (D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(iii) in subparagraphs (C) and (D), by striking "subparagraph (B)" and inserting "subparagraph (C)" each place it appears;

(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(v) by inserting after subparagraph (A) the following new subparagraph:

"(B) PRIOR TO THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to depart voluntarily under paragraph (2) shall not be valid for a period exceeding 60 days, and may be granted only after a finding that the alien has established that the alien has the means to depart the United States and intends to do so. An alien permitted to depart voluntarily under paragraph (2) must post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive posting of a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will be a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure."; and

(B) in subsection (b)(2), by striking "60 days" and inserting "45 days".

(3) VOLUNTARY DEPARTURE AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure will be granted only as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security in the exercise of discretion may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) FAILURE TO COMPLY WITH AGREEMENT AND EFFECT OF FILING TIMELY APPEAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including a failure to timely post any required bond), the alien automatically becomes ineligible for the benefits of the agreement, subject to the penalties described in subsection (d), and subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b). However, if an alien agrees to voluntary departure but later files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences thereof, but the alien may not again be granted voluntary departure while the alien remains in the United States.".

(4) ELIGIBILITY.—Subsection (e) of such section is amended to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to depart voluntarily under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class or classes of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(2) or (b) for any class or classes of aliens. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court may review any regulation issued under this subsection.".

(b) AVOIDING DELAYS IN VOLUNTARY DEPARTURE.—

(1) ALIEN'S OBLIGATION TO DEPART WITHIN THE TIME ALLOWED.—Subsection (c) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

"(4) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary of Homeland Security in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.".

(2) NO TOLLING.—Subsection (f) of such section is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(c) PENALTIES FOR FAILURE TO DEPART VOLUNTARILY.—

(1) PENALTIES FOR FAILURE TO DEPART.—Subsection (d) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to depart voluntarily under this section and fails voluntarily to depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the following provisions apply:

"(1) CIVIL PENALTY.—

"(A) IN GENERAL.—The alien will be liable for a civil penalty of $3,000.

"(B) SPECIFICATION IN ORDER.—The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record.

"(C) COLLECTION.—If the Secretary of Homeland Security thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law.

"(D) INELIGIBILITY FOR BENEFITS.—An alien will be ineligible for any benefits under this title until any civil penalty under this subsection is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien will be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249.

"(3) REOPENING.—

"(A) IN GENERAL.—Subject to subparagraph (B), the alien will be ineligible to reopen a final order of removal which took effect upon the alien's failure to depart, or the alien's violation of the conditions for voluntary departure, during the period described in paragraph (2).

"(B) EXCEPTION.—Subparagraph (A) does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture.

"The order permitting the alien to depart voluntarily under this section shall inform the alien of the penalties under this subsection.".

(2) IMPLEMENTATION OF EXISTING STATUTORY PENALTIES.—The Secretary of Homeland Security shall implement regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act, as amended by paragraph (1).

(d) VOLUNTARY DEPARTURE AGREEMENTS NEGOTIATED BY STATE OR LOCAL COURTS.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended by adding at the end the following new subsection:

"(g) VOLUNTARY DEPARTURE AGREEMENTS NEGOTIATED BY STATE OR LOCAL COURTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection at any time prior to the scheduling of the first merits hearing, in lieu of applying for another form of relief from removal, if the alien—

"(A) is deportable under section 237(a)(1);

"(B) is charged in a criminal proceeding in a State or local court for which conviction would subject the alien to deportation under paragraphs (2) through (6) of section 237(a); and

"(C) has accepted a plea bargain in such proceeding which stipulates that the alien, after consultation with counsel in such proceeding—

"(i) voluntarily waives application for another form of relief from removal;

"(ii) consents to transportation, under custody of a law enforcement officer of the State or local court, to an appropriate international port of entry where departure from the United States will occur;

"(iii) possesses or will promptly obtain travel documents issued by the foreign state of which the alien is a national or legal resident; and

"(iv) possesses the means to purchase transportation from the port of entry to the foreign state to which the alien will depart from the United States.

"(2) REVIEW.—The Secretary shall promptly review an application for voluntary departure for compliance with the requirements of paragraph (1). The Secretary shall permit voluntary departure under this subsection unless the State or local jurisdiction is informed in writing not later that 30 days after such application is filed, that the Secretary intends to seek removal under section 240.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (b)(2) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is entered on or after such date.

SEC. 522. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.

(a) IN GENERAL.—

(1) BONDS.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

"(2) may, upon an express finding by an immigration judge, that the alien is not a flight risk and is not a threat to the United States, release the alien on a bond—

"(A) of not less than $5,000 release an alien; or

"(B) if the alien is a national of Canada or Mexico, of not less than $3,000; or.".

(2) CONFORMING AMENDMENT.—Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by inserting "or the Secretary of Homeland Security" after the "Attorney General" each place it appears.

(3) REPORT.—Not later than 2 years after the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the number of aliens who are citizens or nationals of a country other than Canada or Mexico who are apprehended along an international land border of the United States between ports of entry.

(b) DETENTION OF ALIENS DELIVERED BY BONDSMEN.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following new paragraph:

"(8) EFFECT OF PRODUCTION OF ALIEN BY BONDSMAN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall take into custody any alien subject to a final order of removal, and cancel any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall take effect on the date of the enactment of this Act and the amendment made by subsection (b) shall apply to all immigration bonds posted before, on, or after such date.

SEC. 523. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) of such Act (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 524. REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.

Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

"(5) REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.—

"(A) REMOVAL.—The Secretary of Homeland Security shall remove an alien who is an applicant for admission (other than an admissible alien presenting himself or herself for inspection at a port of entry or an alien paroled into the United States under section 212(d)(5)), after having been, on or after September 30, 1996, excluded, deported, or removed, or having departed voluntarily under an order of exclusion, deportation, or removal.

"(B) JUDICIAL REVIEW.—The removal described in subparagraph (A) shall not require any proceeding before an immigration judge, and shall be under the prior order of exclusion, deportation, or removal, which is not subject to reopening or review. The alien is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of sections 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.".

SEC. 525. CANCELLATION OF REMOVAL.

Section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)) is amended by adding at the end the following:

"(7) An alien who is inadmissible under section 212(a)(9)(B)(i).".

SEC. 526. DETENTION OF DANGEROUS ALIEN.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended—

(1) in subsection (a), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears;

(2) in subsection (a)(1)(B), by adding after clause (iii) the following:

"If, at that time, the alien is not in the custody of the Secretary (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary.".

(3) by amending clause (ii) of subsection (a)(1)(B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(4) by amending subparagraph (C) of subsection (a)(1) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(5) in subsection (a)(2), by adding at the end "If a court orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary in the exercise of discretion may detain the alien during the pendency of such stay of removal.";

(6) in subsection (a)(3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or perform affirmative acts, that the Secretary prescribes for the alien, in order to prevent the alien from absconding, or for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(7) in subsection (a)(6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other

than those specified in this section, until the alien is removed. If an alien is released, the alien";

(8) by redesignating paragraph (7) of subsection (a) as paragraph (10) and inserting after paragraph (6) of such subsection the following new paragraphs:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary, in the Secretary's discretion, may parole the alien under section 212(d)(5) of this Act and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) APPLICATION OF ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The rules set forth in subsection (j) shall only apply with respect to an alien who was lawfully admitted the most recent time the alien entered the United States or has otherwise effected an entry into the United States.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraphs (6), (7), or (8) or subsection (j) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right."; and

(9) by adding at the end the following new subsection:

"(j) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—

"(1) APPLICATION.—The rules set forth in this subsection apply in the case of an alien described in subsection (a)(8).

"(2) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether the aliens should be detained or released on conditions for aliens who—

"(i) have made all reasonable efforts to comply with their removal orders;

"(ii) have complied with the Secretary's efforts to carry out the removal orders, including making timely application in good faith for travel or other documents necessary to the alien's departure; and

"(iii) have not conspired or acted to prevent removal.

"(B) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraphs (3) and (4). The determination—

"(i) shall include consideration of any evidence submitted by the alien and the history of the alien's efforts to comply with the order of removal; and

"(ii) may include any information or assistance provided by the Secretary of State or other Federal agency and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

"(3) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

"(A) INITIAL 90-DAY PERIOD.—The Secretary of Homeland Security in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(B) EXTENSION.—

"(i) IN GENERAL.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90-day period authorized in subparagraph (A)—

"(I) until the alien is removed if the conditions described in subparagraph (A) or (B) of paragraph (4) apply; or

"(II) pending a determination as provided in subparagraph (C) of paragraph (4).

"(ii) RENEWAL.—The Secretary may renew a certification under paragraph (4)(B) every six months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under such paragraph.

"(iii) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification described in clause (ii), (iii), or (v) of paragraph (4)(B) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iv) HEARING.—The Secretary may request that the Attorney General provide for a hearing to make the determination described in clause (iv)(II) of paragraph (4)(B).

"(4) CONDITIONS FOR EXTENSION.—The conditions for continuation of detention are any of the following:

"(A) The Secretary determines that there is a significant likelihood that the alien—

"(i) will be removed in the reasonably foreseeable future; or

"(ii) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal.

"(B) The Secretary certifies in writing any of the following:

"(i) In consultation with the Secretary of Health and Human Services, the alien has a highly contagious disease that poses a threat to public safety.

"(ii) After receipt of a written recommendation from the Secretary of State, the release of the alien is likely to have serious adverse foreign policy consequences for the United States.

"(iii) Based on information available to the Secretary (including available information from the intelligence community, and without regard to the grounds upon which the alien was ordered removed), there is reason to believe that the release of the alien would threaten the national security of the United States.

"(iv) The release of the alien will threaten the safety of the community or any person, the conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

"(I) the alien has been convicted of one or more aggravated felonies described in section 101(a)(43)(A) or of one or more crimes identified by the Secretary by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least five years; or

"(II) the alien has committed one or more crimes of violence and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

"(v) The release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony.

"(C) Pending a determination under subparagraph (B), if the Secretary has initiated the administrative review process no later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(5) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary in the exercise of discretion may impose conditions on release as provided in subsection (a)(3).

"(6) REDETENTION.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to cooperate in the alien's removal from the United States, or if, upon reconsideration, the Secretary determines that the alien can be detained under paragraph (1). Paragraphs (6) through (8) of subsection (a) shall apply to any alien returned to custody pursuant to this paragraph, as if the removal period terminated on the day of the redetention.

"(7) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry into the United States but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary in the exercise of discretion may decide not to apply subsection (a)(8) and this subsection and may detain the alien without any limitations except those imposed by regulation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 527. ALTERNATIVES TO DETENTION.

The Secretary of Homeland Security shall implement pilot programs in the 6 States with the largest estimated populations of deportable aliens to study the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders.

SEC. 528. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

SA 3422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454. to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa by the alien's employer.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

"(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

"(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SA 3423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3386 submitted by Mr. KYL and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;

"(2) 2,400 in fiscal year 2007;

"(3) 2,400 in fiscal year 2008;

"(4) 2,400 in fiscal year 2009;

"(5) 2,400 in fiscal year 2010; and

"(6) 2,400 in fiscal year 2011;

"(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in

Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information

regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109-102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) Report.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) Savings Provision.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In General.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) Components of Review.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) Training.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) Forensic Document Laboratory.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) Assessment.—

(1) Requirement for assessment.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) Report to congress.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) In General.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) Other Documents.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) Collection of Biometric Data From Aliens Departing the United States.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) Inspection of Applicants for Admission.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) Authority to collect biometric data.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) Collection of Biometric Data From Alien Crewmen.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) Grounds of Inadmissibility.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) Withholders of biometric data.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) Implementation.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(B) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority

of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) In General.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) Prohibition.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

"(b) Penalties.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) Conspiracy.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) Prima Facie Evidence.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) Conforming Amendment.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(c) Failure to Obey Border Enforcement Officers.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) Failure to Obey Lawful Orders of Border Enforcement Officers.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "Border Tunnel Prevention Act".

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) In General.—Chapter 27 of title 18, United States Code, as amended by section 132(a), is further amended by adding at the end the following:

"§555. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) Clerical Amendment.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 132(b), is further amended by adding at the end the following:

"Sec. 555. Border tunnels and passages.".

(c) Criminal Forfeiture.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "555," before "1425,".

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) In General.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) Requirements.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) Asylum.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(b) Cancellation of Removal.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) Voluntary Departure.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) Restriction on Removal.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) Record of Admission.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) Effective Date and Application.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) In General.—

(1) Amendments.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.";

(ii) by amending subparagraph (C) to read as follows:

"(C) Extension of period.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) Tolling of period.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) Parole.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) Additional rules for detention or release of aliens.—The following procedures shall apply to an alien detained under this section:

"(A) Detention review process for aliens who have effected an entry and fully cooperate with removal.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) Alien described.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) Evidence.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) Authority to detain for 90 days beyond removal period.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) Authority to detain for additional period.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) Administrative review process.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) Renewal and delegation of certification.—

"(i) Renewal.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) Delegation.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) Hearing.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) Release on conditions.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) Redetention.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) Applicability.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) Detention review process for aliens who have effected an entry and fail to cooperate with removal.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

"(L) Detention review process for aliens who have not effected an entry.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) Judicial review.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) Effective date.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) Criminal Detention of Aliens.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1)" before "If, after a hearing";

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

"(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328)."; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

(a) Definition of Aggravated Felony.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense"; and

(6) by striking the undesignated matter following subparagraph (U).

(b) Effective Date and Application.—

(1) In general.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) Application of IIRAIRA amendments.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) Definition of Good Moral Character.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) Pending Proceedings.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) Conditional Permanent Resident Status.—

(1) In general.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) Certain alien entrepreneurs.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) Judicial Review of Naturalization Applications.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) Persons Endangering National Security.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) Persons Endangering the National Security.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) Concurrent Naturalization and Removal Proceedings.—Section 318 (8 U.S.C.

1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))."; and

(3) by amending subsection (d) to read as follows:

"(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) CRIMINAL OFFENSES AND PENALTIES.—

"(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the

United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) Limitation.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

"(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

"(4) Extraterritorial jurisdiction.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) Employment of Unauthorized Aliens.—

"(1) Criminal offense and penalties.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

"(2) Definition.—An alien described in this paragraph is an alien who—

"(A) is an unauthorized alien (as defined in section 274A(h)(3));

"(B) is present in the United States without lawful authority; and

"(C) has been brought into the United States in violation of this subsection.

"(c) Seizure and Forfeiture.—

"(1) In general.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) Applicable procedures.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(3) Prima facie evidence in determinations of violations.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

"(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

"(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

"(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

"(d) Authority to Arrest.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

"(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

"(2) other officers responsible for the enforcement of Federal criminal laws.

"(e) Admissibility of Videotaped Witness Testimony.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

"(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(f) Outreach Program.—

"(1) In general.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

"(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

"(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

"(2) Field offices.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

"(3) Authorization of appropriations.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

"(g) Definitions.—In this section:

"(1) Crossed the border into the United States.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

"(2) Lawful authority.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(3) Proceeds.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(4) Unlawful transit.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.".

(2) Clerical amendment.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"Sec. 274. Alien smuggling and related offenses.".

(d) Prohibiting Carrying or Using a Firearm During and in Relation to an Alien Smuggling Crime.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting ", alien smuggling crime," after "such crime of violence";

(C) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

SEC. 206. ILLEGAL ENTRY.

(a) In General.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) In General.—

"(1) Criminal offenses.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

“(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

“(2) Criminal penalties.—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(3) Prior convictions.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(4) Duration of offense.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

“(5) Attempt.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

“(b) Improper Time or Place; Civil Penalties.—

“(1) In general.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

“(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

“(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

“(2) Crossed the border defined.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.”.

(b) Clerical Amendment.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

“Sec. 275. Illegal entry.”.

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

“SEC. 276. REENTRY OF REMOVED ALIEN.

“(a) Reentry After Removal.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

“(b) Reentry of Criminal Offenders.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

“(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

“(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

“(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

“(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

“(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(c) Reentry After Repeated Removal.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(d) Proof of Prior Convictions.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(1) alleged in the indictment or information; and

“(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(e) Affirmative Defenses.—It shall be an affirmative defense to a violation of this section that—

“(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

“(2) with respect to an alien previously denied admission and removed, the alien—

“(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

“(B) had complied with all other laws and regulations governing the alien's admission into the United States.

“(f) Limitation on Collateral Attack on Underlying Removal Order.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

“(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

“(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.

“(g) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

“(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

“(i) Definitions.—In this section:

“(1) Crosses the border.—The term ‘crosses the border’ applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

“(2) Felony.—Term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(3) Misdemeanor.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

“(4) Removal.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

“(5) State.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) Passport, Visa, and Immigration Fraud.—

(1) In general.—Chapter 75 of title 18, United States Code, is amended to read as follows:

“CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

“Sec.
“1541. Trafficking in passports.
“1542. False statement in an application for a passport.
“1543. Forgery and unlawful production of a passport.
“1544. Misuse of a passport.
“1545. Schemes to defraud aliens.

"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Additional venue.
"1553. Definitions.
"1554. Authorized law enforcement activities.
"1555. Exception for refugees and asylees.

"§ 1541. Trafficking in passports

"(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) FORGERY.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

"(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1544. Misuse of a passport

"(a) IN GENERAL.—Any person who—

"(1) knowingly uses any passport issued or designed for the use of another;

"(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

"(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

"(1) to enter or to attempt to enter the United States; or

"(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1545. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

"(1) to defraud any person, or

"(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1546. Immigration and visa fraud

"(a) IN GENERAL.—Any person who knowingly—

"(1) uses any immigration document issued or designed for the use of another;

"(2) forges, counterfeits, alters, or falsely makes any immigration document;

"(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

"(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

"(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

"(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

"(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

"(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

"(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1547. Marriage fraud

"(a) EVASION OR MISREPRESENTATION.—Any person who—

"(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(2) knowingly misrepresents the existence or circumstances of a marriage—

"(A) in an application or document authorized by the immigration laws; or

"(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) MULTIPLE MARRIAGES.—Any person who—

"(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

"(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

"(d) DURATION OF OFFENSE.—

"(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

"§ 1548. Attempts and conspiracies

"Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

“§ 1549. Alternative penalties for certain offenses

“(a) TERRORISM.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

“(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1550. Seizure and forfeiture

“(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§ 1551. Additional jurisdiction

“(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

“(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

“(6) the offender is a stateless person whose habitual residence is in the United States.

“§ 1552. Additional venue

“(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

“(1) any district in which the false statement or representation was made;

“(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

“(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

“§ 1553. Definitions

“As used in this chapter:

“(1) The term ‘falsely make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

“(A) contains a statement or representation that is false, fictitious, or fraudulent;

“(B) has no basis in fact or law; or

“(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

“(2) The term a ‘false statement or representation’ includes a personation or an omission.

“(3) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(4) The term ‘immigration document’—

“(A) means—

“(i) any passport or visa; or

“(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

“(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

“(5) The term ‘immigration laws’ includes—

“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

“(B) the laws relating to the issuance and use of passports; and

“(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

“(6) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

“(7) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

“(8) The term ‘passport’ means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

“(9) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

“(10) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

“§ 1554. Authorized law enforcement activities

“Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

“§ 1555. Exception for refugees, asylees, and other vulnerable persons

“(a) IN GENERAL.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

“(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

“(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

“(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

“(b) SAVINGS PROVISION.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

“75. Passport, visa, and immigration fraud .... 1541”.

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

“(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking ", or" at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,".

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) of a violation of any provision of chapter 75 of title 18, United States Code,".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

"(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.";

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and(D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—

"(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "ADMITTED UNDER NONIMMIGRANT VISAS" and inserting "IN A NONIMMIGRANT CLASSIFICATION";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) MINIMUM NUMBER OF AGENTS IN STATES.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 223. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary.";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d) ADDRESS TO BE PROVIDED.—

"(1) IN GENERAL.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) SPECIFIC REQUIREMENTS.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) DETENTION.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) Obligation.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) Penalties.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Failure to Provide Notice of Alien's Current Address.—

"(1) Criminal penalties.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) Effect on immigration status.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) Conforming and technical amendments.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) In General.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) In General.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law," after "offense)".

(b) Effective Date.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SEC. 227. EXPEDITED REMOVAL.

(a) In General.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "Expedited Removal From Correctional Facilities.—";

(3) in subsection (b), by striking the subsection heading and inserting: "Removal of Criminal Aliens.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) Aliens described.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) Application to Certain Aliens.—

(1) In general.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) Exception.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) Exceptions.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) Limit on Injunctive Relief.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) Immigrants.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (vii), any";

(2) in subparagraph (A), by inserting after clause (vi) the following:

"(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(vii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to

such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport; or

"(ii) permanent resident card or other document designated by the Secretary, if the document—

"(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

"(II) is evidence of eligibility for employment in the United States; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

"(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

"(ii) any other documents evidencing eligibility of employment in the United States, if—

"(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

"(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

"(I) is not required by the Secretary to comply with such requirements; and

"(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

"(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

"(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

"(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

"(I) the Secretary determines is a reliable means of identification; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 7 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

"(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

"(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

"(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

"(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

"(2) MANAGEMENT OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

"(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

"(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

"(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

"(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

"(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

"(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

"(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

"(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

"(ii) to respond to each inquiry made by an employer; and

"(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

"(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

"(v) to allow for monitoring of the use of the System and provide an audit capability; and

"(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

"(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

"(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(ii) a determination of whether such social security account number was issued to the named individual;

"(iii) a determination of whether such social security account number is valid for employment in the United States; and

"(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

"(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

"(ii) a determination of whether such number was issued to the named individual;

"(iii) a determination of whether the individual is authorized to be employed in the United States; and

"(iv) any other related information that the Secretary may require.

"(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

"(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

"(A) CRITICAL EMPLOYERS.—

"(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

"(I) part of the critical infrastructure of the United States; or

"(II) directly related to the national security or homeland security of the United States.

"(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

"(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

"(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

"(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

"(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

"(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

"(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

"(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

"(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

"(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

"(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

"(7) SYSTEM REQUIREMENTS.—

"(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

"(i) obtain from the individual and record on the form designated by the Secretary—

“(I) the individual's social security account number; and

“(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

“(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

“(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(ii) NONCONFIRMATION AND VERIFICATION.—

“(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

“(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

“(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

“(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

“(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

“(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

“(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

“(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

“(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

“(e) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

“(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

“(2) AUTHORITY IN INVESTIGATIONS.—

“(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

“(i) shall have reasonable access to examine evidence of any employer being investigated; and

“(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

“(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

“(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

“(3) COMPLIANCE PROCEDURES.—

“(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

“(iii) disclose the material facts which establish the alleged violation; and

“(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

“(B) REMISSION OR MITIGATION OF PENALTIES.—

“(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

“(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

“(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

“(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(i) MISCELLANEOUS PROVISIONS.—

“(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

“(2) PREEMPTION.—The provisions of this section preempt any State or local law—

“(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

“(B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—

“(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

“(ii) take other steps that facilitate the employment of day laborers by others.

“(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

“(k) DEFINITIONS.—In this section:

“(1) EMPLOYER.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

“(2) NO-MATCH NOTICE.—The term ‘no-match notice’ means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

"(3) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(4) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

TITLE IV—TEMPORARY WORKER PROGRAMS AND VISA REFORM

Subtitle A—Requirements for Participating Countries

SEC. 401. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—An alien is not eligible for status as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 501 of this Act, or deferred mandatory departure status under section 218B of the Immigration and Nationality Act, as added by section 601 of this Act, unless the home country of the alien has entered into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement under subsection (a) shall require the home country to—

(1) accept, within 3 days, the return of nationals who are ordered removed from the United States;

(2) cooperate with the United States Government in—

(A) identifying, tracking, and reducing gang membership, violence, and human trafficking and smuggling; and

(B) controlling illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to or are present in the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems;

(4) take steps to educate nationals of the home country regarding the program under title V or VI to ensure that such nationals are not exploited; and

(5) provide a minimum level of health coverage to its participants.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall, by regulation, define the minimum level of health coverage to be provided by participating countries.

(2) RESPONSIBILITY TO OBTAIN COVERAGE.—If the health coverage provided by the home country falls below the minimum level defined pursuant to paragraph (1), the employer of the alien shall provide or the alien shall obtain coverage that meets such minimum level.

(d) HOUSING.—Participating countries shall agree to evaluate means to provide housing incentives in the alien's home country for returning workers.

Subtitle B—Nonimmigrant Temporary Worker Program

SEC. 411. NONIMMIGRANT TEMPORARY WORKER CATEGORY.

(a) NEW TEMPORARY WORKER CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(W) an alien having a residence in a foreign country which the alien has no intention of abandoning who is coming temporarily to the United States to perform temporary labor or service, other than that which would qualify an alien for status under sections 101(a)(15)(H)(i), 101(a)(15)(H)(ii)(a), 101(a)(15)(L), 101(a)(15)(O), 101(a)(15)(P), and who meets the requirements of section 218A; or".

(b) REPEAL OF H-2B CATEGORY.—Section 101(a)(15)(H)(ii) is amended by striking ", or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession".

(c) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking "or" at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and "or".

SEC. 412. TEMPORARY WORKER PROGRAM.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218 the following new section:

"SEC. 218A. TEMPORARY WORKER PROGRAM.

"(a) IN GENERAL.—The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(W) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15)).

"(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(W), an alien shall meet the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(W).

"(2) EVIDENCE OF EMPLOYMENT.—The alien must establish that he has a job offer from an employer authorized to hire aliens under the Alien Employment Management Program.

"(3) FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of being admitted as a nonimmigrant under section 101(a)(15)(W).

"(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for admission as a nonimmigrant under section 101(a)(15)(W), the Secretary shall require an alien to provide information concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

"(C) WAIVER.—The Secretary of Homeland Security may require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), the alien agrees to waive any right—

“(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

“(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

“(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(c) GROUNDS OF INADMISSIBILITY.—

“(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(W)—

“(A) paragraphs (5), (6)(A), (7), and (9)(B) or (C) of section 212(a) may be waived for conduct that occurred on a date prior to the effective date of this Act; and

“(B) the Secretary of Homeland Security may not waive—

“(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

“(ii) section 212(a)(3) (relating to security and related grounds); or

“(iii) subparagraphs (A), (C) or (D) of section 212(a)(10) (relating to polygamists, child abductors and illegal voters);

“(C) for conduct that occurred prior to the date this Act was introduced in Congress, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

“(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

“(2) WAIVER FEE.—An alien who is granted a waiver under subparagraph (1) shall pay a $500 fee upon approval of the alien's visa application.

“(3) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

“(d) BACKGROUND CHECKS AND INTERVIEW.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking admission under section 101(a)(15)(W) until all appropriate background checks have been completed. The Secretary of State shall ensure that an employee of the Department of State conducts a personal interview of an applicant for a visa under section 101(a)(15)(W).

“(e) INELIGIBLE TO CHANGE NONIMMIGRANT CLASSIFICATION.—An alien admitted under section 101(a)(15)(W) is ineligible to change status under section 248.

“(f) DURATION.—

“(1) GENERAL.—The period of authorized admission as a nonimmigrant under 101(a)(15)(W) shall be 2 years, and may not be extended. An alien is ineligible to reenter as an alien under 101(a)(15)(W) until the alien has resided continuously in the alien's home country for a period of 1 year. The total period of admission as a nonimmigrant under section 101(a)(15)(W) may not exceed 6 years.

“(2) SEASONAL WORKERS.—An alien who spends less than 6 months a year as a nonimmigrant described in section 101(a)(15)(W) is not subject to the time limitations under subparagraph (1).

“(3) COMMUTERS.—An alien who resides outside the United States, but who commutes to the United States to work as a nonimmigrant described in section 101(a)(15)(W), is not subject to the time limitations under paragraph (1).

“(4) DEFERRED MANDATORY DEPARTURE.—An alien granted Deferred Mandatory Departure status, who remains in the United States under such status for—

“(A) a period of 2 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 5 years;

“(B) a period of 3 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 4 years;

“(C) a period of 4 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 3 years; or

“(D) a period of 5 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 2 years.

“(g) INTENT TO RETURN HOME.—In addition to other requirements in this section, an alien is not eligible for nonimmigrant status under section 101(a)(15)(W) unless the alien—

“(1) maintains a residence in a foreign country which the alien has no intention of abandoning; and

“(2) is present in such foreign country for at least 7 consecutive days during each year that the alien is a temporary worker.

“(h) BIOMETRIC DOCUMENTATION.—Evidence of status under section 101(a)(15)(W) shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity.

“(i) PENALTY FOR FAILURE TO DEPART.—An alien who fails to depart the United States prior to 10 days after the date that the alien's authorized period of admission as a temporary worker ends is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

“(j) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—An alien who, after the effective date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, enters the United States without inspection, or violates a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission, shall be ineligible for nonimmigrant status under section 101(a)(15)(W) or Deferred Mandatory Departure status under section 218B for a period of 10 years.

“(k) ESTABLISHMENT OF TEMPORARY WORKER TASK FORCE.—

“(1) IN GENERAL.—There is established a task force to be known as the Temporary Worker Task Force (referred to in this section as the ‘Task Force’).

“(2) PURPOSES.—The purposes of the Task Force are—

“(A) to study the impact of the admission of aliens under section 101(a)(15)(W) on the wages, working conditions, and employment of United States workers; and

“(B) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(W).

“(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

“(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

“(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

“(C) 2 shall be appointed by the majority leader of the Senate;

“(D) 2 shall be appointed by the minority leader of the Senate;

“(E) 2 shall be appointed by the Speaker of the House of Representatives; and

“(F) 2 shall be appointed by the minority leader of the House of Representatives.

“(4) QUALIFICATIONS.—

“(A) IN GENERAL.—Members of the Task Force shall be—

“(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

“(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

“(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

“(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

“(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

“(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

“(7) MEETINGS.—

“(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

“(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

“(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

“(9) REPORT.—Not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

“(A) findings with respect to the duties of the Task Force;

“(B) recommendations for imposing a numerical limit.

“(10) DETERMINATION.—Not later than 6 months after the submission of the report, the Secretary of Labor may impose a numerical limitation on the number of aliens that may be admitted under section 101(a)(15)(W). Any numerical limit shall not become effective until 6 months after the Secretary of Labor submits a report to Congress regarding the imposition of a numerical limit.

“(l) FAMILY MEMBERS.—

“(1) FAMILY MEMBERS OF W NONIMMIGRANTS.—

“(A) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

“(i) as a nonimmigrant under section 101(a)(15)(B) for a period of not more than 30 days, which may not be extended unless the Secretary of Homeland Security, in his sole and unreviewable discretion, determines that exceptional circumstances exist; or

“(ii) under any other provision of this Act, if such family member is otherwise eligible for such admission.

“(B) APPLICATION FEE.—

“(i) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking to be admitted as a nonimmigrant under section 101(a)(15)(B) shall submit, in addition to any other fee authorized by law, an additional fee of $100.

“(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

“(m) TRAVEL OUTSIDE THE UNITED STATES.—

“(1) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(W)—

“(A) may travel outside of the United States; and

“(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

“(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the period of authorized admission in the United States.

“(n) EMPLOYMENT.—

“(1) PORTABILITY.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens admitted under section 218C.

“(2) CONTINUOUS EMPLOYMENT.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien departs the United States and reenters as a nonimmigrant under section 101(a)(15)(W). The Secretary of Homeland Security may, in its sole and unreviewable discretion, reauthorize an alien for employment, without requiring the alien's departure from the United States.

“(o) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at time of admission of an alien under section 101(a)(15)(W).

“(p) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of nonimmigrant status under section 101(a)(15)(W) is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

“(1) any judgment regarding the granting of relief under this section; or

“(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

“(q) JUDICIAL REVIEW.—

“(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

“(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

“(i) an order or notice denying an alien a grant of nonimmigrant status under section 101(a)(15)(W) or any other benefit arising from such status; or

“(ii) an order of removal, exclusion, or deportation entered against an alien if such order is entered after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W); or

“(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

“(2) CHALLENGES TO VALIDITY.—

“(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

“(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

“(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.”.

(b) PROHIBITION ON CHANGE IN NONIMMIGRANT CLASSIFICATION.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking “or (S)” and inserting “(S), or (W)”.

SEC. 413. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this subtitle.

Subtitle C—Mandatory Departure and Reentry in Legal Status

SEC. 421. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218A, as added by section 412, the following new section:

“SEC. 218B. MANDATORY DEPARTURE AND REENTRY.

“(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

“(b) REQUIREMENTS.—

“(1) PRESENCE.—An alien must establish that the alien was physically present in the United States 1 year prior to the date of the introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005 in Congress and has been continuously in the United States since such date, and was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

“(2) EMPLOYMENT.—An alien must establish that the alien was employed in the United States prior to the date of the introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005, and has been employed in the United States since that date.

“(3) ADMISSIBILITY.—

“(A) IN GENERAL.—The alien must establish that he—

“(i) is admissible to the united states, except as provided as in (B); and

“(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

“(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

“(4) INELIGIBLE.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

“(A) is subject to a final order or removal under section 240;

“(B) failed to depart the United States during the period of a voluntary departure order under section 240B;

“(C) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

“(D) is a resident of a country for which the Secretary of State has made a determination that the government of such country has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

“(E) fails to comply with any request for information by the Secretary of Homeland Security.

“(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

“(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

“(A) if the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

‘‘(B) if the alien commits an act that makes the alien removable from the United States.

‘‘(7) APPLICATION CONTENT AND WAIVER.—

‘‘(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

‘‘(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

‘‘(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

‘‘(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

‘‘(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

‘‘(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

‘‘(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

‘‘(3) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

‘‘(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

‘‘(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

‘‘(e) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

‘‘(1) an acknowledgment made in writing and under oath that the alien—

‘‘(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

‘‘(B) understands the terms of the terms of Deferred Mandatory Departure;

‘‘(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

‘‘(3) any false or fraudulent documents in the alien's possession.

‘‘(f) MANDATORY DEPARTURE.—

‘‘(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant an alien Deferred Mandatory Departure status for a period not to exceed 5 years.

‘‘(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure must depart prior to the expiration of the period of Deferred Mandatory Departure status. The alien must register with the Secretary of Homeland Security at time of departure and surrender any evidence of Deferred Mandatory Departure status at time of departure.

‘‘(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs prior to the expiration of such status shall not be subject to section 212(a)(9)(B) and, if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

‘‘(4) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

‘‘(5) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to depart immediately shall be subject to the following fees:

‘‘(A) No fine if the alien departs within the first year after the grant of Deferred Mandatory Departure.

‘‘(B) $2,000 if the alien does not depart within the second year after the grant of Deferred Mandatory Departure.

‘‘(C) $3,000 if the alien does not depart within the third year following the grant of Deferred Mandatory Departure.

‘‘(D) $4,000 if the alien does not depart within the fourth year following the grant of Deferred Mandatory Departure.

‘‘(E) $5,000 if the alien does not depart during the fifth year following the grant of Deferred Mandatory Departure.

‘‘(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

‘‘(h) TERMS OF STATUS.—

‘‘(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

‘‘(2) TRAVEL.—

‘‘(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

‘‘(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

‘‘(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

‘‘(ii) must establish at the time of application for admission that the alien is admissible under section 212.

‘‘(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

‘‘(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

‘‘(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

‘‘(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

‘‘(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—An alien granted Deferred Mandatory Departure status is prohibited from applying to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

‘‘(j) APPLICATION FEE.—

‘‘(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

‘‘(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

‘‘(k) FAMILY MEMBERS.—

‘‘(1) FAMILY MEMBERS.—

‘‘(A) IN GENERAL.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

‘‘(B) APPLICATION FEE.—

‘‘(i) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure shall submit, in addition to any other fee authorized by law, an additional fee of $500.

‘‘(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the

Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(l) EMPLOYMENT.—

"(1) IN GENERAL.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens under section 218C.

"(2) CONTINUOUS EMPLOYMENT.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

"(r) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(b) CONFORMING AMENDMENT.—Amend section 237(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218B).".

SEC. 422. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this subtitle, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 423. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subtitle.

Subtitle D—Alien Employment Management System

SEC. 431. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218B, as added by section 621, the following new section:

"SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

"(a) ESTABLISHMENT.—

"(1) PURPOSE.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commissioner of Social Security, shall develop and implement a program to authorize, manage and track the employment of aliens described in section 218A or 218B.

"(2) DEADLINE.—The program under subsection (a) shall commence prior to any alien being admitted under section 101(a)(15)(W) or granted Deferred Mandatory Departure under section 218B.

"(b) REQUIREMENTS.—The program shall—

"(1) enable employers who seek to hire aliens described in section 218A or 218B to apply for authorization to employ such aliens;

"(2) be interoperable with Social Security databases and must provide a means of immediately verifying the identity and employment authorization of an alien described in section 218A or 218B, for purposes of complying with title III of the Comprehensive Enforcement and Immigration Reform Act of 2005;

"(3) require an employer to utilize readers or scanners at the location of employment or at a Federal facility to transmit the biometric and biographic information contained in the alien's evidence of status to the Secretary of Homeland Security, for purposes of complying with title III of the Comprehensive Enforcement and Immigration Reform Act of 2005; and

"(4) collect sufficient information from employers to enable the Secretary of Homeland Security to identify—

"(A) whether an alien described in section 218A or 218B is employed;

"(B) any employer that has hired an alien described in section 218A or 218B;

"(C) the number of aliens described in section 218A or 218B that an employer is authorized to hire and is currently employing; and

"(D) the occupation, industry and length of time that an alien described in section 218A or 218B has been employed in the United States.

"(c) AUTHORIZATION TO HIRE ALIENS DESCRIBED IN SECTION 218A OR 218B.—

"(1) APPLICATION.—An employer must apply, through the program described in subsection (a) of this section, to obtain authorization to hire aliens described in section 218A or 218B.

"(2) PENALTIES.—An employer who employs an alien described in section 218A or 218B without authorization is subject to the same penalties and provisions as an employer who violates section 274(a)(1)(A) or (a)(2). An employer shall be subject to penalties prescribed by the Secretary of Homeland Security by regulation, which may include monetary penalties and debarment from eligibility to hire aliens described in section 218A or 218B.

"(3) ELIGIBILITY.—An employer must establish that it is a legitimate company and must attest that it will comply with the terms of the program established under subsection (a).

"(4) NUMBER OF ALIENS AUTHORIZED.—An employer may request authorization to multiple aliens described in section 218A or 218B.

"(5) ELECTRONIC FORM.—The program established under subsection (a) shall permit employers to submit applications under this subsection in an electronic form.

"(d) NOTIFICATION UPON TERMINATION OF EMPLOYMENT.—An employer, through the program established under subsection (a), must notify the Secretary of Homeland Security not more than 3 business days after the date of the termination of the alien's employment. The employer is not authorized to fill the position with another alien described in section 218A or 218B until the employer notifies the Secretary of Homeland Security that the alien is no longer employed by that employer.

"(e) PROTECTION OF UNITED STATES WORKERS.—An employer may not be authorized to hire an alien described in section 218A or 218B until the employer submits an attestation stating the following:

"(1) The employer has posted the position in a national, electronic job registry maintained by the Secretary of Labor, for not less than 30 days.

"(2) The employer has offered the position to any eligible United States worker who applies and is equally or better qualified for the job for which a temporary worker is sought and who will be available at the time and place of need. An employer shall maintain records for not less than 1 year demonstrating that why United States workers who applied were not hired.

"(3) The employer shall comply with the terms of the program established under subsection (a), including the terms of any temporary worker monitoring program established by the Secretary.

"(4) The employer shall not hire more aliens than the number authorized by the Secretary of Homeland Security has authorized it to hire.

"(5) The worker shall be paid at least the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage. All wages will be paid in a timely manner and all payroll records will be maintained accurately.

"(6) The employment of a temporary worker shall not adversely affect the working conditions of other similarly employed United States workers.

"(f) Approval.—After determining that there are no United States workers who are qualified and willing to obtain the employment for which the employer is seeking temporary workers, the Secretary of Homeland Security may approve the application submitted by the employer under this paragraph for the number of temporary workers that the Secretary determines are required by the employer. Such approval shall be valid for a 2-year period.".

SEC. 432. LABOR INVESTIGATIONS.

(a) In General.—The Secretary of Homeland Security and the Secretary of Labor shall conduct audits, including random audits, of employers who employ aliens described under section 218A or 218B of the Immigration and Nationality Act, as added by section 412 and 421, respectively.

(b) Penalties.—The Secretary of Homeland Security shall establish penalties, which may include debarment from eligibility for hire also described under section 218A, as added by section 412 of this Act, 218B, as added by section 421 of this Act, for employers who fail to comply with section 218C of the Immigration and Nationality Act as added by section 431 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section.

Subtitle E—Protection Against Immigration Fraud

SEC. 441. GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.

(a) General Program Purpose.—The purpose of this subtitle is to assist qualified non-profit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding this Act and the amendments made by this Act.

(b) Purposes for Which Grants May Be Used.—The grants under this part shall be used to fund public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by non-profit community organizations in providing services related to this Act, and to educate, train and support non-profit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act and on matters related to its implementation. In particular, funding shall be provided to non-profit organizations for the purposes of—

(1) educating immigrant communities and other interested entities on the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary of Homeland Security, and on the dangers of securing legal advice and assistance from those who are not authorized to provide legal representation in immigration matters;

(2) educating interested entities on the requirements for obtaining non-profit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary of Homeland Security, and providing non-profit agencies with training and technical assistance on the recognition and accreditation process; and

(3) educating non-profit community organizations, immigrant communities and other interested entities on the process for obtaining benefits under this Act or an amendment made by this Act, and the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act of an amendment made by this Act.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Office of Justice Programs at the United States Department of Justice to carry out this section—

(1) $40,000,000 for fiscal year 2006;

(2) $40,000,000 for fiscal year 2007; and

(3) $40,000,000 for fiscal year 2008.

(d) In General.—The Office of Justice Programs shall ensure, to the extent possible, that the non-profit community organizations funded under this Section shall serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act.

Subtitle F—Circular Migration

SEC. 451. INVESTMENT ACCOUNTS.

(a) In General.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

"(o)(1) Notwithstanding any other provision of this section, the Secretary of the Treasury shall transfer at least quarterly from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund 100 percent of the temporary worker taxes to the Temporary Worker Investment Fund for deposit in a temporary worker investment account for each temporary worker as specified in section 253.

"(2) For purposes of this subsection—

"(A) the term 'temporary worker taxes' means that portion of the amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under this section and properly attributable to the wages (as defined in section 3121 of the Internal Revenue Code of 1986) and self-employment income (as defined in section 1402 of such Code) of temporary workers as determined by the Commissioner of Social Security; and

"(B) the term 'temporary worker' means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.".

(b) Temporary Worker Investment Accounts.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the "**PART A—SOCIAL SECURITY**"; and

(2) by adding at the end the following:

"PART II—TEMPORARY WORKER INVESTMENT ACCOUNTS

"DEFINITIONS

"Sec. 251. For purposes of this part:

"(1) Covered employer.—The term 'covered employer' means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to having an individual in the person's employ to whom wages are paid by such person during such calendar year.

"(2) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(3) Temporary worker.—The term 'temporary worker' an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

"(4) Temporary worker investment account.—The term 'temporary worker investment account' means an account for a temporary worker which is administered by the Secretary through the Temporary Worker Investment Fund.

"(5) Temporary worker investment fund.—The term 'Temporary Worker Investment Fund' means the fund established under section 253.

"TEMPORARY WORKER INVESTMENT ACCOUNTS

"Sec. 252. (a) In General.—A temporary worker investment account shall be established by the Secretary in the Temporary Worker Investment Fund for each individual not later than 10 business days after the covered employer of such individual submits a W–4 form (or any successor form) identifying such individual as a temporary worker.

"(b) Time Account Takes Effect.—A temporary worker investment account established under subsection (a) shall take effect with respect to the first pay period beginning more than 14 days after the date of such establishment.

"(c) Temporary Worker's Property Right in Temporary Worker Investment Account.—The temporary worker investment account established for a temporary worker is the sole property of the worker.

"TEMPORARY WORKER INVESTMENT FUND

"Sec. 253. (a) In General.—There is created on the books of the Treasury of the United States a trust fund to be known as the 'Temporary Worker Investment Fund' to be administered by the Secretary. Such Fund shall consist of the assets transferred under section 201(o) to each temporary worker investment account established under section 252 and the income earned under subsection (e) and credited to such account.

"(b) Notice of Contributions.—The full amount of a temporary worker's investment account transfers shall be shown on such worker's W-2 tax statement, as provided in section 6051(a)(14) of the Internal Revenue Code of 1986.

"(c) Investment Earnings Report.—

"(1) In general.—At least annually, the Temporary Worker Investment Fund shall provide to each temporary worker with a temporary worker investment account managed by the Fund a temporary worker investment status report. Such report may be transmitted electronically upon the agreement of the temporary worker under the terms and conditions established by the Secretary.

"(2) Contents of report.—The temporary worker investment status report, with respect to a temporary worker investment account, shall provide the following information:

"(A) The total amounts transferred under section 201(o) in the last quarter, the last year, and since the account was established.

"(B) The amount and rate of income earned under subsection (e) for each period described in subparagraph (A).

"(d) Maximum Administrative Fee.—The Temporary Worker Investment Fund shall charge each temporary worker in the Fund a single, uniform annual administrative fee not to exceed 0.3 percent of the value of the assets invested in the worker's account.

"(e) Investment Duties of Secretary.—The Secretary shall establish policies for the investment and management of temporary worker investment accounts, including policies that shall provide for prudent Federal Government investment instruments suitable for accumulating funds.

"TEMPORARY WORKER INVESTMENT ACCOUNT DISTRIBUTIONS

"Sec. 254. (a) Date of Distribution.—Except as provided in subsections (b) and (c), a distribution of the balance in a temporary worker investment account may only be made on or after the date such worker departs the United States and abandons such worker's nonimmigrant status under section 101(a)(15)(W) of the Immigration and Nationality Act and returns to the worker's home country.

"(b) Distribution in the Event of Death.—If the temporary worker dies before the date determined under subsection (a), the balance in the worker's account shall be distributed to the worker's estate under rules established by the Secretary.".

(c) Temporary Worker Investment Account Transfers Shown on W-2s.—

(1) In general.—Section 6051(a) of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended—

(A) by striking "and" at the end of paragraph (12);

(B) by striking the period at the end of paragraph (13) and inserting "; and"; and

(C) by inserting after paragraph (13) the following:

"(14) in the case of a temporary worker (as defined in section 251(1) of the Social Security Act), of the amount shown pursuant to paragraph (6), the total amount transferred to such worker's temporary worker investment account under section 201(o) of such Act.".

(2) Conforming amendments.—Section 6051 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)(6), by inserting "and paid as tax under section 3111" after "section 3101"; and

(B) in subsection (c), by inserting "and paid as tax under section 3111" after "section 3101".

Subtitle G—Backlog Reduction

SEC. 461. EMPLOYMENT BASED IMMIGRANTS.

(a) Employment-Based Immigrant Limit.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) Worldwide Level of Employment-Based Immigrants.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 140,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005; and

"(4) the number of visas previously made available under section 203(e).".

(b) Diversity Visa Termination.—The allocation of immigrant visas to aliens under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), and the admission of such aliens to the United States as immigrants, is terminated. This provision shall become effective on October 1st of the fiscal year following enactment of this Act.

(c) Immigration Task Force.—

(1) In general.—There is established a task force to be known as the Immigration Task Force (referred to in this section as the "Task Force").

(2) Purposes.—The purposes of the Task Force are—

(A) to study the impact of the delay between the date on which an application for immigration is submitted and the date on which a determination on such application is made;

(B) to study the impact of immigration of workers to the United States on family unity; and

(C) to provide to Congress any recommendations of the Task Force regarding increasing the number immigrant visas issued by the United States for family members and on the basis of employment.

(3) Membership.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) Qualifications.—

(A) In general.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(B) Political affiliation.—Not more than 5 members of the Task Force may be members of the same political party.

(C) Nongovernmental appointees.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) Deadline for appointment.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of this Act.

(6) Vacancies.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) Meetings.—

(A) Initial meeting.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) Subsequent meetings.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) Quorum.—Six members of the Task Force shall constitute a quorum.

(9) Report.—Not later than 18 months after the date of enactment of this Act, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

(A) findings with respect to the duties of the Task Force; and

(B) recommendations for modifying the numerical limits on the number immigrant visas issued by the United States for family members of individuals in the United States and on the basis of employment.

SEC. 462. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 463. ALLOCATION OF IMMIGRANT VISAS.

(a) Preference Allocation for Employment-Based Immigrants.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "10 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "10 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "4 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other workers.—Visas shall be made available, in a number not to exceed 36 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States"; and

(8) by striking paragraph (6).

(b) Conforming Amendments.—

(1) Definition of special immigrant.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) Repeal of temporary reduction in workers' visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

Subtitle H—Temporary Agricultural Workers

SEC. 471. SENSE OF THE SENATE ON TEMPORARY AGRICULTURAL WORKERS.

It is the sense of the Senate that consideration of any comprehensive immigration reform during the 109th Congress will include agricultural workers.

Subtitle I—Effect of Other Provisions

SEC. 481. EFFECT OF OTHER PROVISIONS.

Notwithstanding any other provision of this Act, the provisions of, and the amendments made by, titles V and VI of this Act are null and void.

SA 3424. Mr. FRIST proposed an amendment to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Immigration Reform Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.
Sec. 115. Combating human smuggling.
Sec. 116. Deaths at United States-Mexico border.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US-VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure border initiative financial accountability.
Sec. 131. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 132. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.

Subtitle D—Border Tunnel Prevention Act

Sec. 141. Short title.
Sec. 142. Construction of border tunnel or passage.
Sec. 143. Directive to the United States Sentencing Commission.

Subtitle E—Border Law Enforcement Relief Act

Sec. 151. Short title.
Sec. 152. Findings.
Sec. 153. Border relief grant program.
Sec. 154. Enforcement of Federal immigration law.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and immigration fraud offenses.
Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Construction.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 221. Alternatives to detention.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local enforcement of Federal immigration laws.
Sec. 225. Removal of drunk drivers.
Sec. 226. Medical services in underserved areas.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders.
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Laundering of monetary instruments.
Sec. 231. Listing of immigration violators in the National Crime Information Center database.
Sec. 232. Cooperative enforcement programs.
Sec. 233. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 234. Determination of immigration status of individuals charged with Federal offenses.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

Sec. 401. Immigration impact study.
Sec. 402. Nonimmigrant temporary worker.
Sec. 403. Admission of nonimmigrant temporary guest workers.
Sec. 404. Employer obligations.
Sec. 405. Alien employment management system.
Sec. 406. Rulemaking; effective date.
Sec. 407. Recruitment of United States workers.
Sec. 408. Temporary guest worker visa program task force.
Sec. 409. Requirements for participating countries.
Sec. 410. S visas.
Sec. 411. L visa limitations.
Sec. 412. Authorization of appropriations.

Subtitle B—Immigration Injunction Reform

Sec. 421. Short title.
Sec. 422. Appropriate remedies for immigration legislation.
Sec. 423. Effective date.

TITLE V—BACKLOG REDUCTION

Sec. 501. Elimination of existing backlogs.
Sec. 502. Country limits.
Sec. 503. Allocation of immigrant visas.
Sec. 504. Relief for minor children.
Sec. 505. Shortage occupations.
Sec. 506. Relief for widows and orphans.
Sec. 507. Student visas.
Sec. 508. Visas for individuals with advanced degrees.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry

Sec. 601. Access to earned adjustment and mandatory departure and reentry.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

Sec. 611. Short title.
Sec. 612. Definitions.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Sec. 613. Agricultural workers.
Sec. 614. Correction of Social Security records.

CHAPTER 2—REFORM OF H-2A WORKER PROGRAM

Sec. 615. Amendment to the Immigration and Nationality Act.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 616. Determination and use of user fees.
Sec. 617. Regulations.
Sec. 618. Report to Congress.
Sec. 619. Effective date.

Subtitle C—DREAM Act

Sec. 621. Short title.
Sec. 622. Definitions.
Sec. 623. Restoration of State option to determine residency for purposes of higher education benefits.
Sec. 624. Cancellation of removal and adjustment of status of certain long-term residents who entered the United States as children.
Sec. 625. Conditional permanent resident status.

Sec. 626. Retroactive benefits.
Sec. 627. Exclusive jurisdiction.
Sec. 628. Penalties for false statements in application.
Sec. 629. Confidentiality of information.
Sec. 630. Expedited processing of applications; prohibition on fees.
Sec. 631. Higher Education assistance.
Sec. 632. GAO report.

Subtitle D—Grant Programs to Assist Nonimmigrant Workers

Sec. 641. Grants to support public education and community training.
Sec. 642. Funding for the Office of Citizenship.
Sec. 643. Civics integration grant program.
Sec. 644. Strengthening American citizenship.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;

"(2) 2,400 in fiscal year 2007;

"(3) 2,400 in fiscal year 2008;

"(4) 2,400 in fiscal year 2009;

"(5) 2,400 in fiscal year 2010; and

"(6) 2,400 in fiscal year 2011;

"(b) NORTHERN BORDER.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the

Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United

States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) LIMITATIONS ON ASSISTANCE.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

SEC. 116. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In General.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) Components of Review.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) Training.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) Forensic Document Laboratory.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) Assessment.—

(1) Requirement for assessment.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) Report to congress.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) In General.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) Other Documents.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) Collection of Biometric Data From Aliens Departing the United States.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) Inspection of Applicants for Admission.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) Authority to collect biometric data.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) Collection of Biometric Data From Alien Crewmen.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) Grounds of Inadmissibility.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) Withholders of biometric data.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) Implementation.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

“(3) Implementation.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.”; and

(2) in subsection (l)—

(A) by striking “There are authorized” and inserting the following:

“(1) In general.—There are authorized”; and

(B) by adding at the end the following:

“(2) Implementation at all land border ports of entry.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.”.

SEC. 129. BORDER STUDY.

(a) Southern Border Study.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) Report.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) In General.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Inspector General.—

(1) Action.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) Report.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) Reports by the Secretary.—

(1) In general.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) Contracts with foreign companies.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) Reports on United States Ports.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) Authorization of Appropriations.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In General.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) Requirements During Interim Period.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) Rules of Construction.—

(1) Asylum and removal.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) Treatment of certain aliens.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) Discretion.—Nothing in this section shall be construed as limiting the authority

of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

"(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(c) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "Border Tunnel Prevention Act".

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

Subtitle E—Border Law Enforcement Relief Act

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "Border Law Enforcement Relief Act of 2006".

SEC. 152. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. 153. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 154. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this subtitle shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)".

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "inadmissible under" and inserting "described in"; and

(2) by striking "deportable under" and inserting "described in".

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)".

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; or";

(3) by inserting after clause (iv) the following:

"(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States)."; and

(4) in the undesignated paragraph, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

"SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

"A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

"(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

"(2) entered the United States before January 1, 1972;

"(3) has resided in the United States continuously since such entry;

"(4) is a person of good moral character;

"(5) is not ineligible for citizenship; and

"(6) is not described in section 237(a)(4)(B).".

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security";

(B) by striking "Attorney General" any other place it appears and inserting "Secretary";

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.".

(ii) by amending subparagraph (C) to read as follows:

"(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

"(i) make all reasonable efforts to comply with the removal order; or

"(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal."; and

(iii) by adding at the end the following:

"(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.";

(D) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.";

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

"(i) to prevent the alien from absconding;

"(ii) for the protection of the community; or

"(iii) for other purposes related to the enforcement of the immigration laws.";

(F) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

"(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

"(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1)" before "If, after a hearing";

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

"(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328)."; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense"; and

(6) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) APPLICATION OF IIRAIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or "(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))."; and

(3) by amending subsection (d) to read as follows:

"(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) CRIMINAL OFFENSES AND PENALTIES.—

"(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

"(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

"(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

"(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

"(2) DEFINITION.—An alien described in this paragraph is an alien who—

"(A) is an unauthorized alien (as defined in section 274A(h)(3));

"(B) is present in the United States without lawful authority; and

"(C) has been brought into the United States in violation of this subsection.

"(c) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

"(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

"(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

"(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

"(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

"(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

"(2) other officers responsible for the enforcement of Federal criminal laws.

"(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

"(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(f) OUTREACH PROGRAM.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

"(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

"(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

"(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

"(g) DEFINITIONS.—In this section:

"(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

"(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.".

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"Sec. 274. Alien smuggling and related offenses.".

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting ", alien smuggling crime," after "such crime of violence";

(C) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

"(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(2) Crossed the border defined.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.".

(b) Clerical Amendment.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry.".

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) Reentry After Removal.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) Reentry of Criminal Offenders.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) Reentry After Repeated Removal.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) Proof of Prior Convictions.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) Affirmative Defenses.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States.

"(f) Limitation on Collateral Attack on Underlying Removal Order.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

"(i) Definitions.—In this section:

"(1) Crosses the border.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

"(2) Felony.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(3) Misdemeanor.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(4) Removal.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(5) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) Passport, Visa, and Immigration Fraud.—

(1) In general.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Additional venue.
"1553. Definitions.
"1554. Authorized law enforcement activities.
"1555. Exception for refugees and asylees.

"§ 1541. Trafficking in passports

"(a) Multiple Passports.—Any person who, during any 3-year period, knowingly-

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) Passport Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports, shall be fined under this title, imprisoned not more than 15 years, or both.

“§1543. Forgery and unlawful production of a passport

“(a) FORGERY.—Any person who—

“(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

“(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

“(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§1544. Misuse of a passport

“(a) IN GENERAL.—Any person who—

“(1) knowingly uses any passport issued or designed for the use of another;

“(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

“(1) to enter or to attempt to enter the United States; or

“(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§1545. Schemes to defraud aliens

“(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

“(1) to defraud any person, or

“(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

“§1546. Immigration and visa fraud

“(a) IN GENERAL.—Any person who knowingly—

“(1) uses any immigration document issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document;

“(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

“(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

“§1547. Marriage fraud

“(a) EVASION OR MISREPRESENTATION.—Any person who—

“(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

“(2) knowingly misrepresents the existence or circumstances of a marriage—

“(A) in an application or document authorized by the immigration laws; or

“(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) MULTIPLE MARRIAGES.—Any person who—

“(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

“(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

“(d) DURATION OF OFFENSE.—

“(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

“(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

“§1548. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

“§1549. Alternative penalties for certain offenses

“(a) TERRORISM.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

“(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

“§1550. Seizure and forfeiture

“(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§1551. Additional jurisdiction

“(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

"(2) the offense is in or affects foreign commerce;

"(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

"(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

"(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

"(6) the offender is a stateless person whose habitual residence is in the United States.

"§ 1552. Additional venue

"(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

"(1) any district in which the false statement or representation was made;

"(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

"(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

"(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

"§ 1553. Definitions

"As used in this chapter:

"(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

"(A) contains a statement or representation that is false, fictitious, or fraudulent;

"(B) has no basis in fact or law; or

"(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

"(2) The term a 'false statement or representation' includes a personation or an omission.

"(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(4) The term 'immigration document'—

"(A) means—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

"(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(8) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

"(9) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(10) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"§ 1554. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

"§ 1555. Exception for refugees, asylees, and other vulnerable persons

"(a) IN GENERAL.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

"(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

"(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

"(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

"(b) SAVINGS PROVISION.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).".

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

"75. Passport, visa, and immigration fraud .... 1541".

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

"(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).".

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking ", or" at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code.".

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) of a violation of any provision of chapter 75 of title 18, United States Code,".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) In General.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) Instead of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

"(2) Before the conclusion of removal proceedings.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.";

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) Instead of removal.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) Before the conclusion of removal proceedings.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and(D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) Conditions on Voluntary Departure.—

"(1) Voluntary departure agreement.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) Concessions by the secretary.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) Advisals.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) Failure to comply with agreement.—

"(A) In general.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2),or (b).

"(B) Effect of filing timely appeal.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) Voluntary departure period not affected.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) Penalties for Failure to Depart.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) Civil penalty.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) Ineligibility for relief.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) Reopening.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) Eligibility.—

"(1) Prior grant of voluntary departure.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) Rulemaking.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) Rulemaking.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this

section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "ADMITTED UNDER NONIMMIGRANT VISAS" and inserting "IN A NONIMMIGRANT CLASSIFICATION";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) MINIMUM NUMBER OF AGENTS IN STATES.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) Authorization of Appropriations.—

(1) Processing criminal illegal aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) Compensation upon request.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 223. REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d) Address to Be Provided.—

"(1) In general.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) Specific requirements.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) Detention.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) Use of Most Recent Address Provided by the Alien.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) Obligation.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

"(1) CRIMINAL PENALTIES.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) EFFECT ON IMMIGRATION STATUS.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law," after "offense)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (vii), any";

(2) in subparagraph (A), by inserting after clause (vi) the following:

"(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(vii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) AUTHORITY FOR CONTRACTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport; or

"(ii) permanent resident card or other document designated by the Secretary, if the document—

"(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph:

"(II) is evidence of eligibility for employment in the United States; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

"(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

"(ii) any other documents evidencing eligibility of employment in the United States, if—

"(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

"(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

"(I) is not required by the Secretary to comply with such requirements; and

"(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

"(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

"(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

"(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

"(I) the Secretary determines is a reliable means of identification; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 7 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

"(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

"(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

"(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

"(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

"(2) MANAGEMENT OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

"(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

"(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

"(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

"(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

"(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

"(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

"(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

"(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

“(ii) to respond to each inquiry made by an employer; and

“(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

“(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

“(v) to allow for monitoring of the use of the System and provide an audit capability; and

“(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

“(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(ii) a determination of whether such social security account number was issued to the named individual;

“(iii) a determination of whether such social security account number is valid for employment in the United States; and

“(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

“(I) part of the critical infrastructure of the United States; or

“(II) directly related to the national security or homeland security of the United States.

“(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MID-SIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

“(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

“(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

“(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

“(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

“(7) SYSTEM REQUIREMENTS.—

“(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

“(i) obtain from the individual and record on the form designated by the Secretary—

“(I) the individual's social security account number; and

“(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

“(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

“(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(ii) NONCONFIRMATION AND VERIFICATION.—

“(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

“(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

“(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

“(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

"(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

"(D) CONSEQUENCES OF NONCONFIRMATION.—

"(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

"(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

"(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence of any employer being investigated; and

"(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

"(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

"(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

"(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

"(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

"(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(i) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law—

"(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

"(B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.

"(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(k) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) NO-MATCH NOTICE.—The term 'no-match notice' means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

"(3) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(4) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking “citizen” and inserting “national”.

TITLE IV—NONIMMIGRANT AND IMMIGRANT VISA REFORM

Subtitle A—Temporary Guest Workers

SEC. 401. IMMIGRATION IMPACT STUDY.

(a) EFFECTIVE DATE.—Any regulation that would increase the number of aliens who are eligible for legal status may not take effect before 90 days after the date on which the Director of the Bureau of the Census submits a report to Congress under subsection (c).

(b) STUDY.—The Director of the Bureau of the Census, jointly with the Secretary, the Secretary of Agriculture, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Labor, the Secretary of Transportation, the Secretary of the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency, shall undertake a study examining the impacts of the current and proposed annual grants of legal status, including immigrant and nonimmigrant status, along with the current level of illegal immigration, on the infrastructure of and quality of life in the United States.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Bureau of the Census shall submit to Congress a report on the findings of the study required by subsection (b), including the following information:

(1) An estimate of the total legal and illegal immigrant populations of the United States, as they relate to the total population.

(2) The projected impact of legal and illegal immigration on the size of the population of the United States over the next 50 years, which regions of the country are likely to experience the largest increases, which small towns and rural counties are likely to lose their character as a result of such growth, and how the proposed regulations would affect these projections.

(3) The impact of the current and projected foreign-born populations on the natural environment, including the consumption of nonrenewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, an estimate of the public expenditures required to maintain current standards in each of these areas, the degree to which current standards will deteriorate if such expenditures are not forthcoming, and the additional effects the proposed regulations would have.

(4) The impact of the current and projected foreign-born populations on employment and wage rates, particularly in industries such as agriculture and services in which the foreign born are concentrated, an estimate of the associated public costs, and the additional effects the proposed regulations would have.

(5) The impact of the current and projected foreign-born populations on the need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet this need, the impact on Americans' mobility if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(6) The impact of the current and projected foreign-born populations on enrollment, class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain current median standards, the degree to those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(7) The impact of the current and projected foreign-born populations on home ownership rates, housing prices, and the demand for low-income and subsidized housing, the public expenditures required to maintain current median standards in these areas, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(8) The impact of the current and projected foreign-born populations on access to quality health care and on the cost of health care and health insurance, an estimate of the public expenditures required to maintain current median standards, the degree to which those standards will deteriorate if such expenditures are not forthcoming, and the additional effect the proposed regulations would have.

(9) The impact of the current and projected foreign-born populations on the criminal justice system in the United States, an estimate of the associated public costs, and the additional effect the proposed regulations would have.

SEC. 402. NONIMMIGRANT TEMPORARY WORKER.

(a) TEMPORARY WORKER CATEGORY.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended to read as follows:

“(H) an alien—

“(i)(b) subject to section 212(j)(2)—

“(aa) who is coming temporarily to the United States to perform services (other than services described in clause (ii)(a) or subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) or as a fashion model;

“(bb) who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished merit and ability; and

“(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that the intending employer has filed an application with the Secretary in accordance with section 212(n)(1);

“(b1)(aa) who is entitled to enter the United States under the provisions of an agreement listed in section 214(g)(8)(A);

“(bb) who is engaged in a specialty occupation described in section 214(i)(3); and

“(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed an attestation with the Secretary of Labor in accordance with section 212(t)(1); or

“(c)(aa) who is coming temporarily to the United States to perform services as a registered nurse;

“(bb) who meets the qualifications described in section 212(m)(1); and

“(cc) with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or

“(ii)(a) who—

“(aa) has a residence in a foreign country which the alien has no intention of abandoning; and

“(bb) is coming temporarily to the United States to perform agricultural labor or services (as defined by the Secretary of Labor), including agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986), agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f))), and the pressing of apples for cider on a farm, of a temporary or seasonal nature;

“(b) who—

“(aa) has a residence in a foreign country which the alien has no intention of abandoning;

“(bb) is coming temporarily to the United States to perform nonagricultural work or services of a temporary or seasonal nature (if unemployed persons capable of performing such work or services cannot be found in the United States), excluding medical school graduates coming to the United States to perform services as members of the medical profession; or

“(c) who—

“(aa) has a residence in a foreign country which the alien has no intention of abandoning;

“(bb) is coming temporarily to the United States to perform temporary labor or services other than the labor or services described in clause (i)(b), (i)(c), (ii)(a), or (iii), or subparagraph (L), (O), (P), or (R) (if unemployed persons capable of performing such labor or services cannot be found in the United States); and

“(cc) meets the requirements of section 218A, including the filing of a petition under such section on behalf of the alien;

“(iii) who—

“(a) has a residence in a foreign country which the alien has no intention of abandoning; and

“(b) is coming temporarily to the United States as a trainee (other than to receive graduate medical education or training) in a training program that is not designed primarily to provide productive employment; or

“(iv) who—

“(a) is the spouse or a minor child of an alien described in clause (iii); and

“(b) is accompanying or following to join such alien.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date which is 1 year after the date of the enactment of this Act and shall apply to aliens, who, on such effective date, are outside of the United States.

SEC. 403. ADMISSION OF NONIMMIGRANT TEMPORARY GUEST WORKERS.

(a) Temporary Guest Workers.—

(1) In general.—Chapter 2 of title II (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"SEC. 218A. ADMISSION OF H-2C NONIMMIGRANTS.

"(a) Authorization.—The Secretary of State may grant a temporary visa to an H-2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

"(b) Requirements for Admission.—An alien shall be eligible for H-2C nonimmigrant status if the alien meets the following requirements:

"(1) Eligibility to work.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(ii)(c).

"(2) Evidence of employment.—The alien shall establish that the alien has received a job offer from an employer who has complied with the requirements of 218B.

"(3) Fee.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) Medical examination.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) Application content and waiver.—

"(A) Application form.—The alien shall submit to the Secretary a completed application, on a form designed by the Secretary of Homeland Security, including proof of evidence of the requirements under paragraphs (1) and (2).

"(B) Content.—In addition to any other information that the Secretary requires to determine an alien's eligibility for H-2C nonimmigrant status, the Secretary shall require an alien to provide information concerning the alien's—

"(i) physical and mental health;

"(ii) criminal history and gang membership;

"(iii) immigration history; and

"(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government.

"(C) Knowledge.—The alien shall include with the application submitted under this paragraph a signed certification in which the alien certifies that—

"(i) the alien has read and understands all of the questions and statements on the application form;

"(ii) the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct; and

"(iii) the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) Grounds of Inadmissibility.—

"(1) In general.—In determining an alien's admissibility as an H-2C nonimmigrant—

"(A) paragraphs (5), (6)(A), (7), (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date of the Comprehensive Immigration Reform Act of 2006;

"(B) the Secretary of Homeland Security may not waive the application of—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A), (C) or (D) of section 212(a)(10) (relating to polygamists and child abductors); and

"(C) for conduct that occurred before the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien—

"(i) for humanitarian purposes;

"(ii) to ensure family unity; or

"(iii) if such a waiver is otherwise in the public interest.

"(2) Renewal of authorized admission and subsequent admissions.—An alien seeking renewal of authorized admission or subsequent admission as an H-2C nonimmigrant shall establish that the alien is not inadmissible under section 212(a).

"(d) Background Checks.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking H-2C nonimmigrant status unless all appropriate background checks have been completed.

"(e) Ineligible to Change Nonimmigrant Classification.—An H-2C nonimmigrant may not change nonimmigrant classification under section 248.

"(f) Period of Authorized Admission.—

"(1) Authorized period and renewal.—The initial period of authorized admission as an H-2C nonimmigrant shall be 3 years, and the alien may seek 1 extension for an additional 3-year period.

"(2) International commuters.—An alien who resides outside the United States and commutes into the United States to work as an H-2C nonimmigrant, is not subject to the time limitations under paragraph (1).

"(3) Loss of employment.—

"(A) In general.—Subject to subsection (c), the period of authorized admission of an H-2C nonimmigrant shall terminate if the alien is unemployed for 60 or more consecutive days.

"(B) Return to foreign residence.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to leave the United States.

"(C) Period of visa validity.—Any alien, whose period of authorized admission terminates under subparagraph (A), who leaves the United States under subparagraph (B), may reenter the United States as an H-2C nonimmigrant to work for an employer, if the alien has complied with the requirements of subsections (b) and (f)(2). The Secretary may, in the Secretary's sole and unreviewable discretion, reauthorize such alien for admission as an H-2C nonimmigrant without requiring the alien's departure from the United States.

"(4) Visits outside United States.—

"(A) In general.—Under regulations established by the Secretary of Homeland Security, an H-2C nonimmigrant—

"(i) may travel outside of the United States; and

"(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(B) Effect on period of authorized admission.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

"(5) Bars to extension or admission.—An alien may not be granted H-2C nonimmigrant status, or an extension of such status, if—

"(A) the alien has violated any material term or condition of such status granted previously, including failure to comply with the change of address reporting requirements under section 265;

"(B) the alien is inadmissible as a nonimmigrant; or

"(C) the granting of such status or extension of such status would allow the alien to exceed 6 years as an H-2C nonimmigrant, unless the alien has resided and been physically present outside the United States for at least 1 year after the expiration of such H-2C nonimmigrant status.

"(g) Evidence of Nonimmigrant Status.—Each H-2C nonimmigrant shall be issued documentary evidence of nonimmigrant status, which—

"(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

"(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement;

"(3) shall, during the alien's authorized period of admission under subsection (f), serve as a valid entry document for the purpose of applying for admission to the United States—

"(A) instead of a passport and visa if the alien—

"(i) is a national of a foreign territory contiguous to the United States; and

"(ii) is applying for admission at a land border port of entry; and

"(B) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(4) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(5) shall be issued to the H-2C nonimmigrant by the Secretary of Homeland Security promptly after the final adjudication of such alien's application for H-2C nonimmigrant status.

"(h) Penalty for Failure to Depart.—If an H-2C nonimmigrant fails to depart the United States before the date which is 10 days after the date that the alien's authorized period of admission as an H-2C nonimmigrant terminates, the H-2C nonimmigrant may not apply for or receive any immigration relief or benefit under this Act or any other law, except for relief under sections 208 and 241(b)(3) and relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, for an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(i) Penalty for Illegal Entry or Overstay.—Any alien who enters, attempts to enter, or crosses the border after the date of the enactment of this section, and is physically present in the United States after such date in violation of this Act or of any other Federal law, may not receive, for a period of 10 years—

"(1) any relief under sections 240A and 240B; or

"(2) nonimmigrant status under section 101(a)(15).

"(j) Portability.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided H-2C nonimmigrant status, may accept a new offer of employment with a subsequent employer, if—

"(1) the employer complies with section 218B; and

"(2) the alien, after lawful admission to the United States, did not work without authorization.

"(k) CHANGE OF ADDRESS.—An H-2C nonimmigrant shall comply with the change of address reporting requirements under section 265 through either electronic or paper notification.

"(l) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(c).

"(m) ISSUANCE OF H-4 NONIMMIGRANT VISAS FOR SPOUSE AND CHILDREN.—

"(1) IN GENERAL.—The alien spouse and children of an H-2C nonimmigrant (referred to in this section as 'dependent aliens') who are accompanying or following to join the H-2C nonimmigrant may be issued nonimmigrant visas under section 101(a)(15)(H)(iv).

"(2) REQUIREMENTS FOR ADMISSION.—A dependent alien is eligible for nonimmigrant status under 101(a)(15)(H)(iv) if the dependant alien meets the following requirements:

"(A) ELIGIBILITY.—The dependent alien is admissible as a nonimmigrant and does not fall within a class of aliens ineligible for H-4A nonimmigrant status listed under subsection (c).

"(B) MEDICAL EXAMINATION.—Before a nonimmigrant visa is issued to a dependent alien under this subsection, the dependent alien may be required to submit to a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(C) BACKGROUND CHECKS.—Before a nonimmigrant visa is issued to a dependent alien under this section, the consular officer shall conduct such background checks as the Secretary of State, in consultation with the Secretary of Homeland Security, considers appropriate.

"(n) DEFINITIONS.—In this section and sections 218B, 218C, and 218D:

"(1) AGGRIEVED PERSON.—The term 'aggrieved person' means a person adversely affected by an alleged violation of this section, including—

"(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

"(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

"(2) AREA OF EMPLOYMENT.—The terms 'area of employment' and 'area of intended employment' mean the area within normal commuting distance of the worksite or physical location at which the work of the temporary worker is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.

"(4) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(5) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(6) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(ii)(c).

"(7) H-2C NONIMMIGRANT.—The term 'H-2C nonimmigrant' means a nonimmigrant described in section 101(a)(15)(H)(ii)(c).

"(8) SEPARATION FROM EMPLOYMENT.—The term 'separation from employment' means the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee's rights under a collective bargaining agreement or other employment contract.

"(9) UNITED STATES WORKER.—The term 'United States worker' means an employee who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) admitted as a refugee under section 207;

"(iii) granted asylum under section 208; or

"(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.".

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H-2C workers.".

(b) CREATION OF STATE IMPACT ASSISTANCE ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Aid Account'. Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the account all family supplemental visa and family supplemental extension of status fees collected under sections 218A and 218B.".

SEC. 404. EMPLOYER OBLIGATIONS.

(a) IN GENERAL.—Title II (8 U.S.C. 1201 et seq.) is amended by inserting after section 218A, as added by section 403, the following:

"SEC. 218B. EMPLOYER OBLIGATIONS.

"(a) GENERAL REQUIREMENTS.—Each employer who employs an H-2C nonimmigrant shall—

"(1) file a petition in accordance with subsection (b); and

"(2) pay the appropriate fee, as determined by the Secretary of Labor.

"(b) PETITION.—A petition to hire an H-2C nonimmigrant under this section shall include an attestation by the employer of the following:

"(1) PROTECTION OF UNITED STATES WORKERS.—The employment of an H-2C nonimmigrant—

"(A) will not adversely affect the wages and working conditions of workers in the United States similarly employed; and

"(B) did not and will not cause the separation from employment of a United States worker employed by the employer within the 180-day period beginning 90 days before the date on which the petition is filed.

"(2) WAGES.—

"(A) IN GENERAL.—The H-2C nonimmigrant will be paid not less than the greater of—

"(i) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; or

"(ii) the prevailing wage level for the occupational classification in the area of employment, taking into account experience and skill levels of employees.

"(B) CALCULATION.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

"(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance with this subparagraph. If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage shall be the wage rate set forth in the collective bargaining agreement. If the job opportunity is not covered by such an agreement, and it is in an occupation that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be the appropriate statutory wage.

"(3) WORKING CONDITIONS.—All workers in the occupation at the place of employment at which the H-2C nonimmigrant will be employed will be provided the working conditions and benefits that are normal to workers similarly employed in the area of intended employment.

"(4) LABOR DISPUTE.—There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the H-2C nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the petition, the employer will provide notification in accordance with regulations promulgated by the Secretary of Labor.

"(5) PROVISION OF INSURANCE.—If the position for which the H-2C nonimmigrant is sought is not covered by the State workers' compensation law, the employer will provide, at no cost to the H-2C nonimmigrant, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(6) NOTICE TO EMPLOYEES.—

"(A) IN GENERAL.—The employer has provided notice of the filing of the petition to the bargaining representative of the employer's employees in the occupational classification and area of employment for which the H-2C nonimmigrant is sought.

"(B) NO BARGAINING REPRESENTATIVE.—If there is no such bargaining representative, the employer has—

"(i) posted a notice of the filing of the petition in a conspicuous location at the place or places of employment for which the H-2C nonimmigrant is sought; or “(ii) electronically disseminated such a notice to the employer's employees in the occupational classification for which the H–2C nonimmigrant is sought.

“(7) Recruitment.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H–2C nonimmigrant is sought—

“(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition; and

“(B) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

“(i) the completion of recruitment during the period beginning on the date that is 90 days before the date on which the petition was filed with the Department of Homeland Security and ending on the date that is 14 days before such filing date; and

“(ii) the actual wage paid by the employer for the occupation in the areas of intended employment was used in conducting recruitment.

“(8) Ineligibility.—The employer is not currently ineligible from using the H–2C nonimmigrant program described in this section.

“(9) Bonafide offer of employment.—The job for which the H–2C nonimmigrant is sought is a bona fide job—

“(A) for which the employer needs labor or services;

“(B) which has been and is clearly open to any United States worker; and

“(C) for which the employer will be able to place the H–2C nonimmigrant on the payroll.

“(10) Public availability and records retention.—A copy of each petition filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

“(A) be provided to every H–2C nonimmigrant employed under the petition;

“(B) be made available for public examination at the employer's place of business or work site;

“(C) be made available to the Secretary of Labor during any audit; and

“(D) remain available for examination for 5 years after the date on which the petition is filed.

“(11) Notification upon separation from or transfer of employment.—The employer will notify the Secretary of Labor and the Secretary of Homeland Security of an H–2C nonimmigrant's separation from employment or transfer to another employer not more than 3 business days after the date of such separation or transfer, in accordance with regulations promulgated by the Secretary of Homeland Security.

“(12) Actual need for labor or services.—The petition was filed not more than 60 days before the date on which the employer needed labor or services for which the H–2C nonimmigrant is sought.

“(c) Audit of Attestations.—

“(1) Referrals by Secretary of Homeland Security.—The Secretary of Homeland Security shall refer all approved petitions for H–2C nonimmigrants to the Secretary of Labor for potential audit.

“(2) Audits authorized.—The Secretary of Labor may audit any approved petition referred pursuant to paragraph (1), in accordance with regulations promulgated by the Secretary of Labor.

“(d) Ineligible Employers.—

“(1) In general.—The Secretary of Homeland Security shall not approve an employer's petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program if the Secretary of Labor determines, after notice and an opportunity for a hearing, that the employer submitting such documents—

“(A) has, with respect to the attestations required under subsection (b)—

“(i) misrepresented a material fact;

“(ii) made a fraudulent statement; or

“(iii) failed to comply with the terms of such attestations; or

“(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor.

“(2) Length of ineligibility.—An employer described in paragraph (1) shall be ineligible to participate in the labor certification programs of the Secretary of Labor for not less than the time period determined by the Secretary, not to exceed 3 years.

“(3) Employers in high unemployment areas.—Beginning on the date that is 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security may not approve any employer's petition under subsection (b) if the work to be performed by the H–2C nonimmigrant is located in a metropolitan or micropolitan statistical area (as defined by the Office of Management and Budget) in which the unemployment rate for unskilled and low-skilled workers during the most recently completed 6-month period averaged more than 11.0 percent.

“(e) Regulation of Foreign Labor Contractors.—

“(1) Coverage.—Notwithstanding any other provision of law, an H–2C nonimmigrant may not be treated as an independent contractor.

“(2) Applicability of laws.—An H–2C nonimmigrant shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

“(3) Tax responsibilities.—With respect to each employed H–2C nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

“(f) Whistleblower Protection.—It shall be unlawful for an employer or a labor contractor of an H–2C nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

“(1) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act; or

“(2) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of this Act.

“(g) Labor Recruiters.—

“(1) In general.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is recruited for employment at the time of the worker's recruitment—

“(A) the place of employment;

“(B) the compensation for the employment;

“(C) a description of employment activities;

“(D) the period of employment;

“(E) any other employee benefit to be provided and any costs to be charged for each benefit;

“(F) any travel or transportation expenses to be assessed;

“(G) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

“(H) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

“(I) the extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including—

“(i) work related injuries and death during the period of employment;

“(ii) the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance;

“(iii) the name and the telephone number of each person who must be notified of an injury or death; and

“(iv) the time period within which such notice must be given;

“(J) any education or training to be provided or required, including—

“(i) the nature and cost of such training;

“(ii) the entity that will pay such costs; and

“(iii) whether the training is a condition of employment, continued employment, or future employment; and

“(K) a statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

“(2) False or misleading information.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

“(3) Languages.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

“(4) Fees.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

“(5) Terms.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

“(6) Travel costs.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

“(7) Other worker protections.—

“(A) Notification.—Not less frequently than once every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

“(B) Registration of foreign labor contractors.—

“(i) In general.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

“(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

“(I) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

“(II) an expeditious means to update registrations and renew certificates; and

“(III) any other requirements that the Secretary may prescribe.

“(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

“(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph if—

“(I) the application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate;

“(II) the applicant for, or holder of, the certification is not the real party in interest in the application or certificate of registration and the real party in interest—

“(aa) is a person who has been refused issuance or renewal of a certificate;

“(bb) has had a certificate suspended or revoked; or

“(cc) does not qualify for a certificate under this paragraph; or

“(III) the applicant for or holder of the certification has failed to comply with this Act.

“(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (h) and (i). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (h) and (i). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under subsections (h) and (i).

“(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor if the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

“(E) WRITTEN AGREEMENTS.—A foreign labor contractor may not violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

“(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

“(h) ENFORCEMENT.—

“(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

“(2) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

“(3) REASONABLE CAUSE.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

“(4) NOTICE AND HEARING.—

“(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

“(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

“(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

“(5) ATTORNEYS' FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

“(6) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

“(A) to seek remedial action, including injunctive relief;

“(B) to recover the damages described in subsection (i); or

“(C) to ensure compliance with terms and conditions described in subsection (g).

“(7) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

“(8) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

“(i) PENALTIES.—

“(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (b), (e), (f), or (g), the Secretary may impose administrative remedies and penalties, including—

“(A) back wages;

“(B) benefits; and

“(C) civil monetary penalties.

“(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

“(A) for a violation of subsection (e) or (f)—

“(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

“(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

“(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

“(B) for a violation of subsection (g)—

“(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

“(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

“(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

“(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

“(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (g) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined in an amount not more than $35,000, or both.”.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218A, as added by section 403, the following:

“Sec. 218B. Employer obligations.”.

SEC. 405. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218B, as added by section 404, the following:

“SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

“(a) ESTABLISHMENT.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commission of Social Security, shall develop and implement a program (referred to in this section as the ‘alien employment management system’) to manage and track the employment of aliens described in sections 218A and 218D.

“(b) REQUIREMENTS.—The alien employment management system shall—

“(1) provide employers who seek employees with an opportunity to recruit and advertise employment opportunities available to United States workers before hiring an H–2C nonimmigrant;

“(2) collect sufficient information from employers to enable the Secretary of Homeland Security to determine—

“(A) if the nonimmigrant is employed;

“(B) which employers have hired an H–2C nonimmigrant;

“(C) the number of H–2C nonimmigrants that an employer is authorized to hire and is currently employing;

“(D) the occupation, industry, and length of time that an H–2C nonimmigrant has been employed in the United States;

“(3) allow employers to request approval of multiple H–2C nonimmigrant workers; and

“(4) permit employers to submit applications under this section in an electronic form.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218B, as added by section 404, the following:

“Sec. 218C. Alien employment management system.”.

SEC. 406. RULEMAKING; EFFECTIVE DATE.

(a) RULEMAKING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to carry out the provisions of sections 218A, 218B, and 218C, as added by this Act.

(b) Effective Date.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act with regard to aliens, who, on such effective date, are in the foreign country where they maintain residence.

SEC. 407. RECRUITMENT OF UNITED STATES WORKERS.

(a) Electronic Job Registry.—The Secretary of Labor shall establish a publicly accessible Web page on the Internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States to United States workers.

(b) Recruitment of United States Workers.—

(1) Posting.—An employer shall attest that the employer has posted an employment opportunity in accordance with section 218B(b)(9) of the Immigration and Nationality Act, as added by this Act.

(2) Records.—An employer shall maintain records for not less than 1 year after the date on which an H-2C nonimmigrant is hired that describe the reasons for not hiring any of the United States workers who may have applied for such position.

(c) Oversight and Maintenance of Records.—The Secretary of Labor shall promulgate regulations regarding the maintenance of electronic job registry records for the purpose of audit or investigation.

(d) Access to Electronic Job Registry.—The Secretary of Labor shall ensure that job opportunities advertised on an electronic job registry established under this section are accessible—

(1) by the State workforce agencies, which may further disseminate job opportunity information to other interested parties; and

(2) through the Internet, for access by workers, employers, labor organizations, and other interested parties.

SEC. 408. TEMPORARY GUEST WORKER VISA PROGRAM TASK FORCE.

(a) Establishment.—There is established a task force to be known as the "Temporary Worker Task Force" (referred to in this section as the "Task Force").

(b) Purposes.—The purposes of the Task Force are—

(1) to study the impact of the admission of aliens under section 101(a)(15)(ii)(c) on the wages, working conditions, and employment of United States workers; and

(2) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(ii)(c).

(c) Membership.—

(1) In general.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(2) Deadline for appointment.—All members of the Task Force shall be appointed not later than 6 months after the date of the enactment of this Act.

(3) Vacancies.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) Quorum.—Six members of the Task Force shall constitute a quorum.

(d) Qualifications.—

(1) In general.—Members of the Task Force shall be—

(A) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(B) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(2) Political affiliation.—Not more than 5 members of the Task Force may be members of the same political party.

(3) Nongovernmental appointees.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(e) Meetings.—

(1) Initial meeting.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(2) Subsequent meetings.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(f) Report.—Not later than 18 months after the date of the enactment of this Act, the Task Force shall submit, to Congress, the Secretary of Labor, and the Secretary, a report that contains—

(1) findings with respect to the duties of the Task Force; and

(2) recommendations for imposing a numerical limit.

(g) Numerical Limitations.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(C) under section 101(a)(15)(H)(ii)(c) may not exceed—

"(i) 400,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year—

"(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

"(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

"(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.".

(h) Adjustment to Lawful Permanent Resident Status.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa—

"(A) by the alien's employer; or

"(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

"(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

"(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SEC. 409. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) In General.—The Secretary of State, in cooperation with the Secretary and the Attorney General, shall negotiate with each home country of aliens described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as added by section 402, to enter into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) Requirements of Bilateral Agreements.—Each agreement negotiated under subsection (a) shall require the participating home country to—

(1) accept the return of nationals who are ordered removed from the United States within 3 days of such removal;

(2) cooperate with the United States Government to—

(A) identify, track, and reduce gang membership, violence, and human trafficking and smuggling; and

(B) control illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to, or are present in, the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems; and

(4) educate nationals of the home country regarding United States temporary worker programs to ensure that such nationals are not exploited; and

(5) evaluate means to provide housing incentives in the alien's home country for returning workers.

SEC. 410. S VISAS.

(a) Expansion of S Visa Classification.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security";

(B) in subclause (I), by inserting before the semicolon, ', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials';

(C) in subclause (III), by inserting "where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials," before "whose"; and

(D) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

"and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) Numerical Limitation.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking "The number of aliens" and all that follows through the period and inserting the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.".

(c) Reports.—

(1) Content.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking "The Attorney General" and inserting "The Secretary of Homeland Security"; and

(ii) by striking "concerning—" and inserting "that includes—";

(B) in subparagraph (D), by striking "and";

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting at the end the following:

"(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

"(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

"(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

"(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.".

(2) Form of Report.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

"(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.".

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

"(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.".

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) Requirements for an Order Granting Prospective Relief Against the Government.—

(1) In General.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A)(i) 450,000, for each of the fiscal years 2007 through 2016; or

"(ii) 290,000, for fiscal year 2017 and each subsequent fiscal year;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the class specified in paragraph (4).

"(2) Spouses and unmarried sons and daughters of permanent resident aliens.—

"(A) In general.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

"(i) the spouses or children of an alien lawfully admitted for permanent residence; or

"(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(B) Minimum percentage.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

"(3) Married sons and daughters of citizens.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the classes specified in paragraphs (1) and (2).

"(4) Brothers and sisters of citizens.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.".

(b) Preference Allocation for Employment-Based Immigrants.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other workers.—

"(A) In general.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

"(B) Priority.—In allocating visas under subparagraph (A), priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004."; and

(8) by striking paragraph (6).

(c) Conforming Amendments.—

(1) Definition of special immigrant.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) Repeal of temporary reduction in workers' visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105-100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) In General.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

"(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(I) 2 years after such date; or

"(II) the date on which the spouse remarries.

"(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.".

(b) Petition.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)".

SEC. 505. SHORTAGE OCCUPATIONS.

(a) Exception to Direct Numerical Limitations.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

"(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

"(I) who is otherwise described in section 203(b); and

"(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

"(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.".

(b) Exception to Nondiscrimination Requirements.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)".

(c) Exception to Per Country Levels for Family-Sponsored and Employment-Based Immigrants.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting ", except for aliens described in section 201(b)," after "any fiscal year".

(d) Increasing the Domestic Supply of Nurses and Physical Therapists.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) Short Title.—This section may be cited as the "Widows and Orphans Act of 2006".

(b) New Special Immigrant Category.—

(1) Certain children and women at risk of harm.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(N) subject to subsection (j), an immigrant who is not present in the United States—

“(i) who is—

“(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

“(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

“(aa) for whom no parent or legal guardian is able to provide adequate care;

“(bb) who faces a credible fear of harm related to his or her age;

“(cc) who lacks adequate protection from such harm; and

“(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

“(ii) who is—

“(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

“(II) determined by such official to be a female who has—

“(aa) a credible fear of harm related to her sex; and

“(bb) a lack of adequate protection from such harm.”.

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

“(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

“(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

“(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

“(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

“(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

“(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

“(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).”.

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking “he has no intention of abandoning, who is” and inserting the following: “except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

“(I)”;

(B) by striking “consistent with section 214(l)” and inserting “(except for a graduate program described in clause (iv)) consistent with section 214(m)”;

(C) by striking the comma at the end and inserting the following: “; or

“(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;”;

(2) in clause (ii)—

(A) by inserting “or (iv)” after “clause (i)”; and

(B) by striking “, and” and inserting a semicolon;

(3) in clause (iii), by adding “and” at the end; and

(4) by adding at the end the following:

“(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant' visa is immediately available to the alien at the time the application is filed.

"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry

SEC. 601. ACCESS TO EARNED ADJUSTMENT AND MANDATORY DEPARTURE AND REENTRY.

(a) SHORT TITLE.—This section may be cited as the "Immigrant Accountability Act of 2006".

(b) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

"(a) ADJUSTMENT OF STATUS.—

"(1) PRINCIPAL ALIENS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien who satisfies the following requirements:

"(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

"(B) CONTINUOUS PHYSICAL PRESENCE.—

"(i) IN GENERAL.—The alien shall establish that the alien—

“(I) was physically present in the United States on or before the date that is 5 years before April 5, 2006;

“(II) was not legally present in the United States on April 5, 2006; and

“(III) did not depart from the United States during the 5-year period ending on April 5, 2006, except for brief, casual, and innocent departures.

“(ii) LEGALLY PRESENT.—For purposes of this subparagraph, an alien who has violated any conditions of his or her visa shall be considered not to be legally present in the United States.

“(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

“(D) EMPLOYMENT IN UNITED STATES.—

“(i) IN GENERAL.—The alien shall have been employed in the United States, in the aggregate, for—

“(I) at least 3 years during the 5-year period ending on April 5, 2006; and

“(II) at least 6 years after the date of enactment of the Immigrant Accountability Act of 2006.

“(ii) EXCEPTIONS.—

“(I) The employment requirement in clause (i)(I) shall not apply to an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006.

“(II) The employment requirement in clause (i)(II) shall be reduced for an individual who cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy.

“(III) The employment requirement in clause (i)(II) shall be reduced for an individual who is under 20 years of age on the date of enactment of the Immigrant Accountability Act of 2006 by a period of time equal to the time period beginning on such date of enactment and ending on the date on which the individual reaches 20 years of age.

“(IV) The employment requirements in clause (i) shall be reduced by 1 year for each year of full time post-secondary study in the United States during the relevant period.

“(iii) PORTABILITY.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

“(iv) EVIDENCE OF EMPLOYMENT.—

“(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

“(aa) Records maintained by the Social Security Administration.

“(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

“(cc) Records maintained by the Internal Revenue Service.

“(dd) Records maintained by a union or day labor center.

“(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

“(II) OTHER DOCUMENTS.—Aliens unable to submit documents described in subclause (I) shall submit at least 3 other types of reliable documents, including sworn declarations, for each period of employment to satisfy the requirement in clause (i).

“(III) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in clause (i) be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

“(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i). An alien may satisfy such burden of proof by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. Once the burden is met, the burden shall shift to the Secretary of Homeland Security to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

“(E) PAYMENT OF INCOME TAXES.—Not later than the date on which status is adjusted under this subsection, the alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

“(i) no such tax liability exists;

“(ii) all outstanding liabilities have been met; or

“(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

“(F) BASIC CITIZENSHIP SKILLS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

“(I) meets the requirements of section 312(a) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and Government of the United States); or

“(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

“(ii) EXCEPTIONS.—

“(I) MANDATORY.—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

“(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

“(G) SECURITY AND LAW ENFORCEMENT CLEARANCES.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

“(H) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

“(I) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification under this section until after the earlier of—

“(i) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

“(ii) 8 years after the date of enactment of this section.

“(2) SPOUSES AND CHILDREN.—

“(A) IN GENERAL.—

“(i) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

“(I) the spouse, or child who was under 21 years of age on the date of enactment of the Immigrant Accountability Act of 2006, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

“(II) an alien who, within 5 years preceding the date of enactment of the Immigrant Accountability Act of 2006, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

“(aa) the termination of the qualifying relationship was connected to domestic violence; or

“(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

“(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

“(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

“(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

“(3) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

“(b) GROUNDS OF INADMISSIBILITY.—

“(1) APPLICABLE PROVISIONS.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

"(A) Paragraph (1) (relating to health).

"(B) Paragraph (2) (relating to criminals).

"(C) Paragraph (3) (relating to security and related grounds).

"(D) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

"(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

"(3) WAIVER OF OTHER GROUNDS.—

"(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

"(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

"(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

"(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

"(6) APPLICABILITY OF OTHER PROVISIONS.—Section 241(a)(5) and section 240B(d) shall not apply with respect to an alien who is applying for adjustment of status under subsection (a).

"(c) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

"(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

"(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

"(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

"(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

"(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant document of authorization that—

"(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

"(B) reflects the benefits and status set forth in paragraph (1).

"(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

"(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

"(d) APPREHENSION BEFORE APPLICATION PERIOD.—The Secretary of Homeland Security shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a) and who can establish prima facie eligibility to have the alien's status adjusted under that subsection (but for the fact that the alien may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 180 days of the application period to complete the filing of an application for adjustment, the alien may not be removed from the United States unless the alien is removed on the basis that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

"(e) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

"(f) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person to—

"(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

"(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

"(g) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

"(h) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—

"(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

"(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

"(i) APPLICATION OF OTHER PROVISIONS.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

"(j) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) IN GENERAL.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

"(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(3) JUDICIAL REVIEW.—

"(A) DIRECT REVIEW.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

"(B) REVIEW AFTER REMOVAL PROCEEDINGS.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

"(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(4) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

"(k) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

"(l) EMPLOYER PROTECTIONS.—

"(1) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

"(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

"(3) APPLICABILITY OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

"(m) AUTHORIZATION OF FUNDS; FINES.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security such sums as are necessary to commence the processing of applications filed under this section.

"(2) FINE.—An alien who files an application under this section shall pay a fine commensurate with levels charged by the Department of Homeland Security for other applications for adjustment of status.

"(3) ADDITIONAL AMOUNTS OWED.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $2,000, but such amount shall not be required from an alien under the age of 18.

"(4) USE OF AMOUNTS COLLECTED.—The Secretary of Homeland Security shall deposit payments received under this subsection in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

"(A) 80 percent of such funds shall be available to the Department of Homeland Security for border security purposes;

"(B) 10 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

"(C) 10 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section.

"(n) MANDATORY DEPARTURE AND REENTRY.—Any alien who was physically present in the United States on January 7, 2004, who seeks to adjust status under this section, but does not satisfy the requirements of subparagraph (B) or (D) of subsection (a)(1), shall be eligible to depart the United States and to seek admission as a nonimmigrant or an immigrant alien described in section 245C.

"(o) ISSUANCE OF REGULATIONS.—Not later than 120 days after the date of enactment of the Immigrant Accountability Act of 2006, the Secretary of Homeland Security shall issue regulations to implement this section.".

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

"245B. Access to Earned Adjustment.".

(c) MANDATORY DEPARTURE AND REENTRY.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.), as amended by subsection (b)(1), is further amended by inserting after section 245B the following: "

"SEC. 245C. MANDATORY DEPARTURE AND REENTRY.

"(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

"(b) REQUIREMENTS.—An alien desiring an adjustment of status under subsection (a) shall meet the following requirements:

"(1) PRESENCE.—The alien shall establish that the alien—

"(A) was physically present in the United States on January 7, 2004;

"(B) has been continuously in the United States since such date, except for brief, casual, and innocent departures; and

"(C) was not legally present in the United States on that date under any classification set forth in section 101(a)(15).

"(2) EMPLOYMENT.—

"(A) IN GENERAL.—The alien shall establish that the alien—

"(i) was employed in the United States, whether full time, part time, seasonally, or self-employed, before January 7, 2004; and

"(ii) has been continuously employed in the United States since that date, except for brief periods of unemployment lasting not longer than 60 days.

"(B) EVIDENCE OF EMPLOYMENT.—

"(i) IN GENERAL.—An alien may conclusively establish employment status in compliance with subparagraph (A) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

"(I) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

"(II) an employer; or

"(III) a labor union, day labor center, or an organization that assists workers in matters related to employment.

"(ii) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclauses (I) through (III) of clause (i) may satisfy the requirement in subparagraph (A) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

"(I) bank records;

"(II) business records;

"(III) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

"(IV) remittance records.

"(iii) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(iv) BURDEN OF PROOF.—An alien who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

"(3) ADMISSIBILITY.—

"(A) IN GENERAL.—The alien shall establish that such alien—

"(i) is admissible to the United States, except as provided as in (B); and

"(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

"(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

“(4) Ineligible.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

“(A) has been ordered excluded, deported, removed, or to depart voluntarily from the United States; or

“(B) fails to comply with any request for information by the Secretary of Homeland Security.

“(5) Medical examination.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

“(6) Termination.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status if—

“(A) the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

“(B) the alien commits an act that makes the alien removable from the United States.

“(7) Application content and waiver.—

“(A) Application form.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

“(B) Content.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

“(C) Waiver.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum or restriction of removal pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a).

“(D) Knowledge.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(c) Implementation and Application Time Periods.—

“(1) In general.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

“(2) Initial receipt of applications.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date on which the application form is first made available.

“(3) Application.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date on which the application form is first made available. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

“(4) Completion of processing.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date on which the application form is first made available.

“(d) Security and Law Enforcement Background Checks.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

“(e) Acknowledgment.—

“(1) In general.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

“(A) an acknowledgment made in writing and under oath that the alien—

“(i) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

“(ii) understands the terms of the terms of Deferred Mandatory Departure;

“(B) any Social Security account number or card in the possession of the alien or relied upon by the alien;

“(C) any false or fraudulent documents in the alien's possession.

“(2) Use of information.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

“(f) Mandatory Departure.—

“(1) In general.—The Secretary of Homeland Security shall grant Deferred Mandatory Departure status to an alien who meets the requirements of this section for a period not to exceed 3 years.

“(2) Registration at time of departure.—An alien granted Deferred Mandatory Departure shall—

“(A) depart from the United States before the expiration of the period of Deferred Mandatory Departure status;

“(B) register with the Secretary of Homeland Security at the time of departure; and

“(C) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

“(3) Application for readmission.—

“(A) In general.—An alien under this section may apply for admission to the United States as an immigrant or nonimmigrant while in the United States or from any location outside of the United States, but may not be granted admission until the alien has departed from the United States in accordance with paragraph (2).

“(B) Approval.—The Secretary may approve an application under subparagraph (A) during the period in which the alien is present in the United States under Deferred Mandatory Departure status.

“(C) US–visit.—An alien in Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien may exit the United States and immediately reenter the United States at any land port of entry at which the US–VISIT exit and entry system can process such alien for admission into the United States.

“(D) Interview requirements.—Notwithstanding any other provision of law, any admission requirement involving in-person interviews at a consulate of the United States shall be waived for aliens granted Deferred Mandatory Departure status under this section.

“(E) Waiver of numerical limitations.—The numerical limitations under section 214 shall not apply to any alien who is admitted as a nonimmigrant under this paragraph.

“(4) Effect of readmission on spouse or child.—The spouse or child of an alien granted Deferred Mandatory Departure and subsequently granted an immigrant or nonimmigrant visa before departing the United States shall be—

“(A) deemed to have departed under this section upon the successful admission of the principal alien; and

“(B) eligible for the derivative benefits associated with the immigrant or nonimmigrant visa granted to the principal alien without regard to numerical caps related to such visas.

“(5) Waivers.—The Secretary of Homeland Security may waive the departure requirement under this subsection if the alien—

“(A) is granted an immigrant or nonimmigrant visa; and

“(B) can demonstrate that the departure of the alien would create a substantial hardship on the alien or an immediate family member of the alien.

“(6) Return in legal status.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

“(A) shall not be subject to section 212(a)(9)(B); and

“(B) if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

“(7) Failure to depart.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

“(8) Penalties for delayed departure.—An alien who fails to depart immediately shall be subject to—

“(A) no fine if the alien departs not later than 1 year after the grant of Deferred Mandatory Departure;

“(B) a fine of $2,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure; and

“(C) a fine of $3,000 if the alien does not depart within 3 years after the grant of Deferred Mandatory Departure.

“(g) Evidence of Deferred Mandatory Departure Status.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note). The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

"(h) TERMS OF STATUS.—

"(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

"(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) must establish at the time of application for admission that the alien is admissible under section 212.

"(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

"(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

"(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

"(1) IN GENERAL.—Before leaving the United States, an alien granted Deferred Mandatory Departure status may not apply to change status under section 248.

"(2) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification under this section until after the earlier of—

"(A) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

"(B) 8 years after the date of enactment of this section.

"(j) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(k) FAMILY MEMBERS.—

"(1) IN GENERAL.—Subject subsection (f)(4), the spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

"(2) APPLICATION FEE.—

"(A) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(l) EMPLOYMENT.—

"(1) IN GENERAL.—An alien who has applied for or has been granted Deferred Mandatory Departure status may be employed in the United States.

"(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status must be employed while in the United States. An alien who fails to be employed for 60 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security system, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum, restriction of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a), any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 208(a).

"(r) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.), as amended by this subsection (b)(2), is further amended by inserting after the item relating to section 245B the following:

"245C. Mandatory Departure and Reentry.".

(3) CONFORMING AMENDMENT.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 245C)" after "imposed".

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subsection.

(d) CORRECTION OF SOCIAL SECURITY RECORDS.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end,

(3) by inserting after subparagraph (C) the following:

"(D) whose status is adjusted to that of lawful permanent resident under section 245B of the Immigration and Nationality Act,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.".

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2006" or the "AgJOBS Act of 2006".

SEC. 612. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 613(a).

(3) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required under paragraph (1)(A) by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required under this paragraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this subtitle as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) Documentation of work history.—

(i) Burden of proof.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) Timely production of records.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) Sufficient evidence.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) Treatment of applications by qualified designated entities.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) Limitation on access to information.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) Confidentiality of information.—

(A) In general.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) Required disclosures.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) Construction.—

(i) In general.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) Criminal convictions.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) Crime.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) Penalties for false statements in applications.—

(A) Criminal penalty.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) Inadmissibility.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) Eligibility for legal services.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) Application fees.—

(A) Fee schedule.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) Prohibition on excess fees by qualified designated entities.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) Disposition of fees.—

(i) In general.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) Use of fees for application processing.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) Waiver of Numerical Limitations and Certain Grounds for Inadmissibility.—

(1) Numerical limitations do not apply.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) Waiver of certain grounds of inadmissibility.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) Grounds of exclusion not applicable.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) Waiver of other grounds.—

(i) In general.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) Grounds that may not be waived.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) Construction.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) Special rule for determination of public charge.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) Temporary Stay of Removal and Work Authorization for Certain Applicants.—

(1) Before application period.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) During application period.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

SEC. 614. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2006."; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

CHAPTER 2—REFORM OF H–2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) by striking section 218 and inserting the following:

"SEC. 218. H–2A EMPLOYER APPLICATIONS.

"(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218E to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218E through 218G.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H-2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application."; and

(2) by inserting after section 218D, as added by section 601 of this Act, the following:

"SEC. 218E. H–2A EMPLOYMENT REQUIREMENTS.

"(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

“(F) CHARGES FOR HOUSING.—

“(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

“(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

“(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

“(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

“(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

“(iii) AMOUNT OF ALLOWANCE.—

“(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(2) REIMBURSEMENT OF TRANSPORTATION.—

“(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

“(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

“(C) LIMITATION.—

“(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

“(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

“(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

“(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

“(3) REQUIRED WAGES.—

“(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

“(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2006 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

“(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

“(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker's total earnings for the pay period;

“(ii) the worker's hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker's wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(v) recommendations for future wage protection under this section.

"(H) COMMISSION ON WAGE STANDARDS.—

"(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

"(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

"(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

"(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

"(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(V) recommendations for future wage protection under this section.

"(iv) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

"(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(4) GUARANTEE OF EMPLOYMENT.—

"(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

"(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

"(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

"(5) MOTOR VEHICLE SAFETY.—

"(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

"(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(II) does not apply to—

"(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

"(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218F shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“SEC. 218F. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

“(a) Petitioning for Admission.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

“(b) Expedited Adjudication by the Secretary.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) Criteria for Admissibility.—

“(1) In general.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218E, and the alien is not ineligible under paragraph (2).

“(2) Disqualification.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) Waiver of ineligibility for unlawful presence.—

“(A) In general.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

“(B) Maintenance of waiver.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) Period of Admission.—

“(1) In general.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) Construction.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) Abandonment of Employment.—

“(1) In general.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) Report by employer.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

“(3) Removal by the Secretary.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) Voluntary termination.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) Replacement of Alien.—

“(1) In general.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) Construction.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) Identification Document.—

“(1) In general.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

“(2) Requirements.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(h) Extension of Stay of H–2A Aliens in the United States.—

“(1) Extension of stay.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

“(2) Limitation on filing a petition for extension of stay.—A petition may not be filed for an extension of an alien's stay—

“(A) for a period of more than 10 months; or

“(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

“(3) Work authorization upon filing a petition for extension of stay.—

“(A) In general.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

“(B) Definition.—For purposes of subparagraph (A), the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(C) Handling of petition.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(D) Approval of petition.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) Limitation on employment authorization of aliens without valid identification and employment eligibility document.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) Limitation on an individual's stay in status.—

“(A) Maximum period.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

“(B) Requirement to remain outside the United States.—

“(i) In general.—Subject to clause (ii), in the case of an alien outside the United

States whose period of authorized status as an H-2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H-2A worker (including any extensions).

“(ii) Exception.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H-2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H-2A worker.

“(i) Special Rules for Aliens Employed as Sheepherders, Goat Herders, or Dairy Workers.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

“(1) may be admitted for an initial period of 12 months;

“(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

“(j) Adjustment to Lawful Permanent Resident Status for Aliens Employed as Sheepherders, Goat Herders, or Dairy Workers.—

“(1) Eligible alien.—For purposes of this subsection, the term ‘eligible alien’ means an alien—

“(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

“(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(2) Classification petition.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(A) the alien's employer on behalf of an eligible alien; or

“(B) the eligible alien.

“(3) No labor certification required.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(4) Effect of petition.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(5) Extension of stay.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(6) Construction.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

“SEC. 218G. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

“(a) Enforcement Authority.—

“(1) Investigation of complaints.—

“(A) Aggrieved person or third-party complaints.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) Determination on complaint.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) Failures to meet conditions.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

“(D) Willful failures and willful misrepresentations.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

“(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

“(iii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 2 years.

“(E) Displacement of United States workers.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 3 years.

“(F) Limitations on civil money penalties.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

“(G) Failures to pay wages or required benefits.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218E(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H-2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218E(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(2) Statutory construction.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218E.

“(b) Rights Enforceable by Private Right of Action.—H-2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

“(1) The providing of housing or a housing allowance as required under section 218E(b)(1).

“(2) The reimbursement of transportation as required under section 218E(b)(2).

“(3) The payment of wages required under section 218E(b)(3) when due.

“(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218E(c), compliance with which shall be governed by the provisions of such laws.

“(5) The guarantee of employment required under section 218E(b)(4).

“(6) The motor vehicle safety requirements under section 218E(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) Private Right of Action.—

"(1) Mediation.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) Mediation services.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-day limit.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) Authorization.—

"(i) In general.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) Mediation.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) Maintenance of civil action in district court by aggrieved person.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) Election.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) Preemption of state contract rights.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) Waiver of rights prohibited.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) Award of damages or other equitable relief.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) Workers' compensation benefits; exclusive remedy.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) Tolling of statute of limitations.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) Preclusive effect.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) Settlements.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) Discrimination Prohibited.—

"(1) In general.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218E or any rule or regulation pertaining to section 218 or 218E, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218E or any rule or regulation pertaining to either of such sections.

"(2) Discrimination against H–2A workers.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) Authorization to Seek Other Appropriate Employment.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) Role of Associations.—

"(1) Violation by a member of an association.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218E, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) Violations by an association acting as an employer.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"SEC. 218H. DEFINITIONS.

"For purposes of this section, section 218, and sections 218E through 218G:

"(1) Agricultural employment.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H-2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H-2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218E(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.) is amended—

(1) by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications."; and

(2) by inserting after the item relating to section 218D, as added by section 601 of this Act, the following:

"Sec. 218E. H–2A employment requirements.
"Sec. 218F. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218G. Worker protections and labor standards enforcement.
"Sec. 218H. Definitions.".

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection process for such fees from employers participating in the program provided under this subtitle. Such fees shall be the only fees chargeable to employers for services provided under this subtitle.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218F of the Immigration and Nationality Act, as added by section 615 of this Act, and the provisions of this subtitle.

SEC. 617. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this subtitle and the amendments made by this subtitle.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this subtitle and the amendments made by this subtitle.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218E, 218F, and 218G of the Immigration and Nationality Act, as added by section 615 of this Act, shall take effect on the effective date of section 615 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 618. REPORT TO CONGRESS.

Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218F(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218F(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a);

(5) the number of such aliens whose status was adjusted under section 613(a);

(6) the number of aliens who applied for permanent residence pursuant to section 613(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 613(c).

SEC. 619. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 615 and 616 shall take effect 1 year after the date of the enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the measures being taken and the progress made in implementing this subtitle.

Subtitle C—DREAM Act

SEC. 621. SHORT TITLE.

This subtitle may be cited as the "Development, Relief, and Education for Alien Minors Act of 2006" or the "DREAM Act of 2006".

SEC. 622. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that

term in section 101(a) of title 10, United States Code.

SEC. 623. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In General.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) Effective Date.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 624. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.—

(1) In general.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 625, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(E), (6)(F), or (6)(G) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the violation was committed; and

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (3)(B), (3)(C), (3)(D), (4), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (C) or (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) Waiver.—The Secretary may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) Procedures.—The Secretary shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) Termination of Continuous Period.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) Treatment of Certain Breaks in Presence.—

(1) In general.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) Extensions for exceptional circumstances.—The Secretary may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) Exemption From Numerical Limitations.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) Regulations.—

(1) Proposed regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) Interim, final regulations.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

(f) Removal of Alien.—The Secretary may not remove any alien who has a pending application for conditional status under this subtitle.

SEC. 625. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General.—

(1) Conditional basis for status.—Notwithstanding any other provision of law, and except as provided in section 626, an alien whose status has been adjusted under section 624 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) Notice of requirements.—

(A) At time of obtaining permanent residence.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) Effect of failure to provide notice.—The failure of the Secretary to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this subtitle with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) Termination of Status.—

(1) In general.—The Secretary shall terminate the conditional permanent resident status of any alien who obtained such status under this subtitle, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 624(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) Return to previous immigration status.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this subtitle.

(c) Requirements of Timely Petition for Removal of Condition.—

(1) In general.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) Adjudication of petition to remove condition.—

(A) In general.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) Removal of conditional basis if favorable determination.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) Termination if adverse determination.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) Time to file petition.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary in accordance with this subtitle. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) Details of Petition.—

(1) Contents of petition.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 624(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 626. RETROACTIVE BENEFITS.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 624(a)(1) and section 625(d)(1)(D), the Secretary may adjust the status of the alien to that of a conditional resident in accordance with section 624. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 625(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 625(d)(1) during the entire period of conditional residence.

SEC. 627. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary shall have exclusive jurisdiction to determine eligibility for relief under this subtitle, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this subtitle, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this subtitle.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 624(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 628. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this subtitle and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 629. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this subtitle to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this subtitle can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this subtitle with a designated entity, that designated entity, to examine applications filed under this subtitle.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 630. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that applications under this subtitle will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 631. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this subtitle shall be eligible only for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 632. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 624(a);

(2) the number of aliens who applied for adjustment of status under section 624(a);

(3) the number of aliens who were granted adjustment of status under section 624(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 625.

Subtitle D—Grant Programs to Assist Nonimmigrant Workers

SEC. 641. GRANTS TO SUPPORT PUBLIC EDUCATION AND COMMUNITY TRAINING.

(a) GRANTS AUTHORIZED.—The Assistant Attorney General, Office of Justice Programs, may award grants to qualified nonprofit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding the provisions of this Act and the amendments made by this Act.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded under this section shall be used—

(A) for public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by the grantee in providing services related to this Act; and

(B) to educate, train, and support nonprofit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act and on matters related to its implementation.

(2) EDUCATION.—In addition to the purposes described in paragraph (1), grants awarded under this section shall be used to—

(A) educate immigrant communities and other interested entities regarding—

(i) the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary; and

(ii) the dangers of securing legal advice and assistance from those who are not authorized to provide legal representation in immigration matters;

(B) educate interested entities regarding the requirements for obtaining nonprofit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary;

(C) provide nonprofit agencies with training and technical assistance on the recognition and accreditation process; and

(D) educate nonprofit community organizations, immigrant communities, and other interested entities regarding—

(i) the process for obtaining benefits under this Act or under an amendment made by this Act; and

(ii) the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act or under an amendment made by this Act.

(c) DIVERSITY.—The Assistant Attorney General shall ensure, to the extent possible, that the nonprofit community organizations receiving grants under this section serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Justice Programs of the Department of Justice such sums as may be necessary for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 642. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship and Immigration Foundation (referred to in this subtitle as the "Foundation").

(b) PURPOSE.—The Foundation shall be incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship of the Bureau of Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship.

SEC. 643. CIVICS INTEGRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance to nonprofit organizations, including faith-based organizations, to support—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; and

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the Foundation for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 644. STRENGTHENING AMERICAN CITIZENSHIP.

(a) SHORT TITLE.—This section may be cited as the "Strengthening American Citizenship Act of 2006".

(b) DEFINITION.—In this section, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in section 337(e) of the Immigration and Nationality Act, as added by subsection (h)(1)(B).

(c) ENGLISH FLUENCY.—

(1) EDUCATION GRANTS.—

(A) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this paragraph as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist legal residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(B) USE OF FUNDS.—Grant funds awarded under this paragraph shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the legal resident is enrolled.

(C) APPLICATION.—A legal resident desiring a grant under this paragraph shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(D) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(E) NOTICE.—The Secretary, upon relevant registration of a legal resident with the Department, shall notify such legal resident of the availability of grants under this paragraph for legal residents who declare an intent to apply for United States citizenship.

(F) DEFINITION.—For purposes of this subsection, the term "legal resident" means a lawful permanent resident or a lawfully admitted alien who, in order to adjust status to that of a lawful permanent resident must demonstrate a knowledge of the English language or satisfactory pursuit of a course of study to acquire such knowledge of the English language.

(2) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to—

(A) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(B) influence the naturalization test redesign process of the Office of Citizenship (except for the requirement under subsection (h)(2)).

(d) AMERICAN CITIZENSHIP GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(A) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(B) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(i) to promote an understanding of the form of government and history of the United States; and

(ii) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(2) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, if the foundation is established under subsection (e), for grants under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) FUNDING FOR THE OFFICE OF CITIZENSHIP.—

(1) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this subsection as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship.

(2) DEDICATED FUNDING.—

(A) IN GENERAL.—Not less than 1.5 percent of the funds made available to the Bureau of Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(i) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(ii) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(B) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

(3) GIFTS.—

(A) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(B) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the functions described in paragraph (2)(A).

(f) RESTRICTION ON USE OF FUNDS.—No funds appropriated to carry out a program under this subsection (d) or (e) may be used to organize individuals for the purpose of political activism or advocacy.

(g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Chief of the Office of Citizenship shall submit an annual report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on the Judiciary of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this section and the amount of funding received by each such entity;

(B) an evaluation of the extent to which grants received under this section successfully promoted an understanding of—

(i) the English language; and

(ii) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(C) information about the number of legal residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this section.

(h) Oath or Affirmation of Renunciation and Allegiance.—

(1) Revision of oath.—Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(B) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(2) History and government test.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(3) Notice to foreign embassies.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(A) renounced allegiance to that foreign country; and

(B) sworn allegiance to the United States.

(4) Effective date.—The amendments made by paragraph (1) shall take effect on the date that is 6 months after the date of enactment of this Act.

(i) Establishment of New Citizens Award Program.—

(1) Establishment.—There is established a new citizens award program to recognize citizens who—

(A) have made an outstanding contribution to the United States; and

(B) were naturalized during the 10-year period ending on the date of such recognition.

(2) Presentation authorized.—

(A) In general.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in paragraph (1).

(B) Maximum number of awards.—Not more than 10 citizens may receive a medal under this subsection in any calendar year.

(3) Design and striking.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(4) National medals.—The medals struck pursuant to this subsection are national medals for purposes of chapter 51 of title 31, United States Code.

(j) Naturalization Ceremonies.—

(1) In general.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(2) Venues.—In developing the strategy under this subsection, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(3) Reporting requirement.—The Secretary shall submit an annual report to Congress that includes—

(A) the content of the strategy developed under this subsection; and

(B) the progress made towards the implementation of such strategy.

SA 3425. Mr. FRIST proposed an amendment to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the end of the instructions, add the following amendment:

This section shall become effective one (1) day after the date of enactment.

SA 3426. Mr. FRIST proposed an amendment to amendment SA 3425 proposed by Mr. Frist to the amendment SA 3424, proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

Strike "one (1) day" and insert "two days".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Wednesday, April 5, 2006, at 9:30 a.m. to consider the following nominations pending before the Committee: Richard Capka to be Administrator, Federal Highway Administration; James Gulliford to be an Assistant Administrator, EPA; and William Wehrum to be an Assistant Administrator, EPA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, April 5, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Mr. W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 9:30 a.m. to hold a hearing on U.S.-India Atomic Energy Cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, April 5, 2006, at 10 a.m. for a hearing titled, "The Future of Port Security: The GreenLane Maritime Cargo Security Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SESSIONS. Mr President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 5, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on The Problem of Methamphetamine in Indian Country.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Wednesday, April 5, 2006 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on April 5, 2006, at 9:30 a.m., to receive testimony on the Department of Defense's role in combating terrorism, in review of the defense authorization request for fiscal year 2007 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Wednesday, April 5, 2006, at 2:30 p.m. to hold a hearing on Islamist Extremism in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, April 5, 2006, at 2:30 p.m. for a hearing regarding "Federal Funding of Museums."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GLOBAL CLIMATE CHANGE AND IMPACTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Global Climate Change and Impacts be authorized to meet on Wednesday, April 5, 2006, at 2:30 p.m., on The Current and Future Role of Science in the Asia Pacific Partnership.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, April 5 at 2:30 p.m. The purpose of the hearings is to review the 2005 Wildfire Season and the Federal Management Agencies' preparations for the 2006 Wildfire Season.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2006 at 3 p.m., in open session to receive testimony on improving contractor incentives in review of the Defense Authorization Request for Fiscal Year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE UNIVERSITY OF MARYLAND WOMEN'S BASKETBALL TEAM

Ms. MIKULSKI. Mr. President, on behalf of Senator SARBANES and myself, I call up a resolution which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 425) to commend the University of Maryland women's basketball team for winning the 2006 National Collegiate Athletic Association Division I National Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, I offer this resolution on behalf of Senator SARBANES and myself.

Yes, the women's basketball team of the University of Maryland did win the women's basketball championship. I am here today to offer this resolution and to state I am so proud of the young women of this championship basketball team.

Led by Coach B, Brenda Frese, the Terps finished the season with a record of 34 wins and 4 losses, a fine record for any basketball team. It was especially sweet because those Terps defied all expert predictions.

Last night was a game for the history books. It went into overtime and, at the same time, was in overdrive.

I have to say a word about our worthy opponent, the Blue Devils. They were champions, too. What we saw on the court was fierce play, brilliant strategy, and the American value of sportsmanship.

But there is only one winner of each game, and although Duke played very well, our Maryland Lady Terps were, indeed, a story champion. The University of Maryland has a fine basketball tradition. The national championship team exemplifies all that is good about it. They are student athletes. They study 2 hours a day to make sure they are going to graduate and have fulfilled the American dream while they are out there playing the hoop dream.

Last night proved to the country their maturity, their grace under pressure, their skill, and their indomitable spirit.

The most outstanding player of the tournament, Laura Harper, held the Terps together, scoring in that first half when Duke was playing great defense. But in the second half, after Coach B's terrific motivational speech, they were out there and the colors shone through. Behind by 13 points with only 15 minutes left, they would not give up to pressure. Coach B called her team to the bench for a breather, and they returned to the court as if there were no deficit to overcome. The energy and the poise of the tri-captains—Shay Doron, scooting down that court, dashing through the defense of the Blue Devils, zinging in for her points and, at the same time, making most of her free throws; Crystal Langhorne, though boxed in, did a dramatic steal and surged ahead; and there was Charmaine Carr, backing up the team.

This pushed the team over the hump. As the clock wound down, the Terps had closed the gap and finally we were into overtime. Then a freshman guard, Kristi Toliver, came down the floor. They had her boxed in, yet from a dramatic distance she made a magical three-pointer with only 6 seconds left. And as the Terps fans know, it was fear the turtle. It showed that overtime is our time.

Freshman Marissa Coleman played superb basketball. We all know the outcome.

When the final buzzer sounded, the University of Maryland Terrapins were crowned the national champion.

I congratulate the players and the coach for the excitement of such a wonderful game and a wonderful season, and I congratulate them on their sportsmanship.

ELIZABETH DOLE and I had a bet on the outcome. By the way, you should know that in order to be in the final four you have to have a woman Senator here. There was LSU, Senator LANDRIEU; Senator DOLE had to have two teams, and there she was; and, of course, Senator BARB MIKULSKI with her Terrapins. Senator DOLE and I had a friendly bet, my crab cakes against her barbecue. We shared some barbecue together and some of their sweet tea, which is as nice as our friendship.

That is what sportsmanship is. Hats off to the Terps, and hats off to title IX that made it all possible.

I will not yield that championship next year.

Mr. SARBANES. Mr. President, it is with a profound sense of Maryland pride and pleasure that I rise in joining my Maryland colleague, Senator BARBARA MIKULSKI, in introducing a resolution congratulating the University of Maryland Terrapins for winning the 2006 NCAA Women's National Basketball Championship. Joining us in this effort is the Maryland House delegation, spearheaded by University of

Maryland alum, Congressman STENY HOYER.

As our resolution highlights, this has been a terrific run for the women's basketball team. The team notched 33 wins, the most for any Division I men's or women's basketball team this season. Maryland was also the only team in the Nation to score more than 3,000 points. With this championship, the team became only the fourth school to secure championships in both men's and women's basketball, joining Stanford University, the University of Connecticut and the University of North Carolina.

Maryland, after its stellar regular season, was surprisingly selected as a No. 2 seed. The young team, which started two freshmen, two sophomores and one junior, seemed to thrive on the NCAA selection committee's underestimation. They played in, and won, six overtime games this season, including the positively thrilling come-from-behind-victory in the championship game. Down by thirteen points with fifteen minutes left in regulation, the Terps kept chipping away at the lead, capping it off with a terrific three point shot by freshman guard, Kristi Toliver, to tie the game at 70 with 6.1 seconds left in regulation.

In overtime the Lady Terps showed why they consider the extra period to be "their time." Smothering defense and poise in shooting free throws secured the brilliant win down the final stretch.

The championship team consisted of senior guard/forward Charmaine Carr, freshman guard/forward Marissa Coleman, junior guard Shay Doron, junior guard Kalika France, sophomore forward/center Laura Harper, sophomore center/forward Crystal Langhorne, sophomore guard Christie Marrone, sophomore guard Ashleigh Newman, junior center Aurelie Noirez, sophomore forward/center Jade Perry, senior forward/center Angel Ross, freshman guard Kristi Toliver, and sophomore guard Sa'de Wiley-Gatewood. Their victory could not have been secured without the talented coaches and staff led by head coach Brenda Frese, assisted by coaches Jeff Walz, Erica Floyd, and Joanna Bernabei. Finally, I'd like to acknowledge the director of basketball operations, Mark Pearson and athletic director Debbie Yow.

On behalf of the State of Maryland, the Maryland congressional delegation and the University of Maryland, I ask my colleagues to join me in acknowledging the outstanding efforts of this amazing group of basketball players, coaches and staff.

Cheer the turtle!

Ms. MIKULSKI. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 425) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 425

Whereas the University of Maryland women's basketball team has worked vigorously, dynamically, and very enthusiastically to reach a championship level of play;

Whereas the students, alumni, faculty, and fans of the Terrapins should be congratulated for their commitment to the University of Maryland Terrapins national champion women's basketball team;

Whereas the student athletes, led by Crystal Langhorne and her teammates, Kristi Toliver, Freshman of the Year Marissa Coleman, Shay Doron, Laura Harper, Kalika France, Christie Marrone, Ashleigh Newman, Aurelie Noirez, Jade Perry, Angel Ross, Charmaine Carr, and Sa'de Wiley-Gatewood participated in this national championship season;

Whereas Head Coach Brenda Frese has recruited and taught the top talent in the United States to be student athletes at the University of Maryland and has been assisted by coaches Jeff Walz, Erica Floyd, Joanna Bernabei, and Director of Basketball Operations Mark Pearson, to imbue in these young women the values of teamwork, perseverance, and competitiveness;

Whereas the University of Maryland women's basketball team, also known as the "Terps", was able to defeat their 2 greatest foes en route to a first national championship in women's basketball;

Whereas the championship game was won in overtime after overcoming a deficit of 13 points with only 15 minutes remaining in regulation play; and

Whereas the grit, heart, and maturity of the 2006 University of Maryland Terrapins women's basketball team will be the standard-bearer for years to come in the game of Women's College Basketball: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Maryland Terrapins women's college basketball team for winning the 2006 National Collegiate Athletic Association Division I National Championship;

(2) recognizes the breathtaking achievements of Head Coach Brenda Frese, her assistant coaches, and all of the outstanding players; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Brenda Frese, Head Coach of the national champions University of Maryland Terrapins and to the University of Maryland College Park President, Dr. Dan Mote for appropriate display.

UNANIMOUS CONSENT AGREEMENT—S. RES. 427 THRU S. RES. 433

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of S. Res. 427 through 433, which were submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 50TH ANNIVERSARY OF THE INTERSTATE SYSTEM

Mr. INHOFE. Mr. President, as Chairman and on behalf of my colleagues on the Environment and Public Works Committee, I urge support of this resolution to commemorate the 50th Anniversary of the Interstate System. The Committee as a whole would like to mark the momentous achievements made over the last 50 years that have provided for revolutionary advances in our nation's vital infrastructure. It is essential that Congress, just as it did in 1956, recognize the importance of continued investment in our nation's highways and the undeniable link between a robust economy and a vibrant national infrastructure.

Because of my work on SAFETEA-LU (Public Law 109-59) I have a better appreciation of just how visionary the authors of the Federal-Aid Highway Act of 1956 were when they laid out a network of interstate highways and devised a stable and reliable funding stream to pay for it. I am certain that at the time there were those who felt the plan was too ambitious, too expensive and consequently not a good use of scarce Federal dollars. I am sure all would agree that not only was it a good use of scarce Federal dollars, but that the nation has enjoyed a many-fold return on the expenditure.

Laying out the full interstate system—rather than a piecemeal of road segments—along with providing a dedicated funding source expedited construction and provided certainty. This certainty maximized the economic and mobility benefits of the system. Businesses and individuals knew that they could locate somewhere on the future interstate system and be connected to rest of the country.

The second essential element of the success of the highway program over the last 50 years has been the dependable funding stream for the interstate. In the absence of this dedicated funding source, it is my firm belief that investment in our nation's highways and bridges would be far less than has been the case. Without the relative certainty of funding and knowledge of the interstate's general location, the impacts on productivity and economic growth would have been dramatically less than we experienced.

The connectivity and mobility provided for both freight and people by our interstate system is unrivaled: and I believe was more than just a small part of the economic success enjoyed by the U.S. over the past 50 years. It is essential that we continue to make the necessary investment to fight congestion and maintain the mobility necessary to keep the economy growing.

I have always said that the federal government has two main functions: national defense and to provide infrastructure. Since one of the earliest justifications for the interstate system was to provide for national defense, the highway program is actually a perfect merger of the 2 most important functions of government.

For the last 50 years the gas tax has been deposited into the trust fund and used to construct and maintain our roads. In the past, the gas tax has been a reasonably good proxy for road use: and the trust fund has in recent history had sufficient receipts to fund the highway program. This is changing with the increase in fuel efficiency, highlighted by fuel-cell vehicles coming just over the horizon, and improved technology allows for improvements in how to collect the user fee. It is important to look forward to how we fund the highway program in the future because when the next highway bill is drafted, there will be no cushion of a cash balance left in the trust fund.

The current challenges facing the highway trust fund—and hence the highway program—will be very difficult to resolve and not unlike the challenges faced by the authors of the 1956 act. It will be up to policymakers to be as visionary as they were 50 years ago. A new vision is needed in what the highway program will stand for in the next 50 years and how to pay for it.

The resolution (S. Res. 427) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 427

Whereas, on June 29, 1956, President Dwight D. Eisenhower signed into law—

(1) the Federal-Aid Highway Act of 1956 (Public Law 84-627; 70 Stat. 374) to establish the 41,000-mile National System of Interstate and Defense Highways, later designated as the "Dwight D. Eisenhower National System of Interstate and Defense Highways"; and

(2) the Highway Revenue Act of 1956 (Public Law 84-627; 70 Stat. 387) to create the Highway Trust Fund;

Whereas, in 1990, the National System of Interstate and Defense Highways was renamed the Dwight D. Eisenhower System of Interstate and Defense Highways to recognize the role of President Eisenhower in the creation of the Interstate Highway System;

Whereas that web of superhighways, now spanning a total of 46,876 miles throughout the United States, has had a powerful and positive impact on the lives of United States citizens;

Whereas the Interstate System has proven to be a vital tool for transporting people and goods from 1 region to another speedily and safely;

Whereas the use of the Interstate System has helped the Nation facilitate domestic and global trade, and has allowed the Nation to create unprecedented economic expansion and opportunities for millions of United States citizens;

Whereas the Interstate System has enabled diverse communities throughout the United States to come closer together, and has allowed United States citizens to remain connected to each other as well as to the larger world;

Whereas the Interstate System has made it easier and more enjoyable for United States citizens to travel to long-distance destinations and spend time with family members and friends who live far away;

Whereas the Interstate System is a pivotal link in the national chain of defense and emergency preparedness efforts;

Whereas the Interstate System remains 1 of the paramount assets of the United States, as well as a symbol of human ingenuity and freedom;

Whereas the anniversary of the Interstate System provides United States citizens with an occasion to honor 1 of the largest public works achievements of all time, and reflect on how the Nation can maintain the effectiveness of the System in the years ahead: Now, therefore, be it

Resolved that the Senate

(1) proclaims 2006 as the Golden Anniversary Year of the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(2) recognizes and celebrates the achievements of the Federal Highway Administration, State departments of transportation, and the highway construction industry of the United States, including contractors, designers, engineers, labor, materials producers, and equipment companies, for their contributions to the quality of life of the citizens of the United States; and

(3) encourages citizens, communities, governmental agencies, and other organizations to promote and participate in celebratory and educational activities that mark this uniquely important and historic milestone.

CONGRATULATING THE UNIVERSITY OF WISCONSIN MEN'S CROSS COUNTRY TEAM

The resolution (S. Res. 428) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 428

Whereas, on November 21, 2005, after finishing second for 3 consecutive years, the University of Wisconsin men's cross country team (referred to in this preamble as the "Badgers cross country team") won the National Collegiate Athletic Association Division I Cross Country Championship in Terre Haute, Indiana, by placing first ahead of—

(1) the University of Arkansas; and

(2) Notre Dame University;

Whereas the Badgers cross country team secured its victory through the strong performances of its members, including—

(1) Simon Bairu, who won his second consecutive individual national championship with a time of 29:15.9;

(2) Chris Solinksy, who finished third in the championship race with a time of 29:27.8;

(3) Matt Withrow, who finished ninth in the race with a time of 29:50.7;

(4) Antony Ford, who finished 14th with a time of 29:55.2;

(5) Stuart Eagon, who finished 17th with a time of 30:05.3;

(6) Tim Nelson, who finished 18th with a time of 30:06.4; and

(7) Christian Wagner, who finished 58th with a time of 30:35.7;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the Badgers cross country team, including—

(1) Simon Bairu;
(2) Brandon Bethke;
(3) Bryan Culver;
(4) Stuart Eagon;
(5) Antony Ford;
(6) Ryan Gasper;
(7) Ben Gregory;
(8) Bobby Lockhart;
(9) Tim Nelson;
(10) Teddy O'Reilly;
(11) Tim Pierie;
(12) Joe Pierre;
(13) Ben Porter;
(14) Codie See;
(15) Chris Solinsky;
(16) Christian Wagner; and
(17) Matt Withrop;

Whereas, on October, 30, 2005, the Badgers cross country team won its seventh straight Big Ten championship with a record-setting score and margin of victory by sweeping the top four positions and eight of the top ten positions;

Whereas numerous members of the Badgers cross country team were recognized for their performance in the Big Ten Conference, including—

(1) Simon Bairu, who was named the Big Ten Men's Cross Country Athlete of the Year and won the Big Ten Conference individual title;

(2) Matt Withrop, who was named the Big Ten Men's Cross Country Freshman of the Year after finishing third in the conference meet; and

(3) Head Coach Jerry Schumacher, who was named the Big Ten Men's Cross Country Coach of the Year for the fifth consecutive year; and

Whereas Simon Bairu, Chris Solinsky, Matt Withrow, Antony Ford, Stuart Eagon, and Tim Nelson earned All-American honors: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin men's cross country team, Head Coach Jerry Schumacher and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Clerk of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

CONGRATULATING THE UNIVERSITY OF WISCONSIN WOMEN'S HOCKEY TEAM

The resolution (S. Res. 429) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 429

Whereas on March 26, 2006, the University of Wisconsin Badgers won the women's Frozen Four in Minneapolis, Minnesota, with a victory over the 2-time defending champion University of Minnesota Golden Gophers by 3 to 0 in the championship game after having defeated St. Lawrence University by 1 to 0 in the semifinals;

Whereas Jinelle Zaugg of Eagle River, Wisconsin, scored 2 goals, Grace Hutchison of Winnetka, Illinois, scored a goal, and Jessie Vetter of Cottage Grove, Wisconsin, had 31 saves in the championship game, and recorded the first shut-out in the history of the women's Frozen Four championship games;

Whereas every player on the University of Wisconsin women's hockey team (Sara

Bauer, Rachel Bible, Nikki Burish, Sharon Cole, Vicki Davis, Christine Dufour, Kayla Hagen, Tia Hanson, Meghan Horras, Grace Hutchins, Cyndy Kenyon, Angie Keseley, Heidi Kletzien, Erika Lawler, Alycia Matthews, Meaghan Mikkelson, Phoebe Monteleone, Emily Morris, Mikka Nordby, Bobbi-Jo Slusar, Jessie Vetter, Kristen Witting, and Jinelle Zaugg) contributed to the success of this team;

Whereas Sara Bauer and Bobbi-Jo Slusar were named to the All-Western Collegiate Hockey Association (known as "WCHA") First Team, Sharon Cole, Meaghan Mikkelson, and Meghan Horras were named to the All-WCHA Second Team, Bobbi-Jo Slusar was named the WCHA Defensive Player of the Year, and Sara Bauer was named the WCHA Player of the Year;

Whereas Coach Mark Johnson, who won a National Collegiate Athletic Association National (known as "NCAA") championship as a member of the University of Wisconsin men's 1977 championship team, was a star on the 1980 United States Olympic hockey team, which produced what is known as the "Miracle on Ice", and is one of the few people who have won a national championship as both a player and coach, and was named the WCHA Coach of the Year;

Whereas Sara Bauer and Bobbi-Jo Slusar were named first team All-Americans, and Sara Bauer won the Patty Kazmaier Award, as the Nation's top player;

Whereas Jessie Vetter won the 2006 NCAA Tournament's Most Outstanding Player award and was joined on the All-Tournament Team by Jinelle Zaugg and Bobbi-Jo Slusar;

Whereas the victory in the women's Frozen Four is the University of Wisconsin's first varsity women's hockey national championship, and the university's first women's team national championship since 1984; and

Whereas this victory ended a terrific season in which the University of Wisconsin women's hockey team outscored their opponents 155–51 and had a record of 34–4–1: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin women's hockey team, the coaching staff, including Head Coach Mark Johnson, Athletic Director Barry Alvarez, and Chancellor John D. Wiley on an outstanding championship season; and

(2) respectfully requests the Clerk of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

COMMENDING THE UNIVERSITY OF FLORIDA MEN'S BASKETBALL TEAM

The resolution (S. Res. 430) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 430

Whereas on Monday, April 3, 2006, the University of Florida men's basketball team (referred to in this preamble as the "Florida Gators") defeated the men's basketball team of the University of California, Los Angeles, by a score of 73–57, to win the 2006 National Collegiate Athletic Association Division I Basketball Championship;

Whereas that historic victory by the Florida Gators was a product of—

(1) an almost flawless and unselfish team performance; and

(2) individual player excellence and versatility from members of the Florida Gators;

Whereas that victory marked the first national basketball championship victory for the University of Florida, and occurred 10 years after the school won the National Collegiate Athletic Association Division I Football Championship;

Whereas the head coach of the Florida Gators, Billy Donovan, became the second youngest coach to win the national championship, after leading the Florida Gators to a school-best, 33–6 record;

Whereas University of Florida sophomore Joakim Noah was chosen as the most outstanding player of the Final Four;

Whereas each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators reached the pinnacle of team achievement; and

Whereas the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the basketball program at the University of Florida; Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men's basketball team for winning the 2006 National Collegiate Athletic Association Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men's basketball team win the 2006 National Collegiate Athletic Association Division I Basketball Championship, and invites those individuals to the United States Capitol Building to be honored; and

(4) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the University of Florida for appropriate display; and

(B) the coach of the University of Florida men's basketball team, Billy Donovan.

ENDANGERED SPECIES DAY

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 431

Whereas in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas two-thirds of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical for habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 11, 2006, as "Endangered Species Day"; and

(2) encourages—

(A) educational entities to spend at least 30 minutes on Endangered Species Day teaching and informing students about threats to, and the restoration of, endangered species around the world, including the essential role of private landowners and private stewardship to the protection and recovery of species;

(B) organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate on educational information for use in schools; and

(C) the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, this resolution concerns a request for testimony, through written affidavit, and representation in an attorney fee dispute proceeding pending before a State bar arbitration committee in Nevada. The distinguished Democratic Leader, Senator REID, has been asked to provide an affidavit in this proceeding. Senator REID believes that he has relevant first-hand knowledge, acquired in his capacity as a Senator, and would like to cooperate with this request.

Accordingly, this resolution would authorize Senator REID to provide an affidavit in this matter with representation by the Senate Legal Counsel.

The resolution (S. Res. 432) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 432

Whereas, in E.M. Gunderson v. Neil G. Galatz, File No. 04–106, pending before the Fee Dispute Arbitration Committee of the State Bar of Nevada, the petitioner has requested an affidavit from Senator Harry Reid;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Harry Reid is authorized to testify in the case of E.M. Gunderson v. Neil G. Galatz, except when his attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Harry Reid in connection with the testimony authorized in section one of this resolution.

HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Mr. DURBIN. Mr. President, today I introduced this resolution, S. Res. 433, honoring the American Society for the Prevention of Cruelty to Animals on the 140th Anniversary of their founding.

The dedicated employees and volunteers of the ASPCA have provided shelter, medical care, and placement for abandoned and abused animals for more than a century.

The ASPCA is the oldest animal welfare organization in North America. Henry Bergh began the organization in 1866 as a platform to prevent the cruel beating of carriage horses in New York City. Today, the ASPCA is a national organization that provides services to millions of people and their animals. The success of the organization has made the term ASPCA synonymous with "animal rescue," "animal shelter," "animal adoptions" and "humane education."

For over 25 years, my home State of Illinois has hosted the ASPCA's Animal Poison Control Center. The Center is staffed 24 hours a day, 365 days a year by numerous veterinarians and toxicologists who provide a unique and valuable service to pet owners and veterinarians. Each year, tens of thousands of animal lovers concerned about the health of their pets contact the Animal Poison Control Center seeking assistance on how to relieve their poisoned animals' pain and suffering. I am proud to have the Animal Poison Control Center located in the State of Illinois.

I ask my colleagues in the Senate to join me in congratulating the staff, directors and volunteers of the ASPCA on a successful 140 years of service.

The resolution (S. Res. 433) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 433

Whereas April 10, 2006, marks the 140th anniversary of the founding of The American Society for the Prevention of Cruelty to Animals (referred to in this preamble as "ASPCA");

Whereas ASPCA has provided services to millions of citizens of the United States and their animals since Henry Bergh established the society in New York City in 1866;

Whereas ASPCA was the first humane society established in the western hemisphere;

Whereas ASPCA teaches children the character-building virtues of compassion, kindness, and respect for all of God's creatures;

Whereas the dedicated directors, staff, and volunteers of ASPCA have provided shelter, medical care, behavioral counseling, and placement for abandoned, abused, or homeless animals in the United States for more than a century; and

Whereas ASPCA, through its observance of April as "Prevention of Cruelty to Animals Month", its Animal Poison Control Center, and its promotion of humane animal treatment through programs dedicated to law enforcement, education, shelter outreach, legislative affairs, counseling, veterinary services, and behavioral training, has provided invaluable services to the citizens of the United States and their animals: Now, therefore, be it

Resolved, That the Senate—

(1) honors The American Society for the Prevention of Cruelty to Animals for its 140 years of service to the citizens of the United States and their animals; and

(2) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the president of The American Society for the Prevention of Cruelty to Animals.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to S. Res. 371.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 371) designating July 22, 2006, as "National Day of the American Cowboy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 371) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 371

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse this country with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in the culture and economy of the United States;

Whereas approximately 800,000 ranchers are conducting business in all 50 States and are contributing to the economic well being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in the United States;

Whereas membership in rodeo and other organizations encompassing the livelihood of a cowboy transcends race and sex and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge the ongoing commitment of the United States to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 22, 2006, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

APPOINTMENT OF PHILLIP FROST AS A CITIZEN REGENT

REAPPOINTMENT OF ALAN G. SPOON AS A CITIZEN REGENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of H.J. Res. 81 and H.J. Res. 82, which were received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolutions by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 81) providing for the appoint of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

A joint resolution (H.J. Res. 82) providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolutions.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolutions be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (H.J. Res. 81 and H.J. Res. 82) were read the third time and passed.

ORDERS FOR THURSDAY, APRIL 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, April 6. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2454, the border security bill, with the time from 9:30 a.m. until 10:30 a.m. equally divided between the managers or their designees, and the Senate then proceed to a vote on the motion to invoke cloture, as under the previous order; further, I ask that the mandatory quorum under rule XXII be waived and that second-degree amendments be filed at the desk no later than 10:30 a.m., pursuant to rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, just a few minutes ago I filed two cloture motions on the border security bill and four cloture motions on Executive Calendar nominations. Under the provisions of rule XXII, we will have several votes on Friday unless an agreement can be reached which we will consider tomorrow. Tomorrow morning at 10:30 a.m. we will have a cloture vote on the Specter substitute amendment, which was filed by the minority leader, with the other cloture vote on nominations. We still have a lot of work to be done before we leave at the end of the week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:40 p.m., adjourned until Thursday, April 6, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 5, 2006:

DEPARTMENT OF STATE

ERIC M. BOST, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

LISA BOBBIE SCHREIBER HUGHES, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

DAVID M. ROBINSON, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

EARL ANTHONY WAYNE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

THOMAS E. BALDWIN, 8528
LEE C. BAUER, 6937
JAMES A. CAPPS, JR., 1464
PAUL B. CHRISTIANSON, 5195
PAUL D. GOVEN, 0634
STEVEN A. HOCKING, 1866
VINCENT T. JONES, 9595
HALIFAX C. KING, 6286
RAYMOND M. KLEIN, 8188
LISA A. KUHAR, 5136
JOHN F. KURZAK, 2411
STEVEN T. LAMB, 3123
FREDRIC A. MARKS, 2079
WILLIAM A. POLLAN, 5385
RONALD D. POOLE, 7178
CAROL S. RAMSEY, 8003
ANTHONY M. RIZZO, 1016
DIANA J. SCHULZ, 5682
GERALD R. SCHWARTZ, 7601
STEPHEN J. SHARP, 2488
JOHN C. STONER, 1863
FRANCIS A. STRATFORD, JR., 6299
MARIA M. TIAMSONBEATO, 2034
RICHARD A. WILLIAMS, 8825

To be lieutenant colonel

FEDERICO AGUILAR, 3997
KIRK W. ALVORD, 4818
FRANK J. ARCHBALD, 7057
MICHAEL A. ARNOLD, 7480
MATTHEW E. BANNON, 5923
JIMMY L. BARROW, 6615
DANIEL P. BATES, 1531
ROBERT W. BECK, 6164
LAURA K. BELKNAP, 6278
STEPHEN F. BELL, 0879
FREDERICK L. BELLAMY, 9530
THOMAS C. BERRY, 8328
DEBORAH G. BERTRAND, 3212
CHRISTOPHER D. BINGHAM, 8817
DANIEL O. BLACK, 5415
JEFFREY D. BODIN, 7976
HUBERT C. BOWDITCH, 5873
RAY BOWEN, 2176
DAVID J. BOWERS, 4856
DAVID N. BRAWLEY, 8091
DONALD S. BROCE, 0763
LORIE C. BROSCH, 3111
JAMES W. BROWN, 2065
JERRY D. BROWN, 5030
ROY C. BROWN, 3251
DOUGLAS J. BURGOYNE, 3842
ALLAN C. BUSHNELL, 0312
JOYCE CADY, 0306
WILLIAM F. CAPPIELLO, 6963
JAMES D. CARLIN, 8876
LINDA M. CHRISTIANSEN, 7456
ALAN C. CHUBB, 9013
JOSE M. CINTRON, 4158
JOSEPH G. CLEMONS, 9817
STEPHEN D. CLUTTER, 2753
JAMES W. COCKERILL, 9377
CHRISTOPHER J. COHOES, 3623
JOSEPH G. CONIGLIO, JR., 9704
FRANK W. CORLEY III, 7569
JESUS CORTESMORALES, 8067
BRIAN D. COX, 7479
RONALD O. CRANDALL, 2275
ROBERT J. CRAVEN, 5339
JOHN M. CURRY, 6527
ROMAN B. CYBAK, 2585
JEANINE M. CZECH, 3570
CARMELLA L. DADDEZIO, 7778
HECTOR F. DAVILA, 3415
RENE P. DECHAINE, 1132
KENNETH J. DENMAN, JR., 2808
ROLLIN S. DIXON, 8069
MARK G. DRINKARD, 3236
JOSEPH A. DUFF, 1641
AARON J. DYESS III, 0465
TEDDY L. ELLIS, 9665
ALFRED C. EMMEL, 6527
DANIEL J. EPRIGHT, 9261
CHRISTOPHER C. ERICKSON, 9054
RICHARD B. EVANS, 3860
HAROLD H. FAIN, JR., 0865
EDWARD E. FIRNBERG, 7480
ROBERT J. FISCHER, 2172
CARLOS L. FLEMING, 2671
JOHN F. FORBES, 8369
KENNETH M. FRANCIS, 0551
JAMES W. FREESE, 2205
DAVID W. GAPP, 7430
MARCO GARCIAGALVEZ, 5915
JAMES R. GEAR, 9788
DAVID J. GEARHART, 9175
ROGER L. GERRARD, 3957
ANTHONY T. GHIM, 2887
JOHN A. GIBBONS, JR., 8647
WILLIAM C. GIBBONS, 0308
WILLIAM A. GIBSON, 3432
JAMES L. GIEM, 7575
ATUL K. GOEL, 1795
DANIEL V. GOERES, 7373
ANTHONY J. GORETSKI, JR., 3975
ROBERT J. GRANT, 9161
DEWEY M. GRAY, 3420
JAMES S. GREEN, 8969
STEVEN A. GREENE, 7511
RANDALL G. GRIFFIN, 9499
CHARLES A. GRIMES, 2724
ARNE F. GRUSPE, 3890
PAUL W. HAAG, 4617
NABIL M. HABIB, 4254
PHILLIP W. HALCUM, 1714
ZOE M. HALE, 5418
DIAN M. HALL, 6272
JOHN F. HAMILTON, JR., 2671
AMY E. HAMPTON, 5083
TIMOTHY S. HANNUS, 2120
TIMOTHY W. HARRIS, 5039
JAMES L. HAWKINS, 2048
TIMOTHY R. HEBEL, 0947
MARK R. HENDERSON, 1193
JOSEPH M. HEYSER, 9174
JOHN W. HILTERMAN, JR., 4505
CLAUDE A. HODGES, JR., 7812
MICHAEL W. HODGES, 7472
PETER A. HOLZGANG, 9724
PAUL J. HOUGE, 6200
THOMAS D. HUMPHRIES, 1540
GARY L. HURWITZ, 0818
STEPHEN B. IRVIN, 6825
JOHN G. JERAKIS, 1039
ANNETTE JOHNSONZIESKE, 0106
CHARLES A. JONES, JR., 0630
RANDALL L. JONES, 9480
GERALD P. KABAN, 3839
TIMOTHY W. KACZMAR, 4467
JAMES G. KAHRS, 8089
ANWAR J. KALEEMULLAH, 1434
THOMAS F. KELLY, 7101
TIMOTHY M. KERSEY, 9880
GEORGE J. KRAKIE, 1542
MARK KRAUTHEIM, 6147
JAMES F. KROMBERG, 9770
JOSEPH F. KUHLMANN III, 7821
DANIEL N. KULUND, 0923
MICHAEL G. LABOUBE, 9772
ANDREW E. LAGER, 0559
GORDON S. LANDSMAN, 7078
BARBARA J. LARCOM, 3831
CHRISTOPHER S. LAURITZEN, 4411
ROBERT D. LEFKOWITZ, 9717
ROBERT E. LEHMAN, 6922
THOMAS A. LERNER, 3919
JEFFREY H. LIEBERMAN, 5446
SHERRILL F. LINDQUIST, 7903
FORREST D. LITTLEBIRD, 0053
LARRY L. LITTRELL, 9958
BLAKE D. LOLLIS, 0426
TIMOTHY L. LONGACRE, 1353
JOSEPH A. LOPEZ, 5614
JOSE W. LOPEZALAMO, 4491
JEFFREY S. LORENZ, 2657
WILLIAM R. LOSQUADRO, 8253
ELIZABETH H. LOWE, 4879
ROBERT E. LUTHY, 5138
JAMES P. LYNCH, 9494
MICHAEL L. LYONS, 4483
VICTOR H. MACINTOSH, 2053
SCOTT B. MACKIE, 4127
CRAIG A. MAHAN, 2479
ROBERT F. MALACRIDA, 3722
FELIX MAMANI, 1711
ROBERT C. MARSHALL, 0512
MICHAEL J. MASTERSON, 9390
RICHARD J. MAYERS, 5775
PAUL R. MCCARVER, 7135
MARK A. MCCLAIN, 0234
BRIAN F. MCCRARY, 3039
SCOTT L. MCCREEDY, 8220
DONALD A. MCGREGOR, 0254
MARTIN J. MCNAMARA, 2975
CHRISTOPHER R. MCNULTY, 0113
MARK T. MEANS, 6790
JIMMIE WAYNE MEEK, 1285
RICHARD A. MEYER, 2739
WILLIAM G. MEYER, 2033
MARK B. MIDDEN, 1556
DAVID B. MILLIGAN, 0684
DAVID G. MINTO, 6244
JAMES R. MOORE, 6192
NANCY C. MOTYKA, 5548
OMAR P. MULLA, 7290
LINDA A. MURAKATA, 9926
GLEN K. NAGASAWA, 1473
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MICHAEL A. NECKERMAN, 7521
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CRAIG J. NOWICKI, 5570
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ARLIE S. OVERFIELD, 9772
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STEVEN A. SAUNDERS, 9310
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PAUL E. SCHLEIER, 5750
RICHARD J. SCHROETER, 0315
ERIC R. SCHWARZ, 7988
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JEFFREY J. SEVELA, 8505
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MARY E. SHEPHERD, 2284
CHARLES A. SHURLOW, 9103
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DAVID M. SMITH, 1569
DOUGLAS R. SMITH, 4404
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THOMAS R. SPICER, 1855
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MARK P. STUCKY, 0088
STEVEN A. SWENSON, 7025
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DIANE M. ASLANIS, 9740
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THOMAS A. AUGUSTINE III, 0009
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JOHN R. BRAUN, 4955
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STEVEN S. BRUMFIELD, 6351
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NICOLO R. CANDELA, 3461
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RENEE D. CARLSON, 4792
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NORMAN A. CLARK, 9048
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JACK B. COLQUITT, JR., 9627
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JAMES C. CONNAUGHTON, 3950
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JOHNATHAN C. CONNER, 8214
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JUNE M. COOK, 3754
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PAMELA E. DARBYSHIRE, 6123
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RICHARD T. DAVIS, 7922
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CHRISTINA T. DEANGELIS, 5605
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ISAAC J. FAIBISOFF, 6780
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JAMES A. FROELICH, 7776
JON A. FULLERTON, 0019
DANIEL B. GABRIEL, 0061
MARY CATHERINE GABRIEL, 76[illegible]0
JOSHUA S. GADY, 2113
JOSEPH P. GALLAGHER, 4974
MICHAEL L. GALLENTINE, 8130
STEPHEN M. GALVIN, 5931
ARTHUR J. GAMACHE, JR., 5677
FANG YUN GAN, 0407
MATTHEW J. GARBERINA, 6597
DANIEL F. GARCIA, 7612
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CHRISTOPHER A. GARZA, 0256
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KIMBERLY A. GRANDINETTI, 0341
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DANIEL W. GREGG, 4733
CARRIE ASHBY GREGORY, 8695
ERIC F. GRELSON, 3389
GLENN D. GRIEBENOW, 8625
BASIL M. GRIFFIN III, 7058
RICHARD C. GRIGGS, 6521
CAROL J. GROBNER, 8266
JEREMY M. GROLL, 2883
DANIEL D. GRUBER, 9077
STEVEN G. GRUBER, 2063
CHRISTOPHER M. GRUSSENDORF, 8001
PAUL W. GRUTTER, 9898
VINCENT J. GRZESIAK, 5130
DOUGLAS P. GUENTER, 5379
ABEL GUERRA, 3390
ROBERT S. GUERZON, 3840
THEODORE G. GUETIG, 9998
HECTOR J. GUEVARA, JR., 8087
LOUIS Q. GUILLERMO, 4402
RUTH P. GULLOTTA, 2855
WILLIAM S. GUNTER, 9616
DANIEL P. GUSS, 7844
GARY B. GUY, 5307
ANN K. GWINNUP, 3510
GREGORY J. HAACK, 6313
MICHAEL J. HAFRAN, 6269
SHERYL A. HAGGERTY, 3645
CAROL A. HALL, 2858
CHRISTINE N. HALL, 1919
CHRISTOPHER R. HALL, 6998
DAVID E. HALL, 5306
PATRICK J. HALLIGAN, 7741
ERIC S. HALSEY, 2402
CHAD A. HAMILTON, 3206
MARTIN J. HAMILTON, 9939
PHILIP M. HAMILTON III, 1927
FRANCISCO G. HAMM, 0999
HOPE S. HAMMETT, 4734
MARK C. HAND, 1466
PATRICK D. HANFORD, 8212
PATRICK E. HANKINS, 4048
WILLIAM N. HANNAH, JR., 0087
GERALD E. HANSEN, 8236
PETER R. HARDING, 6418
ANDREW H. HARDY, 8249
AARON C. HARJU, 5608
SHELLY S. HARKINS, 4078
JOHN D. HARRAH, 5306
GREGORY D. HARRIS, 9607
PHILIP A. HARRIS, 6652
BERNARD C. HARRISON, 2928
COREY D. HARRISON, 6053
EUGENE B. HARRISON, 5935
ALLYSON L. HARROFF, 5213
ANTHONY E. HARTMAN, 2304
BRETT A. HARTNETT, 8580
RICHARD B. HARTSON, 1668
RICHARD R. HARVEY, 5424
MICHAEL A. HASLER, 9731
THOMAS F. HAVILAND, 0010
BRIAN G. HAWKINS, 1275
KARIN N. HAWKINS, 4576
TIMOTHY D. HAX, 0527
CHRISTOPHER G. HAYES, 2551
JASON T. HAYES, 6287
MEGHAN E. HAYES, 8323
SAPNA J. HAYES, 2457
ROSE M. HAZEN, 4553
MATTHEW S. HEBERT, 8825
BRET D. HEEREMA, 6132
MARK D. HEFFERNAN, 0190
JEFFREY J. HEILMAN, 1341
TAMMY KNAPP HEISEY, 1682
BRIAN J. HELLER, 3244
SAMANTHA A. HELWIG, 6588
CHRYSTAL D. HENDERSON, 7519
JEFFREY G. HENDERSON, 2937
MELINDA B. HENNE, 8367
TODD J. HENNEY, 3220
ANDRE A. HENRIQUES, 5621

KENT S. HERBERT, 5690
HEATHER R. HERBOLSHEIMER, 3052
BRUCE WAYNE HESS, 1672
ANTHONY J. HESTER, 9683
SCOTT K. HETZ, 0865
ERIC J. HICK, 5002
CHARLES H. HICKS, JR., 7824
ROBERT W. HICKS, 4267
ERIKA K. HILL, 5517
PATRICK E. HILL, 5438
MICHAEL P. HINZ, 7923
JAMES M. HITCHCOCK, 4426
CHAD M. HIVNOR, 8545
JOSHUA M. HIXSON, 0356
CRYSTAL L. HNATKO, 4434
WILLIAM K. HOBSON, 9495
MICHAEL GLENN HODGES, 8807
RANDALL D. HOFBAUER, 0715
HOWARD HOFFMAN, 5028
MICHAEL B. HOGAN, 5475
MARK E. HOGGAN, 3862
BOBBY M. HOLLAND, 8816
FRANCIS T. HOLLAND, 6329
MATTHEW H. HOLM, 1552
RODNEY L. HOLMES, 0753
STEPHEN C. HOLMES, 7580
DENNIS M. HOLT, 0378
BRADLEY S. HOOD, 0524
STEPHEN H. HOOPER, 3052
RICHARD G. HORN, 8529
ANDREW L. P. HOUSEMAN, 3745
MICHAEL A. HOVEY, 0648
JOE W. HOWARD, 2916
DELLA L. HOWELL, 0185
BRENT R. HRNCIR, 1226
AMY M. HUBER, 6052
SCOTT A. HUBER, 5803
PAULA R. HUBERT, 0087
CHRISTOPHER M. HUDSON, 4061
KYLE B. HUDSON, 5088
PATRICK W. HUESTED, 7245
HEINZ H. HUESTER, 3322
JONATHAN L. HUGGINS, 8049
KATHRYN G. HUGHES, 5351
SOLON G. HUGHES, 8848
TODD P. HUHN, 9090
JAMES F. HUIET III, 1567
JAMES E. HUIZENGA, 1809
JOHN W. HULTQUIST, 3928
LARRY D. HUNTER, 9149
DUSTIN G. HUNTZINGER, 3038
SEAN P. HURLEY, 8015
CONRAD L. HUYGEN, 1514
GREGORY S. HYLAND, 8830
LIDIA S. ILCUS, 9231
DAVID J. IMPICCINI, 6379
WALTER N. INGRAM, 9143
ALAN J. IVERSON, 7417
JAMES R. IVEY, 7208
RAJIV C. IYER, 8952
CONSTANCE L. JACKSON, 7155
EDWARD L. JACKSON, 0562
SCOTT C. JACOBS, 3268
RANDOLPH L. JAMES, 2058
LEE W. JANSON, 0437
DENNIS C. JEFFERSON, 5444
JOHN W. JENNINGS III, 4039
LARS D. JENSEN, 2441
SCOTT M. JENSEN, 7559
TERRY O. JENSON, 7912
ROBERT A. JESINGER, 6007
CHARLES D. JOHNSON, 7357
DWIGHT L. JOHNSON, 2179
JAMES E. JOHNSON, 1860
KEVIN W. JOHNSON, 9725
LARRY E. JOHNSON, 5787
MICHEAL B. JOHNSON, 7575
MONICA L. JOHNSON, 3551
VALERIE V. T. JOHNSON, 4251
WILLIAM T. JOHNSTON, 1170
DAVID M. JONES, 5690
DAVID S. JONES, 2692
LOREN M. JONES, 7264
MCCLURE K. JONES, 9691
PHYLLIS F. JONES, 4077
RANDALL S. JONES, 2708
ROLAND P. JONES, 9969
SAMUEL O. JONES IV, 8614
SARAH S. JONES, 6677
THOMAS M. JOSS, 5869
ROBERT H. JUDY, 5262
PHILIP S. JUNGHANS, 7796
ROBERT F. KACPROWICZ, 7543
WARREN R. KADRMAS, 4904
BENJAMIN C. KAM, JR., 1723
FARHAD A. KANDAKLOO, 4307
SHERYL L. KANE, 4481
HYON SIK SCOTT KANG, 0612
JOHN CHOONGWHA KANG, 5313
PHYLLIS J. KAPELLEN, 9165
TONI L. KAPLAN, 8144
KEVIN J. KAPS, 2521
MARK A. KARCUTSKIE, 2460
DAVID M. KASE, 6138
PACHAVIT KASEMSAP, 4267
LEONID M. KATKOVSKY, 2770
PATRICK S. KELLEY, 0095
RICHARD E. KELLEY, 2649
BILL P. KENNEDY, 5809
JOHN P. KENNEDY, 7367
ERICK G. KENT, 5371
ROBERT S. KENT, 9011
MIKELLE L. KERNIG, 1953
ERIC D. KESLER, 1927
THOMAS E. KIBELSTIS, 3083
DAVID B. KIESER, 8148
JENNIFER L. KILBOURN, 9247
STEPHEN W. KILL, 7473
ALEXANDER P. S. KIM, 3706
PETER H. KIM, 8920
BRENT L. KINCAID, 9526
STEVEN M. KINDSVATER, 3673
ROBERT M. KIRCHNER, 6595
GEORGE A. KIRKPATRICK, 6687
JAMES DALE KISER, JR., 5468
HEIDI L. KJOS, 4179
BRIAN A. KLATT, 8327
PETER H. KLAVIK, 4866
JACK A. KLEIN, 6260
MARK W. KLEVE, 0803
DAVID E. KLINGMAN, 3793
DANIEL S. KNEE, 3015
MICHELE L. KNIERIM, 9201
KRISTOPHER D. KNOOP, 0551
JAMES F. KNOWLES, 6338
PETER T. KNOX, 6252
DAYTON S. KOBAYASHI, 0787
KY M. KOBAYASHI, 0690
PETER J. KOBES, 0169
GRETCHEN L. KOHLER, 2103
JANA S. KOKKONEN, 9588
HENRY KORZENIOWSKI, JR., 5684
AMAR KOSARAJU, 0714
JOHN F. KOSS, 2629
WALLACE J. KOST, 5548
DONALD C. KOWALEWSKI, 1955
MARK C. KOZIOL, 9664
ROBYN T. K. KRAMER, 9483
KATHLEEN S. KREJCI, 2175
JAMES L. KRENEK, 3972
THOMAS K. KUBLIE, 2335
BRADLEY DARIN KUEHN, 9120
MICAL J. KUPKE, 2217
ELIZABETH N. KUTNER, 6314
JAMES M. KUTNER, 4262
JERRY D. LABSON, 9700
JEFFREY K. LADINE, 5513
JOHN C. LAMANTIA, 4793
MICHAEL F. LAMB, 9464
DYJERLYNN C. LAMPLEY, 7052
MICHAEL L. LANDRUM, 7783
DAVID P. LANGAN, 1154
EDWARD W. LANGAN, 3207
JAMES M. LANGE, 2310
SHAROLYN K. LANGE, 8731
BRIAN D. LANGRIDGE, 3570
JOEL D. LAPLANTE, 5034
NONATO A. LARGOZA, 0152
ELIZABETH S. LARSON, 1069
JEFFRY J. LARSON, 5236
STEVEN P. LARSON, 9461
MARK S. LASHELL, 7596
HENRY K. K. LAU, 1074
DAVID P. LAUGHLIN, 0490
MICHAEL S. LAUGHREY, 2945
JEFFREY L. LAVALLEE, 7770
JAMES A. LAWSON, JR., 6173
JARRETT B. LEA, 5866
CHARLES A. LEATH III, 8633
JAMES B. LEAVENWORTH, 3217
ALEX J. LEE, 7417
CHRISTINE Y. LEE, 8293
CHRISTOPHER S. LEE, 8297
CRYSTINE M. LEE, 7491
DAVID P. LEE, 1449
ERNEST C. LEE, 6224
GENE C. LEE, 9415
JAMES D. LEE, 0905
KENYA D. LEE, 5404
MARVIN LEE II, 5634
MICHAEL K. LEE, 2036
REBECCA L. LEHR, 8916
SHANNON C. LEHR, 4835
JAMES D. LEIBER, 5744
BRIAN E. LEININGER, 3259
JASON S. LENK, 7659
PAUL M. LENTS, 3549
SARAH L. LENTZ, 7231
XAVIER LEOS, 4181
LUKE M. LEVEILLEE, 7474
ROBERT J. LEVERTON, 4859
JEFFREY D. LEWIS, 4549
KARYN C. LEWIS, 3620
MICHAEL B. LEWIS, 3900
RYAN L. LEWIS, 9012
WILLIAM C. LEWIS, 8550
ROBERT C. LIEBMAN, 6674
PETER A. LIEHR, 3099
WEN LIEN, 0256
RALPH R. LIM, JR., 3987
TREVOR D. LIM, 2922
JOHN C. LIN, 0897
NEAL S. LINCH, 8752
CHRISTOPHER M. LINE, 7274
DOUGLAS M. LITTLEFIELD, 9603
BRADLEY A. LLOYD, 3468
JEREMY D. LLOYD, 2861
HORACE P. LO, 0875
PETER J. LODICO, 1030
JONATHAN C. LOHRBACH, 9393
GIANG K. LOI, 1330
TERENCE PATRICK LONERGAN, 2493
BRIAN M. LONG, 3377
LARRY K. LONG, 8456
PAUL A. LONGO, 4318
DON J. LOPEZ, 6968
MANUEL A. LOPEZ, 5499
JEFFREY C. LOUIE, 3738
BRIAN W. LOVERIDGE, 5642
THOMAS R. LOWRY, 2275
TIMOTHY R. LUCE, 1944
SALVATORE J. LUCIDO, 0541
DAVID A. LUNGER, 8144
LARS W. LUNSFORD, 2375
DAVID J. LUTHER, 4090
THOMAS W. LUTZ, 0500
ADMIRADO LUZURIAGA, 1885
FORREST J. LYKINS, JR., 8894
MARK D. LYMAN, 5535
KEEGAN M. LYONS, 1830
KAI WOOD MA, 3766
DANIEL M. MACALPINE, 6156
THOMAS A. MACIAS, 8922
ANDREW B. MACKERSIE, 9037
DEBORAH L. MACKERSIE, 8275
KIRIN L. MADDEN, 9507
STEVEN W. MADSON, 2793
VICTOR B. MAGGIO, 3418
MEGAN E. MAHAFFEY, 1580
CHARLES G. MAHAKIAN, 6412
DAVID A. MAHER, 6766
DAVID S. MALLETTE, 1046
HAROLD W. MANLEY, 5542
SCOTT S. MANLEY, 1554
MATTHEW C. MANTEI, 4159
DAVID L. MAPES, 3042
ARA M. MARANIAN, 1541
DEBORAH R. MARCUS, 4325
MELVIN J. MARQUE III, 3619
SHERON B. MARSHALL, 6355
MICHAEL L. MARSTON, 5297
KATHLEEN MARTIN, 5955
MATTHEW A. MARTIN, 0396
MICHAEL L. MARTIN, 4792
SHERIDAN A. MARTIN, 6607
WAYNE R. MARTIN, 0652
IGOR MARYANCHIK, 4950
PHILLIP J. MASCIOLA, 7103
MYLA B. MASON, 5733
PHILLIP E. MASON, 5884
BURTON M. MASSEY, 1543
MICHAEL E. MATHER, 6664
DENNIS R. MATHEWS, 6600
DEREK A. MATHIS, 8540
TODD T. MATSUMOTO, 5972
ROBERT J. MATTHEWS, 9201
WALTER M. MATTHEWS, 6483
DEAN W. MAUD, 1830
ERICH C. MAUL, 8107
JUDITH L. MAYRAND, 8494
TIMOTHY J. MAZZOLA, 7623
RYAN M. MCADAMS, 4523
WILLIAM T. MCBROOM III, 3870
RICHARD A. MCCLURE, 3153
MICHAEL J. MCCOLLUM, 5805
JEFFREY C. MCCONIE, 0266
GREGORY B. MCCOOL, 7825
RANDALL E. MCCORMICK, 9443
ROBERT C. MCDONOUGH III, 1761
LAVETA L. MCDOWELL, 9446
PATRICK D. MCEVOY, 8602
SOPHIA MCFADDEN, 4811
ROSS W. MCFARLAND, 5610
SEAN C. MCFARLAND, 4933
KEVIN C. MCGAUGHEY, 8856
TIMOTHY D. MCGAVERN, 3074
ROBERT K. MCGHEE, 2351
HOWARD J. MCGOWAN, 9743
ROBERT P. MCGRATH, JR., 0083
MIA M. MCGREGOR, 5478
YURI F. MCKEE, 9317
DONALD J. MCKEEL, 9477
HEIDI C. MCKENNA, 6796
NOLA S. MCMANUS, 8994
JEFFREY D. MCNEIL, 1186
JOHN K. MCNULTY, 7729
OLIVER L. MCPHERSON, 7281
PAMELA J. MCSHANE, 4672
ANITA L. MCSWAIN, 6662
DAREN R. MEALER, 0361
MARK A. MEARS, 8669
BERTRAM K. MEDLOCK, 2352
ERIC A. MEIER, 5089
ALEKSANDR G. MELIKOV, 3868
KURT D. MENTZER, 0172
VICTORIA LYNN MEREDITH, 5528
GREGORY C. MERK, 8811
STEPHEN E. MESSIER, 5323
MICHAEL T. MEYER, 3397
EDWARD J. MEYERS, 7207
MARK W. MICHAEL, 2531
ARNOLD B. MICHELS, 0947
MICHAEL D. MICHENER, 4016
JOHN V. MIHALY, 6030
GIOVANNI G. MILLARE, 8286
CHAD H. MILLER, 1604
DARREN L. MILLER, 3307
JASON C. MILLER, 1018
JEFFREY D. MILLER, 8368
JULIE S. MILLER, 9104
MICHAEL L. MILLER, 4514
MICHAEL W. MILLER, 7523
PATRICK J. MILLER, 1376
QUINTESSA MILLER, 0673
LYNDON B. MILLINER, 6130
DAVID A. MILLSAPPS, 2723

DOUGLAS D. MIN, 4756
KENNETH D. MINKS, 1310
DANIEL I. MIRSKI, 2559
ALYSON D. MISER, 9656
ANTHONY L. MITCHELL, 0585
DARIUS F. MITCHELL III, 8915
LISA C. MITCHELL, 8861
STEPHEN W. MITCHELL, 5119
TERENCE B. MITCHELL, 3606
JAMES A. MOAD II, 1801
MATTHEW K. MOELLER, 1233
VINEETH MOHAN, 3244
BRIAN P. MOLES, 7915
JAMES R. MOLINARI, 7137
GERALD W. MOLLOY, 7885
PATRICK B. MONAHAN, 8138
ANGELA M. MONTELLANO, 2117
RICHARD L. MOONEY, 9257
ANDREW E. MOORE, 3797
BRIAN A. MOORE, 6329
DAVID M. MOORE, 8479
JON M. MOORE, 0575
LAURA M. MOORE, 9968
MEREDITH LINN MOORE, 6924
SUSAN O. MORAN, 6394
DANIEL R. MORE, 7797
DARIN K. MORGAN, 9387
MELINDA F. MORGAN, 8918
BARRY F. MORRIS, 2788
JAMIE J. MORRIS, 9742
MICHAEL S. MORRIS, 2175
WILLIAM L. MORRIS, 5754
ANGELA J. MORTLAND, 6966
PAUL M. MORTON, 6560
CHER D. MOSEMAN, 2225
EVAN B. MOSER, 9119
CHARLES H. MOSHER, 5600
GARY K. MOY, 5160
CHRISTOPHER C. MUENCHEN, 3815
JOSEPH A. MUHLBAUER, 5218
WALTER C. MULLEN, 0519
SEAN T. MULLENDORE, 8467
JESSE MURILLO, 3282
JOSEPH M. MURPHY, JR., 4993
DANIEL H. MURRAY, 1889
DENNIS W. NACCARATO, 3143
BASEEMAH S. NAJEEULLAH, 8177
ANDREW M. NALIN, 5501
ALAN J. NAPOLES, 6708
HAFEZ A. NASR, 4051
JUSTIN B. NAST, 5292
MARC H. NEIBERG, 7510
PAIGE L. NEIFERT, 8603
CHRISTOPHER L. NELSON, 7302
ERIC W. NELSON, 0892
GREGG B. NELSON, 7642
STEPHEN L. NELSON, JR., 7774
TIMOTHY A. NESLEY, 4654
TERESA D. NESSELROAD, 0479
RICHARD E. NEUBERT, 9579
SCOTT E. NEUMANN, 6798
ANDREW D. NEWMAN, 4980
BRIAN P. NEWTON, 9111
THOMAS C. NEWTON, 9626
VISETH NGAUY, 8219
DZUY TAN NGUYEN, 1264
NGHIA H. NGUYEN, 5252
PAMELA PHUONG K. NGUYEN, 3179
JOHN G. NIAKAROS, 7486
BRIAN G. NICHOLS, 8988
PAUL B. NICHOLS, 8488
MARK F. NICHOLSON, 5597
JEANLUC G. C. NIEL, 4293
GRACE S. NIEVES, 5294
WILFREDO J. NIEVES, 4097
BRETT JASON NILE, 9014
ROBERT E. NOLL, JR., 3933
BRENDAN M. NOONE, 2291
MICHAEL J. NORKUS, 7249
KENNETH J. NORRIS, JR., 2374
DAVID A. NORTON, 0056
JIMMY JOHN N. NOVERO, 2078
JEFFREY S. NUGENT, 6897
JORGE L. NUNEZ, 4121
TERRI J. NUTT, 4989
ANTHONY B. OCHOA, 9672
AUDRA L. OCHSNER, 1241
ROBERT J. OCONNELL, 4583
KYLE W. ODOM, 1117
BRIAN P. ODONNELL, 8923
SEAN L. ODONNELL, 1164
ADEDAYO ODUNSI, 9127
JOHN Y. OH, 5018
MICHAEL J. OLIVE, 3242
MARVIN P. OLK, 6516
AMY OLSEN, 6794
STEVEN L. OLSEN, 4409
DAVID M. OLSON, 5617
LINDA RUTH OLSON, 6763
ROBERT P. OLSON, 8354
BRADLEY A. OLSSON, 5814
MARIBEL B. ORANTEMANGILOG, 8960
HOWARD L. ORBAN, 1377
KENNETH J. ORR, 3723
DAVID J. ORRINGER, 3793
DAVID D. ORTIZ, 6799
KYLE T. OSBORN, 3375
GREG M. OSGOOD, 6493
ALBERT L. OUELLETTE, 7058
EDWARD G. OUELLETTE, 6979
JOSEPH A. OUMA, 6756
CRAIG R. K. PACK, 6974
ROBERT PADGETT, 4151
JOHN P. PAGIOTAS, 3460
BRIAN N. PALEN, 1111
WESLEY D. PALMER, 7411
LOUIS J. PAPA, 4562
MYUNG S. PARK, 6367
MICHAEL T. PARKE, 9142
BOYD C. L. PARKER IV, 5741
JEFFERY E. PARKER, 7174
JOHN M. PARKER, 3237
TIMOTHY A. PARKER, 7893
SYLVIA L. PARRA, 9098
JERRY L. PARTIN, 4833
RALPH W. PASSARELLI III, 4049
AMIT I. PATEL, 8733
MICHAEL A. PECK, 4185
STEVEN J. PECKHAM, 4416
MICHAEL S. PEDERSON, 0724
ERIC L. PEEBLES, 0809
JANICE E. PEEBLY, 0548
STEVEN D. PEINE, 0725
KYLE E. PELKEY, 7656
RAYMOND A. PENSY, 0444
BARRY W. PEPPERS, 7031
DAWN E. PEREDO, 6682
ANDRE R. PERRAULT, 2043
MICHAEL D. PERRINO, 1094
GREGORY A. PERRON, 9224
EILEEN J. PERRY, 3017
LUTHER G. PERSON, 2266
RACHEL R. PETERSEN, 2196
JEFFREY S. PETERSON, 2029
LAURA J. PETERSON, 1089
MICHAEL C. PETRO, 6049
JOEL M. PHARES, 0296
RANDOLPH E. PHARR, 9824
GRANT C. PHILLIPS, 1164
ALLAN S. PHILP, JR., 3788
KEVIN P. PIATT, 5024
MICHAEL R. PICHARDO, 8851
PAUL D. PIDGEON, 6880
WILLIAM N. PIERCE, 7892
DESIDERIO PINA, 9126
KELLY M. PITTMAN, 4076
LAURA L. PLACE, 3510
CATHERINE R. S. PLATT, 0392
PAUL W. PLOCEK, 8129
DOUGLAS R. PLUMLEY, 7168
RAY L. PLUMLEY, 6296
DANIEL J. PODBERESKY, 2932
MICHELLE L. POHLAND, 8594
JAMES R. POLLOCK, 6036
BRENT A. PONCE, 9850
THEODORE W. POPE, 8540
MATTHEW M. POPPE, 9461
ROBERT R. PORCHIA, 4434
STEPHANIE A. PORTER, 9966
RONALD H. POST, 7604
MARCIA A. POTTER, 4470
WARREN G. POULSON, 3247
DARON C. PRAETZEL, 1968
HARRIS R. PRAGER, 8150
RICHARD J. PRIEVE, 6921
MICHAEL ALAN PROFFITT, 3584
VALERIE M. PRUITT, 8511
VICTOR B. PUTZ, JR., 4281
JOHN C. RABINE, 1427
JAMES C. RACHAL, 6579
EDWARD P. RAGELIS, JR., 9043
HAR P. RAI, 7170
MICHAEL RAJNIK, 7923
STEVEN J. RAJOTTE, 5353
ALEXIES RAMIREZ, 6930
MICHAEL D. RANDALL, 3780
GREGORY N. RANKIN, 1713
TONYA S. RANSNIGRO, 2670
DAVID A. RAPKO, 3181
MARK S. RASNAKE, 2214
MELINDA M. RATHKOPF, 9341
BRIAN E. RAUSCH, 1650
JENNIFER L. RAVENSCROFT, 9785
MANOJ RAVI, 9377
PATRICK A. RAY, 5924
TRACEE P. RAY, 7123
JERALD E. RECTOR, 4586
ROBERT L. REDDING, 6271
THERESA A. REESE, 5982
TERESA E. REEVES, 8364
SEAN P. REGAN, 0550
STEPHEN S. REICH, 9656
JOHN P. REILLY, 4295
JEFFREY MICHAEL RENGEL, 5408
WILLIAM J. RESNIK, 1362
NATALIE L. RESTIVO, 7303
PETER L. REYNOLDS, 6545
PATRICK J. RHATIGAN, 0658
SONG B. RHIM, 6541
JOHN F. RIANS, 0826
MICHAEL D. RICE, 9312
ROBERT B. RICE, 0767
RICHARD L. RICHARD, 7939
KAREN C. RICHARDS, 7263
MICHAEL F. RICHARDS, 2074
CLARKE T. RICHARDSON III, 4294
JOHN K. RICHARDSON, 4459
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JONATHAN E. RICHTER, 4575
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GREGORY A. RIDDLE, 0268
WILLIAM R. RIDDLE, JR., 2018
NEAL PATRICK RIDGE, 4881
MATTHEW K. RIEDESEL, 3102
MARK G. RIEKER, 6966
ROBERT A. RIEPER, 8331
LYRAD K. RILEY, 8193
THOMAS P. RILEY, 7167
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ERIC M. RITTER, 0356
TERRI L. RIUTCEL, 7771
JENNIFER M. RIZZOLI, 2452
CHARLES K. ROBERTS, 2837
DARREN J. ROBERTS, 3827
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BRAD E. ROBINSON, 7289
TRACEY R. ROCKENBACH, 7206
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JOY A. N. RODRIGUEZ, 2816
RAYMOND M. RODRIGUEZ, 4450
OSCAR RODSON, 0086
GARY L. ROEDIGER, 1057
CHRISTOPHER S. ROHDE, 1008
DANIEL M. ROKE, 3995
DAVID J. ROLL, 5516
BARRY J. ROMITTI, 8125
ENRIQUE E. ROSADO, 2366
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DONALD P. ROTEN, 5917
JOSHUA S. ROTENBERG, 7630
RYLLIS A. ROUSSEAU, 5268
MARK P. ROWAN, 0303
RICHARD M. RUBIN, 2549
DAWN M. RUDD, 3755
GREGORY A. RUFF, 9057
TRACY L. RUSSELL, 2797
TIMOTHY M. RUTH, 0839
JOSHUA J. SACHA, 8706
JERRY D. SADLER, 1827
AMY M. SAGE, 5625
RUBEN S. SAGUN, JR., 4184
JAMES B. SAMPSON, 0265
CHRISTOPHER P. SAMUELS, 4750
CORIE L. SANDALL, 1490
JERRY W. SANDIEGO, 2645
YONG PARK SAPORITO, 6301
ROBERT SARLAY, JR., 5973
ANDRE G. SARMIENTO, 7302
DONALD P. SAUBERAN, 7058
STEPHANIE A. SAVAGE, 6562
DANIEL A. SAVETT, 0030
KEITH A. SAXTON, 8729
JENNIFER L. SCAGNELLI, 2271
SCOTT A. SCHAEFER, 5295
STEPHANIE A. SCHAEFER, 9461
MICHAEL D. SCHANCK, 0941
MICHAEL J. SCHEEL, 0606
CHRIS A. SCHEINER, 3975
HERBERT P. SCHERL, 2471
KENNETH THOMAS SCHIESSL, 8655
ROBERT J. SCHIMMEL, 7803
KIRK D. SCHLAFER, 0012
KEITH E. SCHLECHTE, 7539
DAVID I. SCHMIDT, 6945
ERIC R. SCHMIDT, 5005
GREGORY A. SCHNERINGER, 4202
BRETT W. SCHOLTEN, 0911
JANET L. SCHREIBER, 8911
GREGORY L. SCHUMACHER, 8541
BRUCE H. SCHUSSLER, 3193
NEIL L. SCHWIMLEY, 3587
JED L. SCOTT, 8787
MELINDA DANIEL SCREWS, 3873
KATHRYN L. SELLEN, 0012
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RICHARD J. SERKOWSKI, 7391
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JOHN H. SLADKY, 1095
JOHN L. SMEAR, 9390
DARRELL S. SMITH, 8814
DAVID W. SMITH, 0255
DUNCAN D. SMITH, 2602
GREGORY S. SMITH, 4194
KEVIN L. SMITH, 2418
TODD W. SMITH, 9642
WILLIAM H. SMITH, 6523
JEFFREY M. SMITLEY, 7263
BRANDON T. SNOOK, 0059
CATHY S. SNOWBALL, 1052

LESLIE E. SNYDER, 5351
BRENT A. SONDAY, 6097
RICHARD A. SORENSEN, 6198
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FRANK C. SOUZA, 4742
ROBERT L. SPENCE, 2188
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MICHEAL SPOHN, 9601
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JAMES B. SPROUSE, 4056
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GREGORY K. STANKEWICZ, 2942
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JAMES D. STEED, JR., 2190
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ELIZABETH D. P. STEWART, 3690
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JENNIE LEIGH L. STODDART, 0677
MARK A. STOLLER, 1108
MICHELE R. STONE, 9454
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MARC A. TODINO, 4701
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JOHN M. TOKISH, 2014
KELLIE M. TOLIN, 5724
RAMONE A. TOLIVER, 6993
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GEOFFREY D. TOWERS, 9207
RICHARD D. TOWNSEND, 8548
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EDGAR H. TRAVER, JR., 4444
CHESTER A. TRELOAR, 0799
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PEDRO R. TRINIDAD, JR., 9694
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DAVID G. TRUE, 1702
ERIC J. TRUEBLOOD, 7200
SARAH A. TRUSCINSKI, 6382
ALEXANDER C. TSANG, 0154
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PETER G. TUCKER, 0807
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GALE T. TUPER, JR., 4695
STEVEN F. TURNER, 4272
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LANE E. TUTTLE, 7206
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MARCUS B. VINCENT, 4361
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CHARLES V. VOIGT, 8243
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ANTHONY W. WALDROUP, 3992
DAVID J. WALICK, 9753
CHRISTOPHER S. WALKER, 6523
RICHARD W. WALKER, 6711
GRAHAM W. WALLACE, 9354
HOWARD T. WALLER, 6878
MITCHELL D. WALROD, 6169
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THOMAS A. WALTERS, 8986
JOHN K. WALTON, 9986
DAVID T. WANG, 9611
ALLAN E. WARD, 2372
JAMES M. WARD, 8989
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CRAIG A. WARDELL, 8997
SCOTT J. WARDLE, 8937
MATTHEW T. WARREN, 9469
MELODY A. WARREN, 6577
MARK E. WASSER, 3496
CHRISTOPHER L. WATHIER, 6033
DANIEL J. WATTENDORF, 5038
JENNIFER J. WEAVER, 3492
MICHAEL D. WEBB, 1426
MARK A. WEISKIRCHER, 7336
ERIK K. WEITZEL, 3051
KYLE J. WELD, 5229
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MICHAEL J. WELSH, 7226
KYLE S. WENDFELDT, 9900
MARIE J. WESTPHAL, 5018
JOHN C. WHEELER, 6384
ROBERT D. WHITE, 5483
JEFFREY B. WHITING, 5200
STEVEN E. WHITMARSH, 3924
PATRICK F. WHITNEY, 0972
JOHN D. WHITTENBERGER, 8863
CHRISTOPHER J. WIBBELSMAN, 2286
VANESSA K. WIDEMAN, 0995
JAMES F. WIEDENHOEFER, 3246
GREGORY C. WIGGINS, 7128
GWEN M. WILCOX, 2960
CAROLYN A. WILD, 7472
COURT R. WILKINS, 1596
KIM L. WILKINSON, 6565
LEE D. WILLIAMES, 5488
ERICA L. WILLIAMS, 7491
JOSEPH M. WILLIAMS, 8535
MICHAEL D. WILLIAMS, 7477
PAMELA M. WILLIAMS, 3397
LYNN M. WILSON, 2062
MATTHEW G. WILSON, 9205
SHELIA M. WILSON, 5605
STANLEY G. WILSON III, 7977
WILLIAM E. WINTER III, 2257
THOMAS C. WISLER, JR., 7273
JOHN R. WITHEROW, 4385
CATHERINE T. WITKOP, 7502
SONYA L. WOFFORD, 6866
KEVIN M. WOLF, 6758
WILLIAM S. WOLFE, 1805
GRAND F. WONG, 6748
JOHN W. WONG, 4222
DAVID A. WOOD, 4423
JEFFREY N. WOOD, 6477
MICHAEL J. WOOD, 3137
SAMUEL K. WOOD, 2628
SHERALYN D. WOOD, 7181
THOMAS E. WOOD, 4900
BRUCE A. WOODFORD, 4127
TIMOTHY D. WOODS, 5861
EDWARD B. WOODWARD, 8652
KENNETH A. WOODWARD, 4486
DONALD R. WOOLEVER, 5330
ROBERT B. WOOLLEY, 5596
JENNIFER A. WRIGHT, 2335
JOSHUA L. WRIGHT, 5277
JOY C. WU, 8838
CHRISTOPHER K. WYATT, 4823
XIAOHUI XIONG, 9484
JUNKO YAMAMOTO, 5676
RAMON YAMBOARIAS, 2430
YI YANG, 0140
ERIC S. YAO, 6464
JAMES H. YAO, 0728
PAUL A. YATES, 0193
MICHAEL W. YERKEY, 8936
FARIDA YOOSEFIAN, 6040
BRIAN M. YORK, 0751
ROBERT R. YORK, 1505
JEFFREY M. YOUNG, 7322
JEREMIE J. YOUNG, 9255
MATTHEW C. YOUNG, 9462
MAURICE E. YOUNG, 0569
RUSSELL J. YOUNG III, 8112
KARYN E. YOUNGCARIGNAN, 8639
KIMBERLY A. YOUNGQUIST, 2724
AARON T. YU, 0167
KENNETH C. Y. YU, 0052
DENNIS F. ZAGRODNIK, 4833
SHAHID A. ZAIDI, 6284
MICHAEL A. ZANE, 0321
ANTHONY I. ZARKA, 8450
SHAWN P. ZARR, 5665
SOLOMON F. ZEWDU, 6834
REGGIE ZHAN, 7493
JIANZHONG J. ZHANG, 9021
AN ZHU, 8580
GABRIEL ZIMMERER, 7659
MICHELLE K. ZIMMERMAN, 3929

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

E. N. STEELY III, 7230

EXTENSIONS OF REMARKS

A TRIBUTE TO YOLANDA MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Yolanda Martin, a native of the town of Puerto Annuelles in the beautiful and rich province of Chiriqui, in the Republic of Panama. I hope my colleagues will join me in recognizing her accomplishments.

Ms. Martin migrated to the United States in 1981, and settled in Brooklyn, New York. Ms. Martin's story is similar to many of our Nation's proud immigrants. In 1999 through 2002, she founded three Child Care Services. Ms. Martin is the executive director and CEO of Minnie's Day Care Center, Parents United For A Better Day Care Centers No. 1 and No. 2, both of which operate 24 hours. All centers provide parents with day care services, an after school program, pre-kindergarten classes, a summer program and overnight child care.

Ms. Martin attended several colleges over the years and is a N.Y. State certified EMT, NY State certified AIDS and HIV educational instructor, an American Red Cross CPR and First Aid instructor.

From 1982–1985, Ms. Martin worked for NY State with the mentally disabled, from 1985–1998, she worked for the NYS Division for Youth Corrections in facilities with incarcerated youth ages 14 to 18 years old. From 1991 to 1995, she worked with the NYC Department of Education as an integrating bilingual paraprofessional in special education. From 1990 to 1995, Ms. Martin also worked as an Emergency Technician with Tri-Com Ambulance services.

Ms. Martin is the proud mother of three beautiful children: Ronald (25) Kendra (18) Courtney (9) and an adopted daughter in Panama, Kiris (10). When she is not working with others in the community, Ms. Martin spends time with her children and family. She is known for her excellent cooking, baking and interior decorating skills. Ms. Martin's hobbies are the performing arts, modeling, and horseback riding. One of her short-term goals is to own her own horse and then a stable with a minimum of six horses is her long-term goal. Ms. Martin truly believes that the key to success is to do for others. Says Ms. Martin, "the more you do, the more is returned to you," it is the rule of the Universe.

Mr. Speaker, Yolanda Martin's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

75TH ANNIVERSARY OF THE MISSOURI STATE HIGHWAY PATROL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the 75th Anniversary of the Missouri State Highway Patrol. I am proud to pay tribute to the years of service and protection provided to the citizens of Missouri by the Highway Patrol.

On April 24, 1931, Governor Henry S. Caulfield signed Senate Bill 36, establishing the Missouri State Highway Patrol. The bill provided for a superintendent, 10 captains, and 115 patrolmen, but only 55 men were originally hired as troopers. The first superintendent, Lewis Ellis, was hired on July 21, 1931, and the Missouri State Highway Patrol became effective on September 14, 1931.

Throughout its 75 years, the Patrol has provided many invaluable services. In addition to enforcing traffic laws, it encourages traffic safety to the public through displays, speaking engagements, Community Alliance Programs, and the Safety Education Center. The Governor's Security Division, a branch of the Patrol, provides security to Missouri's governor, his family, and visiting dignitaries. Since the Patrol assumed the operation of Missouri's weigh stations in 1942, it has also proven vital to the removal of illegal drugs from the highways.

In the last 75 years, Missouri has called upon the Patrol for assistance in periods of civil unrest and natural disaster. In 1954, troopers were called upon to help quell a full-scale prison riot. The Patrol helped Missourians overcome the paralysis caused by the Great Flood of 1993. After Hurricane Katrina, 56 Patrol personnel responded to a call for assistance to Biloxi, Mississippi.

Mr. Speaker, the Missouri State Highway Patrol can be proud of all it has done for the State of Missouri. I know the Members of the House will join me in congratulating the Missouri State Highway Patrol for 75 years of excellent service.

TRIBUTE TO OLIVIA "LIBBY" MAYNARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Olivia Maynard as she receives the Eleanor Roosevelt Award from the Michigan Democratic Women's Caucus. Olivia will be honored at a luncheon on Saturday, April 8th in Detroit.

Olivia Maynard, also known as Libby, has served the people of Michigan in numerous capacities since graduating from the University of Michigan in 1971 with a Master of Social Work degree. After serving as the director of the Office of Services to the Aging, she ran for Lieutenant Governor in 1990 with Governor Jim Blanchard. President Clinton appointed her to the Federal Council on Aging, and she served as a delegate to the 1995 White House Conference on Aging.

Elected in 1996 as a Regent of the University of Michigan, she was re-elected in 2004 and continues in that capacity at the present time. Deeply committed to Michigan and its people, Libby was a founding member of Michigan Prospect an organization committed to connecting government to its citizens and creating a caring democratic society. Currently serving as President of Michigan Prospect, Libby devotes her time and energy to bringing about a diverse, just, humane state of Michigan.

Libby also serves as a trustee of the C.S. Mott Foundation, on the boards of the Nature Conservancy of Michigan, McLaren Regional Medical Center, the Council on Michigan Foundations and the Council on Foundations. She is the past chair of the Michigan Democratic Party. Along with her husband, S. Olof Karlstrom, an attorney in private practice, they have generously supported Michigan establishments. Their gift of $2.25 million to the University of Michigan School of Social Work is just one example of their commitment to supporting the institutions and ideas that will make the future of Michigan brighter.

Mr. Speaker, I ask the House of Representatives to stand with me and applaud the tremendous contributions Olivia Maynard has made to the promotion of dignity, justice, education, and social well-being. Her lifelong commitment to all segments of society has made a positive impact on the lives of countless persons. I value her support, counsel and common sense. Olivia Maynard is one of the giants of the Flint Michigan community and I am honored to call her my friend.

REAFFIRMING OUR SUPPORT FOR THE PEOPLE OF TAIWAN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SESSIONS. Mr. Speaker, Chinese President Hu Jintao is scheduled to visit Washington, DC, later this month. Mr. Hu is most likely to discuss trade, currency, North Korea, Iran and Taiwan with President Bush. I ask President Bush to not yield to Chinese demands on Taiwan but to reaffirm our long standing support for Taiwan and its people.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

During the 1995–1996 Taiwan Strait missile crises, President Clinton sent two aircraft carrier battle groups into the region. Since then, the Chinese military has greatly expanded its capabilities and deployed hundreds of missiles targeting Taiwan. As the Assistant Secretary of Defense for International Security Affairs Peter Rodman mentioned in his remarks before the U.S.-China Economic and Security Review Commission, "U.S. policy opposes unilateral changes in the Taiwan Strait status quo by either party. The PLA military build-up changes that status quo and requires us to adapt to the new situation, as we are doing now." Therefore, we must help the Taiwanese people to protect themselves in the event of a military conflict in the Strait.

Taiwan is very worried about China's military intentions. Last March, the Chinese enacted the anti-secession law, which gives them the right to use force against Taiwan. Chinese leaders have consistently maintained that military action is a viable possibility.

I ask President Bush to persuade Mr. Hu to withdraw Chinese missiles from the Strait, to rescind the anti-secession law and to resume a dialogue with Taiwan's elected leaders.

Peace in the Strait is important to the United States, China, and Taiwan. The 23 million people of Taiwan have worked hard to earn their democratic way of life and they should be allowed to determine their own future. Keeping the freedom of the Taiwanese people secure is a matter of deepest concern to all of us.

THE HUMAN RIGHTS DIALOGUE WITH VIETNAM: IS VIETNAM MAKING SIGNIFICANT PROGRESS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on March 29, I co-chaired a hearing to examine the results of the recent Human Rights Dialogue with the government of Vietnam, and the progress, or lack thereof, in Vietnam's respect for human rights and religious freedom. While the hearing revealed that there have been some improvements in Vietnam's human rights record, the testimony showed that the evidence of abuse is still too strong for us to relax our efforts.

It would be inappropriate, in any discussion of Vietnam, not to first raise the issue that engages more Americans, more deeply, than any other when we talk of Vietnam—the need to complete a full, thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict. As my colleagues know well, of the 2,583 POW/MIAs who were unaccounted for—Vietnam (1,923), Laos (567), Cambodia (83) and China (10)—just under 1,400 remain unaccounted for in Vietnam. During my last visit to Vietnam in December 2005 I met with LTC Lentfort Mitchell, head of the Joint POW–MIA Accounting Command (JPAC). While JPAC is making steady progress and is able to conduct approximately four joint field activities per year in Vietnam, I remain deeply concerned that the government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

This hearing took place in the context of the recently concluded Human Rights Dialogue with Vietnam, which our distinguished witnesses from the State Department, the Honorable Barry F. Lowenkron, Assistant Secretary of the Bureau of Democracy, Human Rights and Labor, the Honorable John V. Hanford III, Ambassador-at-Large for the Office of International Religious Freedom, and the Honorable Eric John, Deputy Assistant Secretary for the Bureau of East Asian and Pacific Affairs, reported on.

The State Department had suspended the Human Rights Dialogue since 2002 because it was clear Hanoi was not serious about our concerns. Since that time Hanoi was designated a Country of Particular Concern (CPC) for egregious and systematic violations of religious freedom in both 2004 and 2005. Vietnam is currently anxious to receive Permanent Normal Trade Relations (PNTR) with the U.S., to gain admittance to the World Trade Organization (WTO), and to have President Bush attend the Asia Pacific Economic Cooperation (APEC) Summit in November. Indeed, this is the "APEC Year" in Hanoi. Now that the dialogue has been resumed, at Hanoi's request, it is both imperative and opportune for the administration and Congress to pressure Hanoi for more deeds than words. Vietnam needs to show that it is not merely trying to smooth out some minor "misunderstandings" which get in the way of Vietnam's important economic and political goals, but rather that it has made a fundamental commitment to human rights and reform, and to fulfilling its international commitments, a fundamental commitment which will not be forgotten after it has achieved those goals.

Section 702 of Public Law 107–671 requires the Department to submit a report on the U.S.-Vietnam Human Rights Dialogue within 60 days of its conclusion "describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives:

(1) Improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam's administrative detention decree (Directive 311/CP).

(2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.

(3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.

(4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.

(5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.

(6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.

(7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.

(8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.

So far, all the evidence suggests, however, that Vietnam still has a long way to go before it can convince us that it has made any fundamental and lasting change in its human rights policy. The State Department's Human Rights report on Vietnam for 2005, upgraded Vietnam's Human Rights record from "poor" to merely "unsatisfactory." Freedom House still rates Vietnam as "unfree," but it is no longer at the absolute bottom of the repression scale. These are not exactly ringing endorsements.

There are fewer religious and political dissidents in jail, but there still are too many. Even those let out, like Father Ly, Father Loi, Dan Que, are subject to continued forms of house arrest or harassment. Restrictions on the legal churches have eased, but requests to build churches, to receive back confiscated properties, and provide charitable and educational services, which are allowed under current law, are never answered quickly, and often never answered at all. Hundreds of churches have been closed in the past 5 years. Last year, a few dozen were opened, which does to begin to redress the earlier harm. And still large numbers of believers who belong to "illegal churches" suffer continued harassment—not everywhere, not everyone, not always, but their rights to believe and practice are still not secured by rule of law. Too often all of the improvements are based on local and arbitrary decisions which can be reversed at any time. The Unified Buddhist Church of Vietnam (UBCV) is still illegal, and its leaders, the Venerable Thich Quang Do and Patriarch Thich Huyen Quang remain under strict "pagoda" arrest, and 13 other senior figures remain under similar restrictions. The independent Hoa Hao Buddhists are also illegal, and their church was singled out for repression last year. Evangelical Protestant house churches, Mennonites, Bahai, Hindus, and others exist in a legal limbo: technically illegal, sometimes tolerated, but sometimes repressed. Those officials who violate government guaranteed religious rights appear never to be punished. This is not the way a rule of law society is constructed.

Reports of forced renunciations of Christianity in the Montagnard regions have diminished—but they have not ended. Montagnard house churches are allowed to operate, but have not received their registration. The UNHCR, and various diplomats, are allowed to travel, sometimes, to some Montagnard regions, but only when carefully monitored. Montagnards eligible for resettlement in the U.S. get their passports and exit visas, but not all, not everywhere. And hundreds of Montagnards languish in detention.

Vietnam reportedly weakened its two-child policy several years ago, after coercive policies involving contraception, birth quotas, sterilization and abortion cut Vietnam's fertility almost in half in 20 years. Yet last year the Deputy Prime Minister called for "more drastic measures" to cut the birth rate further. It is not clear that this has yet been enforced, but it hangs there as a storm cloud over all families, but especially over Vietnam's long-abused indigenous minorities. Like China's one child policy, Vietnam's two-child policy has led to a large and growing imbalance in male and female births, which will only increase its already severe problems as a source, transit and destination country for human trafficking. According to last year's State Department's Human Trafficking report, Vietnam remained a Tier II country because of its serious trafficking problems, but was removed from the Watch List. Many of us think this was an error, and that Vietnam's response to its trafficking problems remains inadequate.

In December I met with over 60 people: government officials, political and religious activists, archbishops, heads of churches and ordinary believers. I have had several, somewhat stilted, I must admit, conversations recently with mixed delegations of religious leaders and government officials. That the Vietnamese government even consented to send these delegations was an important step. It does seem that some of the government officials at least are beginning to understand our concerns. What they will now do is the question. I believe that Michael Cromartie, Chairman of the U.S. Commission on International Religious Freedom, has made the crucial observation: "We are not arguing over whether the glass is half-full or half-empty. We just do not know if the glass, so recently constructed, will continue to hold any water. Will legal developments hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a Congressional vote on PNTR? . . . Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation or downplaying human rights concerns to advance economic or military interests."

I could not agree more. We have seen various thaws in other Communist regimes. The Khrushchev thaw was followed by the worst persecution of religion in 30 years, and then the long stagnation of the Brezhnev regime. In the 60's we thought Nicolae Ceausescu of Romania would be the next Tito, I remember when we thought that was an advance; instead, he decided to be the next Kim Il-Sung. Finally, who can forget the democratic opening in China which was crushed at Tienanmen Square.

We must be sure that the change in Vietnam is real. We have a unique opportunity this year to achieve real and lasting progress in Vietnam. We should use the leverage we have, and seek to increase it. The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. H.R. 1587, The Vietnam Human Rights Act of 2004, passed the House by a 323–45 vote in July 2004. A similar measure passed by a 410–1 landslide in the House in 2001. The measures called for limiting further increases of non-humanitarian United States aid from being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support non-governmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in Senate committees and have not been enacted into law. But we are again ready to work with the administration to find ways to encourage and promote civil society in Vietnam. I have re-introduced the Vietnam Human Rights Act of 2005, H.R. 3190. I would be delighted to hear what sort of measures we could add to the bill to cooperate with Vietnam's government if it is indeed serious about strengthening civil society and the rule of law: to help promote genuine NGO's, especially faith-based NGO's, to deal with Vietnam's problems with trafficking, addiction, HIV/AIDS, street children; to create an independent bar association, and help train lawyers who can defend the rights already guaranteed to Vietnam's people by Vietnam's own constitution and laws.

Human rights are central. They are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world. Our non-governmental witnesses: Ms. Kay Reibold, project development specialist for the Montagnard Human Rights Organization; Mrs. H'Pun Mlo, a Montagnard refugee who after many years of abuse, was finally allowed to join her family in the U.S.; Dr. Nguyen Dinh Thang, the executive director of Boat People SOS; and Mr. Doan Viet Hoat, the president of International Institute for Vietnam, gave us valuable independent testimony, so that the world will get a true and complete picture of this government with whom we are growing ever closer.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL MAKES A DIFFERENCE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, when you think of the leaders of the future—what qualities come to mind? Civic activism? Community awareness? Personal leadership? Academic excellence? It is a privilege to recognize the members of the 2005–2006 Congressional Youth Advisory Council because they embody these qualities and more.

For the last 2 years, the members of the Congressional Youth Advisory Council have represented the young people of the Third District well by working as ambassadors of the future. Several times a year the members of the Youth Council would share a valuable youth perspective on the current issues before Congress. This year 42 students from public, private, and home schools in grades 10 through 12 made their voices heard and made a difference to Congress.

For the first time, this year there was a philanthropy element to the Youth Council. For the community service project, the members of the Youth Council reached out to veterans and encouraged them to share their stories. Called the "Preserving History Project," each member had to interview a veteran. Then the student had to submit a lengthy paper detailing the veteran's service and sharing what the student learned from that experience. The students submitted a summary of their work. Today I'm proud to submit the briefs provided so the hard and valuable work of the Youth Council may be preserved for antiquity in the CONGRESSIONAL RECORD.

Someday, each member will be able to share with children and grandchildren—"In high school I served my community and my work will always be recognized in the official CONGRESSIONAL RECORD."

A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for your time, effort and sacrifice to help make the Congressional Youth Advisory Council a success. You're the voices of the future and I salute you. God bless you and God bless America.

I was thankful for my list of questions as my Grandpa (William Frank Morgan) began relating his military experiences to me. I learned about his life, sacrifices, and service. He was a Seaman First Class in the Navy, and later a Senior Master Sergeant when he retired from the Air Force. This opportunity to talk with him and hear his story has strengthened our relationship, and I'm so thankful for this chance to glean more knowledge about my family. Grandpa and Grandma Morgan visit once a year at Thanksgiving and I always look forward to their arrival. Reconnection through our talks and the time we spend together has become more precious each year. We also try to visit them, and keep in touch through phone calls and letters. Surprisingly, although Grandpa is not talkative, he will sporadically crack the funniest jokes. He is a good example in studying the Bible and desiring a life of a Godly character. He has a talented green thumb, and I enjoy stepping into his untidy greenhouse to watch him care for his healthy plants. When he isn't gardening, Grandpa spends time among his books, or checking the weather for the coming week. Grandpa's traveling, distance from loved ones, disrupted education, interesting experiences with food, and dangerous challenges have molded his character and sacrificially ensured the freedoms and safety Americans enjoy today.—Meredith Morgan

A native of Elmira, New York, William Stone, Jr. served in the U.S. Army for two years as an officer stationed in Germany. There he was assigned as a motor officer responsible for CMMI's beginning in 1967. Stone entered the Army as a 2nd lieutenant and reached the rank of 1st lieutenant prior to returning to civilian life. After working for several years as an insurance adjuster in New York, Stone moved to Texas, where he and his wife have been teaching in the Plano Independent School District.

As a result of this interview, I was able to gain insight into the role of our nation's military. Mr. Stone, like many others, is among those who have helped safeguard the freedoms we enjoy in the United States. Listening to his experiences has allowed me to better understand the sacrifices the men and women of the military have made on our behalf.—Albert Chang

Joe McAnally is a great man. He is my neighbor, who I have known for about four years, and is very active, knowledgeable and helpful. His tour doesn't even seem to have affected him in any adverse way. He was born, raised and still lives in the Dallas area. He chose to be in the Army R.O.T.C. because he knew, since his birthday was 12th on the draft list, he would have to serve anyway. Since he was already an officer his enlistment and boot camp were an easier transition, and since his family knew he was going to be drafted, they supported him fully. He served in the Vietnam War and had to find his own way, because he landed at midnight when everyone was asleep. He earned two Bronze Stars, the third highest medal in the service. His food was good, especially the food mailed from home, except for the mutton. His platoon was well supplied and was entertained by Bob Hope once. On leave he went to Thailand and Australia. When he returned home he was offered his old job back, got married and eventually bought a business making plastic molds, which he still owns and runs to this day.—Elliot Post

I interviewed Mr. Spencer Guimarin, a retired first class petty officer in the United States Navy. Mr. Guimarin surmounted obstacles in his life that most men would consider their worst fear. He survived the first wave of D-Day landings at Omaha Beach, the invasion of Okinawa, and every other confrontation that war threw his way. I have read books and seen movies and documentaries about Okinawa and D-Day, but to actually have the chance to sit down and talk with someone that was there was an experience I will never forget. The movies just don't do it justice. I was excited when I heard that we were going to have the chance to do a project like this, and I couldn't wait to get started. It was a humbling experience hearing his stories, yet not being able to appreciate it for what it is worth because I was not there. I learned about the lasting effects a war can have on a veteran. As I will be entering Merchant Marine Academy in July of 2006 and hope to pursue a career in the military, I realize that I may be faced with some of the same repercussions.—Doug Hermann

For my Preserving History project, I interviewed Lieutenant Colonel Charles Beck. He was a veteran of the Vietnam War, serving as a jet fighter pilot in the Air Force. He flew reconnaissance and bombing missions over North Vietnam, tracking enemy base movement, taking surveillance pictures, and calling and participating in air strikes. He was deployed for three years. Survival rate for his fighter group was less than 50%, but Lt. Beck made it through the war without ever being captured by enemy forces. For his service to our country, Lt. Beck was awarded 27 medals, including a Silver Star.

I found it interesting how a man from such humble beginnings pursed a passion for flying. He served heroically during major combat operations. His pride and his service to our country and his love for the United States have helped me understand the important role that our veterans have played in preserving the freedoms we enjoy in America. I think that it is very important that we capture our veteran's stories so that we have documented history of not only their military service, but of the values that led them to serve their country so honorably.—Jocelyn Sedlet

For my veteran project, I interviewed Robert L. Staib, former Captain in the United States Air Force. By the end of his service, he had fought in the Vietnam War and the Cold War as a fighter pilot and a forward air controller. He received a Distinguished Flying Cross, seventeen Air Medals, and Air Force Commendation Medal, an Army Commendation Medal, a Vietnam Service Medal, and an Air Force Outstanding Unit Award Ribbon. He flew in over at least sixteen countries. He was brave and courageous in all his endeavors. From this project, I learned what a hero really is. I learned that my grandfather is a hero because he was willing to sacrifice his life for the freedom of people he didn't even know. I also learned about the deep love he felt for my grandmother and mother. Most importantly, I learned that heroes don't just do great things, they do them with great motives. If my grandfather had gone into the service for glory, he would not have been a hero. He went into the Air Force knowing he might die, because he wanted to preserve and spread freedom, a freedom that I sometimes take for granted. This is a freedom that must be fought for. This project taught me about Robert L. Staib and about my freedom.—Britney Thomas

What I gained from this interesting interview was not just another few hours spent, but an insightful and rather intriguing conversation with the most well versed person I know, Mr. John Neese. Beginning as a private, Mr. Neese escalated to the height of full colonel. He became a very outspoken individual during the interview, however his personal anecdotes and stories kept me asking for more. His impact on the conflict in Vietnam may have been easily overlooked, however, his objectives and goals at dropping leaflets and speaking in an ultimately "fire arm free" duty, was an amazing opportunity, as well as daily routine as a member of the U.S. Air Force. He gained a new insight as to how he could survive in a "dog eat dog society." By simply joining the Air Force, he received tools he could use the rest of his life—tools that are hardly apparent in everyday Americans. What I gained from the interview was a new friend. A new friend that thinks the same way I do. A man that stands for God and represents his country to the fullest.—Bryan Blair

Around the first of the year, my mom introduced me to Lt. Colonel Kirk Chandler, a den leader in my younger brother's Cub Scout pack. His military service in the Navy spanned fourteen years from May 1991, to his retirement in October 2005. With many veterans you find battle-hardiness seeping in them, and an unwillingness to recount their combat tales. With Mr. Chandler, I found a laid back former soldier who was quite positive in his descriptions of his time in the service. Although he didn't do anything extraordinary in the field of battle, I feel his accomplishments lie in the soldiers he inspired, and in the connections he still maintains to this day with the people that he served with.

In interviewing Mr. Chandler, I was given a whole new dimension with regards to the military. In talking to him, I found someone who experienced much in the realm of the world—someone who's traveled around the world, meeting new people and new cultures. I learned how one enjoys life even in the toughest of times. In meeting Mr. Chandler, I met the embodiment of an American hero and a true stand up guy who serves the community with pride.—Adam Rosenfield

I interviewed Marvin Alan Sternberg who was a part of the Army during the Vietnam War. He started as a private and ended as a 1st Lieutenant when his service ended. Mr. Sternberg gained a lot from his experience in the Army, but the biggest lesson that he was taught and forced into was growing up and becoming a man.

After interviewing Mr. Sternberg, I realize how much a person can go through just for the protection of others. It amazes me how someone like Mr. Sternberg can dedicate part of their life so selflessly in order to protect their country and fellow citizens that are totally unknown to them. I have always had a respect for veterans, but now, after this interview, I have a different kind of respect for all of those men and women who have served in our country. There is something special about people that go into the service, and I have come to find that it is people like that that I look up to and admire. It all has become a reality to me, because I actually heard what happens behind the scenes and what they really go through instead of a sugarcoated testimony that we hear in school or out of a textbook. I'm so thankful that Mr. Sternberg took time out of his day to sit down, talk, and explain to me his experiences he faced during his journey. This is an experience that I will treasure forever, because I learned firsthand how veterans are affected by war. Thank you for giving me the opportunity to participate in this preserving history project.—Kristy MacDonnell

In my interview with my grandfather, Thomas Dale Alexander, Colonel, United States Air Force (Retired), I learned quite a few things about why he does things the way he does and all sorts of things that I never knew about my mother's family. He is a much wiser man than the young high school graduate that joined the Air Force in 1943. He served in the occupation of Japan, fought in Korea, worked with the FAA for a while, fought in Vietnam, and retired after commanding a supply squadron. His plane was shot up badly three times in Korea, but he did always manage to fly home—feats for which he was awarded three Distinguished Flying Crosses. In Vietnam, he commanded a squadron of Forward Air Controllers, who interfaced with the troops on the ground and marked targets for the fighter-bombers with smoke rockets. After he retired, he moved to Junction, Texas, to build a house by the Llano River and was hired as Director of Operations at the Texas Tech Center in Junction, now called Texas Tech at Junction. After he retired for the second time, he continued to keep up with the hobbies he had started in the Air Force, like playing golf and building.—Evan Dale Wise

While his time in the Army was limited to the Postal Services, my grandfather, Charles Wallander Junior, was an excellent soldier who defined the traits of discipline, diligence, and obedience. At the completion of his military work my grandfather obtained the rank of Corporal in the Army, and was awarded with the mark of excellence in the Post Office. Through his work with the Army Post Office, my grandfather was a key factor in organizing the Korean mail infrastructure, and allowing for the Postal Service to function, in his post as Postmaster General. From this experience I can undoubtedly say that I have gained a sense of unmatched pride in my grandfather and all he has done for this country and the world. My appreciation for him is only matched by my respect for the Armed Forces at large, and my gained trust in the American way that helps to guide this country.—Andrew Schreiber

Stanley S. Malewicki was drafted into the United States Army at the age of 19 at the outset of the Second World War. After leaving his home in New York, he received five months of training before deploying to Oxford where he remained for two more months until the invasion of France. Private

Malewicki entered Normandy at D-Day plus three along with the 204th Combat Engineering Battalion and General Patton's third Army. For the greater part of his service, Malewicki and his unit where tasked with transporting infantry and vehicles across the rivers of France and Germany. Whether by boat or portable bridge, they always got the job done despite fierce opposition. During his time in the service, Pvt. Malewicki earned a Purple Heart and several campaign medals. After the war was over, he got married and had two children. He also went on to become a supervisor for the Long Island Lighting Company (LILCO). Mr. Malewicki says that he did not mind being drafted one bit, and the United States of America is one great country. After completing this interview, I have gained knowledge of my grandfather I had never expected to experience. To fully understand the nature of war, you have to see it through the eyes of someone that was actually in the arena.—Erik De Sousa

The veteran I interviewed is my uncle, Matthew Hancock. The branch that he served in was the U.S. Army. His initial rank was Private, and his finishing rank was CW3. Most of the work he did during his service to this country revolved around weapons specialty. He was living in Davenport, Iowa, which was his hometown, at the time that he signed up for the military. Mr. Hancock served in the military for over 20 years, and fought in both Iraqi Wars: Operation Desert Storm and Operation Iraqi Freedom. He chose to serve in the military because he felt the military offered the best opportunity for him, and he had always wanted to be in the Army since he was young. He accomplished a great deal during his impressive span of service, winning several medals, including three bronze stars. I am very glad for having done this interview, for it has given me a much more indepth understanding of what our soldiers go through in order to protect the rest of us. Before this, I mostly knew general things, but now what I know is much more specific.—Jordan Schmittou

HONORING ARTHUR TREVETHAN ON THE OCCASION OF HIS RETIREMENT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TIBERI. Mr. Speaker, I rise today to congratulate Art Trevethan on his long and illustrious career with Nationwide Insurance and to celebrate his accomplishments with him as he embarks upon a new chapter in life.

Art's legendary leadership and service have contributed to central Ohio's business community and its growing fame as one of the most vibrant areas in America. No matter what he has involved himself in, he has always found success. His outstanding record of achievement speaks volumes about his quality as a topflight businessman and civic-minded leader. His commitment to free enterprise and interest in fostering good government have had a tremendous impact across our state and nation.

I appreciate the countless hours and tremendous amount of personal energy he has expended working to bridge the business and public policy worlds. Art understands the decisions made in the halls of our government impact businesses and the lives of employees. Rather than stand on the sidelines and wring his hands over public policy in Columbus or Washington, he has worked to inform policymakers about how their proposals affect companies and encouraged working people and executives to become involved in the process.

Art Trevethan has been a tremendous asset not only to Nationwide, but to the community as well. As he closes the book on one career and begins another as founder of (Re) Insurance Recovery Solutions, I am confident he will continue his good works and find happiness and success in the years ahead.

INTRODUCTION OF VICTIMS' RIGHTS WEEK RESOLUTION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. COSTA. Mr. Speaker, as co-chair of the Congressional Victim's Rights Caucus, I rise today to introduce the 2006 Victims Rights Week Resolution on behalf of myself, and Caucus Co-chairs Congressman TED POE of Texas and Congresswoman KATHERINE HARRIS of Florida. This concurrent resolution expresses Congress' support of the goals and ideals of National Crime Victims' Rights Week and the efforts to increase public awareness of the rights, needs, and concerns of crime victims and survivors in the United States. This observance will take place the week of April 23 through April 29.

In 1980, President Reagan first called for a national observance to recognize and honor the millions of victims of crimes in our country, their families, and survivors. National Crime Victims' Rights Week also pays tribute to the thousands of community-based and system-based victim services providers and to the criminal justice and allied professionals who provide critical support and assistance to victims every week of the year. National Crime Victims' Rights Week has since been proclaimed annually with ceremonies and observances in Washington D.C. and in hundreds of communities throughout our nation.

President Reagan's commitment to the rights of victims lead to the passage of the Victims of Crime Act, which in 1984 created the Crime Victims Fund. Since then, the Crime Victims Fund has dedicated more than $7.4 billion collected from criminal fines—not taxpayers dollars—that annually supports more than 4,400 victim assistance programs serving some 3.8 million victims and compensation to more than 165,000 victims for their unreimbursed medical expenses, lost wages and funeral costs.

The 2006 National Crime Victims' Rights Week theme is "Victims' Rights: Strength in Unity." It is indeed appropriate because today an unprecedented coalition of victims and survivors, victim advocacy organizations, justice professional and service providers are once together joining together to protect the Crime Victims Fund, a legacy of the Reagan Administration.

Before the emergence of the victims' rights movement, you would hear plenty about criminals, but nothing about victims. You could go to college and take courses to learn how to help and manage abusers, but little was said about those they abused. Crime was the main issue; victims, if at all, were an afterthought, Meanwhile, society treated victims in the same manner. Victims had no voice. They had few rights. They were largely left in the shadows.

This has changed thanks to our Nation's victims' rights movement. Today, victims of crime and those who serve them have not only a voice, but a vision for what justice should look like in America. Today, there are over 32,000 laws that define and protect victim's rights. In 2006, we not only listen to victims; we learn from them. We are beginning to view them not only as an obligation mandated by law, but also as an opportunity—as people with vital information to help us better manage violent offenders; and as people who have helped us understand the devastating impact of crime.

I am proud to be one of the three co-founders, along with Representatives POE and HARRIS of the Congressional Victim's Rights Caucus. The goals of the Victim's Rights Caucus are to (1) represent crime victims in the United States through the bipartisan legislation that reflects their interests, rights and needs; (2) provide an ongoing forum for proactive interactions between the U.S. Congress and national victim assistance organizations to enhance mutual education, legislative advocacy and initiatives that promote justice for all—including victims of crime; and (3) seek opportunities for public education initiatives to help people in America to understand the impact of crime on victims, and to encourage their involvement in crime prevention, victim assistance, and community safety.

Crime does not know any geographic, demographic or political boundaries; it touches all of our constituents in every community. And so, as Congress expresses its support for National Crime Victims Rights Week and its efforts to increase public awareness of the impact of crime on victims, survivors and on our communities, we encourage all members to join the Caucus, as a critical voice of victims, in the Congress.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 6, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the state of the biofuels industry.
SR–328A

Judiciary
To hold hearings to examine the McCarran-Ferguson Act, focusing on implications of repealing the insurers' antitrust exemption.
SD–226

2 p.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

APRIL 26

9:30 a.m.
Judiciary
To hold hearings to examine parity, platforms and protection relating to the future of the music industry in the digital radio revolution.
SD–226

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine fostering innovation in math and science education.
Room to be announced

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 3

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

HOUSE OF REPRESENTATIVES—*Thursday, April 6, 2006*

The House met at 10 a.m.

The Reverend Steven T. Cherry, President, Wesley Enhanced Living at Heritage Towers, Doylestown, Pennsylvania, offered the following prayer:

God of the nations, You gave this new day, blessed it with springtime color, and we give You thanks.

Look today on Your people throughout this beloved Nation, a grand diversity from all corners of the land, and bind us together in the principles of liberty, respect, and service. Teach us to revere those advanced in age who feel the weight of years but live with depth of character that comes from long life. May we be so reverent in the face of the profound gift of life. We give deep thanks for all those who act out of dedication to sisters and brothers, wherever they serve.

Give to all those who work in this place, O God, strength, wisdom and pause to consider Your grace in our midst. You have given to them the great traditions and tools of leadership forged from years of testing. May Your work prevail today.

We pray in the name of Jesus, the Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Mrs. CAPPS) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment Joint Resolutions of the House of the following titles:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

WELCOMING REVEREND STEVEN T. CHERRY

(Mr. FITZPATRICK of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, it is my honor to welcome Reverend Steven Cherry to the House Chamber this morning as our guest chaplain. It is my further honor to welcome the residents of Heritage Towers, a retirement community located in Doylestown, Pennsylvania, where Reverend Cherry serves as Executive Director. They are in the House Chamber as I speak to lend their support to the Reverend as well as to see our body in action. Welcome to the Nation's capital.

I have had many opportunities to visit Heritage Towers and meet with the 350 residents who call the community home. I also have had the chance to speak with Reverend Cherry about the mission of Heritage Towers and how it is not just a retirement community but a place where seniors can enhance not only their minds and bodies but their spirit as well.

Reverend Cherry is tasked with the challenge of maintaining the high quality of the services Heritage Towers offers. He is well-equipped to meet that challenge. Reverend Cherry has served as the finance chairman for the Berwyn United Methodist Church and as a board member of the Central Bucks YMCA. In his ecclesiastical role, Reverend Cherry has served as the pastor of many churches, including the Radnor Church in Rosemont and the Iona Methodist Church in Lebanon.

Mr. Speaker, Reverend Cherry has shown his dedication to service and community action throughout his career. Heritage Towers is lucky to have him as Executive Director, and the House is honored to have him with us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KOLBE). The Chair will entertain up to 10 one-minutes from each side.

LONE STAR VOICE: MICHAEL ESTEP, SR.

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, working Americans continue to voice concern about the unlawful entry into the United States. Michael Estep, Sr., from Spring, Texas writes to me:

"I am writing to express my most sincere concern for our Nation and the State with regard to the current immigration issues. Having served in both public law enforcement and the private sector for the past 30 years, in all these years I have not seen one good side of illegal immigration, just varying degrees of bad. The strain on local and State medical services, higher insurance costs due to uninsured and unlicensed motorists, the criminal justice system where 29 percent of the American prison population are illegal aliens, are all paid by the citizens.

"What is happening to the land the greatest generation fought to protect? Is the uncontrolled assimilation into the melting pot of America destroying the values and resources which made us strong? Is this unchecked invasion crippling our ability to tell the difference between right and wrong, leading us to choose the politically correct solution rather than the right answer?

"I ask your support of immigration reform in the strongest terms. Too many citizens and illegals alike choose which laws are to be obeyed while seeking protection from the law through protests and civil disobedience."

That's just the way it is.

REPUBLICAN FISCAL IRRESPONSIBILITY, HOUSE REPUBLICANS REFUSE TO CHANGE COURSE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Mr. Speaker, the other side will once again try to spin their 2007 budget as fiscally responsible. The American people know better. For 5 years now, Republicans have controlled both the Congress and the White House, and for 5 years our budget deficit has been spiraling out of control. Two years ago, former House majority leader Dick Armey told the Wall Street Journal, and I am quoting, "I am sitting here and I am upset about the deficit and I am upset about spending. There is no way I can pin that on the Democrats. Republicans own the town."

That is a former Republican leader talking about their fiscal irresponsibilities.

For 5 years now those who own the town created the fourth largest budget

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

deficit in American history. According to the Congressional Budget Office, the 2000 budget those who own the town plan to bring to the floor this week is the fourth most fiscally irresponsible budget in history, creating an additional $348 billion debt, and yet those who own the town try to claim their fiscal responsibility.

Members of their own party don't even believe that anymore.

HONORING GORDON PARKS

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to honor the life of a great American, my constituent Gordon Parks.

Mr. Parks was born in Fort Scott, Kansas, the youngest of 15 children. Mr. Parks' accomplishments from this simple beginning are far too many to name in the limited time allotted to me, but allow me to list some of his more significant contributions.

Mr. Parks was the first African American to write, produce and direct a motion picture. He was an award-winning photographer for Life magazine and helped found Essence, the first magazine targeted to African American women.

Mr. Parks won an Emmy in 1968 for the documentary, Diary of a Harlem Family. He received the National Medal of Arts from President Reagan in 1988, and was inducted into the International Photography Hall of Fame in 2002.

Mr. Speaker, Gordon Parks passed away on March 6, 2006, leaving behind an expansive legacy. I come to the floor today to honor his life and to thank him for significant breakthroughs that occurred because of his life.

DEMOCRATIC BUDGET IS FISCALLY RESPONSIBLE AND PROTECTS WORKING FAMILIES

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise to speak out against the House Republicans' plan for an irresponsible budget that they are going to be presenting.

While the House Republican budget never reaches balance, the Democrats' alternative is balanced by 2012. We simply must restore fiscal sanity here in Washington and the fact is the Republican budget doesn't even get there.

The House Democratic alternative will not only provide a blueprint to get us back to balanced budgets, but it will restore critical domestic funding for programs that are so important for working class families.

The Democratic budget provides the needs for working families who have been hit hard by Washington Republicans over the last 5 years. As they continue to face increasing gasoline prices, home heating bills, an increase in health care costs, and high tuition bills, we can't even send our children to college. Our budget provides critical funding for homeland security, education, health, veterans' benefits, and environmental programs that are all left out of the Republican budget.

It is time that this House start working on behalf of the working families in our country.

PLANNED PARENTHOOD MARKETING GIMMICKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I read recently that Planned Parenthood in San Francisco has launched a fresh marketing gimmick to drum up new business for its clinics.

Under its "Tell A Friend" campaign, girls can earn free movie tickets for referring a friend to Planned Parenthood clinics. These same area clinics are offering the chance to win a free iPod for scheduling an appointment by April 30.

While the idea of luring young girls into abortion clinics with gimmicks like free iPods and movie tickets may be outrageous, I guess it shouldn't be surprising. After all, Planned Parenthood may be feeling the financial squeeze these days.

Statistics show U.S. teenagers are having fewer abortions than any time since Roe v. Wade, and polling indicates that today's teenagers are more pro-life than previous generations.

Mr. Speaker, the pro-choice side likes to say that their goal is to see that abortion in America is safe, legal and rare; but those who truly seek to reduce abortion rates in America aren't baiting girls into abortion clinics with offers of free movie tickets and iPods.

HONORING PORTLAND PILOTS WOMEN'S SOCCER TEAM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, I am pleased to welcome this morning the University of Portland Women's Soccer Team to our Capitol and congratulate them for their undefeated season, winning the 2005 NCAA Champion Division I Title, their second championship in 4 years. Even the team's dedicated fans have set a new NCAA attendance record for any soccer season, men or women.

I want to congratulate University President, Father Bill Beauchamp, Head Coach Garrett Smith, and the entire university community as the Pilots carried on the legacy of the late legendary coach Clive Charles.

Most of all, I congratulate these women whose combination of athletic and academic excellence is an inspiration for young people everywhere, especially today's young women.

There is much to celebrate "Up on the Bluff." The women's soccer team is a great example of excellence at the University of Portland. I welcome them to the Capitol and their White House ceremony later today.

RESPONSIBLE IMMIGRATION REFORM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today as a strong supporter of effective immigration reform and with a sense of urgency that Congress must act decisively to secure our borders and control illegal immigration.

Every day we put off sending the President border security legislation simply allows more opportunity for illegal immigrants to break our laws and cross our borders.

America must not continue to be a foster home for those who deliberately break the law. Rather, we must be a Nation that respects law and encourages safe and legal immigration.

The burden of illegal immigration is increasing daily for American citizens as hospitals and schools are filled with illegal immigrants who cannot pay for their education or their medical expenses. Indeed, illegal immigration is not a victimless crime, and as long as our Nation continues to turn a blind eye, illegal immigrants have all the incentives in the world to risk their lives crossing our border.

As the Senate deliberates their approach to reform, I believe we in the House need to continue to emphasize border security first and foremost, our opposition to amnesty, and support for a national guest worker program that treats those seeking jobs here as exactly that, guests not citizens.

□ 1015

NATIONAL PUBLIC HEALTH WEEK

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I wish to remind my colleagues that this week, April 3–9 is National Public Health Week.

I want to thank the efforts of the American Public Health Association and its 200-plus partners who have organized events around the Nation that serve to raise everyone's awareness of the need to improve public health.

This year, the theme of National Public Health Week is, "Designing Healthy Communities, Raising Healthy Kids."

Mr. Speaker, less than 10 percent of our Nation's children walk or ride their bicycles to school, and too many schools continue to invite fast-food vendors into their cafeterias.

In America today, the percentage of children and adolescents who are defined as overweight is more than double what it was in the early 1970s.

My experience as a school nurse taught me that we need to make a concerted effort, all of us, to increase physical fitness activity among our children and to encourage all Americans to adopt a healthier diet that includes fruits and vegetables, but there is more.

If we are going to be successful in designing healthy communities and raising healthy kids, we must make sure this message is heard the entire year and not just for 1 week.

I urge my colleagues to support this and other efforts to promote children's health.

ILLEGAL IMMIGRATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, illegal immigration, the process of choosing to enter this country illegally, of violating our laws, is clearly a priority of concern with the American people, and I don't think the American people are asking too much when they call our offices and tell us to secure the border and bring a halt to the massive problem of illegal entry into this country.

Some in this debate are trying to characterize those of us who want to get serious about illegal entry as mean-spirited and anti-immigrant. It is ridiculous.

In a column a while back, Peggy Noonan asked the question. What does it mean when the first thing a person does when coming into the country is break our laws? Mr. Speaker, that is a good question.

We absolutely cannot condone or incorporate into our society large numbers of people whose first act upon entering this country is to break a law.

We need to overhaul our border security. We need to overhaul the process by which people are legally admitted to this Nation.

VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, a government such as ours, by the people, works only if the citizens believe it does. Yet, voting irregularities in polling places around the Nation have played an important role in eroding the trust of many Americans in Americans' ability to govern ourselves.

Most or even all of the problems can be addressed, and we should do that. Today, hundreds of citizens are coming to Washington from around the country to urge that we enact H.R. 550. to give every voter a system of voting that allows voter-verified paper audit trails.

Everything of value should be auditable, no less so votes, and every voter should be confident that his or her vote is recorded and counted as intended.

Passage of the Voter Confidence and Increased Accessibility Act will be a big step toward restoring confidence in our government.

IMMIGRATION REFORM

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, this week the Senate is continuing to debate immigration reform which, of course, is badly needed.

I would urge the Senate to look to the legislation that was passed by this House in December when crafting their legislation. America needs the House immigration and border security bill to protect our borders.

The legislation that we passed ends the catch-and-release program, it gets tough on repeat offenders, promotes cooperation amongst local law enforcement as well, and it installs requirements to ensure that those who are here illegally in our country do not take jobs from American citizens.

Some say that these illegals just take the jobs that Americans won't do, but I received a letter just the other day from one of my constituents who urged me to push for tougher immigration laws because he can't find work as a drywaller because of illegal foreign workers.

This is considered a very good job from where I come from, the type of job that has built our middle class.

Now we hear the Senate has cut a deal on providing amnesty for some illegal aliens, and I would have a message for the distinguished Senators on the other side of this building: amnesty has no chance of passage in this House. Look to the House bill if you want to see real immigration reform.

REPUBLICANS CREATE A RESPONSIBLE BUDGET FOR AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Congress is currently evaluating America's needs and trying to decide upon a budget that will responsibly provide for our Nation in 2007.

We should approach this process with the same wisdom and self-restraint used by American families when they decide upon their budget. While we must provide for our needs, we must eliminate unnecessary government programs and prepare for emergencies.

House Republicans are focused on strengthening our Nation's most critical programs, reforming the government, and spending taxpayers' dollars wisely. The Lexington County Chronicle is correct, that the money belongs to the people, not to the government.

I am particularly proud of Chairman JIM NUSSLE's efforts to save $6.8 billion in spending and reduce the deficit by implementing commonsense reforms. Most importantly, we are taking immediate steps to ensure that the American economy continues to create jobs for American workers.

In conclusion, God bless our troops, and we will never forget September 11.

REPUBLICAN BUDGET

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. If we adopt the Republican budget late tonight or tomorrow, the Republicans will set a new record: 5 consecutive years of the largest deficits in our Nation's history.

Two weeks ago, the Republicans in the Senate voted to raise the debt limit in the United States of America to $9 trillion. That is the fourth debt increase in 5 years. This majority and this President Bush have added 65 percent to the debt of the United States in 5 short years.

The President has accumulated more foreign debt than the 42 Presidents who preceded him, and this budget is business as usual: borrow money, borrow all of the Social Security trust fund and spend it, in part, on tax breaks for the wealthy.

This budget assumes that we will continue to borrow money to fund yet more tax breaks for the wealthiest among us, despite the Internal Revenue data that came out yesterday showing that their tax breaks benefit those making over $10 million a year by $500,000 a year. Should people who work for wages and salaries be forced to pay debt to give tax breaks to people who earn over $10 million a year? They say yes.

RESTORING FISCAL SANITY AND PAYGO

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Speaker, House Republicans claim to be fiscally responsible; and if that is the case, I encourage them to join the Democrats in supporting a policy called pay-as-you-go.

Democrats strongly support the reinstatement of commonsense pay-as-you-go budget rules that would require any increase in mandatory spending and any decreases in revenue be offset elsewhere in the budget so that we don't add to the deficit.

PAYGO rules were adopted on a bipartisan basis in 1990 and then reenacted again in 1997 before Republicans allowed such rules to expire in 2002. PAYGO budget rules are widely credited with producing record budget surpluses between 1998 and 2001.

President Bush and congressional Republicans previously supported PAYGO rules for both spending and taxes, but now oppose the application of such rules to taxes because they would be forced to offset their tax legislation. They seem willing to let the deficit spiral out of control as long as they continue to give and provide tax breaks to the very wealthy.

It is time that the Republicans start thinking about our Nation's future. It is imperative we reject the budget so we can reinstate PAYGO rules that will restore fiscal discipline.

REPUBLICANS SELLING OUR COUNTRY AWAY TO FOREIGN NATIONS

(Mr. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Speaker, it is an honor again to be here on the House floor to share with the American people what is actually going on here in the Capitol.

I want to share with the American people that President Bush and the Republican majority in just 4 years have borrowed $1.05 trillion from foreign nations. That is selling our country to other nations because of the spending that is going on. That is more than 42 Presidents before this President and the Republican majority and 224 years.

What does that mean to Americans? What does that mean to our future? Japan holds $682.8 billion of our debt; China owns $249.8 billion of our debt; the U.K., $223.2 billion of our debt; Caribbean nations, $115.3 billion of our debt; Taiwan, $71.3 billion of our debt; OPEC nations, $67.8 billion of our debt; Germany, $65.7 billion of our debt; Korea, $66.5 billion of our debt; and Canada, $53.8 billion of our debt.

Republicans are going to sell this country away to other countries, and I think it is important that we take on fiscal responsibility.

REPUBLICAN BUDGET A GIFT TO SPECIAL INTERESTS AND A SLAP IN THE FACE TO THE AMERICAN PEOPLE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, House Republicans are expected to bring a 2007 budget to the floor this week that they say demonstrates their priorities. Unfortunately, House Republicans once again essentially rubber-stamp the President's budget, refusing to stand up for fiscal discipline and refusing to truly address the needs of everyday Americans.

The Republican budget makes harmful cuts to critical services for working families and uses these cuts to partly pay for new tax cuts, primarily benefiting America's millionaires.

This budget slashes education, training and social services funding; cuts veterans health care and taxes military retirees; cuts homeland security, including port security; squeezes programs for low-wage workers and vulnerable families; slashes environmental protection and conservation funding; and cuts funding for public health programs and medical research.

The wealthiest Americans are doing just fine. They don't need any more help from Washington Republicans. It is America's middle class who have lost out over the last 5 years, and they are not getting help from the Republican budget. We should reject this mean-spirited budget.

COMMUNICATION FROM THE HON. JON C. PORTER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. KOLBE) laid before the House the following communication from the Honorable JON C. PORTER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Western District of Pennsylvania.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JON C. PORTER,
Member of Congress.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 376, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 766

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Maloney of New York or their designees. After general debate the Committee of the Whole shall rise without motion. No further consideration of the concurrent resolution shall be in order except pursuant to a subsequent order of the House.

☐ 1030

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTMAN) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 766 is a rule that provides for general debate of House Concurrent Resolution 376, the bill establishing the congressional budget for the Federal Government for fiscal year 2007, and setting forth the appropriate budgetary levels for fiscal years 2008 through 2011.

As a member of both the Rules Committee and the Budget Committee, I am pleased to bring this resolution to the floor for consideration. This rule provides for 4 hours of general debate, with 3 hours equally divided and controlled by the chairman and ranking member of the Budget Committee, and 1 hour on the subject of economic goals and policies, again equally divided and controlled by Representative SAXTON of New Jersey and Representative MALONEY of New York or their designees.

The rule waives all points of order against consideration of the concurrent resolution, and it provides that after general debate the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except by subsequent order of the House.

This rule allows the House to begin consideration of the congressional budget. The budget is an important tool of the Congress, allowing us to establish our priorities for the coming year. I am proud that this budget responds to the Nation's complex challenges with the straightforward principles of strength, spending control, and a continued commitment to reform.

The budget resolution continues policies that have helped to reestablish a strong United States economy. We have included savings for working Americans to the tune of $228 billion. We extend the 2001 and 2003 tax reforms, preventing what would otherwise be an automatic tax increase from their scheduled expiration. The budget also assumes the extension of other expiring tax provisions, including the alternative minimum tax relief, a House-passed pension bill, and other important economic growth measures.

While working to give Americans back some of their hard-earned dollars and letting them keep more of their hard-earned dollars, we are also working to enact a responsible spending plan that exercises control and restraint. I am proud that once again this House has delivered a budget that practices conscientious spending. Our goal is to stem the ever expanding outflow of Federal dollars.

House Concurrent Resolution 376 has an overall discretionary spending level that is equal to the President's budget request of $873 billion. It allows for the President's requested 7 percent increase in defense and a 3.8 percent increase for homeland security. As always, the discretion lies with the House Appropriations Committee to determine the final allocation of these funds. This budget essentially freezes nonsecurity discretionary spending, with only a 0.1 percent increase over last year's level, a tenth of a percent. As an additional savings method, the budget caps advance appropriations, spending that is for the year after the budget year.

In the area of mandatory spending, entitlement spending, we provide a total of $1.5 trillion. In an effort to control the automatic effusion of dollars, the budget resolution calls for mandatory spending reforms from several committees. These savings, these mandatory spending savings, total $6.75 billion over 5 years.

This is an important distinction. This is one of the first times in the history of modern budgeting that there has been back-to-back reconciliation instructions in the House budget. Today, over half of Federal spending is essentially on autopilot. Fifty-five percent of Federal expenditures today are going into what is known in budget parlance as mandatory accounts. So all of the discretion that lies within this body and lies within the Senate is not even half of the Federal budget. And within 10 years, if these reconciliation instructions are not implemented, that are embedded in this budget for the second year in a row, then within 10 years it will consume two-thirds of the Federal budget, two-thirds of the Federal budget being on autopilot if we don't implement the reforms that this budget calls for.

Last year was the first year since 1997 that we had made the effort through passage of the Budget Act to get our arms around mandatory spending through reconciliation instructions. This year we do that again. This is an important reform effort. Again, it is one of the few times in modern history where there has been back-to-back reconciliation instructions that allows us to reduce the size of the Federal deficit.

Mr. Speaker, I am pleased that this year the Budget Committee included an emergency reserve fund to help Congress plan for unforeseen costs that may arise in the future. We have set aside $50 billion toward an expected wartime supplemental, as well as $4.3 billion for unanticipated emergencies, such as natural disasters, and $2.3 billion for potential avian flu costs.

As a Congressman from the great State of Florida, I can tell you with a great deal of certainty that the last several years have been very active in the Atlantic hurricane season. We know, without being able to see into the future, we know that somewhere in the next year there is likely to be a hurricane that will make landfall in the United States. Somewhere in the United States this year there will almost certainly be devastating wildfires. Somewhere in the United States in the coming fiscal year there will almost certainly be an earthquake or devastating tornadoes.

Hopefully, we will not have a natural disaster that reaches the catastrophic level that Hurricane Katrina reached. But nevertheless, just like responsible businesses and responsible homeowners who set aside money in their savings accounts for when the hot water heater breaks or when the car needs new tires or when the transmission goes out, the Federal Government, a little bit slowly, but nevertheless has come around to the notion that we should plan for emergencies, particularly those types of very expensive natural disasters that do frequently strike our shores.

With increased spending control, tax relief, and these important budget reforms, this budget makes a sizable dent in our deficits. Under these policies, the deficit will fall by more than half, from $521 billion, which is projected in fiscal year 2004, to $191 billion in fiscal year 2009, which is below the President's planned budget achievements.

I am proud of the work of the Budget Committee this year. I thank Chairman NUSSLE for pushing forward with fiscal discipline and bringing us this excellent budget for our consideration, and I urge Members to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank my good friend from Florida (Mr. PUTNAM) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, we have seen this movie before. Just like last year and the year before that and the year before that, the budget resolution put forward by the House Republican leadership today is an awful piece of legislation. There is no other way to describe it.

It is a budget that hurts American families. It is a budget that continues to create a government without a conscience. It is a budget that punishes the poor and the middle class and rewards the very wealthy and special interests. It is a budget that explodes our Nation's deficit and passes mountains of debt onto our children and grandchildren. It is a budget that deliberately misleads the American people about the cost of our ongoing wars in Iraq and Afghanistan. In short, Mr. Speaker, this is a budget that deserves to be defeated soundly by every Member of this House.

The details speak for themselves. This budget includes a deficit for 2006 of $372 billion and a deficit for 2007 of $348 billion. In fact, if this budget is approved, the five largest deficits in the history of the United States of America will have occurred in the past 5 consecutive years, all during the period when the House, the Senate, and the White House are totally under Republican control. What in the world has happened to the party of fiscal discipline? They have become the party of runaway spending and reckless tax giveaways.

Even worse than this unchecked spending binge is the Republican leadership's deliberate misleading of the American people. We are at war, Mr. Speaker, and every day our brave soldiers patrol the most remote areas of Afghanistan and the most dangerous neighborhoods in Iraq. Every day the American people learn of more roadside bombings, insurgent attacks, and death in Iraq. Every day the Iraqis seem more and more unable to form a functioning government, and every day Iraq slips further and further into chaos and civil war. And every day our credibility around the world gets lower and lower. And every day our Nation sinks deeper and deeper into a violent quagmire.

But with all of this, Mr. Speaker, how do you explain only $50 billion in funding for the wars in Iraq and Afghanistan for fiscal year 2007, and after that no funding at all? Now, if the Republicans actually carry out what they are promising in this budget, the United States won't be spending a penny in Iraq or Afghanistan after 2007.

Maybe they have miraculously stumbled upon an exit strategy, which would be just fine with me. But last year, the United States spent over $100 billion on the wars in Iraq and Afghanistan, and all told we have spent $357 billion over the past 4 years on fighting these wars.

President Bush recently announced that the American troops will be in Iraq until at least 2009. The truth, of course, is that the Bush administration will be back before we know it asking for tens, if not hundreds of billions of dollars more in so-called emergency funding to pay for their failed foreign policy. But then, Mr. Speaker, why should we expect the Republicans in Washington to start telling the truth about Iraq now, given the fact we have been lied to, deceived, and misled from day one.

What will happen is that the Republican leadership will write a blank check without asking the tough questions, without demanding the straight answers, and without conducting the kind of oversight that is our responsibility as Members of Congress.

And while we are on the subject of war and its aftermath, Mr. Speaker, let us examine how this budget handles our veterans. Now, my Republican colleagues will pat themselves on the back and crow about how they have increased funding for veterans in fiscal year 2007, but once again the devil is in the details. The truth is that over the next 5 years, the Republicans actually cut the same funding by a total of $4 billion.

Do they think our current and future veterans are just going to fade away? Talk about cutting and running. At a time when America is creating hundreds, if not thousands of new veterans, and when thousands of those veterans are going to need significant health care support for the rest of their lives because of their service in Iraq and Afghanistan, it is shameful that the Republicans in Washington are blatantly ignoring our veterans. Sending our brave servicemen and women to war without providing for their care when they return is not an American value.

Let me say to my colleagues on the other side of the aisle, if you are going to send our servicemen and women into war, you have an obligation to them, a moral obligation to them that when they return home as veterans that they will be cared for. To do otherwise is to disrespect their service. And that is what this budget does. How does anyone in this Chamber vote for this budget and then go back to their districts, look their veterans in the eye and say with a straight face that we have done our best for you? You can't.

The list of misplaced priorities in this budget, Mr. Speaker, goes on and on. This budget slashes critical programs in the areas of education, job training, environmental protection and conservation funding, public health programs, medical research, and social services. It fails our responsibility to protect America by allowing $6.2 billion worth of cuts to homeland security programs.

And where is the money for port security? Didn't my Republican friends say that they were concerned about our ports when joining with Democrats in opposing the President's selling of our port security to the United Arab Emirates?

□ 1045

Maybe I need new bifocals, but I cannot find the necessary funding to make our ports secure in this budget.

This budget cuts programs that helps low-wage workers and vulnerable families. In fact, the Republican leadership cuts into these programs even more deeply than President Bush's proposal.

To top it all off with a Nation at war, with desperate priorities that need to be met, with veterans who need our help and the gulf coast still devastated from last year's hurricanes, the Republican leadership still has the audacity to give the wealthiest Americans $228 billion in new tax cuts while passing the cost of those tax cuts onto our children. It just takes my breath away.

My friends on the other side of the aisle will say this budget reflects necessary tough choices. My question, however, is this: Why do all of the tough choices hurt average families? Why don't some of the tough choices include forgoing tax cuts for wealthy people or ending subsidies in tax breaks for oil companies that are gouging families at the pump, or no more giveaways to pharmaceutical companies until they provide cheaper drugs for our citizens? Why is it all of the Republican tough choices spell tough choices for working families, senior citizens, students, veterans and the most vulnerable?

Mr. Speaker, there is a better way. Democrats have a plan that works, a plan that reestablishes fiscal discipline by implementing a pay-as-you-go strategy, a plan that provides our veterans over $8 billion more in assistance than the Republican budget, a plan that balances the budget by 2012, a plan that properly funds our domestic priorities including homeland security, a plan that gives our veterans the care and the respect they deserve, and a plan that provides fiscally responsible tax relief to millions of hardworking middle-class Americans.

What the Republicans have proposed today is out of step with the American people. Indeed, it is way out of the mainstream. This is a budget that reflects a heart of stone. I can only say to my colleagues on both sides of the aisle that the day has come for a new direction, a new set of priorities, a new commitment to the American people. The day has come for us to recreate a government with a conscience.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, it is always fun to have these debates. We ought to at least start out with our facts straight, though. For the last 10 years, spending per veteran under Republican leadership has doubled. In the last 10 years, spending budget authority for veterans medical care nearly doubled going from $16.2 billion to $31 billion.

Facts are stubborn things, my friend.

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the gentleman from Florida, the elder statesman, Mr. PUTNAM, and I as a Member of the House can say that to my good friend, Mr. PUTNAM.

Today I want to quote from the ranking member on the Budget Committee: "A budget is a statement of moral choices, and this budget makes the wrong choices, cutting education, Medicare and Medicaid and barely funding the bold initiatives that the President set out in his State of the Union. Its greatest moral fault is that it leaves our children a legacy of debt and an even heavier burden to bear as the baby boomers begin to retire." That is from the gentleman from South Carolina (Mr. SPRATT), the ranking member on the House Budget Committee.

The fault in his quote there, Mr. Speaker, is that we are not cutting education. We are not cutting Medicare. We are not cutting Medicaid. These things are absolutely off base. What our budget does say to the American people, these are our moral choices so Congressman SPRATT should be commended for saying that a budget is a moral choice, and I agree with that.

But what we do with this budget is say boldly that we will set out the fences around which government spending should be held within. That is a positive thing.

I ask my colleagues on the left wing of this body, the Democrats and the liberals here, to come and support this budget because what we are saying is our children should not be left with a legacy of debt. We need to control wasteful government spending.

What this rule provides for in this budget document is a restraint of spending. It does not hurt people. It takes out and gives the opportunity for the policy-making committees of this House and the appropriating committees of this House to reform much-needed government services and programs.

I ask my colleagues to join with us in supporting this rule to provide for a reasonable debate and reasonable amendments to this budget document that will constrain spending and provide for priorities for all Americans.

Mr. McGOVERN. Mr. Speaker, let me just respond to the gentleman from Florida (Mr. PUTNAM). Facts are indeed a stubborn thing. The fact is that this budget that the Republicans have put forward cuts funding for veterans. Over 5 years, the budget cuts funding for veterans health care by $6 billion below current services.

Republicans will tout the fact that the budget raises discretionary spending for 2007 by some $2.6 billion, but these apparent gains are quickly reversed with a cut for 2008 of $59 million below current services, and cuts of increasing amounts in subsequent years culminating in a cut of $4 billion for 2011.

One other fact: a couple years ago, the VA itself testified it needed a 13 to 14 percent increase each year to maintain what it is doing. This budget in no way reflects what this Veterans Administration has said.

So facts are a stubborn thing. This budget is not good for veterans.

Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. MATSUI), my colleague on the Rules Committee.

Ms. MATSUI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the budget resolution. The impact this budget will have on families demonstrates how misguided it really is. Our Nation has had a long-standing commitment to investing in medical research. We all know someone, a friend or a relative, who has fought breast cancer. Each one is an inspiration as they exhibit a reservoir of strength and perseverance.

This is an issue that is very close to me as members of my family have been diagnosed with the dreadful disease.

When I am home in Sacramento, I make it a priority to meet with survivors. As each woman shares her personal battle with me, the one thing they all reiterate is how appreciative they are that research and technology exists to help them win their fight with cancer, and they ask me to express their appreciation to my colleagues for their continued support of the medical research programs that have driven the development of life-saving techniques and technology.

One example is innovative advances that the UC Davis Cancer Center located in my district has made. Last year, its researchers discovered a new method to improve early detection of breast cancer. As that group of survivors has emphasized, early detection is essential to surviving breast cancer.

Tragically, this budget underfunds critical medical research. As a result, dynamic institutions like the UC Davis Cancer Center will not have access to the same level of Federal resources as they did in last year's budget.

What do you tell the children or the spouse of a woman who may have benefited from additional cancer research, but will not now because of this budget?

The fact is this budget chooses tax cuts for the very, very, very wealthiest instead of investing in medical research. This is a choice that Congress is making.

We need a budget that makes sense for America's families. I think about my 2½-year-old granddaughter, Anna. It is Congress's responsibility to invest the resources today so that Anna and her friends have at least the same opportunities that you and I have had. To accomplish this goal, we must devote long-term resources to health care, education, and scientific discovery. Yet with this budget, we are reducing our capability in these areas while continuing to run a massive deficit. So not only are we not investing in Anna and her friends, but we are passing our debt to them.

Congress cannot continue to run this government in the same selfish, shortsighted manner that we have over the past 5 years. Congress risks breaking America's foundation of opportunity and prosperity and imperiling the quality of life for our children and our grandchildren.

When we talk about the quality of life, that means your grandchildren and those of you who may hope for grandchildren. They may not have access to world-class education. It means that the Annas of our country may not benefit from the world's best health care system or be a part of the most innovative and productive economy. It means that citizens of the United States may look at foreign countries and see people who have better opportunities and better lives.

I urge my colleagues to oppose this budget and vote in favor of Mr. SPRATT's alternative.

Mr. PUTNAM. Mr. Speaker, I think the gentlewoman raises an important point about the need for us to continue to invest in research and development, in health care initiatives that allow us to remain a Nation on the cutting edge of technology both in biosciences, basic research, and the whole gamut of diseases and disorders that afflict the human condition.

This majority takes a back seat to no one on investments in health. The National Institutes of Health are preeminent research institutions run by this Federal Government that are making great strides against cancer, against juvenile diabetes, against HIV/AIDS, against a whole host of orphan diseases and disorders that only afflict a small number of Americans, but nevertheless in a huge, huge way to that individual family.

Since 1998, NIH funding, because of the investments that this majority has made, has more than doubled. More than doubled since 1998. Funding in 1998 was at $13.5 billion. Today this Nation invests nearly $28.5 billion in the National Institutes of Health.

We take a back seat to no one in recognizing that it is fundamentally important that America remain on the cutting edge of innovation, that it is fundamentally important that we continue to produce graduates in the health sciences, in engineering, in mathematics to keep us on that cutting edge. We take a back seat to no one in recognizing that it is important to have in place economic policies, tax policies that encourage people to make those investments in this country instead of in other countries; that we have in place incentives to people to add new lines of scientists at their workbenches and their laboratories in Silicon Valley, California, or at the CDC in Atlanta.

We recognize it is important to have a growing economy that allows us the luxury of being able to invest in research that may not bear fruit for decades to come. And we take a back seat to no one in the commitment we have made for the last dozen years in funding the National Institutes of Health.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I have here a letter from the major Jewish community service providers in our country, and they ask all of us to oppose this Republican budget resolution because it will force, in their view, harmful cuts in education, health care, nutrition, housing and other services critical for children, families, seniors, and people with disabilities.

I ask my colleagues to listen to the plea of these faith-based groups.

APRIL 5, 2006

DEAR REPRESENTATIVE: The Jewish community has long demonstrated a commitment to economic and social justice. We have been vigorous in advocating policies and programs to fight poverty and to help address the needs of disenfranchised vulnerable populations, including the elderly, working poor, disabled, youth, and refugees.

The budget process is one of the most important actions taken by our government each year and is an integral part of allocating funds for important human needs programs. While we recognize that deficit reduction is critical to the economic stability of our country, we believe it is essential that it be done in a fair and balanced manner. Over the past months we have spoken out against cuts that we believed would disproportionately hurt those in most need.

The budget plan passed out of the House Budget Committee would make huge cuts to domestic discretionary programs. These cuts would be extremely harmful both to our social service agencies that are dependent on public funding as well as the vulnerable populations we advocate on behalf of. Programs such as the Older Americans Act, the Social Services Block Grant, the Community Services Block Grant, and the Low Income Heating Energy Assistance Program are critical to the elderly, refugees, children, and persons with disabilities, and all would likely face severe cuts if this budget proposal is enacted.

We believe that budgets are documents which reflect the values and priorities of those who create them. With the increase in hunger in American households; housing costs rising faster than wages; and more than 45 million Americans lacking adequate health care coverage, funding for social services to assist these individuals is more critical than ever. This budget does not accurately reflect our values.

As you consider the Budget this week, we ask you to oppose this Resolution that will force harmful cuts in education, health care, nutrition, housing, and other services that are critical for children, families, seniors, and people with disabilities.

Sincerely,

Association of Jewish Aging Services of North America.
Association of Jewish Family and Children's Agencies.
B'nai B'rith International.
Hebrew Immigrant Aid Society.
International Association of Jewish Vocational Services.
Jewish Council for Public Affairs.
Jewish Labor Committee.
Jewish War Veterans of the USA.
National Council of Jewish Women.
Union for Reform Judaism.
United Jewish Communities.
Women of Reform Judaism.
Women's American ORT.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, later today the Committee on Rules will decide what modifications to the budget bill Congress may consider. In the spirit of the remarks of the gentleman from Florida (Mr. PUTNAM) with respect to how we need to concentrate on research, I want to offer these remarks. I hope that the Rules Committee does not deny this House the opportunity to correct the mistreatment of the National Aeronautics and Space Administration which is occurring in this budget.

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I am not as optimistic about this rule, so I rise to draw Members' attention to the underlying issue. NASA's contributions in the field of research, in the field of aeronautics to this Nation and the world are profound. From surveillance systems that monitor aircraft flight paths to the development of secure communications systems, NASA's research has been instrumental in improving our national security.

NASA's research and NASA's aeronautics programs have also contributed substantially to the Nation's economy. Civil aeronautics is the major contributor to this sector's positive balance of trade, more than any other industry. We have a positive balance of trade in aeronautics, and we can attribute that directly to the work of research and development at the National Aeronautics and Space Administration, and this enables a new generation of service based industries, like e-commerce to flourish by performing the research that leads to inexpensive and reliable flights.

Congress recognizes the value of aeronautics, which is why it restored cuts that were proposed in the administration's fiscal year 2006 budget. Once in the CCJS appropriations bill, and again in the NASA reauthorization bill, Congress protected aeronautics with strong bipartisan support bringing funding back to fiscal year 2005 levels. And I am proud to have played a role in that and working with my colleagues on both sides of the aisle in focusing in on the necessity of protecting our ability to do basic research and research which leads to developments in aeronautics.

Now, in spite of this, this administration is proposing an even bigger aeronautics cut, $179 million, or 25 percent of the aeronautics budget they are trying to cut. I mean, if this was farming, it would be like throwing away your seed corn.

This shortfall is a direct result of the administration's consistent and inexplicable failure to fund the very vision for space exploration that it launched. Now, in order to keep this vision alive, NASA is forced to take the money from other essential programs like aeronautics.

About a month ago our colleagues in the Senate passed a budget amendment with four Republican cosponsors that increased funding for aeronautics at fiscal year 2005 levels. I tried to introduce the same amendment with bipartisan support, but it has not been approved by the Rules Committee. We cannot afford to stand by and watch the erosion of research of aeronautics and the erosion of these NASA programs that are connected. If the Rules Committee produces a rule that lets Congress have the ability to focus on protecting NASA's aeronautics research, then we ought to support the rule.

However, if the Rules Committee denies Congress the ability to debate the mistreatment of NASA, then I will ask that we vote "no." And later, at the appropriate time, I will ask my colleagues to urge conferees to agree with the Senate's position on the National Aeronautics and Space Administration. This is about our ability to grow America's future, and vitally connected to that is the work of the National Aeronautics and Space Administration. And let's not forget national aeronautics, aeronautics, aeronautics, research, research, research. Fund it.

Mr. PUTNAM. Mr. Speaker, my colleagues join me in complimenting your selection of neckwear this morning.

I yield 3 minutes to the gentleman from California (Mr. CAMPBELL), one of our newer members of the Budget Committee and a CPA.

Mr. CAMPBELL of California. Mr. Speaker, I have to say the course of this budget debate is somewhat perplexing. My friends on the other side of the aisle here, the Democrats, are consistently railing about the deficit and the evils of the deficit and how bad the deficit is and how big the deficit is, and I confess that I concur. I have problems with this deficit and that we ought to be reducing this deficit.

But it seems like their solution to reducing the deficit is to spend more money. My friends, this is like saying that we have a boat and our boat is sinking, and the way to fix the boat is to punch holes in the bottom of it.

Spending more money does not reduce the deficit. You don't need to be a CPA to know that. You only need second grade math to know that. Spending more money does not reduce the deficit. In the Budget Committee the vast majority of the amendments to the budget offered by the Democrat side were amendments that spent more money.

Now, to be fair, they do propose to close the deficit by raising taxes, and that is their argument and their proposal. But they claim that the tax rate cuts, and I want to point out that they were tax rate cuts, that happened in 2003 have increased the deficit. Except, since those tax rate cuts went into place, the income to the Federal Government, the revenue coming into the Federal Government has increased by an average of nearly 7 percent a year because tax rate cuts stimulate the economy, and tax rate cuts, these particular tax rate cuts, allowed capital to move to where it is best used and it resulted in more revenue. So you can't say that tax rate cuts have worsened the deficit when the revenue has gone up by higher than historic averages since the rates were cut.

Now, this budget that is before us increases spending. That is another thing. You are hearing about all the cuts in this budget and, sure, some things go up and some things go down. But overall it increases spending by 3½ percent. My friends, that is not a cut. An increase of 3½ percent is not a cut.

It spends $2.7 trillion. That ought to be enough to make things work around here, you would think. And it reduces the deficit because the revenue by this stimulated increased economy will go up by more than that 3½ percent.

So this budget does not cut spending. It increases it. It does not increase the deficit. It reduces it. And it does not raise taxes. It maintains the stimulative tax policy that currently exists in our economy.

Mr. McGOVERN. Mr. Speaker, I appreciate the gentleman from California's comments. But I will tell you, most CPAs that fudge the numbers in real life go to jail. And the fact of the matter is in this budget, the numbers are fudged.

$50 billion for Iraq for the next 5 years? Give me a break. You know what is going on. You know what is going on. The bottom line is you are going to be coming back and back and back for more and more money.

Look, the gentleman raised the Democratic budget proposal. Well, let me just elaborate a little bit and suggest that he read it. The Democratic budget proposal would return the budget to balance. We reach balance by the year 2012, and we also have smaller deficits than the Republican budget and accumulate less debt.

By contrast, the Republican budget never returns to balance and even refuses to show how big the deficit will be after 2011. Our proposal includes fiscally responsible budget enforcement rules. The Democratic budget backs the two-sided pay-as-you-go budget enforcement rule that requires that the cost of any new mandatory spending or revenue legislation be fully offset.

This is the way families operate. They pay as they go. They can't accumulate the debt that you have accumulated. There is no way that families could operate the way the Republican majority has operated here.

During the 1990s, the two-sided PAYGO rules played a critical role in turning record deficits into record surpluses. Do you remember those days?

The Democratic budget also requires a separate vote to increase the debt limit. You used to be concerned about that, but no longer. Now we sneak the increase in the debt limit through without having to put Members on record, and it prohibits using fast track reconciliation procedures to make the deficit even worse.

We invest in education, and we keep our commitment to veterans. I mean, to me one of the most egregious elements of the budget that the Republicans have proposed is that you turn your back on America's veterans. We have sent them to war. There will be more veterans in the future, not less, and you did not put aside the adequate funding to make sure that these men and women who have served our country with great honor get the respect that they have earned and that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I would remind the gentleman of two points. First, spending per veteran and spending for veterans' medical care both have nearly doubled in the last 10 years. I remind the gentleman of that.

Second point, with regard to the procedure around here for changing the debt limit, it is known as the Gephardt rule. The process for adjusting the debt limit was put in place when your team was in charge. So the gentleman takes issue with a process that was invented by his team.

I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. Mr. Speaker, I want to say that this Democrat budget alternative is laughable in the extreme. They want to balance the budget on the backs of the taxpayers. They want every American citizen to pay more in taxes next year than they did this year, and they call that rolling back the Bush tax cuts. That is a tax increase, and that is how they want to balance the budget.

On top of that, they don't want to eliminate wasteful government programs. They don't want to look at government programs that have long outlived their usefulness and effectiveness for people. They just want to keep spending, and they want more money for Washington, more money for Washington bureaucrats, more money for Washington government programs. And they do that, and they nod and wink and laugh to themselves that they are balancing the budget. Right.

What we have done, what this Republican Congress has done through President Bush's tax cuts, through the stimulus to the economy, is we have let people keep more of what they earn. And by keeping more of what they earn, they spend, they employ people, the economy grows. And when the economy grows, Mr. Speaker, tax revenues increase with economic growth. With tax increases it stifles economic growth, and in the end the Treasury doesn't net out as much as it would with pro-growth tax policies.

Just this year, Mr. Speaker, tax receipts have gone up 15 percent. Yet the Democrats want more money for Washington bureaucratic programs. Then they scream and hem and haw that we are cutting. We are not cutting, Mr. Speaker. And as a conservative, I believe we should cut. But I think this is a reasonable budget, a reasonable budget that funds much needed national defense and homeland security programs while freezing government spending in other areas. That is not a cut, Mr. Speaker.

Mr. McGOVERN. Mr. Speaker, I want to go back to the issue of veterans funding again. The gentleman from Florida keeps on bragging about how the Republicans have been so good to our veterans and have increased dramatically veterans funding over the last decade.

First of all, let me just say that I don't know of a single Member of Congress who have gone back to their districts and heard from veterans and people who work in VA facilities and other veterans health benefit facilities that somehow, boy, you have given us all we need. We don't need any more. What you have handed us is enough to meet the demand. I mean, in fact, what you hear is the opposite. And I am going to just say one thing to the gentleman. Over the past 10 years, all this bragging he is doing about increasing the veterans budget, from 1996 to the year 2000, the number of unique patients increased by $2.4 million. And on a per capita basis, veterans health care funding increases average only 0.1 percent per year, a level well below inflation for medical care.

So we are not meeting the current needs of our veterans, and in this budget there is no way we are going to meet the future needs of our veterans when we are creating more veterans because of the wars in Afghanistan and Iraq. Our policies in Iraq and Afghanistan are creating thousands of new veterans. That is an undeniable fact. Thousands of these men and women have been severely injured, and most will need medical services and benefits for the rest of their lives. And even without the influx of this new generation of veterans, the fiscal year 2006 and fiscal year 2007 spending for the VA doesn't even meet the health care needs of our current number of veterans and military retirees. According to every major veterans organization in the country, we are still about $1 billion short each year. But the Republican budget before us actually decreases the discretionary funding for VA benefits and services each and every year over the next 5 years. So FY 2011, just 5 years away, is actually $4 billion less than FY 2006. That is their budget.

So I ask, is this how we honor our troops? Is this how we support them when they come home? I hope not. And I would urge my colleagues to vote "no" on this.

I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am happy to respond to the gentleman's concerns about funding for veterans, and I would remind him again that since 1995 veterans medical care spending has increased from $16 billion to more than $31 billion, an increase of 92 percent. The funding increase for next year, over this one, year-to-year increase is nearly 4 percent, a substantial jump, especially relative to other discretionary programs who will see a tenth of a point cut.

□ 1115

They are getting a 4 percent increase.

We recognize the sacrifices that veterans make. We recognize our lifelong commitment to them for the sacrifices that they have made and continue to make. This budget builds on that strong foundation. It accommodates general veterans funding at $75 billion, and it is $800 million above even what the President requested. This Congress is meeting the needs of America's veterans. In addition to increasing over the President's request, it does not increase the fees that were called for in his request.

Frequently on this floor we get sucked into these debates based on what the President's proposal is, and that is not the document that we are debating here this morning. This is the House budget. In fact, in the budget markup, we had an opportunity to vote on the President's budget, and we chose to go a different path with the document that this House is producing.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman for his comments. Again, I would simply say that the spending he is bragging about for the last 10 years didn't even keep up with inflation.

But putting that aside, let's talk about the next 5 years. Let's talk about your budget, the budget you have. I have got the numbers here. In fiscal year 2007, it goes up by $2.6 billion. Then in fiscal year 2008, you go down by $100 billion. In fiscal year 2009, you go down by $1.4 billion. And in fiscal year 2010, you go down by $3.1 billion. And then in fiscal 2011, you go down by $4 billion.

And I would just remind the gentleman, maybe he has not been reading the newspapers lately, but we are at war in Afghanistan and Iraq. Thousands of new veterans are going to come into this system. And your budget shortchanges not only them, it doesn't even meet the needs of the current veterans. So from the veterans' perspective, this budget is deeply flawed. I think it shows a disrespect for the service of those men and women whom we have sent over to fight for our country. We owe them more than this.

And I would urge my colleagues if you want to support veterans, this is not the way to do it. This is the place you take a stand. You say no to this budget, send them back, and let them do what is right by our veterans. There is no way we should be shortchanging our veterans, and this budget does that.

Mr. Speaker, I would at this time like to submit into the Record a letter from the Interreligous Working Group on Domestic Human Needs, representing the major Protestant and Catholic churches and faith organizations. They state that "as communities of faith . . . we are called upon to hold ourselves and our communities accountable to the moral standard of our Biblical tradition. We speak together now to express our concern about our national priorities." The letter is called a "Faith Reflection on the Federal Budget," and it opposes what is before us today.

INTERRELIGIOUS WORKING GROUP ON DOMESTIC HUMAN NEEDS

A FAITH REFLECTION ON THE FEDERAL BUDGET

As communities of faith, we are grounded in a shared tradition of justice and compassion, and we are called upon to hold ourselves and our communities accountable to the moral standard of our Biblical tradition. We speak together now to express our concern about our national priorities.

In the year that has passed since this reflection was originally written, this concern has deepened as we have watched poverty, food insecurity, and the number of people without health insurance climb for the fourth year in a row. Across the country, churches and faith-based organizations who care for our most vulnerable people are straining under increased demand for services due to cuts in federal funding for critical safety net programs. Devastating hurricanes have underscored real problems of racism and inequality in our country and along the Gulf Coast, and scattered throughout the country survivors are struggling to provide for their families while waiting for the bold action that has yet to materialize from our national leaders.

These circumstances make it necessary to even more closely examine our government's decisions, particularly those concerning the budget, through a moral lens. The federal budget remains a fundamental statement of who we are as a nation. The choices we make about how we generate revenues and spend our shared resources reveal our true allegiance. As people of faith we must continue to ask: Do these choices uphold values that will strengthen our life together as a nation and as part of the global community?

We offer this reflection as a starting point for such a dialogue and to make clear the values to which we hold ourselves and our nation accountable.

Community and the common good

"But seek the welfare of the city where I have sent you . . . and pray to the Lord on its behalf, for in its welfare you will have your welfare" (Jeremiah 29:7, NRSV).

Our nation's well-being is dependent on the well-being of all its members. In order to form a more perfect union, the preamble to the U.S. Constitution commits this nation to promoting the general welfare. In faith language we would call that the "common good." The budget should reflect a commitment to the common good by ensuring that the basic needs of all members of society are met. At this time, when Gulf Coast communities are still struggling to recover from last year's hurricanes, when nearly 46 million Americans are uninsured, 37 million live in poverty and one in five children lives in a household experiencing food insecurity, additional cuts to critical human needs programs cannot be justified.

Investments in education, job training, work supports, health care, housing, food assistance and environmental protection strengthen families and communities and promote opportunity for all. These should be budget priorities.

Budget decisions must be evaluated not just in the short term, but with respect to their long-term effects on our children's children, the global community and on all of creation.

Concern for those who are poor and vulnerable

"Give the king your justice, O God . . . May he judge your people with righteousness, and your poor with justice . . . . May he defend the cause of the poor of the people and give deliverance to the needy (Psalm 72: 1-4, NRSV).

As a nation we have a special responsibility to care for the most vulnerable members of society. All budget decisions and administrative procedures must be judged by their impact on children, low-income families, the elderly, people with disabilities and other vulnerable populations.

Whatever one's position on the war in Iraq or on the tax cuts, these policies are driving the deficit. Attempting to pay off the deficit by cutting programs that affect needy populations, when these programs did not lead to the deficit, is unjust.

Economic justice

"Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people" (Isaiah 10:1–2, NIV).

God has created a world of sufficiency for all; the problem is not the lack of natural and economic resources, but how they are shared, distributed and made accessible within society and throughout the world.

Our government should be a tool to correct inequalities, not a means of institutionalizing them. The federal budget should share the burdens of taxation, according to one's ability to pay, and distribute government resources fairly to create opportunity for all.

Endorsing organizations

National: American Baptist Churches USA; American Friends Service Committee; Bread for the World; Call to Renewal; Central Conference of American Rabbis; Church of the Brethren Witness/Washington Office; Church Women United; Conference of Major Superiors of Men; The Episcopal Church; Evangelical Lutheran Church in America; Friends Committee on National Legislation; Institute Justice Team—Sisters of Mercy of the Americas; Jesuit Conference USA; Jewish Council for Public Affairs.

Leadership Conference of Women Religious; Maryknoll Office for Global Concerns; Mennonite Central Committee U.S. Washington Office; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Churches of Christ in the USA; NCCC Justice for Women Working Group; NETWORK, A National Catholic Social Justice Lobby; Pax Christi USA; Presbyterian Church (U.S.A.) Washington Office; Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Church of Christ Justice & Witness Ministries; The United Methodist Church—General Board of Church and Society; Women of Reform Judaism.

State and Local: Arizona—Lutheran Advocacy Ministry in Arizona. California—Lutheran Office of Public Policy—California; Pacific Central West Region of Union for Reform Judaism; Sisters of the Good Shepherd, San Francisco. Colorado—Lutheran Advocacy Ministry—Colorado. Delaware—Lutheran Office on Public Policy, Delaware. Florida—Union for Reform Judaism—Southeast Council. Illinois—Lutheran Network for Justice Advocacy; Lutheran Social Services of Illinois; Protestants for the Common Good. Minnesota—Institute for Welcoming Resources; Minnesota Council of Churches. Missouri—Sisters of the Good Shepherd—St. Louis, MO.

New Jersey—Church and Society Committee, Sparta United Methodist Church (Sparta, NJ); The Crisis Ministry of Princeton and Trenton; Family Promise; Lutheran Office of Governmental Ministry in New Jersey; Union for Reform Judaism, New Jersey-West Hudson Valley Council. New Mexico—ELCA-Lutheran Office of Governmental Ministry-New Mexico. Ohio—Union for Reform Judaism, Northeast Lakes Council/Detroit Federation. Pennsylvania—Roots of Promise/Thomas Merton Center; Social Action Committee at the Lutheran Theological Seminary in Gettysburg. Washington—Washington Association of Churches; Lutheran Public Policy Office of Washington State. Wisconsin—Lutheran Office for Public Policy in Wisconsin.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, perhaps in the gentleman's stack of letters that we are entering into the Record, he could find the thank you notes from the veterans who thank us for finally, after decades of inactivity under the previous leadership, acting on concurrent receipts giving veterans what they need; doubling funding for veterans in 10 years; a 4 percent increase next year over this.

We budget year to year, and the gentleman knows it. Every year this majority has come through for our veterans. Every year we have been there, and we will continue to be there for America's veterans.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. SESSIONS), my good friend from the Rules Committee and the Budget Committee.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman, my friend from Florida and the Rules Committee, Mr. PUTNAM, the chairman of our policy committee here in the House Republican Conference.

Mr. Speaker, I rise today in strong support of the rule for this budget resolution, which strikes a delicate balance between fully funding our priorities and exercising restraint of spending.

Mr. Speaker, already we have heard the debate and the dialogue here. I have known this a long time. Every Member of Congress understands this: needs outpace resources. It has always been that way. That is why we have a Budget Committee. That is why we have Mr. PUTNAM here on the floor today and other Members who are going to say, golly, we could spend as much money as we really wanted if we could come to some resolution of how much was enough. But the fact of the matter is that the insatiable appetites that continue to be fed in this House and in this government for more and more and more spending will not be ever satisfied; so we have to strike that balance.

We know that we have had devastating challenges that have faced this country, terrorists attacks of 9/11, Hurricanes Katrina and Rita, and yet our economy has demonstrated strength and resiliency. It is Republicans who come to the floor of the House of Representatives in the majority and every year defend what we do. And, Mr. Speaker, I want to tell you that I am proud of what we did last year for this year and what we are doing proudly to make sure next year will work properly, we are doing this year.

This last year our economy grew at an impressive rate of 3.5 percent. The greatest, most vibrant economy that is in the world that we know today from a G-8 country. This was no accident, but it came as the direct result of Congress's planning, planning for growth and tax relief, planning for giving Americans more of their own money, and planning to make sure that we had investment that was made here in America.

Since comprehensive tax relief was passed in 2003, 5 million new jobs have been created. At just 4.8 percent, the unemployment rate remains at the historically low figure, below the averages of the 1970s, the 1980s, and the 1990s. This rapid economic growth has also generated rapid Federal tax growth.

We are pro-growth Republicans. We do not want to run a deficit. But we must make sure that we look at both sides of the equation, that is, growing the economy as well as being careful by what we spend.

Treasury figures show our booming tax receipts grew by 14.5 percent in 2005, the fastest pace in 25 years. However, on the flip side, Mr. Speaker, since 2001 our government has expanded in spending by 45 percent. We are saying with last year's budget this spending spree has got to end. And that is what we did last year for this year and what we are going to do this year for next year.

JIM NUSSLE, the chairman of the Budget Committee, has led this House to an important conclusion, and that is what Mr. PUTNAM is here selling to the Members today, and that is we are not about politics in this budget. It is about structure. It is about saying how much money we are going to make available and then we are going to let other important committees, our appropriators, be able to understand where the present needs are, and then we are going to give them the authority to go and spend the money based on priorities.

This is the right way to run the railroad, Mr. Speaker. This is the right way to do things. But we must have the responsibility by passing a responsible bill, or this House will fall to the whims of every single person who wants their own special project to be passed. Spending will be out of control.

So I urge my colleagues to recognize and understand that the process that the Budget Committee has been going through has been very important, and it has produced a winner. It has produced the ability that we have in a framework to put the needs and priorities into balance for this United States Congress.

Mr. Speaker, I am proud of what we have done. I am proud of what Mr. PUTNAM supports today. I urge my colleagues to support this rule and the budget.

Mr. McGOVERN. Mr. Speaker, let me just respond to the gentleman from Texas, my colleague on the Rules Committee. He says he is proud of this budget. Quite frankly, I am ashamed that this budget is coming out of this Congress with the cuts that are contained in this budget that I think are going to hurt working families and also be devastating for our veterans.

I want to point out to my colleagues on the other side that in 1995 the VA treated 2.6 million people. Last year it was 5.4 million people. And that number is going to go up and up and up. And yet in this budget, we see over the next few years a $4 billion cut. That to me makes absolutely no sense. We know that the demand on the VA is going to become greater and greater, and yet we are deliberately shortchanging veterans health and veterans benefits. We know what the future is going to hold, but we are fudging the numbers here. I think that that is not only irresponsible but, Mr. Speaker, it is dishonest.

The gentleman from Texas talked about planning. Well, boy, the planning that the Republicans have done here has just led to such great success. We have the biggest deficits in the history of the United States of America. Boy, that is great planning. More of our debt is owned by foreign countries than at any other time in our history. I don't know too many people who feel good about that.

Your planning has done such a great job that, quite frankly, it is pushing our country towards bankruptcy.

And he talked about the insatiable appetite of people who want to spend money. Look, I am all for fiscal restraint. We want to pay as you go. We want to make sure that every new program that we talk about, every new revenue initiative that we talk about is paid for. That is the way families do it. That is not the case with Republicans.

But when you talk about insatiable appetite, I can't help but think of your energy bill, which provides these incredible tax breaks and subsidies to oil companies that have never made more profits than they are right now, that are gouging American taxpayers at the pump, and you are giving them billions of dollars. Talk about insatiable appetite. Or the drug companies that can't provide our senior citizens a decent cost for prescription drugs and you are sending more and more subsidies and tax breaks and liability protections to these industries that, quite frankly, need to respect our citizens more.

So that is the kind of insatiable appetite that has gotten us into this mess, and we have had enough of it. We need new priorities; and I hope that my colleagues, again, will turn down this budget.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I would remind my friend from Massachusetts in the conversation about insatiable appetites that nearly every amendment offered by the Democratic minority on the Budget Committee spent more money. There was no amendment offered by the Democratic minority that changed the Tax Code in any way. In previous years they had sought to raise taxes. They have learned that lesson, that it does not fly with small business men and women across the America, that it is not particularly popular, and it is terrible economic policy to raise taxes. So they dropped that. But nearly every amendment offered in the committee markup was to spend more money and to pay for it using the mythical potential of what is called the "tax gap," which is the difference between taxes owed and taxes collected. That is money that may or may not appear based on an aggressive IRS. That was their pay-for to feed their insatiable appetite for more spending.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me just point out to the gentleman, in case he has not read it, the Democratic proposal actually balances the budget by 2012, which is something that the Republican budget does not do.

What we have a problem with is giving tax breaks to Donald Trump at a time when you are shortchanging veterans. We think those are misplaced priorities.

At this point I would like to yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), my colleague on the Rules Committee.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague from Massachusetts on the Rules Committee for yielding.

I heard my colleague from Florida (Mr. PUTNAM) talk about it being terrible economic policy. I am curious, does that mean terrible economic policy to balance the budget?

I also heard you in your comments say that the Democrats' budget is mythical. Well, let me tell you what is not mythical. When you make bad deficits worse, that simply is not mythical. The Republican budget resolution has no plan to bring the budget back to balance and, in fact, makes the deficit $410 billion over 5 years, compared to current deficit estimates.

□ 1130

It calls for a mounting legacy of debt.

Since this administration took office, it has requested and the Congress has provided four increases in the statutory debt ceiling totaling $3 trillion. Under this budget as proposed by the Republicans, the statutory debt by the year 2011, footnote there, the baby boomers hit at 2009, the statutory debt will increase by another $2.3 trillion, for a total increase of $5.3 trillion. It will leave the statutory debt at a record level of $11.3 trillion. What part of that is mythical? What we are talking about is something that is going to destroy the economic base of this country.

This budget that the Democrats propose makes sure that this budget comes into balance. It does not cut, as does the Republican budget, funds for public health programs. It does not cut new money for transitional Medicaid assistance. The Republicans cut low-wage workers and vulnerable families. They cut nutrition assistance. They slash education, education, by $2.2 billion. They cut veterans care by $8.6 billion. It cuts budget functions that fund homeland security.

I am curious, what is the myth that you would perpetuate upon the public when we are about to go down the drain?

Mr. PUTNAM. Mr. Speaker, the myth is this: in your plan, you assume that the $200 billion tax gap will magically appear tomorrow. If we knew where the $200 billion was, we would find it now. You assume that the $200 billion in uncollected taxes are available to be collected and then be spent under your budget plan the day your proposal passes. It wouldn't be uncollected if we knew where it was. It wouldn't be uncollected if we could go get it. Somebody has to go hassle these people to pay their taxes.

That is the myth. Does it need to be done? Absolutely. Should we close it? Absolutely. But that is a crap shoot. You will not have 100 percent collections of all income taxes due by the day that your bill passes, if it were to pass tomorrow. That is the myth.

You point out that our deficit is different than the CBO baseline. You are correct. The CBO baseline assumes, and your budget assumes, that you will allow the tax reforms that passed in 2001 and 2003 to expire. So capital gains taxes go up; dividend taxes go up; taxes on middle-income brackets go up: the 10 percent bracket disappears; AMT relief, no action.

You allow those things to expire. The CBO assumes those things will expire. We assume they will stay in place because we believe that those are the drivers of the economic engine that is giving this country 4.8 percent unemployment, which is lower than the average of the 1970s, the 1980s and the 1990s. It is what allows this government to collect 15 percent more revenues, more money from the taxpayers this year than last year, even though the tax rate is lower.

That is the difference. That is the myth. That is the problem with the competing budgets as ours stacks up against yours.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me just close by saying there are numerous reasons to oppose this budget. Education funding goes down, health care funding goes down, environmental protection money goes down, and I go on and on and on. But what particularly I find astounding is the way our veterans are being disrespected in this budget.

The gentleman mentioned before all these veterans groups that are thanking him for what they are doing. The fact of the matter is, I am hearing the opposite from every major veterans organization in this country. I have a letter here from the Disabled Veterans of America asking us to end the cycle of the constant cutting of benefits, that people right now are waiting in lines. And we have more veterans that are going to be produced as a result of this war in Iraq and Afghanistan.

I have been to Iraq, and I have seen those men and women serving our country. I have a disagreement with our policy, but they are doing an incredible job. And you on the majority are doing a disservice to these veterans by not providing the necessary funding not only to meet the needs of the veterans that currently exist, but you don't even account for the veterans, the thousands of veterans, that will be produced as a result of this war. It is wrong, it is immoral for us to pass a budget that doesn't respect our veterans.

Vote "no" on this budget. Vote "yes" for the Spratt substitute.

Mr. PUTNAM. Mr. Speaker, it has been a good debate. We have 4 more hours to go. We need to pass this rule.

The gentleman has grabbed the veterans issue by the horns, and appropriately so. We will stand by our veterans funding. It is a 4 percent increase in an era when the rest of the budget is assumed to be reduced by a tenth of a point.

This is a two-step process, and the gentleman knows it. The budget lays out the fences, the appropriations process decides what is spent within those fences. We have doubled spending per veteran, not spending on veterans, spending per veteran in the last 10 years. We have doubled spending on veterans medical care. These are issues that are hugely important.

I am proud of the way this debate has been conducted, because this budget lays out the competing visions for America, one that inspires economic growth through sensible tax policies, and one that wants to spend, spend, and spend some more based on the myth of the tax gap collections that would miraculously appear tomorrow under the Democrats' proposal.

Mr. Speaker, I yield back the balance of my time, I move the previous question on the resolution and urge the adoption of this rule.

The SPEAKER pro tempore (Mr. BONILLA). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 7, as follows:

[Roll No. 91]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Crenshaw
Evans
Hayes
Price (GA)
Smith (NJ)
Tanner
Watson

□ 1159

Messrs. McDERMOTT, RUPPERSBERGER, FORD and KENNEDY of Rhode Island changed their vote from "yea" to "nay."

Mr. LEWIS of California and Mr. HALL changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 196, not voting 11, as follows:

[Roll No. 92]

AYES—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps

Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Ackerman
Crenshaw
Evans
Gohmert
Hayes
Latham
Lewis (GA)
Price (GA)
Smith (NJ)
Tanner
Watson

☐ 1206

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LATHAM. Mr. Speaker, on rollcall No. 92. I was inadvertently detained. Had I been present, I would have voted "yes."

EXPRESSING SINCERE REGRET ABOUT ENCOUNTER WITH CAPITOL HILL POLICE

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, I come before this body to personally express again my sincere regret about the encounter with the Capitol Hill Police.

I appreciate my colleagues who are standing with me, who love this institution and who love this country.

There should not have been any physical contact in this incident.

I have always supported law enforcement and will be voting for H. Res. 756 expressing my gratitude and appreciation for the professionalism and dedication of the men and women of the U.S. Capitol Police.

I am sorry that this misunderstanding happened at all, I regret its escalation, and I apologize.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 376, which the House is about to consider.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Pursuant to House Resolution 766 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 376.

☐ 1209

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, with Mr. TERRY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 4 hours, with 3 hours confined to the congressional budget, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from New York (Mrs. MALONEY).

The gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from New York (Mrs. MALONEY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

As you just indicated, the first hour of this budget debate has been set aside pursuant to the Humphrey-Hawkins section of the Budget Act. Under the rule, the Joint Economic Committee will have this hour evenly divided on two sides.

According to most neutral observers, including the Federal Reserve, and a consensus of private economists, the current economic expansion is quite healthy. That is good news. Indeed, if anything, there seems to be a little concern in most quarters that the economy may be growing too fast, a concern that I do not share.

The U.S. economy grew 4 percent in 2004 and advanced at a rate of about 3.5 percent in 2005. The growth rate in the first quarter of 2006 is expected to be very robust, probably over 4 percent, consistent with the trend of strong growth seen since 2003.

The improvement in economic growth is reflected in other economic figures as well. Let me name a few.

Since August of 2003, business payrolls have increased by 5 million jobs. The unemployment rate has declined to 4.8 percent. Consumer spending continues to grow. Homeownership has hit record highs. Household net worth has also reached a record high. Productivity growth continues at a healthy pace. Long-run inflation pressures appear to be contained. Long-term interest rates, including mortgage rates, are still relatively low, although somewhat higher than what they had been previously. The resilience and flexibility of the economy have overcome a number of serious shocks, most recently the hurricanes of last year. Equipment and software investment have been strong over this period. However, with somewhat higher mortgage rates, the housing sector is slowing, although it appears that a soft landing is most likely. It is clear that the Federal Reserve remains poised to keep inflation under control.

In a recent policy report to Congress, the Fed noted that the U.S. economy delivered a solid performance in 2005. Furthermore, the Fed observed that "the U.S. economy should continue to perform well in 2006 and 2007." The Fed, along with a number of private economists and government agencies, expects that economic growth in 2006 will be about 3.5 percent, still very healthy growth. This economic growth will continue to expand employment and further reduce unemployment.

In summary, overall economic conditions remain positive. The U.S. economy has displayed remarkable flexibility and resilience in dealing with the many shocks, including terrorist attacks and weather effects.

The administration forecast for economic growth in 2006 is comparable with those of the blue chip consensus and the Federal Reserve. With growth expected to be about 3.5 percent in 2006, the current economic situation is solid and the outlook remains favorable.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to speak in the time reserved by the Budget Act for discussion of economic goals and policies and traditionally led by members of the Joint Economic Committee.

If you listen to the President and his supporters on the other side of the aisle, you get a very upbeat assessment of the American economy; but if you listen to the American people, you get a very different assessment.

☐ 1215

The President likes to talk about how fast the economy is growing and how successful his policies have been in stimulating an economic recovery from the 2001 recession. But the American people are saying, what economic recovery, and when am I going to see the benefits from this President's economic policies in my take-home pay, in my pocket?

Mr. Chairman, we should listen to the American people and we should adopt economic policies that promote the economic well-being of all Americans, not just those at the very top of the economic ladder. The President's fiscal year 2007 budget and the House budget resolution do not do that.

Instead, they continue economic policies that have produced a legacy of deficits and debt, that leaves us unprepared to deal with the budget challenges posed by the retirement of the baby boom generation and that weakens the future standard of living of our children and grandchildren.

This administration has set a series of records, only they are the wrong kind of records. They have raised the debt ceiling four times. It is now over $8 trillion. Every man, woman and child in America now owes at least $28,000 of that debt, and we have had the largest deficit and trade deficit in the history of this country.

This chart shows how the President inherited a budget situation with large surpluses, but we have ended up with a string of large deficits. Economic policy over the last 5 years has not served the interest of the typical American working family. The resilience of the American economy has allowed it to recover from the 2001 recession, but we are still experiencing the labor market effects of the most protracted job slump in decades.

Job creation has lagged far behind what is typical in a strong economic recovery. There is still evidence of hidden unemployment, and the benefits of productivity and productivity growth have been showing up in the bottom lines of companies rather than in the paychecks of American workers.

Finally, and very disturbingly, there is a growing gap between the "haves" and the "have-nots" in this country as income and earnings disparities have widened. This is a very troubling trend. Yes, workers have become more productive. They produce more and more in each hour that they work. But they have not been getting rewarded for their productivity.

Average hourly earnings have not kept up with inflation, and they barely kept up even before that. Median family income has failed to keep up with inflation every year that President Bush has held office. Those who are already well-to-do are doing very well in the Bush economy. But the typical, hard-working American family is struggling to make ends meet in the face of high costs for energy, health care, and a college education for their children.

This chart illustrates the problem very clearly. The red bar shows the growth in the inflation-adjusted usual weekly earnings of full-time wage and salaried workers under President Bush at different points in the earnings distribution. You have to be in the upper half of the distribution to have seen any gain. Earnings at the top have grown fastest relative to inflation and earnings at the bottom have fallen farthest behind inflation.

I would note the contrast with the last 5 years of the Clinton administration, which is the blue bars, when earning gains were strong and spread throughout the earnings distribution. They spread the wealth. They shared the wealth. The budget we are debating today does not address any of these problems. In fact, it makes matters worse.

An analysis by the Democratic staff of the Joint Economic Committee shows that budget cuts in programs that provide payments for individuals are concentrated among lower income families, while the tax cuts go overwhelmingly to those at the top of the income distribution. The blue bars on this chart show that more than a third of the cost for spending cuts go to families in the bottom 20 percent of the distribution, families that together have only 3 percent of aggregate income. Meanwhile, those at the top get nearly three-quarters of the benefits from the tax cuts in this budget, as shown by the red bars in this chart.

With policies that have turned a $5.6 trillion 10-year budget surplus into a deficit over those same 10 years of at least $2.7 trillion, this administration has turned us into a nation of debtors, relying on the rest of the world to finance our budget deficits and the rest of our excessive spending.

Last year, we had a current account trade deficit of over $805 billion, the largest in the history of this country, the largest in the world. That is the amount of money we had to borrow from the rest of the world to finance our trade deficit and international payment imbalance. Foreign governments are holding large quantities of our public debt, putting us at risk of a major international financial crisis if they should decide the benefits of holding dollars are no longer worth that risk.

Mr. Chairman, our future prosperity depends on increasing our national savings and making wise investments. It depends on being ready for the retirement of the baby boom generation and the pressure we know that will be put on the budget with their retirement. But how is the other side preparing us for that future? With more deficits and more debt, the largest in the history of our country.

They want to make the tax cuts that have gotten us into this mess permanent, and they have no realistic plan for controlling spending or bringing revenues into line with the amount we need to spend to defend the country and take care of the needs of our citizens. This is the wrong direction that we are going in. We need a better plan.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from northwestern Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. I want to thank the gentleman for yielding, and I think the time has come, particularly after the last speech, for a reality check here.

What we have seen since the 1990s is that the key to balancing the budget is economic growth and pro-growth tax policies. That is what our budget resolution stands for and what our budget resolution promises to preserve. In the 1990s, when we balanced the budget, and I might add we balanced the budget because we had a Republican Congress committed to fiscal austerity, we were able, through controlling spending, to allow the growth in the economy to overcome a budget deficit that the other party, frankly, couldn't deal with when they were in the majority.

By putting in place pro-growth economic policies in 2003, this Congress laid the groundwork for an economic recovery which has generated unprecedented revenues and, in generating those revenues, has steadily brought down the deficit and brought it within reach of control.

Now, I will be the first to admit this budget document does not fully account for the cost of war. It doesn't account for the cost of some of our recent national disasters. Those have always been treated as one-time expenses, and appropriately so. But our underlying deficit, in my view, is being dealt with in this budget in the most direct and credible way, and that is through restraining spending and allowing us to maintain in place pro-growth tax policies.

Now, what the other side doesn't tell you, and what they are really hot for, is that they want to see a tax increase. They want to see us forced to raise tax rates above those contemplated in our 2003 tax policy. Our existing tax policy, as then Chairman Greenspan conceded, has been critical in growing the economy; growing the economy last year at a rate of 3.5 percent, the envy of the industrialized world; growing our economy in a way that allows us to find new revenues even as we create wealth and we create jobs.

Now, Mr. Chairman, I will be the first to concede that in congressional districts like mine in northwestern Pennsylvania we have seen the downside. We have seen an economy that has lagged behind the national economy. We have seen the effects of unfair trade. We have seen job losses that haven't fully been recovered, particularly in the manufacturing sector. But the solution is a growing economy.

And what this budget resolution promises is that we will be able to maintain the tax policies that have produced the growth even as we curb spending and show fiscal restraint. In the process we are in a position to set up this country to escape from the budget deficit, to lower national debt as a proportion of the national economy, and, over time, position ourselves to hand to the next generation a prosperous America.

This budget resolution is critical to the long-term economic health of our country, and it is based on a philosophy of pursuing pro-growth policies that allow us to generate the revenue that we need. The other side, by pushing us towards policies that would raise taxes and ultimately take more resources out of the economy, I think threatens that growth and threatens that recovery.

Ultimately, I believe, there is a clear contrast here, one in which I am very proud to stand on the side of growth and opportunity.

Mr. SAXTON. Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield to my distinguished colleague from the Joint Economic Committee and from the great State of New York, MAURICE HINCHEY, such time as he may consume.

Mr. HINCHEY. Mr. Chairman, I thank very much my colleague from the State of New York, our ranking Democrat on the Joint Economic Committee, for her leadership here and for yielding me this time.

This debate in which we are engaged in this afternoon is a critically important one for the future of the American economy. As my colleague Mrs. MALONEY pointed out just a few moments ago, we are currently facing the largest budget deficits in the history of our country. According to the budget resolution itself, this burgeoning budget deficit will grow by $372 billion just over the course of the next fiscal year. Many people regard that number as conservative.

Many people who are analyzing the economic circumstances that we are confronting as a result of the incompetent budget policies of the Republican Party here in the Congress estimate that this budget deficit can be substantially more than $400 billion. In any case, even if it is only $372 billion, that sets another record. Now, maybe they are proud of the record that they are setting, and that seems to be the case based upon what we have just heard.

In addition to the record budget deficit this year, we are also facing record debt. The national debt has now grown to more than $8 trillion, and the majority party here in the Congress very, very quietly, under cover, raised the debt ceiling to almost $9 trillion.

□ 1230

This majority party is the biggest borrow-and-spend operation that we have ever seen in the United States of America, totally and completely irresponsible in their approach to dealing with the American people's money. As a result of that, the economic circumstances that we are confronting are becoming increasingly difficult.

A major portion of their failures has been their approach to the tax system. We just heard my friend and colleague on the other side of the aisle say that the Democrats are in favor of a tax increase. That is completely fraudulent. It is another part of the propagandistic approach that the majority party has taken to dealing with these most significant issues in which we are presently engaged.

We are not in favor of tax increases; we are in favor of reducing the irresponsible tax reductions that the Republicans have engaged in over the course of the last 5 years. Those tax reductions have benefited primarily the wealthiest 1 percent of the population of America.

Let me give an example of that. If you are a person making $10 million a year, if that is what you made last year, $10 million, the effect of the tax cuts on your budget is very, very significant. When you factor in the deductions and investment approach, you find that your taxes have fallen by $1 million. Your taxes have fallen by $1 million if you are making $10 million a year. That is what they have done. They have cut taxes for the very wealthiest people, and they are increasing the budget deficit that is going to have to be paid back by the vast majority of working people in this country, this generation and future generations.

This is the borrow-and-spend approach to governance that the Republican Party in this House has put forward and which they continue to advance in the context of this budget resolution.

What has been the effect of all this on the average American? What we have seen is that wages and salaries of the working people of our country have risen at their lowest rate since 1981. And I am talking about over the last 5 years. They have risen at their lowest rate since 1981. When you look at what has been happening in the last 2 years, you find that wages and salaries have actually been in decline. People are seeing their wages and salaries, when you take into effect inflation, actually going down.

So if you are a wealthy person, the Republicans are taking very good care of you. If you are an average American working for wages and salaries, you are finding your situation in desperate shape. So this budget resolution is another failure on the part of the majority party in America. They are creating deeper deficits for us. They are putting us into deeper and deeper debt. Their approach to taxation has been for the rich and against the working class; and in an economy which is based upon demand, it is forcing that economy down, and we are seeing it broadly all across the American economy, losing manufacturing jobs at record rates. All of that is as a result of the economic policies that have been put forth by the majority party here in the House of Representatives.

So the point we are making right here now is once again we have a budget resolution on the floor of this House which is incompetent and irresponsible, which is going to mean higher taxation in the future for the average working families in our country while it cuts taxes for the wealthiest and most privileged and while it increases the national debt.

They talk about the economy growing. We have had an economy that has experienced the most stimulation, both monetary policy stimulation and fiscal policy stimulation, in the history of the country. The lowest interest rates and huge amounts of spending have increased the national debt. That is the situation we are confronting here today, and that is why this budget resolution needs to be defeated.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

It seems like there must be an election coming to hear some of the rhetoric here on the floor which actually defies reality. Let me try and explain to those who are at least open-minded about the situation what has happened with our economy over the past 5 or 6 years.

We all remember during the late 1990s we had very robust growth in the stock market. Things were perking along at a rate that most economists at the time thought was an exuberant time when investments were being made for reasons other than perhaps good, solid rationale.

In the third quarter of 2000, the economy began to get soft and in the last quarter of 2000 it did even worse. As we look at the reasons for that, there were a number of economists who concluded different things. One thing became clear, and that was investment was not being made and that something needed to be done.

This chart to my left is a chart which shows fixed private, nonresidential investment, in other words, investment in things that would be productive in our economy. As we look at what happened as we began to move through 2001 and 2002, these bars that drop below the line show there was negative investment. People were not investing in productive things; and as a result of that, the economy was not doing well.

The administration proposed a fix, and that fix was to do things here in the House of Representatives and in the Senate and through the administration that would encourage the American investor to reengage in investing in productive things. And so in 2003 the House of Representatives and the Senate collectively, together, passed some tax cuts to encourage investment. And those tax cuts, which were temporary in nature which we continue to talk about making permanent, had the desired effect.

If we look at this chart and look at when the negative investment ended and positive investment started, it happens to be after those tax cuts went into effect. As a result of reducing the percentage of taxes paid on dividend gains and as a result of tax cuts on capital gains, we see beginning in 2003 and through 2004 and through 2005 and projected to continue by the Fed and by other blue chip economists and blue chip forecasts, we are expecting to see that growth continue through 2006 and 2007. As a matter of fact, we had 4 percent growth in 2004; 3.5 percent growth in 2005; and in the first quarter of 2006, we saw 4 percent growth continue. This is good news for not only the American investor; it is also good news for others in the workforce and in the economy.

Here is what happened to employees' payrolls during that period of time. Once again we see some lines that drop below the positive mark. We see some negative growth in nonfarm payrolls as we move through. And as we saw the 2003 tax cuts go into effect, once again we saw the economy rebound and we see employees in nonfarm payrolls begin to increase to much healthier levels than they had been during the 2000, 2001, 2002, and 2003 period of time when investments, productive investments, were not being made.

As we sought an answer and the administration proposed the tax cuts and the House and the Senate implemented the tax cuts, once again nonfarm payrolls and employees' payrolls began to grow, as demonstrated by this chart.

Finally, gross domestic product, which is how most economists measure growth in the economy, continues to be very good. Beginning in 2003, as our tax cuts went into effect, dividend tax cuts, the taxes on dividends were lowered, the taxes on capital gains were lowered. We see in 2003 and 2004 as we move across here, and as I said before in 2004, we had an average of 4 percent growth. In 2005, we had an average of 3.5 percent growth over the four quarters of that year.

The forecast for the first quarter of this year, which is in red, the first of the four lines, the actual forecast is 4.7 percent. I think that might be a little high. I think it might be closer to 4 percent. But that is healthy economic growth, and we continue to see the effect of the policies we have put into place. We expect that the growth may slow somewhat during the first, second, and third quarter; but we believe we will average 3.5 percent this year.

I might add one thing that I think is important for us to remember, and that is that the tax cuts, together with other policies, have produced this growth and we need to continue to support those policies as well. The Federal Reserve has been a huge part of this as well. While it is nice for the Congress to take credit with the implementation of the tax policy that we implemented, the Federal Reserve also deserves a lot of credit for what has happened here through the policies that have been brought about through something called "inflation targeting."

Today, inflation is very low. Inflation is around 2 percent; and it is around 2 percent because, in my opinion, the Federal Reserve has used this policy of inflation targeting as the cornerstone for Fed policy. As inflationary expectations, as we look to the future, interest rates have continued to be historically low. In spite of the fact there has been a little up-tick in interest rates because of Fed policy in the last year or so, we continue to see affordable interest rates and interest rates that influence investment and continue to provide the stimulus that we need for the kind of economic growth that we have seen since 2003.

Mr. Chairman, I just wanted to make these points. I think this is a very important background for us as we begin this budget debate.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman mentioned the rhetoric coming from this side of the aisle; but we are not speaking rhetoric, we are speaking facts and figures and numbers do not lie.

The other side of the aisle raised the debt ceiling four different times under this administration so we now have a record debt of over $8 trillion. That is not rhetoric; that is a fact. If you break it down, each man, woman and child in America owes $28,000; and it is galloping upwards, the debt on our children and our grandchildren.

Another fact that is not rhetoric is we have the largest trade deficit in the history of our country, the largest in the history of the world; and other countries are financing our budget. We are shifting our wealth to other countries. It has been said if China invaded Taiwan, we would have to borrow money from China to defend Taiwan. That is not a good position to be in.

Mr. Chairman, the budget offered by the majority continues the failed economic policies of the Bush administration. The typical American family is still feeling the effects of the most protracted job slump in decades. Actually, it is the worst job slump since the 1930s. On top of that, wages and incomes are stagnating. There is a growing gap between the haves and the have-nots. This is a tremendously troubling trend in our country.

But this budget does not address any of those problems. It contains unfair spending cuts that disproportionately harm middle- and lower-income families to help pay for tax cuts that go overwhelmingly to those who are already very well off. Where is the fairness in this budget?

And this budget continues to add to our legacy of deficits and debt and has turned us into a Nation of debtors relying on the rest of the world to finance our budget and our deficits.

□ 1245

This is a very troubling trend in our country. We have never had it before. It leaves us unprepared to deal with the challenge posed by the retirement of the baby boom generation and weakens the future standard of living of our children and our grandchildren. I urge a "no" vote on this budget.

Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member on the Budget Committee. We thank him for his leadership on this and his leadership in so many areas.

Mr. SPRATT. Mr. Chairman, the administration has devoted a lot of energy to touting the successes of the economy, particularly with respect to the job statistics, as justification for the 2001 and 2003 tax cuts. But let's look at the record.

When President Clinton took office in January 1993, there were 109.7 million jobs in the national economy in the work force. When he left office in January of 2001, there were 132.5 million jobs. That means that during the 8 years of the Clinton administration, there was a gain of 22.8 million jobs. These were the jobs created during the Clinton administration at a time when we brought the budget to balance, making the bottom line of the budget every year better and better and better to the point where we had a surplus in 1998.

Now, compare that job gain, 22.8 billion to what has happened during the Bush administration. When President Bush took office in January 2001 there were 132.5 million jobs in the economy, according to the BLS. By January of 2006, 2 months ago, the economy had a total of 134.6 million jobs. That is an increase of 2.1 million jobs, versus 22 million jobs created during the Clinton administration. No comparison. Stark contrast.

What is even worse is the fact that the Bush administration has seen most of its job gains of more than 50 percent occur in the public sector, not in the private sector. The tax cuts that have led to the deficit did not generate the jobs that were proposed or projected in the private sector. Far from it. Growth has come in the public sector.

And this is worst of all. Job growth in the manufacturing sector under President Clinton grew by 315,000. Not impressive, but at least not a loss. Under President Bush the manufacturing sector has lost 2.9 million jobs. 2.9 million jobs over the last 5 years, an average of 48,000 jobs a month.

Now, when we say that the economic gains that appear from this GDP growth and other things that look positive, stock market, the Dow Jones are all doing well and are healthy vital signs, we are glad to see them. But they are not translating into the lives of the ordinary working Americans. This is why the loss of manufacturing jobs, the best paying jobs in our economy, particularly for blue collar Americans, this is why it has happened, because this is why the family median income in real terms adjusted for inflation has gone down almost every month since 2001.

So beneath the glitter and generalizations are some stark facts that don't really appear to support the claims the Bush administration has made. Namely, they have created just over 2 million jobs, whereas the Clinton administration created 22.8 million jobs during his time in office. And they have presided over a devastation in the number of manufacturing jobs, a loss of 2.9 million manufacturing jobs in our economy.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

One additional way to look at our economy and to see how it compares with what we may have seen around the rest of the globe is to simply look at the statistics as to how our U.S. economy has performed as compared to some others. For example, when we look at real GDP growth from the first quarter of 2001 through the fourth quarter of 2005, the U.S. economy expanded at an average annualized rate over all of those times, even though it was slow during the earlier years, at 2.6 percent, and the United States ranked first among its peer group in the world in real GDP growth.

In terms of investments of fixed assets, from 2001 to 2005, growth investments in fixed assets as a percentage of GDP growth rose in Canada and the United States but fell in the European Union and Japan. And so once again, the United States was a leader in terms of investment and fixed assets.

In terms of industrial production from 2001 to 2005, through 2005, the United States industrial production increased by 7.1 percent, a very, very healthy picture. And I might add that this industrial production increased because of investments, because of investing in productive things, investment brought about by the budgetary policy and the tax policy of the Congress of the United States and the administration.

Employment and unemployment. From January 2001 through December 2005, the United States ranked second in employment growth in both absolute and in percentage terms. In the United States employment grew by 5,165,000 jobs, or 3.8 percent. Canada ranked first in percentage growth with 9.3 percent, while the European Union ranked 15, first in total increase of 5.7 million, which was actually 3.4 percent, far below the United States.

In December of 2005, the U.S. had an unemployment rate of 4.9 percent, the second lowest among its peer group. If we look at this chart next to me of unemployment rates, if you look at the unemployment rate in the European Union, it was 8.3 percent. If we look at the unemployment rate in Canada, it was 6.4 percent. And at the end of the year, same time frame, the unemployment rate in the United States was 4.8 percent.

Just interestingly enough, there is a member of the U.K. Parliament in town today, and I saw him early this morning and he said, I envy you. I said thank you, and why is that? He said, when I go to work at home and I earn an income for my family, 59 percent gets paid to the government. I envy us, too, because we have seen beyond the period of high taxes. We have seen beyond the period of producing an economic policy that in Europe provides today for an 8.3 percent unemployment rate or in Canada of a 6.4 percent unemployment rate. We are fortunate. But it is because of good policy. It is because of the policy of this administration and this Republican Congress that we have a 4.8 percent unemployment rate.

Labor productivity is up in our country as well, and that is one of the reasons for this great economic growth. From the first quarter of 2001 to the fourth quarter of 2005, labor productivity grew by 9.5 percent. That means that because of technology that we have invested in, smartly, and partly because of tax policy, we have made our workers more productive than at any time in our history and the most productive work force in the world.

I said a word a few minutes ago about price stability. Price stability is what it is today, lack of inflation, inflation of 2 percent or under, because of Fed policy. Chairman Bernanke told me earlier this week that he intends to continue policies that have price stability as the number one goal as inflation targeting continues, to keep our rate of inflation low and to keep interest rates low accordingly. Smart economic policy.

And so as we walk through the things that have occurred, partly because of the Congress and partly because of the Federal Reserve, we see that things in our country are doing well, particularly when compared to others.

On balance, the U.S. economy has outperformed its peer group and large developed economies in a number of key measures of economic well-being between 2001 and 2005, during the period that George W. Bush has been President.

Pro-growth tax policy and good monetary policy have contributed to the superior performance of the U.S. economy, and as my friend from the U.K. Parliament said today, yes, we are proud of this record.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS), a member of the Joint Economic Committee.

Mr. CUMMINGS. Mr. Chairman, I rise to join my Democratic colleagues on the Joint Economic Committee in condemning the Republican leadership fiscal year 2007 budget before us today.

Since President Bush took office our Nation has experienced the greatest average annual decline in household income during any administration since 1960. Not surprisingly, more Americans live in poverty and more lack health insurance now than when Mr. Bush took office.

The economic choices our Nation has made have fallen particularly hard on African Americans. According to the United States Census Bureau in 2004, households headed by African Americans had the lowest median income of any racial group. Poverty among African Americans reached nearly 25 percent, while nearly 20 percent of African Americans lacked health insurance.

The United States Department of Labor reports that the unemployment rate among African Americans has risen 13 percent since President Bush took office, and stood at more than 9 percent in December 2005, which is more than twice the unemployment rate among white Americans.

Confronted with this situation, in which the potential of an entire generation of African Americans could be lost to rising poverty and joblessness, the House has presented us with a budget resolution that would cut $447 million from the amount needed just to maintain the current level of services provided to assist primarily low wage workers and vulnerable families, such as housing assistance for people with disabilities and the elderly, food programs that help low income elderly and mothers and children, job training programs that help the unemployed, and child care assistance.

Confronted with this situation in which 13 million American children live in poverty, including 9 million African American children, the House has presented us with a budget that will result in several hundred thousand low income working women and their children losing their health coverage through a failure to fill a funding shortfall in the States' Children Health Insurance Program.

The House has presented a budget resolution that would add $348 billion in fiscal year 2007 to our ballooning deficit to extend tax cuts totaling $228 billion that will continue to go primarily to the wealthy. In fact, according to the Tax Policy Center, during the years 2007 through 2016, 29 percent of the tax cuts that have been enacted in the individual income tax, the estate tax and the Alternative Minimum Tax since 2001, will go to the top 1 percent of earners while the bottom 60 percent of households will receive just 14 percent of tax cuts.

Mr. Chairman, the budget before us is simply unconscionable and the financial policies it continues are unsustainable.

I urge my colleagues to recognize our true priorities lay with our people and placing our country on a sound economic footing. I therefore urge my colleagues to join with me in rejecting this budget.

Mrs. MALONEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, more than any single piece of legislation we passed this year, the budget reflects our Nation's core values. Unfortunately, this budget values deficits over balanced budgets and tax cuts over the health and education of the American people.

This budget cuts more than $10 billion from critical domestic programs our constituents rely on every day. By eliminating 42 educational programs, the budget fails our children and wastes our opportunity to invest in their future.

It hurts low-income students' shot at the American dream by wiping out the GEAR-UP program that prepares them for college.

It threatens our future economic competitiveness by eliminating vocational programs to help our students gain skills in the global economy.

There is so much in this budget that is wrong this cannot actually represent the value of this Congress and the values of the American people because of what it does.

□ 1300

It cuts the budgets of 18 out of 19 institutes of the National Institutes of Health. It raises deductions and copays for veterans health care.

Mr. Chairman, there is so much wrong with this budget that one thing it does, it continues the tax cuts, and that is why it is not the American values.

Let us help our children, our veterans, and our elderly without giving tax cuts.

Mr. Chairman, more than any single piece of legislation we pass this year, the budget reflects our Nation's core set of values.

Unfortunately, this budget values deficits over balanced budgets, and tax cuts over the health and education of the American people. This budget cuts more than $10 billion from critical domestic programs our constituents rely on every day.

By eliminating 42 education programs, the budget fails our children and wastes our opportunity to invest in their future. It hurts low-incomes students' shot at the American Dream by wiping out the GEAR–UP program that prepares them for college. It threatens our future economic competitiveness by eliminating the vocational education programs that help our students gain the skills to compete in a global economy.

This budget breaks our commitment to military retirees by increasing—and in some cases tripling—their out-of-pocket health care fees. It abandons our quest for health care research and discovery by cutting the budgets of 18 out of 19 institutes within the National Institutes of Health. It cuts programs aimed at preventing illness and disease while also slashing programs that train health professionals to treat these diseases.

As a country at war, there is no doubt that we have to make sacrifices to successfully implement the war on terror and equip our troops. But the funding cut from domestic programs in this budget does not go for war costs. In fact, war costs aren't even included after 2007.

The funding cuts also aren't being used to balance the budget. With this budget, this country will post a deficit of $348 billion for 2007—one of the largest deficits in our Nation's history.

Instead of funding war costs or paying down the deficit, the cuts in this budget are used for tax cuts; $228 billion in tax cuts for the wealthiest Americans when families are in need here at home, and troops are putting their lives on the line far from home.

Mr. Chairman, at best this budget is misguided. But the truth is, this budget is down right immoral, and I urge my colleagues to join me in opposition to it.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Chairman, I come from a Midwest State, from Michigan, home of the auto industry. And while my district is relatively doing well, according to the unemployment figures that have been released, I can assure you that Michigan as a State is not doing well. There are several reasons for this, which the place here is not to debate. But the thing that I ask as a Member from Michigan is that we do not make it more difficult for the people of Michigan to right the ship and to begin our path to an economic renaissance.

Struggling pockets of poverty and struggling pockets in the manufacturing base in Michigan and the Midwest and other parts of this country can never be revitalized or returned to their prominence if we deviate from the economic path we are on today, because if the American economy goes back to a higher system of taxation, a system that then crushes entrepreneurial initiative and the individual genius of the American worker, States like Michigan will never recover.

We need to continue the economic expansion in this country. We need to continue to follow pro-growth policies, especially in the area of taxation. We do not give anything to anyone. We merely allow them to keep what they have earned so that they can then directly invest in the future of their children, of their community, and of the life of this country.

So, Mr. Chairman, I welcome this debate on the budget. I welcome the debate about the priorities. But I would encourage us to continue the path because of the several fundamental assumptions that the current policies that we, as the Republican majority, have adopted. I think they must continue because they are very prescient.

The first, and I reiterate, is that tax relief does not give anything to anyone. It allows people to keep the fruits of their hard work. That is not a gift. It is a recognition by government that people who generate wealth should be able to invest it for the betterment of themselves and their family and their community.

Secondly, history has proven to us that as the taxation rate continues to escalate, what happens then is money that is more productively invested into the life of the American community is then less productively spent when it is vicariously handled and invested, or spent, by the United States Government.

Thirdly, I would like to point out that when we talk about government, there are objections about Republican fiscal policies that government has to pay for things. The third root assumption, I think, that our economic policies follow, which must be continued, is that government pays for nothing; working people pay for everything.

So I would encourage us to remember that we live in a sovereign democracy, a democratic Republic where your private property is your private property until the government gets it through the consent of you, the governed. Government then holds your money in a pool, collectively in trust, to be expended on behalf of you and your fellow citizens.

So let us not forget that, as we discuss taxation policy, because when we are essentially asking to deviate from the tax policies of pro-growth that we have today where people keep what they earn, we are beginning to forget the fact that the United States Government does not create wealth, the United States Government does not pay, the United States Government is not the repository of property to be dispensed back to people.

The American people have private property rights, and they have the unalienable right to keep the fruits of their labor. Our policies reflect that, and I believe that the American economy, this entrepreneurial energy, has been unleashed because of these policies.

And I conclude by again reiterating my commitment and my hope that this collective Congress continue the path we are on so that States like mine can continue the path to recovery.

Mrs. MALONEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank my friend and colleague from New York for her leadership on this Joint Economic Committee.

As we have heard over the course of the period of this debate, we have had in the last 5 years huge amounts of economic stimulation in this economy. The amount of economic growth dropped off sharply when the Republican Party took control of both the executive and the legislative branches of government in 2001. With the cooperation of the Federal Reserve, huge amounts of monetary stimulation were injected into the economy, and they dropped the interest rates to zero. And this Congress engaged in a spending program which was enormous, huge amounts of spending coming out of these congressional resolutions, these budget resolutions and appropriations bills.

That kind of economic stimulation should have been very positive, but it was not. One of the reasons it was not is because it was done in a very irresponsible way. It was done by borrowing huge amounts of money, and that borrowing has created record amounts of debt for the American people, which they will have to pay back over the course of generations.

As we have heard, the national debt now exceeds $8 trillion, and the majority party has risen that level to almost $9 trillion. With that kind of economic stimulation, huge amounts of spending and very low interest rates, we would have had every reason to anticipate that unemployment would drop, that more and more people would be employed, that they would be employed progressively, that their wages would be increasing, and the economic circumstances for the American workers and for American families would have gone up, except that, as I pointed out, it was done so irresponsibly so that most of the benefits have gone to the wealthiest people in this country and little or no benefits have gone to the middle class.

So the effect has not been that we have cut unemployment and increased employment. We now have 1.2 million more people in America who are unemployed than there were 5 years ago.

Long-term unemployment is even worse: 1.4 million Americans are suffering long-term unemployment.

They have talked about job growth. Well, of course there has been some job growth. What has that job growth been? It has averaged about 38,000 jobs a month. Normally, even without that huge amount of stimulation, that huge amount of spending, normally what we have in America is job growth at the rate of 125,000 to 150,000 jobs a month. Job growth under their economic program has been down to 38,000. That is why we have more and more people unemployed, short term and long term.

Manufacturing jobs, the essence of our economy, the most important aspect of our economy, manufacturing jobs, have gone down by 2.9 million jobs since they have taken over both the executive and legislative branches of government. Real wages for working people in this country have not gone up as you would expect with that kind of huge amount of spending, but real wages have fallen in the past 2 years. In fact, in the last 2 years, they have gone down by nearly 1 percent after inflation for American families.

So the budget resolution that we are seeing today is consistent with the economic policies that the Republican Party has put forth over the last 5 years, which have been so devastating to the American economy, to American workers, and to American families. And that is the reason why this budget resolution must be defeated.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I appreciate that, and I appreciate the leadership of the gentleman from New Jersey.

Let me just say to the last speaker, nothing done for middle-income families? Consider that 5 million taxpayers have completely had their income tax liability removed. In fact, they pay no income tax liability to the Federal Government anymore after these pro-growth tax initiatives.

Mr. Chairman, I was listening to this debate, and I have to tell you, as someone who was an economist at the University of Missouri Columbia, I remember sitting in those, some would say, boring lectures. I was one of the few that actually enjoyed those lectures. But it used to be thought that if you had the unemployment rate in America certainly at 5 percent, it was considered to be full employment. We have a 4.8 percent unemployment rate. As has been rightly pointed out, inflation has been kept in check. We have homeownership at an almost all-time high. Consider the fundamental underpinnings of this economy.

And my friend from South Carolina, whom I have great respect for, I was listening to your discussion as well, and you acknowledged at least there has been some job creation; and you talked about the 8-year period of time under the previous administration, and we are at a 5-year point here as far as this administration. But consider what this President inherited. Certainly everyone can agree, when you put the partisanship aside, if you can, that the economy was slowing in the last 2 years of President Clinton's administration. Then you consider actually what happened as far as the tech bubble bursting, corporate scandals that rocked the confidence of the investor class, the shock that the economy took on September 11.

Clearly, we had the horrific human tragedy but, of course, the economic tragedy as well, plus trying to respond to Katrina and the multiple catastrophic events that we have attempted to do. When you consider we have weathered all of those storms, so to speak, and we have unemployment at 4.8 percent, inflation less than 3, homeownership and all this other positive economic news, and the fundamentals are there, I recognize again that the loyal opposition must be loyally opposed and to your political peril that you would talk up the economy. But I would just simply say that in this intensely partisan political time, at least give credit where credit is due.

I thank the gentleman for yielding.

Mr. SAXTON. Mr. Chairman, just to conclude this debate, it was not a Republican idea originally to stimulate economic growth by use of the tax policy. It was John Kennedy's idea. When Ronald Reagan was elected President, we Republicans all stuck our chests out and said what a wonderful idea. But it was John Kennedy, who, in his State of the Union speech after he was elected, said we cannot expect to continue to lead the economic world if we fail to set the economic pace at home. And he went on in his speech to detail the tax cut plan that he wanted to put in place. It was put in place and the economy grew. And Ronald Reagan did the same thing. A different plan, same concept. And George Bush I did the same thing, and George W. Bush has embarked upon the same thing.

Now, it has been suggested by the minority that somehow we can have tax cuts without cutting taxes of people who pay taxes. This chart to my left shows who pays taxes. As a matter of fact, the top 1 percent of the taxpayers pay 34 percent of the taxes. The top 50 percent of the taxpayers pay 96 percent of the taxes. And that means that about 4 percent of the personal income taxes that are paid in this country are paid by the bottom 50 percent of the wage earners. As Mr. HULSHOF just pointed out, many of those folks have been taken off the tax rolls altogether.

□ 1315

So the charge that people who earn more money get a larger share of the tax cut, I guess I would just ask this question: If you believe, as I do, that tax cuts stimulate economic growth, and if you are going to have tax cuts at all, then you have to cut taxes from the people who are paying them, and they are almost all in the upper half of the income brackets.

The CHAIRMAN. All time on this part of the debate has expired.

It is now in order to conduct general debate on the congressional budget.

The gentleman from Missouri (Mr. HULSHOF) and the gentleman from South Carolina (Mr. SPRATT) each will control 90 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. HULSHOF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today is a great day, a great day of opportunity for this House and really for the American people. I want to echo what was said during the previous debate, particularly by my good friend and colleague Mr. MCCOTTER from the State of Michigan.

I want to start by actually announcing a truism that certainly all of us, Republicans, Democrats, Independents, liberals and conservatives can agree with, at least I believe it to be a truism, and it would be simply summed up in two statements:

First of all, wealth and prosperity and economic opportunity do not come from government programs or increased Federal spending. Isn't that at least something we can begin to agree upon?

The second corollary that again I think is axiomatic that again surely all of us can agree with, is, secondly, the Federal Government cannot tax its way into prosperity.

So when you consider where we are, as we try to make these very difficult, tough budget choices, I believe that the budget that we have on the floor today should deserve bipartisan support. I don't expect it, but it should.

This fiscal year 2007 budget continues and furthers our plan to strengthen our Nation's most critical programs. It reforms the Federal Government. It spends the taxpayers' dollars wisely.

Again, I am certain that as we over the next couple of weeks go to visit with our constituents, those folks that are actually paying the bills, they simply want to be assured that they are getting a dollar's worth of value out of every dollar that they send to the Nation's Capital. This budget does that, and in fact it does it by focusing on a number of priorities.

We build upon our Nation's greatest strengths. We continue our successful pro-growth policies to ensure that our economy, that has been doing well, job creation that has been increasing, remains strong and that we continue that vibrant economy.

We also accommodate the administration's request to provide whatever is needed in the way of resources to support our troops, again something that I think both sides of the aisle will agree with. We have to continue to keep our Nation's defense and security the strongest in the world, especially at this very critical time.

But we will also continue our efforts at controlling spending across the board. We want to restrain the nonsecurity discretionary spending programs. We want to build on our progress to reform and find savings in some of these mandatory programs that are on autopilot, if you will.

In addition to furthering those reforms to improve our Federal Government programs, it is time again to begin to reform the budget process itself to better reflect and address how Federal Government dollars are actually spent.

When we had our interesting markup last week in the Budget Committee, and I suspect as we heard that night, again, the loyal opposition is likely to provide a somewhat schizophrenic argument. On the one hand they are going to decry the fact that this budget does nothing as far as the Federal deficit and adds to the Federal debt. In other words, they are saying that this budget, we spend too much. And probably then in the second sentence, they will say "and it doesn't invest enough in certain programs."

In other words, our friends across the aisle will talk about that the budget spends too much and then it doesn't spend enough. Certainly I would say that covers all the bases.

We think that this is a responsible budget. It focuses on our priorities, our strengths. It keeps us on a pro-growth agenda to keep this economy growing, because as we realized back during the days of the 1990s, with the Democratic President and a Republican-led Congress, we were able to make some significant progress. But it wasn't just Congress. It was those hardworking men and women across the country, the laborers, the farmers, the manufacturers, the lumberyard dealers, the tool and die makers, those in the service industry, those folks that punch the clock every day, go to work, play by the rules, pay their taxes and simply want the best out of government that they deserve. We think this budget accomplishes that, and I urge its support.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in describing the difference between Republicans and Democrats, between them and us, when it comes to the budget resolution for 2007, let me go straight to the bottom line: We have got a manifestly better bottom line.

The Democratic substitute returns the budget to balance in the year 2012. Building on our reputation for fiscal responsibility which we established in the 1990s during the Clinton administration, every year the bottom line of the budget got better and better and better until the year 1998 when we had a surplus and the year 2000 an unprecedented surplus of $236 billion. That was the year before the budget was handed over to President Bush, and it has gone downhill ever since.

So what is the difference between us on the bottom line? The Democratic budget resolution returns the budget to balance by the year 2012.

In the interim, our budget runs smaller deficits and racks up less debt. Not by a huge amount, but by a significant difference. The Democratic resolution also holds nondefense domestic discretionary spending to the level of current services over 5 years, showing that we can exercise spending control without devastating vital services and programs that people dearly depend upon.

The Republican resolution, as I said, never reaches balance and presents no plan or prospect of ever wiping out the deficit or reducing the debt.

The Republican budget resolution in fact would make the deficit worse by $410 billion over 5 years than would just a basic, current services treadwater budget.

OMB projects a deficit for this year, 2006, of $423 billion. House Republicans project a smaller deficit of $372 billion, and they project this deficit to decline to $348 billion in 2007, showing a bit of improvement. But these projections still mean that on the watch of President George Bush the five largest deficits in our country's history will occur. The five largest deficits in our country's history will occur on the watch and administration of President Bush.

To make room for the Bush administration's budget, four times Republicans in the House and Senate have raised the debt ceiling of the United States by $3.015 trillion. They have raised the debt ceiling by over $3 trillion between June of 2002 and March of 2006.

Under the Republican budget resolution, the statutory debt ceiling will increase by an additional $2.3 trillion by

2011. This means that debt ceiling increases from 2002 to 2011 will equal $6 trillion, and the statutory debt will stand at $11.3 trillion, more than doubled over the 10-year period 2002 to 2011, from $5.3 trillion when President Bush took office to 2011.

We can talk about budget in terms of fiscal policy, we can talk about it in terms of budget policy or just plain accounting issues, should we have accrual budgeting or cash budgeting, but here is the bottom line. This budget is a moral document, and the choices it makes, for whom it helps and whom it hurts, but, more importantly, in the debt it accumulates which we hand over to our children.

Are we going to be the only generation in recent American history which bequeaths to our children this dreadful legacy of debt, mountainous debt, $11.3 trillion by 2011? Today we will make the decision once again as to whether or not that is going to be the legacy we leave our children and grandchildren.

To discuss this further, I now yield 6 minutes to the gentleman from Tennessee (Mr. COOPER) and request when his time comes, he can use this time and allot it to the other Members of the House.

The CHAIRMAN. The gentleman is recognized for 6 minutes. During that time, he may yield to others while remaining on his feet.

Mr. COOPER. Mr. Chairman, I thank my friend from South Carolina for yielding. He is one of the great Members of Congress of our time, and this is a vitally important debate.

Our first speaker on our side talking about fiscal responsibility will be my good friend and colleague from Wisconsin (Mr. KIND), for 1 minute.

Mr. KIND. Mr. Chairman, I thank my good friend from Tennessee for yielding me this time, and I commend him for his leadership in trying to institute budget reforms and instill fiscal discipline in the budgeting process.

Listen, we are going to have a very vigorous debate over the next couple of days in regards to the priorities and the values of our Nation, as it should be. People are entitled to their own rhetoric, they are entitled to their own spin, their own opinion, their own ideology, but we are not entitled to our own facts, and the facts couldn't be more stark or more different in regards to the leadership on our budget under Democratic leadership versus the current administration.

As this chart demonstrates, it shows the trend line for budget deficits and budget surpluses, and this upward trend during the 1990s under the leadership of Bill Clinton and Democrats indicates pay-as-you-go rules as they existed for the administration and Congress which led to 4 years of budget surpluses when we were actually paying down the national debt.

This cliff, which this red line demonstrates under the Bush administration, is the administration and Congress operating without pay-as-you-go rules.

What is so hard to get here? We need to reinstate pay-as-you-go rules to bring back fiscal discipline and responsibility, as the gentleman from South Carolina indicated, for the sake of our children's future. Our budget alternative does that. Theirs doesn't.

We are going to continue this downward trend with deficit spending as long as we don't get back to the budget basics.

Mr. COOPER. Mr. Chairman, I thank my friend from Wisconsin.

The CHAIRMAN. The gentleman will suspend. The gentleman from Tennessee was recognized for 6 minutes, during which he may yield to others while remaining on his feet.

Mr. COOPER. I thank the Chair. I yield now 3 minutes to my friend and colleague and fellow Blue Dog, the gentleman from Tennessee (Mr. FORD).

The CHAIRMAN. A Member who does not control time, but who only is yielded time for debate, is free to yield to others while remaining on his feet. He may not reserve time. Although he may indicate to others his intent to reclaim the time after a certain point, he may not yield blocks of time.

Mr. FORD. Thank you, Mr. Chairman, for your admonishment there.

I thank my friend in leading our delegation, JIM COOPER here in the Congress, and thank him for one skill that he seems to have above many of us here. It is just called math. When you were in younger grades, they called it math. When you got older, they added some more syllables, they called it arithmetic. But the rules were the same. You can't spend more than you have.

What has happened here over the last few years is really remarkable. I grew up around this place because my dad was in Congress for 22 years. He worked closely with Mr. SPRATT and a lot of people who are here now. I was a child, or growing up. I don't mean to date them at all, but I grew up around them and with them.

There was a time when the Republicans were perceived as the party that understood math and Democrats were the party that didn't understand math. Then we elected a President from a little State called Arkansas and he picked a little Senator from my State named Gore, and they came to Washington, as JIM COOPER and I know well, and they forced a different kind of approach on us. And that approach was simply balance the budget, get taxes down for most Americans, get investments going up and allow the private sector to do what it does best, which used to be the mantra of my friends to the right of me, literally and politically.

Wow, what a difference a few years makes once you get in power and you have all of that ability to spend money. Everything from pork spending, and I thank Mr. COOPER for his efforts on the committee for not embarrassing my friends on the right by forcing them to vote on that late in the evening about forcing us to include all of the pork projects, Mr. Chairman, before we voted on them and not allowing people to slide them into pieces of legislation late into the evening.

We have 16 agencies that you can't audit, or several agencies within our government that are not auditable. We have yet to ask, and there was a time when the Republicans would ask these things.

Here we are in 2006 and things have changed. The term "flip-flop" was used a lot 2 years ago. The flip-flop is here. We now find the men and women on this side raising these points and not my friends on the other side.

I would remind my friends about their great fiscal management. Eight years before 2000, Mr. Chairman, the U.S. economy added almost 23 million new jobs. That is 237,000 a month. Since 2000, job growth has slowed to a total of only 2.3 million jobs, or 38,000 a month. The normal retort is, well, the economy changed and we are at war. We are, but we have made no adjustments here at the Federal level when it comes to the government.

I will make one last point.

□ 1330

Since 2000, the number of Americans living in poverty has grown by 5.4 million people. When the last President was around, I remind you of the three things he did, he was a Democrat, Mr. NUSSLE: He abolished an entitlement program called welfare, he balanced a budget, and he created a surplus.

Now, as much as you may want to criticize him and us, math does not lie. And you all are faced with a predicament that I would hate to be in, and perhaps if I had to make the case you are making I would throw it all back on us and try to create funny numbers and talk about debt as the size of the GDP.

You cannot deny this. Bill Clinton abolished that entitlement program, he created a surplus, he balanced a budget. And, unfortunately, under your leadership, all of those things frankly have been abolished.

Mr. COOPER. Mr. Chairman, in the time remaining, I am a Blue Dog, I am cochair of the Blue Dogs. Every Blue Dog has a sign outside his or her office that lists the debt, $8.3 trillion, and each American's share of that debt.

It is very important that all Americans recognize the liabilities that this administration has added to our backs. Mr. SPRATT said earlier, $3 trillion of this have been added just in the last 4 or 5 years. It took America the first 204 years of its history to get $1 trillion in debt. Now we are doing it about every 18 months.

But don't take my word for it. Don't take the Blue Dogs' word. Look at a book just written by one of the most conservative Republican economists in America, Bruce Bartlett. It is called "Imposter: How George W. Bush Bankrupted America and Betrayed the Reagan Legacy." Now, you might say, well, he is a disgruntled economist, although I would urge everybody who cares about our fiscal future to read this book.

Look at this one. This is from President George W. Bush's Department of Treasury, and they are so proud of this document that it was delivered to this body on Christmas Eve without a press release. In this document, you discover that the deficit last year was not the $319 billion that these gentlemen will admit to, it was $760 billion, over twice as large, and the unfunded liability for America approaches $46 trillion. And this is not according to a Democrat or a disgruntled Republican, this is according to the Secretary of Treasury of the United States.

So it is a vitally important debate, Mr. Chairman. We need fiscal sanity to return in this country.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to be here as the chairman of the Budget Committee to propose and debate the budget resolution for this fiscal year 2007, the blueprint that will guide the Congress' spending and revenue decisions for the coming year.

It is not easy to write a budget ever. It is particularly challenging to write a budget when you have to deal with an economic recession, when you have to deal with the worst terrorist attack that has ever hit practically any nation, but particularly ours on our own shores. It is difficult to write one when you are at war, when you have a whole new priority of homeland security that was never even considered just 10 short years ago, or the largest natural disaster ever to affect the United States called Hurricane Katrina. It is never easy to write a budget, and it is particularly challenging to do that when those kinds of things hit you not just one at a time but all at one time.

Today we are going to hear a lot about politics. You know, there is this new movement around the country that I think is pretty important, and that is that we need new science and math education for our kids because we are falling behind, but I think we probably ought to add history to that, too.

I love how the Democrats come to the floor today, and this is modern history for Democrats. In 2001, George W. Bush took office, and look at the deficit we have today. Nothing happened in between. Of course, there have been 6 years that have occurred, and during those 6 years we had those things like an economic recession, like Hurricane Katrina, like 9/11, like a global war on terror, the need to deal with homeland security. And all of those priorities not only were cheerfully voted by both sides, but the national debt not only went up under all of those votes, but in fact the Democrats proposed even more spending to drive that debt even higher.

And probably the most humorous conversation was the one I just heard on welfare reform, how the President is the one who ushered in welfare reform, President Clinton? This is the same President Clinton who vetoed welfare reform twice, and in fact had to be dragged kicking and screaming to support the Republican-passed welfare reform, which was the first opportunity for us to reform entitlement spending and to deal with some huge challenges that gave us the first surpluses in history.

So this budget is always going to be a challenge to write, but it is particularly going to be challenging if all we are going to hear on the other side is complaints and politics, and not any serious proposals to deal with it.

Is this budget going to please everyone? No. You have just heard quite a few complaints about how this budget is not going to please Democrats, and I can certainly understand why. But this budget takes into account the conversations that we have heard from our constituents back home in particular, and I believe this is the budget that is the right budget and the plan to keep our country moving forward with a strong growing economy, with a secure homeland, to provide endless opportunities both today and tomorrow for our kids and our families. It is guided by what we think are our most important priorities and it is based on a clear set of principles: Strength, spending control, and reform. And let me just touch on these briefly.

First on strength. This budget will further build on our Nation's greatest strengths, which include our Nation's national defense and homeland security, and the robust growth of our Nation's economy and job markets as a result of the plans and proposals that we have passed on this floor over the last 5 years.

Spending control. This budget will continue our efforts to control spending across the board by further restraining the nonsecurity discretionary spending, and building on our progress from last year to reform government, achieve savings in mandatory entitlement programs.

In addition to those reforms, we also believe that it is time for us to reform the budget process and continue the work that has already been done. This budget will begin to reform the budget process by actually dealing with emergency spending.

And I will come back to all of these, but let me first touch on our strengths.

The economy. As I just noted, our underlying strength comes from the Nation's economy, and in the past 4 years, 5 years, it really has delivered. I mean, we have seen some wonderful things as a result of the American people being able to spend and invest and use their own resources. After adjusting for inflation, our economy has grown at a robust average of better than 3 percent a year since 2003. Nearly 5 million new jobs have been created in America as a result of this economy, and the unemployment rate has fallen to 4.8 percent, which not only is historically very low, but by many economists that is considered full employment. Even in the face of higher energy prices, which we are working to deal with, and the worst natural disaster on record, our economy has proven remarkably resilient and strong, growing, creating jobs, and increasing personal incomes.

Clearly, the real credit for the growth goes to the people who do the work in this country, who work and save and invest and create jobs and allow our economy to continue to grow. But we in Congress did support their efforts by lowering their tax burdens, and this budget continues that because we believe there should be no tax increases, as opposed to the Democrats who propose tax increases in their alternative budget. And we did this because of our fundamental belief that the people back home really do make better decisions about their daily lives, about their businesses, about their farms, about their families and communities than the Federal Government ever could make for them.

As a result of giving Americans more control over their money, we have seen more investment, more jobs, greater opportunities in our country, and as a further direct result of this growth from what Americans have done, revenue has come pouring into the Federal Treasury. In fact, last year we saw Federal revenues increase by almost 15 percent in one year.

Now, I realize we have got to stop and just highlight this because if you have been listening to the rhetoric on the other side, you will believe that the bane of all of our illnesses is because we have reduced taxes and that somehow tax cuts have caused this government to fall off its pedestal, when in fact reducing taxes has actually brought in 15 percent more revenue growth to our Federal Government, and it is because our economy works. When you are allowing people to keep their money and invest it on their own, it creates opportunities and jobs and business development, and as a result of that more people pay more taxes and that brings more revenue into the government.

In short, our economy has gone from recession just a few short years ago to a strong sustained period of growth, and to ensure that that growth and strength continues to be in an upward momentum our budget does not increase taxes.

Second is national security. This budget will also continue to provide whatever is needed to support our American troops and to ensure our Nation's defense remains the strongest in the world. We do not have a secret plan, as you will find in the Democratic alternative substitute, that basically says we are not going to fund the war after next year. It is kind of a secret plan to basically say one of two options. We are either going to bring all the troops home like the gentleman from Pennsylvania wants to do or we are not going to fund them so they are able to claim balance. They have basically put no more money, no support to our troops in the field over in Iraq and Afghanistan.

The President's budget, not including war funding, has requested an increase of 7 percent to ensure that our men and women have the opportunity to support and defend our Nation and our budget will accommodate that request. We will also, as we have for the past two budgets, place $50 billion in reserve to fund those wars in Iraq and Afghanistan. And we know that it is going to take a commitment in years to come and we plan to support that commitment, not claim balance and not have some secret plan that is either going to underfund it or bring them home before their job is done.

But even as we provide those resources, we also believe that the administration needs to get the message that we need a full accounting of how this money is being spent and what the implications are for the future. Particularly in the area of defense, we have got to do a better job to ensure that every dollar that we invest and that we put into this critical area is hitting its intended target. It makes our country safer. I cannot think of any activity that deserves more diligent oversight than our national defense.

For homeland security we will provide whatever is needed to ensure our homeland at the border, in our country, in our cities, in our rural areas, whatever is needed. The President has proposed 3.8 percent of an increase and our budget accommodates that request. But just as with defense, we have got to do a better job in this new Department of Homeland Security to make sure these monies are being spent wisely and are actually working to make our Nation more secure.

The second big principle on which we write this budget is controlling spending. Let's start with what we call "discretionary spending." With the necessary shift of our Nation's priorities to provide for these areas of, after 9/11 as an example, we have come to employ kind of a shorthand to effectively divide this discretionary spending into two categories. Let me do that for people who are watching.

We have security spending, which involves our national defense and our homeland security, and what we call "nonsecurity," which is everything else. That is where you will find education, veterans, agriculture, the environment, et cetera. So you have security and nonsecurity. And as most of my colleagues will detail in this debate, we increased our security appropriations funding at a truly incredible rate over the past few years to deal with the challenges that our Nation has needed in regard to security.

But that said, when we decided that our Nation's security was our highest priority, it also meant that everything else needed work and that everything else must come after, although many seem to regularly forget the Federal Government simply does not have an infinite supply of money, nor should it. So when we decide to increase spending in one area, you have got to determine how to pay for it and how to reduce spending in other areas. That is what budgeting is all about.

Last year we held our nonsecurity spending to a freeze tighter than the previous year's 1.3 percent growth and certainly a marked improvement over the previous 5-year average of 6.3 percent. This year the administration has asked for a freeze, according to CBO's estimate, for all the nondefense, nonsecurity spending in our budget. We will assume that freeze is for nonsecurity spending. We believe that our security must come first or none of these other programs will matter much.

That said, it is important to note that while our budget sets an overall number, it is the Appropriations Committee who determines how that money is allocated. Clearly there are high priority programs that receive and should receive increases. But in order to provide those increases, they have to have offsetting reductions and eliminations of other programs, and we know the Appropriations Committee can do this and will do this. Last year alone they eliminated somewhere near 110 specific programs in order to ensure that we fund those programs that are higher priorities.

Now, let's get to where the real rubber is going to hit the road with this budget and where it needs to hit the road.

□ 1345

This is the funding that is truly out of control.

Our biggest challenge in Federal budgeting is the problem of mandatory, automatic, entitlement spending. That is now two-thirds of the budget, and two-thirds of the budget needs some attention. Well, we provide the attention while the Democrats, you can hear the crickets. They do not even look at it. There is no reform in their budget for the mandatory programs. Just do not worry about two-thirds of the budget. We are only going to talk about one-third, they say.

We need to work on reforming these programs. They are important to the people back home. They are not always doing the job they need to do. We need to constantly reform and weed the garden to make sure that garden can continue to grow and make sure that we can eliminate the waste, fraud, and abuse in those programs.

Currently, our mandatory spending is growing at 5.5 percent a year. That is faster than our economy is growing. It is faster than inflation, and it is certainly faster than any of our means to be able to sustain it.

To put it another way, if our budget were balanced right now today, our entitlements would drive it right back into deficit; and so we have got to deal with these challenges which, of course, are highlighted probably most dramatically because there are 78 million baby boomers who are beginning to turn 60 this year, and medical costs are skyrocketing, and there is a steady decline in the number of workers for each retiree.

The problem only gets worse. So we have got to address this. We have got to acknowledge on both sides of the aisle that ignoring this problem, offering no solution on how to fix it, and fighting against those who are trying to help is not going to benefit any one person, is not going to benefit any group. Certainly it is not going to be able to give us the opportunity to be able to deal with these programs in the future.

Just throwing more money at programs, my goodness, you would think somebody would get real, get a more creative budget than this just to throw more money at things and assume that they are actually going to work. We need to reform these programs.

Last year, for the first time in nearly a decade, we took the first step to reform some of these largest programs. We saved $40 billion in the process. We allowed better delivery of these programs to the people they were intended for.

This year's budget will continue to build on those savings by yet again reforming the mandatory programs and establishing that we should, on an annual basis, reform government, even if it is a small amount.

I know people around here say why are you bothering with $6.8 billion. Well, that may be small to some of you, but it is not small to the taxpayers who have to pay the bills around here. This budget will continue to build on those savings by, again, reforming mandatory programs and establishing this annual process.

Finally, let me talk about reform, which this budget is based on. To some extent, we are still learning lessons from Hurricane Katrina. We should continue to always learn the lessons; but one of them that became, I think, very clear is that if we do not control spending, if we do not get good control of spending, it becomes very difficult to manage unforeseen events that inevitably face us.

One certainly could have foreseen that we were going to have a hurricane. We have them every year. We have them every year that I have been in Congress; but no one, no one, could have foreseen the devastation that has occurred as a result of Hurricane Katrina, and no one would have expected it to be built into anybody's budget. We did not build it into ours. The President did not build it into his. Certainly the Democrats did not build it into theirs. In fact, this year they build no money into their budget for emergencies.

Now, wait a minute. I realize this may surprise you. It was in all the papers. We had a disaster last year. We had an emergency. We had a hurricane. Not just a little one, but a big one. Why do we not at least plan for the little ones? Let us at least plan for the disasters that we know are coming.

Mr. FORD. We have the same amount of emergency spending that you have, Mr. Chairman.

Mr. NUSSLE. Mr. Chairman, I believe I have the time, and I have not yielded.

The CHAIRMAN. The gentleman from Iowa has not yielded.

PARLIAMENTARY INQUIRY

Mr. FORD. Parliamentary inquiry. Who signed the welfare reform bill that was passed last century?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. NUSSLE. No. I do not.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. NUSSLE. Mr. Chairman, I appreciate that.

So while we are continuing to learn the lessons, Congress needs to plan for it. Congress needs to plan for these emergencies, and our budget does that. This year, not only will we build in a reform of our mandatory programs and further restrain our nonsecurity discretionary spending, but we need to reform the budget process as well to reflect the actual spending that is currently spent outside of that normal budget process, and it is called emergency spending, for many natural disasters where appropriate spending is certainly necessary.

In addition to emergency reforms contained in this budget, we will continue the process of reforming the budget and reforming the budget process and how we make spending decisions throughout this year. We need to tackle earmarks. We need to tackle the sunsetting of programs that have outlasted their usefulness. We need to deal with line-item veto, and we will do this throughout this year.

Let me just end by saying this. I do not think I need to remind anybody about the massive challenges and changes that our Nation has endured these past few years or the myriad of challenges that lie ahead. We have had enormous challenges in writing the budget. I do not shy away from any of them. I know it would be easy for somebody to just punt.

Well, we decided we were going to meet each one of those challenges and deal with them, and every single year we have had a plan. Finally, this year, the Democrats rushed to the floor with a plan and suggest that they finally now have an idea on how they are going to balance the budget. We will take a look at that a little bit later.

But we have had a plan every year, and our plan has worked, and we have been able to manage our deficits and our debt and our taxes and our economy and deal with so many important priorities in an appropriate way. We have kept our country going when many people, after some of these disasters, said our economy was going to collapse, that we were not going to be as powerful as we were in the past; but because of the leadership we have provided, much of which started in these blueprints, we believe we have been able to keep our country growing and growing strong.

We have seen how the Nation's most fundamental priorities have shifted dramatically, some by circumstance, some by choice, but they have shifted; and we have managed through the process as best as we could.

For the past three budgets, after recovering from the initial shock of 9/11, we have set a bold plan to shore up and strengthen our defense and homeland security, to get and keep our economy growing strong and creating jobs and controlling spending and continuing the process of reform and reducing the deficit, and the deficit has reduced.

We followed that plan, and adjusting it to last year, making a down payment on the immense new hurricane spending. We have made real progress.

But last year's hurricane served as a stark reminder that controlling the budget does not just happen one day out of the year. It is a long-term, step-by-step commitment that takes resolve. It takes more than one person to do it. It takes particularly in extraordinary circumstances a plan, and that is what we present today, our plan for fiscal year 2007.

We need to pass it. We need to stick to it. We need to enforce it. Certainly if there are challenges, we need to adjust to it, but we need a plan. We need to work the plan. We need to enforce the plan, and we need to pass the plan today.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes.

I said earlier that this is an excellent opportunity to show the difference between Democrats and Republicans. This document does that; but with respect to national defense, function 050, there is no difference, because to the dollar we have provided the same amount of funding as the Republican resolution. There is no difference.

On the other hand, with respect to education, there is an enormous difference because the Republican budget resolution cuts education by $45 billion over 5 years below what we call the level of current service, staying where we are. Last year, for the first time in 17 years, the President requested less for education in 2006 than was appropriated in 2005; and this year, he asked for an even larger reduction, $2.2 billion less in 2007 than appropriated for 2006, and these cuts come on top of big cuts, crippling cuts in federally guaranteed student loans.

To discuss further the impact and consequences of these enormous cuts in education, which our resolution does not provide for—we fully restore education to current services, fully restore the cuts they would make—is RON KIND of Wisconsin, a member of the Education Committee, and I yield him 6 minutes for that purpose.

Mr. KIND. Mr. Chairman, I want to thank my good friend from South Carolina for the leadership he has provided on the Budget Committee, and we do want to take a moment to talk about the priorities of our country, especially when it comes to the investment of the future of our country, and that is the education of our children.

Mr. Chairman, our country is going to face two of the greatest challenges in the history of our Nation in this century. One is securing our Nation against the global threat and the global capability of international terrorism, but, secondly, it is our ability to remain the most innovative and creative Nation in the world. That requires an investment in our children and the quality of education that they are exposed to.

It is something that we do in our budget alternative, and we do it by operating under pay-as-you-go rules that will restore us to balance again by 2012, but by maintaining that important investment in our children's education.

Their budget punts, in fact, their numbers track the President's recommended budget, which calls for the elimination of 42 education programs in our country, including vocational education, gone; Perkins loans, gone; Safe and Drug Free Schools, eliminated; education technology and Even Start, eliminated, in what the President is calling for in the budget.

We can do a better job with our alternative, and we would encourage our colleagues to support it.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a real champion of our children and to education in this country.

Ms. DELAURO. Mr. Chairman, this budget contains massive deficits for our children and unaffordable tax cuts for the wealthiest Americans at the expense of middle-class families. Particularly damaging are the cuts to critical services in education, workforce development, health, veterans services, and environmental protection.

It fails to include an additional $7 billion so that in fact we can fund education and health and the other services in the same way that the Senate, by a vote of 73-27, voted a few weeks ago, funding for the Community Services Block Grant, Low-Income Heating Assistance, National Institutes of Health and Pell Grants, programs that touch virtually every community health center, hospital, school district, and employment center in the Nation.

Last week, I proposed an amendment that would restore this $7 billion when the Budget Committee met. It was rejected by this Republican majority on a party-line vote, and what we are left with are cuts that would cut cancer research by $40 million.

We tell our kids today, you need to have a post-secondary degree; you no longer have the luxury of just having a high school diploma because we exist in a global economy. What they will do is to eliminate more than 40 education programs, all Federal vocational and technical education programs. They freeze the Pell Grant.

Education has been about opportunity. They will deny the opportunity of our youngsters to be able to get a college education.

That is what this budget does. These are Republican priorities. They are not the American priorities. It is a misguided and it is an immoral budget, and we ought to support the Spratt substitute.

Mr. KIND. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a real leader on the Education Committee and a champion for our children throughout the country.

Ms. WOOLSEY. Mr. Chairman, we need to put sanity back into the Nation's fiscal policies, and this Republican budget just does not do that. In fact, we continue with their policies to fill the pockets of the defense contractors while leaving only pennies for nearly every other priority of this country.

That is why I offered an amendment to the budget that would trim $60 billion in waste from the Pentagon budget, not a single penny, by the way, from the wars in Iraq and Afghanistan, and put these savings to work on behalf of the people and programs that truly strengthen America.

□ 1400

By cutting outdated and unused weapon systems that were designed to fight the Cold War, relics that have no place in today's modern military, we could invest in our national priorities, like education. We could be rebuilding and modernizing our public schools, or we could be making up for the President and the Republican Congress's $55 billion of underfunding for No Child Left Behind.

The savings would also be spread to homeland security, cutting the deficit, a skilled and educated workforce, healthy children, less dependence on fossil fuels, better fire departments, scientific progress, and less debt. That is what makes America strong and safe.

Enough is enough, Mr. Chairman. It is time we invested in our kids and their education, not in Cold War relics. Vote against the Republican budget.

Mr. KIND. Mr. Chairman, I yield such time as she may consume to a real leader on education and workforce development issues, the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise to reject the borrow and spend policies included in the Republican budget, a budget that fails to balance the Federal checkbook, ignores our obligations to Americans, and heaps debt on our children and grandchildren at the rate of $1 million a minute.

Mr. Chairman, our budget, the Democratic alternative, would balance the Nation's budget by 2012 through fiscal discipline, something the Republicans refuse to do. And in contrast to the Republican budget, we would make the important investments in homeland security, health care, and services for our veterans.

Specifically on education, we would restore what the Republican budget does not do. The Democratic budget would in fact invest in educating our children. It would meet our Federal obligations under No Child Left Behind and under special education, and it would not pass along these costs to our local and State governments. It would help young adults be able to get the advanced education needed to have the skills and the technology to be able to compete in the 21st century.

We should reject the Republican budget and support the Democratic alternative.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, this budget with regard to the funding of VA is derived from what I call the crucible of hard lessons. I chose to leave the Veterans' Affairs Committee to examine the budget modeling issues for the VA.

A budget shortfall was exposed last summer. VA Secretary Nicholson and OMB, to their credit, stepped up to the plate, taking accountability for a flawed budgetary process. Their improved use of timely data, methodology, and balanced policy expectations are reflected in the President's budget request for the VA.

The budget before us today reflects our priorities: To care for veterans who need us most, those hurt and disabled by their military service, those with special needs and the indigent: to ensure a seamless transition from military to civilian life, and to provide veterans with economic opportunity to live full and complete lives.

The veterans spending has increased from $48 billion in 2001 to approximately $70 billion this year. At a time of tough budget choices, when in most Federal spending we see few, if any, increases, veterans spending will rise next year by 12 percent. With the Nation at war, this is altogether fitting.

We have heard the rhetoric that describes an increase as a cut, but truly this budget continues a decade-long record of leadership under this majority. I refer here to the chart that shows the historic increases, from the $17.6 billion in 1995 to now $33.8 billion for discretionary spending alone. This is a far cry from the flat-lined budgets that we were receiving during the Clinton years.

We have increased the access to quality care, with more than a million veterans using the VA than they did 5 years ago. But challenges remain. The VA must decrease its claims backlog with regard to benefits claims, which exceeds around 800,000. Centralizing the VA's information technology structure is very important. You can't just measure compassion by the dollar. It is how we look at the operations of government. And centralizing the VA's information technology could save an estimated $1.2 billion over 5 years, according to testimony by Gartner, the consultant.

Also, to achieve a seamless transition to our new veterans in the VA, VA and DOD must fully share in the electronic medical records. This is extremely important and there is good progress in this area.

I want to continue to work with the chairman of the Budget Committee on issues of modernizing the GI bill, which we have discussed, and also the issue with regard to the estimate that the administration used with regard to collections. It is an issue I will work with the chairman on as we go to conference with the Senate and, hopefully, we can get that worked out.

I want to applaud the chairman's efforts on behalf of America's veterans. This is a good budget.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with respect to veterans' health care there is also a big difference. The President's budget funds veterans' health care at $12.5 billion below the Democratic Alternative over 5 years, and on top of that the President calls for veterans to be assessed a $250 fee to enroll for care at a VA Hospital.

In the markup in our committee, House Republicans raised funding for 2007 by $2.6 billion above current services. But from 2008 through 2011, the Republican budget resolution cuts veterans' health care by $8.6 billion less than what CBO estimates is needed to maintain current services. By contrast our resolution, the Democratic resolution, maintains funding every year at the CBO level of current services from 2008 through 2011.

Here to discuss further the impact of the two budgets upon veterans' health care is a Member who knows all about this. He is the ranking member of the appropriations subcommittee with jurisdiction on this matter.

Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I have had the privilege of representing over 40,000 Army soldiers who fought in Iraq. I have seen firsthand their sacrifices and the sacrifices their children and spouses have made on behalf of our country. That is why I believe we have a moral obligation to support our veterans and our military retirees, and we should support them not just with our words but with our deeds.

It is the right thing to do, because our veterans have kept their promise to defend our country and we should keep our promise to provide health care for them. And it is the smart thing to do, because if we break our promises to our veterans and military retirees we will never recruit the best and brightest of the younger generation to fight our war on terrorism.

That is exactly why I am adamantly opposing this budget. While on the issue of veterans it has a 1-year fig leaf plus-up of VA health care, for which I am grateful and supportive, the fact is that this budget resolution would cut present services for veterans' health care by over $5 billion over the next 5 years. That is right, this budget resolution would cut veterans' health care services during a time of war. If that is not immoral, I do not know what is.

The fact is that it is even worse than that, because the Congressional Budget Office baseline assumes there is no net increase in the number of veterans going into the VA health care system every year. So if you build in 100,000-plus additional veterans we have had in that system each year, the cut is even deeper than $5 billion to veterans' health care during a time of war.

Let us talk about military retirees, men and women who have served our country in uniform, gone into harm's way, served in the military more than 20 years, many of them over 30 years. What does this budget do to them? It puts in effect a tax on military retirees' health care. For retired military officers this would amount to nearly a $1,000 a year retiree health care tax, and for enlisted retirees a $500 a year tax on the military retiree health care premiums.

Does it ask Members of Congress to triple our health care premiums? No. Does it ask members of the President's cabinet to triple their health care premiums? No. What this budget resolution does say is that those of you who have served our country for 20 or 30 years in the military, you are going to have to suck up the burden. You are going to have to pay for the cost of this Republican budget.

I don't think that is fair, and I don't think the American people will think it is fair. I certainly know the Military Officers Association of America, the Disabled Veterans Association, and numerous veterans organizations have said this is not fair.

Let me just quote Joe Violante, the Legislative Director of Disabled American Veterans, on this proposal. "Providing needed medical care to military retirees is a continuing cost of national defense and is our Nation's moral obligation. No condition that military retirees be forced from a benefit they were promised is acceptable, especially in these times."

What did the Budget Committee do? On a party line vote they voted down my amendment that would have said no to the administration's proposal to triple these military retirees' health care premiums over the next 2 years. We could have said "no" to that unfair burden, but my Republican colleagues on the committee voted against my amendment. By doing so, they assume the President's extra revenue from those health care premium increases and put that into their budget.

Cutting veterans' health care by over $5 billion in the next 5 years during a time of war, putting a tax on health care premiums for military retirees is no way to show respect for our military or to strengthen America. That is why we should say "no" to this budget resolution.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. FOLEY). The gentleman from Texas may not reserve time. The remaining 2 minutes are yielded back to the gentleman from South Carolina.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to a distinguished member of our committee, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I would like to talk a little about the role of government in a growing economy.

To my way of thinking, that role is to just basically get out of the way. A growing economy is one in which the Tax Code is in a circumstance where it is not an overt burden on it. Not to say that our current Tax Code is perfect, by any stretch of the imagination, but these low tax rates and these tax concepts we put in place in 2001 and 2003 have in no small part added to the growing economy that we currently have.

We don't want to talk today about the regulatory burdens and interference that families and businesses have from government, but those should be counted in the cost as well and get those out of the way.

When you put the pro-growth policies in place that we have had, you get some startling results. We have 17 straight quarters of growth, as measured by the GDP. We have 5 million new jobs that have been created. Unemployment across the Nation is at 4.8 percent, which many think is full employment. Actually, in District 11, which I represent, the unemployment rate is zero, for anyone who wants a job. And a record number of Americans are working today. A record number of Americans are working and paying taxes.

A little aside on the importance of a job, I spent a lot of time in west Texas working on United Way issues and other social service issues, and it has been my experience that when a family has a job that family is better off. That family is able to provide for itself, to make its own decisions about how it wants to conduct its life, and when those individual families are better off then the neighborhoods are better off and the communities are better off as well. So 5 million jobs should not go unnoticed as a startling number in a growing economy.

In conclusion, I think we see that the pro-growth tax policies we have put in place have created record revenues. We will collect more money this year than in any other year in our Nation's history, collecting and growing it in the correct way, more taxpayers paying tax rates at a lower number.

What we have is a spending problem and not a revenue problem. This budget addresses discretionary spending in a modest way, and it also addresses the mandatory spending in an even more modest way. But they are steps in the right direction, and this new mandatory spending will be the first time ever we have done it twice in a row, and I urge my colleagues to support this budget resolution.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. For clarification, the gentleman from Texas (Mr. EDWARDS) had 2 minutes remaining of his 6 minutes. As he may not reserve time, the Chair presumed that it was yielded back to the gentleman from South Carolina.

Mr. SPRATT. The gentleman has 2 minutes remaining on his original allocation of time?

The Acting CHAIRMAN. It has returned to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I yield the gentleman from Texas back his 2 remaining minutes.

The Acting CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) is now recognized for 2 minutes.

Mr. EDWARDS. Mr. Chairman, let me just say that cutting health care for veterans during a time of war by over $5 billion compared to present services and putting nearly a $1,000 a year military health care tax on military retirees' premiums is not a way to say thank you to our servicemen and women who have risked their lives to defend our country.

And if that weren't insulting enough, to add insult to injury, this budget resolution would say to those people that are making $1 million this year in dividend income you don't have to give up one dime of your $220,000 tax cut. That makes a mockery of the principle of shared sacrifice during a time of war.

Military retirees' health care premiums. Let's say "no" to stopping the tripling of those premiums. Let's allow the administration to go through with its proposal to triple those health care premiums, to veterans' health care services over 5 years, and it is in the budget. If you look at the numbers, over a $5 billion cut in present services to veterans. That is okay, but let's not ask those people making $1 million a year in dividend income to give up one dime of their $220,000 tax cut. That is more money than a private serving in Iraq will make over the next decade. The American people understand tough times. And in tough times, they ask for fairness and they ask for shared sacrifice.

☐ 1415

This budget resolution is an insult to the American principle of shared sacrifice during time of war, and that is why we should vote this budget resolution down.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

I cannot find anything of what the gentleman from Texas just said in the budget. I am still looking. None of those policies exist. All of that is just kind of created out of whole cloth. I have looked through it. There is no tax on veterans. My goodness, what kind of rhetoric is that, taxes on veterans. My goodness. Not in here. You cannot find it. I defy you to find it. I don't see a tax on veterans.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN) and a member of the committee.

Mr. RYUN of Kansas. Mr. Chairman, there is nothing in this budget process that creates greater priority than what we do as a Nation. When it comes to this budget, Congress has no higher priority than providing for our national defense.

This Congress remains unwavering in support for our troops, both here and abroad. After 9/11, we spent quickly to rebuild New York and the Pentagon. We spent deliberately to enforce our Nation's defenses to prosecute the war on terrorism. Over the past 4 years, the budget for the Department of Defense has grown by $22 billion, or roughly 6.3 percent per year. This figure excludes the money we have committed to fight the war in Iraq and Afghanistan, which is an additional $317 billion if we assume the most recent supplemental.

So when you add DOD's base budget with the additional funding for the war, the defense budget has increased by an amazing 70 percent since 2002. So, clearly, this Congress has had no higher budget priority than providing for the security of this country, and that is the way it should be.

Even prior to 9/11 and the war on terrorism, the need for a military transformation was evident. So, now, DOD and our Nation as a whole must confront the challenges of waging a very unconventional war, even in the midst of massive transformation.

One of the challenges we confront here today is to provide funding for our country's safety. This budget fully accommodates the President's request for the Defense Department, which increases funding to $439.8 billion in discretionary spending, an increase of 7 percent.

We will also see, as we have in the past two budgets, we have included a $50 billion placeholder for the ongoing operations in Afghanistan and Iraq. That is probably not the right figure, and as we go through the year we will probably write another one; but it is a reasonable place to start and help provide for those fighting for our freedom overseas.

Now, as I said a moment ago, there is no higher priority in this budget than providing whatever is needed to protect and defend our Nation. That said, all the taxpayer dollars should be spent wisely with proper planning and oversight. I urge my colleagues to support the budget for fiscal year 2007.

Mr. NUSSLE. Mr. Chairman, I yield to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure, for a unanimous consent.

Mr. YOUNG of Alaska. Mr. Chairman, first let me thank Mr. NUSSLE and Mr. SPRATT, especially in the realm of transportation.

Mr. Chairman, I want to take this opportunity to thank Budget Committee Chairman NUSSLE and ranking member SPRATT for their assistance during last year's Surface Transportation Reauthorization.

The budget title of the Safe, Accountable, Flexible and Effective Transportation Equity Act, a Legacy for Users (SAFETEA LU) contains the vitally important funding Firewalls for the Federal Highway, Transit, and Highway Safety Programs for fiscal years 2005 through 2009.

My committee is grateful for the Budget Committee's recognition of these important guarantees and their codification in the Balanced Budget and Emergency Deficit Control Act.

I understand that the budget resolution incorporates certain assumptions for Function 400 Transportation Activities.

First, all mandatory funding is assumed to meet the Congressional Budget Office's baseline.

This is good news for the portions of our Highway, Highway Safety, Transit, and Aviation programs that are funded out of the Highway Trust Fund or the Aviation Trust Fund—it means that the authorized levels are assumed under the budget resolution.

However, discretionary budget authority is assumed for these programs at the administration's fiscal year 2007 budget request levels. This is not very good news for transportation programs.

The President's budget request for surface transportation programs is almost completely consistent with the funding levels in SAFETEA LU, with only one major exception.

The 2007 funding level for the Federal Transit Administration is $100 million lower than what was authorized in due to the Administration's failure to fully fund the "Small Starts" program. If the fiscal year 2007 appropriations bill fails to restore this $100 million shortfall, that bill will be subject to the house rule XXI point of order against a bill or conference report that would cause obligation limitations to be below the guaranteed level set forth in section 8303 of SAFETEA LU.

Unfortunately, the administration's budget request does not make a similar commitment to meeting our Nation's aviation infrastructure investment needs.

Under the President's budget, aviation capital programs would receive $5.25 billion, which is $1.6 billion, or 23 percent, less than the level guaranteed by the Vision 100—Century of Aviation Reauthorization Act. This reduction is extremely shortsighted, and will only serve to accelerate the impending crisis of congestion and delays in our Nation's aviation system.

Unless we make the necessary investments in our airport and air traffic control infrastructure, delays will increase significantly as air travel continues to increase.

To ensure that our aviation system remains safe, reliable, efficient, and able to accommodate the increased number of passengers anticipated in the near future, the transportation and infrastructure committee recommended in its fiscal year 2007 views and estimates that Aviation Capital Programs be funded at least at the $6.81 billion level guaranteed by Vision 100.

The administration's budget request cuts funding for Amtrak from $1.3 billion in 2006 to $900 million in 2007.

Over the years, proposed cuts in Amtrak funding have been repeatedly rejected by Congress.

If the budget resolution assumes just $900 million for Amtrak, but Amtrak funds are subsequently restored during the appropriations process, other important programs will have to be cut in order to make up the difference.

If the budget resolution assumes the President's budget request levels for the portions of these three programs that are funded with discretionary budget authority from the general fund, it could have a very negative effect on all the agencies and programs that are funded under the Transportation, Treasury, HUD, The Judiciary, District of Columbia, and Independent Agencies Appropriations bill.

I am gravely concerned that the underlying assumptions in this legislation could force a painful choice among programs that are vitally important to the continuing economic well-being of our country.

I sincerely hope that, when the appropriations committee makes funding allocations among its 11 subcommittees, the discretionary budget authority allocation to the Transportation-Treasury subcommittee reflects the full authorized levels for these transportation programs.

This is not only for the sake of the Federal Highway, Aviation, Transit and Rail programs, but also to reduce the painful funding constraint on other domestic discretionary programs that receive funding under that subcommittee's annual appropriations bill.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

I would say to the chairman of the Transportation Committee, we do better by transportation than your colleagues on that side of the aisle.

Mr. Chairman, I yield 1 minute to the gentleman from Texas to respond.

Mr. EDWARDS. Mr. Chairman, to respond to Chairman NUSSLE's comments on veterans cuts in this program. I just point out, and his silence perhaps answers my question, it is in the budget. The veterans cuts in present services will be over $5 billion over the next 5 years. It is right here if you would like to see the printout.

Secondly, the chairman knows we voted for a Republican amendment to say "no" to the $250 enrollment fee for veterans getting the VA system, but yet you voted on a party-line vote against my amendment to say "no" to a thousand dollar increase per year for military retirees health care cost for their premiums. So I would like to ask the chairman in his time to explain what a devastating cut $5 billion in present services would be to the 5 million American veterans who depend on the VA system. I do not know who came up with that proposed cut, but I think it is mean spirited and wrong and will hurt military morale and will not serve our country well. I would hate to put my name on a bill that will cut veterans health care during a time of war.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

I have to put on my glasses, these numbers are so small. I have to tell you, on page 63, I have it right here: veterans goes from $71.9 billion to $74.6 billion. $71.9 billion to $74.6 billion. I am trying to think now, mathematically that sounds like an increase. Maybe I am missing something, but 71 to 74. Let's see, that's a bigger number; 74, bigger, not a cut. That is an increase.

Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BONNER), a distinguished member of the committee.

Mr. BONNER. Mr. Chairman, it is early in the debate but one thing is clear: our friends on the other side of the aisle seem to want to have their cake and eat it, too. They want to blame the majority for the national debt and the rising cost of Federal spending, but the only solution they seem to offer is more spending or more taxes.

Increased spending or increased taxes. How can either of those two solutions be the right prescription for getting our fiscal house in order? There is no better example of the challenges we are facing than the need to secure our homeland. And as you know, in the aftermath of the terrorist attacks on September 11, our administration and this Congress responded in a bipartisan way to create a centralized agency to coordinate our Nation's homeland security efforts. But creating an entirely new agency, particularly following September 11, was no easy task. At that time, the organization of the Department of Homeland Security marked the largest single agency opening in nearly four decades, dating back on the creation of the Department of Energy.

It also required the reshuffling of 180,000 employees and the transfer of some 22 Federal agencies from one area of government control to another. A department of this size and scope certainly needs a sufficient level of funding to carry out its goals and objectives; and, initially, $50 billion was set aside just for this purpose.

The overall fiscal year 2006 budget for the Department of Homeland Security, including nonhomeland defense spending, totaled $40.3 billion. President Bush requested in his fiscal year 2007 budget $42.7 billion, an increase of $2.4 billion or 5.8 percent. Overall spending in the homeland security component of DHS has increased from $10.7 billion in fiscal year 2001 to $25.7 billion in fiscal year 2006, or an average of 19 percent increase per year.

Mr. Chairman, while we have made substantial progress in getting DHS up and running, I think it is very fair to say that this Department, while securing our Nation's homeland, is not yet where it needs to be or where it must be. Needless to say, however, this budget moves us on the right path.

At the outset I said that our friends on the other side were looking to have their cake and eat it, too. I went to the House cafeteria to find a piece of cake I could bring to use as an illustration. The only cake I could find was a slice of angel food cake. Now angel food cake tastes good, it sounds good; but it is squishy in the middle, just like their budget proposal.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS) to respond further to the gentleman from Iowa.

Mr. EDWARDS. Mr. Chairman, when Mr. NUSSLE, the chairman of the committee, talked about the VA budget line, what he didn't do is tell the full story. The full story is if you take out the mandatory spending in that VA budget level, what you end up with is going from VA discretionary spending, which covers VA health care, from $36.9 billion in 2007 to $34.4 billion in 2011. That is just not a cut after inflation; that is a cut before you take into account inflation.

So the bottom line is that this budget as proposed will require a massive cut in VA medical services during time of war. That is not right for our veterans; and he can show all of the charts he wants to about the past, but he knows that you take out the mandatory spending, you are cutting VA discretionary spending. And to try to hide that fact is creative at best and dishonest at worst.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a member of the committee.

Mr. CHOCOLA. Mr. Chairman, I would like to thank the gentleman for yielding me this time and thank him for his leadership and service here in Congress in bringing this budget to the floor.

I rise in support of the budget. I would like to point out, really, a historic aspect to this budget. For the first time I am aware of, we are actually budgeting for emergencies.

Most families understand that it is important and prudent to set aside money for a rainy day. Even some States budget for emergencies in their annual budgets. Congress, however, rarely if ever budgets for emergencies, despite the fact that we spend taxpayer dollars on emergencies every single year.

I am afraid this is not just an oversight; it is a back door means to exceed our resolution every year because after allocating all of the available resources, somehow Members can find unforeseen emergency needs that require us to break the budget many times without justification. But in this year's resolution, we are actually starting to clean up that process by bringing transparency and accountability to the process.

We are setting aside an emergency reserve fund for natural disasters and budgeting money we know we are going to spend. Any emergency spending that exceeds the reserve would have to be brought back to the Budget Committee for clearance. It ensures that the committees work the way they are supposed to work. The Appropriations Committee can allocate the resources against competing priorities, and the Budget Committee can set limits on spending and ensure that those limits are enforced.

Mr. Chairman, budgeting for emergencies will help expedite the delivery of funds for those people in need, it will deter breaking the limits of the budget with routine spending, and provides a more honest presentation of the Federal budget to the American people.

I support this budget. I support this provision, and I encourage my colleagues to do the same.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in the area of health care, there is a major difference between us. Some 6 or 7 years ago we got together on a bipartisan basis and agreed that every year we would try to increase the budget of the NIH such that over 5 years it would be doubled.

We achieved that goal, and now every year the Bush administration is marching us right back down the hill. This year in their budget submission over 5 years they have proposed short-funding public health and medical research programs at a level of $18 billion below current services. The programs at risk range from the National Institutes of Health to the Centers for Disease Control to graduate medical education at children's hospitals to rural health. The Democratic budget resolution, by contrast, spares these programs from deep cuts and restores them, fully funding them to the level of current services.

Mr. Chairman, I yield 8 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking member of the Energy and Commerce Committee, to discuss further the impact of these cuts and ask that he be allowed to yield the time that is granted him.

The Acting CHAIRMAN (Mr. FOLEY). The gentleman is recognized for 8 minutes.

The gentleman is reminded that any time yielded, he will have to remain on his feet.

Mr. DINGELL. Mr. Chairman, I thank my good friend and distinguished colleague who has done such a fine job on the Budget Committee.

We are talking about the Republican budget, and it does not address two pressing health care problems of peculiar and special importance to our people, amongst the other things that it does wrong.

First, thanks to this Republican Congress, new part D of the Medicare program is complicated, impossible to navigate, and the benefits confusing, indeed. And they vary from plan to plan. Plans can even change the drugs they cover after seniors have signed up, bait and switch, if you please. But seniors cannot change plans for a year, while the HMO can do so.

All too often this confusion has resulted in seniors leaving pharmacies without their medication or paying more than they should for their medications. Pharmacists are going broke because of nonpayment or late payment by Medicare. These problems and many of the others which infest part D are in no way corrected by this budget. They are not even giving seniors enough time to sign up; and as a result, these seniors will have to pay a 7 percent penalty for the rest of their lives for this Medicare part D.

Our Democratic substitute would allow seniors until the end of the year to identify and sign up for a plan that meets their needs. It also enables citizens to know that HMOs and private-plan bureaucrats are not going to be able to continue bait and switch, stopping coverage for drugs that a senior's doctor has prescribed and that were covered when the senior signed up.

Second, the Republican budget does not even try to protect the most vital relationship the senior has, that which they have with their doctor.

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Even though doctors in Medicare are facing deep cuts in their payments, the Republican budget does nothing to stop this.

Not paying adequately for physician service is going to undermine our entire health care and Medicare program. The Democratic substitute would not permit that to happen. It is another reason for voting with us.

Republicans are content to permit traditional Medicare to erode, while steering unneeded billions of dollars to their HMO and insurance company cronies. Democrats want to protect Medicare as we know it and to spend the money to help seniors and those with disabilities, not to shower it unneeded upon greedy health maintenance organizations and others who deserve no assistance.

I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), my distinguished colleague and friend.

Ms. HERSETH. Mr. Chairman, I thank the gentleman from Michigan for his leadership, as well as the gentleman from South Carolina for his.

As I travel throughout the State of South Dakota, the number one issue my constituents raise with me is health care. For thousands of families in my State and millions across the country, health care is their top priority. But this budget not only fails to make health care a national priority, it makes the crisis worse.

This budget ignores the 46 million Americans without health insurance, and it actually eliminates the transitional Medicaid assistance program that encourages families to leave welfare for the workforce. This budget actually punishes families trying to create a better future by choosing work over welfare.

The budget cuts funding for health research at the NIH and disease prevention at CDC. It eliminates the National Children's Study to improve the health and well-being of children, the kind of common sense research that will pay dividends in the future. We ask the American people to recognize the cost savings that comes with prevention, but this budget fails to make disease prevention and the research that leads to cures a priority.

This budget cuts Urban Indian Health Centers which serve Native Americans across the country, including in a number of communities in South Dakota. And as has already been noted, it cuts funding for veterans health care by $6 billion over the next 5 years, and it shifts the burden of health care costs for our troops and their families from a grateful nation to the very families with loved ones serving in Iraq and Afghanistan.

And this budget is particularly hard on seniors. As Mr. DINGELL already noted, by allowing a cut to physicians under Medicare it will make it harder for millions of seniors to find quality health care services, particularly in already underserved areas.

And for the millions of seniors struggling to navigate the Medicare drug benefit bureaucracy, this budget does absolutely nothing to solve that problem. For seniors forced to deal with the poor planning and implementation of CMS and the private drug plans, this budget does nothing for them or the community pharmacists who have shouldered most of the burden.

Congress can do better. We owe it to the American people to do better, and I urge my colleagues to demand that the committee either bring us a new budget, one that makes health care a national priority or, better yet, support the Democratic substitute, which does just that.

Mr. DINGELL. I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS), my dear friend.

Mrs. CAPPS. Mr. Chairman, frankly, I am getting really tired of hearing proponents of this budget argue that drastic cuts to health care are a result of difficult choices.

It is quite apparent that the choice being made is a simple one, further tax breaks for the wealthy instead of real investment into the health care needs of our Nation, the most urgent needs, as our colleague from South Dakota expressed, in her State, and also in mine, the most urgent need that our constituents want us to address in their time of need at home.

At such a time of remarkable breakthroughs, for example, in medical research, it is appalling that this budget cuts 18 of the 19 institutes of the National Institutes of Health. Again, proponents of this budget will argue that in the late 1990s we doubled NIH's budget, and it is a good thing we did. But that just shows how little is understood about scientific research, how much they are minimizing our country's need for true investment.

If this budget passes, the NIH will have 13 percent less funding than it did in 2003. That will mean that we will take giant steps backward in our efforts to eliminate cancer deaths by 2015, a doable goal if we were to stay on track with NIH. It means that our efforts will be hampered to combat the number one killer in this country, heart disease. It means that our ability to remain globally competitive in the development of new treatments is threatened.

Not only is our health research infrastructure under attack by this budget, so are our health professionals. Funding for title VII health professional training is eliminated in this budget. Despite our nursing shortage crisis, funding for nurse workforce training programs is actually less today than it was 30 years ago.

Mr. Chairman, our national security is very much dependent upon our ability to sustain a healthy and viable work force to respond to emergency situations. This budget ignores those needs. So I urge my colleagues to oppose this illogical and immoral budget.

The Acting CHAIRMAN. The gentleman from Michigan has 1 minute remaining.

Mr. DINGELL. Mr. Chairman, I yield that back with great gratitude and appreciation to my distinguished friend from South Carolina.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the committee.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, the Budget Committee chairman today, we have heard it, has mentioned a number of times something that is captured in this budget, reducing waste, fraud and abuse. Now, our friends from the Democratic side also have a consistent theme, spend more money regardless if a lot of it is wasted.

But you see, Mr. Chairman, billions of dollars are lost each year to waste, fraud and abuse in the Federal Government. Not only does waste, fraud and abuse steal from the American taxpayers, Mr. Chairman, it also burdens those who rely on the government for their services.

Unfortunately, our friends on the other side of the aisle, they are consistent in, again, spend more money, without measuring efficiency or effectiveness of the programs. It is evident, obviously, that some on the far left measure success of government programs by the level of spending, not on results. Again, just spend more of the taxpayers' money, no matter what.

We cannot excuse programs that, through waste, fraud and abuse, are cheating the taxpayers out of billions of dollars of their hard-earned money. We owe it to the people that sent us here to Washington to ensure that their hard-earned tax dollars are protected through good oversight, performance evaluations and sensible funding decisions.

While the far left is endlessly attempting to increase taxes without any form of accountability and spend more money, I urge you to support the Republican budget that helps make our government programs more efficient, reducing waste, fraud and abuse, while funding our Nation's priorities.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, budgets are moral documents, and one measure of a budget is how it treats the least among us. The House Republican budget resolution severely weakens the safety net for the least among us, cutting income security programs by some $14.9 billion over 5 years below the level of current services.

Among the programs cut, actually totally eliminated, would be the Commodities Supplemental Food Program, which provides nutritious food to 420,000 elderly people every month and to 50,000 mothers. HOPE VI would be eliminated for repairing and refurbishing public housing. Supportive housing for the disabled would be slashed by 50 percent, housing for the elderly cut by 26 percent, and, in addition, $4 billion in reconciled spending cuts that are directed to the Ways and Means committee, implying cuts in the Earned Income Tax Credit, TANF, SSI, unemployment insurance, these programs within their jurisdiction.

Here to discuss further the implications and consequences for families and communities is the senior member from New York (Mr. RANGEL), the ranking member of the Ways and Means Committee, to whom I yield 8 minutes.

Mr. RANGEL. Mr. Chairman, let me first thank Mr. NUSSLE and the Republican leadership for bringing up an important bill and allowing us to discuss it during the daytime hours. It is so unusual that I just wonder when the vote is going to take place, but I do hope it is in time for America to see how we work.

Also, I want to thank Mr. NUSSLE for giving me the opportunity to explain some of the language that he has been using, because when he talks about entitlements there are so many people that get angry and they have to be against entitlements, too. They have to really be angry with America spending such a large amount of our budget on entitlements. But it is strange, they talk about entitlements and we talk about people in need. They talk about entitlements, we talk about the Social Security system that has lasted this country and given so much self-esteem and pride for our older people, those who became disabled, and things that we like to do.

Don't cry. Don't just bring us these doggone private accounts. Don't send it to commissions. Bring it on the floor. Take it to the American people. Ask the older people and their kids and their grandkids, how do you measure self-esteem and dignity?

Entitlements. What does it mean? Who are the least among us? Is it the poor? And if you are poor and you are sick, is it asking too much in this great country of riches to say you are entitled to health care? And if you are older, and you want to get a prescription drug, is it wrong for you to be outraged because we believe that they are entitled?

Or how about a kid from the neighborhood? Most of us here came from families that never got a college education. Were we entitled to an education? No. We were lucky we were able to get it. But I think that now that our Nation is at war, a war that we shouldn't be in, I think that our Nation is at war in terms of competition with foreign countries, that our people should be entitled to educations. They should be entitled to compete. They should be entitled to self-esteem, and every American should have an education and a decent place to live and health care.

But no, we can't afford it. We can't afford it, one, because $400 billion for Iraq. We can afford it for them. Oh, they will be entitled to decent health and decent housing and anything else, and we are not going to leave there until they get it, and they will have the victory and we will have the deficit.

And so what I am saying is that let's not talk entitlements. If you really want to kill the education programs, the health programs for the aged and for the young, let's call it what it is. It is called Social Security. Say it with me. Social Security. It is called Medicaid. It is called Medicare. And these are programs for the disadvantaged.

Now, if you can't afford it because you have some friends that are in the highest income, and I have not received one letter from any of them, and I don't think those from the rural areas, there aren't too many of them there either. They may be included on the contributors list, but they haven't called and asked for this tax cut. They haven't called and asked for it.

But the people that are out there when we get back home during this work period, they will thank us for fighting to save what they think, what they used to be entitled to.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman yields back the time to the gentleman from South Carolina.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the outstanding gentleman from Washington (Mr. McDERMOTT), a member of the Ways and Means Committee.

Mr. McDERMOTT. Mr. Chairman, when I read through this budget, they are back again, folks. They are back again.

Just a few months ago the Republicans called a final vote on the budget bill that slashed funding for child support enforcement, foster care, student loans and health care coverage for low income families. Today, the nightmare continues. They are back again doing the same thing within 3 months.

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Republicans propose another round of pain for Americans already suffering. The committee on which I serve is required by the Congress to cut $4 billion from the budget. Now, it will come out of my subcommittee, the one I am the ranking member on, because that is where the children are and that is where the weak and the old and the sick are. They are not going to take it away from the taxpayers. They are going to take it away for the poor and the weak.

When the Republicans send the high-income earners to the trough for more tax cuts, they will starve the Federal programs to help the poor.

I know it is Lent; so I am sure this is a faith-based initiative we have here, and the Republicans certainly understand the idea of sacrifice. This budget sacrifices one-third of the Social Services Block Grant, which funds assistance for abused kids, child care for working families, and vital services for the disabled and the seniors in this country. I asked the Rules Committee to allow an amendment to restore these cuts, but the Republicans said no. Mr. Chairman, why will you not allow this House to actually consider the effects of slashing programs to help the sick and the poor?

Now, I know some key Republicans have left, but the fix is still in in this joint. The Republican Congress will rubber-stamp the Bush agenda and provide for those who need it least. It is Lent, and the Republican majority is ready to sacrifice common sense, common decency, and common dreams.

The Republicans' budget sacrifices morality and a balanced budget for tax holidays for the rich, for the 1 percent. The party of the 1 percent is in charge in this House. Only the 1 percent at the top matters.

They're back, Mr. Chairman, and the Republican budget is no apparition. It is a real assault.

There is an irony that maybe some of you out on this floor may not think about, but some Members are running for higher office in State-level jobs. Some of those people are cutting the very programs that they, if they win their election in November, will have to go out and deal with the problems. If you are running for a State governorship or any kind of State office, think very carefully about how you stab yourself, because you are going to meet this when you get there after the election.

Mr. RANGEL. Mr. Chairman, I yield the balance of my time to the distinguished member of the Ways and Means Committee from Massachusetts, Mr. NEAL, who serves on our committee as well as the Budget Committee.

Mr. NEAL of Massachusetts. Mr. Chairman, I want to thank Mr. RANGEL for yielding me the time.

But let us clear something up immediately. Let us not demean the intelligence of the American people when we hear waste, fraud, and abuse. Where has the spending gone? They are bragging on one hand about increasing military spending by 70 percent. Seventy percent for the military. We are fighting two wars, Iraq and Afghanistan. Have we forgotten about that? What about Katrina? Have we forgotten about Katrina? What about their prescription drug bill? Now, which of those qualifies for waste, fraud, and abuse? That is where the money has gone. The problem we have today in this House is their tax cuts that, by the way, went to the top 1 percent of the wage earners in America. The millionaires were taken care of with their largesse.

This budget takes the word "compassionate" out of "compassionate conservatism."

The Republicans would have the country believe that the budget cuts do not have any impact on Americans. There is not a family in America that will not be harmed by this budget. The President's budget was bad enough. I was honored as a Democrat to present the President's budget at the budget meeting. Do you know why? Because not one Republican would present the President's budget. The result, 39–0, we knocked down the President's budget.

But let us talk about what this budget does. It calls for freezing child care funding. It will eliminate a program that provides food for 420,000 poor elderly people, 50,000 poor mothers and their kids. It even ordered a 50 percent cut in housing assistance for people with disabilities. Their budget before us today takes an additional $100 million in cuts beyond what the President's budget proposed.

At a time when we ought to be concerned about families in America, this budget turns its back on those people. This budget is the polar opposite. Instead of throwing doors open for the American people, they offer less vocational training, fewer small business loans, less financial aid for colleges, less support for our veterans.

This budget lacks vision.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the committee.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, as you know, I was absent from this House for 16 years, and I came back longing for some familiarity, but also hoping for some change. But as Yogi Berra said, when we have these budget debates, it is deja vu all over again. The same words I heard 18 years ago from the other side of the aisle still prevail: "weaken," "starve," "slash," "stab," "kill," "attack," "assault," "inflict pain." So I looked at the budget to see how much less it is than when I left here 18 years ago. It is so much larger now it is unbelievable.

When we had the head of the OMB, now soon to be the new chief of staff at the White House, appear before us, he said that if we do not start to control entitlements, mandatory spending, by the time my children are ready to retire, we will have no ability, he said, to spend anything on discretionary spending including the military. Think of that. We have come to a position now where the burgeoning of the entitlement programs is such that in another generation what the Constitution calls our first obligation, common defense, we will have no money for it. Now, how can this budget be so terrible? How can it be stifling?

When I left here before, if we had just frozen spending for a year, receipts would have caught up with spending. Now we are in a position that it would take 3 years of a freeze to catch up. This budget is not slashing, cutting. We are doing a little bit of trimming. Many Americans do not think we are doing enough.

And the whole idea on the other side is all we have to do is tax more. Look at what these tax policies have given us. We have a robust economy. We have lower unemployment rates. Our rates of unemployment now are below what economists told us when I was here before we could ever sustain. They talked about 6 percent unemployment being full employment. Now we are below 5 percent.

We should not sacrifice jobs on the mantra of increasing taxes, as my friends on the other side would have us believe.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the President sent us a budget that was woefully deficient when it came to homeland security, which is a pressing concern for all of us. The Republican budget, I will give them credit, to some extent corrects that woeful deficiency by $11 billion. But over 5 years that funding level for homeland security, a pressing, critical domestic need, is still $6 billion below current services.

We restore homeland security at least to the level of current services. Thus we would be funding programs that are critically needed to deal with what most of this House recognizes is a tremendous deficiency, namely, seaport security, which pales in comparison to what we have done for airport security; and it is one of the reasons for the outcry over the Dubai ports deal.

Mr. Chairman, I now yield 6 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Homeland Security Committee, to discuss the consequences and the differences between our budget and theirs when it comes to homeland security.

Mr. THOMPSON of Mississippi. Mr. Chairman, today I rise in strong opposition to the fiscal year 2007 House budget resolution, a resolution that shortchanges our critical homeland security programs.

The funding provided under this measure leaves dangerous gaps in our Nation's border, ports, mass transit, aviation, and critical infrastructure security. It also fails to address the preparedness and response deficiencies laid bare by Hurricane Katrina.

When Katrina struck the gulf coast, it was a frightening wakeup call to our Nation that we could not handle a response to a major incident, regardless of whether it was a terrorist attack or natural disaster. Regrettably, the House budget resolution, like the President's budget request, continues a 4-year trend of underfunding the Department of Homeland Security and homeland security programs across the Federal Government.

The most egregious cuts and eliminations are to programs that assist our local and State officials in preparing for and responding to emergencies. The budget slashes first responder funding by $570 million. The Local Law Enforcement Terrorism Prevention Program is completely eliminated. Communities across the Nation have come to rely on the program to help with information sharing among local law enforcement agencies as well as counterterrorism and security planning.

Like the President's budget, this budget unjustifiably cuts critical firefighter grant programs. The SAFER Act firefighter hiring program is eliminated. The FIRE Act grant program is cut by 50 percent. Together these programs are critical to ensuring that our local fire departments can recruit and retain firefighters and give them the tools they need to respond to emergencies and disasters. These programs should be increased, Mr. Chairman, not decimated.

Another grant program that is slashed under the budget is the Emergency Management Performance grants. This program is the singular Federal program for State and local all-hazards preparedness and readiness. Communities use this money to develop disaster plans, sheltering strategies, and evacuation routes.

In 2004, even before the name "Katrina" became synonymous with misery and loss, NEMA reported that this program faced a $260 million shortfall. Just 2 days ago, expert hurricane forecasters told America to prepare for another bad hurricane season. They predicted that the east coast chances of being hit this year had doubled to more than 60 percent. Yet here we are today considering a budget that slashes Emergency Management Performance grants. I hope the forecasters are wrong; but if they are right, Mr. Chairman, I for one do not want to be standing here 6 months from now if New Jersey, Long Island, or some other populated east coast center is hit, saying we could have done something.

Not only does this budget shortchange our communities, Mr. Chairman, but it also turns its back on them when it comes to covering the cost of keeping dangerous and criminal aliens incarcerated. The President's budget calls for the elimination of the State Criminal Alien Assistance Program. This resolution before us today does nothing to remedy that. With all the President's tough talk on border security, you would think that he would want to at least keep the most violent and dangerous illegal immigrants off our streets. Instead, this budget cuts the one program dedicated to helping our local cops and sheriffs put behind bars those who are breaking laws. Even Republicans last year disagreed with the President and joined Democrats in approving $405 million for the SCAAP program.

What has changed this year? They no longer want the criminals off the streets?

The budget also ignores the wakeup calls that came in 2004 and 2005 when terrorists executed coordinated rush hour train and bus bombings in Madrid and London. The budget does not provide dedicated funds to close known gaps in rail and mass transit systems to protect 14 million Americans, who use nearly 6,000 public transportation systems each day.

Under this budget, State and local transit agencies, which have already spent $2 billion to enhance security and emergency preparedness since 9/11 attacks, continue to be left largely to fend for themselves.

We are shortchanging the Coast Guard in this budget. That agency, which did the right thing in Hurricane Katrina, is using ships from the Vietnam era. In using these Vietnam-era ships, we put our Coast Guard at risk. This budget will ensure one thing: that the Coast Guard with need a lot of bublegum, bailing wire, and buckets to stay afloat if it is approved.

Speaking of maritime security, this budget does little to ensure that ports can make the physical security improvements they need for high-risk containers coming to America.

I call on my colleagues to reject this budget for these reasons. Congress should no longer ignore the fact that homeland security begins at home, in our communities, towns, and in our cities. Let us do the right thing by the American people. Let us put a budget together that protects our Nation.

□ 1500

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the very distinguished chairman of the Education Committee, my friend from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I rise in support of the fiscal year 2007 budget, and I would like to thank Budget Committee Chairman NUSSLE for his hard work and leadership, as well as the work of his committee and staff, in putting together this blueprint. This budget maintains our commitment to funding our national priorities while exercising fiscal restraint on behalf of American taxpayers. I think that is the thing that they should be doing.

This commitment is one that the Education and Workforce Committee has taken and continues to take seriously. As part of the last budget process, we placed our student loan and pension insurance programs on a more solid financial foundation. We expanded benefits for those attending college and saved taxpayers billions of dollars in the process. Just like last year, we fully intend to be key players once again.

My colleagues know that there is no higher priority for the Education and Workforce Committee than our Nation's students. In this Congress alone, this House has passed legislation to reform our early childhood education programs, expand college access, and strengthen our job training and vocational education systems. These reforms have been backed in recent years by an equally impressive record of funding for our Nation's education priorities.

As you can see in this chart, over the past decade Federal education funding has increased by about 150 percent. Breaking these numbers down further, funding for No Child Left Behind has increased by one-third since it became law a few years ago, Pell Grants are funded at an all-time high, and Federal aid to low-income schools is consistently high as well. Those who claim that we are shortchanging any of these programs may have rhetoric on their side, but they do not have reality on their side. The reality is our education priorities are well-funded, and this budget continues that practice.

But we also must not lose sight of the fact that today's students are tomorrow's taxpayers, and it is unfair to leave them with exploding budget deficits. That is why this budget's ability to balance priorities and restraint is so important.

Mr. Chairman, American taxpayers have a right to know that our top priorities are well funded, but they also have the right to expect a return on their massive annual investment in Federal programs. This budget strikes a responsible balance between the two, and I urge my colleagues to support it.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in strong opposition to this Republican budget which, of course, continues to take our country in the wrong direction. Not only does the Republican budget make harmful cuts to critical services for working families, it fails to live up to really any standard of morality.

By eliminating programs like HOPE VI and the Community Services Block Grant, and by slashing education training and social services funding, the Republican budget really is an all-out assault on millions of hard-working Americans.

Further, the issue of economic security which, of course, does not exist in this budget, economic security is really a critical component of national security, and the Republican budget even fails to adequately support homeland security priorities.

I represent one of the largest ports in the country, and I know firsthand how important port and container security is. Though the Port of Oakland achieved the ability to screen all cargo coming through last year, how many other ports are adequately funded to do this? Economic security and homeland security are put on the back burner in this budget, and that is simply unacceptable.

So I urge my colleagues to reject this budget resolution, because it is not a budget that we should be supporting.

Mr. SPRATT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the Democratic budget resolution, I want to emphasize again; is exactly the same when it comes to dollar funding for national defense-national security, function 050. We are at the very same level, exactly the same as the House Republican resolution. That includes the $50 billion they provide toward the cost of operations in 2007 in Iraq and Afghanistan.

Our resolution also funds foreign affairs, function 150, a bit above the House Republicans, but below the Senate and below the President's request.

Though the funding levels are the same, the Democratic budget resolution calls for a better distribution of the defense budget. The Democratic budget resolution calls for, among other things, forgoing higher TRICARE fees on retirees under the age of 65, as the President and Pentagon have requested; not granting that request; increasing pay and reenlistment bonuses, badly needed to ensure recruitment and retention; increasing family support center funding, badly needed for troops who are deploying now, some for their third tour of duty, leaving their families behind; funding cooperative threat reduction and nonproliferation at higher levels; funding the Army National Guard at 350,000 troops, not 17,000 less than that; ensuring $115,000 in death gratuities, funded retroactively to May 5, 2005; funding free life insurance in combat zones at $400,000.

Then, to pay for these things, funding missile defense at a substantial, but lower, level, among other things; de-emphasizing space-based interceptors; funding transformational, next-generation satellite development, being pushed along a fast track, at a substantial, but lower, level; and, finally, implementing the financial management recommendations that the General Accounting Office has made in order to make the Pentagon and the Department of Defense more efficient, particularly in the acquisitions.

Mr. Chairman, I yield 6 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking and long-time member of the House Armed Services Committee, here to discuss the budget for national defense.

Mr. SKELTON. Mr. Chairman, I need to share with the Members of this body the testimony we received at our Armed Services Committee hearing just yesterday. David Walker, the Comptroller General of the United States, told us we face a large and growing structural deficit. He testified as follows: "Continuing on this path will gradually erode, if not suddenly damage, our economy, our standards of living, and ultimately our national security."

Mr. Chairman, we have been warned. That is why I rise today in support of the Democratic alternative budget.

The Spratt alternative begins to put us on a sane fiscal path which will protect our national security. Furthermore, it provides funding for our critical national security needs that were left out of the President's and the majority's budgets.

The Spratt alternative would fully fund the end strength, the number of people, in the National Guard. If one supports the National Guard, one should vote for the Spratt alternative.

It reverses the cut to the Cooperative Threat Reduction Program. If one supports keeping weapons of mass destruction out of the hands of terrorists, one should vote for the Spratt alternative.

It rejects the TRICARE fee increases proposed by the President. If you oppose tripling the fees charged to military retirees, one should vote for the Spratt amendment.

It increases funding for family support centers. If one supports military families when mom or dad is deployed overseas, one should vote for the Spratt alternative.

It provides $400,000 of life insurance to servicemembers going into combat. If one supports taking care of our troops when they pay the ultimate price, one should vote for the Spratt alternative.

It increases funding for pay raises and reenlistment bonuses. If one supports rewarding our troops with higher pay, one should vote for the Spratt alternative.

Like the base bill, the Spratt alternative will extend the enhanced death gratuity to those families who were previously left out after September 11.

Mr. Chairman, in summary, I view voting for the Democratic alternative being offered by Mr. SPRATT as crucial to supporting our national security, and I hope that each of our colleagues who supports defense will vote with me and for the Spratt Democratic alternative.

Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, there are many reasons that the Spratt substitute is a superior alternative to the base bill, but I think among the most important reasons is the basic credibility and honesty of the Spratt alternative when it comes to the foreign entanglement issues our country finds itself faced with today.

The base bill essentially assumes that the conflict in Iraq will wind down very precipitously and require almost no resources in the coming fiscal years. I hope that is true, but I think it is wildly imprudent and recklessly irresponsible to build a budget on that assumption.

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Does the gentlemen know that the Spratt alternative does the exact same thing?

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I also know that the Spratt alternative, by forgoing the reckless tax cuts of the majority's version, gives us the flexibility and resources to meet our true obligations in Iraq and Afghanistan.

Mr. NUSSLE. But is the money in there in this "reckless" plan the gentleman was suggesting?

Mr. ANDREWS. Reclaiming my time, the Spratt alternative, frankly, leaves room for the supplementals that would be necessary, because it does not opt for fiscally reckless tax cuts that have put the country in a position where it is borrowing $25 for every $100 that it spends.

It is true, as the chairman points out, that the Spratt alternative doesn't lay out the true costs of this adventure in Iraq. But it is also true that the supplementals that are inevitably coming, inevitably, that there are resources for those supplementals because of what Mr. SPRATT has done, and there are not resources beyond simply expanding the deficit because of what the majority has done.

Whether one agrees with the policy in Iraq or disagrees with the policy in Iraq, the reality is we have to pay for it. To put on the floor a budget that doesn't pay for it and then takes up resources that could be used in a supplemental and soaks them up for the majority's worship at the altar of tax cuts for the wealthy, I think is irresponsibility beyond compare.

There are a lot of debates one can have about the question of Iraq, but the debate we cannot have is whether we have to pay for what we are doing. The majority has put us in a position where we will only pay for it by borrowing money. Mr. SPRATT has put us in a position where we can follow a more rational path.

I urge adoption of the Spratt alternative.

Mr. NUSSLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me just say to start with, I cannot let that go. In this body we have had bipartisanship with regard to national defense for quite a long time, and I hope that continues. But the irresponsibility of the statement that was just made has got to be called on the carpet.

The Spratt alternative, everyone has a right to come to the floor with an alternative, and I have enormous respect for the gentleman from South Carolina. We are friends. We work together on budgets. He has the full right to come here. But don't come to the floor and tell us that we have an irresponsible plan, when your plan has the same numbers, number one; and, what is more, fills whatever gap you were just talking about with something called the "tax gap," which is a $290 billion pipe dream that somehow you are going to collect money on past taxes from people who didn't pay them.

☐ 1515

Good luck. I would like to see you try. But that is how you fill the hole, I would say to the gentleman from New Jersey. And what is more, and I will bet it is in your press release already, you claim balance by supporting the Spratt substitute.

There is only one way you can claim balance, only one way. Do you know what that is? The way you claim balance is if you spend no more money on Afghanistan, no more money on Iraq, no more money supporting troops in the field, no more money for body armor, no more money for any benefits to those troops that are serving us so well over there in the Gulf.

So for you to come to the floor, when we have bipartisanship on national defense 99.9 percent of the time around here, for you to come here and for you to suggest somehow that it is reckless for us to put that in our plan when you not only put it in the plan but then somehow claim balance, there is only one of two ways: You either have some secret plan to bring the troops home immediately, similar to evidently what was proposed by the gentleman from Pennsylvania here not that long ago, or you intend to have no money for those troops in Afghanistan and Iraq.

Now, my guess is that is not true, and my guess is I just went over the line. My guess is that is not what the gentleman intends, and my guess is that when the bill comes to the floor and when the very distinguished gentleman from Missouri, the Democrat ranking member and when the very distinguished gentleman from California, the chairman of the full Committee on National Defense and Armed Services comes to the floor, that that will not be the case whatsoever.

But for you to increase the rhetoric down here about some irresponsible defense plan is irresponsible.

I hope we can put that partisanship back in the bottle, because it ought to end at the shore when our men and women are fighting in harm's way, and I hope that the gentleman will check that rhetoric next time he comes to the floor, because we can have disagreements over a lot of things, but when the numbers are the same for the same reason because we have the same passion and concern about our men and women, please, I would ask the gentleman not to heighten the rhetoric so he can put out a press release.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS) to respond.

Mr. ANDREWS. Mr. Chairman, perhaps instead of the rhetoric that the gentleman from Iowa ought to check is the rhetoric that refuses to ever consider scaling back the size of the sacred cow tax cut to meet the honest obligations that this government has to those men and women that he invoked just a minute ago.

The reality is there will be at least one supplemental on this floor; the reality is it is not accounted for in the underlying resolution; and the reality is that, as far as I can see from their past behavior, the majority would not even consider scaling back the size or scope of the tax cut in order to finance that supplemental.

Now, I would be thrilled to hear the chairman correct any of those three assumptions, but I assume that they are accurate. Or, Mr. Chairman, I would yield to you. Are any of my three assumptions inaccurate?

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Yes, they are. In fact, we put into the budget an emergency reserve fund for the purpose of funding that war, the same way Mr. SPRATT does, the exact same amount.

Mr. ANDREWS. Reclaiming my time, is that amount sufficient to meet the supplemental need, do you think? Apparently not.

The Acting CHAIRMAN (Mr. GILLMOR). The time of the gentleman has expired.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I had intended to keep my remarks along the lines of the housing and community development concerns that I have as ranking member of the Subcommittee on Housing and Community Affairs, but I cannot sit here and witness what I just heard from the opposite side of the aisle without joining with my colleagues and certainly calling the Republican budget resolution irresponsible. And certainly we support the tax alternative, the Spratt alternative, the Democratic alternative, because not only do we have a more responsible alternative, we have said over and over again to the opposite side of the aisle, while the President of the United States has been spending like a drunken sailor, that you cannot, you cannot wage this war, you cannot spend the money that has been spent on the military and have the kind of deep tax cuts that he has imposed upon this Nation, over $2 trillion since 2001. And to add to that, the President of the United States promised us that we would get money from the pumping of the oil in Iraq, we would use that money to help rehabilitate, to rebuild Iraq. But instead they cannot account for $9 billion unaccounted for, and about $2 billion of that was stolen by Halliburton, and so to challenge us about responsibility is laughable.

As a matter of fact, when we take a look at this budget, aside from the disaster that has been caused by these tax cuts, we find that this budget is cutting the most vulnerable people in our society. When I look at the fact that persons with disabilities are going to be cut 50 percent in the housing budget, when I look at the fact that the elderly will be cut by 25 percent, then who are they to call us irresponsible?

Mr. Chairman, there is a housing crisis in the United States of America, and not simply because of Katrina and Rita. Those trailers down there under this administration are sitting, they remain empty, the public housing units have not been rehabilitated. We are confronted with a real catastrophe here.

Further, there is not a single metropolitan area where extremely low income families can be assured of finding a modest two-bedroom rental home that is affordable, and there are literally millions of people who are homeless.

I am also concerned about the $736 million in cuts this budget makes to Community Development Block Grant program. CDBG is an indispensable program to communities across the Nation for housing, neighborhood improvements, and public services. My own State of California will lose $119.7 million and Los Angeles County would lose $41.1 million in CDBG funding, especially if these cuts are enacted. And I want to tell you, little towns all over America depend on these.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

First and foremost, we added $1.3 billion back into the budget for that very purpose on CDBG. So the gentlewoman is mistaken on that point.

Plus, I am glad the gentlewoman is at least one of the Members who have been willing to come here and be honest about her lack of support for the war and what that means for the budget priorities. If you do not support the war and you do not support the funding, it makes it clear why you would not put it in there and then claim balance.

We are not trying to pretend to anybody that there are not going to be expenses in the outyears. We just do not know what they are. And nobody on either side knows what they are going to be. The Pentagon does not even know what they are going to be. We hope that they are minimal, but we have at least put the funding in the budget to demonstrate that.

The difference is that in this alternative I think we are starting to see the glimmer of what the plan is really about, and that is a secret plan to bring the troops home, do it immediately, not fund in the outyears, claim balance, and as a result not support what we are doing.

That is fine if that is what you want to do. I am glad you are at least being honest about that and that is exactly what is being planned in this budget. By not putting the money in there, by claiming balance, it is clear that there will be no more money for the war in Afghanistan and the war on terror after this budget year.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, in relation to Chairman NUSSLE's last offering, let me just repeat once again: the defense numbers in the two budget resolutions are equal.

In other respects, however, the Republican budget gives us the worst of two worlds. It takes us over the cliff fiscally, and yet it underfunds key domestic priorities.

You would like to think that if we are going into $400-plus billion worth of additional debt, at least we are getting adequate funding for our domestic needs. But we are getting neither fiscal responsibility nor an adequate addressing of our needs for investment.

The premise of the Republican budget as submitted by the President and as presented by our Republican friends seems to be that this country is going broke because we are doing too much cancer research. We are going broke because we have too many after school programs. We are going broke because we are opening up too much affordable housing. It simply is not true. To scapegoat these sorts of domestic expenditures is deceptive and reprehensible.

There are many reasons for the fiscal mess that we are in, starting with the President's tax cuts targeting the wealthiest Americans, defense and security spending above projected levels, a sluggish and sporadic economic recovery, and the expansion of health care entitlement costs. The one item not on the list is domestic discretionary spending, which is very close to projected levels. Yet that is the item that is being squeezed in this budget as though that were the culprit in our fiscal meltdown.

I am happy to say that our Democratic alternative balances the budget sooner and addresses these pressing domestic needs.

Mr. Chairman, our Federal budget, like our household budget, is a statement about our priorities, about what we most care about.

We ought to care about our obligation to future generations, to avoid placing a debt on them. We also have an obligation articulated in James' epistle in the scriptures. "Suppose a brother or sister is without clothes and daily food. If one of you says to him, 'Go, I wish you well, keep warm and well fed,' but does nothing about his physical needs, what good is it?"

Mr. Chairman, we must take these dual obligations seriously: An obligation to be fiscally responsible, to avoid loading a burden on future generations, and at the same time to meet the needs of our communities, to open up opportunity, to be fair, to bring home the promise of American life.

Surely there is no better indication of what we really care about and what we aspire to for this country than the Federal budget that we enact each year. It is not just abstract numbers; it reveals what kinds of stewards we wish to be.

The Democratic alternative shows us the way past the President's "worst-of-both-worlds" budget, and I urge colleagues to give this alternative open-minded consideration and support.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in this budget the function for natural resources and the environment is not as large as defense, or some of the other functions, but it is important for the future of our country. In the function it funds, the natural resources and the environment, our Republican colleagues again match their President dollar for dollar.

For 2007 the Republican budget provides $28 billion in discretionary funding for a range of programs. That is $2 billion less than this year's level, $3 billion less than current services. Here are some of the cuts: Corps of Engineers cut $596 million, Environmental Protection Agency cut $304 million, Clean Water State Revolving Fund cut by $199 million, Land and Water Conservation Fund cut $42 million down to $86 million, the National Parks Service cut $102 million, State and private forestry cut $35 million to $244 million.

Our resolution, the Democratic resolution, restores all of those cuts and brings the budget for natural resources and the environment back to current services.

Mr. Chairman, I yield 8 minutes to the gentleman from West Virginia (Mr. RAHALL) to discuss the consequences of the cuts that the Republican resolution would make.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member of the Budget Committee for yielding me time.

Mr. Chairman, I do rise in strong opposition to this budget resolution for all the reasons that have already been said today, that will continue to be said this evening, that will be said all day tomorrow and into tomorrow night until the majority can get the necessary votes on their side of the aisle to jam it down our throats.

□ 1530

I want to highlight the negative impacts of the President's budget, as endorsed by this resolution, on the environmental and natural resources.

The President's budget for fiscal year 2007 provides funding for environmental programs which is 6.7 percent below the enacted level in fiscal year 2006.

That amounts to nearly a 10 percent cut below the level necessary to maintain current services at the EPA, the Department of the Interior, and other resource management agencies.

And to add insult to injury, these cuts would come on top of the previous years of stagnant funding under this administration for these vital domestic programs.

I also serve on the Transportation Committee, and let me briefly highlight one of the impacts of this budget on the EPA. Across the Nation, there is a vast array of unmet clean water and safe drinking water infrastructure needs here in America. Yet the President's budget for the Clean Water State Revolving Fund calls for a 22.4 percent cut from the 2006 enacted level. If enacted, that would represent nearly a 50 percent decrease since 2004.

Whether it is in my district in southern West Virginia or any other Member's district in this country, it is obvious that we need to do more to ensure clean water and improve public health. Yet this budget disregards those obligations to the American people and falsely says, in effect, Mission Accomplished.

The inadequacies of the President's budget are equally detrimental to the programs administered by the Department of the Interior and other agencies under the jurisdiction of the Committee on Resources.

The vast majority of Americans treasure our national parks, national forests, national wildlife refuges and public lands. Along with the oceans, Great Lakes and inland waterways, they not only provide habitat for fish and wildlife, but they are economic engines as well for adjacent cities and communities.

Yet this constricted budget not only neglects to improve and enhance this vast array of vital resources and national assets; it fails to even maintain the status quo. For example, the administration is so desperate for revenue gimmicks that it has resorted to proposing to sell off our national forests and public lands in order to fund rural schools.

Instead of selling public lands to special interests, what Congress should be doing is increasing funding for critical programs such as the popular Land and Water Conservation Fund.

The administration proposes to effectively dismantle the stateside grant program and provide only $91 million, the lowest amount in more than 30 years, for Federal land acquisition under the Land and Water Conservation Fund.

In effect, this would deprive State and local governments of badly needed funding for local parks and recreation and would further undercut efforts to acquire new lands to enhance our national parks, forests, and wildlife refuges.

Ironically, the Land and Water Conservation Fund has an unspent surplus on the books in the Treasury of over $14 billion, and the authorized annual spending limit is $900 million.

The purpose of the fund is to dedicate a small fraction of the enormous revenues generated by drilling offshore on the Outer Continental Shelf to the conservation of our resources. Yet this flawed budget, to put it politely, breaks that promise to the American people and disregards the conservation needs of this Nation.

Mr. Chairman, in the budget reconciliation legislation last year, the Republican majority on the Committee on Resources proposed to expand drilling in Federal waters offshore coastal States. That proposal, along with other controversial measures to open up ANWR and sell off public lands to mining companies, were all stripped from the legislation prior to enactment. Fortunately, perhaps in light of that experience, the Budget Committee has not included any instructions to Resources in this resolution.

But there are legislative proposals pending before the Resources Committee that would seek to undercut the offshore oil and gas drilling moratoria restrictions and expand drilling off the coast of Florida and elsewhere. In fact, these proposals would seek to offer incentives to approve States to approve drilling based on sharing of revenues which would otherwise accrue to the Federal Treasury and to the Land and Water Conservation Fund.

But before Congress proceeds to consider opening wide swaths of protected coastal waters to the oil and gas industry, we should carefully evaluate the budgetary aspects of the current drilling in the Gulf of Mexico and elsewhere.

The failure to adequately appropriate the current Land and Water Conservation Fund surplus is one problem with the current system, but the broader problem is a failure to collect the Treasury's fair share of the value of the oil and gas produced on public lands and offshore.

At a time of high prices and record oil and gas company profit, it is an outrage, let me repeat, simply an outrage that companies are avoiding paying the 12 to 16 percent royalty on oil and gas that they extract from public lands and waters. In part, the underpayments are an administrative problem as the agencies have failed to aggressively audit the industry; but Congress also shares the blame for enacting unwarranted royalty relief, first in 1995 and again in 2005, in the Energy Policy Act.

Of all the industries seeking relief from their obligations to pay for the privilege of profiting from the extraction of publicly owned resources, I can think of none less deserving than the oil and gas industry in the current high price and record profit environment in which they thrive. Yet it is this politically powerful industry that the Congress has favored time and again with unwarranted subsidies.

According to an investigation by the New York Times and a recent GAO draft report, the costs of royalty relief to the Treasury are staggering. Over the next 5 years, the cost to the Federal Government will be at least $7 billion in lost revenues and more than $28 billion if the industry is successful in a pending legal challenge.

And GAO estimates that the losses to the Treasury could range over the next 25 years from at least $20 billion to as much as $80 billion, depending on the outcome of industry litigation.

Mr. Chairman, if the Republican majority were serious about the deficit, it would put a halt to the royalty relief outrage, but this budget resolution is the worst of both worlds. It does nothing to improve the collection of revenues from the extraction of resources on public lands and at the same time it puts a fiscal squeeze on funding vital environmental programs that cannot effectively function if cut further.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD), a valued member of our Resources Committee.

Mr. BAIRD. I thank the gentleman.

I just briefly want to put something that average Americans can see firsthand in this budget. Like me, most Americans love our national parks, but this budget would cut $102 million from the national parks budget.

Parks are not only a cherished national treasure; they are a source of great local economies for communities surrounding and inside the parks, supporting more than 248,000 jobs and providing annual revenues of nearly $12 billion.

But the Park Service's annual backlog of operating deficit is $600 million, and the maintenance backlog is now over $6 billion, and the cuts will only make that worse.

When Americans travel to their parks and are unable to find rangers to take their kids on nature walks, when trails are unpaved, when roads are in disrepair, it is the budget and appropriation processes like this that make that happen.

I urge my colleagues to defeat this budget and fully fund our national parks and to eliminate over time backlogs in maintenance that we have there now.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman from Washington's comments, a very important member of the Budget Committee, although we wish you were on the Resources Committee.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), a distinguished member of the committee.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the chairman of the Budget Committee, and I come to the floor today to speak to a very important issue, and that is the issue of port security.

I have been listening to the debate, and much of the debate is on the positive impacts that this budget will have on the economy and on the family budget, which is where the focus should always be in our lives here and not so much on the Federal budget. The positive impact that this budget will mean is it will have more money in the family budget, more money that the families have to decide where they want to spend it, as opposed to where Washington wants to spend it.

But let me suggest, as secure as a family can be in their economic situation, that truly is of no moment if they are not secure at home and in their business from a physical point of view, if we do not have strong homeland security in all that we do, if economic security does not rise to that merit of importance. That is why I support what we have done in this House and in this Chamber and in this conference and in this budget with regard to homeland security and with regard to border security as well.

When it comes to the overall perspective of homeland security, look at what we are doing in this budget. While other aspects maybe have been frozen, as far as spending on homeland security, we are seeing a 3.8 percent increase in spending; and that is as it should be because we are setting the priority in the right manner.

Now, I do represent the Fifth Congressional District of the State of New Jersey, the nice part of New Jersey, the very top of it, from river to river, from the Hudson River to the Delaware River. My district is one that lives in the shadows of the Twin Towers and 9/11. Mine is a district that overlooks the Hudson River. Mine is a district that overlooks that river with two significant ports, Port of Newark and Port of Elizabeth.

So anything that occurs with regard to homeland security is of paramount interest to my security. Anything that occurs with regard to our ports obviously is of paramount interest in my district as well, whether it is the fact that the people in my district work at those ports or that the containers come through our district. What happens there is important.

What happens overall to our security is important in my district. What happens overall to security of our borders is important, but the ports are the gateway into this country; and for that reason, we have to do everything we can to make sure they are secure. This budget does do that.

As I say, a 3.8 percent increase in homeland security, plus specifically on ports, we are seeing the Container Port Security program, that is the CPS program, has grown from $61 million in fiscal year 2004 to $137 million in fiscal year 2006.

What does that mean? That means an average annual increase of 49.9 percent, almost a 50 percent annual increase, in port security, appropriately setting where the priorities should be.

Really, Mr. Chairman, that comes down to what we are talking about here. What this budget does do is set priorities. It sets priorities in what is important, economic security, homeland security; and I congratulate the chairman for setting the appropriate points.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. McHENRY), a very distinguished member of the committee.

Mr. McHENRY. Mr. Chairman, I thank the chairman.

I want to commend the Budget Committee Chairman, JIM NUSSLE, on his hard work in crafting a strong document that puts our priorities in line and in order for the coming fiscal year and lays us on course to reduce the deficit by cutting it in half over the course of 5 years.

Mr. Chairman, I quote the ranking Democrat on the House Budget Committee: A budget is a statement of moral choices, and this budget makes the wrong choices, cutting education, Medicare, and Medicaid and barely funding the bold initiatives that the President set out in his State of the Union address. Its greatest moral flaw is it that it leaves our children a legacy of debt and even heavier burden to bear as the baby boomers begin to retire.

It is wonderful rhetoric, high and mighty rhetoric, indeed befitting of maybe this day and this budget debate that we have, but I think it is disingenuous in terms of what we try to do here on the Republican budget that we are trying to pass, that we have crafted in our committee.

I want to tell you about what we are doing in terms of discretionary, nonsecurity spending. As we well know, we are fighting the war on terror. We are trying to fund our homeland security and our defense. It is the necessary and proper thing for a great Nation to do to defend itself. But what do we do in nonsecurity spending? We hold it to a near freeze. That is not a cut. It is a near freeze. That is about zero growth in nonsecurity discretionary spending. I think that is a good thing, especially when we have priorities that we have to meet in terms of defending ourselves from enemies around the world. It is better than the previous year's 1.3 percent growth in this area, and it is better than the 5-year previous average of about 6.3 percent growth.

So that helps us reduce the deficit and come closer to balance, which is what we should be all about.

The Democrats, through the rhetoric that I mentioned outlining the gentleman from South Carolina's quotes, talk about moral choices. Well, they have moral choices outlined and what they are going to submit for their Democrat budget. And what do we have there? Well, certainly it is the old liberal trick, a tax and spend and spend and tax. That is a moral choice. They want to take more from every American's pocketbook and spend it here in Washington, D.C., in the name of government. I think that is wrong, but let us see what they do.

Total outlays over the next 5 years, $139 billion. More in spending with the Democrat alternative. But look at this, what do they do? How do they spend that money? There are zero increases for defense, veterans benefits or for science, which they actually cut.

And I will tell you something, let us look at their moral choices. They do not want to fund research, but they talk about it. They scream about it on the House floor, the Republicans are cutting needed health care services and research. That is wrong and that is wrong rhetoric. It is not even correct in terms of the facts on it.

What are they doing for defense? They are not spending more than Republicans. They are not spending it wisely either.

Beyond that, you have certain Members that come out here and scream that we are not doing enough for veterans benefits. Let us look at what we have done. We have doubled veterans benefit over the last 10 years. That is a good thing, and this is a necessary thing for a great Nation to do. What does their budget alternative do? Nothing for veterans.

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Mr. SPRATT. The gentleman is absolutely wrong. I have sat here and listened to his misconstruction of my budget for as long as I am going to take it. He is absolutely, dead-set wrong. He doesn't know what he is talking about.

Mr. McHENRY. You can use some of your time, Mr. SPRATT.

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from North Carolina controls the time.

Mr. McHENRY. Like I said, Mr. Chairman, you can't teach an old liberal new tricks. It is all about tax and spend.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRATT. I am not even going to deign to respond to that. You got my responses so wrong, I don't know where to start. We provide exactly the same amount of money for defense. We just had that debate out here. You weren't on the floor. But I am turning to other topics worthy of debate.

Mr. Chairman, I now yield 3½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I hope the gentleman from North Carolina stays on the floor.

You know, I am dismayed because this is the first time in a long time that this branch has upped the President's ante. This budget, the scheme that you defend, might be the only budget proposal in the world which actually manages to be worse than the President's original budget. I want to congratulate you. And that is exactly why the American people have no confidence in your ability to govern any longer.

This 5-year budget scheme will only exacerbate the current regressive tax policies which tax income at a higher rate than assets. You talk about productivity in the last 5 years? Yes, productivity has increased by 8 percent, and wages are flat, flat, flat. Income from work from average Americans can easily be taxed at twice the marginal rate as the income from wealth from millionaires.

You sit there and you stand there and you defend those millionaire tax cuts. Donald Trump is taxed less on all of his investments than Barry the accountant is taxed on his middle income wages.

I am a member of Homeland Security, Mr. Chairman, and let me tell you something. I just heard this budget defended in terms of port security when we know that CBO says that all three major programs are underfunded and the goods that are coming into this country are not screened or examined properly. We had a meeting on it yesterday in case you missed the news.

The reckless tax policies of this budget will only continue to balloon our national debt, which currently stands at over $8 trillion. And they stand and defend this, these austere conservatives. This budget scheme will add an additional $2.3 trillion in debt over 5 years. And by the way, there is no scientific evidence, none whatsoever, that documents any essential relationship between the tax cuts you have defended to those making over $200,000 and the improvement in the economy. Nada, nothing, zero. And yet you keep on referring to this great economy. Why don't the American people feel this great economy? Why do just you feel this great economy?

In total, extending the President's tax cuts for the wealthy will cost $196 billion over only 5 years and $2.5 trillion over 10 years, the end result of which is fiscal madness; that a millionaire gets a tax cut of over $150,000 a year while middle income taxpayers only get a few hundred dollars.

We support those tax cuts to the middle income and to those who are the working poor. We support increasing the strength of the EITC, the Earned Income Tax Credit, which your President Ronald Reagan put together and this President has tried to zero out. You don't want to help people working.

You don't want people to work. You want to harp about public assistance. We want to keep people at work. The Earned Income Tax Credit has not increased, and you should be ashamed of yourselves what you have done to the middle class and what you have done to the poor and burdened their children for generations to come.

I thank the chairman for his courtesy.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

I am sure I misunderstood what the gentleman just said. You mean to tell me he supports tax cuts? My goodness. He supports cutting taxes for people? I can't believe my ears. At a time of deficits? At a time of national debt? At a time where we are not meeting our obligations the gentleman is supporting cutting taxes?

My goodness. There is not a scientific scintilla of evidence that cutting taxes is right, he says, but yet he supports cutting taxes? My, my goodness. Why would the gentleman be supporting cutting taxes for people at this desperate time in American history? There must be a reason.

Mr. PASCRELL. Will the gentleman yield?

The Acting CHAIRMAN. The gentleman from Iowa controls the time.

Mr. PASCRELL. Can I respond, Mr. Chairman, since he is referring to me?

Mr. NUSSLE. I believe I have the time, Mr. Chairman.

The CHAIRMAN. The time belongs to the gentleman from Iowa.

Mr. NUSSLE. I just am shocked. There is no scientific evidence, Mr. Chairman, but we are understanding that the gentleman, and that there might even be in the Democratic substitute tax cuts? Why would we do such a thing when there is no science, when we have desperate times, when we have deficits? Why would we do that?

Mr. PASCRELL. Will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

I hope my colleagues understood what I was trying to point out, and that is it seems very convenient for Members to come to the floor and decry the irresponsibility of tax cuts and yet propose them themselves. Isn't that interesting? Oh, but they are targeted, the gentleman will say. They are targeted. They are targeted for the exact right one person they want to target it for.

Our tax cuts reduce taxes for every taxpayer in America. We didn't pick and choose the winners. We didn't decide who was appropriate and who wasn't appropriate. Every taxpayer in America, every taxpayer in America got tax relief under this plan, and it is working because, as the gentleman fails to understand, last year alone there was a 15 percent increase in revenue.

Because there is scientific data to show that when you allow people to spend their own money, as opposed to having to come crawling to you to have a little bit of it back for the dignity that they seek from a big government; when they make those decisions for themselves, they make better decisions, and the economy grows and it expands.

We have had 18 quarters of economic growth and expansion with 5 million new jobs created. There is your proof, and that is the reason why the gentleman comes down now and says, yeah, I am kind of for those tax cuts; kind of like them now. I don't want them for everybody. I will pick and choose who I want. I have decided who the winners and losers in America are going to be because I can make that decision. I am smart enough to do that.

Well, on this side of the aisle, we believe everybody in America is a winner. Every taxpayer deserves that kind of respect, and that is the reason why we reduce taxes for every American. Every American is a winner in our vision of America.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I certainly want to thank the gentleman for yielding. I wish to associate myself with his comments and his remarks. I certainly want to commend him for his remarkable leadership on the budget.

Mr. Chairman, what an interesting debate that we have witnessed today, really a fascinating exchange here on the floor today. And let me say that the Budget Committee has certainly performed its very difficult duty I think extraordinarily well. Is the budget we are going to vote on absolutely perfect? Probably not. But is it a step in the right direction, a huge step in the right direction? Absolutely, yes.

I find the Democrats' rhetoric today really difficult to understand. Been following the debate today. I do find it very difficult to understand. First of all, they don't support the budget because the deficit is too large. But yet they also don't support the budget because we don't spend enough. So which is it? Not sure you can have it both ways.

And what would their answer be? Well, bigger government, that is for sure. That would be part of their answer. And dramatically higher taxes. That is for certain as well. And do you think that families who are struggling to pay for education or child care or home heating bills or gasoline can afford a tax hike? Do you think that seniors who are living on a fixed income can afford a tax increase?

Well now, they say they only want to raise taxes only on the rich. We have just heard that rhetoric. But if past experience means anything at all, the Democrats' idea of rich is anybody who gets a paycheck. Absolutely anybody who gets a paycheck is rich, in their views. Or anyone who is getting a Social Security check. Because we can all remember that the last time the Democrats had control of this House they actually raised taxes on seniors' Social Security. Yes, that is right. If you are getting a Social Security check, the Democrats think that you are rich and they want to raise your taxes.

Well, Mr. Chairman, we absolutely have to get spending under control, and this budget is a start but we do need to do more. The American people are demanding it. We have to keep taxes low because hard-working families simply cannot afford a tax increase. And I would urge my colleagues to support the budget resolution and to reject the tax and spend alternative of the Democrats.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, it is appropriate on this floor that we all be entitled to our own opinions, but it is not right that we should all be entitled to our own set of facts. The facts are that if this budget passes it will be 5 straight years of the largest deficits in American history.

Do you know in the last 5 years we have raised the Federal debt limit four times? It is now over $9 trillion. What does that mean to the average American? It means that every American owes $28,110 of that debt. That means that every child born in America today starts off their life owing $28,110. That is a fact, but it is not fair.

And it is not fair that we continue to cut revenue that this country needs to invest in its physical and its human infrastructure. This budget includes another $228 billion of tax cuts that go overwhelmingly to the people who need it the least. And yet, we have got 13 million children in America living in poverty today; we have got over 43 million Americans without any health insurance. And yet look at the priorities in this budget: You reward those who need help the least and ignore those who need help the most. That is not fair. That is not American. That is why this budget shouldn't pass.

Mr. NUSSLE. Mr. Chairman, at this time I yield 3 minutes to a distinguished member of the committee, the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, let me start out by thanking the chairman for the leadership he has exhibited for so long on this budget, and certainly wish you well in your future endeavors.

I would like to return the discussion to the veterans discretionary portion of the budget and thank both Mr. NUSSLE and Mr. SPRATT for their bipartisan support of my amendment which increased the overall budget authority by $800 million in this year's budget so that we could make sure to send an extremely strong message that as a committee, on a bipartisan basis, we do not support the proposed drug copayment fee increase or the proposed enrollment fees.

To go back to some of the numbers over the years, because they are very illustrative of the significant increases that veterans health care has experienced over the years, last year's appropriated dollar level was $33.6 billion. This year, under the budget authority that Chairman NUSSLE established with my amendment, we move that up to $36.9 billion, which, by my calculation, is a 9.8 percent increase in 1 year's spending alone. This is a significant increase.

Well, beyond just the veterans health care portion of the budget, let us talk about some of the other things that have happened over the last several years. In the veterans health care portion of the budget, this year we recognized that our troops are coming home from Iraq, many of whom have post-traumatic stress disorders, and so 10 percent of the budget authority and the spending that the VA does on health care is related to this very significant issue that is affecting so many of our Nation's veterans.

The health care facilities, which we have all visited as Members of Congress, are among the best in our country, and that is because over the last several years we have almost doubled the amount of discretionary money that is going into the veterans health care system.

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Not only have we nearly doubled the amount of money, but we have doubled the number of veterans that are being treated by the VA center from roughly 2.5 million a decade ago to 5 million today. That is increased by 1 million veterans in the last 4 years alone. And this year, as I noted, we are moving from $33.6 billion to $36.9 billion, an increase of almost 10 percent and we do so without increasing the drug copayment fee or the enrollment fee.

But beyond just the discretionary portion of the Veterans Administration budget, we have done an awful lot of other things over the last several years that are indeed noteworthy. We have more than doubled the GI education benefit that veterans are entitled to since 1995.

We recently increased the death benefit to $100,000 and increased the SGLI benefit to $400,000. Since 2001, the VA Home Loan Guarantee Program has increased by 67 percent. We have dramatically expanded the number of national cemeteries and their capacity.

We have increased back to the appropriate level of 55 percent benefits for surviving spouses. It had been 35 percent, and over the next 5 years and actually phased in by April 2008 it will go back to the promised level of 55 percent.

Lastly, the whole issue of concurrent receipts, that being when a military officer, somebody who has served our country for 20 years, has a disability as a result of their military service, they were the only Federal employees unable to collect both their disability which they received as a result of that military service and their retirement pay which they have earned. We have over the next 10 years, will phase in that benefit for those who have a disability of 55 percent or greater. This is indeed an extraordinary record.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, this has been one of those periodic weeks where a lot of people in the country turn on the television and they look at this institution and they wonder if we live in another world.

They see us, or at least one of us, going down the hallway giving high-fives the day after announcing the end of a career in disgrace, they hear us obsessing on all kinds of things that do not matter to the American people, and then they hear this budget debate. And they hear the gentleman from Iowa (Chairman NUSSLE), for whom I have a great deal of respect, announce that under his budget everyone in America is a winner.

They must wonder if we live in the same world because I wonder if the 13.5 million American families on Medicaid who have to pay more money under last year's budget, and more money under this year's budget to go to the doctor, really think they are winners.

I wonder if the veterans who have served our country who are looking at cuts in years 2 through 5 under Mr. NUSSLE's budget think they are winners.

I wonder if the Guard and Reservists who still will not get a fully funded TRICARE program think they are winners.

I wonder if the 45 million uninsured that Mr. MORAN talked about think they are winners.

I wonder if the 13.5 million children living in poverty think they are winners.

The reality is under this budget proposed by the chairman's mark, some people win under this budget: people who have already been winning and who have been winning for a very long time. People who need a little bit of generosity and have counted on a little bit of help from this city are not winners at all.

I remember the first year I stood in this Chamber as a relatively new Member when the President of the United States stood in the well and gave his State of the Union. The one thing I remember this President saying is this President and this Congress will not leave for other generations and for other Congresses. I wonder as the President stood here it occurred to him that all these problems that plague this country involving the old, the sick, the poor and the young, did he mean for us to leave those problems for another Congress and another generation, because the budget of Mr. NUSSLE does that. It leaves all of these problems unaddressed by the richest country in the world, and I think it makes this budget so fundamentally wrong.

Mr. NUSSLE. Mr. Chairman, I yield myself 2 minutes just to compliment the gentleman on his turn of phrase. There isn't anybody in the body who does it better, and I have enormous respect for him as well.

But let me suggest that it is an attitude about who are winners. I certainly understand as the gentleman knows very profoundly that there are people who struggle in America. No question.

But if you have an attitude about them being successful, about them being able to be successful and being able to be winners without crawling to you, without crawling to me, without having to crawl to anyone or be dependent on any government or any government check, that is a different attitude than the one I hear so often from colleagues who come here saying that the only way they will ever survive is if government is there, and that is not how our country was founded, as the gentleman knows better than anyone. That is exactly why we believe everyone in this country is a winner.

Let me also suggest to the gentlemen that when the President spoke from that well saying he would not pass off to a new generation the challenges of this generation, that speech was given approximately 8 months before September 11, 2001. In those 8 months before and in the 5 years since, we have learned a lot, haven't we.

I would suggest that we are working hard together, often in a bipartisan way, to ensure that we do not leave terrorism to the next generation, to ensure that we do not leave Katrinas to the next generation, and to ensure that we leave prosperity in our economy to future generations.

Certainly there are short-term challenges and there are short-term deficits that we need to deal with. But to suggest that the President somehow woke up today with the same challenges he woke up with the day he made that speech is either trying to not be honest about history or forgetting it, or trying to suggest that it did not happen, and I don't believe the gentleman would suggest that one way or another.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. Blackburn), who is not a member of the committee.

Mrs. BLACKBURN. Mr. Chairman, I just love this debate. I love this day of the year when we come to the floor and we talk about our budget and we go before the American people to talk about the priorities that we have, what we see as being important to this Nation, where we place our hopes and where we place our dreams and where we think about opportunity.

Another great thing about this day is that this is the day when big spenders don't have anywhere to hide.

You know, as my colleague from Michigan said, they cannot have it both ways. We have now watched liberal Members come down here, and this budget is too fiscally conservative. They say we are not spending enough. We have to spend more. And then they say you are spending too much.

If you were a parent, you would go pull out a copy of "Goldilocks and the 3 Bears" and start reading, because nothing is ever going to suit them.

I know people back home are looking at this debate, and they are probably scratching their heads because the Democrats say it is too conservative, it does not spend enough. So let's cut through the rhetoric and look at what we have got. What they want, what it really means is that they want to pretend to support spending reductions while they turn around and they call for more spending. For big spending.

Their stance really doesn't make any sense; but what it does do is prevent them from having to take a stand for spending restraint. Did they choose to vote with us for the Deficit Reduction Act? No, they did not. They chose not to vote for reducing the deficit.

This budget will continue to hold the line on spending. It will continue to find savings in mandatory spending. We all know this government spends too much. That is why we have a huge, enormous bureaucracy in this town that the other side has built as a monument to themselves. After 40 years of control, 40 years of growing a big old budget, 40 years of trying to continue to fund it, and they are still making the same tired, worn-out arguments. They cannot have it both ways. We are either for reducing spending and getting this under control, or we are for growing it.

We can make some reductions in spending. We can freeze some things, hold the line, and that is what we are doing. As I said, they chose not to support the Deficit Reduction Act. They chose not to support across-the-board cuts. And because of that, they have chosen not to be leaders in this issue. So they ought to decide whether they are for more spending or less spending before they come down here to the floor and certainly before they go home.

Mr. SPRATT. Mr. Chairman, I would simply inform the lady that we voted for the full budget act that put the budget in balance in 1998 for the first time in 30 years and then again in the year 2000, put it in surplus by $236 billion.

Mr. Chairman, I yield 2½ minutes to the gentleman from South Carolina (Mr. Clyburn), chairman of the Democratic Caucus.

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and let me begin by yielding to the gentleman from Alabama.

Mr. DAVIS of Alabama. Mr. Chairman, I thank my friend from South Carolina, and I would say to Mr. Nussle, you could have had 35 or 40 of us on this side of the aisle if you had done one thing, if you had combined some of these cuts with some retreat on these tax cuts, not getting rid of them all together, not getting rid of them in their whole, but simply pulling some of them back for the wealthiest Americans. You could have had 35 or 40 of us. You left it on the table, and it is one of the last things you could have done in your chairmanship.

Mr. CLYBURN. Mr. Chairman, I thank Mr. Spratt for the tremendous work he has done on this budget.

Franklin Delano Roosevelt in his second inaugural address said: "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little."

This is a significant test of our Nation's values, and it is a test that the Republican budget fails. Let us just skip the rhetoric and read the bill. The Republican budget increases the budget deficit, and it explodes our debt. It cuts port security and funds for first responders. It cuts education, cuts health care, and cuts veterans programs. In fact, this budget puts a squeeze on working Americans, and all in exchange for more tax cuts for the wealthiest few.

Democrats offer a clear alternative and new directions. Our budget that Mr. Spratt is putting forward will balance the national budget by the year 2012. It rejects the harmful cuts that Republicans have put forward, and it creates a $150 billion reserve for middle-class tax cuts.

Democrats believe that a stronger America begins at home. It starts with budget priorities that secure families and our borders, strengthens our Nation, and gives hope to those who inherit the products of our labors.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Burgess).

Mr. BURGESS. Mr. Chairman, thank you for allowing me to be part of this historic debate.

I want to thank you, Mr. Nussle, and commend you for including the "sense of Congress" in the bill that revenues collected through closing the "tax gap" should be applied to the deficit and for debt reduction.

The tax gap is the difference between the total amount of Federal taxes owed versus the total amount of Federal taxes actually collected. The tax gap is caused by unlawful tax evasion when individuals and businesses fail to report income or fail to file a tax return or report information which is false.

In 1988, the IRS estimated that this figure was $105 billion. A recent estimate puts the gross tax gap at approximately $300 billion. The budget before us today assumes a fiscal year 2007 deficit of $348 billion. Mr. Chairman, the answer to balancing our budget is eliminating this tax gap and not increasing the taxes on hardworking Americans.

Does the Federal Government spend too much? In many ways we do. Do we always get value for our dollar? Sadly, no, we don't always.

But again, I thank Chairman NUSSLE for putting together a budget that holds the line on discretionary spending growth. But instead of increasing taxes on hardworking Americans or adding new taxes to hardworking Americans, we should concentrate on collecting taxes already owed under the current tax system.

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Mr. Chairman, one final note. The mere tripling of the tax gap between 1988 and today shows that the Tax Code has become much too complex and susceptible to tax evasion. This shows a need for simplifying the Tax Code and for fundamental tax reforms.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, he who oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God. Words from Proverbs.

Mr. Chairman, the Republican budget is unfair to the neediest and most vulnerable Americans. In addition to being unfair, the Republican budget is also immoral. Through its cuts to CDC, NIH and veterans health care programs, this budget ignores the health care crisis that our Nation faces today.

Mr. Chairman, the Republican budget is not only unfair and immoral, it is also unreasonable. Pell grants and public school programs get no new funding.

Assisting our neediest and most vulnerable Americans is not a choice, it is a moral obligation. By reducing funding for public housing and food stamps, the Republican budgets falls short of this moral obligation.

The Republican budget is unfair, immoral and unreasonable. Both the Democratic and the CBC alternative budgets provide a better way, a more excellent way to help all of our people. I urge all of my colleagues to vote "yes" on the Democratic and CBC alternatives, to vote "no" on the Republican budget resolution.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BONNER), a member of the committee.

Mr. BONNER. Mr. Chairman, since I was over here a few minutes ago speaking about what this budget does to protect our homeland security, Mr. Chairman, I went back to my office and turned on the TV and listened to some of the comments, and so I came back over to thank you, thank you for having the patience of Job and the wisdom of Solomon, because you would have to have both to know the difference between some of the allegations and distortions that have come out from our friends on the other side. And they are our friends. They love this country like we do. They just see things in a slightly different way in their view of America versus the facts and reality that this budget is helping to set the record straight.

One program in particular, Mr. Chairman, I also want to thank you for listening, is the Community Development Block Grants. Several weeks ago the mayors of America, the county commissioners and other community leaders came to this body and said, this is a program that works. It allows the Federal tax dollar to go to communities and put the money where it works for the people that live in these communities, that pay those taxes that allow us the privilege of working up here.

And so whereas there had been a proposal to make cuts last year and this year in the budget, your budget, our budget, the budget we passed last year and the budget hopefully we will pass this week not only takes those cuts and puts them aside, but restores additional funding. Last year it was $1.1 billion more, and this year under your mark, Mr. Chairman, it is $1.3 billion more to a program that we know has great merit in the cities and counties throughout this country.

So really I just came back over, Mr. Chairman, to say thank you. Thanks for listening to us as you have. This will be your last year to chair this process. But the legacy you leave behind is one that makes all of us who have worked with you proud, and I know it especially makes the people of Iowa very proud of the work you have done. Thank you very much.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the distinguished lady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, the last time the American people had chicken feathers it was President Hoover who promised a chicken in every pot, and his economic policies collapsed.

Today I tell you that the resolution and budget that is offered by the outgoing chairman and the Republican Party is collapsing on the American people. Republicans increased the debt limit by $3 trillion, families without hope, women and children without hope, and a tax cut that breaks the backs of all Americans.

What this budget does, it cuts affordable housing, it cuts higher education, Medicare, and for the veterans who are coming home injured from the war in Iraq there is no light at the end of the tunnel. There is no door open for them.

And so I ask my colleagues to support the Democratic substitute and the CBC alternative budget because you know, in fact, we are not worried about an America who is willing to help those who are in need. We believe that is a good America. I am sorry to say that Republicans believe that those Americans are un-American.

A $3 trillion debt. You know that this budget is a bunch of chicken feathers.

Mr. Chairman, I rise today to join many other colleagues of mine in expressing disappointment in this budget resolution.

What we have under consideration today is a budget that forgets the American people in the name of supposedly American "values." How can we say to our children, to our elderly mothers and fathers, to our neighbors, to those who reach out to us as Members of Congress to secure and protect their rights under the constitution—how can we say to them that we are engrossing a budget that cuts their healthcare, their education, their livelihoods, and resources to their communities? What do I tell my constituents when they call to say that their safety net has shrunk?

I fiercely believe that Congress must speak on behalf of those who most desperately need a voice. I speak today not only as a Member of Congress, but as an American woman on my own behalf. This budget ignores many of my concerns, and the concerns of American women.

There are 20 million women in this country who struggle to make a living, who struggle to find adequate health care, who struggle to raise their children into upstanding citizens, who struggle to either attain education for themselves or educate their children.

Our country is a great nation among nations, and although we must be more informed, measured, and wise in how we pursue our foreign policy, we are also committed to bringing stability to many regions and countries around the world. However, we should not pursue our foreign policy ambitions at the expense of our families and communities. One does not substitute the other.

ECONOMY AND WELFARE

Nearly 70 percent of adult food stamp recipients are women, and the budget we are now considering would leave 300,000 women vulnerable to a loss of their food stamps. Food stamps are not handouts—food stamps are economic exchange for staples such as bread, and milk, and eggs. What message are we sending when we cut the assistance our most needy population receives to purchase food?

The Commodity Supplemental Food Program, which provides nutritious food packages to low-income seniors and pregnant women, infants and children, has been identified as one of many programs to be completely eliminated.

The President's budget cuts $6.3 billion in Social Security benefits over 10 years by eliminating the survivor benefits safety net for women and children. This benefit can make the difference between subsistence and destitution, and it is heartbreaking that Congress could even consider pocketing funds rightly earned and needed by our constituents and their families.

The budget also completely eliminates the Women's Educational Equity Act, which has funded hundreds of programs to expose girls to careers from which they have traditionally been excluded. The Women's Educational Equity Act was introduced in Congress by Representative Patsy T. Mink in 1973 as a complement to the proposed equal rights amendment, ERA, and to title IX. This program, which only received $3 million this year, provides educational materials to help schools comply with title IX, research and information to help schools promote equality between boys and girls, and technical assistance.

HEALTHCARE

Unfortunately, Medicare will also suffer under this budget, getting slashed by $36 billion over 5 years and $105 billion over 10 years. It is a fact that over 56 percent of Medicare recipients are female, and many of these women have very limited means of income to support themselves. Medicare is supposed to be the crutch for the elderly, even though we do not yet have a plan to address their primary concerns: chronic illness and long-term care. And yet this budget continues the misguided policy of dissolving this crucial program.

We are also looking at a proposal that consists of gross Medicaid cuts, including both legislative and regulatory cuts, of $17 billion over 5 years and $42 billion over 10 years. On top of the deep Medicaid cuts that Congress enacted in 2005, Republicans are willing to stifle State programs that help children get healthcare. It sounds heartless, and I have not heard a convincing argument to the contrary.

The administration's budget would increase funding for abstinence education programs by $89.5 million for a total of $204 million in fiscal year 2007. I agree that the most effective way to prevent the transfer of STDs and the occurrence of pregnancy is abstinence. However, time and again, it is proven that abstinence education is not effective, and that the emphasis needs to be on birth control and safe sexual practices. Just this week, the GAO criticized the Bush AIDS/HIV program in Africa for diverting needed funds and focus—in fact, U.S. coordinating officers actually stated that the abstinence focus undermined previous education efforts and confused communities. Abstinence is a fine message in some cases, but must not be the primary message, and must be supported by factual and clear information.

EDUCATION

For a President who insists that he cares so much about education at every level and for every child, it is a strange thing to realize that the Republican 2007 budget resolution cuts spending on education by 29 percent.

The Bush budget freezes Head Start funding at this year's level, meaning that 19,000 children will have to be cut from Head Start next year. Similarly, the budget cuts Even Start, a program targeted to combat low literacy, to encourage family supported programs, and help children with limited English proficiency. We have strong indications that these programs give underprivileged children access and exposure that helps them succeed in school a year or two later. Perhaps if this program had ever been fully funded, we would know definitively that this program has the potential to launch every child toward educational and life-long success. It is a shame that the President is more interested in Scantron fill-in-the-bubble standardized tests rather than a nurturing and effective education.

Over the past several years, Congress has slipped backward in its commitment to fully fund IDEA, from a high of 18.6 percent in fiscal year 2005 to the proposed level of 17 percent in President Bush's fiscal year 2007 budget proposal instead of the promised 40 percent. Under the budget, IDEA would receive $10.7 billion, a $1.2 billion decrease below fiscal year 2006. Of that amount, $380.8 million would be available for preschool grants and $436.4 million would be available for grants for infants and families.

Funding for vocational education programs would be eliminated under the fiscal year 2007 budget. Congress allocated $1.31 billion for vocational education in fiscal year 2006. The unfulfilled promises are countless, and each more self-defeating than the last.

At 4-year public universities, tuition and fees increased by 7 percent this past year and 57 percent since President Bush took office. About 40 percent of African-American students and 30 percent of Hispanic students depend on Pell grants, compared to 23 percent of all students. Two-thirds of Perkins loan recipients are from families with annual incomes of $40,000 or less.

Yet, the Perkins loans took a hit on the Republicans' fiscal year 2007 budget resolution and would recall $664 million from Federal Perkins loan funds from nearly 1,800 colleges in 2007. As a result, 463,000 college students would lose a key part of their financial aid.

Six years ago President Bush promised to increase the maximum Pell scholarship for all college freshmen to $5,100. Unfortunately, this budget is now the fourth time that the President and Republicans in Congress have frozen the maximum Pell grant. About 40 percent of African-American students and 30 percent of Hispanic students depend on Pell grants, compared to 23 percent of all students. These numbers indicate the need and the demand for assistance to achieve a higher education and a greater chance at lasting success.

I share the fear and concern that every Member of Congress and every American citizen feels in regards to defending our homeland, but what kind of homeland are we defending? What do we want it to be? Each of these programs is designed to enrich our society and fulfill our obligations as a civilized nation to our citizens.

Even the youngest school-children are sensitive to dishonesty, and by breaking our word and cutting funding to mandated programs, we are teaching our children to distrust their government. We need them to grow into the upstanding citizens we know each of them has the potential to be.

We want our Nation to be educated, confident, capable, internationally competitive, and safe. This budget undermines each of these. I ask, urge, cajole, and demand that we reconsider this budget, that we remember who our greatest priority is—the American people.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Ladies and gentlemen, Mr. Chairman, what are the priorities of the Republican majority? This is the greatest deficit in the history of the United States. How are they going to pay for the tax cuts? They are going to borrow the money from India and China to pay for tax cuts.

What is the difference between Democrats and Republicans? Democrats say middle class and working class people can use tax cuts. But in a time of war, the greatest deficit in our history, the richest people in the country don't need tax cuts. If you have $1 million a year income or $10 million a year income you don't need your tax cuts.

The gentleman says everybody should have them. But in a time of scarcity, when you cut funds for veterans, you cut funds for kids going to college, you cut funds for people with children with disabilities, you don't continue to give the money away to the richest people in the country.

That is the difference between Democrats and Republicans.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, it is time the American people got a refund because what they are getting out of this Congress they didn't pay for.

In every war, from Lincoln with the land grant colleges, Kennedy during the Cold War, who built literally NASA and put a man on the Moon, to Roosevelt, who thought of during World War II the GI Bill of Rights, every President in the middle of a war has thought about how to bring home the peace and invest in our future. It is only this President with this Congress, in the middle of the war, who cuts education while Americans are trying to get their kids to school, who cuts health care while we face skyrocketing costs in health care, who cuts the police program while cities are facing a shortage of police.

It is only this President in the history of his predecessors who stands on their shoulders and does exactly the opposite with this budget. It cuts back our investments in the future of America in a time of war where every President prior to him thought of America post that war and invested in its future, putting a man on the Moon, a GI Bill of Rights, an Atlantic to Pacific railroad system, at every point in our history.

President Kennedy said that leadership is about priorities. To govern is to choose. The majority has made its choices, and their priorities are clear for all to see. Now it is up to the American people to demand change.

This budget by the Republican majority is a status quo budget that says, if you liked the last 6 years of working harder, making less, costing more for education, costing more for health care, costing more for your retirement, then vote for this budget. It maintains the status quo.

It is time for new priorities. It is time for a change.

The Acting CHAIRMAN (Mr. BISHOP of Utah). Does the gentleman from Iowa have further speakers?

Mr. NUSSLE. Mr. Chairman, I have no further speakers, and we are prepared to close. I believe I have the right to close the general debate, and we are prepared to close debate at this point.

The Acting CHAIRMAN. The gentleman from South Carolina has 30 seconds.

Mr. SPRATT. Mr. Chairman, I will use those to say one thing that I haven't said, and that is, in reading this entire resolution which we offer, you will find four separate reserve funds for the improvement of health care. For example, we provide a reserve fund to cover an increase in Medicare payments to physicians to avoid a cut, a sustainable growth rate cut of 4.6 percent. We say that if you can bargain down the price of prescription drugs, you can put the savings in a reserve fund and use it to improve coverage under Medicare for prescription drugs, closing the donut hole, for example. So I would commend that to everybody's attention. There is a real difference between our budget resolution and theirs, and I ask support for ours.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman and colleagues, this is always a challenging debate because what, unfortunately, is not part of the discussion, in the debate back home in particular, is that numbers very rarely demonstrate results; that when you talk about a budget, when you hold up a document which, it is interesting, I have heard so much debate today about we are cutting this, we are cutting that, we are slashing, we are eliminating, all sorts of things.

The budget of the United States basically is 43 legislative pages long, and you can't find those in here because what the budget does is it sets a framework, is all the budget does. It sets a framework, no different than what families do around their kitchen tables every day. They set a framework, a budget. And then as the bills come in, they apply those bills to that framework and determine whether they are over, whether they are under, what they can afford, what they can't afford, if there is an emergency what they are able to borrow, how much they are going to be able to invest in their kids' college or whatever it might be. Those are budgets, and we have no different course of budget right here.

It is a framework. Within that framework many decisions will be made this year, decisions about education, decisions about homeland security, decisions about national defense, decisions about what we are going to do in order to meet many needs, many challenges, some choices, some circumstances that we know will rise this year and years to come.

We have decided that in order to write this budget we had to anchor it to some pretty important principles, and that is what we tried to do.

First, what are our strengths? As a nation, the most important strength we have is our people. I mean, that is what this is about. Those are the three first words of our Constitution, "We, the people," not government, not bureaucracy, not government programs, not entitlements, not any of that, but "We, the people." That is what is the strength.

And our people, I will tell you what, when you allow, when you unleash them, when you empower them, when you give them the incentive of American ingenuity to go out and do things, I have got to tell you, it is unbelievable to watch.

In my own home State, you see farmers produce the food for the world. You see that in so many places around our country. You see small businesses, I am sure in the gentleman from South Carolina's district, my friend, create jobs and opportunities and services and manufactured goods that not only supply the United States but supply the world. And when you unlock the economy, when you allow people to make those investments for themselves, I will tell you what, it is a wonderful thing to watch. And that is something beautiful about our country that has really been the reason why we are the economic wonder of the world, why we are the economic leader of the world.

There is no question that there are other places around the world that would love to be like the United States when it came to our ability to invent, our ability to create, our ability to serve so many people, not only here in the United States but around the world. But if we don't continue to build on that strength, it could very well be lost, and that is the reason why as part of this budget plan we continue the work to grow the economy, because that is number one.

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The second item that this is built on is our military strength, our strength of power, our strength of being able to defend freedom here in this country and around the world. And there is no question that there will be differences of opinion on every side about this conflict or that conflict, but there is bipartisan agreement always on the fact that our United States military is number one. It needs to stay number one. When we put a man or a woman in uniform and ask them to go away from their family or their community, we make sure and we ensure and we do everything we can within budgets like this and like the budget that Mr. SPRATT is presenting and like all budgets, we ensure that they have the best, that they can be the fastest, they can be the strongest. And certainly there are going to be differences of opinion of exactly how that can be accomplished; but the goal is the same, and our budget accomplishes that.

We also believe that we need to defend our Nation differently than we ever have before. I understand that there are some people who come to the floor who think it is pretty easy to write a budget. Just do this, just do that. Try to do it after 9/11. Try to do it after wars in Afghanistan and Iraq and the global war on terror. Try to do it after Katrina. Try to do it when 13 million people are crossing our borders unchecked.

We have enormous challenges with regard to homeland security. We meet those challenges as part of this budget. Will there be differences of opinion in priority of how to meet those challenges within the rest of the process that we will engage in this year? Yes, of course, and there should. But we ought to also limit that spending and say this is how much we are going to dedicate to that, and, again, our proposals are similar.

But in addition to that, we also know that the government can overstep its bounds. It can spend too much. And just like every year, we hear about pork barrel spending. We hear about earmarks. We hear about those special projects. Part of the reason that we have those is when we have unlimited funds to spend, people get pretty creative on how to spend it. Either as a constituent coming from Iowa or as constituents from around the country, I have never had a constituent come into my office and say, Jim, this project I am about to show you is not worthy of funding. In fact, they never tell me that we are spending just enough. They almost always say we would like a little bit more.

So what a budget does is it says there is the top line; that is the most we can spend. And while there are certainly worthy projects that we need to fund this year, there are also projects that need oversight, scrutiny, need to be reformed, need to be changed, need to be put off until next year, or here is a word that we rarely say particularly in an election year: How about "no," we are not going to fund that; it is a crazy idea. And to look them in the eye and be able to tell them that is certainly a difficult job, but it is one that we have to do. By setting that top line on spending, we accomplish that. Again, this is what this budget does.

Finally, let me say that we do one more thing that we believe is very important, and it is a lesson that I learned one of my first years here in Congress during the great Mississippi flood of 1993. But, unfortunately, I and every one of my colleagues have relearned it almost year after year after year, and that is, regardless of what we have put in these budgets, there are unforeseen circumstances that will occur whether we like it or not. It could be an earthquake. It could be a flood. It could be the biggest hurricane in our history hitting almost a direct hit on one of our most cherished cities.

No matter what we put in this budget, we may have a war. We may have a terrorist attack. We may have things happen that are outside of our control. But we know that they are probably out there and that they are lurking, and so what we have put into this budget is not only a fund in an emergency way to deal with that war, but, also, for the first time we have set money aside recognizing that we may have that earthquake, we may have that flood, we may have the tornadoes like we had this last weekend, and we had darn well better set some money aside for that rainy day, just like that family sitting around that kitchen table saves just a little bit to deal with what might be a leaky roof or a refrigerator that goes on the fritz.

We have got to deal with those problems, and I believe this budget accomplishes that. And it does so in a way that recognizes what I tried to say in this debate. We believe in those people that we represent. We want them to be winners. We know there are challenges. We know there are people who need our help regardless of their ability to help themselves. And even though that is certainly the compassion of this country, we ought to respect the fact that dignity does not start with a government check. Dignity does not start by somebody crawling to a Federal agency and saying please help me. That is not dignity in America. Dignity does not start with a government check or with a big government bureaucracy.

Dignity starts by recognizing our personal freedom granted to us by our Creator, not granted to us by a government bureaucracy or granted to us by the United States Congress. We fought a revolution over the fact that we are free and that our dignity starts in our heart because it is given to us by God, not by government, not by anybody else. And for us to continue to perpetuate the myth that the only way to distribute compassion in this country is by handing out freedom or handing out government or handing out a check to people, that that is the only way they will get it, I believe that is an unfortunate juncture that we find ourselves in in this country.

Our budget does not continue to perpetuate the belief that in order for you to have dignity, it is found in these pages or it is found on this floor or it is found somewhere in Washington, D.C. The most dignified things that happen in this country are the decisions that are made by people and families in freedom in the United States of America, and the only way that can continue is if we continue to perpetuate that freedom.

So while there is certainly going to be a lot of rhetoric about how for some reason we are cutting programs, we are slashing this, we are gouging that, when it comes right down to it, it is because we do not believe that these programs measure our compassion as a Nation. The only way that is measured is by getting people to be able to help themselves and creating the opportunities to pass on to the next generation. That was done for me by my parents. That is something that I hope to do for my kids, and it is something that we all hope for. And it is not something we look for from government.

So I hope that we, over the course of the next days or time, pass this budget, which sets a blueprint down that not only measures our ability to deal with certain challenges. It sets resources aside to deal with challenges that may be unforeseen, and it recognizes that freedom starts with the individual. It does not start in this Chamber or in this document.

Ms. DELAURO. Mr. Chairman, women understand the difference this budget can make in improving their lives and, their families' lives. Everyday, whether it is ovarian and breast cancer research, college loan assistance, or nutrition program, for low-income seniors, women are reminded how our sense of opportunity is in so many ways inseparable from our Nation's health, education and labor infrastructure.

But when it comes to this budget, our investment in each of these areas is cut. Pell Grants, Head Start, housing programs, child care, even the president's own No Child Left Behind education program—all fall victim to Republicans prioritizing tax cuts for the few over investments in the future of all Americans.

Republicans had an opportunity to show their commitment to women and families when I offered an amendment that would have simply restored $7 billion of funding to our communities, our community health centers and hospitals, our school districts and one-stop employment centers. It would have restored funding for lifesaving research at the NIH—research that saved this woman's life nearly two decades ago. This funding would have impacted every woman and her family at all levels of income in one way or another. But Republicans turned it aside on a party-line vote.

Mr. Chairman, women deserve a budget that supports them—a Congress that supports them. And as women are increasingly realizing, they are getting neither.

Ms. ESHOO. Mr. Chairman, I rise in opposition to the Republican Budget Resolution and in favor of the Substitute offered by Representative SPRATT.

Despite record-breaking deficits and a skyrocketing national debt, the Budget Resolution before us continues the Majority's 'spend now/pay later' policy which has gotten us into a historic fiscal mess.

Former House Republican Leader Dick Armey accurately described the Republican's fiscal management when he told the Wall Street Journal in 2004, "I'm sitting here, and I'm upset about the deficit, and I'm upset about spending. There's no way I can pin that on Democrats. Republicans own this town now."

I think it's important to note that there's always been a choice. Every year for the last 5 years, Democrats have offered alternate plans to balance the budget. Every year we've been defeated by the Majority.

Over that time, the Majority's budgets have turned a projected 10-year surplus of $5.6 trillion into a projected 10-year deficit of nearly $4 trillion, posting record annual deficits over that period. The single largest cause of this turnaround has been the tax cuts enacted in 2001 and 2003. The tax cuts, by themselves, represent approximately half of the deficits we've accumulated since 2001.

What we see again in this year's Republican budget is more of the same. Passage of their budget will increase the deficit by $348 billion in Fiscal Year 2007 and by a total of $1.1 trillion over the next 5 years. Although it never achieves a balanced budget, this Republican plan insists on more tax cuts.

That's not the whole story. This budget masks the true cost of the deficit because it continues to spend every cent of the Social Security Trust Fund. Without dipping into the Trust Fund, the Republicans would post a deficit of more than $600 billion in Fiscal Year 2007.

The costs of the debt and deficit are huge. In Fiscal Year 2007, the United States will spend $243 billion to cover the interest payments on the national credit card. This represents the fastest-growing part of the budget.

The Republican budget also presents the false claim that its spending cuts will reduce the deficit. Over the next 5 years, the proposal cuts $5 billion from mandatory programs (such as Food Stamps and Unemployment Insurance) and $127 billion in domestic discretionary programs, such as education, veterans benefits, environmental protection, and scientific health care research, but instead of paying down the debt, these alleged 'savings' will partially pay for $228 billion in tax cuts.

We've seen this bait-and-switch before. Just two short months ago, the President signed into law the so-called Deficit Reduction Act. The $40 billion in cuts in this legislation came from reductions in student aid programs ($12 billion), Medicaid ($7 billion), and Medicare ($6.4 billion). At nearly the same time, the House passed a tax cut bill at a cost of $56 billion. Provisions in this bill will give anyone who earns $1 million or more a year an average tax break of $32,000.

The cuts in services will be painful and unwise. Over the next 5 years, this budget will cut veterans' healthcare services by $6 billion, education by $45.3 billion, healthcare by $18.1 billion, and environmental protection by $25 billion. Once again, these spending reductions will cover only part of the $228 billion in additional tax cuts, guaranteeing deficits for at least the next decade.

The net result of this budget are more tax cuts for the wealthy, a reduction in social services for working families, and never-ending debt for future generations. This fiscal policy is not only unsustainable, it's immoral.

As in past years, we have a choice. The Substitute offered by Mr. SPRATT reduces the deficit year-to-year and reaches a balanced budget by 2012. The Substitute re-establishes pay-as-you-go (PAYGO) rules so that any new tax cuts and any new spending are paid for by spending cuts or revenue increases.

The Substitute also proposes $160.5 billion more than the House Republican budget for key areas, including education, health, veterans, and environmental protection while maintaining funding for defense and providing more funding for key homeland security priorities, such as port security.

Within the context of a balanced budget, the Substitute provides funding for tax relief for low and middle income taxpayers.

I urge my colleagues to oppose this budget and instead support the Democratic alternative that will restore fiscal responsibility and honor the best of who we are as Americans.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of the Spratt budget substitute and in strong opposition to H. Con. Res. 373, the Republican budget.

Our sons, daughters, and neighbors are bravely fighting wars abroad. Unfortunately, when they return home, they will find a country that has lost its way. We pay lip service to shared sacrifice, but while they risk their lives for us, Republicans in Congress are providing tax cuts for the richest 1 percent of Americans, slashing programs for working-class families, and turning their backs on the middle class. The budget before us today continues these policies. It does not represent the priorities of the American people, nor does it respect the values our soldiers are fighting to protect.

For too long, Republicans have racked up charges on the national credit card, while passing the bill on to future generations. Now is our chance to set this country on the proper course to ensure America's economic success and protect our grandchildren from having to pay for today's irresponsible decisions.

There is a better way. Despite the horrible fiscal outlook facing our Nation due to Republican policies, the Spratt substitute still manages to balance the budget in 6 years, cut taxes for the middle class, and provide realistic funding for education, health care, and veterans programs, all of which are shortchanged by the Republicans.

The Spratt substitute has a better bottom line than the Republican budget every year. Fiscal responsibility today will lead to lower deficits, smaller interest payments, and less national debt in the future. Most significantly, after the budget is balanced, we can finally begin to pay off the trillions of dollars in debt that have accumulated since President Bush took office.

Unfortunately, the budget proposed by House Republicans does nothing to improve the quality of life in America. It would add $348 billion to the national debt next year alone. Under Republican stewardship, the 5 years between fiscal year 2003 and 2007 will provide us with the five largest deficits in American history. This is not a legacy worth continuing. We cannot afford to borrow additional money to continue paying for failed economic policies.

Not only does the Spratt substitute match the President's request for defense spending, but it also includes additional needed funds for homeland security programs, including port security. As a member of the Homeland Security Committee, I am concerned that the Republican budget closely mirrors the President's budget, which proposes to eliminate several programs important to the safety of all Americans. Programs on the chopping block include the COPS Interoperability Grant Program, the SAFER Program for firefighting equipment, the Metropolitan Medical Response System, the Law Enforcement Terrorism Prevention Program, and Justice Assistance Grants. In 2005, these programs provided more than $13 million in grants to help Rhode Island's first responders keep my constituents safe. Since September 11, we have asked our police and firefighters to do so much more, but this budget fails to provide the resources they so badly need.

In addition, the budget would freeze or cut all non-homeland security discretionary spending. If the Republicans have their way, 5 years from now, education and health programs will receive less than they do today. Cuts to social programs would place a larger burden on the working class at a time when they can least afford it.

Even with all of these cuts, the Republicans still have no plan to balance the budget. Instead, they want to give away the savings to the wealthy by making permanent tax cuts on investment income. As the New York Times indicated yesterday, "Americans with annual incomes of $1 million or more, about one-tenth of 1 percent of all taxpayers, reaped 43 percent of all the savings on investment taxes in 2003." At the same time, those earning less than $50,000 saved an average of only $10 on the same capital gains and dividend tax cuts. The wealthiest Americans are doing fine on their own, and we should not be borrowing money to give them tax cuts.

Deficit spending has stymied job growth and is plaguing our economy. No Rhode Islander would write a check without sufficient funds to cash that check. Neither should the government. I urge my colleagues to join me in supporting the Spratt budget substitute and opposing the underlying Republican plan.

Mr. BISHOP of New York. Mr. Chairman, I rise in opposition to the budget resolution and in support of the Democratic substitute.

The President and the Republican majority like to take credit when there's a better statistic to report about the economy. Those stats might mean something to the fortunate few in the top income bracket.

But middle-class families struggling to keep up with soaring tuition, health care and gas prices don't have much to celebrate. And a budget that builds on a strong economy for all Americans shouldn't be one that allows more pensions to evaporate and tears more holes through the safety net.

Is there any doubt today that this Administration's first priority has been—and continues to be—tax cuts for the wealthiest at the expense of education, health care, scientific research and other middle class priorities, all of which are being cut to pay for these tax cuts?

But my main concern is the hypocrisy of this budget—that extending dividend, capital gains, and tax cuts for millionaires and corporations are like a rising tide that lifts all boats. We've already proved more needs to be done than just hope that sooner or later tax cuts will reach Americans who need our help the most.

Why, for instance, are we saddled with recordbreaking deficits exceeding $400 billion; $3 trillion in new debt since 2001; a debt limit now over $9 trillion; and deep cuts to hospitals, schools, and security? If our tax cuts performed as our friends on the other side of the aisle had promised, an exploding economy would have wiped out this debt.

How can we possibly justify a budget that cuts taxes for millionaires worth more than President Bush requested for the Department of Education and more than twice his budget for the Department of Veterans Affairs?

The answer is that we can't justify the choices made to produce this budget. Under this resolution, Mr. Chairman, those who need our help the most must get in line and hope that the benefits of tax cuts for millionaires and corporations will ultimately trickle down to them.

Mr. Chairman, middle-class Americans deserve much better.

Ms. CORRINE BROWN of Florida. Mr. Chairman, "I believe that the current budget proposal does not accommodate really crucial city safety net needs, education needs and health care needs . . . (and) I have tried as clearly as I could to lay out my concerns, which frankly are shared by a significant number in this caucus." Now, you might think that this quote was taken from someone in the Democratic leadership, or the Congressional Black Caucus, but no: This is a quote from a Republican Member of the House of Representatives. And I ask, why, my colleagues, was this said? Well, the answer is simple.

The Republican leadership is robbing from the poor to give tax cuts to the rich. That's what this budget, and this debate, are all about. We are talking about priorities here folks, and this Republican budget certainly makes it clear who the party in power supports, and who they don't.

Who do they support? That's easy: big insurance companies, HMOs, millionaires on Wall Street, the oil industry and huge defense contractors, that's who. And who don't they support? Well, that question is easy too, just look at who gets the short end of the stick in this budget: teachers, police, first responders, students, our veterans, and the elderly. Yes, since the Republican takeover it's the same old story folks: drastic cuts in vital social service programs, and going so far as to eliminate food programs for poor children and their mothers! This is a mean, mean spirited budget, my colleagues, and we need to send it right back to the smoky back room where the lobbyists and Republican leadership wrote it!

Mr. NUSSLE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BISHOP of Utah). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURGESS) having assumed the chair, Mr. BISHOP, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 376) establishing the congressional budget for the United States Government for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, had come to no resolution thereon.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. CARDIN. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Clerk will report the motion.

The Clerk read as follows:

Mr. Cardin of Maryland moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the provisions of section 102 (relating to credit for elective deferrals and ira contributions), and section 108 (relating to extension and modification of research credit), of the Senate amendment,

(2) to agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals),

(3) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and

(4) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Pennsylvania (Mr. ENGLISH) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, people of this country are looking to our leadership for change. They want us to move in a different direction. They are tired of our spending money and going further into debt. They want to see us do something about the national debt and the deficit here in Washington. They want us to stop digging the hole deeper. They want to see a commitment to reduce the debt. They want to see tax fairness. They understand that the tax bills that we have passed in recent years provide average tax relief for those under $50,000 of $435 a year while those between $500,000 and $1 million enjoy $22,000 of tax relief. They want to see tax fairness.

They want economic opportunity so this economy can grow. They know that the R&D tax credit that allows companies to invest in the future needs to be made permanent. And they certainly want to see more savings in America. They understand that we have a negative saving rate. We know that young people and people of modest income have a very difficult time putting any money away for their retirement savings and too many companies do not offer incentives for their employees. They want to make sure that we extend the saver's credit that allows them to put money away.

Mr. Speaker, my motion to instruct the conferees on H.R. 4297 deals with these opportunities.

When I noted this motion last night, I was not aware that the conference is close to an agreement, and I use that word reluctantly because, as I understand it, there has been no conference. It is basically the Republican members of the conference committee have been negotiating; and according to the most recent Congressional Daily, tax writers are within striking distance of a reconciliation deal.

We have received a red alert from the Concord Coalition. The Concord Coalition, which is a nonpartisan body whose sole purpose is to try to bring some sense in this Congress in dealing with the deficit, says watch out. The deal that is being struck, "instead of choosing among competing priorities," and I am quoting from the Concord Coalition, "identifying revenue offsets or otherwise scaling back the cost of the tax cuts to comply with the budget, Congress is considering gimmicks and legislative maneuvers to circumvent budget limits and increase the deficit even more than the budget already allows. Evading the limits in the budget resolution would make a bad budget worse."

I could not agree more with the Concord Coalition.

So what does my motion do with the tax legislation that is in conference? It provides for four instructions to our conferees:

First, it says to the maximum extent possible within the scope of conference, insist that a conference report will neither increase the Federal budget deficit nor increase the amount of debt subject to the debt limit. I would think that every Member of this body would endorse that instruction to our conferees.

I was just listening to the debate on the budget resolution and heard how we need to rein in the deficit. Well, this is our opportunity to act on that intent. This motion makes it clear that we want to rein in the deficit and the debt to the maximum extent possible. The 2006 budget had a deficit of $371 billion. The 2007 presented budget will increase the deficit by $423 billion, and I am not even counting the surpluses from Social Security that should not be counted in this.

□ 1645

According to the Joint Tax Committee, the conference may very well bring out a report that could increase the deficit by another $80 billion.

Enough is enough. Let's make a commitment to America's future. Let's recognize how dangerous this deficit is to America's future. Let's understand that in order to pay our bills, we have to ask foreign governments to buy our bonds, governments that don't agree with our foreign policy, who buy our bonds not because it is a good investment, but because they want to make sure that the exchange rate between their currency and ours is favorable so they can send more products into America, taking more jobs away from America.

Yes, this is a matter of national security, and that is why this motion speaks to this bill that could make the circumstances much worse. Let's tell our conferees not to do that.

The second part of the motion to instruct deals with two very important tax credits that are scheduled to expire. One is the savers credit. The other deals with the R&D credit. I mention both of those because it is important that we deal with these two credits that are scheduled to expire.

My motion tells us to take the longer period that the other body agreed to. Let's extend for 3 years the savers credit. I want to make it permanent. At least let's make it 3 years. The R&D that allows businesses to reinvest to create jobs, we should make it permanent. Let's make it at least 2 years.

But, Mr. Speaker, let me tell you my fear. I would urge my colleagues to support this motion. Let me tell you my concern. The Concord Coalition is admonishing us that they believe that we will be keeping these politically popular tax cuts hostage to new legislation, that it won't even be in this legislation, in this conference. Instead, we are going to put it in another bill to make the deficit even greater.

This should be our priority, extending these tax credits. This may be our last opportunity to speak to that. So I urge my colleagues who profess to support the savers credit and R&D credit to support this motion.

This motion also deals with the Alternative Minimum Tax, to make it clear we need to extend the Alternative Minimum Tax. If we don't, taxpayers will soon be getting information from the IRS, instructions to let them know that their taxes for 2006 are going to be substantially higher than they are for 2005. For you see, Mr. Speaker, if we don't correct the alternative minimum tax, and let me remind you the bill that passed this body did not include that, if we don't include it at this stage, because this is the bill that is going to be on the way to the President, we are going to find in excess of 15 million of our constituents across the country are going to wake up and find they now have tax liability they didn't expect, not because they are trying to avoid taxes, but because of action taken by us which increased liability for the Alternative Minimum Tax.

So it is critically important. This is our last opportunity to say before the conference is likely to take action that the Alternative Minimum Tax is our priority.

Then the fourth thing, Mr. Speaker, is that we have to make choices. We can't do everything. I was listening to the chairman of the Budget Committee tell us that we can't give everything to everybody that everybody wants. Well, I hope he will vote now in the first vote after his speech to carry that out. We can't do everything that everybody wants and still bring the budget deficit down.

The capital gains and dividend provisions, they are not set to expire until 2008. Let me remind my colleagues of that. We have plenty of time to take that issue up. So my instruction includes holding off on that issue so that in fact we can bring in a conference that is in compliance not only with the letter, but the spirit of our commitment to deal with the budget deficit.

Mr. Speaker, I urge my colleagues to support this motion. I believe this is what almost everyone in this body has been speaking about. Now let's see how they vote.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a real privilege to appear opposite the gentleman from Maryland. I realize he is not seeking reelection this year and is aspiring to move up to a higher level. I may say at the outset it has been a privilege working with him on the Ways and Means Committee for the last 12 years. I have come to admire his talents, even when they are enlisted on behalf of something as weak as the instruction before us today. I look forward to debating the point.

Mr. Speaker, we have a motion to instruct that has been put before this body that sends exactly the wrong message. It is a message that is essentially against economic growth and against job creation, and it would put Congress on record, on the brink of our success in a tax conference in favor of things that we have in the past voted against. This instruction in some areas is amorphous, and elsewhere is perverse, and in effect it is an instruction that leads us inevitably to a tax increase.

Mr. Speaker, it is important for us to recognize that since 2003 our gross domestic product has seen its fastest growth in 20 years, averaging a robust 4.4 percent per quarter. This is extremely important, because as we have grown the economy at this clip, we have generated new revenues, new revenues that we had not anticipated in our budget, new revenues that have held down our deficits, new revenues that have created an opportunity for us to finance our social needs. And as we show restraint, as we do in the budget resolution we are voting on today, it holds forth the promise of our getting back to a balanced budget, something that the other party was never able to achieve when they were in the majority.

This growth is important to note, because it is attributable in part to the reduced rates on capital gains and tax dividends.

We have a pro-growth tax policy in place, which has allowed us to expand the tax base and generate revenues outside of the estimates in our budget. I would like to point out that ultimately the path to a balanced budget has to be through high growth rates and ultimately through the financial discipline that today's budget resolution will suggest. Yet, the motion to instruct conferees before us in effect puts off to a date in the future the opportunity to continue to extend the current tax rates on those pro-growth parts of our existing tax policy, with potentially perverse results.

I would like to also point out, since we have heard so often and we have heard on the floor today that the tax policies we have in place only benefit the affluent, I would like to point out who in the real world has been receiving the reduced rates and therefore whose taxes will we will be raising if we fail to extend the current rate.

Mr. Speaker, it is notable that 54 percent of those families receiving dividend income had incomes of less than $75,000 and they received an average of $1,400 in dividends. That is very significant for those families. Together, families with incomes under $100,000 have more than $20 billion in dividend income.

In 2005, an estimated 10.3 million families in the 10 and 15 percent brackets will save on their taxes because of the 2003 law. So the rhetoric that this tax relief only benefits the wealthy is vacant ideological posturing.

If we let these rates expire, it would be in effect a tax increase on many Americans, including a lot of middle-class Americans. Not only would the lapse of the reduced rates impose a tax increase, it would particularly discourage equity ownership among working families, among whom we have seen a stunning 91 percent increase in stock ownership. To turn back the clock on policies that have more American workers owning a stake in their future is simply the wrong thing to do today.

Our side also strongly supports extension of the savers credit and the research credit, which is why both of these policies were extended in the House-passed bill. That is already in there. Unfortunately, almost every single member of the minority voted against extending those incentives when the House voted on the bill last December.

I should further point out that our side also strongly supports extending relief from the AMT. In fact, I am a co-chairman of the Zero AMT Caucus and I have been vigorously advocating repeal of the AMT since I came to Congress, an ugly tax legacy of the previous majority. The House has spoken on this issue, and it is worth noting that we voted overwhelmingly in December to extend AMT relief as a stand-alone bill. By moving this relief outside of reconciliation, we can shield millions of families from the AMT without having to raise taxes to do so.

Mr. Speaker, this motion to instruct is asking for a tax increase on effectively the seed corn of the economy. It is asking us at a critical time to put a brake on economic growth when we need it most.

If we are serious about maintaining the forward motion in our economy, I would suggest that we need to maintain our current tax policies and not undercut our efforts to maintain them. I am calling on the House to vote against this motion. It is the right thing to do.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds just to correct the record from my friend from Pennsylvania.

If AMT relief was a priority, you would have put it in budget reconciliation, because you know that is the only legislation that stands a chance of passage to the President. You have had 12 years to fix it and you have not. There is a statute of limitation on how long you can go back to when the Democrats were in control.

In regards to the $1,400 you referred to for families under $75,000, I question your numbers. I will tell you, their share of the national debt as a result of your fiscally irresponsible policies will far exceed the $1,400 in tax relief.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. LEVIN), my colleague on the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, I would say to Mr. ENGLISH, if you are serious about the AMT, you would vote for this motion to instruct. You can join any caucus you want. It is what happens on the floor that matters.

You talk about the path to the balanced budget. The Republican path to a balanced budget is more deficits, and your notion is more deficits will help growth and eventually we will grow out of the deficit. The trouble is, it isn't working.

When you talk about growth figures, you don't mention that for the typical family in this country, there hasn't been an increase in income. Median income in this country has essentially been flat these last years.

You say if you vote for the motion to instruct it leads to a tax increase. That makes no sense at all. The present provision lasts through 2008. What you are doing is extending it several years from now.

Why does Mr. CARDIN come here again? How many times have we raised this issue? The main reason we bring this is because you distort the facts when you make your arguments. Pure distortion. That was true the last time we debated this.

I read the New York Times article of just this last Wednesday that picks up the pure distortions by the Republicans. I think you have repeated them again. Essentially what was said last time in defense of your position was this: "Nearly 60 percent of the taxpayers with incomes less than $100,000 had income from capital gains and dividends." The New York Times story goes on to say, "IRS data show that among the 90 percent of all taxpayers who made less than $100,000, dividend tax reductions benefited just one in seven and capital gains reductions one in 20." So you either get your distortions out of thin air or from some other source.

You try to say that this is a matter of a tax benefit mostly from the nonwealthy. I just want to read again from the New York Times article, and this traces the 2003 investment income cuts.

□ 1700

The investing income cuts. And here is what happened: The average tax cut for people making less than $50,000 was $10. For people making 50 to $100,000, the average tax cut—this is again in investment income—was $68. For the family $100,000 to $200,000, the average tax cut was $268. For someone making $200,000 to $500,000, $1,489. For those $500,000 to $1 million, $5,491. For those making $1 million to $10 million, $25,450. And, again, in contrast to $10 for less than $50,000 and $68 for $50,000 to 100,000. On those who are making $10 million or more, the average cut is $497,463.

The conclusion in this article, I think not refuted, is that the top one-tenth of 1 percent of taxpayers got 43 percent of the benefit. And you have the gall to come here and talk about these two tax cuts or decreases benefiting the majority of the American people. That is not true.

Now, another myth that you perpetuated is that more people will really benefit from this change in investment income taxation than if we act on AMT. Mr. CARDIN has talked about this, we have talked about this before, we have heard your mythology in the Ways and Means committee from the very beginning. There are going to be 17 million people or more affected by the AMT if we do not act compared to several million now. And you throw your lot in with the millionaires instead of people who are in middle income situations. That is whom you are benefiting, basically.

So that is why we come forth here. You distort the record. We want to tell the truth to the American people. Whose side are the Republicans on? It is the millionaires. I think it is fine if people make a million bucks, but they do not need a tax cut. What is needed is some actual civility and sanity when it comes to the deep deficits here, and also some honesty with the American taxpayer, and not helping a very few and hurting the very many. That is what you are doing.

That is why Mr. CARDIN is coming forth once again, once again, and we are putting you to the test. If you vote wrong today, expect to hear from the American people tomorrow and tomorrow and in November.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute to emphasize a point that Mr. LEVIN made.

There is no question that the overwhelming amount of relief provided by the tax cuts from 2001 and 2003 go to the highest income people. That is not tax fairness. There is modest relief that goes to middle income families, very modest relief. Every dollar and more of that will be eaten up by these increased debts and deficits. The interest costs alone, the share of the National debt all will make whatever relief is provided in here meaningless. And when you take a look at the impact that the deficits are having on our economy and you look at how middle income families are struggling in order to meet their needs, in order to be able to afford the increase in college education and energy costs and health care costs, they are falling further and further behind.

So for the sake of middle income families, I would urge my colleagues to support this motion in the conference to bring back a responsible product.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the Appropriations Committee who is known for his commitment to tax fairness and fiscal responsibility.

Mr. ROTHMAN. Mr. Speaker, what are the priorities of the Democratic Party? And what are the priorities of the Republican majority, the Republican majority who have been in power in the House and the Senate for 5½ years with a Republican President for 5½ years, with their policies, leading to a greater and greater difference, disparity in incomes between the very rich and the middle class and the working poor and the poor, and the greatest deficit in the history of the United States. That is the result of the priorities and policies of the Republican majority. That is a fact. I believe they are the wrong priorities, and they put us continuous on the wrong track, but that will be up to the voters in November to change.

But what about the comments you hear about these tax cuts that are spurring the economy in unprecedented revenues? Hogwash. Hogwash. The Secretary of Treasury, John Snow, from the Bush administration came before our committee this week and said, Secretary of the Treasury under President Bush said, these tax cuts are responsible for one-third of this deficit. They are responsible for one-third of this deficit, the greatest deficit in the history of the United States. That is what these tax cuts have caused.

He said, by the way, for every dollar in tax cuts we give, we do not get back more money than we gave out in tax cuts. We get 30 to 40 cents for every dollar in tax cuts which means we lose in the Treasury 60 to 70 cents on every dollar we give out. We only get back 30 to 40 cents.

Well, if we could afford that I suppose it would be great to give people back more money. Then the question is who should get the tax cuts? People on the Republican side of the aisle say boldly, everybody should get a tax cut. Well, I do not know about you but in a time of war, in a time when we have natural disasters like Hurricane Rita and Hurricane Katrina, when people are working harder and not making any more money, they have growing health care bills and are worried about their retirement, they are having their college tuition costs increased by the Republican majority, veterans are paying more than ever because the majority says they do not have the money, they do not have the money, they say, even to inspect more than 5 percent of the containers coming into America, then say we do not have the money.

Hong Kong inspects 100 percent of the containers. What are they doing with the money? They are giving it to the very richest people in the country, and they say it boldly. Yes, we are doing that. Everybody should have a tax cut. Well, you know these same folks have been getting the benefit of trillions of dollars of tax cuts since President Bush took office.

The recession has been over for 3 years. Do they still need the money when we have the biggest deficit in history? And you tell veterans and college kids and seniors, we do not have the money for your program, or parents with kids who have disabilities, we do not have money for your program? They say, well, there they go again, those Democrats, class warfare. Hogwash.

We have to make a decision about what to do with our tax dollars. Should we spend it on people who need it, the middle class, by getting rid of this Alternative Minimum Tax. The Republican majority says no, we do not have the money to get rid of the Alternative Minimum Tax that affects primarily the middle class. They say they do not have the money. They did not put it in the budget.

What they did put in their budget were huge tax cuts for people making over $500,000, $1 million, $10 million, up to the sky. Forty-five percent of the tax cuts under their bill here, 45 percent of the revenues go to people with incomes of $1 million a year. Is that the country you want to live in where we allow the Republican majority to give our money to the rich and tell everybody else go jump in the lake, pull yourselves up by your boot straps, but the rich should get the money?

There is a difference, Mr. Speaker, between the Democratic Party, who says let's fix that Alternative Minimum Tax that hurts the middle class. Let's spend the money on that, not tax cuts for the very rich.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. KUHL of New York). The gentleman from Pennsylvania (Mr. ENGLISH) has 23-½ minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. Mr. Speaker, I assure you I will not use the balance of that time.

Just to point out something that is a continual pet peeve of mine. I am not on Ways and Means and I am not on Appropriations but it seems to me that if you are going to give money to someone it comes through the appropriations process, not through taxation.

Government spends what it takes while people spend what they make. In the final analysis, to provide tax relief to the American people is not an act of giving them anything from the government's largess. What it results in is an act on the part of the government to refrain from taking people's hard-earned money in the first place.

Now, as to the rhetorical question that was asked, if I may turn it into an actual query that was put to us, I would prefer to live in an America where I know that if I work very hard and I follow the law and I want to work and improve my quality of life for myself, my children, and my community and country, is that the fruits of my labor will not be taken from me by the government. And that attempts to make sure that the fruits of my labor are left in my pocket are not considered a giveaway by the Federal Government. Because the fact is it is the confiscation of private property, the act of taxation. The only thing that does to render it criminal is the fact that we have the consent of the governed. In a duly elected country, if the consent of the governed is through their elected representatives not to take that money in the first place, it is not a giveaway.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I just want to respond to the gentleman. Maybe it is a question of religious values, but I thought every major religion in the world said that those with extreme wealth should not be living high on the hog while everybody else is suffering. I thought that that is what every major religion talked about.

If I am correct in my American history, the income tax does not say "give the money to the rich and they do not have to pay any more than the poor."

Our income tax system is a progressive system under the American belief that if you are incredibly wealthy you should be paying a little more in taxes, not only in dollar amount but in percentage of your taxes. That has been our tax policy in this country since there was an income tax at the beginning of the 20th century.

□ 1715

So we know as Americans, as good moral people, Mr. Speaker, that this is the right thing to do. You do not give your money to the people who need it the least.

Now, they say they earned it and you are not giving them back their money. However you want to describe it, how much money do we get in from those taxes? We get in enough money to still have the largest deficit, not pay for education costs and veterans costs and other costs, unless we say to those who got trillions of tax cuts since 2001, you know, you are making over $500,000 a year, you have got tens of thousands, maybe hundreds of thousands, of dollars in tax cuts since 2001, perhaps during this time of war; perhaps during the time of the greatest deficit in the history of the United States, we are going to say this year, let's give the money or take your taxes and use that money to help the middle class by getting rid of the alternative minimum tax.

Mr. Speaker, I said this before. I will say it again, it is worth repeating. There is a difference between the Democrats and the Republican majority. The Democrat minority, hopefully to be the majority after November, we believe the money that is collected in taxes should be spent wisely, prioritized to meet the needs of our country, the middle class, the working class, to give incentives to people to work.

If you are making $1 million, $10 million, you are going to have to pay your fair share, and you can afford to allow your taxes to be used to help the middle class. Your kids are going to have plenty to eat. Your kids are going to college, and you will drive your Rolls Royce and get it filled up every week with gasoline. That is the difference, not class warfare.

What do we do with our money? Give it to the rich or give it to the middle class who are the heart and soul and lifeblood of this economy and this country?

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 more minutes to the gentleman from Michigan (Mr. McCOTTER) in order to steer the discussion away from religion and back toward economic literacy.

Mr. McCOTTER. Mr. Speaker, I thank you; and before I steer on to that path, I would refer the distinguished gentleman to Pope Benedict XVI's encyclical because it shows where the government is involved in taxation for the purposes of, quote, unquote, leveling, which is trying to discern what is the proper level of material equality in a free society, that the compulsory act of government of taking that money from people and then expending it on someone's behalf vicariously is certainly not tantamount to the moral good in a virtuous society that is achieved by the individual donating that money directly to charity and engaging in the life of their community to help their fellow citizens who are less fortunate.

But I am sorry, I will not continue to go down that path.

It is also interesting, the gentleman talks about not wanting to have class warfare or class envy at the very time he engages in it. I find that disingenuous, and I will not do the same.

At the end of the day, what I would like, I think, to help frame my debate is, what level of taxation is enough? What level is enough? What is optimum for your particular, I assume hypothetical, level of material equality in this country that would be dictated by the government's confiscatory tax policies and arbitrary policies in appropriation? I want to know what that level is. I want to know the level then would be attained. If I am going to ask people to give their private property to government, I have to show them the end of the line. I have to show them how high it is going to and I have to show them what the concomitant benefit to this country is going to be. I never seem to hear that. For purposes of clarity, I would be interested, what is your ultimate goal?

I also would like to add, just as personal disclaimer, as someone who is middle class, as someone who pays the AMT, who gets notes from their accountant asking if there is anyone who he knows, i.e., me, what can they do about the AMT, I would like to see it gone, and I would also like to see the taxpayers not pitted against each other if we do not have our choice.

I suppose the final analysis, and I will close on this, is that the Republican Party believes that a free people, a free, virtuous people, which we are in this country, will take care of those who are less fortunate and will also ensure that the civil society we live in endures.

I believe that the minority party believes that they can best determine how to control your life, conduct your affairs, and reach some hypothetical abstraction of equality which does not exist.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, if I might inquire of the gentleman on the other side if he has no more speakers. I am prepared, since I believe he has the power to close, I am prepared to make a closing presentation, and I will yield myself accordingly such time as I may consume.

Mr. Speaker, there are obviously a couple of things on the record that need to be corrected.

One of the earlier speakers made a comment about it being hogwash, I think was his elegant term, that the pro-growth policies that this majority put in the Tax Code have helped the economy, have helped economic growth in this country which has achieved record rates, have allowed us to generate new revenue that in turn would bring down the deficit, and yet, in the contrary position, Chairman Greenspan just a few months ago, when he was still in office, testified before our Joint Economic Committee and made very clear that the tax policies of this majority, particularly as they apply to the more dynamic side of the Tax Code, have been successful in generating economic growth and have been successful in helping the economy. It is precisely about maintaining these tax policies and not doing a tax increase that we consider this motion to instruct.

I think this motion to instruct would be perverse. It has been challenged here whether this motion to instruct, in fact, represents a tax increase. It is curious that some in Washington still argue that when you have put rates into place and the market has adjusted for them, that if you allow those rates to lapse, somehow that is not a tax increase. Only in Washington is that kind of fantasy engaged in.

What is fairly clear is the tax policies that are our majority and our majority's budget resolution attempt to preserve are tax policies that have been beneficial to the economy, and the alternative is clearly a tax increase.

Let us consider the AMT for a moment, and I think this is very important.

To listen to the other side talk about the need to deal with AMT relief through this budget reconciliation overlooks the fact that the House passed an AMT bill by a margin of 414–4 a few months ago. At that point, clearly an overwhelming majority, over 400 Members of this body, felt that passing a bill specifically to deal with the AMT was the right way to go.

So when we had another Member on the other side suggest that it was essential for someone to vote for this instruction if they are serious about dealing with the AMT is absurd. The House has already dealt with the AMT and in a manner that I think is appropriate.

It is appropriate for our tax conference to be in a position to deal with other issues, including extending existing tax policies.

Now, the gentleman from Maryland pointed out at the beginning of his remarks that the current tax rates are going to be in place until the year 2008 on capital gains and on dividend income, and that is, quote, unquote, plenty of time. I would suggest to the gentleman that the markets may disagree with him. The markets are assuming that we are going to extend current rates, and certainly in the past we have never scheduled a tax increase in these areas in advance and telegraphed the punch. I would suggest that markets might respond to this in a very strange way; and by adopting this motion to instruct conferees, in fact, I would suggest it would send exactly the wrong message at a time like this to the markets.

Some might argue that going back to the old higher rates, raising taxes in that manner, might generate revenue; and yet we have heard testimony before the Ways and Means in recent years that suggests that the revenue-maximizing rate in capital gains, according to one expert, might be between 20 percent and 15 percent, but in the next order of probability might be between 15 percent and 10 percent.

I would suggest, since the gentleman from New Jersey raised the question of morality, there is not really a coherent morality in setting tax rates in a particular area that are above the level at which they will generate the most revenue. I think that the current rates on capital gains clearly have been beneficial, and it is not clear that we are going to generate additional revenue if, as the gentleman on the other side would like to do, we increase those rates.

We have generated revenue that was not captured in our calculations by lowering these rates. Our experience with raising capital gains rates over the years is that the revenue that was supposed to occur rarely does, and that suggests to us that perhaps the 15 percent rate might be an ideal place to generate the most revenue, not that there is ever really a compelling argument for setting a rate at the revenue-maximizing rate.

I think there are also some things that we ought to consider about some of the figures that were thrown out here. I, in my initial remarks, pointed out some of the clear benefits to the middle class that have accrued from the current tax policies, and the gentleman on the other side of the aisle challenged that and trotted out some figures.

I should simply point out for the record that the joint committee has given us different figures, and the other gentleman's argument I found to be a saturnalia of static analysis. So I think that those who are following this debate can listen and make up their own minds. I think that clearly the current tax policies are justified on the facts, and the other side has not really offered a coherent position for adopting a new tax policy.

My feeling is that workers who have taxable assets, who have seen the value of those taxable assets which they are holding toward retirement increase because of the growth, increase because the market has gone up, may I suggest that they have seen a real benefit from our tax policies, one that is not captured in the static analysis used on the other side, but one which is important and is a real measure of wealth and is a real measure of their satisfaction.

I was intrigued by some of the rhetoric on the other side in which, on one hand, a speaker called for us to use civility and then accused us of siding with millionaires. That is an unusual approach to civility, but I would suggest to the speaker that by supporting the current tax policies and supporting the growth that so clearly is their result, we are siding with entrepreneurs. We are siding with workers who depend on small businesses and the people who run them to create the jobs that they need. We are siding with the capitalist economy that has created more wealth and more opportunity in this country than anywhere else in the world. We are siding with the dynamic side of our economy and that part of our economy that we think offers the promise of new opportunities throughout America.

I believe that we have a great opportunity in this tax conference to move forward and to continue this House's policy of supporting pro-growth tax policies. I certainly hope that the House tonight makes very clear that we continue to support those policies; and on the eve of this tax conference, I hope that we come together to send a clear message by rejecting this instruction.

I think there is a clear philosophical difference here. We believe in growth. We believe in expanding opportunity. We believe that the capitalist economy can create those opportunities. We believe that American workers and American companies, where given the opportunity and where the Tax Code and the taxman does not get in their way, can compete anywhere in the world.

Mr. Speaker, with that I call on my colleagues to reject this instruction, perhaps well-meaning, but poorly conceived and clearly a tax increase at the wrong time and at the wrong place.

Mr. Speaker, I yield back the balance of my time.

□ 1730

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me make it very clear. I offered this amendment not as a Democrat, and I don't ask you to vote for it because you are a Democrat or a Republican. I offer it as an American who is concerned about the debt of this Nation. I want to see this Nation change direction. I don't think we are heading in the right direction on our economic policies. I think this debt is very dangerous and I want to change direction.

Let me also just say to my friend from Pennsylvania, words have consequences, so please be careful obviously the words we use in this body. We have a responsibility. It is wrong to say that this motion increases taxes. You are using that because we don't extend in our motion a tax provision that will expire in 2008. Well, Mr. ENGLISH, I could say that you are raising taxes by voting against it because you are only extending the R&D credit to 2007, where that is even shorter than 2008. And I would acknowledge to you that would be a wrong thing for me to say. So please be careful with the language you use. You know that this motion does not increase taxes whatsoever.

A question was asked: What is the appropriate level of taxation? Well, this motion asks: What is the appropriate level of debt? Is anyone going to be concerned about the bottom line debt of our Nation? Isn't there a limit? Now it is $8.9 trillion. Whether we lose revenues through taxes or spend it through the appropriation process, it costs the people of this Nation the same burden to their economy.

No, I am not happy about the economic progress that we have had over the last 5 years. I am not happy about our trade deficit of $720 billion. I am not happy about how many jobs we have exported to other countries. You look at the loss of jobs in America, good jobs, and you look at the job creation, and it is not equal. This has been the worst performance of any administration in modern times as far as the growth of good jobs here in America. So, no, I am not happy about our economic performance.

But what I do ask my colleagues to do is look at this motion that is before you. Read it. It says that we don't want to increase the debt. I would hope all my colleagues would agree with that. It says we want to extend the R&D and the saver's credit to the maximum extent possible. I would think, using my friend from Pennsylvania's argument, that voting against that you are voting for a tax increase. And I don't believe you are, but I just point out the illogic of that argument.

And then it says, yes, we have to make choices, and the Alternative Minimum Tax should be our top priority. Why? Because that expires this year. If we don't correct it in 2006, our constituents are going to have to be paying the Alternative Minimum Tax. And you can keep on saying you will pass legislation to do it, but you know if it is not in the budget reconciliation, if it is not protected by a point of order, we are not going to get it done. We know that. That is why we are saying let's put it in the bill that is going to make it to the President's desk that is going to be signed into law. Let's not play games with this. Let's do what is right for the people of this Nation.

So if you read this motion to instruct, you are going to find that if you are for reducing the debt, if you are for the saver's credit, if you are for the research and development credit, and if you really want to provide Alternative Minimum Tax relief, and then lastly, if you want to avoid a calamity that may in fact be happening if the reports are correct about what is happening in the tax conference, where it is even going to be worse than what we thought, that we are going to be using gimmicks and accounting procedures in order to say that we fit within the budget reconciliation when in fact we don't. I have been told one of the provisions is the RSAs, the retirement savings accounts, which is going to count money as had, even though we are going to lose revenue in the long term.

That is not what we should be doing here. Let's act responsibly. Let's act in the best interest of all the people in our community. Let's not just vote one way or the other because you are told that that is the partisan thing to do. Let's do what is right for this country. Let's speak out about this deficit. Let's speak to the priorities that should be in our Tax Code.

This is our opportunity to do it, and I urge my colleagues to support the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. CARDIN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to agree to the provisions contained in the Senate amendment regarding the prohibition of wearaway in connection with conversions to cash balance plans and the establishment of procedures affecting participants' benefits in connection with the conversion to such plans and not to agree to the provisions contained in title VII of the bill as passed the House.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I offer a motion to instruct conferees on H.R. 2830, the Pension Protection Act. The Senate appointed conferees on March 3 and the House on March 8, and yet 1 month later it appears almost no progress has been made. In fact, I actually would say that the conference seems to have gone backwards. Senator ENZI, the conference chair, promised that there would be an open and bipartisan conference; Mr. Leader BOEHNER promised the same. Instead, both meetings have been held in secret by a small group of Republican conferees.

There are a lot of important issues pending in the pension conference. Every day employers are dumping their pension plans and millions of workers are deeply worried about their retirement security and whether or not they will have sufficient funds for their retirement to support their families. One of the key issues pending in the conference is whether or not older workers will be protected when employers convert their traditional defined benefit plans to a so-called cash balance plan. It is a critical issue for millions of American workers, and it is not a new issue to this House.

During the 1990s, hundreds of large employers switched to these cash balance plans, including IBM, whose conversion was ruled illegal. As many as 8 million workers have been affected by these conversions, many of them, perhaps half of them, experienced deep cuts in their pension benefits as a result of these conversions.

Let's be clear. Companies promised these benefits to these workers. These workers earned these benefits. Then with some paperwork and a little fancy accounting footwork, companies slashed the benefits of these workers. How did the companies do it? First, the benefits of the traditional pension plan are based upon the worker's pay at the end of their careers and when they are earning the most. Cash balance plans, on the other hand, are based on worker's average pay over the course of their career.

With just a simple change on how benefits are calculated, companies can devastate the retirement nest eggs of hard-working employees, workers who gave up wages, who gave up vacation days, who gave up all kinds of benefits as they balanced out their pension plans. Yet we now see companies unilaterally essentially destroying the pension benefits that those workers are entitled to.

Older workers under these conversions can lose up to half, half of their expected retirement benefits. Don't take my word for it. That is according to the Government Accountability Office. They tell us that that is what happens to older workers. This chart shows exactly what happens. This is what would happen to the workers who went into the workforce at age 25 and worked for a company. They would see their traditional retirement benefits continue to go up. With a cash balance plan, the retirement benefits go down.

For the older workers, this is what they stand to lose. For anyone over about the age of 46, 47 years old, they have a substantial change in the pension benefit that they were counting on. Obviously, for these workers out here, at age 55, it is very difficult, if not impossible, to see how they would recover a sufficient amount of savings to provide for the retirement that they were planning on at that time.

And it gets worse if you are 60 years old. So anybody after 45 years of age is greatly disadvantaged under these plans. And that is what is going on in the pension conference committee, is whether or not we will have the opportunity to provide for those older workers.

What we now see is that IBM did this and the court stopped those conversions in 1999. The House voted overwhelmingly on several occasions in support of amendments urging the protection of older workers. The Bush administration first tried to lift the moratorium and legalize these conversions. But after 218 Members of the House or the Congress urged the President to reconsider, he withdrew that proposal. The Bush administration changed its position and has submitted proposals that do more to help the older workers.

As part of the pension funding reform legislative debate, Senators Baucus, Kennedy, Frist, Grassley, Hatch and Lott brokered a compromise. The compromise largely follows the Bush administration proposal and was passed by the Senate 97–2. This motion to instruct that I am offering today urges the conferees to support the Senate compromise on protecting older workers in the cash balance conversion.

The House-passed bill contains no protection for older workers and would actually legalize some of the worst employer practices that jeopardizes worker retirement security and their retirement nest eggs.

The AARP, the AFL–CIO, the National Committee to Preserve Social Security and Medicare, the National Legislative Retirees Network, and the Pension Rights Center all support this motion. The AARP opposes any pension funding reform bill that does not protect older workers affected by these cash balance conversions.

The House of Representatives has already voted three times to require the Treasury Department to protect older workers from age discrimination in cash balance conversions. In 2002, the amendment passed by a vote of 308–121; in 2003, it passed 258–160; and in 2004, it passed 237–162. Mr. Speaker, obviously this House has recognized the unfairness of the cash balance plans to older workers and that older workers ought to be protected.

We believe that older workers ought to be given a choice. That is what the Congress did when it changed its pension plan. That is what Secretary of Commerce Snow said that he did when he was running his company, when he sat on the board of other companies, because he said that was the fair thing to do. The Bush administration has come around to that position. The only place where we don't hold that position is under the Republican-passed bill on the pensions that is now in the conference committee.

That is why this motion to instruct is important, so that we can make sure that, at a minimum, we can exit that conference committee with the Senate-passed provisions that passed 97–2 to help protect, not perfect, but to help protect older workers who are subject to these dramatic changes by their employers, and who have very little opportunity to recover that nest egg of retirement benefits that they were counting on, that they worked hard to earn, that they negotiated with their employers and now simply, by a unilateral action, are ripped away from them.

It is not fair, it is not ethical, it is not right, and this Congress ought to stand up and change it to protect those older workers. I urge my colleagues to support the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, hybrid pension plans represent an important component of worker retirement security. In fact, more than 9 million workers today rely on these benefits for a safe retirement. Unfortunately, some continue to paint a misleading picture about these pension plans.

Despite these claims, hybrid plans actually provide more generous benefits for the majority of workers than do traditional plans.

□ 1745

These conclusions emerge from a growing body of independent research by economists and academics at some of the Nation's most respected institutions, including the Federal Reserve Board, the Urban Institute, the Brookings Institution, and the Wharton School of Business.

Not only are hybrid plans especially advantageous for women and lower-paid workers, but they also comprise the only part of the defined benefit system that is growing. Hybrid plans now provide the PBGC with approximately 25 percent of its premium income. And because the total number of defined benefit plans has declined significantly over the last 20 years, it is now more important than ever to encourage employers to stay in the defined benefit system and offer these benefits.

The threat of liability is creating ongoing legal uncertainty and undermining the retirement security of American workers, however. A few conversions from traditional plans to hybrid plans have raised policy questions about whether such conversions are age discriminatory. But notably, the vast majority of conversions have been handled properly within the rule of law and to benefit the workers.

In a typical hybrid plan, a participant's account is credited each year with pay and interest credits. Hybrid opponents have argued that benefits for younger workers are ultimately higher than benefits provided to older workers because younger workers accrue interest and earn benefits over a longer period of time. This is tantamount to arguing that the concept of compounding interest is age discriminatory, which would make the most basic savings account illegal. In short, the argument holds no water.

Recent court decisions made clear that no age discrimination occurs with these plans if the pay and interest credits attributed to older employee accounts are equal to or greater than those of younger workers. And the majority of courts have ruled that hybrid and other hybrid plans are not age discriminatory.

Moreover, under the Employee Retirement Income Security Act and the Internal Revenue Code, benefits earned under a traditional plan cannot be reduced when they are converted to a hybrid plan. That is right, in spite of assertions to the contrary, vested benefits earned by workers are never reduced in a hybrid conversion.

The Pension Protection Act which was approved by a bipartisan majority in the House last December helps resolve the legal uncertainty surrounding hybrid plans and ensures they remain a viable part of the defined benefit system. The measure establishes a simple age discrimination standard for all defined benefit plans that clarifies current law with respect to age discrimination requirements on a prospective basis. And it prohibits the reduction of any vested benefits workers have earned during a conversion to a hybrid plan.

Mr. Speaker, our ultimate goal is to ensure hybrid plans remain a viable option for employers who want to remain in the defined benefit system and workers who prefer the portable and secure benefit this option provides. The Pension Protection Act provides a balanced approach that protects the benefits workers have earned and provides the legal certainty needed to encourage employers to continue offering these benefits.

This Democrat motion to instruct would place harsh mandates on those who voluntarily offer these pension benefits, which is particularly harmful at a time when so many are leaving the defined benefit system altogether. I urge my colleagues to vote "no" on the motion to instruct and reject this attempt to obscure progress on pension reform.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

I want to make clear I think the gentleman misunderstands the nature of the motion. This is not about whether you have hybrid plans or cash balance plans. We made that very clear. We simply want those plans to protect the older workers that stand to lose a great deal of benefits.

For younger workers there is some suggestion these plans may be better. It is interesting that 40 percent of the workers in these plans never get to a benefit even under this. But at a minimum, it ought to be clear that older workers are not going to suffer irreparable economic harm in terms of their retirement.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend and ranking member for yielding.

I appreciate the comment he just made, but the debate here really is not about whether the law should authorize hybrid plans or cash balance plans. The issue is how should the law authorize those plans and what kinds of protections should be included for pensioners and workers.

I think Mr. MILLER's approach in this motion to instruct takes us down the right road, and I would urge my colleagues to vote "yes" and support it.

There are three issues that we have to resolve here. The first is what steps should be taken to prevent the wearing away of benefits for workers that have started in a pension plan and then find themselves in a different position because of a hybrid plan being adopted.

Mr. MILLER's approach I think uses the most conservative assumptions and therefore the fairest assumptions for those workers to make sure that they will not lose benefits.

The second question that has to be addressed is what are the conditions under which a conversion will be treated as legal. In other words, if an employer has a traditional pension plan today and he or she wants to switch that plan to a hybrid plan, what are the ground rules for a fair conversion. I think Mr. MILLER's approach is the fair and just one in that regard as well.

The third question which is raised in neither bill, but which I hope the conference could at least touch on, is what about conversions that have already taken place, and what should the ground rules be for those with respect to any lingering issues that may have happened with respect to them.

Chairman MCKEON I think is right, there does need to be a recognition of the proper place of hybrid plans in the defined benefit world. I think the House and Senate agree that is the case.

The issue, though, as Mr. MILLER raises, is what are the proper rules to ensure fairness in those hybrid plans. I think Mr. MILLER takes the proper approach, and so I urge a "yes" vote on this motion to instruct.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KLINE), a member of the committee.

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in all of the days and weeks and months that we in the committee were debating the state of pensions, defined benefit pensions, it was clear to all of us that we are losing more and more of those plans. More and more employers are going out of business, going into bankruptcy, terminating their plans or simply not starting them.

As has been pointed out, we passed in the House, and I think the gentleman from California called it a Republican, but I think it was a bipartisan bill with 70 Democrats joining us in that vote, including provisions for these hybrid and cash balance plans.

My fear is that as we put more and more mandates on employers, we will lose more and more plans. Without some legal certainty from Congress, employers will stop offering these benefits, and cash balance plans will simply fall by the wayside like so many other pension options.

This Democrat motion and the Senate bill mandate particular pension benefits which could have a devastating effect of accelerating the demise of the defined benefit pension system, and I do not think any of us want that.

Consider that in 1986 there were 172,642, that is, 172,642 defined pension plans, and that number dropped to 29,000 in recent years. That is the wrong direction.

Greater mandates on employers will only increase this trend. Mandates would create enormous problems for employers. For example, a mandate would determine pension designs instead of allowing employers to decide what is proper for individual businesses, and that would result in more plan freezes and terminations if employers are denied the flexibility to adapt their plans to business circumstances and employee needs.

Again, we are faced with the specter of more and more plans going away. Employers should be encouraged to offer pension plans, and the government should not mandate the vehicle by which to offer such benefits to their employees. Mandating a particular type of conversion would be harmful to workers. More workers receive higher benefits from their cash balance plan than benefits earned under the traditional defined benefit plan.

In any case, we want a solid pension plan and more businesses for more workers, and my concern is that this motion to instruct in the Senate provision would work the other way. Let's not drive out more pension plans. I urge my colleagues to reject this motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds.

I would just say that this is about whether or not we continue in the direction that the Republican pension bill takes us where the Pension Benefit Guaranty Corporation said the bill made the system less secure, where the Congressional Budget Office said it made the system less secure, and now what we do not have are the protections on cash balance plans which make it less secure.

If we keep going in that direction, if we keep following the Republicans, America's retirement benefits will be less and less secure. Their retirement will be in greater and greater jeopardy. We can change the direction. We can go in another direction. The Senate voted 97-2 to provide these kinds of protections. This is not some crazy partisan idea. This was a big bipartisan bill with Senator LOTT and others on this bill, and it is about protecting people's pensions.

Mr. Speaker, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS) who has been working this issue longer than anyone else in the House.

Mr. SANDERS. Mr. Speaker, the middle class of this country is being assaulted in so many ways. Millions of Americans are working longer hours for low wages. In the last 5 years, 6 million Americans have lost their health care. We have lost 2.8 million good-paying manufacturing jobs. New jobs being created are low wage and low benefits.

But of all of the attacks taking place on the middle class, I think the most unspeakable is the assault by corporate America against the pensions that were promised to American workers. Just think about it. There are millions of people today who have worked for a company for 20 or 30 years, and one of the reasons they worked for that company is that they were promised that when they retire, they are going to have a certain pension. And then suddenly out of nowhere a company says thank you for working for us for 30 years, thank you for not going to another company when you had a better opportunity, but we have changed our mind and we are going to cut your pension by 20, 30, 50 percent. It is too bad you are 60 years of age and you have no place else to go, that is the reality. That is unspeakable, it is unacceptable. When those workers have no place else to turn to, it is the job of the United States Congress to stand up for them.

Mr. Speaker, I rise today in strong support of the Miller motion to instruct, and I commend the gentleman from California for his leadership on this issue.

Mr. Speaker, pension anxiety is sweeping this country. Millions of Americans are worried that the pensions they have today will not be there for them when they retire, and with good reason.

Over the past two decades, large corporations have been breaking the retirement promises they made to their employees, and that is wrong. Some companies are declaring bankruptcy for the sole purpose of breaking those retirement commitments. Other companies are freezing pension plans in order to slash retirement benefits of older workers.

Congress must tell corporate America in no uncertain terms that when they make a promise to workers about their pensions, they must keep that promise. That is what Mr. MILLER's motion is all about.

Mr. Speaker, last December the House passed a so-called pension reform bill that was hundreds of pages long. Included in that bill was an obscure provision to legalize age discrimination in cash balance plans prospectively. No floor amendments were allowed to strike this provision or offer any alternatives to it. Members were forced to vote up or down on the entire bill, but the Senate did the right thing. In their bill they provided important protections for older workers who would be negatively impacted by cash balance schemes. The Senate language is supported by the AARP, the AFL–CIO, the National Committee to Preserve Social Security and Medicare, the National Legislative Retirees Network, and the Pension Rights Center.

Today, unlike last December, we have an opportunity to do the right thing for American workers. We can and should instruct the conference committee to adopt the Senate language on cash balance plans.

Mr. Speaker, there are some who support cash balance schemes. They argue that these plans benefit employees. Well, interestingly, a couple of years ago I asked the Congressional Research Service a simple question: What would happen if Members of Congress had their pensions converted to cash balances?

If it is a good idea for millions of American workers, it must be a good idea for us, right? We want to lead. Well, guess what, very few Members of Congress thought it was a good idea for this institution. So if it is not good for the Members of Congress, I think it is not good for the American working people, and I urge strong support for the Miller amendment.

□ 1800

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the committee.

Mr. KUCINICH. Mr. Speaker, I strongly support the Miller motion to instruct conferees. This motion to instruct supports the bipartisan Senate compromise language that will protect older workers.

Now, H.R. 2830 does a great disservice to older workers by denying the reality that conversions from traditional defined benefit plans to cash balance plans harm older workers. A report released in early November by the GAO found that a majority of older workers experienced deep cuts in their pension when converted from a traditional plan to a cash balance plan without transition protections. This is not only unfair, it is wrong. Providing transition protections for older workers should not be a choice for employers. It should be a requirement. Any change in plans must protect the accrued benefits of employees, and the conference report should reflect that reality.

It is a myth to believe that cash balance plans are innocuous. For older workers especially, these plans are hazardous. A pension plan is worth nothing if it does not provide security for employees, and these plans translate into increased vulnerability for workers as they retire.

Hard working employees should not be rewarded for their service with a denial of pension benefits. I urge my colleagues to help ensure that workers' pensions are protected by supporting the Miller motion to instruct conferees. Let's stand up for people who work a lifetime and were told at the beginning of their work experience the money was going to be there to enjoy their golden years. Support the Miller amendment and put some teeth behind that guarantee.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I serve on the Ways and Means Committee, and I rise in support of Mr. MILLER's motion to instruct conferees.

Eliminating wear-away, or the fact that dollars for older workers under a cash balance plan tend to wear away in value, is very important. We need to ensure that when an employer converts from a traditional defined benefit plan to a cash balance plan, workers receive their full benefits. But we also need to ensure that we draft rules that protect older workers, because they could be vulnerable during such conversions.

But more importantly, I want to talk about the issue of retroactivity. Addressing retroactivity is important to the retirement security of many American workers in my congressional district.

Employers that sponsor cash balance plans and other hybrid plans have been hanging in limbo for almost 7 years.

The Internal Revenue Service has felt it necessary to temporarily stop issuing determination letters for converted hybrid plans, and litigation throughout our court system has left the legality of all cash balance plans up in the air.

In my congressional district, I have four major employers that offer pension benefits to their employees through either a cash balance or other hybrid pension plan. Some of these plans were acquired through mergers/acquisitions while some were adopted through conversions.

The employers treated their employees fairly, giving them the choice whether or not to convert the plans, and ensuring that worker benefits were not diluted, and these four employers are not alone. There are a lot of good actors across the country.

According to a recent AARP-funded study, 23 of the largest 25 cash balance plans, or 92 percent, provided transition protections for their older employees when converting from traditional defined benefit plans to cash balance plans.

Nonetheless, the four employers in my district, as well as 1,100 others across the country, are caught in a web of legal uncertainty. We are in an era where companies are eliminating their pension plans, including hybrid plans; not fixing this problem will only perpetuate that trend.

A recent survey of planned sponsors by Watson Wyatt showed that more than 25 percent of our employers who offer a hybrid pension plan either froze their plan or were actively considering terminating or freezing their plan.

A cash balance is a defined benefit plan, and it is the future of our defined benefit system. It allows people to move from one employer to the other employer. But we need to give them protections in that process.

If Congress does not resolve the legal uncertainty that cash balance plans currently face, employers will continue to terminate their pensions. That would not be beneficial to the retirement security of hard working Americans.

The conferees need to address retroactivity and establish benefit accrual standards and establish benefit accrual standards as it relates to age discrimination and that encourage employers to retain their cash balance plans and not dump them.

For Congress to not resolve this issue would be unwise public policy and would put the retirement security of thousands of workers at risk. This is our chance to fix the problem. We must seize it. On behalf of the workers and companies, let's clear up this confusion and put workers back in the right place.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, there are a lot of issues we talk about here on the House floor where Members don't know much about the issue they are talking about. This may be one for me. But I did serve on the Pension Commission of the State of Minnesota and I know something about defined benefit plans. I know something about defined contribution plans, and I understand how pension plans in general work, and so I rise in support of the Miller motion.

The reason this issue is here, and my colleague from Ohio just described it very well, the reason we are here is that we are now in the process where many employers are converting their pension plans from old defined benefit plans to this new hybrid plan called a cash balance plan. And I am not opposed to that basic notion.

But what happens, Members, and you need to understand, is many older workers show up for work one day and their pension plan has changed.

Now, the employers say, well, that is our pension plan and it is our money. Well, that is not exactly true. That money is being held in trust, and this has been a very craftily done procedure to allow many employers or some employers to take money from the pension plans and convert it to their bottom line, and that is wrong. This is not their money. That is the first point everybody needs to understand.

The second thing people need to understand is the Senate did a better job of writing their bill. This is all here because of a few bad actors, and the Senate said we are not going to protect those bad actors, and so the Senate did a better job. We wouldn't even be talking about this if we had all agreed on some language that would have protected those older workers.

Members, this is the right thing to do, and I want to say to my Republican colleagues, what we are talking about here is language that was inserted by the Senator from Iowa, who is a Republican. Okay? This is not a Republican issue. It is not a Democrat issue. It is not right versus left. It is right versus wrong. It is wrong to allow a certain number of employers to get their hands into the pension funds and to change these pension plans without talking to their workers. It happened at IBM and they were taken to court and Federal court ruled that this is age discrimination. And do you know what? I agree with that Federal court.

So Members, please support the Miller motion to instruct. All we are saying is we want the Grassley language in the final product when it comes back from conference. If we do that, we will have served the best interest of working Americans, and I think we will have served those employers who are doing the right thing, and we will send a clear message to those employers who either have done the wrong thing or want to do the wrong thing, that we are not going to put up with that.

This is a good motion. It is not a Republican motion. It is not a Democrat motion. We are simply saying, let's keep the Grassley language in the final product.

I rise in support of this motion to instruct conferees. The motion instructs the conferees to adopt the Senate provisions on cash balance plans in S. 1783 written by Senator GRASSLEY and his Committee and passed by the Senate by a vote of 97–2.

These are common sense reforms supported by the vast majority of the Senate and AARP.

I supported H.R. 2830, the Pension Protection Act of 2005, when it passed the House. At the time, I noted it contained a weakness that I wanted to see addressed in conference committee. The weakness of the House bill is that it does not have strong rules regulating the conversion of defined benefit pension plans into cash balance plans. On the other hand, under the Senate bill, employees would be given added protections so that older employees are not put at a disadvantage when conversions take place.

Millions of Americans are currently vested in defined benefit pension plans. Even though they may be working for a very profitable company, they could show up for work one day and learn that their promised benefits have been dramatically reduced with the sweep of a pen. This is what happened to thousands of employees in my district.

Millions of Americans will be affected by this legislation. It is important we get it right. I ask my colleagues to support the Miller motion to instruct.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the committee.

Mr. TIERNEY. Mr. Speaker, I would like to add my words in agreement with the gentleman from Minnesota, that this is not a partisan motion in any sense of the word. This is something that Members of Congress, I think, can get behind and clearly feel comfortable that they are just serving the interests of their constituencies.

This particular motion does take the language from Senator GRASSLEY, on the other side of the House, that puts it into the bill that it would prohibit the wearing away, the practice by which some employers have discriminated against older workers when they offset the benefits that were already earned against their ability to earn new benefits under these new cash benefit plans. They can result in no new benefits being added, actually, for workers' pensions for up to 10 years.

And they provide for a fair transition for rules to protect workers' pensions when they do convert the traditional pensions to those so called cash balance pension plans.

We critically need this. You only need to talk to the people in your districts, my colleagues, and you will find a growing sense of insecurity in this country as corporations back off their responsibilities for health insurance, back off their responsibilities for retirement plans, and now come up with a cash balance plan which is supposed to be a plan melding two different types of retirement programs and ends up hurting some.

One of my constituents talked about having worked for AT&T for 30 years. After 30 years of loyal work, the conversion of her pension to a cash balance plan reduced her benefits by 46 percent. It is not fair. It is not right, and it shouldn't be acceptable to Members of this Congress.

The Government Accountability Office released a major report on cash balance plans last November. They found that workers of all ages experience significant cuts to their retirement benefits when their employers switch from the traditional pension plan to the so-called cash balance plans without first protecting employees rights.

Over 85 percent of 30-year-olds, 90 percent of 40-year-olds and half of the 50-year-olds experience deep cuts in their retirement benefits if they are shifted from a traditional pension plan into a cash balance plan without protections for retirement benefits.

The GAO study did not find a single case, not a single case in which the cash balance plan provided the same level of retirement benefits that a typical defined benefit plan provided.

Without transition protection, almost all workers, including younger workers, will lose up to 50 percent of their expected pension benefits. And, Mr. Speaker, we can't allow that to happen.

I ask my colleagues to join with Mr. MILLER in this attempt to make sure that we do protect this group of pensioners.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), my friend from the other side of the aisle.

Mr. POMEROY. Mr. Speaker, I am going to oppose this motion to instruct. I certainly think there is a good intention behind it. Clearly, all of us have been concerned when we have had some of these conversions from a traditional pension plan to a hybrid plan, and older workers have suddenly found that they have been terribly disadvantaged in the conversion, seen their pension benefits and expected pension benefits reduced significantly.

But here is why I don't like this motion. It fails to really address this issue in the context of what is in the marketplace. You have got defined benefit pensions that pay an annuity for as long as the employer lives. I think we should work together to make sure defined benefit pensions continue in the marketplace to the extent possible.

To the extent we don't have a defined benefit pension, alternative employee benefits relative to retirement include a 401(k) plan, which is essentially a savings account, and then there is something in between, a hybrid plan that does capture the annuitized feature of the pension, calculated in a different way than the traditional pension calculation.

Now, it is important that we have best practices and fair treatment in the conversion of a pension to a hybrid plan. But guess what? If we overly regulate the conversion from the pension to the hybrid plan, the employer will simply say, okay, we will go from the pension to the defined contribution plan. We are not going to make this intervening stop in the hybrid option, the cash balance option. We are just going to either scrap the benefit altogether or go right to the defined contribution plan.

I am convinced that that is not in the interest of workers, and that is why I am convinced that the Senate approach, which is advanced by this motion to recommit, actually does not help the very workers that we care about and we intend to help.

There is no question about the sincerity of the language by the proponents of this motion. They care about protecting older workers. It is just that, technically, what they have put before this body in a motion to recommit does not do that. I believe it actually may disadvantage the very people they hope to help by instead of moving to cash balance hybrid plans that at least preserve some features of the pension, they will just scrap that option altogether. I don't see anybody winning under that proposal. I urge a "no" vote.

□ 1815

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), member of the Ways and Means Committee.

Mr. FOLEY. Mr. Speaker, let me start by suggesting that I know all of us in this room are concerned about the viability of pensions. We want people who have worked their entire life to get the benefit of those investments. What we are also, though, trying to do is ensure that employers, corporations find a way in which to bring about the new realities of the marketplace, providing options.

For years people who worked in America relied on the standard fixed pension provided by, say, General Motors or another corporation. Over the years evolved opportunities to create hybrid plans, plans personally that I enjoy, an IRA account, a 401(k) offered through Congress, Thrift Savings, Keogh plans, and you can go on with all of the acronyms, Roth IRA, all designed to give people options in a marketplace, to give them some degree of certainty and some opportunity to provide these benefits.

Nine million workers today rely on the benefits for safe and secure retirement, which is an important number to note. What we are trying to figure out is how to create plans, cash balance plans, that provide both the liquidity and the opportunity to continue.

Adelphia is claiming bankruptcy. GM is on the verge. Large corporations are all suggesting that they are going to file based on their pension benefit problems that they are experiencing. We have seen it in the airline industry. So I think it is more important now than ever that we come up with an opportunity to both solidify and provide options. Distorting the facts will not help. Painting a misleading, inaccurate picture will not help. Suggesting somehow that we are chasing people out of defined pensions and creating this uncertainty I do not think is a true portrayal of the actions today.

The conclusions emerging from a growing body of independent research by economists and academics at some of the Nation's most respected institutions, and I quote this from Mr. McKEON's opening statement because I think it is important to underscore, including the Federal Reserve Board, the Urban Institute, the Brookings Institute, and the Wharton School, not only are hybrid plans especially advantageous for women and lower-paid workers, but they also comprise the only part of the defined benefit system that is growing. Hybrid plans now provide the Pension Benefit Guaranty Corporation with approximately 25 percent of its premium income. And I need only remind our Members of Congress PBGC is sliding on thin ice. So if they are actually getting derived revenue from this opportunity, we should not only be encouraging it. We should hopefully be expanding it.

As we know, those that are paying into the system like airlines and others no longer can make contributions because they have specifically filed for bankruptcy to take away those obligations and foist that obligation back on PBGC, which is why I believe we are all working on a solution. We are trying to find answers. And the total number of defined benefit plans has decreased significantly over the last 20 years, so that tells you people are moving away from defined benefits, looking for options. If we foreclose this option, make it more difficult for this option and disparage this option and give people an uncertainty, then fewer and fewer people will have any type of benefit to look forward to after years of work.

The threat of liability is creating ongoing legal uncertainty and undermining the retirement security of American workers. So I think and suggest that the conversions are appropriate, that this bill is appropriate, and I urge my colleagues to focus on the facts. And I think they will agree, as they see the success of hybrid pension plans, that these are, in fact, working for America, for both middle income, middle management, and upper management to find ways to create a secure and safe retirement for people who are investing in those companies, their workplaces, so that they can then take care of their golden years with some comfort.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from California for his leadership.

I do not know why we have this controversy. I do not see anything controversial about protecting, if you will, the rights of older workers. And I might remind my colleagues that the House of Representatives has already voted three times to require the Treasury Department to protect older workers from age discrimination and cash balance conversions.

This motion to instruct is simple. It provides protection for older workers under cash balance conversion; but more importantly, it is part of a negotiated Senate bill that has a bipartisan approach.

Mr. Speaker, I come from the city of fallen pensions, and that is, of course, the city of Houston. I am reminded of the tears and the disaster that occurred after the Enron collapse that showed that the lack of security for pensions in general and certainly those of older workers can be the actual collapse of a family.

This motion to instruct provides for prohibiting discrimination against older workers by the practice of offsetting previously earned pension benefits. I would only say we have voted for this before. Uncloud the issue and vote the right way, for the Miller motion to instruct to protect older workers' pensions.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the benefit of all those who are watching this debate, let me just kind of let everybody know where we are. The Senate passed a bill, a bipartisan bill. The House passed a bipartisan bill with a vote of 294–132, some of the Democrats voting for the bill. During the debate you have seen, we have had Republicans speak for the Democrat side. We have had Democrats speak for the Republican side.

We are all concerned, as Mr. FOLEY said, about the workers of America. Where we are now is we have each passed bills. A conference has been appointed. Senator ENZI is chairman of the conference. We have had a couple of meetings of the whole conference, and he is continuing to work with all members of the conference, or most of the members of the conference, to see that we get a bill out that will benefit the workers of America.

As was already mentioned, in 1986 there were 172,642 defined benefit plans. We are now down to 29,000. That is not a good direction. And the problem is we have not had meaningful pension reform in over 20 years. We are close now. This is a motion to instruct the conferees, to tell them how to function in this conference that has been set up. These motions are not binding, but they do give direction to conferees, and I think it is important that we do this. It is a good process for all of us to get to talk through this system. But the defined pension system is a voluntary system, and those offering these benefits have been leaving the system at an accelerating and alarming rate, and we are concerned about that. If we continue to burden those providing pension benefits with more and more mandates, that pace will increase even more.

And who loses? The men and women depending on these pensions for their retirement security. Simply put, shortsighted and politically motivated mandates intended to help pension plan participants only end up hurting them. And that is just what this motion to instruct would do.

For the sake of both employers and employees alike, we need to provide legal certainty for hybrid plans. The Pension Protection Act will provide that. This motion to instruct will not.

I urge my colleagues to reject it and protect the portable and secure benefits provided by hybrid plans to nearly 10 million Americans.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

It is very simple. There are millions of Americans that are caught in this trap, the gap between what they would have gotten and what they will get under a pension conversion. You know what is in this gap? The dreams, the aspirations of hardworking Americans about their retirement, their plans for their grandchildren, their plans for themselves, their health security. That is what they were planning on paying for out of this gap. That is what they lose in a conversion.

All we are saying in this effort is to simply provide these people the additional protections that the Senate provided by 97–2. Now, we know this is a very partisan Congress, but 97 people came together and decided to try to help these individuals. They still allow for the conversions to cash balance. They provide the certainty that the employers want, and they provide the protection that the employees need.

Now, this House can continue to follow the Republican bill, the Republican direction on pensions that has made the pension plan less secure, made the pension plan more in jeopardy, whether it is the taxpayers who are at risk or the employees who are at risk. That is the wrong direction. Finally, on a bipartisan basis, a choice was made to go in a different direction, to stop this failed policy.

Pick up your USA Today. Read your USA Today today, and you will see that they make it clear that the bill that is currently in conference, the House bill, puts pensions in greater jeopardy with greater risk, that it will raise the risk that these people will lose their pensions. Why? Because the Republicans continue to let you manipulate the pension data. You can say that your employees are going to die younger so you will not have to pay out as much money. Whether they will or not has no bearing in fact.

So what are we doing here? We are trying to go in a different direction. We are trying to go in the direction of pension security, of retirement security, of peace of mind for people who are working hard, understanding that these employees earn these pensions and they should not lose them because some accountant can just come along and change it with the whisk of a pencil. It is not fair to those individuals. That is about the values of those people who are working hard. It is about young people knowing that their parents will be taken care of, that they will be able to have that retirement security.

Millions of Americans are watching as pension plans are crashing to the floor, as conversions are made and older workers are jettisoned in terms of these protections.

But you can change that with this motion to instruct. You can change it along the lines of a bipartisan consensus in the Senate which said you can both protect these workers, have the certainty of your conversions, and allow employers to choose to have conversions or defined benefit plans. It is the best of all worlds. It is the fairness.

The other reason Republicans can vote for it tonight is because I understand the Republican leadership said go ahead and vote your conscience. Well, tonight we will find out about the Republican conscience. Do they really want to take care of older Americans who are terrified about their retirement security? We will find out tonight, won't we? Because you do not have to jeopardize cash balance. You do not have to jeopardize the certainty of discrimination. But you do get to take care of the retirees, and you can do it all in one vote: a motion to instruct here.

So I suggest you come on down and let us change the direction of retirement security from insecurity that is now being presented by this conference committee, by the Republican bill, to one of security for America's workers, for America's retirees, to make sure that they will have the ability to take care of themselves and their families in the future. It is fundamental. It is basic. It is about fairness. It is about the direction of this country. We have got to change it.

The SPEAKER pro tempore (Mr. KUHL of New York). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct conferees on H.R. 2830 will be followed by 5-minute votes on the motion to instruct conferees on H.R. 4297 and on five motions to suspend the rules previously postponed.

The vote was taken by electronic device, and there were—yeas 248, nays 178, not voting 6, as follows:

[Roll No. 93]

YEAS—248

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Capito
Capps
Capuano
Cardin

Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—178

Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Flake
Foley
Fossella
Foxx
Franks (AZ)
Gallegly
Gibbons
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—6

Buyer
Evans
Langevin
Schwarz (MI)
Tanner
Watson

☐ 1856

Messrs. BARRETT of South Carolina, PICKERING, NEUGEBAUER, RADANOVICH, BOOZMAN, MARCHANT, REHBERG, POMEROY and FOSSELLA changed their vote from "yea" to "nay."

Messrs. GARRETT of New Jersey, WAMP, BACA, RUSH, NEY, WHITFIELD, JOHNSON of Illinois, BASS, RYAN of Ohio, DAVIS of Kentucky, HALL and FORBES, Ms. BEAN and Mrs. JO ANN DAVIS of Virginia changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHWARZ of Michigan. Mr. Speaker, on rollcall No. 93 I was unavoidably detained. Had I been present, I would have voted "yea."

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

The SPEAKER pro tempore (Mr. Rehberg). The pending business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from Maryland (Mr. Cardin) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 196, nays 232, not voting 4, as follows:

[Roll No. 94]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—232

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer

Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Evans
Langevin
Tanner
Watson

☐ 1904

Mr. BOEHNER and Mr. FITZPATRICK of Pennsylvania changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING THE GOVERNMENT OF ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS AND THE WELFARE OF ORPHANED OR ABANDONED CHILDREN IN ROMANIA

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 578.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 578, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 0, not voting 4, as follows:

[Roll No. 95]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Evans
Langevin
Tanner
Watson

☐ 1917

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE DR. PHAM HONG SON AND OTHER POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 320, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 6, as follows:

[Roll No. 96]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—6

Evans
Gohmert
Langevin
Tanner
Watson
Weller

☐ 1926

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 737.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 737, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 1, not voting 8, as follows:

[Roll No. 97]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth

Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Flake

NOT VOTING—8

Deal (GA)
Evans
Hastings (WA)
Langevin
Stearns
Tanner
Watson
Wicker

□ 1933

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 97 I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT A NATIONAL METHAMPHETAMINE PREVENTION WEEK SHOULD BE ESTABLISHED

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 556.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 556, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 9, as follows:

[Roll No. 98]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—9

Buyer
Deal (GA)
Evans
Langevin
Marchant
McCrery
Tanner
Thomas
Watson

☐ 1940

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING NASA ON THE 25TH ANNIVERSARY OF THE FIRST FLIGHT OF THE SPACE TRANSPORTATION SYSTEM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 366.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 366, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 99]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Deal (GA)
Evans
Langevin
McCrery
Oxley
Radanovich
Tanner
Thomas
Waters
Watson

☐ 1952

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4542, H.R. 4881 and H.R. 2646

Mr. FORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to three pieces of legislation: H.R. 4542, H.R. 4881 and H.R. 2646.

The SPEAKER pro tempore (Mr. SODREL). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BOEHNER. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 382) providing for an adjournment or recess of the two Houses and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 382

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 6, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 25, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 6, 2006, through Sunday, April 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 24, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the

House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO MONDAY, APRIL 10, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 26, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 26, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECOGNIZING AND HONORING FIREFIGHTERS FOR THEIR MANY CONTRIBUTIONS THROUGHOUT THE HISTORY OF THE NATION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution (H. Res. 764); that the resolution shall be considered as read; and that the previous question shall be considered as ordered on the resolution and its preamble to its adoption without intervening motion except 10 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to the order of the House today, I call up the resolution (H. Res. 764) recognizing and honoring firefighters for their many contributions throughout the history of the Nation, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 764

Whereas in 1736 Benjamin Franklin founded the Union Fire Company, the first volunteer fire company;

Whereas there are more than 1,100,000 firefighters in the United States;

Whereas approximately 75 percent of all firefighters are volunteers who receive little or no compensation for their heroic work;

Whereas career and combination fire departments protect 3 out of 4 Americans;

Whereas there are more than 30,000 fire departments in the United States;

Whereas approximately 100 firefighters die in the line of duty each year;

Whereas Congress recognizes that Christopher Nicholas Kangas was a heroic firefighter;

Whereas more than 340 firefighters died responding to the terrorist attacks on September 11, 2001;

Whereas firefighters respond to more than 24,000,000 calls during an average year;

Whereas firefighters also provide emergency medical services and life safety education; and

Whereas it is estimated that on April 6, 2006, more than 2,000 firefighters will attend the 18th Annual National Fire and Emergency Services Dinner and Seminars: Now, therefore, be it

Resolved, That the House of Representatives honors and recognizes the more than 1,100,000 firefighters in the United States for their contributions to and sacrifice for the Nation.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Maryland (Mr. HOYER) will each control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 764. Each year in this country heroic firefighters respond to more than 24 million calls. These brave men and women provide all kind of lifesaving services such as emergency medical care, life safety education and fire prevention education. Many of these firefighters are volunteers and risk their lives every day. For this reason it is important that we adopt this resolution and honor the bravery and perseverance of these individuals that they show on a daily basis.

I congratulate the gentleman from Pennsylvania on bringing forth H. Res. 764.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to thank my distinguished friend and chairman, Mr. DAVIS, who is a cosponsor of this legislation, and my good friend and partner, the distinguished minority whip, Mr. HOYER, for their leadership in bringing forth the resolution to pay proper tribute to the 1.1 million men and women across the country in 32,000 departments that protect our communities.

The Fire Service of America is older than America as a country. The fire service is in every community, both large and small. They are the backbone of our country, the heart and soul of the Nation. They are the people that make this country great.

Tonight, 2,500 of these brave leaders are assembled at the Washington Hilton, and they are looking forward to this recognition, which we will take to them as Mr. HOYER and I travel to the Washington Hilton and pay our respects.

In addition, this resolution goes one step further. In recognizing a recent Federal court decision that junior firefighters are in fact fire fighters, this resolution is affirming the Court decision that a junior firefighter is in fact recognized when the States in this country allow junior firefighters to be so designated. This is an important piece of legislation.

In honor of one of my constituents, Christopher Kangas, I am happy to have this bill come up so that all of us can provide true support for all of those men and women, including those younger junior firefighters, who aspire to take over the protection of our towns and cities across America.

I thank my colleagues for their support.

Mr. HOYER. Mr. Speaker, I want to thank my good friend, Mr. DAVIS, the chairman of the committee, for bringing this resolution to the floor in such a timely fashion.

I certainly want to thank my good friend, CURT WELDON, the cochair of the Fire Service Caucus, who has been the leader of the Fire Service Caucus, and the Fire Service of America and emergency medical response teams have no better friend than CURT WELDON in the Congress of the United States or, frankly, in any place else.

□ 2000

I am pleased to rise in support of our Nation's firefighters on this day that 2,100 of them from around the country are gathered in Washington for the annual National Fire and Emergency Services Dinner.

As Mr. WELDON said, we will be bringing them this resolution in just a few minutes as we go down to the Hilton to address them. I am proud to have cosponsored this resolution.

And I want to say that the Fire Caucus has long championed initiatives to improve the safety and well-being of our Nation's firefighters. Specifically, we have worked to establish and fund the assistance to the Firefighters Grant program, which has provided more than $3 billion in equipment and training grants for career and volunteer departments across the country.

Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great honor to enthusiastically stand before you, Mr. HOYER, and to join with the two outstanding co-Chairs of the Fire Caucus to acknowledge our brothers and sisters who are now being hosted at the Hilton Hotel to say thank you. Thank you to the 1 million firefighters, who every single day, and emergency operators, stand up and fight for the American people and protect the American people.

Coming from a city of firefighters and a district of firefighters and a district that has a number of devastating fires because we are elderly and we have old housing, never have we had a situation where a firefighter has not been willing to put their life on the line.

So let me simply thank you for this Resolution 764. Thank you again for acknowledging that we will never forget, and not on our clock will we forget to say thank you to America's firefighters. Congratulations to you both. Thank you for your leadership. And I hope to see you down at a great celebration for all of these great men and women.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments. I again thank the chairman and Mr. WELDON for their leadership on this issue.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I just would add that I want to give my thanks once again to Mr. WELDON for bringing this to our attention today and to Mr. HOYER for his continued leadership on this issue. We are happy to expedite this and move it through the House, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SODREL). All time for debate has expired.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 25, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 6, 2006.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 25, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX AND SCHEDULE OF AUTHORIZATIONS

Mr. HOEKSTRA. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence has ordered the bill, H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007, reported favorably to the House with an amendment. The committee's report will be filed today.

Mr. Speaker, the classified schedule of authorizations and the classified annex accompanying the bill will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room H-405 of the Capitol beginning anytime after the report is filed. The committee office will open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. I anticipate that H.R. 5020 will be considered on the floor of the House after the recess, as early as the week of April 24.

I recommend that Members wishing to review the classified annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendations. The classified annex to the committee's report contains the committee's recommendations on the intelligence budget for fiscal year 2007 and related classified information that cannot be publicly disclosed.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath provided for in the rule. Members are advised that it will be necessary to bring a copy of the rule XXIII oath signed by them when they come to the committee offices to review the material.

If a Member has not yet signed that oath, but wishes to review the classified annex and schedule of authorizations, the committee staff can administer the oath and see to it that the executed form is sent to the Clerk's office. In addition, the committee's rules require that Members agree in writing to a nondisclosure agreement. The agreement indicates that the Member has been granted access to the classified annex and that they are familiar with the rules of the House and the committee with respect to the classified nature of that information and the limitations on the disclosure of that information.

ACTIONS SPEAK LOUDER THAN WORDS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, our national security depends on strong border security. We need to know who is coming into our country, where they are from, and what they are doing here. Without properly securing our borders, we are vulnerable to terrorists and others who may come here seeking to harm Americans. And nothing is more important than maintaining the safety and security of our citizens.

I am proud of House Republicans for taking the lead in finding solutions to this very serious problem. Last year my Republican colleagues and I passed the Border Protection, Antiterrorism and Illegal Immigration Control Act. Republicans also passed the REAL ID Act, which would establish rigorous proof of identity requirements for driver's licenses and ID cards in order to help keep terrorists from having easy access to fraudulent IDs like they had on 9/11.

Now, the Democrats apparently have a newfound commitment to increasing our border security. That is great, but the American people sure could have used their support when the House was taking up these border security bills last year: 164 Democrats voted "no" to the Border Security Act, and 152 voted "no" to the REAL ID Act. Actions sure do speak louder than words.

EMPLOYEES OF THE DELPHI CORPORATION

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker, last week the Delphi Corporation, a key auto parts supplier which employs 33,000 workers in the United States and has been in bankruptcy for several months, filed motions with the bankruptcy court to cancel its labor contracts and impose massive wage and benefit and job cuts on its workers and cut 21 of its 29 U.S. plants.

And yet the House of Representatives has failed to hold a single hearing on this crisis. Unable to engage this crisis in an official hearing, I was joined by over a dozen Democratic colleagues in holding an e-hearing this past December to ask the workers and retirees at Delphi and General Motors to testify on the Internet about how this crisis impacts them and their families. We swung open the virtual doors of Congress to make sure that their voices could be heard. Over 700 witness statements poured in. The workers' testimony was deeply personal and heartfelt. And I want to share it with the House.

From Rena Miller, a Delphi worker from Tanner, Alabama. From William J. Conrad from Dagsboro, Delaware. Danny Carter, a 49-year-old Delphi employee who has been working in the Anaheim, California plant since he was 21 years old. And from Roger Smith, a retired Delphi worker now living in Hernando, Florida. Norbert Fuhs, a retired GM employee from Mitchell, Indiana. And Roger Talaga, a Delphi employee from Bay City, Michigan, who explained how the crisis would affect him and his family and the country.

DISPLACED VOTERS IN NEW ORLEANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the Attorney General appeared in the hearing of the Judiciary Committee for an oversight hearing, and we raised the question again about the protection of those displaced voters in New Orleans who have now the responsibility of casting their vote for a local election.

Ordinarily, Mr. Speaker, we would ask the involvement of the Federal Government, but the Voting Rights Act, section 2 in particular, guarantees protection of certain States and persons of the right to vote. Therefore, we cannot understand why the Justice Department precleared a system that will not work.

Today I have introduced with 42 cosponsors legislation to express the sense of Congress that the State of Louisiana and the Department of Justice must create outside satellite voting for the more than hundreds of thousands of displaced, disheartened Louisianans who have no way of going back to their home State at this time to be able to cast their vote for their city. They are, in essence, trying to come home. But with the little resources they have, today they cannot head home to cast a vote.

I hope the Attorney General and the State of Louisiana understand the Voting Rights Act and create outside satellite voting so that we can have the constitutional right to vote.

MEDICARE PART D DEADLINE

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I rise today to warn our seniors, a tax for your health will soon be upon you. The tax will be placed on those of you who have not signed up for Medicare part D by the President's arbitrary deadline.

The changes to the system are confusing to lawyers, seniors, and Members of Congress. We are forcing seniors to navigate unnecessarily confusing new programs and telling them do not pick the right program, just pick any program to prevent yourself from being faced with large penalties for joining late.

We must step back and extend the deadline until the end of the year to ensure that seniors do not pay the price for a poorly laid out part D program through higher premiums for life.

I have had several town hall meetings in my district in Indianapolis dealing with this whole Medicare quagmire. Over 1,000 seniors participated; and, unfortunately, they left just as confused as when they came. These are not the questions that we should have had our seniors asking.

I would encourage all seniors not to get taxed further by failing to meet the May 15th deadline.

Mr. Speaker, thousands of seniors came to a series of town hall meetings in my district alone and their stories were almost always one in the same, what must I do, how can I get that done and how much will it cost my already taxed budget. These are not the questions we should have our seniors asking as they lie awake in bed at night. We must not add another tax onto the budgets of our seniors. We have to deal with this already failing system but we should not penalize the people for the failure of Congress to create an easy to understand and comprehensive system. Stop the tax and extend the open enrollment period. As I mark another day off of this calendar I warn all Seniors don't allow yourself to fall into this tax trap, be prepared to submit your paperwork by May 15th.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENDURING MILITARY BASES IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last month the House surprised us all by unanimously agreeing to an amendment to the Iraq supplemental spending bill declaring that the United States has "no intentions of maintaining a permanent military presence in Iraq."

Who knew this Republican-controlled Congress would make such a positive statement?

The lead authors of the amendment were my colleagues and the Progressive Caucus co-Chair, Representative BARBARA LEE from California and Representative TOM ALLEN from Maine, both of whom have been instrumental in demanding that the United States not maintain any permanent military bases in Iraq.

Unfortunately, however, some people working inside the Bush administration are doing their very best to make sure that last month's efforts will be for naught.

One of the senior spokespersons at the U.S.-led coalition headquarters actually in Iraq had this to say about our lasting presence there: "The current plan is to reduce the coalition footprint into six coalition bases, four of which are operated by the United States."

So there you have it. The administration is not even hiding the fact that we are planning on maintaining four permanent bases on Iraqi soil, something they bureaucratically call "the coalition footprint."

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This appallingly casual reference to what the rest of us call an occupation is deeply insulting. Anyone who has heard the President tell the American people that we will leave as soon as Iraq is secure and we won't stay a single day longer should be equally offended, because the evidence on the ground suggests that this statement is deeply misleading.

Mr. Speaker, last fall I traveled to Iraq as a part of an official congressional delegation. I visited the Green Zone and the Balad military base, and I had the privilege of meeting with our soldiers serving overseas.

There were two powerful lessons that I took away from my visit. First, I saw that the troops stationed in Iraq are the very best that America has to offer. They are brave, they are intelligent, they are loyal, loyal to their country, to their mission and to each other. They are profoundly committed to this mission, even those who told me privately that they do not support the policy that underlies it.

The second lesson I learned in Iraq is that the perception among the military generals on the ground is that we will be there for a very long time. The military bases that we are building are like little cities. They have their own restaurants, supermarkets, and even their own gyms, theaters and bus routes. The troops deserve no less during their stay in Iraq, but our stay there must be for the short term. Our troops need to come home to their communities and these bases must be given over to the Iraqis.

The U.S. has already spent $280 million to construct the four biggest bases in Iraq, and the supplemental spending bill that the House passed in March provides nearly $200 million more to enlarge these bases. This is the real Iraq policy, not those phony platitudes and nicely worded sound bites about standing down when the Iraqis stand up, platitudes that President Bush and Donald Rumsfeld want the people to believe.

In fact, it is becoming increasingly clear that the Bush administration's intention all along was to secure a lasting foothold in the Middle East. Forget all that stuff that you heard about going to war because Iraq possessed weapons of mass destruction, which we all know wasn't true. Forget about Saddam Hussein's supposed ties to al Qaeda. We know that wasn't true either. And forget about freeing the Iraqi people from the thumb of a brutal dictator. My guess is that right now most Iraqis feel brutalized after more than 3 years of a preemptive war that now the President charges was about democratization.

The real rationale for going to war in Iraq is much more sinister and much more dangerous to our long-term foreign policy. It has become clear that the U.S. needs to end the war in Iraq and bring our troops home. Our soldiers need this, their families and loved ones back home need this, and of course the Iraqi people need this. But in order to truly end the occupation, we need to leave no lasting American presence in our place. That means no coalition footprint, nothing even close. That means bringing our troops home and giving Iraq back to the Iraqis.

HONORING RALPH HAUENSTEIN, MEMBERS OF THE HOPE COLLEGE WOMEN'S BASKETBALL TEAM AND COLONEL JOSEPH MAZUREK

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent to use my 5 minutes now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

HONORING RALPH HAUENSTEIN

Mr. HOEKSTRA. Mr. Speaker. I rise today to honor Mr. Ralph Hauenstein.

Mr. Hauenstein rose to the rank of colonel while serving in the U.S. Army during World Wars I and II and was appointed Chief of the Intelligence Branch in the Army's European Theater of Operations under General Dwight Eisenhower.

Mr. Hauenstein was later selected to serve as a consultant on the President's Advisory Commission during the Eisenhower administration. He served as a member of the team that supervised the first free elections in Russia and served as an auditor for the Second Vatican Council in Rome.

At 93 years old, he continues his career of public service and has significantly impacted west Michigan through his charitable donations and tireless involvement in his community.

His generosity made possible the founding of the Grand Valley State University's Hauenstein Center for Presidential Studies. The Center encourages students to emulate his career by aspiring to achieve leadership positions and committing to public service. It fosters discussion by students, government officials and the public about the role of the U.S. presidency in domestic and world affairs.

Mr. Speaker, please let it be known that on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the vision, contributions and achievements of Mr. Hauenstein as he continues to serve his country and community.

HONORING MEMBERS OF THE HOPE COLLEGE WOMEN'S BASKETBALL TEAM

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor the members of the Hope College women's basketball team on winning the 2006 NCAA Division III national championship.

On March 18, Hope defeated Southern Maine University 69–56 in the national championship game held in Springfield, Massachusetts. More than 500 Hope College students, alumni, faculty and fans were present at the Final Four tournament. With the win, Hope became Michigan's first women's basketball team to win more than one championship in any NCAA division. The college won its first title in 1990.

Hope played all six tournament games on the road. The team finished the season with an NCAA Division III women's basketball record of 33–1 after defeating the top four teams in the Nation.

Senior guard Bria Ebels of Holland, Michigan, was voted the most outstanding player at the tournament and a Division III All-American. Coach Brian Morehouse was chosen as the NCAA Division III National Coach of the Year by the Women's Basketball Coaches Association of America.

Mr. Speaker, please let it be known that on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the achievements of the 2006 Hope College women's basketball team and wishes its members the best of luck in the future.

HONORING COLONEL JOSEPH MAZUREK

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Colonel Joseph Mazurek as he approaches his July 1, 2006, retirement from the United States Army Reserve.

Mr. Mazurek joined the Western Michigan University ROTC program in the fall of 1972. He graduated from the ROTC Advanced Camp and the Army Paratrooper School in 1975. He served 2 years of active duty and became an Assistant Adjutant before being assigned to the U.S. Army Reserve. Since 1978, he has served in a wide variety of Reserve assignments at locations throughout the United States.

Colonel Mazurek continued to be promoted, and in 1992 he achieved the rank of Full Colonel. He has been called up for active duty three times since the start of Operation Iraqi Freedom as Deputy and Acting Adjutant General for Fort Hood, Texas.

Colonel Mazurek has had a long and successful career serving in the United States Army Reserve. Since April of 1978, he has served the Admissions Department of the U.S. Military Academy at West Point and has assisted numerous Michigan young people in gaining appointments to West Point. He has also served on the advisory committee for the Second Congressional District for young people to be appointed to the various military academies.

Mr. Speaker, please let it be known on this 6th day of April, 2006, that the U.S. House of Representatives acknowledges the 30 years of service of Colonel Mazurek and wishes him well upon his retirement.

REPOCRACY—A NEW FORM OF GOVERNMENT IN AMERICA

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the Republican majority in the House of Representatives has quietly ushered in a new form of government in America called Repocracy.

For those who believe that democracy is government of the people, by the people and for the people, Repocracy is absolutely the opposite of that. Repocracy is a government where open debate is replaced by lockstep discipline and where the rewards of the few become the burdens carried on the backs of the many.

Repocracy puts a price on American values and deals only in hard cash. You only have to watch C–SPAN to know what the real threat Repocracy poses.

For the last 6 years, the Republican Party has been a disciplined, monotone political machine. Republicans live by one rule; whatever the President wants, the President gets. War in Iraq, rubber stamp approval. Tax holidays for America's rich, rubber stamp approval. Slashing student loans, rubber stamp approval. Cutting programs for

America's vulnerable children and disadvantaged families, rubber stamp approval. Legislation written by financial institutions and big drug companies, rubber stamp approval.

It was all so neat and tidy. Republican Members of the House voted the way they were told and leaders would not end voting in the House until their predetermined outcome was achieved.

But that was last year. What has changed? The American people noticed. The American people put a lot of faith and trust in their leaders. For better or for worse, most Americans take the big picture approach: Trust elected officials until they betray that trust. Believe that elected officials will put America's interests ahead of political interests. Have faith that your leaders will change course when something is truly not working. In other words, trust, but verify.

It is precisely because the American people focus on the big picture that Republicans are doing everything possible to replace the image the American people see with a test pattern on television.

The President's ratings are below sea level. Republicans are counting the number of seats in the lifeboats. It is simple arithmetic, and the addition has Republicans subtracting.

Mathematics requires proof, and there is plenty. The President bequeaths to the future President any decision about Iraq. His plan takes form: Stay in Iraq until it is somebody else's problem. Invite the embattled President of Italy to address a joint session of the U.S. Congress, speaking in Italian, to use Congress as a political campaign for a backdrop in an Italian election. Charge the Iraq war on credit and mask its real impact on the deficit by leaving it outside the annual budget.

The clearest sign of all is the recent change in the House of Representatives to the 2-minute vote. Call it government by stopwatch. A mere 120 seconds to decide the faith of legislation affecting the lives of every American.

Under Repocracy, legislation comes to the floor of the House only when its passage is guaranteed. That is why we are going home today, because they can't get the budget. It is not guaranteed. The 2-minute drill forces blind allegiance and stiff arms democracy. But that is the intent of Repocracy. Math is math.

Republicans are losing their stranglehold on power. What is a party to do? Well, Republicans have concluded the best offense is a missing offense, so Republicans have substituted the business of the state for the business of reelection.

Suddenly, the House leaders feel an urgent need for recess after recess after recess. We have never had a week off for Saint Patrick's Day. It must be faith-based. The Republican mandated Congressional schedule has nothing to do with the people's business and everything to do with the Republican's reelection business.

The thinking goes like this: If Members are not in Washington, D.C., the national press corps is taken out of the equation. They can't trail 435 House Members, so news coverage goes dark. With Congress out of session, Americans cannot watch C–SPAN to see for themselves what is happening, or not, on the floor of the House. The curtain closes on the big picture. Mission accomplished.

The word "Congress" comes from the Latin "con+egresso," which means come together. The idea was for an orderly and reasoned debate. Take out the stopwatch and clock 2 minutes. Then decide if you think America is governed by a functioning Congress today.

Repocracy is not merely a dereliction of duty, it is an outright threat to democracy. That is the big picture, the one Republicans don't want the American people to see.

But there is more than one channel, and the American people are watching. They would like to know why this is the do-nothing Congress that will be in session less than the do-nothing Congress of 1948. This will be the Congress that spent the least time discussing our problems on the floor.

We are at war all over the place, we are in debt worse than we have ever been in history. We have no health care for 46 million people. But where is the Congress? They have left. They have gone home. They have got to campaign. If they were here, the people could see they were doing nothing. But Repocracy says we only do it when we rubber stamp it for the President. Otherwise we are getting out of here.

Now it is getting tough because people don't want to rubber stamp for the President anymore. There is an election coming. It is coming soon.

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LIMITING SIZE OF THE FEDERAL GOVERNMENT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, several weeks ago, several of us on the floor talked on the value of the Federal Government not trying to be more efficient but simply trying to be less, and returning some misappropriated authority back to the states. To poorly paraphrase, Justice Brandeis, a minority decision he gave in the 1920s: The States are indeed the laboratory of democracy. If you think about it, if a State tries something creative that does not work, we are not all harmed. When we, on the other hand, tries something that does not work, the entire Nation is harmed.

For the Federal Government, the only advantage the Federal Government has is of uniformity. By definition, what we do is one-size-fits-all. States on the other hand have a greater opportunity of being creative, being fair, being just simply because they have a greater opportunity of meeting individual needs. Federal Government does not mean to do harm, we just do.

Let me give you an example: I want to introduce you to a constituent of mine, an elderly gentleman, we will call him Gene. He owned a farm that had been in his family for several generations. Of course, on this farm ran a small creek. This creek went to a larger creek, which went to a river, which went into a bay, which eventually went into the Great Salt Lake. Even though this dead-end lake, all within the state of Utah, has been declared by the Federal Government to be international waterway, because in the 1800s, an entrepreneurial pioneer was paid for ferrying sheep across the lake for summer grazing. Go figure. But back to Gene.

Gene had eight acres of this land that was on the main road, two of it was elevated. Since they were now planting hay on this land, they have to in Utah irrigate. So he built a man-made ditch from the creek to his property to flood up the lower areas so it finally hit the higher areas and water his crop, until the Federal Government declared that the man-made ditch was indeed the creek bed, the man-made standing water was now Federal wetlands; and, if Gene did not like it, it was his responsibility to prove the Federal Government was wrong. Which he actually did. The Soil and Water Conservation District came in and showed the land was different. He dug wells which showed that there was a clay base underneath, so even if the water was there, it would never sink into the aquifer and get to the river. He even put a flexible pipe into the ditch and put the creek water back into the creek, and oddly enough the land went dry, to which the Federal Government then threatened him with fines and imprisonment because he was harming Federal wetland. Then, when confronted with the evidence, they simply said, "Well, we are in a drought cycle. You are going to have to wait at least 5 years until we have a wet cycle to see if the water will naturally appear by itself."

He tried to sell this land at one time. A factory wished to buy it which would make apparel and create 100 jobs in his community, but he could not do it because now this was a Federal wetland. It was not a taking, mind you, because the Federal Government still allowed him to raise hay even though the price he made from the hay barely paid the taxes on this land that was now zoned as commercial property on the main road.

Gene did what most people when they run up against the bureaucracy of the Federal Government did, he surrendered. He eventually sold his property at $400,000. However, the exact same kind of land next door on the same road was sold for $750,000 for the same acreage. Which means, $350,000, which should have been his retirement, it should have been his posterity. The wealth from his own property was denied him simply because we as a government usually do one-size-fits-all.

It is an interesting question of why we harm our own people, why we sometimes insist they have to prove their own innocence, and why we fail our own simply because the Federal Government is too large, too inflexible to be creative, to be just, and to be fair.

One last comment about Gene. His family raised on this property sugar beets. I am not a farmer, but it does not take a rocket scientist, either, to understand you cannot raise a root crop in a wetlands. Some day I wish the Federal Government would learn that as well.

DELPHI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight I rise on behalf of both current and retired Delphi workers in my district and around our Nation who are suffering from the financial woes of the largest automotive parts manufacturer in the country. Unfortunately, these Delphi workers are but the latest victims in a series of tragedies for the American worker. What we are currently witnessing, the bankruptcy and subsequent reorganization of Delphi is the fallout from regrettable trade agreements like NAFTA, and CAFTA, and the accompanying influence of some elected officials who are for globalized big business at the expense of the American people, big business built on low wages, no benefits, and no worker safety.

Job loss is also due to major auto firms' leadership and executive boards who failed to make fuel efficient vehicles that Americans and the world want to buy. So our workers suffer.

Delphi's most recent proposal is to lower wages from $27 an hour to $22 an hour through 2007, and then to $16.50 thereafter. This would be a 40 percent cut in middle-class wages.

On Friday, Delphi filed a motion in bankruptcy court asking a judge to void its labor contracts. But how can you ask American workers to compete with a country like Japan which keeps its markets closed, the second largest market in the world? How can you ask our workers to compete with poverty level wages in Mexico and China? And how can you ask our workers to compete when big firms outsource everything to avoid paying workers what they justly deserve?

Late last year, Congressman GEORGE MILLER, ranking member of the Education and Workforce Committee, took the initiative to hold hearings on this subject.

I want to make sure this evening that many of the workers' voices from my district are heard, like Mary Pat Bishoff of Marblehead, who said, "My husband is 49 and has 32 years in at Delphi. He got sick and has been off since October. With only 5 years left on our first mortgage and 8 years on the second, we had to refinance and take them up to 30 years just to survive. This will force us to pay $733.11 a month instead of the $152.11 we were paying. We are faced with a decision as so many others are, should he retire and risk losing his pension? Or, if he stays and they cut pay, that means sick pay will also go down and we will lose our home." What kind of a choice is that?

David Saylor of Port Clinton said, "I retired from the GM assembly plant at Lordstown, Ohio in December of 1987, with the promise I would have complete health care coverage for life. Well, I will now have to pay $21 monthly, and that will greatly impact me since I took an early retirement and do not have the full 30-year retirement benefit."

Raymond Stahl of Vermillion, Ohio said, "They are shutting down the plant I work at and are moving it. Now I am out of a good paying job, and at my age it is going to be hard to even get another job let alone one that pays so well. America comes first, not overseas."

Andrew Briscar, another Ohioan, said, "I worked very hard for 20 years at the Delphi Packard Electric to get to a point where I can make a comfortable living for myself and my son. Now Delphi Packard Electric wants to cut my pay and benefits to a level that a young man or woman might make just coming out of high school."

Mr. Speaker, workers who dedicate years of service to a company should be able to count on a decent retirement and measure of economic security. This Congress must step up with meaningful pension reform to help secure pensions and encourage companies to continue providing them.

The Pension Benefit Guaranty Corporation should have been reinfused with funds long ago with its $23 billion deficit, and we ought to be renegotiating trade agreements like NAFTA and CAFTA that continue to cash out good American jobs. Opponents said these jobs would go south, and they surely have, with GM now being Mexico's being largest employer. And it is no surprise that companies like Delphi, GM's biggest supplier, are following them.

I have spoken with Delphi management, and our delegation is doing everything possible to keep these Delphi jobs in America, but we need a majority of Members here dedicated to that purpose. I have invited Chairman Steve Miller of Delphi to tour the Sandusky Delphi facility and to meet with key employees and public officials, and he has yet to take me up on that offer.

Mr. Speaker, I would encourage the Members to sign on to the Balancing Trade Act of 2005 which I have introduced to ask our trade ambassador to come back to us with recommendations to write all of these trade deficits that we are incurring with other trading countries around the world. America simply must put ourselves back in a positive trade balance status.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. FORTENBERRY) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 5, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, H232 Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on April 5, 2006 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2748—LOWER KAWEAH DISTRIBUTARY SYSTEM, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Sacramento-San Joaquin Basin Streams, California, published as House Document No. 367, 81st Congress, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time, in the interest of flood damage reduction, and related purposes in the Lower Kaweah Distributary System, California.

RESOLUTION—DOCKET 2749—CEDAR RIVER, TIME CHECK AREA, CEDAR RAPIDS, IOWA

Resolved by the Committee on Transportation and Infrastructure of the United

States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Iowa and Cedar Rivers, Iowa and Minnesota, published as House Document 166, 89th Congress, 1st Session, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, ecosystem restoration, recreation, and related purposes along the Cedar River in Cedar Rapids, Iowa.

RESOLUTION—DOCKET 2750—NAVIGATIONAL SAFETY, DELAWARE RIVER, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Delaware River and its tributaries, Pennsylvania, New Jersey and New York, published as House Document 179, 73rd Congress, 2nd Session, the report of the Chief of Engineers on the Delaware River published as House Document 522, 87th Congress, 2nd Session, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of improved navigational safety.

RESOLUTION—DOCKET 2751—COOS BAY, OREGON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on Coos Bay, Oregon, dated December 31, 1970 and published as House Document 151, 91st Congress, 2nd Session and other pertinent reports, with a view to determine whether any modifications of the existing navigation project are advisable at the present time, with particular reference to providing increased project dimensions and an additional turning basin to accommodate existing and prospective traffic.

RESOLUTION—DOCKET 2752—VANCOUVER LAKE, CLARK COUNTY, WASHINGTON

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Columbia and Lower Willamette Rivers below Vancouver, Washington, and Portland, Oregon, published as House Document 452, 87th Congress, 2nd Session, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of erosion control, ecosystem restoration, and related purposes in the vicinity of Vancouver Lake, Clark County, Washington.

RESOLUTION—DOCKET 2753—TEN MILE RIVER, CONNECTICUT AND NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Housatonic River, Connecticut Federal Navigation Channel submitted as House Document 449, 70th Congress, and other pertinent reports, to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of shoreline protection, flood control, ecosystem restoration, streambank erosion protection, and other related purposes in the vicinity of Ten Mile River, Dutchess County, New York and Litchfield County, Connecticut.

RESOLUTION—DOCKET 2754—LONG BEACH, BACK BAY SHORE, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York, dated April 5, 1996, and other pertinent reports to determine whether any modifications to the recommendations contained therein are advisable at the present time in the interest of storm damage reduction, navigation, ecosystem restoration, and related purposes on areas of Long Beach Island, New York, affected by tidal inundation from Reynolds Channel, Hempstead Bay, and other connected waterways.

There was no objection.

FEDERAL BUDGET NEEDS TO MEET CONSTITUTIONAL MUSTER

Mr. GARRETT of New Jersey. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. POE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I commend my colleague from Utah who just spoke previously, a fellow member of the Congressional Constitutional Caucus, who had indicated that we come to this floor on a regular basis to address what the Founding Fathers intended with the American public and the other Members of this body, their intention for the framework of the Constitution and the framework of the government of the various levels.

James Madison stated in Federalist Papers No. 45 that the role of the Federal Government is limited and defined, whereas that of the States and the people, their powers are broad and numerous.

To remind this body, the caucus' function primarily is to focus upon the 10th amendment to the Constitution, which in essence says that all powers not specifically delegated to the Federal Government are retained by the States and the people respectively.

When you read that and when you think about that, it is really pretty simple what the founders were trying to do there. And when the Constitution was ratified in 1787, they probably thought it was pretty simple, too. They thought they had probably in place a plan that would be existing for future generations would understand that the role of the Federal Government would be limited, that the sovereignty of the States and of the people would be respected. They probably thought to themselves that there is probably no way that they could have written it even more clearly than they did: that future Congresses should follow suit, should be ones to limit what the Federal Government does, and to retain to the people and the States what their responsibilities are.

Unfortunately, if you simply look out any of the windows of this building on this growing city that we have before us in Washington, D.C., you see representative of what is a growing Federal Government in all facets of our life. I am sure that our founding fathers would be disappointed in the largesse of the government, the excessive spending, the number of line items that is now in the budget. As a matter of fact, the budget is something that we were just debating and discussing on the floor of this House for a number of hours. I serve on the Budget Committee and have the opportunity to discuss it there as well.

What would our Founding Fathers think if they were to see our spending levels today? Would they ask the question that I think we all should be asking: Is it inconsistent the size and scope that the government has grown to today? Is it inconsistent in the nature of the spending that the government has grown to today?

If the Founding Fathers were with us today, I think they would give us a resounding no to what we are doing. They would say that it is inconsistent, that we have grown too large.

But we are all leaving here now and going back to our districts. Many Members will be going back and using this time to get involved with the media. We are actually in a 24/7 media cycle in this country now with the advent of all the communications that we have, whether it is in press and press releases or whether it is going on the radio or TV or e-mail. Many Members use this as an opportunity simply to go back to their district and to brag about all the money that the Federal Government is spending, all the new areas that they are enveloping as far as their responsibilities, just as the one that the gentleman from Utah was just talking about as far as the delineation of wetlands and how it impacts upon the people back at home.

Maybe this is exactly what our Founding Fathers feared, that we have grown so far apart from where the money comes from and where it is spent. Their goal was that the money should be spent closest to the people. That way, the people would have the greatest voice in how it was going to be spent. Unfortunately, we have just the opposite today. The inverse is true instead.

Let me just give you a couple examples that come to mind. Think about your local board of education and the schooling. Parents know who their teachers are, parents know who the principals are, parents know who the board of education is in their town that run their schools. But do parents know who the bureaucrats are down here in Washington, D.C. that now control education dollars that go back to those schools? People back at home know about the pothole in their front streets, people back at home know the name of their local mayor who may be responsible for making sure that street is paved. But do people know who the bureaucrats are in the U.S. Department of Transportation who are responsible for the transportation dollars that may or may not get back to their town to fix their potholes, but may instead go to someplace as the infamous bridge to nowhere?

Maybe this is exactly what our Founding Fathers were thinking of when they were looking at a government so far away across a broad ocean in England, and realizing that that English government was no longer connected to our government here, and so that is why they put the limits on it that they did.

We could go down with other examples, with the growing deficit that we have today, with the subpar service that we have in such agencies as FEMA, and ad infinitum as far as this goes, as far as the overgrowth and the problems that they have.

I just simply ask that our Members do this, and I think that the American public should be asking that their Members do as well: Is what we do the best for the schools? Best for medicine? Best for care best? For bridges? Best for all other services? Is it in line with what our constitutional framework says and what our Founding Fathers intended?

☐ 2045

IT IS TIME TO BEGIN SETTING PRIORITIES

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I have recently introduced H. Res. 690, which would require this body to begin setting priorities. That is something the Federal Government, and Congress in particular, do not do a very good job at. In fact, we are really lousy at it, but it seems to me if we are able to set priorities on new spending, then we ought to be able to practice what H. Res. 690 would do which is require the House that anytime we create a new program of any size or scope, that we would have to, as part of that enacting legislation, eliminate an existing program of the same size or spending.

We have tough choices to make, but we just do not make those choices very well. You can look at the CBO's Web site. They publish a 50-year study of what they think this Federal Government will look like in the year 2050.

I have a grandson that will be about 53 years old at that point in time. The government that he will inherit, left unchecked, left unchanged, will be one that consumes 50 percent of the gross domestic product in this country, and there has never been a free market, free enterprise system anywhere where the central government could take half and the rest of us passed on the other half. We prosper by having growth in the standard of the living, opportunities and others kinds of things.

So I believe that the growth in this Federal Government is the single biggest threat that we face as a country to our particular way of life.

That sounds strange in a country at war, but the Taliban and al Qaeda and the thugs that threaten this country can get a few of us, but they cannot fundamentally change the way we live. They can hurt some of us and they try, and we work real hard to not let that happen, but this growth in this Federal Government I believe can in fact have a fundamental negative impact on the way our children and grandchildren will live.

I said I am a grandfather. I've got six wonderful grandkids and one additional one on the way which will be born in November, if everything goes well. Which grandfather or grandmother among us would gather up their grandchildren, take them down to the nearest bank, and say, Mr. Banker, I want to borrow every single dollar in your bank, I want these six grandkids in my case, I want my six grandchildren to sign that note. I am going to take the money and spend it, but you are going to need to look to them to collect it. Well, there is not a grandparent worth their salt that would do that on an individual basis, but somehow collectively as a group we think that is okay because that is exactly what we are doing as we continue to spend money that our children will have to probably not pay back but will at least have to pay the debt service on and that impacts their way of life in a negative way.

Every politician worth their salt will step before this microphone and say we need to cut Federal spending. It rolls off your tongue very easily. Both sides of the aisle say this on various occasions, but we rarely practice what we preach.

I would like to point out tonight one program that I think would go away and no one would even notice that it is gone. We have in this country appropriated for 2006 money to provide an America's Job Bank. This is an Internet-based listing of job openings nationwide. It is maintained by good folks at the Department of Labor. Since this was established, the Internet of course has grown exponentially and has created such private enterprise-based sites as monster.com and careerbuilder.com which provide thousands and thousands and thousands of listings every day; and, in fact, this America's Job Bank is a duplication.

Now the duplication only costs us $15 million, and that is a standard politician phrase, "only $15 million." Well, $15 million is a lot of money for District 11 and is a program that I would include in those that ought to go away.

As I mentioned, I have introduced H. Res. 690. We are working with the Rules Committee to try to implement this rule for the 110th Congress, and I would encourage my colleagues to support it. The reason I am doing it is I have got six grandchildren and one more on the way, and I cannot think of a better reason why we should not begin to do a better job in setting priorities for spending at in this Congress.

RECOGNIZING THE EFFORTS OF GEORGIANA COLES

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the unused time of the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 5 minutes.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to recognize the efforts of Georgiana Coles, a resident in my district who will be honored on April 20 for her work not only as a successful business leader but also as a dedicated land preservationist. She will be honored by the Heritage Conservancy, a nonprofit land and historic preservation society, for her significant contributions to preserving vast swaths of pristine open space in Bucks County, Pennsylvania.

My district, Mr. Speaker, is renowned for its landscape as well as its history. It is rumored that Oscar Hammerstein composed the lyrics to "Oh What A Beautiful Morning" for his musical "Oklahoma" while looking over the bucolic acreage of his farm in Bucks County. However, today, continued development threatens to uproot those same pastures and fields that inspired Hammerstein's lyrics.

Georgiana Coles and her family own a highly successful nursery in my district that covers over 800 beautiful acres. Over time, the Coles family has expanded their operations, not simply to expand their business, but to protect prime land from development. By purchasing 180 acres of the Bradshaw Farm in Solebury Township, as well as 132 acres in Buckingham Township for preservation, Georgiana Coles has demonstrated her unquestionable dedication to preserving Bucks County's natural history.

I want to recognize Georgiana Coles for her hard work and continued dedication to the preservation of open space. I and the residents of the 8th Congressional District of Pennsylvania thank her.

REAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, the Preamble to our Constitution lays out the basic functions of government and notably featured is the need to provide for the common defense.

National security is the single most important purpose of government; all of the other blessings of liberty flow from it. Throughout much of this country's history, Senator Arthur Vandenberg's famous maxim that "Partisanship must end at the water's edge" has guided the formulation and execution of America's national security policy.

Unfortunately, over the past several years that bipartisan tradition has been undermined by the Republican Party which has sought to convince Americans that only one party could be entrusted to preserve our Nation's military strength and its position as the world's preeminent power.

This unwillingness to listen to other voices has reached its zenith under the current administration, which took office with one overriding principle, that was to guide American national security policy. Yet when the previous administration, that of President Clinton, was for it, they were against it. The result is an America that is less safe than it should be and less safe than it needs to be.

Our military has been stretched to the absolute limits in Iraq, leaving us precious little ability to respond to other contingencies around the globe. Overseas, we are less often seen as a force for good in the world, and surveys of public opinion consistently show that we as a Nation are viewed negatively, even by our friends in Europe.

At home, we have frittered away the 4½ years since September 11 instead of making real strides in safeguarding the Nation from terrorist attack.

In Iraq, a stubborn refusal to commit enough troops to save the lives and pacify the country in the months after the invasion has led to a protracted fight against the Baathists and Islamist insurgents that has claimed now more than 2,300 American lives.

And finally, we have failed to reckon with the Achilles heel of our national security, our reliance on foreign oil to supply our energy needs.

Clearly, Americans want and deserve change. Last week, Members of our party from both the House and the Senate unveiled a comprehensive blueprint to protect the American people and to restore our Nation's position of international leadership.

Our plan, Real Security, was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

During the next several weeks, Democratic Members of the House will be doing a series of 1-hours where we will discuss the particulars of the Real Security plan. Tonight, we will give an overview of that plan, and in the following weeks we will flesh out each of the five pillars of the Democratic Real Security plan for the country.

It is a tough and smart strategy to rebuild our military, equip and train our first responders and others on the front lines and here at home, provide needed benefits to our troops and veterans, fully man and equip our National Guard, promote alternative fuels and reduce our dependence on foreign oil, restore Americans' confidence in their government's ability to respond in the face of a terrorist attack or natural disaster.

To protect the American people, we will immediately implement the recommendations of the independent bipartisan 9/11 Commission and finally protect our ports and airports, our borders, mass transit systems, our chemical and nuclear power plants, and our food and water supplies from terrorist attack.

After September 11, all Americans trusted the President to take the steps necessary to keep our country safe. Since then, inadequate planning, sometimes incompetent policies, have failed to make Americans as safe as we should be. The tragedy of Hurricane Katrina showed that the Federal Government was still not prepared to respond.

Under the administration's leadership, the war in Iraq began with intelligence that was at best wrong and at worst manipulated. 140,000 of our finest young people were sent into Iraq without an adequate plan for success.

Our ports and other critical infrastructure remain vulnerable, while both soldiers in the field and first responders at home lack the basic equipment and resources they were promised.

Both in the Persian Gulf and on our own gulf coast, lucrative, no-bid contracts have gone to companies like Halliburton, Kellogg, Brown&Root and others with friends in high places.

Despite record high fuel prices, our country remains heavily dependent on foreign oil because of an energy policy that benefits the big oil interests.

The Real Security plan rests on five pillars that my colleagues and I will introduce to you tonight. They are the creation of a 21st-century military, a smart strategy to win the war on terror, a plan to secure the homeland, a plan to move forward in Iraq, and a proposal for achieving energy independence for America by 2020.

Under Real Security, a Democratic Congress will rebuild a state-of-the-art military by making needed investments in equipment and manpower so that we can project power to protect America wherever and whenever necessary.

We have all heard the stories of parents using their own money to purchase body armor for their own children serving in Iraq. I personally asked Secretary of Defense Rumsfeld about the shortage of body armor, about the lack of adequately armored vehicles, and the holdups in development of equipment to counter roadside bombs that have killed and maimed so many of our troops. Despite his assurances, there are still problems and young Americans are still paying the price.

Under Real Security, Democrats will guarantee all of our troops have the protective gear, equipment, and training they need and are never sent to war without accurate intelligence and a strategy for success.

I have been to Iraq now three times; and I visited our wounded troops here at home, there, and in Germany. I have spoken at the funerals of my constituents who have been killed in Iraq, and I have sat with their families as they have mourned. These experiences have reinforced my sense of commitment to ensuring the well-being of America's soldiers and their families and our veterans.

Democrats will enact a GI bill of Rights for the 21st century that guarantees our troops, active, reserve and retired, our veterans and their families, receive the pay, health care, mental health services, and other benefits they have earned and deserve.

Our active military are stretched to the breaking point, but our Guard and Reserves have also been ground down by multiple deployments and falling enlistment and reenlistment. This has, in turn, added to the stress on the active Army and Marines.

As part of our Real Security plan, Democrats will strengthen the National Guard in partnership with our Nation's Governors to ensure it is fully manned, properly equipped, and available to meet missions at home and abroad.

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The next pillar of Real Security is a broad strategy to win the war on terror. Four and a half years after 9/11 Osama bin Laden is still at large, and al Qaeda has morphed into a worldwide amalgam of discrete cells that are more difficult to track down.

When Democrats are in charge, we will make the elimination of Osama bin Laden our first priority. We will destroy al Qaeda and other terrorist networks, and we will finish the job in Afghanistan and end the threat posed by the Taliban. We propose to double the size of our special forces, increase our human intelligence capabilities, and ensure that our intelligence is free from political pressure.

Despite their vow to drain the swamp, the administration has done little to eliminate terrorist breeding grounds by combating the economic, social, and political conditions that allow extremism to thrive. Democrats will fight terrorism with all means at our disposal by leading international efforts to uphold and defend human rights and renew the long-standing alliances that have advanced our national security objectives.

Under Real Security, we will confront the specter of nuclear terrorism by greatly accelerating the pace at which we are securing nuclear material that could be used to make a nuclear weapon or a dirty bomb. Our goal is to secure loose nuclear material by 2010. We will also redouble our efforts to stop nuclear weapons development in Iran and North Korea. While Democrats understand that no option can be taken off the table, we are committed to a muscular diplomacy as the best option for curbing Pyongyang and Teheran's nuclear ambitions.

The third pillar of Real Security is homeland security. In the wake of 9/11, there have been numerous commissions and investigations at the Federal, State and local level, as well as a multitude of private studies. All of them have pointed to the broad systemic and other flaws in our homeland security program. Almost 2 years ago, the independent bipartisan 9/11 Commission published its report, but most of its recommendations have yet to be implemented.

As part of Real Security, Democrats will immediately implement the recommendations of the 9/11 Commission, including securing national borders, ports, airports, and mass transit systems. We will implement the screening of 100 percent of containers and cargo bound for the U.S. in ships or airplanes at the point of origin, and we will take steps to better safeguard America's nuclear and chemical plants and our food and water supplies.

Democrats will prevent the outsourcing of critical components of our national security infrastructure, such as ports, airports, and mass transit to foreign interests that could put America at risk. Under Real Security, Democrats would provide firefighters, emergency medical workers, police officers, and other workers on the front lines with the training, staffing, equipment and cutting-edge technology they need.

While the immediate threats to our national security come from terrorists, we face other dangers as well. Democrats are committed to a security strategy that will protect America from biological terrorism and pandemics, including the avian flu, by investing in the public health infrastructure and training public health workers.

The fourth pillar, and the one that will have the most immediate effect on our security, is to chart a new course in Iraq that will ensure that 2006 is a year of significant transition to full Iraqi sovereignty, with the Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces. Democrats will insist that Iraqis make the political compromises necessary to unite their country and defeat the insurgency, promote regional diplomacy, and strongly encourage our allies in other nations to play a constructive role.

As a part of Real Security, Democrats intend to hold the administration accountable for its manipulated prewar intelligence, poor planning, and contracting abuses that have placed our troops at greater risk and wasted billions of taxpayer dollars.

Our security will remain threatened as long as we remain dependent on Middle East oil. The fifth pillar, and the one with the most far-reaching ramifications for our country and the world, is to achieve energy independence for America by 2020.

Under Real Security, Democrats will increase production of alternate fuels from America's heartland; biofuels, geothermal, clean coal, fuel cells, solar and wind, promote hybrid and flex-fuel technology and manufacturing, enhance energy efficiency and conservation incentives. All this we will do, and more, to meet the real national security needs of the country.

And now, I would like to turn to some of my colleagues who have been leaders on national security issues. I would like to begin by introducing my colleague from California (SUSAN DAVIS) to hear her thoughts on one of the five pillars.

Mrs. DAVIS of California. Mr. Speaker, I want to applaud my colleague, Mr. SCHIFF, for bringing us all together this evening so we can talk about real security for the American people.

Mr. Speaker, America has the absolute finest military in the world, and that wouldn't be possible without the people who wear the uniform. I want all Americans to know that it doesn't matter to me whether they call themselves a Democrat, a Republican, an Independent, or anything else. I stand here tonight to simply tell Americans that there are indeed Democrats in Congress who are strong on national security. We get it, and we have a plan to get America back on track.

Let me be just clear at the outset. Support for the troops has no party affiliation, and that is definitely true here in Congress. There are hundreds of us, Democrats and Republicans alike, who want to do right by the troops who are in harm's way right this minute all around the globe. I am convinced, however, that the Democratic plan to protect America is the path this Nation needs to embark upon now, and I say that because the Democratic plan for a 21st century military focuses on the same resource that the military itself focuses on, and that is the people. It is about the people who volunteer to wear that uniform.

I have been very proud to serve in Congress as a Member of the House Armed Services Committee since I was first elected to represent the people of San Diego. As anyone from San Diego can tell you, we are the epitome of a military town. San Diegans have a deep and long-standing relationship with the military that gives our community a very unique level of interaction and familiarity with the Armed Services. San Diego's operational bases provide a valuable network of military resources that, taken together, equate to bottom-line military readiness. We host the Pacific fleet's largest concentration of carriers, cruisers, destroyers, frigates, amphibious ships and submarines, and our regional training and support facilities supplement these resources superbly.

But at the end of the day, while these are valuable assets, what it really comes down to is the people. Outside their uniforms and off the battlefield, these brave men and women serve double duty. They are our neighbors, they are our Little League coaches, they are our PTA presidents, and they are our community volunteers. In short, our military servicemembers are extraordinary people who lead ordinary lives, just like you and me.

For those people and communities who are not as familiar with the military, I think it may be easy sometimes to think of them in a more desensitized, mechanical way, almost as if the troops themselves are made of the same steel and weaponry they use to accomplish their missions and protect themselves with. But this couldn't be further from the truth. Our troops are a mirror image of the American people themselves. They find strength in their convictions as Americans. They are strong in their education and training and they are strong in their diversity and their mutual respect for one another.

Mr. Speaker, you may wonder why I would choose to spend so much time this evening talking about the human characteristics of our military personnel in the context of a Democratic plan to protect America. But the people who make America's military great are really the heart of the Democratic plan. Americans expect their elected leaders to take care of the troops, and that is exactly what Americans and what Democrats here today are prepared to do.

First, that means having enough people. This administration ignored the advice of respected senior military leaders by sending too few troops to Iraq. No matter how you look at it, that was a serious miscalculation. It impaired America's ability to accomplish its mission quickly. Democrats will insist on 21st century military forces that are large and strong enough to meet any challenge America may face in the future without creating neverending states of deployment.

A 21st century military also demands fully equipping and supplying our troops, and that is exactly what the Democratic plan would do. Democrats will fight to ensure America's troops are never underequipped. The Democratic plan is a plan that would emphasize the body and vehicle armor our troops need before they find themselves in harm's way. Moreover, we must rebuild and replace the equipment that has been used in Iraq and Afghanistan so our troops can continue to rely on it with confidence in the future.

The Democratic plan also means a renewed investment in research and development. We simply must invest in technology today that will lead to advancements for the battlefield that will keep on protecting our soldiers and sailors and will keep on helping them to accomplish their future missions.

Similarly, we must continue to make investments in the way we educate and train our military personnel. Training and education is a key component in the dominance and success of America's military, and this will be no different for a 21st century military. We must commit to providing superior ways to continue expanding and advancing the minds of our military professionals.

The Democratic plan for a 21st century military also envisions a renewed commitment to the National Guard and Reserve. Our efforts must reflect the level of respect and commitment our reserve components have earned and deserve.

Mr. Speaker, the Democratic plan for a 21st century military encompasses many more components, including increased human intelligence, honoring veterans and retirees, and making good on America's promise to take care of the health and well-being of our soldiers and also their families. It is really about the people: Our training them, equipping them, and our support for them. The troops demand better, Mr. Speaker, and Democrats are poised to provide it to them.

I am happy to return to Mr. SCHIFF and join with my colleagues as we discuss the rest of the Democrat plan and the pillars of security.

Mr. SCHIFF. I thank the gentlewoman from California for all her work in this area, and I know that you represent a very large constituency of servicemembers in your district, probably one of the largest in the country. Undoubtedly, you have had the opportunity to visit with a lot of the families of those serving in Iraq and Afghanistan and know firsthand some of the demands being placed on our active duty but also on our guard and reserve.

Many of them pulled out of their jobs, earning a lot less on active duty than they were in their civilian occupations. This must be a tremendous hardship for families.

Mrs. DAVIS of California. I think it is, and because our families prepare as well as the men and women who actually go into war, it provides a particular burden on all of them. And I think that is why it has been, in a community like San Diego, why we have felt this so acutely.

And know how important it is for people to have a sense of comfort that they have the equipment they need and that once deployed and coming home, particularly for the guard and reserve, that they will not see these kind of endless deployments. That has been very important and it has been really hard for the families to sometimes get a really good handle on that.

Mr. SCHIFF. I imagine that you have had the experience that I have with some of my constituents in talking to their families, those that are serving in Iraq and the concerns that they have, and in talking with the soldiers when they return about whether they had the up-armored vehicles that they needed, and finding out from them firsthand that, notwithstanding protestations to the contrary by the Pentagon, that in fact they often didn't have up-armored vehicles. I still have people coming back telling me of the inadequacy of materiel they have to work with and to keep them safe.

But I thank you so much for all your leadership on this issue. You do a tremendous job on behalf of your constituents in the San Diego area and in the armed services area for all the rest of our country. Thank you.

I would like to turn now, Mr. Speaker, to one of my close friends and colleagues here, DAVID SCOTT of Georgia. We cofounded, along with STEVE ISRAEL, the Democratic Study Group on National Security. He has been a strong voice and a great leader on national security issues. We are very grateful for your joining us this evening.

The gentleman from Georgia.

□ 2115

Mr. SCOTT of Georgia. Mr. Speaker, it is an honor to be on the floor with Mr. SCHIFF. I commend his leadership on the national security issue. It is so important for the American people to be able to understand and know wholeheartedly that Democrats are the strongest party on national security. Our record speaks to it, all the way from Franklin Delano Roosevelt who shepherded us through World War II and built up our Army, to Truman, all the way up to John Kennedy. No stronger Presidents have we had on national security.

Democrats are very strong on national security. I want to spend my remarks here speaking from my own experience. I have been overseas visiting our troops on four different trips, to Iraq, Afghanistan, Pakistan and to Lithuania, into Germany, visiting them at Ramstadt Hospital and the air force base. I have been to Camp Victory at Baghdad on the front lines, as well as with our group on national security to which every Thursday we bring in the experts. We bring them in whether they are Republicans or Democrats, from Newt Gingrich to Sam Nunn to Andrew Young. We have had people there with experience because we want the American people to know that this Nation is secure, has been secure, and will be secure in the future in the hands of Democrats.

I want to spend just a few moments in talking about where we are in this 21st-century of our military. We have the finest military in the world, but since 9/11 our Nation's Armed Forces have become overextended. There is no mistake about it. Some of our recruiting goals have not been met.

But under Democrats we will make sure, and we have already begun the process to make sure, that our Armed Forces are not overextended and to make sure we have policies and procedures in place to help us meet our recruitment goals.

As you well know, Mr. SCHIFF, we have an all-volunteer Army. The draft is no longer applicable, nor will it be in the foreseeable future. With the advances in technology, we are going to be competing at a high level with private industries and others to get those high-caliber individuals to volunteer. Even the M-116 rifle is basically a computer. We must have soldiers who are well equipped, well prepared. So we have to go out and compete for those soldiers, and we have to realize what this 21st century means.

The men and women of America's Armed Forces and our first responders here at home have met every challenge with skill, with bravery, and selfless dedication. They along with veterans, military retirees, and the families of those who have given their lives to defend our country deserve our utmost gratitude; and we give it to them with our support. That is why we Democrats are launching our effort here. We want to make sure that America knows this country will be safe with us, that we have the record and we have the program.

Much has been said and, yes, we have criticized the President. We have criticized the Republicans because it is due, because there has been failure after failure and bad planning. We know that now. And bad intelligence. But I assure you, if Democrats are in control, we will never send our troops into harm's way with inaccurate intelligence and not equipped with the body armor that they need to do their job.

It is important for the American people to know what we are doing now and what we plan to do. The whole world sees what is wrong step by step with our policies. I want to point out to the American people some facts they may not know about what Democrats are doing now and what our record has been.

We are committed to strengthening our military, but we have been fighting to make sure, we have been at the leadership in making sure that our troops have been fully equipped. Every step along the way, it has been Democrats who have sought to ensure that our troops were fully equipped for this war in Iraq. It was not a war of our choosing, but it was a war that was decided upon based upon incomplete and inaccurate information that we know now, but did not know then.

And Democrats stood strong and said we have to go based upon our information. But once our troops were in harm's way, once they were sent and it was found out that they did not have the body armor and their Humvees did not have the equipment to sustained the underbellies for the improvised explosive devices, it was Democrats who provided the leadership.

For example, because of Democratic efforts, the 2003 Iraqi supplemental budget included more funds for Humvees, body armor, and jammers to prevent the detonation of explosive devices. It was Democrats who offered amendments to shift $322 million from reconstruction for safety equipment for U.S. troops in Iraqi. It was Democratic Senator CHRIS DODD of Connecticut who led that fight, and to shift $4.6 million from Iraqi reconstruction for support and safety of our troops, including critical funding for repairing and replacing the critical equipment for combat in Iraq. That was Mr. OBEY, our ranking member on the Appropriations Committee that led that fight.

Although both of those efforts were at the need, when they needed that armor, that is when Democrats stepped forward. It was Republicans who rejected those amendments. But we Democrats did succeed in requiring the Department of Defense to at least reimburse those servicemembers for the cost of their protective safety and health equipment that had to be purchased by them and their families.

You remember the newscasts. We had our soldiers searching through dung heaps, land fields and junkyards in Iraq and the Middle East trying to find metal to protect themselves. It brought tears to my eyes to think that this Republican administration would send our young men and women in harm's way and not have them armed with body armor. They were writing back home to mom and daddy saying, send me some money so I can buy something to protect myself. Never again can we let that happen, and it is we Democrats that are providing the way on this.

I want to make sure we cover one other point.

We are going to vote on a budget at some point. Luckily, they didn't have the votes tonight; but just to show you cut after cut after cut. $1.5 billion cut to veterans. The Democrats will treat our veterans with the respect they deserve, and we will put together a GI Bill of Rights. We will get rid of the military tax on widows. We will increase the benefits, and we will make our military proud and strong. And we will make sure that the rotation cycle is not two and three and even four tours of duty at a time, because our military is stretched thin.

We will strengthen our military. We will move us into the 21st century, and Democrats will provide that leadership. I am proud to be with you here tonight and my colleagues.

Mr. SCHIFF. Mr. SCOTT, we are proud and grateful to have you here. You mentioned the proud history of the Democratic Party and national security under the leadership of Presidents like Roosevelt and Truman and Kennedy and others.

Today we saw in the press reports that the President authorized Mr. Libby, the chief of staff of the Vice President, to disclose classified information, national security information, for a political purpose. Can you imagine Roosevelt or Kennedy or Truman doing that? Can you imagine, for political reasons, any of them disclosing classified intelligence information for a political reason?

Mr. SCOTT of Georgia. Absolutely not. Our President, it brings chills to me when I remember what President Roosevelt said: "We have nothing to fear but fear itself," to raise people, our people, to that level. Or President Kennedy saying: "Ask not what your country can do for you; ask what you can do for your country."

Mr. SCHIFF. Mr. Speaker, I thank the gentleman.

It gives me great pleasure to yield to Mr. BENNIE THOMPSON, our ranking member on the Homeland Security Committee, someone who has brought great intelligence, foresight, and determination to protecting America, to ensuring we have port security and airport securing, and that we plug many of the gaping holes here in the homeland. I yield to the ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank Mr. SCHIFF for putting this Special Order together to give us an opportunity to talk about real security from the Democratic standpoint.

As you know, unlike my colleagues on the other side of the aisle, we have a plan. That plan is very simple. If we can get additional support, we can make this country safer. But for this hour, let us talk a little bit about homeland security.

First of all, I want to take you to the notion that as a grandfather, I spend a lot of time reading children's stories. It may be because I am the ranking member on the Homeland Security Committee, but recently I was reading the "Emperor's New Clothes," and I could not help but think about the Department of Homeland Security.

For those of you who are not familiar with the story, it is about a ruler who loved to dress up in the finest threads. One day some folks came by and promised to make him the finest suit he had ever seen. As they made it, they kept asking him what he thought about the beautiful cloth and the fine design. Not seeing anything but feeling a little naive, the emperor said it was beautiful.

When the day came for him to wear the suit out in public, he called a big parade and put on the so-called outfit. Everyone "oohed" and "aahed" until one small child spoke out and said those magic words, "He doesn't have anything on."

Why does that story remind me of the current administration's homeland security efforts? Because DHS is like the naked emperor. Despite the Department's many press releases of success, the agency's efforts are not enough to cover our Nation's critical parts. Like the citizens of the emperor's town, we all want to believe what we are hearing and seeing is sufficient. But let me tell you, it is not.

If you have any doubts about this, just look at the government's response to Hurricane Katrina last year. As Clark Kent Ervin, the former inspector general of the Department has said, if Katrina was a dress rehearsal on how the U.S. would respond to a terrorist attack, we are not prepared. A lot needs to be done to ensure homeland security is covered. Our security gaps at our borders must be eliminated. Our trains and subways must be protected so we do not have a London or Madrid attack.

Our ports must be secure, and our Coast Guard must be well funded. That means we must work with our partners internationally to protect our ports by screening 100 percent of the U.S.-bound containers at their points of origin rather than waiting until they arrive at our port communities.

Those flying the friendly skies should be safe as they are carried to their final destination. That means we must secure our passenger airlines by requiring 100 percent screening of air cargo that travels on the same plane with the passengers. We must have commonsense security at chemical and nuclear plants. The private sector is looking for guidance from the Department. We need to be sure that they have it. We must ensure that hazardous cargo is carried safely through our communities.

Also, we must guarantee that our local cops, firemen, and EMTs have the training, staffing, equipment, and technology they need so that they can talk to each other during an emergency. As you know, we saw with 9/11 that a lot of the individuals involved in that situation could not communicate with each other and many of them lost their lives because of it.

□ 2130

Now, when the small child called the emperor out, he knew the child was right, but thought the procession goes on. He carries himself proudly and his assistants acted like they were keeping his invisible robe off the ground.

The Department's procession absolutely cannot go on. I ask my colleagues across the aisle to stop carrying this invisible robe and join us in recognizing that the Department of Homeland Security has been without clothes for way too long. It is about time that we outfitted the agency so that it can fulfill its mission. Our Nation and its citizens deserve no less.

Mr. SCHIFF. I thank the gentleman, and I particularly appreciate your talking about the common sense changes that have to be made to protect this country. Does it make sense, I ask our ranking member, to have a policy where you have to take off your shoes at the airport to get through the metal detector, but 50 percent of the cargo on the plane you are flying on is commercial and 98 percent of that is never checked for an explosive? You can ship a bomb the size of a piano that will never get opened in a crate under that same plane, but you have to take your shoes off. Does that make sense?

Mr. THOMPSON of Mississippi. None of it makes sense. The other thing is, we have the technology available to us to do many of these things. We have to have the will to produce the resources necessary to acquire the technology in order for that to occur.

We have tried in our committees to fully fund all of the screening programs, not just at airports, but we are talking about screening cargo coming into our country. But we can't get the support on the Republican side of the aisle to move in that direction.

We have two government agencies, Department of Energy and Department of Homeland Security, charged with radiation screening of certain activities. We can't even get support to merge the two programs. They are operating in ports separate and apart. So clearly, there are a number of things, Congressman SCHIFF, that we need to do.

Mr. SCHIFF. And that last point, I think, is the key one. The President, I am sure you recall, during the first debate with Senator KERRY, was asked what is the top national security threat facing the country? And he said, nuclear terrorism. Senator KERRY agreed. I think they were both right.

But if that is true, and the most likely suspect for nuclear terrorism is al Qaeda, then the most likely delivery device is not a missile but a crate. And that crate is going to come into one of our ports. And why we haven't mobilized the resources to implement that portal technology, why we are spending as much as we are on a more distant threat in terms of national missile defense, rather than the more proximate threat of a smuggled in dirty bomb or crude nuclear weapon is not in our Nation's national security interest.

Mr. THOMPSON of Mississippi. Well, it is not. And what we find is there are a substantial number of containers that come to this country, as you know, without any inspection. To inspect it when it gets to our shores, if it is a dirty bomb or anything like that, is unacceptable. We have to do the inspections or the screenings at a minimum at the points of origin rather than when they get to this country. If we don't, we are in for a rude awakening.

The other point I want to make, and I want to thank you for this time, is we clearly have to support financially the safeguards that are required. We have the technology. We have to make sure that we put the resources to support the technology.

Mr. SCHIFF. I thank the gentleman very much for all his leadership in improving our Homeland Security.

I would now like to turn to my colleague, DENNIS MOORE from Kansas, who does a tremendous job. He is one of the true leaders on a variety of issues, including energy self-sufficiency and energy independence. It is one of the pillars of our national security plan. DENNIS MOORE.

Mr. MOORE of Kansas. Mr. SCHIFF, the distinguished gentleman from California, I want to thank you for your leadership in putting together this little seminar and this presentation this evening on national security and how important it is for our country.

I want to talk for just a few minutes about the importance of national security in the context of energy independence for our Nation. Some of our viewers this night, Mr. SCHIFF, will be old enough to remember back in the late 1970s there was a gentleman by the name of Jimmy Carter who was President of United States. And one night President Carter was sitting addressing the people of America on national television. He had on a cardigan sweater. He was sitting in front of the fireplace and talking about the long lines at the gas pumps. And he was talking about the need for our country to develop energy independence and a comprehensive energy policy to reduce our dependence on foreign oil.

I think President Carter was right then, and I faulted every Republican and Democrat since President Carter for not doing what he said we needed to do back then. And especially, since September 11 of 2001, and 5 years into this administration we still are very dependent, heavily dependent on foreign oil, and we need to find for America energy independence.

And I think this is no longer just a concern about long lines at the gas pumps or the high cost per gallon of gasoline. This now has become a national security issue, and it is an issue that we, as a Nation, must deal with.

This issue, Mr. SCHIFF, should not be about Republicans and Democrats. This should be about us taking care of our people and our country. And we all must come together to do this, and I think it is highly important, again, that we reduce our dependence on foreign oil and find an independent way to do this.

President Bush mentioned in his State of the Union this year, for the first time, I believe, trying to develop some way to reduce our dependence on foreign oil and enter energy independence. But he didn't make any proposals, and I think what we need are some solid proposals to do that.

We need, for example, conservation. We need to develop hybrid automobiles, hydrogen fuel cells. We need to look and develop solar energy, wind energy, ethanol biodiesel. We need to reduce our dependence on Middle East oil and increase our dependence on Midwest farmers who can provide the crops necessary to produce some of the fuels I am talking about, alternatives and renewable sources of energy here.

Energy independence, in fact, again has become a national security issue. We must reduce our dependence on foreign oil. We cannot and must not be held hostage by foreign nations who control our supply of oil. We must do this as Americans, again not as Republicans and Democrats, but as Americans because our country needs this and demands this.

Mr. SCHIFF. Mr. MOORE, we thank you for you tremendous leadership on this issue and for joining us this evening.

Now it gives me great pleasure to yield time to the gentlewoman from

Florida (Ms. Wasserman Schultz), who I would say is a rising star in the Congress, but she was a rising star. She is now a full star in the firmament. The rise has already been complete. But we are so grateful for your leadership, and I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Schiff. I too want to join my colleagues tonight in thanking you for putting this together because one of the things that we have been trying to do over the last several months as Democrats in the House of Representatives is roll out our vision for the direction that America should go in.

Clearly, the vast majority of Americans today believe that we are going in the wrong direction, and in terms of homeland security and protecting our Nation's borders, that is one of the number one priorities.

And what I would like to talk a little bit about tonight is an issue that is extremely important, given that my State is a peninsula, and that is port security, because I represent the people of Florida's 20th district, which is south Florida, Ft. Lauderdale, Hollywood and Miami Beach. My district borders two ports, Port Everglades and the Port of Miami, and they both serve as a gateway to millions of tons of cargo and people every year.

In 2005, in fact, almost 5.8 million tons of goods came into the United States through the Port of Miami. Nationally, though, only 6 percent of cargo is screened. That is a shocking statistic. That means that just in the Port of Miami alone, over 5.4 tons of goods were left uninspected before they entered our supply chain. That is just an unbelievably alarming statistic.

The administration claims to have cargo security programs, such as the automated targeting system, that mitigate any threat, according to them, that the remaining 94 percent of cargo entering our country without physical inspection may pose.

However, the Government Accountability Office, a third party validator, recently released a report showing shortfalls in these systems. Multiple deadlines have been missed, and key controls are still not in place to ensure the adequate implementation of such programs.

These facts were true when the Bush administration approved the sale of operations at six major U.S. ports, including the Port of Miami, to the United Arab Emirates. That agreement, had it gone through, outsourced American security to a country with a spotty record in fighting terrorism and one that is currently participating in an illegal economic boycott of the State of Israel.

Responsibility for America's security should not go to the highest bidder. History has shown that friends of the United States truly come and go. Thirty years ago Iran was our ally, and 20 years ago Iraq was our ally.

Given the current gaps in port security, we are placing far too much trust in port terminal operators beholden to foreign nations. The companies have access to America's classified security operations. And I can tell you, having toured the Port of Miami, I can at least transmit to you that at the Port of Miami the people who run the terminals, they run their own internal security, and they have intimate knowledge of the security operations in the rest of the port.

So far the divestiture announcement from DPW appears to be nothing more than a diversion that was designed to deflect attention away from this outsourcing of American port security.

The current level of vulnerability at our ports is simply unacceptable. Three years ago, the Coast Guard said that they needed $7.2 billion for port security measures. But the majority in this Congress, the Republicans, have only allowed for the allotment of $910 million since September 11, 2001.

When it comes to our national security and the safety and defense of our homeland, we should be focused on policy, not politics. We should be pursuing legislation to protect our Nation's ports and remedy the systemic weaknesses that facilitated this deal in the first place.

As the Nation's legislators and lawmakers, it is our responsibility and duty to keep America safe, and the Republican administration and Congress is not accomplishing this objective.

Before I close, I want to share with you yet another alarming statistic. And I notice that when you began your remarks you referred to the removal of shoes as we go through our magnetometers in our Nation's airports.

When I went to the Port of Miami, the staff there talked to me about the disparity in port security versus airport security. In the last 5 years, since 9/11, we have spent, this Republican Congress has spent $18 billion more on airport security, which is a good thing. But comparatively they have spent less than $700 million on port security. Essentially we have rested the sum total of our increase in national security on taking our shoes off as we go through the magnetometer. That is about the only thing that most people could say they noticed was a difference between before 9/11 and post-9/11 national security.

Again, I commend you on your effort to pull us together tonight.

Mr. SCHIFF. I thank the gentlewoman and I am tremendously grateful for your leadership and participation tonight.

Mr. Speaker, I want to thank my colleague from Maryland, Chris Van Hollen, for his patience this evening. It has been a long evening already, and I have been keeping him and my other colleagues from the beginning of the recess. He has done a tremendous job in his tenure here in the Congress. He has already established himself as a superb leader on national security and other issues, education. Without any further ado I turn over my time to Mr. Van Hollen for such time as he may consume.

Mr. VAN HOLLEN. I thank my colleague from California, Mr. Schiff. And again, like my colleagues, I thank you for your leadership on issues of national security in this Congress for our country.

I think we all understand that in order to successfully conduct the important work of our Nation, we must have management systems in place. We must have systems of checks and balances to make sure that those people who are making critical decisions for our country are held accountable, and nowhere is that more important than in the area of national security. We have to have competence and we have to have accountability, and unfortunately we have seen a lack of both those qualities in the decisions on national security made by this administration.

It is Basic Management 101 that if you reward failure you are going to get more failure, and if you want success you should reward success. But if you look at the way this administration has approached national security, they have kind of got that principle backwards.

□ 2145

In fact, they have essentially rewarded and acknowledged those in the administration who got it wrong and criticized those who got their facts right.

Let us just go back to General Shinseki, who proposed early on that we would need, he said, a couple hundred thousand troops on the ground in post-war Iraq in order to maintain stability. He was dismissed by then-Deputy Secretary of Defense Paul Wolfowitz of being "way off the mark."

We have had up to 160,000 troops on the ground, and as you, Mr. Schiff, noted early on, it is the consensus of most military experts that one of the reasons we failed in the immediate post-war period to maintain stability was the lack of enough troops on the ground. General Shinseki was right. He was dismissed by the administration. Mr. Wolfowitz received the plum job as president of the World Bank. I do not know what kind of message that sends.

How about the costs of the war? Well, Secretary Wolfowitz said: "We are dealing with a country that can finance its own reconstruction and relatively soon." Well, we know today that Iraq has still not come back up to its prewar oil production, and the predictions that were made by the chief economic policy adviser to the President, Lawrence Lindsey, who at the time said he thought the cost of the war would run about $100 billion to $200 billion, look good from today's vantage point.

At the time we need to remind people that others in the administration, like the head of the Budget Office, Mitch Daniels, dismissed those projections as being too high, and said very, very high.

We have seen a recent study by the Columbia University economist and former Nobel Prize winner in economics, Joe Stiglitz, who projects that this war could be up to $2.5 trillion in costs.

But perhaps most dangerous from the vantage point of national security have been the failures with respect to the intelligence and the abuse of intelligence. And we need an intelligence system where the facts inform the policy, rather than a system where politics shape and distort the facts. But we have seen the administration ignore many of the professionals in the government who actually called it right in many instances.

If you look back now over the national intelligence estimates and you look at what the people in INR, Intelligence Research at the State Department, were saying; if you look at what the folks at the Department of Energy were saying, a lot of them questioned these conclusions that were being jumped to with respect to the presence of weapons of mass destruction. They questioned both those agencies, the fact that these aluminum tubes were somehow evidence of an Iranian nuclear program. They said they did not believe that. And yet in its selective use of intelligence, the administration ignored those. They relegated those opinions to mere footnotes and essentially put forward the other information.

And you mentioned today a very disturbing revelation has come to light with respect to the selective use of intelligence. And I just want to quote from the Los Angeles Times. This is in many other papers. It turns out, according to the information put forward by Patrick Fitzgerald, the special prosecutor, "President Bush personally authorized leaking long classified information to a reporter in the summer of 2003 to buttress administration claims, now discredited, that Saddam Hussein was attempting to acquire weapons of mass destruction for Iraq."

Before the war, they selectively leaked information in a way that misinformed the American public; and then when they were essentially caught doing that, they further selectively leaked information to try to hide that fact when revelations were brought to light.

This has very serious consequences for our security because our credibility around the world depends on people whom we go to believing that the information that we have is true and that it is solid. When Adlai Stevenson was at the United Nations in the Cuban Missile Crisis and he said the Soviets were putting missiles into Cuba and had the information to support it, our credibility as a Nation was enhanced. As a result of the failures and abuse of intelligence, our credibility around the world has been degraded. It makes it much harder to persuade others about the seriousness of the threats in Iran and North Korea.

Now, the 9/11 Commission made a number of recommendations as to how we could deal with this particular issue; and one of the recommendations they made was to bolster intelligence oversight reform. Let us hold people accountable for their decisions. Let us not reward failure because we will get more failure. Let us not reward and ignore mistakes; we will get more mistakes. But when it comes to intelligence oversight reform, what grade did they give to the Republican Congress and the administration? A "D." A "D."

We have said, we Democrats, as part of our proposal, we are going to strengthen the oversight process. We are going to hold people accountable, and we are going to implement all of the recommendations of the 9/11 Commission, including the recommendation to improve the oversight of intelligence so we can end the abusive intelligence, restore our credibility around the world, because that credibility is essential to the national security of this country.

I thank the gentleman from California for his leadership on this issue, and I hope we will continue to have this conversation that I think is so important to our country.

Mr. SCHIFF. I thank the gentleman for his leadership and his eloquence and the tremendous job that he also does as we serve together on the Judiciary Committee.

I am now pleased to yield to JAY INSLEE from the great State of Washington, who has been a pioneer in the area of energy independence.

Mr. INSLEE. Thank you. And I have a simple message. We Democrats want to strike a preemptive blow against our enemies in the Middle East. And the single, most effective preemptive blow we have is to starve them from resources with which to attack us. We know where the money came from to finance the attack on September 11. It came from our addiction to oil that must stop.

And we now have a President who said he wants to break our addiction to oil, and we welcome his language about this. But we cannot run our cars on rhetoric. We cannot run a national energy independence program on rhetoric. We need real policies. And we are offering them. We have offered to the country the New Apollo Energy Act, H.R. 2828. That is H.R. 2828. If folks want to look at it, they are welcome to see the most comprehensive plan that will really deliver a situation where we send less money to Middle Eastern sheiks and more money to middle-American farmers. That is a policy that we will embrace, and we will be more secure than we are today.

I thank you for letting me have my few words today.

Mr. SCHIFF. Mr. Speaker, I want to thank my colleagues this evening for all their comments and their leadership. Over the next several weeks, we will be unveiling in greater detail each of the pillars of security: how we intend, as Democrats, to rebuild the 21st-century military; how we intend to take the war on terror to Osama bin Laden and al Qaeda; how we intend to beef up our homeland security and repair a lot of the broken pieces of our homeland security policy that make us continue to be vulnerable; how we will make Iraq in 2006 a year of transition to full Iraqi sovereignty; and how, as Mr. INSLEE points out, we can achieve energy independence, something vital to the present and this Nation's future.

I want to thank my colleagues for their leadership. DAVID SCOTT for all his great work, CHRIS VAN HOLLEN, JAY INSLEE, all of the other speakers tonight. We look forward to continuing this dialogue with the American people.

CONFERENCE REPORT ON H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. LOBIONDO (during the Special Order of Mr. SCHIFF) submitted the following conference report and statement on the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes:

CONFERENCE REPORT (H. REPT. 109-413)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 889), to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2006".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Supplemental authorization of appropriations.
Sec. 104. Web-based risk management data system.

TITLE II—COAST GUARD

Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.
Sec. 202. International training and technical assistance.
Sec. 203. Officer promotion.
Sec. 204. Coast Guard band director.
Sec. 205. Authority for one-step turnkey design-build contracting.
Sec. 206. Reserve recall authority.
Sec. 207. Reserve officer distribution.
Sec. 208. Expansion of use of auxiliary equipment to support Coast Guard missions.
Sec. 209. Coast Guard history fellowships.
Sec. 210. Icebreakers.
Sec. 211. Operation as a service in the Navy.
Sec. 212. Limitation on moving assets to St. Elizabeth's Hospital.
Sec. 213. Cooperative agreements.
Sec. 214. Biodiesel feasibility study.
Sec. 215. Boating safety director.
Sec. 216. Hangar at Coast Guard Air Station Barbers Point.
Sec. 217. Promotion of Coast Guard officers.
Sec. 218. Redesignation of Coast Guard law specialists as judge advocates.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Treatment of ferries as passenger vessels.
Sec. 302. Great Lakes pilotage annual ratemaking.
Sec. 303. Certification of vessel nationality in drug smuggling cases.
Sec. 304. LNG tankers.
Sec. 305. Use of maritime safety and security teams.
Sec. 306. Enhanced civil penalties for violations of provisions enacted by the Coast Guard and Maritime Transportation Act of 2004.
Sec. 307. Training of cadets at United States Merchant Marine Academy.
Sec. 308. Reports from mortgagees of vessels.
Sec. 309. Determination of the Secretary.
Sec. 310. Setting, relocating, and recovering anchors.
Sec. 311. International tonnage measurement of vessels engaged in the Aleutian trade.
Sec. 312. Riding gangs.

TITLE IV—MISCELLANEOUS

Sec. 401. Authorization of junior reserve officers training program pilot program.
Sec. 402. Transfer.
Sec. 403. Loran-C.
Sec. 404. Long-range vessel tracking system.
Sec. 405. Marine vessel and cold water safety education.
Sec. 406. Reports.
Sec. 407. Conveyance of decommissioned Coast Guard Cutter MACKINAW.
Sec. 408. Deepwater reports.
Sec. 409. Helicopters.
Sec. 410. Newtown Creek, New York City, New York.
Sec. 411. Report on technology.
Sec. 412. Assessment and planning.
Sec. 413. Homeport.
Sec. 414. Opinions regarding whether certain facilities create obstructions to navigation.
Sec. 415. Port Richmond.
Sec. 416. Western Alaska community development quota program.
Sec. 417. Quota share allocation.
Sec. 418. Maine fish tender vessels.
Sec. 419. Automatic identification system.
Sec. 420. Voyage data recorder study and report.
Sec. 421. Distant water tuna fleet.

TITLE V—LIGHTHOUSES

Sec. 501. Transfer.
Sec. 502. Misty Fiords National Monument and Wilderness.
Sec. 503. Miscellaneous Light Stations.
Sec. 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

Sec. 601. Short title.
Sec. 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.
Sec. 603. Limits on liability.
Sec. 604. Requirement to update Philadelphia Area Contingency Plan.
Sec. 605. Submerged oil removal.
Sec. 606. Assessment of oil spill costs.
Sec. 607. Delaware River and Bay Oil Spill Advisory Committee.
Sec. 608. Nontank vessels.

TITLE VII—HURRICANE RESPONSE

Sec. 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita.
Sec. 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
Sec. 703. Temporary authorization to extend the duration of vessel certificates of inspection.
Sec. 704. Preservation of leave lost due to Hurricane Katrina operations.
Sec. 705. Reports on impact to Coast Guard.
Sec. 706. Reports on impacts on navigable waterways.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

Sec. 801. Implementation of international agreements.
Sec. 802. Voluntary measures for reducing pollution from recreational boats.
Sec. 803. Integration of vessel monitoring system data.
Sec. 804. Foreign fishing incursions.

TITLE IX—TECHNICAL CORRECTIONS

Sec. 901. Miscellaneous technical corrections.
Sec. 902. Correction of references to Secretary of Transportation and Department of Transportation; related matters.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,633,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,903,821,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) $1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems; and

(C) $284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $38,400,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $12,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $119,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE-DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active-duty personnel of 45,500 for the fiscal year ending on September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided to the Coast Guard from another Federal agency for reimbursement of expenditures for Hurricane Katrina, there are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating the following amounts for nonreimbursed expenditures:

(1) For the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including search and rescue efforts, clearing channels, and emergency response to oil and chemical spills, and for increased costs of operation and maintenance of the Coast Guard due to higher than expected fuel costs, $300,000,000.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, and vessels and aircraft, including equipment related thereto, related to damage caused by Hurricane Katrina, $200,000,000.

(b) CONSTRUCTION WITH OTHER FUNDING.—The amounts authorized to be appropriated by subsection (a) are in addition to any other amounts authorized to be appropriated to the

Secretary of the department in which the Coast Guard is operating under any other provision of law.

(c) AVAILABILITY.—The amounts made available under subsection (a) shall remain available until expended.

SEC. 104. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There is authorized to be appropriated for each of fiscal years 2006 and 2007 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a World Wide Web-based risk management system to help reduce accidents and fatalities.

TITLE II—COAST GUARD

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 149. Assistance to foreign governments and maritime authorities";

(2) by inserting before the undesignated text the following:

"(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—"; and

(3) by adding at the end the following new subsection:

"(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may provide, in conjunction with regular Coast Guard operations, technical assistance (including law enforcement and maritime safety and security training) to foreign navies, coast guards, and other maritime authorities.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the analysis at the beginning of chapter 7 of such title is amended to read as follows:

"149. Assistance to foreign governments and maritime authorities.".

SEC. 203. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(f) The Secretary may waive subsection (a) to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.".

SEC. 204. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) by striking the first sentence and inserting the following: "The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications."; and

(B) in the second sentence, by striking "a member so designated" and inserting "an individual so designated";

(2) in subsection (c)—

(A) by striking "of a member" and inserting "of an individual"; and

(B) by striking "of lieutenant (junior grade) or lieutenant" and inserting "determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual";

(3) in subsection (d) by striking "A member" and inserting "An individual"; and

(4) in subsection (e)—

(A) by striking "When a member's designation is revoked," and inserting "When an individual's designation is revoked,"; and

(B) by striking "option:" and inserting "option—".

(b) CURRENT DIRECTOR.—The individual serving as Coast Guard band director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 677. Turnkey selection procedures

"(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

"(b) DEFINITIONS.—In this section, the following definitions apply:

"(1) The term 'one-step turnkey selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

"(2) The term 'construction' includes the construction, procurement, development, conversion, or extension of any facility.

"(3) The term 'facility' means a building, structure, or other improvement to real property.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 676 the following:

"677. Turnkey selection procedures.".

SEC. 206. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) in subsection (a) by striking "during a" and inserting "during a, or to aid in prevention of an imminent,";

(2) in subsection (a) by striking "or catastrophe," and inserting "catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46,";

(3) in subsection (a) by striking "thirty days in any four-month period" and inserting "60 days in any 4-month period";

(4) in subsection (a) by striking "sixty days in any two-year period" and inserting "120 days in any 2-year period"; and

(5) by adding at the end the following:

"(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.".

SEC. 207. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) in subsection (a) by inserting after the first sentence the following: "Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve."; and

(2) in subsection (b) by striking all that precedes paragraph (2) and inserting the following:

"(b)(1) The Secretary shall make, at least once each year, a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.".

SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.

(a) USE OF MOTORIZED VEHICLES.—Section 826 of title 14, United States Code, is amended—

(1) by inserting before the undesignated text the following:

"(a) MOTOR BOATS, YACHTS, AIRCRAFT, AND RADIO STATIONS.—"; and

(2) by adding at the end the following new subsection:

"(b) MOTOR VEHICLES.—The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motor vehicle (as defined in section 154 of title 23, United States Code) placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.".

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of such title is amended by striking "or radio station" each place it appears and inserting "radio station, or motorized vehicle utilized under section 826(b)".

SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.

(a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

"§ 198. Coast Guard history fellowships

"(a) FELLOWSHIPS.—The Commandant of the Coast Guard may prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

"(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

"(1) is a graduate student in United States history;

"(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

"(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

"(c) LIMITATIONS.—The Commandant may award up to 2 fellowships annually. The Commandant may not award any fellowship under this section that exceeds $25,000 in any year.

"(d) REGULATIONS.—The regulations prescribed under this section shall include—

"(1) the criteria for award of fellowships;

"(2) the procedures for selecting recipients of fellowships;

"(3) the basis for determining the amount of a fellowship; and

"(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

"198. Coast Guard history fellowships.".

SEC. 210. ICEBREAKERS.

(a) OPERATION AND MAINTENANCE PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan—

(1) for operation and maintenance after fiscal year 2006 of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY, that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) for the long-term recapitalization of these assets.

(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions, including the necessary funding for operation and maintenance of such vessels, until it has implemented the long-term recapitalization of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan submitted under subsection (a).

(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section with respect to the polar icebreakers referred to in subsection (a).

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by inserting "if Congress so directs in the declaration" after "Upon the declaration of war".

SEC. 212. LIMITATION ON MOVING ASSETS TO ST. ELIZABETH'S HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeth's Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a plan—

(1) to provide road access to the site from Interstate Route 295;

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no fewer than 2,000 employees at such location;

(3) to provide transportation of employees and visitors to and from sites in the District of Columbia metropolitan area that are located within close proximity to St. Elizabeth's Hospital;

(4) for the construction, facade, and layout of the proposed structures, including security considerations, parking facilities, medical facilities, dining facilities, and physical exercise facilities on the West Campus;

(5) that analyzes the costs of building restrictions, planning considerations, and permitting requirements of constructing new facilities on or near historic landmarks and historic buildings (especially those known to possess medical waste, lead paint, and asbestos);

(6) that analyzes the feasibility of relocating Coast Guard Headquarters—

(A) to the Department of Transportation Headquarters located at L'Enfant Plaza;

(B) to the Waterfront Mall Complex in Southwest District of Columbia; and

(C) to 3 alternative sites requiring either new construction or leasing of current facilities (other than those referred to in subparagraphs (A) and (B)) within the District of Columbia metropolitan area that accommodate the Coast Guard's minimum square footage requirements; and

(7) that analyzes how a potential move to the West Campus of St. Elizabeth's Hospital would impact—

(A) the Coast Guard's ability to access and cooperatively work with the Department of Homeland Security and the other Federal agencies of the Department; and

(B) plans under consideration for relocating all or parts of the headquarters of the Department of Homeland Security and other offices of the Department.

SEC. 213. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on opportunities for cost savings and operational efficiencies that can be achieved through and the feasibility of colocating Coast Guard assets and personnel at facilities of other armed forces throughout the United States. The report shall—

(1) identify opportunities for cooperative agreements with respect to siting of assets or operations that may be established between the Coast Guard and any of the other armed forces; and

(2) analyze anticipated costs and benefits, and operational impacts associated with each site and such agreements.

SEC. 214. BIODIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using biodiesel fuel in new and existing Coast Guard vehicles and vessels and that focuses on the use of biodiesel fuel in ports which have a high density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report containing the findings, conclusions, and recommendations (if any) from the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 215. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

"§216. Director of Boating Safety Office

"The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 215 the following:

"216. Director of Boating Safety Office.".

SEC. 216. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point, Hawaii. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 217. PROMOTION OF COAST GUARD OFFICERS.

(a) IN GENERAL.—Section 211(a) of title 14, United States Code, is amended to read as follows:

"(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

"(A) Graduates of the Coast Guard Academy.

"(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

"(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

"(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

"(2) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

"(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.".

(b) WARTIME TEMPORARY SERVICE PROMOTION.—Section 275(f) of such title is amended by striking the second and third sentences and inserting "Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.".

SEC. 218. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) DEFINITIONS IN TITLE 10.—Section 801 of title 10, United States Code, is amended—

(1) by striking paragraph (11); and

(2) in paragraph (13) by striking subparagraph (C) and inserting the following:

"(C) a commissioned officer of the Coast Guard designated for special duty (law).".

(b) CONFORMING AMENDMENTS.—

(1) TITLE 14.—Section 727 of title 14, United States Code, is amended by striking "law specialist" and inserting "judge advocate".

(2) SOCIAL SECURITY ACT.—Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking "law specialist" and inserting "judge advocate".

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

(a) FERRY DEFINED.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

"(10b) 'ferry' means a vessel that is used on a regular schedule—

"(A) to provide transportation only between places that are not more than 300 miles apart; and

"(B) to transport only—

"(i) passengers; or

"(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.".

(b) PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following:

"(D) that is a ferry carrying a passenger.".

(c) Small Passenger Vessels That Are Ferries.—Section 2101(35) of title 46, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following:

"(E) that is a ferry carrying more than 6 passengers.".

SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (f) by inserting at the end the following: "The Secretary shall establish new pilotage rates by March 1 of each year. The Secretary shall establish base pilotage rates by a full ratemaking at least once every 5 years and shall conduct annual reviews of such base pilotage rates, and make adjustments to such base rates, in each intervening year."; and

(2) by adding at the end the following:

"(g) The Secretary shall ensure that a sufficient number of individuals are assigned to carrying out subsection (f).".

SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last two sentences and inserting the following: "The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary's designee.".

SEC. 304. LNG TANKERS.

(a) Program.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States flag vessels.

(b) Amendment to Deepwater Port Act.—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:

"(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag vessels.".

(c) Public Notice of LNG Vessel's Registry and Crew.—

(1) Plan submitted with application for deepwater port license.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended—

(A) by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively; and

(B) by inserting after subparagraph (J) the following:

"(K) the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing the deepwater port;".

(2) Information to be provided.—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission's shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.

(d) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on the implementation of this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 305. USE OF MARITIME SAFETY AND SECURITY TEAMS.

Section 70106(b)(8) of title 46, United States Code, is amended by striking "other security missions" and inserting "any other missions of the Coast Guard".

SEC. 306. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF PROVISIONS ENACTED BY THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004.

(a) Continuing Violations.—The section enumerated 70119 of title 46, United States Code, as redesignated and transferred by section 802(a)(1) of the Coast Guard and Maritime Transportation Security Act of 2004 (118 Stat. 1078), relating to civil penalty, is amended—

(1) by inserting "(a) In General.—" before "Any";

(2) by striking "violation." and inserting "day during which the violation continues."; and

(3) by adding at the end the following:

"(b) Continuing Violations.—The maximum amount of a civil penalty for a violation under this section shall not exceed $50,000.".

(b) Application of Civil Penalty Procedures.—Section 2107 of title 46, United States Code, is amended by striking "this subtitle" each place it appears and inserting "this subtitle or subtitle VII".

SEC. 307. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.".

SEC. 308. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking "owners, masters, and charterers" and inserting "owners, masters, charterers, and mortgagees".

SEC. 309. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) Denial of waiver review.—

"(A) In general.—The Secretary shall establish a review process before an administrative law judge for individuals denied a waiver under paragraph (2).

"(B) Scope of review.—In conducting a review under the process established pursuant to subparagraph (A), the administrative law judge shall be governed by the standards of section 706 of title 5. The substantial evidence standard in section 706(2)(E) of title 5 shall apply whether or not there has been an agency hearing. The judge shall review all facts on the record of the agency.

"(C) Classified evidence.—The Secretary, in consultation with the National Intelligence Director, shall issue regulations to establish procedures by which the Secretary, as part of a review conducted under this paragraph, may provide to the individual adversely affected by the determination an unclassified summary of classified evidence upon which the denial of a waiver by the Secretary was based.

"(D) Review of classified evidence by administrative law judge.—

"(i) Review.—As part of a review conducted under this section, if the decision of the Secretary was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge ex parte and in camera.

"(ii) Security clearances.—Pursuant to existing procedures and requirements, the Secretary, in coordination (as necessary) with the heads of other affected departments or agencies, shall ensure that administrative law judges reviewing negative waiver decisions of the Secretary under this paragraph possess security clearances appropriate for such review.

"(iii) Unclassified summaries of classified evidence.—As part of a review conducted under this paragraph and upon the request of the individual adversely affected by the decision of the Secretary not to grant a waiver, the Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under clause (i), an unclassified summary of any classified information upon which the decision of the Secretary was based.

"(E) New evidence.—The Secretary shall establish a process under which an individual may submit a new request for a waiver, notwithstanding confirmation by the administrative law judge of the Secretary's initial denial of the waiver, if the request is supported by substantial evidence that was not available to the Secretary at the time the initial waiver request was denied.".

SEC. 310. SETTING, RELOCATING, AND RECOVERING ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(c)(1) Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

"(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

"(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

"(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.".

SEC. 311. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) General Inspection Exemption.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

"(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

"(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

"(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.".

(b) Other Inspection Exemption and Watch Requirement.—Paragraphs (3)(B) and (4) of

section 3302(c) of title 46, United States Code, and section 8104(o) of that title are each amended by striking "or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" and inserting "or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title".

SEC. 312. RIDING GANGS.

(a) IN GENERAL.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following:

"§8106. Riding gangs

"(a) IN GENERAL.—The owner or managing operator of a freight vessel of the United States on voyages covered by the International Convention for Safety of Life at Sea, 1974 (32 UST 47m) shall—

"(1) ensure that—

"(A) subject to subsection (d), each riding gang member on the vessel—

"(i) is a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

"(ii) possesses a United States nonimmigrant visa for individuals desiring to enter the United States temporarily for business, employment-related and personal identifying information, and any other documentation required by the Secretary;

"(B) all required documentation for such member is kept on the vessel and available for inspection by the Secretary; and

"(C) each riding gang member is identified on the vessel's crew list;

"(2) ensure that—

"(A) the owner or managing operator attests in a certificate that the background of each riding gang member has been examined and found to be free of any credible information indicating a material risk to the security of the vessel, the vessel's cargo, the ports the vessel visits, or other individuals onboard the vessel;

"(B) the background check consisted of a search of all information reasonably available to the owner or managing operator in the riding gang member's country of citizenship and any other country in which the riding gang member works, receives employment referrals, or resides;

"(C) the certificate required under subparagraph (A) is kept on the vessel and available for inspection by the Secretary; and

"(D) the information derived from any such background check is made available to the Secretary upon request;

"(3) ensure that each riding gang member, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;

"(4) ensure that each such riding gang member receives basic safety familiarization and basic safety training approved by the Coast Guard as satisfying the requirements for such training under the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978;

"(5) prevent from boarding the vessel, or cause the removal from the vessel at the first available port, and disqualify from future service on board any other vessel owned or operated by that owner or operator, any riding gang member—

"(A) who has been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;

"(B) whose license, certificate of registry, or merchant mariner's document has been suspended or revoked under section 7704; or

"(C) who otherwise constitutes a threat to the safety of the vessel;

"(6) ensure and certify to the Secretary that the sum of—

"(A) the number of riding gang members on board a freight vessel, and

"(B) the number of individuals in addition to crew permitted under section 3304,

does not exceed 12;

"(7) ensure that every riding gang member is employed on board the vessel under conditions that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law; and

"(8) ensure that each riding gang member—

"(A) is supervised by an individual who holds a license issued under chapter 71; and

"(B) only performs work in conjunction with individuals who hold merchant mariners documents issued under chapter 73 and who are part of the vessel's crew.

"(b) PERMITTED WORK.—Subject to subsection (f), a riding gang member on board a vessel to which subsection (a) applies who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence may not perform any work on board the vessel other than—

"(1) work in preparation of a vessel entering a shipyard located outside of the United States;

"(2) completion of the residual repairs after departing a shipyard located outside of the United States; or

"(3) technical in-voyage repairs, in excess of any repairs that can be performed by the vessel's crew, in order to advance the vessel's useful life without having to actually enter a shipyard.

"(c) WORKDAY LIMIT.—

"(1) IN GENERAL.—The maximum number of days in any calendar year that the owner or operator of a vessel to which subsection (a) applies may employ on board riding gang members who are neither United States citizens nor aliens lawfully admitted to the United States for permanent residence for work on board that vessel is 60 days. If the vessel is at sea on the 60th day, each riding gang member shall be discharged from the vessel at the next port of call reached by the vessel after the date on which the 60-workday limit is reached.

"(2) CALCULATION.—For the purpose of calculating the 60-workday limit under this subsection, each day worked by a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence shall be counted against the limitation.

"(d) EXCEPTIONS FOR WARRANTY WORK.—

"(1) IN GENERAL.—Subsections (b), (c), (e), and (f) do not apply to a riding gang member employed exclusively to perform, and who performs only, work that is—

"(A) customarily performed by original equipment manufacturers' technical representatives;

"(B) required by a manufacturer's warranty on specific machinery and equipment; or

"(C) required by a contractual guarantee or warranty on actual repairs performed in a shipyard located outside of the United States.

"(2) CITIZENSHIP REQUIREMENT.—Subsection (a)(1)(A) applies only to a riding gang member described in paragraph (1) who is on the vessel when it calls at a United States port.

"(e) RECORDKEEPING.—In addition to the requirements of subsection (a), the owner or managing operator of a vessel to which subsection (a) applies shall ensure that all information necessary to ensure compliance with this section, as determined by the Secretary, is entered into the vessel's official logbook required by chapter 113.

"(f) FAILURE TO EMPLOY QUALIFIED AVAILABLE U.S. CITIZENS OR RESIDENTS.—

"(1) IN GENERAL.—The owner or operator of a vessel to which subsection (a) applies may not employ a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence to perform work described in subsection (b) unless the owner or operator determines, in accordance with procedures established by the Secretary to carry out section 8103(b)(3)(C), that there is not a sufficient number of United States citizens or individuals lawfully admitted to the United States for permanent residence who are qualified and available for the work for which the riding gang member is to be employed.

"(2) CIVIL PENALTY.—A violation of paragraph (1) is punishable by a civil penalty of not more than $10,000 for each day during which the violation continues.

"(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this subsection shall not exceed—

"(A) $50,000 if the violation occurs in fiscal year 2006;

"(B) $75,000 if the violation occurs in fiscal year 2007; and

"(C) $100,000 if the violation occurs after fiscal year 2007.

"(4) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, the history of prior offenses, the ability to pay, and such other matters as justice may require.

"(5) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.".

(b) RIDING GANG MEMBER DEFINED.—Section 2101 of such title is amended by inserting after paragraph (26) the following:

"(26a) 'riding gang member' means an individual who—

"(A) has not been issued a merchant mariner document under chapter 73;

"(B) does not perform—

"(i) watchstanding, automated engine room duty watch, or personnel safety functions; or

"(ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;

"(C) does not serve as part of the crew complement required under section 8101;

"(D) is not a member of the steward's department; and

"(E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.".

(c) CONFORMING AMENDMENTS.—

(1) CITIZENSHIP REQUIREMENT.—Section 8103 of such title is amended by adding at the end the following:

"(j) RIDING GANG MEMBER.—This section does not apply to an individual who is a riding gang member.".

(2) APPLICATION OF CHAPTER 103.—Section 10301(b) of such title is amended by striking "voyage." and inserting "voyage or to riding gang members.".

(d) CLERICAL AMENDMENT.—The analysis for chapter 81 of such title is amended by adding at the end the following:

"8106. Riding gangs.".

TITLE IV—MISCELLANEOUS

SEC. 401. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating *may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.*

(b) Program Requirements.—The pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) Provision of Additional Support.—To carry out the pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities; and

(2) necessary and appropriate course materials, equipment, and uniforms.

(d) Employment of Retired Coast Guard Personnel.—

(1) In general.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ, as administrators and instructors for the pilot program, retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers not on active duty who request that employment and who are approved by the Secretary and Camden County High School.

(2) Authorized pay.—

(A) In general.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if the individual was considered to have been ordered to active duty during the period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) Payment to school.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A), from funds appropriated for such purpose.

(C) Not duty or duty training.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active-duty or inactive-duty training.

SEC. 402. TRANSFER.

Section 602 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1050) is amended—

(1) in subsection (b)(2) by striking "to be conveyed" and all that follows through the period and inserting "to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana)."; and

(2) in subsection (c)(1)(A) by inserting "or, in the case of the vessel described in subsection (b)(2) only, for humanitarian purposes" before the semicolon at the end.

SEC. 403. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) Pilot Project.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 405. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 406. REPORTS.

(a) Adequacy of Assets.—

(1) Review.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement.

(2) Report.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review and any recommendations to enhance mission capabilities in those areas referred to in paragraph (1).

(b) Areas of Review.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(2) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(3) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(4) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

(c) Adequacy of Active-Duty Strength.—

(1) Review.—The Commandant of the Coast Guard shall review the adequacy of the strength of active-duty personnel authorized under section 102(a) of this Act to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways, and coastal security, marine environmental protection, and fisheries law enforcement.

(2) Report.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review.

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) In General.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey without consideration all right, title, and interest of the United States in and to that vessel to the Icebreaker Mackinaw Maritime Museum, Inc., located in the State of Michigan if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) Maintenance and Delivery of Vessel.—

(1) Maintenance.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) Delivery.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, no sooner than June 15, 2006, and not later than 30 days after the date on which the vessel is decommissioned.

(3) Treatment of conveyance.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) Other Excess Equipment.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

SEC. 408. DEEPWATER REPORTS.

(a) Annual Deepwater Implementation Report.—Not later than 30 days after the date of enactment of this Act and in conjunction with the transmittal by the President of the budget of the United States for each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the Integrated Deepwater Systems Program, as revised in 2005 (in this section referred to as the "Deepwater program"), that includes—

(1) a justification for how the projected number and capabilities of each Deepwater program asset meets the revised mission needs statement delivered as part of the Deepwater program and the performance goals of the Coast Guard;

(2) a projection of the remaining operational lifespan of each legacy asset;

(3) an identification of any changes to the Deepwater program, including—

(A) any changes to the timeline for the acquisition of each new asset and the phase out of legacy assets for the life of the Deepwater program; and

(B) any changes to the costs for that fiscal year or future fiscal years or the total costs of the Deepwater program, including the costs of new and legacy assets;

(4) a justification for how any change to the Deepwater program fulfills the mission needs statement for the Deepwater program and performance goals of the Coast Guard;

(5) an identification of how funds in that fiscal year's budget request will be allocated, including information on the purchase of specific assets;

(6) a detailed explanation of how the costs of the legacy assets are being accounted for within the Deepwater program;

(7) a description of how the Coast Guard is planning for the integration of Deepwater program assets into the Coast Guard, including needs related to shore-based infrastructure and human resources; and

(8) a description of the competitive process conducted in all contracts and subcontracts exceeding $2,500,000 awarded under the Deepwater program.

(b) DEEPWATER ACCELERATION REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the acceleration of the current Deepwater program acquisition timeline that reflects completion of the Deepwater program in each of 10 years and 15 years and includes—

(1) a detailed explanation of the number and type of each asset that would be procured for each fiscal year under each accelerated acquisition timeline;

(2) the required funding for such completion under each accelerated acquisition timeline;

(3) anticipated costs associated with legacy asset sustainment for the Deepwater program under each accelerated acquisition timeline;

(4) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets under each accelerated acquisition timeline; and

(5) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline, including—

(A) contractor capacity;

(B) national shipbuilding capacity;

(C) asset integration into Coast Guard facilities;

(D) required personnel; and

(E) training infrastructure capacity on technology associated with new assets.

(c) OVERSIGHT REPORT.—Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Government Accountability Office, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Coast Guard's implementation of the Government Accountability Office's recommendations in its report, GAO–04–380, entitled "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight", including the dates by which the Coast Guard plans to complete implementation of such recommendations if any of such recommendations remain open as of the date the report is transmitted to the Committees.

(d) INDEPENDENT ANALYSIS OF REVISED DEEPWATER PLAN.—The Secretary may periodically, either through an internal review process or a contract with an outside entity, conduct an analysis of all or part of the Deepwater program and assess whether—

(1) the choice of assets and capabilities selected as part of that program meets the Coast Guard's goals for performance and minimizing total ownership costs; or

(2) additional or different assets should be considered as part of that program.

SEC. 409. HELICOPTERS.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that analyses the potential impact on Coast Guard acquisitions of requiring that the Coast Guard acquire only helicopters, or any major component of a helicopter, that are constructed in the United States.

(b) STUDY ELEMENTS.—The study shall include—

(1) identification of additional costs or added benefits that would result from the additional restrictions described in subsection (a) on acquisitions from nondomestic sources, including major components or subsystems;

(2) industrial impact on the United States of such additional restrictions on acquisitions from nondomestic sources;

(3) the contractual impact of such additional restrictions on the Integrated Deepwater Systems Program and its platform elements, including delivery interruptions in the program and the subsequent mission impact of these delays; and

(4) identification of reasonable executive authorities to waive such additional restrictions that the Secretary considers essential in order to ensure continued mission performance of the United States Coast Guard.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study and any recommendations of the Secretary regarding such results to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 410. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—Of the amounts provided under section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712), the Administrator of the Environmental Protection Agency shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek, New York City, New York, caused by seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 411. REPORT ON TECHNOLOGY.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes an assessment of—

(1) the availability and effectiveness of software information technology systems for port security and the data evaluated, including data that has the ability to identify shippers, inbound vessels, and their cargo for potential threats to national security before it reaches United States ports, specifically the software already tested or being tested at Joint Harbor Operations Centers; and

(2) the costs associated with implementing such technology at all Sector Command Centers, Joint Harbor Operations Centers, and strategic defense and energy dependent ports.

SEC. 412. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Maritime Administration $400,000 to carry out an assessment of, and planning for, the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 413. HOMEPORT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study to assess the current homeport arrangement of the Coast Guard polar icebreaker HEALY to determine whether an alternative arrangement would enhance the Coast Guard's capabilities to carry out the recommendation to maintain dedicated, year-round icebreaker capability for the Arctic that was included in the report prepared by the National Academy of Sciences and entitled: "Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment (ISBN: 0–309–10069–0)".

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Commandant shall report the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 414. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

Section 14 of the Ports and Waterways Safety Act (33 U.S.C. 1232a)) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) WIND ENERGY FACILITY.—

"(1) IN GENERAL.—An offshore wind energy facility may not be constructed in the area commonly known as 'Nantucket Sound' unless the construction of such facility is approved by the Commandant of the Coast Guard.

"(2) INFORMATION.—A person proposing to build an offshore wind energy facility in the area commonly known as 'Nantucket Sound' shall provide to the Commandant of the Coast Guard and the Governor of any adjacent coastal State a plan for the siting and construction of the facility, including the location, size, and design of each wind turbine that will be a part of the facility, any cable connecting the facility to onshore sites, any other offshore components, and such other information as the Commandant may require.

"(3) LIMITATION ON APPROVAL.—The Commandant may not approve the construction of a facility described in paragraph (1) if—

"(A) within 90 days of the date of receipt of the plan for the facility under paragraph (2), the Governor of an adjacent coastal State makes a written determination that the Governor opposes the proposed location for the facility and submits the determination to the Commandant; or

"(B) the Commandant determines that the facility creates a hazard to navigation.

"(4) ADJACENT COASTAL STATE DEFINED.—In this section, the term 'adjacent coastal State', as used with respect to a proposed wind energy facility, is any coastal State which—

"(A) would be directly connected by a cable to the facility; or

"(B) is located within 15 miles of the proposed location of the facility.".

SEC. 415. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 416. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) RESTATEMENT OF EXISTING PROGRAM INCORPORATING CERTAIN PROVISIONS OF REGULATIONS.—Section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is amended by striking paragraph (1) and inserting the following:

"(1) WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.—

"(A) IN GENERAL.—There is established the western Alaska community development quota program in order—

"(i) to provide eligible western Alaska villages with the opportunity to participate and invest

in fisheries in the Bering Sea and Aleutian Islands Management Area;

“(ii) to support economic development in western Alaska;

“(iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and

“(iv) to achieve sustainable and diversified local economies in western Alaska.

“(B) PROGRAM ALLOCATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the annual percentage of the total allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be the percentage approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program. The percentage for each fishery shall be either a directed fishing allowance or include both directed fishing and nontarget needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.

“(ii) EXCEPTIONS.—Notwithstanding clause (i)—

“(I) the allocation under the program for each directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) shall be a directed fishing allocation of 10 percent upon the establishment of a quota program, fishing cooperative, sector allocation, or other rationalization program in any sector of the fishery; and

“(II) the allocation under the program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a directed fishing allocation of 10 percent.

“(iii) PROCESSING AND OTHER RIGHTS.—Allocations to the program include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

“(iv) REGULATION OF HARVEST.—The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.

“(C) ALLOCATIONS TO ENTITIES.—Each entity eligible to participate in the program shall be authorized under the program to harvest annually the same percentage of each species allocated to the program under subparagraph (B) that it was authorized by the Secretary to harvest of such species annually as of March 1, 2006, except to the extent that its allocation is adjusted under subparagraph (H). Such allocation shall include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.

“(D) ELIGIBLE VILLAGES.—The following villages shall be eligible to participate in the program through the following entities:

“(i) The villages of Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, and Saint George through the Aleutian Pribilof Island Community Development Association.

“(ii) The villages of Aleknagik, Clark's Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon/Savonoski, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik through the Bristol Bay Economic Development Corporation.

“(iii) The village of Saint Paul through the Central Bering Sea Fishermen's Association.

“(iv) The villages of Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.

“(v) The villages of Brevig Mission, Diomede, Elim, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.

“(vi) The villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam Iqua through the Yukon Delta Fisheries Development Association.

“(E) ELIGIBILITY REQUIREMENTS FOR PARTICIPATING ENTITIES.—To be eligible to participate in the program, an entity referred to in subparagraph (D) shall meet the following requirements:

“(i) BOARD OF DIRECTORS.—The entity shall be governed by a board of directors. At least 75 percent of the members of the board shall be resident fishermen from the entity's member villages. The board shall include at least one director selected by each such member village.

“(ii) PANEL REPRESENTATIVE.—The entity shall elect a representative to serve on the panel established by subparagraph (G).

“(iii) OTHER INVESTMENTS.—The entity may make up to 20 percent of its annual investments in any combination of the following:

“(I) For projects that are not fishery-related and that are located in its region.

“(II) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are not fishery-related and that are located in one or more of their regions.

“(III) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.

“(iv) FISHERY-RELATED INVESTMENTS.—The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of the entity prior to March 1, 2006.

“(v) ANNUAL STATEMENT OF COMPLIANCE.—Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.

“(vi) OTHER PANEL REQUIREMENTS.—The entity shall comply with any other requirements established by the panel under subparagraph (G).

“(F) ENTITY STATUS, LIMITATIONS, AND REGULATION.—The entity—

“(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity's proportional ownership, excluding any program allocations, and notwithstanding any other provision of law;

“(ii) shall comply with State of Alaska law requiring annual reports to the entity's member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

“(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the entity and the State shall keep confidential from public disclosure any information if the disclosure would be harmful to the entity or its investments; and

“(iv) is exempt from compliance with any State law requiring approval of financial transactions, community development plans, or amendments thereto, except as required by subparagraph (H).

“(G) ADMINISTRATIVE PANEL.—

“(i) ESTABLISHMENT.—There is established a community development quota program panel.

“(ii) MEMBERSHIP.—The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.

“(iii) FUNCTIONS.—The panel shall—

“(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through recommendations to the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and

“(II) coordinate and facilitate activities of the entities under the program.

“(iv) UNANIMITY REQUIRED.—The panel may act only by unanimous vote of all 6 members of the panel and may not act if there is a vacancy in the membership of the panel.

“(H) DECENNIAL REVIEW AND ADJUSTMENT OF ENTITY ALLOCATIONS.—

“(i) IN GENERAL.—During calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in clause (ii).

“(ii) CRITERIA.—The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign relative values to the following criteria to reflect the particular needs of its villages:

“(I) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity's member villages.

“(II) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.

“(III) Employment, scholarships, and training supported by the entity.

“(IV) Achieving of the goals of the entity's community development plan.

“(iii) ADJUSTMENT OF ALLOCATIONS.—After the evaluation required by clause (i), the State of Alaska shall make a determination, on the record and after an opportunity for a hearing, with respect to the performance of each entity participating in the program for the criteria described in clause (ii). If the State determines that the entity has maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. If the State determines that the entity has not maintained or improved its overall performance with respect to the criteria—

“(I) at least 90 percent of the entity's allocation for each species under subparagraph (C) shall be extended by the State for the next 10-year period; and

“(II) the State may determine, or the Secretary may determine (if State law prevents the State from making the determination), and implement an appropriate reduction of up to 10 percent of the entity's allocation for each species under subparagraph (C) for all or part of such 10-year period.

“(iv) REALLOCATION OF REDUCED AMOUNT.—If the State or the Secretary reduces an entity's allocation under clause (iii), the reduction shall be reallocated among other entities participating in the program whose allocations are not reduced during the same period in proportion to each such entity's allocation of the applicable species under subparagraph (C).

“(I) SECRETARIAL APPROVAL NOT REQUIRED.—Notwithstanding any other provision of law or regulation thereunder, the approval by the Secretary of a community development plan, or an amendment thereof, under the program is not required.

“(J) COMMUNITY DEVELOPMENT PLAN DEFINED.—In this paragraph, the term ‘community development plan’ means a plan, prepared by an entity referred to in subparagraph (D), for the program that describes how the entity intends—

"(i) to harvest its share of fishery resources allocated to the program, or

"(ii) to use its share of fishery resources allocated to the program, and any revenue derived from such use, to assist its member villages with projects to advance economic development,

but does not include a plan that allocates fishery resources to the program.".

(b) NO INTERRUPTION OF EXISTING ALLOCATIONS.—The amendment made by subsection (a) shall not be construed or implemented in a way that causes any interruption in the allocations of fishery resources to the western Alaska community development quota program or in the opportunity of an entity participating in that program to harvest its share of such allocations.

(c) LOAN SUBSIDIES.—The last proviso under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES" in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2311–2312) is amended—

(1) by striking "for the cost of loans" and inserting "to subsidize gross obligations for the principal amount of direct loans, not to exceed a total of $200,000,000,"; and

(2) by striking "use" and inserting "the purchase of all or part of ownership interests in fishing or processing vessels, shoreside fish processing facilities, permits, quota, and cooperative rights".

SEC. 417. QUOTA SHARE ALLOCATION.

(a) IN GENERAL.— The Secretary of Commerce shall modify the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands being implemented under section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1862(j)) to require that Blue Dutch, LLC, receives processor quota shares units equal to 0.75 percent of the total number of processor quota share units for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery.

(b) APPLICABILITY.—The modification made under subsection (a) shall apply with respect to each fishery referred to in subsection (a) whenever the total allowable catch for that fishery is more than 2 percent higher than the most recent total allowable catch in effect for that fishery prior to September 15, 2005.

(c) SAVINGS PROVISION.—Nothing in this section affects the authority of the North Pacific Fishery Management Council to submit, and the Secretary of Commerce to implement, changes to or repeal of conservation and management measures under section 313(j)(3)) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1862(j)(3)).

(d) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall issue regulations to implement this section.

SEC. 418. MAINE FISH TENDER VESSELS.

The prohibition under section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) against transportation of fish or shellfish between places in the State of Maine by a vessel constructed in Canada shall not apply to a vessel of less than 5 net tons if—

(1) the vessel was engaged in the transportation of fish or shellfish between places in the State of Maine before January 1, 2005;

(2) before January 1, 2005, the owner of the vessel transported fish or shellfish pursuant to a valid wholesale seafood license issued under section 6851 of title 12 of the Maine Revised Statutes;

(3) the vessel is owned by a person that meets the citizenship requirements of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802); and

(4) not later than 180 days after the date of enactment of this Act, the owner of the vessel submits to the Secretary of the department in which the Coast Guard is operating an affidavit certifying that the vessel and owner meet the requirements of this section.

SEC. 419. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may transfer $1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, not later than 120 days after such date of enactment, a competitive grant to design and develop a prototype device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with a wireless maritime data device approved by the Federal Communications Commission with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of the transponder, on frequency channels adjacent to the frequency channels on which the transponder operates, while minimizing or eliminating the harmful interference between the transponder and such wireless maritime data device. The design of the device developed under this subsection shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the sense of the Senate, not later than 60 days after the date of enactment of this Act, that the Federal Communications Commission should resolve the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz (RM–10821, WT Docket Number 04–344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by section 70114 of title 46, United States Code, and international convention.

SEC. 420. VOYAGE DATA RECORDER STUDY AND REPORT.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall study—

(1) the carriage of a voyage data recorder by a passenger vessel described in section 2101(22)(D) of title 46, United States Code, carrying more than 399 passengers; and

(2) standards for voyage data recorders, methods for approval of models of voyage data recorders, and procedures for annual performance testing of voyage data recorders.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult, at a minimum, with manufacturers of voyage data recorders and operators of potentially affected passenger vessels.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study's findings, including a proposal for legislation if such a proposal is considered appropriate by the Secretary.

SEC. 421. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—Notwithstanding section 8103(a) of title 46, United States Code, United States purse seine fishing vessels fishing exclusively for highly migratory species in the treaty area under a fishing license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America, or transiting to or from the treaty area exclusively for such purpose, may engage foreign citizens to meet the manning requirement (except for the master) in the 48-month period beginning on the date of enactment of this Act if, after timely notice of a vacancy to meet the manning requirement, no United States citizen personnel are readily available to fill such vacancy.

(b) LICENSING RESTRICTIONS.—

(1) IN GENERAL.—Subsection (a)(1) only applies to a foreign citizen that holds a valid license or certificate issued—

(A) in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95); and

(B) by an authority that the Secretary of the department in which the Coast Guard is operating recognizes as imposing competency and training standards equivalent to or exceeding those required for a United States license issued under chapter 71 of title 46, United States Code.

(2) TREATMENT OF EQUIVALENT LICENSE.—An equivalent license or certificate as recognized by the Secretary under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the license or certificate is in the service of a vessel to which this section applies.

(c) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(d) EXPIRATION.—This section expires 48 months after the date of enactment of this Act.

(e) REPORTS.—On March 1, 2007, and annually thereafter until the date of expiration of this section, the Coast Guard and the National Marine Fisheries Service shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Resources of the House of Representatives, providing the following information on the United States purse seine fleet referred to in subsection (a):

(1) The number and identity of vessels in the fleet using foreign citizens to meet manning requirements pursuant to this section and any marine casualties involving such vessel.

(2) The number of vessels in the fishery under United States flag as of January 1 of the year in which the report is submitted, the percentage ownership or control of such vessels by non-United States citizens, and the nationality of such ownership or control.

(3) Description of any transfers or sales of United States flag vessels in the previous calendar year, and the disposition of such vessel, including whether the vessel was scrapped or sold, and, if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred.

(4) Landings of tuna by vessels under flag in the 2 previous calendar years, including an assessment of landing trends, and a description of landing percentages and totals—

(A) delivered to American Samoa and any other port in a State or territory of the United States; and

(B) delivered to ports outside of a State or territory of the United States, including the identity of the port.

(5) An evaluation of capacity and trends in the purse seine fleet fishing in the area covered by the South Pacific Regional Fisheries Treaty, and any transfer of capacity from such fleet or area to other fisheries, including those governed under the Western and Central Pacific Fisheries Convention and the Inter-American Tropical Tuna Convention.

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the National Forest System lands in the State of Alaska described in subsection (b) and improvements situated on such

lands is transferred without consideration from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) AREAS REFERRED TO.—The areas of lands referred to in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—The area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—The area described in the December 30, 1975, listing of the Eldred Rock Light Station on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—The area described as the remaining National Forest System uplands in the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—The area described in the survey dated November 1, 1957, prepared for the Coast Guard for the Cape Hinchinbrook Light Station comprising approximately 57.4 acres.

(c) MAPS.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating by subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be considered to be transferred from, and no longer part of, the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer without consideration to the Secretary of Agriculture any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System if—

(A) the Secretary of the Interior cannot identify and select an eligible entity for such land and improvements in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) not later than 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) not later than 90 days after the date of receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w–8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)) land referred to in subsection (b), the Secretary of the Interior shall give priority to an eligible entity (as defined in section 308(e) of that Act) that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer without consideration to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station.

(b) EFFECTUATION OF TRANSFER.—The transfer pursuant to this section shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. The transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of the transfer pursuant to this section, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site of the light station.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131 et seq.) and section 703 of the Alaska National Interests Lands Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2418), with respect to the light station transferred pursuant to this section, the Secretary of Agriculture—

(1) may identify an entity to be granted an easement or other special use authorization and, in identifying the entity, may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(1)); and

(2) may grant an easement or other special use authorization to the entity, for no consideration, to approximately 31 acres as described in the map entitled "Tree Point Light Station", dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and national monument resources;

(C) public safety; and

(D) such other terms and conditions considered appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—The Secretary of Agriculture may take such actions as are authorized under section 110(b) of the National Historic Preservation Act (16 U.S.C. 470h–2(b)) with respect to Tree Point Light Station if—

(1) no entity is identified under subsection (d) within 3 years after the date on which administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this section; or

(2) any easement or other special use authorization granted under subsection (d) is terminated or revoked.

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of administrative jurisdiction pursuant to this section, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive Order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order No. 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. MISCELLANEOUS LIGHT STATIONS.

(a) CAPE ST. ELIAS LIGHT STATION.—For purposes of section 416(a)(2) of the Coast Guard Authorization Act of 1998 (112 Stat. 3435), the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled "Cape St. Elias Light Station", dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

(b) POINT WILSON LIGHTHOUSE.—Section 325(c)(3) of the Coast Guard Authorization Act of 1993 (107 Stat. 2432) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) all housing units and related structures associated with the lighthouse; and".

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on the plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Subject to subsection (f) and paragraph (2), administrative jurisdiction over the public land described in subsection (b), and over all improvements located thereon, is transferred without reimbursement from the department in which the Coast Guard is operating to the Secretary of the Interior.

(2) RESPONSE AND RESTORATION.—The transfer under paragraph (1) may not be made to the Secretary of the Interior until the Coast Guard has completed any response and restoration action necessary under subsection (d)(1).

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response or restoration action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of enactment of this Act; or

(2) any other release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer by subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, and will not hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may enter, at any time, the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

SEC. 601. SHORT TITLE.

This title may be cited as the "Delaware River Protection Act of 2006".

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

"(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

"(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.".

SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, $3,000 per gross ton;

"(B) with respect to a vessel other than a vessel referred to in subparagraph (A), $1,900 per gross ton; or

"(C)(i) with respect to a vessel greater than 3,000 gross tons that is—

"(I) a vessel described in subparagraph (A), $22,000,000; or

"(II) a vessel described in subparagraph (B), $16,000,000; or

"(ii) with respect to a vessel of 3,000 gross tons or less that is—

"(I) a vessel described in subparagraph (A), $6,000,000; or

"(II) a vessel described in subparagraph (B), $4,000,000;".

(2) OTHER VESSELS.—Section 1004(a)(2) of such Act (33 U.S.C. 2794(a)(2)) is amended—

(A) by striking "$600 per gross ton" and inserting "$950 per gross ton"; and

(B) by striking "$500,000" and inserting "$800,000,".

(3) LIMITATION ON APPLICATION.—In the case of an incident occurring before the 90th day following the date of enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President, by regulations issued not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006 and not less than every 3 years thereafter, shall adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.".

(c) REPORT.—

(1) INITIAL REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on liability limits described in paragraph (2) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report shall include, at a minimum, the following:

(A) An analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense to liability exists under section 1003 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this section.

(B) An analysis of the impacts that claims against the Oil Spill Liability Trust Fund for amounts exceeding such liability limits will have on the Fund.

(C) Based on analyses under this paragraph and taking into account other factors impacting the Fund, recommendations on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.

(3) ANNUAL UPDATES.—The Secretary shall provide an update of the report to the Committees referred to in paragraph (1) on an annual basis.

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

Not later than one year after the date of enactment of this Act and not less than annually thereafter, the Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking "RIVERA," and inserting "RIVERA and the T/V ATHOS I,"; and

(2) by adding at the end the following:

"SEC. 7002. SUBMERGED OIL PROGRAM.

"(a) PROGRAM.—

"(1) ESTABLISHMENT.—The Under Secretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil in the Delaware River and Bay region. The program shall include the following elements:

"(A) The development of methods to remove, disperse, or otherwise diminish the persistence of submerged oil.

"(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

"(C) The development of techniques to detect and monitor submerged oil.

"(2) REPORT.—Not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

"(b) DEMONSTRATION PROJECT.—

"(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

"(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

"Sec. 7002. Submerged oil program.".

SEC. 606. ASSESSMENT OF OIL SPILL COSTS.

(a) ASSESSMENT.—The Comptroller General shall conduct an assessment of the cost of response activities and claims related to oil spills from vessels that have occurred since January 1, 1990, for which the total costs and claims paid was at least $1,000,000 per spill.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (a). The report shall summarize the following:

(1) The costs and claims described in subsection (a) for each year covered by the report.

(2) The source, if known, of each spill described in subsection (a) for each such year.

SEC. 607. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 27 members who are appointed by the Commandant of the Coast Guard and who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(A) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these port authorities, of whom—

(i) one member shall be an employee or representative of the Port of Wilmington;

(ii) one member shall be an employee or representative of the South Jersey Port Corporation; and

(iii) one member shall be an employee or representative of the Philadelphia Regional Port Authority.

(B) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(C) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay, of whom at least one may not be a representative of a shipping company that transports oil or petroleum products.

(D) Two members who represent operators of oil refineries adjacent to the Delaware River and Delaware Bay.

(E) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(F) One member who represents labor organizations whose members load and unload cargo at ports on the Delaware River and Delaware Bay.

(G) One member who represents local commercial fishing interests or an aquaculture organization the members of which organization depend on fisheries and resources in the waters of Delaware River or Delaware Bay.

(H) Three members who represent environmental organizations active with respect to the Delaware River and Delaware Bay, including a watershed advocacy group and a wildlife conservation advocacy group.

(I) One member who represents an organization affiliated with recreational fishing interests in the vicinity of Delaware River and Delaware Bay.

(J) Two members who are scientists or researchers associated with an academic institution and who have professional credentials in fields of research relevant to oil spill safety, oil spill response, or wildlife and ecological recovery.

(K) Two members who are municipal or county officials from Delaware.

(L) Two members who are municipal or county officials from New Jersey.

(M) Two members who are municipal or county officials from Pennsylvania.

(N) One member who represents an oil spill response organization located on the lower Delaware River and Delaware Bay.

(O) One member who represents the general public.

(2) EX OFFICIO MEMBERS.—The Committee may also consist of an appropriate number (as determined by the Commandant of the Coast Guard) of nonvoting members who represent Federal agencies and agencies of the States of New Jersey, Pennsylvania, and Delaware with an interest in oil spill prevention in the Delaware River and Delaware Bay.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Committee shall provide advice and recommendations on measures to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay to the Commandant, the Governors of the States of New Jersey, Pennsylvania, and Delaware, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REPORT.—Not later than 18 months after the date that the Commandant completes appointment of the members of the Committee, the Committee shall provide a report to the entities referred to in paragraph (1) with the recommendations of the Committee, including a ranking of priorities, for measures to improve prevention and response to oil spills described in paragraph (1).

(d) MEETINGS.—The Committee—

(1) shall hold its first meeting not later than 60 days after the date on which the Commandant completes the appointment of members of the Committee; and

(2) shall meet thereafter at the call of the Chairman.

(e) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee after soliciting nominations by notice published in the Federal Register.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman or in the event of vacancy in the office of the Chairman.

(g) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FUNDING.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2006 through 2007 to carry out this section.

(i) TERMINATION.—The Committee shall terminate 18 months after the date on which the Commandant completes the appointment of members of the Committee.

SEC. 608. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

"(26) 'nontank vessel' means a self-propelled vessel that—

"(A) is at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

"(B) is not a tank vessel;

"(C) carries oil of any kind as fuel for main propulsion; and

"(D) operates on the navigable waters of the United States, as defined in section 2101(17a) of that title.".

TITLE VII—HURRICANE RESPONSE

SEC. 701. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANES KATRINA OR RITA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina or Hurricane Rita.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, Alabama, or Texas on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina or Hurricane Rita, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling (including a condominium unit but excluding a manufactured home), the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the dwelling on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—A person receiving reimbursement under this section shall transfer to the Administrator of General Services all right, title, and interest of the owner in and to the qualified property for which the owner receives such reimbursement. The Administrator shall hold, manage, and dispose of such right, title, and interest in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) TREATMENT OF PROCEEDS.—Any amounts received by the United States as proceeds of management or disposal of property by the Administrator of General Services under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, Alabama, or Texas that was owned and occupied, as a principal residence, by a person who is eligible for reimbursement under this section.

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 702. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina;

(2) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(3) the records of an individual were damaged or lost as a result of Hurricane Katrina.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina;

(2) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(3) the records of an individual were damaged or lost as a result of Hurricane Katrina.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on April 1, 2007.

SEC. 703. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of that title for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on April 1, 2007.

SEC. 704. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.

(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who served on active duty for a continuous period of 30 days, who was assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would have otherwise lost any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 120 days of leave.

(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, or in the case of a Reserve member, the year in which the period of active service is completed.

SEC. 705. REPORTS ON IMPACT TO COAST GUARD.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the impact of Hurricane Katrina and the response of the Coast Guard to such impact.

(2) FINAL REPORT.—Not later than 180 days after the date of the submittal of the report under paragraph (1), the Secretary shall submit to the committees referred to in paragraph (1) a final report on the impact of Hurricane Katrina and the response of the Coast Guard to such impact.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impact of Hurricane Katrina on the facilities, aircraft, vessels, and other assets of the Coast Guard, including an assessment of such impact on pending or proposed replacements or upgrades of facilities, aircraft, vessels, or other assets of the Coast Guard.

(2) A discussion and assessment of the impact of Hurricane Katrina on Coast Guard operations and strategic goals.

(3) A statement of the number of emergency drills held by the Coast Guard during the 5-year period ending on the date of the report with respect to natural disasters and with respect to security incidents.

(4) A description and assessment of—

(A) the lines of communication and reporting, during the response to Hurricane Katrina, within the Coast Guard and between the Coast Guard and other departments and agencies of the Federal Government and State and local governments; and

(B) the interoperability of such communications during the response to Hurricane Katrina.

(5) A discussion and assessment of the financial impact on Coast Guard operations during fiscal years 2005 and 2006 of unbudgeted increases in prices of fuel.

SEC. 706. REPORTS ON IMPACTS ON NAVIGABLE WATERWAYS.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

(2) FINAL REPORT.—Not later than 180 days after the date of the submittal of the report required by paragraph (1), the Secretary, in consultation with the Secretary of Commerce, shall submit to the committees referred to in paragraph (1) a report on the impacts of Hurricane Katrina on navigable waterways with respect to missions within the jurisdiction of the Coast Guard and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts, and associated costs, of Hurricane Katrina on—

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

(D) any other equipment located in or on such waterways related to a mission of the Coast Guard.

(2) An estimate of the costs to the Coast Guard of restoring the resources described in paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard's jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraph (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(c) NAVIGABLE WATERWAYS OF THE UNITED STATES.—In this section, the term "navigable waterways of the United States" includes waters of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

SEC. 801. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

In consultation with appropriate Federal agencies, the Secretary of the department in which the Coast Guard is operating shall work with the responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization to enhance oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization by flag States on whom such agreements are binding, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional, or international basis.

SEC. 802. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

In consultation with appropriate Federal, State, and local government agencies, the Secretary of the department in which the Coast

Guard is operating shall undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines and support voluntary programs that reduce such pollution and encourage the early replacement of older two-stroke engines.

SEC. 803. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws and work with the Under Secretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 804. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4-fiscal-year period beginning with fiscal year 2000, including such areas in the Western/Central Pacific and the Bering Sea; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE IX—TECHNICAL CORRECTIONS

SEC. 901. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of title 14, United States Code, is amended by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(b) CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.—Effective August 9, 2004, section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1037) is amended by inserting "of title 14" after "chapter 17".

(c) RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.—Section 93(a) of title 14, United States Code, is amended by redesignating paragraph (y) as paragraph (24).

(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Effective August 9, 2004, section 302 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1041) is amended by striking "of 1972".

(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, is amended by striking "4307(a)of" and inserting "4307(a) of".

(f) DETERMINING ADEQUACY OF POTABLE WATER.—Section 3305(a) of title 46, United States Code, is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

(g) RENEWAL OF ADVISORY GROUP.—Effective August 9, 2004, section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1049) is amended by striking "of September 30, 2005" and inserting "on September 30, 2005".

(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—

(1) AMENDMENT INSTRUCTION.—Effective August 9, 2004, section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking "7302" and inserting "7302(c)".

(2) OMITTED WORD.—Section 7302(c) of title 46, United States Code, is amended—

(A) by inserting "section" before "30305(b)(5)"; and

(B) by inserting "section" before "30304(a)(3)(A)".

(3) EXTRANEOUS U.S.C. REFERENCE.—Section 7703(3) of title 46, United States Code, is amended by striking "(23 U.S.C. 401 note)".

(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—

(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended by striking "non-tank" each place it appears and inserting "nontank".

(2) PUNCTUATION ERROR.—Effective August 9, 2004, section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1068) is amended by inserting closing quotation marks after "each tank vessel".

(j) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)) is amended by inserting a comma after "October 1, 2012".

(k) CORRECTION TO SUBTITLE DESIGNATION.—

(1) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:

"VII. MISCELLANEOUS .... 70101".

(l) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), relating to firearms, arrests, and seizure of property and to enforcement by State and local officers, are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (118 Stat. 1078), relating to in rem liability for civil penalties and to certain costs and withholding of clearance, are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(5) In the analysis at the beginning of the chapter by striking the items relating to sections 70117 through the second 70119 and inserting the following:

"70117. Firearms, arrests, and seizure of property.
"70118. Enforcement by State and local officers.
"70119. Civil penalty.
"70120. In rem liability for civil penalties and certain costs.
"70121. Withholding of clearance.".

(m) AREA MARITIME SECURITY ADVISORY COMMITTEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46, United States Code, is amended by moving paragraph (5) two ems to the left, so that the left-hand margin of paragraph (5) aligns with the left-hand margin of paragraph (4) of such section.

(n) TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking "hull" the second place it appears.

(o) CORRECTIONS TO SECTION 6101 OF TITLE 46, UNITED STATES CODE.—Section 6101 of title 46, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by redesignating the second subsection (g) as subsection (h).

(p) DRUG INTERDICTION REPORT.—

(1) IN GENERAL.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note; 110 Stat. 3905) is amended to read as follows:

"SEC. 103. ANNUAL REPORT ON DRUG INTERDICTION.

"Not later than 30 days after the end of each fiscal year, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.".

(2) CLERICAL AMENDMENT.—The table of contents in section 2 of such Act is amended by striking the item relating to section 103 and inserting the following:

"Sec. 103. Annual reports on drug interdiction.".

(q) ACTS OF TERRORISM REPORT.—Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802; 100 Stat. 890) is amended by striking "Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report" and inserting "The Secretary of the department in which the Coast Guard is operating shall report annually".

(r) CORRECTIONS TO DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

(1) SECTION 4.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking ", for each of fiscal years 2006 through 2009,".

(2) SECTION 14.—Section 14(a)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(a)(1)) is amended by striking "For each of the fiscal years 2006 through 2009, not more than" and inserting "Not more than".

SEC. 902. CORRECTION OF REFERENCES TO SECRETARY OF TRANSPORTATION AND DEPARTMENT OF TRANSPORTATION; RELATED MATTERS.

(a) GOVERNMENT ORGANIZATION.—Title 5, United States Code, is amended—

(1) in section 101 by inserting "The Department of Homeland Security." after and immediately below "The Department of Veterans Affairs.";

(2) in section 2902(b) by inserting "the Secretary of Homeland Security," after "Secretary of the Interior,"; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10) by striking "of Transportation" each place it appears and inserting "of Homeland Security".

(b) FINANCIAL MANAGEMENT.—Title 31, United States Code, is amended—

(1) in section 3321(c)(3) by striking "of Transportation" and inserting "of Homeland Security.";

(2) in section 3325(b) by striking "of Transportation" and inserting "of Homeland Security";

(3) in section 3527(b)(1) by striking "of Transportation" each place it appears and inserting "of Homeland Security"; and

(4) in section 3711(f)(2) by striking "of Transportation" and inserting "of Homeland Security".

(c) Public Contracts.—Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

(d) Public Printing and Documents.—Sections 1308 and 1309 of title 44, United States Code, are amended by striking "Secretary of the Department of Transportation" each place it appears and inserting "Secretary of the department in which the Coast Guard is operating".

(e) Shipping.—Title 46, United State Code, is amended—

(1) in section 2109 by striking "a Coast Guard or";

(2) in section 6308—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking subsection (a) and inserting the following:

"(a) Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States.

"(b) Any member or employee of the Coast Guard investigating a marine casualty pursuant to section 6301 of this title shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.";

(3) in subsection (c), as redesignated by this section, by striking "subsection (a)" and inserting "subsections (a) and (b)"; and

(4) in subsection (d), as redesignated by this section, by striking "subsections (a) and (b)" and inserting "subsections (a), (b), and (c)".

(f) Mortgage Insurance.—Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

(g) Arctic Research.—Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by redesignating subparagraphs (I) through (K) as subparagraphs (J) through (L), respectively; and

(2) by inserting after subparagraph (H) the following:

"(I) the Department of Homeland Security;".

(h) Conservation.—

(1) Section 1029.—Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking "Secretary of Transportation, to represent the United States Coast Guard." and inserting "Commandant of the Coast Guard".

(2) Section 312.—Section 312(c) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking "of Transportation" and inserting "of Homeland Security".

(i) Internal Revenue Code of 1986.—Section 3122 of the Internal Revenue Code of 1986 (26 U.S.C. 3122) is amended by striking "Secretary of Transportation" each place it appears and inserting "Secretary of the Department in which the Coast Guard is operating".

(j) Anchorage Grounds.—Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended by striking "of Transportation" in each place it appears and inserting "of Homeland Security".

(k) Bridges.—Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking "of Transportation" and inserting "of Homeland Security".

(l) Oil Pollution.—The Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended—

(1) in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) by striking "Commerce, the Interior, and Transportation," and inserting "Commerce and the Interior and the Commandant of the Coast Guard,";

(2) in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) by striking "of Transportation." and inserting "of the department in which the Coast Guard is operating.";

(3) in section 7001(a) (33 U.S.C. 2761(a)) by striking paragraph (3) and all that follows through the end of the subsection and inserting the following:

"(3) Membership.—The Interagency Committee shall include representatives from the Coast Guard, the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, the National Aeronautics and Space Administration, and such other Federal agencies the President may designate.

"(4) Chairman.—A representative of the Coast Guard shall serve as Chairman."; and

(4) in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) by striking "other such agencies in the Department of Transportation as the Secretary of Transportation may designate," and inserting "such agencies as the President may designate,".

(m) Medical Care.—Section 1(g)(4)(B) of Public Law 87-693 (42 U.S.C. 2651(g)(4)(B)) is amended by striking "of Transportation," and inserting "of Homeland Security,".

(n) Social Security Act.—Section 205(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

(o) Merchant Marine Act, 1920.—Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) is amended in the matter following the ninth proviso (pertaining to transportation of a foreign-flag incineration vessel) by striking "Satisfactory inspection shall be certified in writing by the Secretary of Transportation" and inserting "Satisfactory inspection shall be certified, in writing, by the Secretary of Homeland Security.".

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Don Young,
Frank A. LoBiondo,
Howard Coble,
Peter Hoekstra,
Pete Simmons,
Mario Diaz-Balart,
Charles W. Boustany, Jr.,
James L. Oberstar,
Bob Filner,
Gene Taylor,
Brian Higgins,
Allyson Y. Schwartz,

From the Committee on Energy and Commerce, for consideration of sec. 408 of the House bill, and modifications committed to conference:

Joe Barton,
Paul Gillmor,
John D. Dingell,

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the House bill, and secs. 202, 207, 215, and 302 of the Senage amendment, and modifications committed to conference:

Bennie G. Thompson,

From the Committee on Resources, for consideration of secs. 426, 427, and title V of the House bill, and modifications committed to conference:

Richard Pombo,
Walter B. Jones,
Managers on the Part of the House.

Ted Stevens,
Olympia Snowe,
(except section 414),
Trent Lott,
Gordon Smith,
Daniel K. Inouye,
Maria Cantwell,
(except section 414),
Frank R. Lautenberg,
(except section 414),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 889), to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

As of April 6, 2006 (4:00)

Section 1. Short title

Section 1 of the House bill states that the Act may be referred to as the "Coast Guard and Maritime Transportation Act of 2005."

Section 1 of the Senate amendment states the Act may be cited as the "Coast Guard Authorization Act of 2005."

The Conference substitute states that the Act may be referred to as the "Coast Guard and Maritime Transportation Act of 2006".

TITLE I—AUTHORIZATION

Section 101. Authorization of appropriations

Section 101 of the House bill authorizes funds for the Coast Guard in FY 2006. It authorizes approximately $8.7 billion in funding for the necessary expenses of the Coast Guard in FY 2006. Paragraph (1) of that section authorizes a funding level of $5,586,400,000 for the Coast Guard's Operating Expenses Account including an amount of $39 million to establish a second Helicopter Interdiction Tactical Squadron (HITRON) on the west coast.

Section 101(2) of the House bill authorizes $1,903,821,000 for the Coast Guard's Acquisitions, Construction and Improvements Accounting including approximately $1.6 billion for the Integrated Deepwater Systems program (Deepwater). Of the funding authorized for Deepwater in FY 2006, H.R. 889 authorizes an amount of $1,316,300,000 for the acquisition and construction of new vessels, aircraft, facilities, and support systems and an amount of $284,369,000 for the sustainment of the Coast Guard's legacy vessels and aircraft.

Section 101(3) of the House bill authorizes an amount of $24,000,000 for the Coast Guard's program to research and develop technologies, measures, and procedures to enhance the Coast Guard's capabilities to carry out all of the Service's many missions.

Section 101(5) of the House bill authorizes an amount of $35,900,000 for the Federal share of costs associated with alteration or removal of bridges that have been identified by the Coast Guard as obstructions to navigation.

Section 101 of the House bill also authorizes $12,000,000 for environmental compliance and restoration at Coast Guard facilities and $119,000,000 for the Coast Guard Reserve program. Lastly, this section authorizes $1,014,080,000 for retired pay, a mandatory expenditure.

Section 101 of the Senate amendment is similar to the House provision except that the Senate provision authorizes funds for FY 2006 and 2007 and contains different authorization levels than those that are included in the House bill. Section 101 authorizes $5.594 billion for operating expenses for FY 2006 and $6.042 billion for FY 2007. The Senate amendment also authorizes $1.424 billion for Acquisition, Construction and Improvements for FY 2006 and $1.538 billion for FY 2007. As a reflection of its support of the Coast Guard recapitalizing its fleet of cutters and aircraft, the reported bill would authorize $1.1 billion for Deepwater in FY 2006, $134 million above the President's request. Deepwater is authorized at $1.188 billion for FY 2007.

The Conference substitute authorizes funds for the Coast Guard in FY 2006 as follows:

Operation and Maintenance	$5,633,900,000
Acquisition, Construction and Improvement	1,903,821,000
Research, Development, Test and Evaluation	24,000,000
Retired Pay	1,014,080,000
Bridge Alteration	37,400,000
Environmental Compliance and Restoration	12,000,000
Coast Guard Reserve Training	119,000,000
TOTAL	$8,744,201,000

Of the amount authorized for OE, the conferees direct the Coast Guard to dedicate $39 million for the creation of an additional Coast Guard Helicopter Interdiction Tactical Squadron (HITRON).

Currently, the only Coast Guard HITRON squadron is based in Jacksonville, Florida. The Coast Guard's HITRON squadron carries out illegal drug interdiction missions in concert with Coast Guard vessels in the Caribbean Sea and in the Eastern Pacific Ocean. HITRON helicopters enhance the capabilities of Coast Guard cutters and associated small boats to pursue and apprehend 'go-fast' vessels that attempt to smuggle illicit drugs into the United States. The Coast Guard has estimated that the HITRON squadron has prevented an estimated 8.5 tons, or $6 billion in illegal drugs from entering the United States.

The authorization for the Coast Guard's Acquisitions, Construction and Improvement account includes $1.6 billion for Deepwater which includes an amount of $1,316,300,000 for the acquisition and construction of new vessels, aircraft, facilities, and support systems and an amount of $284,369,000 for the sustainment of the Coast Guard's legacy vessels and aircraft. The Conferees remain concerned that these assets are deteriorating at a faster pace than originally projected and require a dedicated funding stream. The conferees recommend that the Coast Guard examine ways to decrease the costs of maintaining and sustaining the Services' legacy assets, particularly the fleet of 110-foot cutters, and HH–65 helicopters. The rapid deterioration of these assets is draining funding and resources from the acquisition of replacement assets and lengthening the time before new assets will be employed by Coast Guardsmen in our waters and in our skies. The authorized funding level would also accelerate the purchase of new Deepwater assets, making assets with enhanced capabilities available more quickly to carry out the Service's many important traditional and homeland security missions.

The authorization for the Acquisitions, Construction and Improvement account AC&I account includes $101 million for the upgrading of the Rescue 21 program. The conferees are very concerned that the funding for this critically important program has significantly decreased over the past year, and would like to see funding restored to at least this level for FY 2006.

The conferees note that the Coast Guard and the State of Hawaii have been working jointly pursuant to a Memorandum of Understanding to develop an emergency communications system for state and federal officials, known as the Rainbow (Anuenue) Digitial Microwave Project, on a matched-funding basis. Rescue 21 in Hawaii will utilize the infrastructure provided by this project. Now that the State has its money in place, the conferees expect the Coast Guard to move forward with its obligations under the Memorandum of Understanding to complete the project.

The authorization for the Acquisitions, Construction and Improvement account also includes $8.7 million to be used for the construction of an Aquatic Training Facility for the Aviation Survival Technician "A" School located at Coast Guard Air Station Elizabeth City, NC, $10 million to complete the Vessel Traffic System upgrade for Puget Sound, and $3 million to complete the construction of the Sector Operations Building for Group Seattle.

With respect to the authorization of Research, Development, Test and Evaluation funding, the conferees strongly believe that this funding should remain under the Coast Guard's direct control and should not be transferred to any other entity within the Department of Homeland Security, as the President has again proposed. The Coast Guard's unique character as a military service with a wide scope of regulatory functions requires that this funding be available to support missions including defense readiness, search and rescue, marine environmental protection, providing aids to navigation and protecting America's maritime homeland security.

With respect to the funding for bridge alterations, the conferees recommend that $20 million of the total amount be utilized to make changes to the Galveston Causeway Railroad Bridge in Galveston, Texas to improve navigation safety and $2.5 million be utilized to continue work on the Chelsea Bridge in Boston, Massachusetts.

The conferees recommend that the Coast Guard re-evaluate the categorization of both the Leeville Bridge and the Kerner Ferry Bridge in Louisiana. The Leeville Bridge provides the only access to Port Fouchon and Grand Isle, and has been struck 11 times in the past year while the Kerner Ferry Bridge has experienced several vertical clearance problems. These bridges are currently categorized as non-hazards to navigation, therefore making them ineligible for funds under the Truman-Hobbs Act.

The conferees are aware of the efforts of the Institute of Marine and Coastal Sciences at Rutgers University to develop a High Frequency Radar network for U.S. coastal waters. This technology was used in local search and rescue demonstration projects funded by the Coast Guard Research and Development Center in 2004. The conferees urge the Coast Guard to work with Rutgers to establish a regional pilot project in the Mid-Atlantic. The goal of the project should be to make CODAR an operational search and rescue tool.

The conferees are aware that the Coast Guard Cutter ACACIA is scheduled to be decommissioned in 2006. The conferees urge the Coast Guard to replace the ACACIA with a vessel that has icebreaking capabilities in order to maintain commercial shipping in the Great Lakes and particularly northern Lake Michigan. The need to ensure the availability of a ship that can assist in icebreaking is particularly important because the Canadian government has decommissioned one of its buoy tenders, which will increase the demands on U.S. icebreakers. Therefore, the Coast Guard should ensure that an icebreaking tug shall continue to be home ported on northern Lake Michigan and shall provide the necessary funding for operations and maintenance of such vessel.

The conferees recommend that the United States Coast Guard Captains of the Port be made aware that vessels that use certain valves manufactured by TankTech have been banned in Denmark and Italy because of safety concerns with those valves. That ban has been upheld by the European Union Commission based on tests at EU-approved laboratories. The American Bureau of Shipping is also recommending that these valves be removed from all vessels that they class. Additionally, the conferees recommend that the United States Coast Guard work more closely with its European Union maritime counterparts with regards to testing and test evaluation of those valves to ensure uniformity of test results.

Section 102. Authorized levels of military strength and training

Section 102 of the House bill authorizes a Coast Guard end-of-year strength of 45,500 active duty military personnel for FY 2006. This level maintains the personnel level that was authorized at the end of FY 2005. The section also authorizes average military training student loads for FY 2006 at the same level as was authorized in FY 2005. At the end of FY 2005, 39,717 active duty personnel were serving in the Coast Guard. The section also authorizes average military training student loads for FY 2006 as follows:

Training	Student years
Recruit/Special	2,500
Flight	125
Professional	350
Officer Acquisition	1,200

Section 102 of the Senate amendment is substantively similar to the House bill, except that it authorizes these personnel levels for FYs 2006 and 2007.

The Conference substitute adopts the House provision.

Section 103. Authorization of funding related to Katrina

Section 103 of the House bill authorizes $60,000,000 (above the amount authorized for the Coast Guard in Section 101) in FY 2005 for the Coast Guard's emergency hurricane expenses, emergency repairs, deployment of personnel, to support costs of evacuation, and other costs resulting from the immediate relief efforts related to Hurricane Katrina.

Section 702 of the Senate amendment similarly authorizes funding above the amount authorized in Section 101 in FY 2005. The Section specifically authorizes $200,000,000 for the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including for search and rescue efforts, clearing channels, emergency response to oil and chemical spills, and increased costs due to higher than expected fuel costs. Also, $300,000,000 is authorized for the acquisition, construction, renovation, and improvements of aids to navigation, shore and offshore facilities, and vessels and aircraft related to damage caused by Hurricane Katrina.

The Conference substitute adopts the Senate provision with an amendment that includes a supplemental authorization of $300,000,000 for the Coast Guard's Operating Expenses account and $200,000,000 for the Acquisitions, Construction and Improvements account for non-reimbursed expenditures associated with the Coast Guard's response to Hurricane Katrina and stipulates that amounts appropriated under this authorization are to remain available until expended.

Section 104. Web-based data management

The House bill does not contain a similar provision.

Section 104 of the Senate amendment provides an authorization of $1,000,000 for the Coast Guard to continue their development of a web-based risk management system that links occupational health and safety databases to reduce accidents and fatalities.

The Conference substitute adopts the Senate provision.

TITLE II—COAST GUARD

Section 201. Extension of Coast Guard vessel anchorage and movement authority

Section 201 of the House bill amends section 91 of title 14, United States Code, (relating to the Coast Guard's authority to establish security areas to ensure the safety and security of naval vessels) to redefine the term 'navigable waters of the United States' to include territorial waters out to 12 nautical miles from shore. This amendment updates existing law to reflect the expansion of U.S. territorial waters from 3 nautical miles to 12 nautical miles from shore that was made by Presidential Proclamation Number 5928 on December 27, 1988.

Section 201 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

Section 202. International training and technical assistance

Section 202 of the House bill authorizes the Commandant of the Coast Guard to conduct international training and to provide technical assistance to international navies, coast guards and maritime authorities during regular Coast Guard operations without requiring a specific request from a third party U.S. Government agency.

Section 207 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

Section 203. Officer promotion

Section 203 of the House bill authorizes the Secretary of the department in which the Coast Guard is operating to waive time in grade requirements for junior and midgrade officers to ensure that all officers are considered for promotion earlier than is currently possible under title 14, United States Code. This section would grant officers of the Coast Guard the same below grade promotion opportunity that is currently authorized for officers of the other military services. This change would allow the Coast Guard to have more flexibility in promoting the best qualified officers.

Section 406 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

Section 204. Coast Guard Band Director

Section 204 of the House bill authorizes the Secretary to appoint the United States Coast Guard Band Director at a rank commensurate with the person's experience and training, rather than requiring the Director to be appointed as junior officer. The proposal would also allow the Secretary to appoint a person who is not a member of the Coast Guard as the Band Director rather than being limited to only members of the Coast Guard.

Section 402 of the Senate amendment is identical to the House bill, except for minor technical changes.

The Conference substitute adopts the House provision.

Sec. 205 Authority for one-step turnkey design-build contracting

Section 205 of the House bill authorizes the Secretary to award consolidated design-build contracts using a one-step turnkey selection procedure similar to the authority provided to the Department of Defense. One-step turnkey contracting authority would all the selection of a contractor on the basis of price and other evaluation criteria through a single proposal for both the design and construction of a facility.

Section 405 of the Senate amendment is identical to the House bill, except for minor technical changes.

The Conference substitute adopts the House provision.

Section 206. Reserve recall authority

Section 206 of the House bill authorizes the Secretary to order Coast Guard Reservists to active duty, for not more than sixty days in any four-month period and not more than one hundred twenty days in any two-year period, to augment Coast Guard active duty forces.

Section 403 of the Senate Amendment is substantively similar to the House provision; however it also expands the ability to use recalls for a threat of a terrorist attack. The provision also requires that, for purposes of calculating the duration of active duty, a period of active duty shall begin on the first day that a member reports to active duty, including for training.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 207. Reserve Officer distribution

Section 207 of the House bill amends Section 724 of title 14, United States Code, to link Coast Guard Reserve officer authorization levels to active duty officer authorization levels for junior and mid-grade officers in order to properly distribute the numbers of Reserve officers in those grades. The proposal would also make clear that Reserve officers in an active status are counted only against the Reserve component strength.

Section 401 of the Senate amendment is identical to the House provision, except for a minor technical change.

The Conference substitute adopts the House provision.

Section 208. Expansion of use of auxiliary equipment to support

COAST GUARD MISSIONS

Section 208 of the House bill authorizes the Coast Guard to cover personal motorized vehicles of members of the Coast Guard Auxiliary, in limited circumstances, under Coast Guard claims procedures when an Auxiliary member is towing, under official Coast Guard orders and in support of Coast Guard missions, trailers that carry government owned boats and other equipment. Currently, an Auxiliary member is only eligible for liability coverage under Coast Guard claims procedures when the member uses his own vehicle to tow his own boat or Auxiliary equipment that has been designated for Coast Guard use.

Section 404 of the Senate amendment is substantively similar to the House provision.

The Conference substitute adopts the House provision with a clarifying amendment.

Section 209. Coast Guard History Fellowships

Section 209 of the House bill authorizes the Secretary to develop regulations to award Coast Guard History Fellowships to graduate students who agree to prepare their doctoral dissertations on issues related to the history of the Coast Guard.

The Senate amendment did not contain a similar provision.

The Conference substitute adopts the House provision with an amendment that limits the total amount of any fellowship to $25,000 per year and the number of fellowships awarded in each year to no more than two.

Section 210. Icebreakers

Sec. 210 of the House bill requires the Secretary to submit, not later than 90 days after the date of the enactment of the Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after FY 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency. The plan must be implemented after FY 2006, subject to the availability of appropriations.

Sec. 210 of the Senate amendment requires the Coast Guard to take all necessary measures to maintain, at a minimum, its current vessel capacity for carrying out icebreaking in the Arctic and Antarctic regions and for the long-term recapitalization of such vessels. It authorizes $100,000,000 for the Department in which the Coast Guard is operating to carry out this section.

The Conference substitute adopts a provision that requires the Coast Guard to submit to Congress not later than 90 days after enactment a plan to operate and maintain the POLAR STAR, POLAR SEA, and HEALY fleet after FY 2006 and for the long-term recapitalization of the Coast Guard's polar icebreaking fleet. The provision further directs the Coast Guard to take all measures necessary to maintain current operational capabilities to carry out icebreaking operations in the Arctic, the Antarctic, the Great Lakes and the Northeast. Lastly, the provision includes an authorization of $100,000,000 for FY 2006 to carry out these obligations with respect to the Coast Guard's polar icebreakers.

The conferees are extremely concerned by the Administration's continued proposals to divert funds to operate Coast Guard icebreakers from the Coast Guard's budget to that of another Federal agency. Such a transfer of funds from the Coast Guard's control could force the service to operate and maintain these vessels in the future without any reliable source of funding. The conferees strongly agree with the recommendations of the National Academy of Sciences' interim report that the United States retains icebreaking capabilities to assert significant geo-political, security, economic, and scientific interests in the Arctic and Antarctic.

Section 211. Operation as a service in the Navy

Section 211 of the House bill removes the automatic trigger in current law whereby the Coast Guard will operate as a service in the United States Navy upon the declaration of war. It retains the provision in current law whereby the Coast Guard will operate as a service in the Navy when the President directs.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts language that clarifies that the Coast Guard shall operate as a service in the Navy only upon positive action by Congress or the President.

Section 212. Limitation on transfer to St. Elizabeths Hospital

Section 215 of the House bill provides that the Coast Guard may not move any of its personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans to provide road access to the site from Interstate 295 and for the design of facilities for at least one federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that adds several items to the scope of the plans that are required to be submitted to Congress.

Section 213. Cooperative arrangements

The House bill does not contain a comparable provision.

Section 204 of the Senate amendment would require the Coast Guard to submit a report on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches as well as entering into cooperative agreements for carrying out Coast Guard missions.

The Conference substitute adopts the Senate provision with a technical modification. The conferees direct the Coast Guard to examine Naval Station Everett and Naval Station Pascagoula for such potential arrangements.

Section 214. Biodiesel feasibility report

The House bill does not contain a comparable provision.

Section 209 of the Senate amendment would require the Coast Guard to submit a report on the feasibility of using bio-diesel fuel in both new and existing vehicles and vessels.

The Conference substitute adopts the Senate provision. The conferees expect the Coast Guard to identify and consider analyses on the use of biodiesel fuel conducted by other agencies as part of its study.

Section 215. Boating Safety Director

The House bill does not contain a comparable provision.

Section 408 of the Senate amendment would ensure that the individual who is assigned as the Director of the Coast Guard's Office of Boating Safety office will be a uniformed officer in the rank of Captain.

The Conference substitute adopts the Senate provision.

Section 216. Hangar at Coast Guard Air Station Barbers Point

The House bill does not contain a comparable provision.

Section 409 of the Senate amendment would require the Coast Guard to submit a report that includes a proposal and cost analysis for constructing an enclosed hangar at Coast Guard Air Station Barbers Point. The current station is not enclosed and is not 10 large enough to house a single C–130. Due to the resulting exposure, aircraft are experiencing corrosion.

The Conference substitute adopts the Senate provision.

Section 217. Promotion of Coast Guard Officers

The House bill does not contain a comparable provision.

Section 410 of the Senate amendment modifies the requirement for advice and consent of the Senate for officer appointments to the rank of Lieutenant (O–3) and below in both peacetime and wartime.

The Conference substitute adopts the Senate provision.

Section 218. Redesignation of Coast Guard Law Specialists as Judge Advocates

The House bill does not contain a comparable provision.

Section 407 of the Senate amendment would redesignate Coast Guard "law specialists" as "judge advocates." The Coast Guard is currently the only military service that does not use the title "judge advocate" for its military attorneys.

The Conference substitute adopts the Senate provision.

TITLE III—SHIPPING AND NAVIGATION

Section 301. Treatment of ferries as passenger vessels

Section 301 of the House bill amends the definition of "passenger vessel" and "small passenger vessel" to include ferries that carry passengers with or without charge.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 302. Great Lakes pilotage annual ratemaking

Section 302 of the House bill requires the Coast Guard to review and adjust pilotage rates as necessary by March 1 of each year, which is in advance of the opening of the Great Lakes shipping season. Annual adjustments lend stability to the shipping system by avoiding the much larger increases that have occurred recently when multiple years lapse between adjustments.

The Senate amendment does not contain a comparable provision.

The Conference substitute includes a provision that requires the Secretary of the department in which the Coast Guard is operating to adjust Great Lakes pilotage rates annually based on an annual review of base pilotage rates that are required to be established not less than every 5 years following a full rulemaking process. It is not, however, the intent of the conferees that the adjustment of annual rates be subject to a full rulemaking process.

Section 303. Certification of vessel nationality in drug smuggling cases

Section 303 of the House bill amends the Maritime Drug Law Enforcement Act to strike the requirement that the United States receive a denial of a vessel's claim of registry from a foreign country before asserting jurisdiction over a vessel. The revised language requires only that the United States receive a response from a foreign government regarding the claim of registry. Therefore, this amendment would allow the U.S. to prove that a flag State, which the defendant alleged has jurisdiction, does not have such jurisdiction if the flag State, in response to a U.S. inquiry, responds that it can neither confirm nor deny a suspect vessel's nationality.

Section 210 of the Senate amendment contains a substantively similar provision with a technical change that clarifies that the response of a foreign nation may be made by radio, telephone, or similar oral or electronic means and is conclusively proved by certification of the Secretary of State or the Secretary's designee.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 304. LNG tankers

Section 304 of the House bill requires the Secretary of Transportation to develop a program to promote the transportation of liquefied natural gas (LNG) by the maritime transportation sector. The provision also amends the Deepwater Port Act to direct the Secretary to prioritize the processing of licenses for LNG facilities that would be supplied by U.S.-flagged LNG vessels.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment that amends the Deepwater Port Act to require an applicant for a deepwater port license to include, as part of the application, information regarding the vessels that are reasonably expected to service the port upon construction. The provision also requires the Coast Guard to provide the same information to the Federal Energy Regulatory Commission as part of the Coast Guard's contribution to the Environmental Impact Statement for landside liquefied natural gas and liquefied petroleum facilities.

Section 305. Use of maritime safety and security teams

The House bill does not include a comparable provision.

Section 704 of the Senate amendment provides that the Secretary may use maritime safety and security teams to implement any mission of the Coast Guard.

The Conference substitute adopts the Senate provision with a technical amendment.

Section 306. Enhanced civil penalties for violations of the Maritime Transportation Security Act

The House bill does not include a comparable provision.

Section 704 of the Senate amendment would amend section 70119 of title 46, United States Code, to permit the Secretary to assess substantial separate and continuing civil penalties to compel owners and operators of vessels and facilities to comply with MTSA. The total fines per violation would not exceed $50,000 during FY2006, $75,000 during FY2007, and $100,000 after FY2007.

The Conference substitute adopts a provision that makes each day during which a violation of Chapter 701 of title 46, United States Code, a separate violation and caps a civil penalty for a violation at no more than $50,000. Additionally the conferees agree that the Secretary shall have the prerogative to take into account the nature, circumstances, and extent of the violation in assessing the penalty.

This section will add a dimension of enforcement flexibility for the Secretary to assess a civil penalty for each day an owner/operator remains non-compliant beyond the first day on which the violation was cited. Currently, the only alternative means of enforcement is for the Secretary to order cessation of vessel or facility operation until the owner or operator corrects the outstanding violation. This provision will expand the enforcement options available to the Secretary under MTSA, consistent with other statutes that provide for a separate violation for each day a violation remains outstanding.

Section 307. Training of cadets at United States Merchant Marine Academy

Section 406 of the House bill authorizes cadets at the Merchant Marine Academy to train aboard foreign-flagged liquefied natural gas (LNG) vessels if the Secretary determines that such training is in the interest of the United States.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Currently, cadets at the Academy are prohibited from training aboard foreign-flagged vessels; however there are no U.S.-flagged LNG vessels in operation. Future national energy strategies will likely place increased emphasis on the transport of LNG to U.S. ports resulting in a high demand for merchant mariners with previous training and experience aboard LNG vessels. This authority will allow Merchant Marine Academy cadets to gain that training in the interim before U.S.-flagged LNG vessels come into operation.

Section 308. Reports from mortgagees of vessels

Section 411 of the House bill authorizes the Secretary to require reports from mortgagees in addition to those required of owners, masters and charterers. Section 12120 of Title 46, United States Code, authorizes the Secretary of the Department in which the Coast Guard is operating to require owners, masters and charterers of vessels engaged in the coastwise trade and the fisheries to submit reports to ensure compliance with vessel documentation laws. These reports may be in any reasonable form prescribed by the Secretary.

Section 206 of the Senate amendment is identical.

The Conference substitute adopts the House provision.

Section 309. Determination of the Secretary

Section 413 of the House bill would prevent the Secretary from considering any felony conviction that occurred more than 7 years prior to the date of the Secretary's determination when evaluating whether an individual poses a terrorism risk for the United States for the purpose of obtaining a transportation security card. This provision also specifies that an appeal of a denial of an application for a transportation security card must include an opportunity for a hearing before an administrative law judge.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Secretary of the department in which the Coast Guard is operating to establish a review process before administration law judges to consider an appeal of a denial of an application for a transportation security card.

Nothing in this section provides authority for the Secretary or the Administrative Law Judge to make a separate determination as to whether an individual may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act. Those determinations are to be governed by the Immigration and Nationality Act and not section 70105 of title 46, United States Code.

Section 310. Setting, relocating, and recovery of anchors

Section 415 of the House bill prohibits the use of a vessel that has not been documented under U.S. law with a registry endorsement to set or move anchors or other mooring equipment of a mobile offshore drilling unit located above or on the outer Continental Shelf.

Section 217 of the Senate amendment contains a similar provision that additionally prohibits the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed or attached to the seabed but not actively exploring for oil and gas resources.

The Conference substitute adopts a provision that prohibits the use of a vessel that does not hold a registry endorsement to set or move anchors or other mooring equipment of a mobile offshore drilling unit located over the outer Continental Shelf or to transport merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed. The purpose of subsection (c)(1)(A) is to require that only an American registered vessel can engage in any activity performed in connection with the mooring or unmooring of a mobile offshore drilling unit located over the U.S. outer Continental Shelf.

Section 311. International tonnage measurement of vessels engaged in the Aleutian Trade

Section 416 of the House bill would amend Chapter 33 of title 46, United States Code, to apply the current exemption from Coast Guard inspection for certain fish tender vessels that are 500 gross tons or less, as measured under the regulatory tonnage system, and engaged in the Aleutian trade to such vessels that are 2,500 gross tons or less, as measured under the International Tonnage Convention.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Under current law, fish tender vessels that are not more than 500 gross tons, as measured under regulatory tonnage, or an alternate tonnage to be prescribed by the Secretary and engaged in the Aleutian trade are exempt from Coast Guard inspection requirements. However, the Coast Guard has never completed the rulemaking process to establish an equivalent alternate tonnage under the international measurement system. As a result, the Aleutian trade fleet has experienced confusion and complications as vessel owners seek to proceed with fleet modernization plans that call for the replacement of current vessels with new vessels that have been measured under the International Tonnage Convention. This provision will alleviate the delay in implementing regulations establishing alternate tonnages as part of the transition from traditional regulatory tonnage to the international measures system.

The conferees recommend that the Coast Guard and the Secretary take swift action to complete the regulatory process to adopt alternate tonnage systems for all vessel classes in the U.S. fleet.

Section 312. Riding gangs

Section 425 of the House bill would authorize foreign citizens who are not considered seamen and who do not carry out watchstanding functions aboard a vessel to carry out certain repair work on U.S.-flag vessels while underway. The provision also requires that any such foreign personnel must possess a valid transportation security card that is required for maritime workers under section 70105 of title 46, United States Code.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that would authorize the use of foreign citizens who are not considered seamen and who do not carry out watchstanding functions aboard a vessel to carry out certain repair work on U.S.-flag vessels while underway when U.S. citizens or residents are unavailable to complete the work and for not more than 60 days in each calendar year.

The conferees intend to allow for the employment of certain individuals on freight vessels on international voyages for extended periods qualifying as "riding gang members" without placing these vessels at a competitive disadvantage against similar foreign flag vessels. Under this section, riding gang members may only perform repairs consistent with the provisions of the section, as deemed necessary by the Master, acting on behalf of the vessel operator. This language in no way prevents or limits a vessel's Master from obtaining necessary personnel to perform unforeseen emergency repairs when such circumstances arise. Under the section, the Master, acting on behalf of the vessel operator, may utilize riding gang personnel, in addition to the 60 days allowed under this section, under certain situations when a riding gang member is necessary to perform warranty work.

This section requires each riding gang member to undergo a criminal background check and requires the vessel owner or operator to certify that these checks have been completed. New section 8106(a)(1)(A) of title 46 U.S. Code requires that such individuals possess a valid United States nonimmigrant visa for persons desiring to enter the United States temporarily if they are not a U.S. citizen or alien lawfully admitted for permanent residence.

The section also provides for chemical testing, as well as compliance with shipboard familiarization training in accordance with the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978, as amended. The Coast Guard is expressly authorized to order the removal of an individual found with probable cause to have committed certain criminal offenses or otherwise constitutes a threat to the safety of U.S. flag freight vessels.

The conferees do not intend to alter collective bargaining agreements that freight vessel owners or operators may have with U.S. maritime labor unions or their documented mariners through this section; nor is it intended in any way to derogate from the traditional maritime jurisdiction of any maritime labor unions. Owners and operators will be required to ensure that an agreement be entered into with each riding gang member that meets or exceeds the minimum international standards of all applicable ILO conventions to which the United States is a party, and shall, at a minimum, include all of the merchant seamen protection and relief provisions contained in the United States Code, including but not limited to those that are set forth in Chapter 103 of Title 46 of the United States Code.

Under this section, violations are punishable by a civil penalty of not more than $10,000 a day, and each day of a continuing violation constitutes a separate violation. The legislation further establishes maximum penalties for continuing violations. Moreover, in determining the amount of the penalty, the Secretary is authorized to take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history or prior offenses, ability to pay, and such other matters as justice may require.

TITLE IV—MISCELLANEOUS

Section 401. Authorization of Junior Reserve Officers Training Program Pilot Program

Section 402 of the House bill authorizes the Secretary to carry out a pilot program to establish a Coast Guard junior reserve officers training program in Camden County, North Carolina.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment to clarify that active duty officers and members of the Coast Guard, including reservists on active duty, may not be stationed as administrators or instructors as part of the pilot program.

Section 402. Transfer

Section 403 of the House bill authorizes the Secretary to convey the decommissioned Coast Guard cutter PLANTREE to the CAS Foundation, Inc., a nonprofit corporation in the State of Indiana.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment that permits the vessel to be used for humanitarian purposes.

Section 403. LORAN-C

The House bill does not include a comparable provision.

Section 214 of the Senate amendment would authorize the Department of Transportation to transfer $25,000,000 in FY 2006 and in FY 2007 from the Federal Aviation Administration to the Coast Guard for recapitalization of the LORAN-C radio navigation system.

The Conference substitute adopts the Senate provision.

Section 404. Long-range vessel tracking system

Section 404 of the House bill directs the Secretary to carry out a pilot program to demonstrate long-range vessel tracking systems pursuant to 46 U.S.C. 70115. The section also authorizes an amount of $4 million in FY 2006 to carry out the pilot project.

Section 215 of the Senate amendment includes a similar provision with an additional requirement that the project be conducted with the assistance of an existing non-profit maritime organization that has a demonstrated capability of operating satellite communications systems able to transmit this type of data. In addition, it authorizes funding for each of FYs 2006, 2007, and 2008.

The Conference substitute adopts the Senate provision with an amendment to make the program subject to the availability of appropriations.

Section 405. Marine vessel and cold water safety education

The House bill does not include a comparable provision.

Section 216 of the Senate amendment requires the Coast Guard to continue existing agreements with organizations that provide marine vessel safety training and cold water immersion education to fishermen and children.

The Conference substitute adopts the Senate provision.

Section 406. Reports

Section 405 of the House bill requires the Secretary to review and report to Congress on the adequacy of Coast Guard air and surface assets at several Coast Guard stations and sectors to carry out the Service's traditional missions of search and rescue, drug and migrant interdiction, and marine environmental protection in addition to homeland security responsibilities.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that is similar to the House-passed provision.

Section 407. Conveyance of the Decommissioned Coast Guard Cutter MACKINAW

Section 408 of the House bill directs the Commandant of the Coast Guard to convey the USCGC MACKINAW to the City and County of Cheboygan, Michigan upon the vessel's scheduled decommissioning. The section requires that the cutter be used as a museum and be made available to the Federal Government if needed in time of war or national emergency.

Section 408 of the Senate amendment contains a similar provision but requires the Commandant to deliver the vessel to the City between June 10, 2006 and June 30, 2006.

The Conference substitute adopts the Senate provision with a slight modification to the delivery schedule to allow for a change in the date of decommissioning and an adjustment to convey the vessel directly to a non-profit museum.

Section 408. Deepwater reports

Section 409 of the House bill requires the Secretary of the department in which the Coast Guard is operating to submit a complete implementation plan for the Deepwater program not later than 30 days after the enactment of the Act. The plan was required to include a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of the program, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program, and a total cost of the program that aligns with the revised mission needs statement for the program.

Sections 212 and 213 of the Senate amendment are substantively similar provisions. Section 212 of the Senate amendment would require the Coast Guard to submit a report on the status of their compliance with the GAO's recommendations in report GAO-04-380, "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight." Section 213 would require the Coast Guard to provide an acquisition time line and associated costs for each asset that reflects project completion in 10 years and 15 years. It also would require the Coast Guard to contract with an independent entity to analyze the plan and assess whether the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of performance, minimizing total ownership costs, and whether additional or different assets should be considered as part of the plan.

The Conference substitute adopts a provision that require the Coast Guard to submit reports that include components from both the House- and Senate-passed provisions.

The conferees remain concerned that legacy assets are deteriorating at a much faster rate than was originally expected when the Deepwater plan was first developed. Coast Guard vessels and aircraft are increasingly unavailable to carry out the Service's missions due to unscheduled maintenance and repairs. The conferees again support acceleration of the Deepwater program to, in part, provide new assets to replace aging legacy assets that are jeopardizing the success of Coast Guard missions, putting at risk the lives of the men and women of the Coast Guard and siphoning away funding from the acquisition of new assets.

The conferees expect that the reports required under this section will contain a complete delivery schedule for each asset to be acquired, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification to the original Deepwater plan to meet the Service's revised mission needs statement, and an explanation of the costs that will be required above the estimated costs of the original Deepwater program resulting from such modifications.

Section 409. Helicopters

Section 410 of the House bill would limit the number of HH-65 helicopters that the Coast Guard may acquire to no more than four and prohibit the Commandant from acquiring such helicopters until 90 days after the submission to Congress of a determination that the cost of acquiring used HH-65 helicopters and the cost to modifying those helicopters or airframes to meet the same design, construction, and equipment standards that apply to the current fleet of HH-65 helicopters is more cost-effective than an acquisition or leasing of a similar number of MH-68 helicopters.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to study and report to Congress an analysis of the potential impacts, including costs and benefits, of a requirement that the Coast Guard only acquires helicopters or major helicopter components built in the United States. The conferees understand that some foreign helicopter manufacturers own U.S. manufacturing facilities capable of building helicopters and some helicopter components, but that some components of those helicopters are only manufactured outside the United States.

Section 410. Newton Creek, New York City, New York

Section 412 of the House bill requires the Coast Guard to carry out a study and report to Congress on the pollution of Newtown Creek in the city of New York, New York caused by oil seepage.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with a modification to require the Environmental Protection Agency to carry out the study rather than the Coast Guard.

Section 411. Report on technology

Section 414 of the House bill requires the Commandant of the Coast Guard to submit a report that includes an assessment of the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers, as well as the costs associated with implementing such technology at all United States ports.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that is substantively similar to the House-passed provision.

Section 412. Assessment and planning

Section 417 of the House bill authorizes an amount of $400,000 to be appropriated to the Coast Guard to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to authorize the funding to the Maritime Administration to carry out the assessment and planning rather than the Coast Guard.

Section 413. Homeport

Section 418 of the House bill requires, subject to the availability of appropriations, the Commandant of the Coast Guard to homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study to assess the current homeport for the Coast Guard polar icebreaker HEALY and to assess whether that site or alternative homeporting arrangements would enhance the Coast Guard's capabilities to meet the recommendations of the Interim Report of the National Academy of Sciences (Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment), namely that the United States should maintain dedicated, year-round icebreaking capability in the Arctic. The provision further requires the Coast Guard to report the findings of the study to Congress not later than one year after the enactment of this Act.

Section 414. Opinions regarding whether certain facilities create obstructions to navigation

Section 419 of the House bill requires the Coast Guard to provide an opinion in writing that states whether a proposed wind energy facility would create an obstruction to navigation in any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

The Senate bill does not contain a comparable provision.

The Conference substitute adopts a provision that prohibits the construction of an offshore wind energy facility in Nantucket Sound unless approved by the Commandant of the Coast Guard.

Section 415. Port Richmond

Section 424 of the House bill would prohibit the Commandant of the Coast Guard from approving a security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 416. Eligibility to participate in Western Alaska Community Development Quota Program

Section 426 of the House bill clarifies that the approval by the Secretary of Commerce of a community development plan for a Western Alaska Community Development Group does not constitute a major Federal action under Federal law.

The Senate bill does not contain a comparable provision.

The Conference substitute establishes the Western Alaska Community Development Quota program and lists the purposes of the program. It is the intent of Congress that all activities of the CDQ groups continue to be considered tax-exempt (as has been the practice since the program's inception in 1992) so that the six CDQ groups can more readily address the pressing economic needs of the region.

The Conference substitute requires that the CDQ program continue to receive the same annual percentage allocations of each fishery as it does now under existing Federal statute and regulation. It also requires that the percentage of a particular fishery allocated to the CDQ program shall be a directed fishing allowance if treated as such under existing practice and law (such as in the Bering Sea and Aleutian Islands pollock fishery), or in the alternative to include both directed fishing and non-target fishing allocation needs in fisheries where that is the current practice and law for the CDQ allocation. It is not the intent of the conferees to either change the current allocations to the CDQ program or create "squid box" problems where minor species such a squid inhibit any directed fishing under the CDQ program.

The Conference substitute provides that the allocation to the CDQ program of certain Bering Sea and Aleutian Islands groundfish species (including Pacific cod, mackerel, and flatfish species) be permanently increased to 10 percent (up from 7.5 percent) and treated as directed fishing allocations as soon as any quota-type programs are established in any sector of the applicable fishery or sector allocations are adopted in the fishery.

The Conference substitute requires that a directed fishing allocation of 10 percent be made to the CDQ program in any new fishery that is opened in the Bering Sea and Aleutian Islands.

The Conference substitute codifies existing practice with respect to processing and any other rights related to CDQ allocations. It specifies that the allocations to the CDQ program itself, as well as the allocations to each of the CDQ groups include the harvesting rights, the rights to process the fish, and any other rights or privileges related to the fish that are associated with the allocations as of March 1, 2006. This is not intended to give the CDQ program or the CDQ groups processing privileges that they do not already have. The language is also not intended to change the inshore/offshore split contained in the American Fisheries Act.

The Conference substitute requires that the harvest of the CDQ allocations be regulated in a manner no more restrictive or costly than for other participants in the applicable sector of the fishery. This section only applies to fisheries with individual quotas or fishing cooperatives.

The Conference substitute allocates to each CDQ group the same percentage of each species that it was authorized to harvest annually by the Secretary as of March 1, 2006. It codifies the existing allocations among the groups dating back to 2003 as well as allocations for new crab CDQ allocations which were approved by the National Marine Fisheries Service in 2005. This includes all species for which the CDQ groups receive an allocation. Additionally, the provision establishes a new system to reallocate up to 10 percent of a CDQ group's allocation if the group fails to meet goals and criteria weighted by the group itself and based on the needs of its region.

By eliminating short term changes in fishery allocations, the conferees intend for the CDQ groups to be able to more readily address the economic needs of western Alaska.

The Conference substitute clarifies existing law by naming the 65 communities and six entities eligible to participate in the CDQ program.

The Conference substitute establishes the requirements that each of the six CDQ groups must fulfill to maintain eligibility in the CDQ program. Each group must be governed by a board of directors, at least 75 percent of the members of which are resident fishermen from the CDQ group's member villages, and have at least one director from each of its member villages. Each CDQ group must select a representative to serve on the CDQ panel.

The Conference substitute allows each CDQ group to make up to 20 percent of its annual investments: (I) on non-fishery projects in its member villages; (II) on pooled or joint investments with other CDQ groups in their regions; or (III) for the purpose of matching Federal or State grants for projects or programs in its member villages. Any remaining investments must be in fishery related projects or for purposes consistent with the current practices of the CDQ groups. It also requires each CDQ group to submit an annual written statement to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires CDQ groups to comply with any excessive share limitations in the BSAI fisheries only to the extent of their proportional ownership in any other entities. This provision is intended to address the inherent conflict between excessive share limitations in the fisheries and the CDQ program goal to expand the economic base of the adjacent communities through investment in the fisheries.

The excessive share limitations imposed by the North Pacific Council, Secretary, and Congress are mainly intended to prevent for-profit entities and individuals from acquiring excessive shares of fishing privileges in the fisheries. The excessive share concept stems from National Standard Four of the Magnuson-Stevens Act. It pre-dates the CDQ program and fails to take into account the unique characteristics of the CDQ program.

The Conference substitute would therefore exempt CDQ groups from the "attribution" requirements of the American Fisheries Act, the crab quota program, and other federal regulations. Under the "attribution" rules, an entity is attributed with the entirety of another entity's harvesting or processing capacity even if the original entity only owns as little as 10 percent of the other entity. Under the substitute, if a CDQ group owns 25 percent of another entity, only 25 percent of the other entity's harvesting or processing capacity would be counted against the CDQ group in determining compliance with any excessive share limitation. Similarly, if a CDQ group owns 77 percent of another entity, only 77 percent of the other entity's capacity would be counted against the CDQ group. The provision is intended to allow the CDQ groups to continue to expand in the BSAI fisheries off their shores, while not completely exempting CDQ groups from excessive share limitations.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group provides an annual report to its member villages describing its financial operations, including its general and administrative costs and compensation levels. This provision ensures that the State of Alaska's role is to ensure adequate "transparency" to the member villages, particularly with respect to administrative costs.

The Conference substitute requires CDQ groups to additionally comply with State of Alaska banking and securities law to prevent fraud. This requirement removes the State of Alaska from the investment planning and decisions of the CDQ groups, but creates anew, narrower role, to assist the member villages in ensuring against any fraud by the CDQ group. The provision also Clause (iii) requires that the CDQ group and State of Alaska keep confidential from public disclosure any information the disclosure of which would be harmful to the entity or its investments.

The Conference substitute exempts CDQ groups from compliance with any State approval of financial transactions, community development plans, and community development plan amendments, however the provision requires CDQ groups to comply with the decennial review conducted by the State of Alaska.

The Conference substitute establishes a community development quota program panel. The CDQ Panel will consists consist of a member from each of the six CDQ groups. The CDQ Panel removes the need for governmental oversight of the CDQ program and encourages the CDQ groups to work together. Decisions by the CDQ Panel require the unanimous vote of all six Panel members. The Panel may not act if there is a vacancy.

The Conference substitute requires a decennial review of the CDQ program by the State of Alaska. The first review will be in 2012. The CDQ Panel establishes a system to be used by the State of Alaska for purposes of the decennial review that allows each CDQ group to assign relative values to certain criteria in order to match the relative weights of the criteria to the specific needs identified by the CDQ group for its villages. The criteria are: (I) changes in the population, poverty level, and economic development in the CDQ group's member villages; (II) the overall financial performance of the CDQ group, including its fishery and non-fishery investments; (III) the employment, scholarships, and training supported by the CDQ group; (IV) the achievement of the goals of the entities Community Development Plan. Each CDQ group would weight these criteria to reflect the needs of its member villages.

The Conference substitute requires the State of Alaska to use the criteria as weighted by each CDQ group to determine the performance of each CDQ group under the decennial review. The State of Alaska is required to make each performance determination on the record and after an opportunity for a hearing. If the State applies the CDQ group's weightings and determines that a CDQ group has maintained or improved its overall performance, the allocations to the CDQ group are automatically extended for the next 10-year period. If, on the other hand, the State determines that a CDQ group has failed to maintain or improve its performance as measured under the weighted criteria, then at least 90 percent of the CDQ group's allocation of each species under is automatically extended, and the State may determine an appropriate reduction of up to 10 percent of each species for all or part of the next 10-year period. If State law prevents the State from making this determination then the Secretary may make the appropriate reduction. Any reductions imposed by the State of Alaska or the Secretary under shall be reallocated for the period of the reduction to the other non-penalized groups in proportion to each non-penalized group's allocation of the applicable species.

The Conference substitute eliminates the requirement that CDQ groups seek either the review or approval by the Secretary of community development plans or amendments to community development plans. The Conference agreement does not require the State of Alaska to approve community development plans and amendments.

Nothing in the Conference substitute should be construed or implemented in a way that causes any interruption to the CDQ program or to the opportunity of CDQ groups to harvest their allocations.

Subsection (b) would amend existing CDQ loan authority to set the upper limit for the total of the CDQ loans provided by the recent bill language, and paragraph (2) would clarify that CDQ loans under the 1998 CDQ program may be used for the purchase of vessels, processors, permits, quota, and cooperative rights.

Section 417. Quota share allocation

Section 427 of the House bill provides that a portion of the total crab processing quota shares equal to 1.5 percent of the total allowable catch for the Bristol Bay red king crab fishery and the Bering Sea C. Opilio crab fishery be made available to the vessel Blue Dutch, LLC in years when the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005.

The provision further provides that the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implementing regulations shall thereafter be adjusted so that the total of all crab processing quota shares for each fishery referred to equals 90 percent of the total allowable catch.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts a provision that directs the Secretary of Commerce to modify the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands to provide 0.75 percent of the processor quota share units for the Bristol Bay red king crab fishery and the Bering Sea C. Opilio crab fishery to the vessel Blue Dutch, LLC in years when the total allowable catch for that fishery is more than 2 percent higher than the most recent total allowable catch for that fishery prior to September 15, 2005.

Section 418. Maine fish tender vessels

The House bill does not contain a comparable provision.

Section 211 of the Senate amendment would establish a waiver that would allow vessels not built in the United States to transport fish and shellfish within the coastal waters of the State of Maine if that vessel is ineligible for documentation under chapter 121 of title 46, United States Code because it measures less than 5 net tons and has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004.

The Conference substitute adopts a provision that authorizes foreign-built vessels that are less than 5 net tons to transport fish or shellfish between places in the State of Maine if that vessel transported fish or shellfish between places in Maine prior to January 1, 2005; the owner, of such vessel owns a valid wholesale seafood license to conduct such transportation that was issued under the Revised Maine Statutes prior to January 1, 2005; the vessel is owned by a person or persons that meet U.S. citizenship requirements under section 2 of the Shipping Act, 1996; and the owner of the vessel submits within 180 days of enactment of this Act an affidavit to the Secretary in which the Coast Guard is operating that certifies that the owner and vessel meet the requirements of this section.

Section 419. Automatic identification system

The House bill does not contain a comparable provision.

Section 219 of the Senate amendment authorizes the Secretary to transfer $1,000,000 to the Department of Commerce for the purposes of awarding a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System (AIS) transponder with an FCC-approved wireless maritime data device. The Senate-passed amendment also expresses the Sense of the Senate that the Federal Communications Commission should quickly resolve the disposition of its rulemaking on the AIS and licensee use of AIS frequency bands.

The Conference substitute adopts the Senate provision.

Section 420. Voyage data recorder study and report

Section 429 of the House bill would require the Secretary to prescribe regulations to require ferries that carry more than 399 passengers be equipped with a voyage data recorder and to establish standards, methods for approval of models, and procedures for annual performance testing.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study that examines the costs and benefits of carriage of a voice data recorder aboard ferries that carry 400 or more passengers. The Coast Guard is required to submit the findings of the study to Congress not more than 1 year after enactment and to include a recommendation for proposed legislative language if it is deemed appropriate and necessary.

Section 421. Distant water tuna fleet

The House bill does not contain a comparable provision.

Section 218 of the Senate amendment would permit U.S.-flag purse seine fishing vessels that operate out of American Samoa and that fish exclusively for highly migratory species under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America to utilize non-United States licensed and documented personnel to meet manning requirements for a 48-month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

The Conference substitute adopts a provision that would permit such U.S.-flag vessels to utilize foreign citizens that hold a valid license issued in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95) and under competency and training standards that are equivalent or exceed such standards, in the determination of the Secretary, that are required for U.S. licensed personnel. The provision maintains the requirement that the vessel's master be a U.S. citizen licensed by the Coast Guard and provides that this exemption applies only when no U.S. licensed and documented personnel area available. The substitute maintains the sunset and geographical restrictions that were included in the Senate amendment.

TITLE V—LIGHTHOUSES

Section 501. Transfer

Section 501 of the House bill transfers administrative jurisdiction from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating over several National Forest System lands in the State of Alaska upon which are located certain Coast Guard facilities, and over improvements situated on the lands, without requiring consideration and directs the Secretary of Interior to select an eligible entity under the National Historic Lighthouse Preservation Act to take custody of the structures and surrounding lands once the Coast Guard has determined that the land is excess property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 502. Misty Fiords National Monument and Wilderness

Section 502 of the House bill permits the Secretary of the department in which the Coast Guard is operating to transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration, if the Secretary determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard. The Commandant of the Coast Guard, however, may reserve rights to operate and maintain Federal aids to navigation at the site.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 503. Miscellaneous light stations

Section 503 of the House bill specifies that, for purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled 'Cape St. Elias Light Station,' dated September 14, 2004. That law authorized the Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, to convey all right, title, and interest of the United States to Cape St. Elias Light Station to the Cape St. Elias Light Keepers Association; however, it did not clearly describe the property to be conveyed. This provision provides, a description of this property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that amends Section 325(c)(3) of the Coast Guard Authorization Act of 1993 (Public Law 103-206; 107 Stat. 2432) to include several housing units and related structures with the property that was transferred in association with Point Wilson Lighthouse in the State of Washington under that Act.

Section 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida

Section 504 of the House bill revokes the reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, consisting of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida. Administrative jurisdiction over this land, and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement. However, any Federal aids to navigation located at the Refuge will continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes, and the Coast Guard may remove, replace, or install any Federal aid to navigation at the Refuge as may be necessary.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that prohibits the transfer of the property until the Coast Guard has completed all response and restoration activities at the site.

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS.

Section 601. Short title

Section 601 of the House bill states that the legislation may be referred to as the "Delaware River Protection Act of 2005".

The Senate amendment does not contain a comparable provision.

The Conference substitute states that this title may be referred to as the "Delaware River Protection Act of 2006".

Section 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

Section 602 of the House bill establishes a requirement to notify the Coast Guard of a release of an object from a vessel or facility that creates an obstruction to navigation. Individuals who fail to "promptly" notify the Coast Guard of a loss of such an object will be subject to existing civil and criminal penalties under the Ports and Waterways Safety Act.

Under Subchapter C of title 33, Code of Federal Regulations, owners of sunken or submerged vessels that could obstruct navigation in U.S. waters must mark and report the existence of the obstruction. However, there is no current statutory or regulatory requirement that an owner of an object, other than a vessel, notify the Coast Guard after the release of such an object into the navigable waterways of the United States. This provision will address that discrepancy and will improve the Coast Guard's capabilities to maintain safe and efficient navigation on U.S. waterways.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 603. Limits on liability

Section 603 of the House bill amends the Oil Pollution Act of 1990 (OPA) to adjust oil spill liability limits to reflect the change in the Consumer Price Index (CPI) since the Act's passage in 1990. The provision would increase liability limits to the December, 2004 CPI-adjusted level (approximately $1,700 per gross ton) over a three year period. The provision makes distinctions between single-hull vessels and double-hull vessels. Liability levels for double-hull vessels would be increased by $500 per gross ton over 3 years, while liability levels for single-hull vessels would be increased by $1,050 per gross ton over three years. This amount is equal to twice the adjustment (approximately $525 per gross ton) based on the increase in the CPI from 1990-2004. The provision also requires the President to adjust the liability limits within three years of the enactment of the Act and every three years thereafter.

OPA established liability limits for tank vessels at a level of $1.200 per gross ton. Under OPA, liability for cleanup costs and damages resulting from oil spills rests with a "responsible party" who is either the owner or operator of a vessel. In the event of a spill, the responsible party must pay removal costs incurred by the government or others and damages to claimants who are injured by the spill. Damages may include natural resources damages, damages to real or personal property, damages for loss of use of a natural resource such as a fishery, damages for lost revenue or profit caused by a spill, and damages for the cost of government response necessitated by the spill.

Under OPA, the President is required to adjust these limits every three years according to changes in the Consumer Price Index (CPI). Despite this requirement, no such adjustments have ever been made. The Secretary of the Department of Homeland Security has recently delegated this authority to the Coast Guard.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to increase liability limits for single-hull tank vessels to $3.000 per gross ton; for double-hull tank vessels to $1.900 per gross ton; and for nontank vessels to $950 per gross ton. These adjustments are based on the projected increase in the end-of-year CPI figure for calendar year 2006.

The substitute also requires the Coast Guard to provide a report within 45 days of enactment of the Act on the extent to which oil discharges from vessels and non-vessel sources have or are likely to result in response costs and damages that exceed these new limits, the impact on the Oil Spill Liability Trust Fund, and recommendations on whether the liability limits need to be further adjusted. This report is to be updated annually.

Section 604. Requirement to update Philadelphia area contingency plan

Section 604 of the House bill requires the Philadelphia Area Committee to annually update its area contingency plan to include the most recent environmental sensitivity data that has been collected by State and Federal agencies.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 605. Submerged oil removal

Section 605 of the House bill requires the National Oceanic and Atmospheric Administration (NOAA), in conjunction with the Coast Guard, to establish a submerged oil research program to research methods to detect, monitor and remove submerged oil and improve modeling capabilities to better predict the movement and behavior of submerged oil. The provision also requires the Coast Guard to carry out a demonstration project to demonstrate technologies and processes to detect and remove submerged oil from waterways including the Delaware River.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to limit the scope of the submerged oil research program to the Delaware River and Delaware Bay region.

Title VII of the Oil Pollution Act establishes an Oil Pollution Research and Development Program and an Interagency Coordinating Committee on Oil Pollution Research to carry out the Program. The program established under this section would carry out specific research on the effects and persistence of submerged oil in addition to the research program that is carried out by the Committee. A large percentage of the oil that was released from the ATHOS I was or still remains submerged at the bottom of the river, and little work has been done to increase capabilities to predict the persistence of or vertical and horizontal movement of oil within the water column.

The conferees recommend that the efforts of the research program be focused on developing methods and technologies to remove or diminish the persistence of submerged oil that is currently found in the Delaware River. Further, the conferees recommend that the effort of the demonstration program be concentrated on evaluating methods and technologies of removing submerged oil of the type that was released into the Delaware River as a result of the grounding of the ATHOS I and under the conditions that are observed in the area of the Delaware River that was impacted by such oil.

Section 606. Assessment of oil spill costs

The House bill does not contain a comparable provision.

The Senate amendment does not contain a comparable provision.

The Conference substitute requires the Government Accountability Office to assess the costs of response activities and claim that resulted from oil spills into U.S. waters since January 1, 1990.

Section 607. Delaware River and Bay Oil Spill Advisory Committee

Section 606 of the House bill establishes an advisory committee composed of representatives from port authorities, shipping interests, oil refineries, labor, river pilots, environmental groups and the general public. The Committee is tasked with developing recommendations for Congress on the prevention of and response to future oil spills on the Delaware River and Bay.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to increase the membership of the advisory committee.

The conferees do not intend the advisory committee established under this section to, in any way, assume or duplicate the roles and responsibilities inherent to any existing advisory committees including the Mariners Advisory Committee for the Delaware River and Bay, as well as any committees established under the Oil Pollution Act of 1990 or under Chapter 701 of title 46, United States Code, nor do the conferees wish the advisory committee to duplicate the work of these other entities.

Section 608. Nontank vessels

The House bill does not contain a comparable provision.

Section 519 of the Senate amendment would clarify the applicability of section 701 of P.L. 108–293 (Coast Guard and Maritime Transportation Act of 2004) to nontank vessels within 12 nautical miles of the United States.

The Conference substitute adopts the Senate provision with a technical amendment.

TITLE VII—HURRICANE RESPONSE

Section 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita

Section 213 of the House bill authorizes the Secretary to purchase the primary residences of Coast Guard personnel who were assigned to a facility in Louisiana, Mississippi, or Alabama prior to the landfall of Hurricane Katrina that were damaged or destroyed by the storm. Eligible personnel would receive up to 85 percent of fair market value or the amount of any outstanding mortgage, minus an amount of money received from insurance and would transfer to the Secretary all title and interest to the property. The authority to make such purchases is subject to the availability of appropriations.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to make personnel assigned to facilities in the State of Texas and properties damaged as a result of Hurricane Rita eligible for reimbursement under this section.

The conferees believe that this provision recognizes the unique situation in which the men and women of the Coast Guard are placed. The Coast Guard was among the first on the scene after (and during) Hurricanes Katrina and Rita and rescued approximately 35,000 Americans. At the same time, members suffered great personal losses. Instead of going home to save personal items, they remained on duty.

Section 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents

Section 420 of the House bill would authorize the Secretary through December 31, 2006 to temporarily extend the duration of a license or certificate of registry or merchant mariners' document issued for an individual for up to one year if the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina or the individual is a resident of Alabama, Mississippi, or Louisiana.

Section 705 of the Senate amendment contains a similar provision but authorizes extensions "when such action is deemed appropriate and necessary" and extends the authority to grant exemptions through September 30, 2007.

The Conference substitute adopts the House provision with an amendment to permit the Secretary to provide an extension to a mariner whose records were damaged or lost as a result of Hurricane Katrina and provides that the authority to grant extensions will expire on April 1, 2007.

The conference adopts this provision to address the concerns of the Coast Guard and Gulf merchant mariners affected by Hurricanes Katrina and Rita. The extension will allow merchant mariners to continue working in the region to while the Coast Guard continues its efforts to recover documents that were held in the Regional Examination Center in New Orleans.

The conferees also direct the Coast Guard to expedite the processing of merchant mariner documents for new applicants from the Gulf Coast region. The dislocation of the local population due to Hurricanes Katrina and Rita left many Gulf Coast vessel operators without enough employees to meet the offshore repair workload. As the speed with which these repairs are made have a significant impact on U.S. energy supplies, the Coast Guard should make every effort to expedite the processing of merchant mariner documents for new applicants required to do this work.

Section 703. Temporary authorization to extend the duration of vessel certification of vessel certificates of inspection

Section 421 of the House bill authorizes the Secretary through December 31, 2006 to temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

Section 705 of the Senate amendment contains a similar provision except that it does not limit the application of the provision to vessels inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana. Also, the Senate amendment extends authorization through September 30, 2007.

The Conference substitute adopts the House provision with an amendment to extend the authority through April 1, 2007.

Section 704. Preservation of leave lost due to Hurricane Katrina operations

The House bill does not contain a comparable provision.

Section 707 of the Senate amendment would preserve up to 90 days of accumulated leave that would otherwise be lost for Coast Guardsmen who were stationed in or assisted with operations in the areas that were affected by Hurricane Katrina. This section also provides that any leave in excess of 60 days that is preserved under this language will be lost if not used prior to the end of FY 2006.

The Conference substitute adopts the Senate provision.

The conference adopts this provision to rectify the inequity that would occur to certain Coast Guard personnel who worked in the region affected by hurricane Katrina and did not take accumulated leave.

Section 705. Report on impacts to Coast Guard

Section 214 of the House bill requires the Coast Guard to submit a report on the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for FY 2005.

Section 708 of the Senate amendment contains a comparable provision that requires the Coast Guard to analyze the impacts of Hurricane Katrina on Coast Guard assets and operations, the Coast Guard's preparedness for such a storm, the Coast Guard's capabilities to communicate during and after the storm, and the financial impacts unbudgeted increases in the price of fuel on Coast Guard operations in FYs 2005 and 2006.

The Conference substitute adopts the Senate provision.

Section 706. Report on impacts on navigable waterways

The House bill does not contain a comparable provision.

Section 709 of the Senate amendment requires the Coast Guard to submit a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

The Conference substitute adopts the Senate provision.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

Section 801. Implementation of international agreements

The House bill does not contain a comparable provision.

Section 302 of the Senate amendment requires the Secretary to work with responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization (IMO) to enhance flag state oversight and enforcement of security, environmental, and other agreements adopted within the IMO, including implementation of a code outlining flag state responsibilities and obligations, an audit regime for evaluating flag state performance, measures to ensure that responsible organizations, acting on behalf of flag states, meet established performance standards, and cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

The Conference substitute adopts the Senate provision with a technical amendment to clarify that the Secretary shall work with our international partners to accelerate the implementation and enforcement of those international agreements to which those nations are a party.

Section 802. Voluntary measures for reducing pollution from recreational boats

The House bill does not contain a comparable provision.

Section 303 of the Senate amendment requires the Secretary to, in consultation with appropriate federal, state, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and to support voluntary programs to reduce such pollution and encourage the early replacement of older two-stroke engines.

The Conference substitute adopts the Senate provision.

Section 803. Integration of vessel monitoring system data

The House bill does not contain a comparable section.

Section 304 of the Senate amendment requires the Secretary to integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of federal fisheries laws and to work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

The Conference substitute adopts the Senate provision.

Section 804. Foreign fishing incursions

The House bill does not contain a comparable provision.

Section 304 of the Senate amendment requires the Secretary to report on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

The Conference substitute adopts the Senate provision with an amendment to also include incursions in the Bering Sea within the scope of the report.

TITLE IX—TECHNICAL CORRECTIONS

Section 401 of the House bill makes several technical corrections to current law related to the Coast Guard and maritime transportation.

Sections 501–518 of the Senate amendment make several conforming amendments to current law to reflect the transfer of the Coast Guard to the Department of Homeland Security from the Department of Homeland Security.

Sections 208, 520 and 521 of the Senate amendment make several other amendments that are technical or conforming in nature.

Section 601 of the Senate amendment establishes an effective date for technical amendments that were included in the Senate amendment.

The Conference Report makes several technical and conforming amendments to statutes related to Coast Guard and maritime transportation and establishes an effective date for those amendments.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,
FRANK A. LOBIONDO,
HOWARD COBLE,
PETER HOEKSTRA,
PETE SIMMONS,
MARIO DIAZ-BALART,
CHARLES W. BOUSTANY, Jr.,
JAMES L. OBERSTAR,
BOB FILNER,
GENE TAYLOR,
BRIAN HIGGINS,
ALLYSON Y. SCHWARTZ,

From the Committee on Energy and Commerce, for consideration of sec. 408 of the House bill, and modifications committed to conference:

JOE BARTON,
PAUL GILLMOR,
JOHN D. DINGELL,

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the House bill, and secs. 202, 207, 215, and 302 of the Senage amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on Resources, for consideration of secs. 426, 427, and title V of the House bill, and modifications committed to conference:

RICHARD POMBO,
WALTER B. JONES,
Managers on the Part of the House.

TED STEVENS,
OLYMPIA SNOWE,
(except section 414),
TRENT LOTT,
GORDON SMITH,
DANIEL K. INOUYE,
MARIA CANTWELL,
(except section 414),
FRANK R. LAUTENBERG,
(except section 414),
Managers on the Part of the Senate.

THE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, I am very happy, of course, to be here tonight to take this leadership hour and talk about something that is really near and dear to my heart but, more importantly, near and dear to the hearts of 41, 42 million seniors in this country who finally, because of the leadership of this Congress, the Republican leadership and this President, have delivered on a promise that was made years ago. And that delivery, I know a lot about them because as an OB/GYN physician before coming to Congress, I delivered 5,200 babies, but this may be the best delivery that I have ever been a part of, Mr. Speaker, and that is delivering, as I say, on a promise made by former Congresses and other Presidents over the 45-year history of the Medicare program, which was introduced in 1965 with no prescription drug benefit. And what we have done here is add part D, the "D" for "drugs" or, if you want, the "delivery" that we have finally provided to our American seniors.

This prescription drug benefit is a wonderful thing, and, of course, we are going to talk about that tonight. I have a number of my colleagues that have joined me, and we will be getting information from them, from their districts. We will be engaging in colloquy as we go through the hour, Mr. Speaker, talking about the success stories because we do not want to stand up here for an hour and expect people to take our word for this. I think it is very important, Mr. Speaker, that we hear from our seniors, whether they are from the 11th District of Georgia that I represent or whether they are from the gentlewoman's Virginia District, Representative THELMA DRAKE, who is here with us, and others.

But when we passed this bill in November of 2003 and the President signed it into law shortly thereafter in December, we had so much criticism from the other side of the aisle, it was really amazing. Of course, maybe I could understand the politics of it back then because we had finally delivered on a promise that maybe they had made and not delivered on. But we are into the sign-up period, and, in fact, May 15, after that date there is a penalty for late signing up, and yet the other side is still discouraging the 8 million that have not yet signed up. And that is, Mr. Speaker, I think just so disappointing.

I have heard for the last 1½ years the criticism from the Democrats about this program being nothing but a giveaway to the pharmaceutical industry, that the program was designed by them, that the government cannot negotiate price controls.

Well, I want to take a few minutes, Mr. Speaker, before yielding to my good friend from Virginia. Listen to this: on March 9, 2000, the Clinton White House released the following "united vision for a new Medicare prescription drug benefit." Many parts of this vision closely mirror the Republican-passed plan that the Democrats have been opposing and criticizing for a 1½ years. And I take this text that I am going to read directly from the Clinton White House Web site.

The White House, Office of the Press Secretary: "President Clinton and Senate Democrats unified in vision for new Medicare prescription drug benefit for immediate release March the 9th, 2000. Senate Democrats agree on principles for a new Medicare prescription drug benefit. Today Senator Daschle and the Senate Democratic Caucus released a set of prescription drug principles that will guide the current congressional debate over the provision of a new Medicare prescription drug benefit to millions of seniors. These principles state that any new benefit should be: Number one, voluntary." Sound familiar? "Medicare beneficiaries who now have dependable, affordable coverage should have the option of keeping that coverage.

"Accessible to all beneficiaries." Again, sound familiar? "All seniors and individuals with disabilities, including those in traditional Medicare, should have access to a reliable benefit designed to give beneficiaries meaningful protection and bargaining power. A Medicare drug benefit should help seniors and the disabled with the high cost of prescription drugs and protect against excessive out-of-pocket costs." The catastrophic coverage in our plan. "It should give beneficiaries bargaining power that they lack today and include a defined benefit, assuring access to medically necessary drugs." Exactly what this Republican Medicare modernization part D bill does.

"Affordable to all beneficiaries and the program, Medicare should contribute enough towards a prescription drug premium to make it affordable for all beneficiaries. While subsidies should be provided to all to assure the benefit is affordable, low-income beneficiaries should receive extra help with the cost of premium and cost sharing."

Again, Mr. Speaker and my colleagues, does that sound familiar? That is exactly what this bill does.

Let me continue because this is just so instructive. Again, this is the Bill Clinton Presidency and Democratic Congress plan back in 2000.

"Administered using private sector entities and competitive purchasing techniques. Discounts should be achieved through competition, not regulation or price controls."

They have been griping about this for 1½ years, and their plan calls for private competition and no price controls.

□ 2200

It should mirror practices employed by private insurers in delivering prescription drugs. Private organizations should negotiate prices with drug manufacturers and handle the day-to-day administrative responsibilities of the benefit." That is exactly what this plan does and what they have been railing about, again, for the past year-and-a-half. So hypocritical, it is unbelievable.

So I just wanted to bring this press release, this Clinton press release, and show you that the Democrats really wanted to do this, but they couldn't deliver. They could not deliver on the goods, and they can't stand it. They literally cannot stand the fact that this President, who they despise, who they detest, and this Republican leadership, who has been in control of this Congress for the last 12 years and is delivering, is getting things done, is not just simply sitting back and throwing bricks and screaming and hollering. And as we get closer and closer to the deadline, the rhetoric will continue to increase.

Well, I just wanted to start the hour, Mr. Speaker, certainly not on a negative tone, because we are very positive about this. I personally as a physician Member am extremely excited that we are leaving tomorrow, most of us will be leaving tomorrow, to go back to our districts for a 2-week work period.

I am told by our Conference chairperson, the gentlelady from Ohio, DEBORAH PRYCE, that the Republicans, the 231 of us in this body, have scheduled over 200 town hall meetings over this 10-day period while we go back home and work for our seniors, not against our seniors.

I am excited about it, because I have four of those 200 scheduled in my district, and I am really looking forward to it and looking forward to help get those few, I think I said at the outset that some 27 million of 41 million eligible have now signed up, probably 5 or 6 million of those who have not already have a drug plan. We understand that. They have a plan, whether it is TRICARE, if they happen to be a veteran, or the widow or widower of a veteran, or they are signed up under a company that they worked many years for and retired with not only health insurance benefits, but a prescription drug coverage. They don't need it. But there are still 6 or 8 million that do, and that is why I am excited to get home and bring the good news to them.

At this point I want to yield to my colleagues. We have several with us here on the floor tonight, Mr. Speaker. The gentleman from Pennsylvania is the first to stand, and I want to recognize him.

I want to say a little bit about him before I turn the microphone over to Dr. MURPHY.

Dr. TIM MURPHY is a classmate of mine. We came in the 108th Congress. We have served together now for about 3½ years. He and I actually cochair the Republican Health Care Public Relations Committee. We could probably spend this hour talking about any number of issues regarding health care that the Republicans have done.

But we are going to concentrate, as I said at the outset, and talk about this Medicare modernization. We don't want to forget that part, because that is almost as important as the prescription drug part.

At this time, I am very proud to yield to my friend from Pennsylvania, Dr. Representative TIM MURPHY.

Mr. MURPHY. I thank the distinguished doctor from Georgia for yielding to me and for your important information for our colleagues and really for our Nation to understand the importance of the Medicare prescription drug plan.

Some of the things said will bear repeating several times over the next few weeks, and one of the points I want to talk about, as you have discussed as well, is misinformation that is sent out about this plan.

Any time something is new, there is going to be some glitches. All of us, when our children were new, well, we knew as parents we didn't exactly know everything we were doing and we had a foul-up or two, but we persevered and our children turned out well. No matter what one does in life, when it is something new in learning the ropes of it, it is going to take a little adjustment.

But as we were signing up 27 million seniors at a rate sometimes approaching 400,000 a week, the system wasn't always perfectly ready for all of them, and there were some glitches, particularly for some folks who were dual eligible.

But the point is HHS or Medicare responded, put extra people on board, worked out some of the glitches, and I am pleased to say that many of the seniors that I talked to are very pleased with this program.

As a matter of fact, I was recently giving a town hall meeting, there must have been 200 people in the audience there, and I asked how many of them have yet to sign up for a Medicare plan? Not a single hand went up. It seems that all of them had looked at the plan at that point, and that Pennsylvania had chosen a number of things.

One gentleman decided to stick with the veterans plan. He liked that. He had served in the military for many years now as a veteran. Another woman was pleased that she could maintain the Pennsylvania PACE plan for low income seniors that worked well for her. Another woman said she was actually saving several hundred dollars so far, and it was only March, with the Medicare prescription drug plan.

It is folks like this who really tell the truth about what is going on. While politicians may be out there trying to scare seniors, it is the seniors themselves that are perhaps the best salesmen saying it is valuable.

It was only a short period ago that the stories that were always in the newspapers were of seniors getting on board busses and going off to Canada to pick up their prescription drugs, or perhaps using mail order systems to try to pick up prescription drugs. But I want to point out a couple of things that is important that.

One, a study of the overall costs of traveling off to Canada, it turns out that the overall cost savings was probably only around 1 percent when you looked at it. But AARP and others have said that actually the savings that comes from the Medicare prescription drug plan are at least equal to and sometimes better than traveling across the Nation's lines to pick up drugs.

Also a very, very important savings factor here is not just a matter of saving money, but saving lives. And in the process of seniors trying to find drugs that are affordable to them, Mr. Speaker, what they are also doing is getting on the Internet or going through mail order houses and trying to pick up prescription drugs from foreign sources and tragically finding that those sources contain counterfeit drugs.

One, a drug used to treat schizophrenia, it turned out to be nothing more than white pills that said the word aspirin on them. Other medications had water in them that was tainted. Other ones may have had paint or foreign substances in them.

The point is, not only were they sometimes toxic in and of themselves, but in not treating the illness, the things that went with that is sometimes having seniors take medications that they could have been allergic to or take medications that certainly, at the very least, were not treating their illness.

By having an affordable prescription drug plan, what we have instead is getting the right medicines to the right people so that they are taking medications that are valuable to them and can help treat their illnesses.

But let me point out some more things we have to understand, because as people also look at the expense of a prescription drug plan, we have to understand that, unfortunately, the way this system works in this Federal Government, the Congressional Budget Office doesn't ever tell us how much we save. But take a listen at a couple of these points.

First of all, ulcer surgery has become a relic of the past. New drugs, Nexium, Prilosec, other things we have seen advertised, really have ended up treating ulcers so well that surgical procedures to correct ulcers has fallen, and today it is really a thing of the past.

Medicines also reduce hospitalizations and surgery for heart disease. Drugs that reduce, for example, cholesterol levels and other things that in the past had been an automatic admission to a hospital and bypass surgery and angioplasty now we find are going down.

Medications to treat Alzheimer's diseases. Medications that have also worked out there to improve the cognitive functioning over time and keeping people out of long-term care and nursing care longer.

Also, listen to this, overall new medicines play a significant role in the life expectancy gains made in the U.S. and around the world. Recent research published in the Journal of Health Affairs concludes that new medicines generated 40 percent of the 2-year gain in life expectancy achieved in 52 countries between 1986 and 2000. In other words, we are not only providing medications that are affordable, but medications are now there that providing better and longer life for many seniors.

The list goes on with so many more, cancer drugs, drugs to treat AIDS, HIV, drugs that prevent stroke, that improve quality of life of children. There is a wide range.

But the main thing is before the Medicaid prescription drug plan came into effect, so many seniors, well, it was much like window shopping. You could look in the shop and admire the merchandise, but you couldn't go in to get it. Now that has changed. And that is a message that we need to be telling across America as we are doing tonight and our colleagues are going to do during this break.

It is of no value, as a matter of fact, it is a negative value and of questionable ethical value I think sometimes if people only spend their time criticizing the glitches that have been in the program, as with any program that occurs, whether it is a public or private program, criticizing it, standing on the outside and frightening seniors, frightening seniors into thinking that because there was complexities and difficulties, therefore they should not sign up.

I worry about this, Mr. Speaker. I worry because when I have held town meetings and I have heard seniors say "I heard this is difficult; I don't think I can understand it so I have been holding off doing it," my worry in those circumstances, when the people are just playing politics with patients and frightening seniors away from this program, what happens if a senior needed medication and they did not get it because someone frightened them away?

The point is, if one dials 1-800-Medicare, they can talk to someone who is helpful. If they go on to web sites, Medicare.gov, they can get the information that they need. They can sit down with a family member or friends. And many drugstores, many pharmacists throughout the Nation will provide the kind of consultation free of charge to help seniors walk through this. But they need their name, address, their Social Security number, the names of the drugs they are on, the dosage levels they take, the prices they pay.

And don't just compare what it is today when you have the deductibles and copays. Look at what happens to the long-term costs throughout the year and look at those prices and determine which of the many plans available are the best ones for you. That is the message we should be telling seniors.

You know, so often in America we criticize that costs go up when people do not have a choice. Here with Medicare, people do have a choice. They have a choice of looking through many, several plans. They have a choice of doing nothing at all, quite frankly. But it is something that is available to seniors. And the main thing about this is having the availability of medications which can be lifesaving and life extending and help the quality of life, make the difference between someone who may be bound up in a nursing home and someone who is still at their home, those are the kinds of stories that Americans need to be talking about.

While there are those criticizing frightening seniors, let's remember this. Instead of frightening seniors, we should be thinking this: 27 million seniors have signed up for this program so far, and many more will sign up in the next few weeks. Those 27 million seniors can't all be wrong. And instead of politicians mocking them and mocking the program, maybe, just maybe, we would all do better to link our arms and say let's do what we can to help every senior get the medications they need. And even if they don't need them now, to sign up for a program, just like you don't need homeowner's insurance today if your house isn't on fire, you don't need automobile insurance today if you haven't had an accident, but you have it there in case you do.

Sometimes with low costs in Pennsylvania, I know it can be as little as $10 a month. Someone can at least have the piece of mind of knowing it is there when they need it. These are the things we need, Mr. Chairman. And to my colleague, Dr. GINGREY, I am so pleased that you have done so much to help seniors throughout the Nation know this and help our colleagues know this.

There is the deadline coming up next month for seniors to sign up, and it is good news that so many seniors are looking towards that deadline to sign up. Some have waited a little bit and want to see some glitches out of the program. Many of those are being addressed now. I certainly congratulate the Secretary of Health and Human Services for all of the work he has been doing to get this message out.

But we are not done, and as colleagues we need to be working together for the sake of our patients. Let's stop playing political games and really do what is right and decent and honorable for America's seniors.

I yield back to the gentleman from Georgia, and I thank you so much for sharing the time.

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Mr. GINGREY. Mr. MURPHY, thank you so much for that and for your insights.

As I was standing here listening to Mr. MURPHY, I cannot help but, Mr. Speaker, wanting to go back just for a moment to this press release of March 9, 2000, from the Bill Clinton White House. There were a couple of things that I did not mention that I want to read to you before we yield to Representative DRAKE.

In this press release it says, and this is one of the bullet points. "Consistent with broader reform. The addition of a Medicare drug benefit should be considered as part of an overall plan to strengthen and modernize Medicare. Medicare will face the same demographic strain as Social Security when the baby boom generation retires. Improving benefits is only one step in preparing Medicare for this new century's challenges."

I will say one thing about the Democrats, they are pretty consistent because they opposed any changes to Social Security as well. In fact, this is exactly what they called for but, once again, as I said at the outset, they could not deliver and it is killing them. But unfortunately, their continuing rhetoric runs the risk of killing some of our seniors, the six or so million of them, who need this benefit. And it is just shameful. Shameless, as Garth Brooks sings the title of one of my favorite songs. But they keep on. But hopefully maybe over the next couple of weeks, maybe during this 2-week recess they will get religion. It is certainly a time for religion. And they will understand that it is time to stop playing footsie with our seniors and misleading them and trying to be part of the solution and not part of the problem.

Mr. Speaker, it is a pleasure at this time to introduce my colleague for her remarks, the gentlewoman from the Second District of Virginia (Mrs. DRAKE). She is a freshman but you would not know that. Her experience and the things that she has done in a short period of time in this body, on our side of the aisle, has just been amazing. She is a member of the House Armed Service Committee. She is passionate about veterans health care and health care for our military. So it is indeed an honor to have Representative DRAKE with us tonight.

Mr. Speaker, I yield to the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, I would like to thank the gentleman for that very kind introduction and also for the opportunity to come and talk about such a wonderful program. You used the term that it is the modernization of Medicare, and often we only talk about the prescription drug benefit and seldom do we hear that we now have welcomed to Medicare checkups for our seniors as they are entering into Medicare.

But I would like to take a moment first and thank all of the people across America who have worked so hard to bring this program to our seniors, to explain it, so that our seniors have the information and can make the best choice for them. I know that the CMS employees have worked very hard. Our Agencies on Aging, our Senior Services Agencies have already been side-by-side with us in Virginia working, and many Members of Congress have been holding meetings since last fall.

Now, of course I have seen a great number of increase in people once we got into the first of the year after last fall. But I would also like to thank our pharmacists. I have had town hall meetings where pharmacists have come. I have had people in the Second District tell me they go to the pharmacy at their drugstore, leave their information they have filled out with their pharmacists, come back later and the pharmacist has run the program for them.

Well, as you said, I am a freshman so I was not involved in the debate or the vote in 2003, but by holding meetings throughout the district I have learned an incredible amount about this program, and I have heard what our seniors are concerned about and certainly I have read the newspaper articles that say it is a confusing program. I would disagree with that completely. But I didn't know that not only were our seniors hearing from Medicare, they were hearing from me, and they were hearing from all of the 18 companies in Virginia that offer 42 programs. And I think that was one of the concerns in 2003, was would companies step up, would they offer this? And what we have seen overwhelmingly is yes, companies have stood up. Companies have created competition. They have reduced the price on the programs.

Our seniors have not only a voluntary program in this Medicare program, if they choose to do exactly what they are doing and do not want the program that is entirely up to them as long, in my mind, that they know there are other options out there for them that are certainly much less expensive. And I know that the underlying premise when this was passed was that if we keep people well our overall health costs would be less. And as Congressman MURPHY just told us, it is much cheaper to provide a prescription drug for heart disease than it is to do heart surgery.

We have also heard the stories in 2003 about our seniors who either were not eating, were not heating their homes or were not buying their prescription drugs. I commend Congress for passing this legislation and all the people that have worked to put it in place. 42 million Medicare recipients and of that we know we are at 27, 28 million people right now. Six million do not need to sign up because they have as good or better coverage through a better plan. And our goal between now and May 15 is find those other 6 million people and make sure they know about the program.

Some of the things I have learned in the district, first of all, seniors did not understand that this is available to everyone. There is no income qualification. If you are eligible for Medicare you are eligible for this program.

I had one couple come just to ask me one question and they raised their hands early in the program and the man said, I have a wonderful health care coverage through my employer. I am retired. He said, but when I die my wife cannot continue in the program. So what does she need to do? And the answer was she is completely covered. When she loses that coverage, then she can go into Medicare part D with no penalty and she can go in within 60 days of losing that coverage. So little things like that.

One man raised his hands and he said, I was talking to my insurance agent, because it is important to remember that Medicare part D is not a government program. It is private sector insurance policy with a reduced premium because of the Federal Government. He said, my insurance agent told me it was okay to buy a plan that didn't cover my prescriptions. And I said, no, that is the wrong answer. You call that agent today and say your Member of Congress says you may not buy his plan until he gets your prescription drugs.

And what our seniors will find if they call, come to one of the seminars, we have asked people in our district to feel free to call us. We are happy to get them in the right place. But if you sit down at the computer, and I have done it myself, and I just go to www.medicare.gov and you scroll down very slowly and you do not go off into space somewhere on the left-hand side of the screen, you just keep scrolling down. Answer the questions. Put in the information and, most importantly, what are the drugs that you take, and that will sort through all the programs and give you the very best options.

I stopped and visited a friend on New Year's Eve. She had recently lost her husband and I thought that would probably be a tough time of the year for her. While I was there I asked the question I seemed to ask all seniors today and that is, what are you doing about Medicare part D? When I asked I was surprised that she had no prescription drug coverage. And she said, I only take one prescription. It is $78 a month and I am not going to do anything. And I said, well, there are choices out there and maybe you should call or you should write and you should get the information.

She said, I have already done that and she had the chart laid out of three plans that covered her drug. As she talked to me and looked at the plans, it became very apparent that there was one plan that would cost her $25 a month, $35 for her prescription, and she was going to save $28 a month just by signing up for that plan and that makes the assumption she won't take any additional drugs over the course of this year.

I think it is important, and you have talked about the May 15 date, and our seniors I think are well aware that since this is a private sector insurance policy and it has open enrollment, it has penalties. If you do not sign up in time, just like a lot of other insurance products, there will be a penalties after May 15. But the other thing that is so important to remember is that if you do not sign up, May 15 enrollment is closed until November 15 and then you can sign up for January 1. So our seniors could be facing 7 months of not being able to get into the program simply because they didn't realize that. They didn't understand what their real choices were.

So I applaud everyone who is working hard to tell them. Thank you for holding this tonight. Thank you for giving me the opportunity to talk. There are lots of success stories in the Second District. And I know you have other Members that want to talk about it as well. So thank you for giving me the opportunity. I certainly am grateful. I know our seniors are once they are signed into the plan for what this plan offers to them.

When I talk to people my age or their parents, because they will come to our meetings, their first question is, How do I get it? My answer is, You have to be 65. So thank you very much.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman so much for being with us tonight and I want to maybe expand just a little bit on her comments in regard to the penalty, as she explained it very carefully as to why that is necessary part of an insurance program.

By the way, Mr. Speaker, that is the exact same situation that exists with Medicare part B. Medicare part B was there in 1965 but it was the optional part. I think former President Truman was the first person to actually voluntarily sign up for part B, the doctor part where it is premium based, and the individual Medicare beneficiary pays 25 percent of the costs and the taxpayer and Medicare, if you will, pays 75 percent.

I will bet you, Mr. Speaker, I will bet you that 98, 99 percent of seniors voluntarily sign up for part B and they do it within the 6-month window of opportunity because if they go beyond that then just like in this part D, because a person on part D is an example, as Representative DRAKE pointed out. If they do not sign up for it and they go beyond the sign-up period, and then all of the sudden they get sick and they go from taking that one drug a month at $78 that she talked about to taking five at $5,000 a month, then they should pay more for their premium. So it is very important and it is not a punitive thing, but it is there to make the program work.

Mr. Speaker, we are again honored by one of our colleagues who has served in this House. I think this is his fourth term, and I am talking about the gentleman from Minnesota who I think very soon after November will be the United States Senator from Minnesota, and I am speaking none other than Representative MARK KENNEDY.

Representative KENNEDY, thank you for being with us tonight. I yield to you at this time.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman for his leadership on this issue and all that he has done to make sure that that our seniors understand how important this program is and how it can really benefit them. Too many are out there trying to just dish the program and spread really complicating lies about it and scaring seniors. That is not what we ought to be doing to our seniors.

We ought to be out there making sure they understand the benefits that can be available to them. Through the efforts of you, so many in the community, as was mentioned, more than 27 million seniors are now enrolled in the Medicare part D prescription drug benefit. They are seeing hundreds, even thousands of dollars of savings. In fact, CMS, the Centers for Medicare and Medicaid Services, have projected that the benefit will save the average senior $1,100 this year. Meanwhile, the AARP and others have found that the benefit lowers the cost of drugs for seniors by an average of 44 percent, with low income seniors seeing price reductions of up to 90 percent.

Better yet, the average senior's monthly premium is 32 percent below the average estimate, a third. This terrific reduction is evidence that the market base competition used by Medicare part D is working to drive down prices and increase the benefits for our seniors. At the same time, CMS has reported that the projected costs of administering the benefit has come down $7.6 billion in 2006 from what they originally estimated, and States will see at least $700 million in additional savings this year.

All of this is very good news. However, the May 15 deadline for eligible seniors to sign up for the plan without penalty is fast approaching. Well, the program's enrollment has surpassed earlier estimates. There is now still more that needs to be done. That is why it is important that community activists and we as Members of Congress have been holding sign-up forms in our districts to spread the facts about this great new voluntary program.

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These forums bring together CMS, trained volunteers, seniors and their families together in an environment where questions can be answered and seniors can become informed about which plan best fits their needs so they can begin saving on their drug costs.

I was pleased to hold two large forums in my district in Minnesota earlier this year, and I am working hard with other groups to help hold forums of their own. I want to thank those community groups who work in towns and cities all over this Nation to make sure seniors know their options. These events and other forums are essential to making sure that seniors who want to sign up for the Medicare drug plan are able to do so before May 15.

Mr. Speaker, it is easy for me to stand here and talk about the benefits of this plan, but do not just take it from me. Take it from the seniors who are realizing, in some cases, hundreds of dollars in savings every month. Countless seniors are reporting that they now have more money to use for other things, like paying for their bills or visiting their grandchildren.

Before the Republican Congress acted, we heard terrible stories of seniors forced to choose between life-saving medication and food. We heard these stories years, but we never saw action from our friends on the other side of the aisle, but we acted. Seniors are saving as a result.

I encourage my colleagues, and I thank Dr. GINGREY for his leadership on this, to continue to educate seniors in their districts before this May 15 deadline so every senior has access to affordable drug coverage, and I would turn it back over to the distinguished doctor from Georgia to continue to talk about what kind of benefit seniors are getting and why it is important that we take the time to make sure they understand before the May 15 deadline.

Mr. GINGREY. Mr. Speaker, I would just like to say I thank the gentleman, and I think the seniors are very fortunate, whether MARK KENNEDY is serving in this United States House of Representatives or representing them in the other body soon as a senator in the United States Senate. They are indeed fortunate to have his compassion and caring attitude, and I commend him for that.

Mr. Speaker, I think what I would like to do here for a minute is sort of frame this problem, before we delivered on this prescription drug benefit, to make sure that our colleagues and anybody within shouting or listening distance might possibly be watching our proceedings tonight, did they understand the situation that existed before we delivered on this promise of a prescription drug benefit part D under the Medicare program. Where were the seniors getting their prescription drug coverage before this plan?

Well, this first slide, Mr. Speaker. I want to make sure that my colleagues can see this. There were a number of people. This is about 26 percent, an estimate of seniors that had employment-based plans. We talked about that. We have talked about the fact that people worked 25, 30 years for a company, and part of their retirement benefit may be a little pension hopefully and a little health care benefit, in many cases to include a prescription drug coverage.

Now, there has been concern among these 26 percent because even before we brought forward this well-conceived, well-thought-out plan, in fact it was thought out pretty well, as I pointed out earlier on March 9, 2000, by President Clinton and the Democratic leadership in the Senate. They just did not deliver on it, but the 26 percent were concerned because employers were dropping these plans or changing the guidelines. All of a sudden a senior gets a letter in the mail, and it says, oh, by the way, first of the year, you are going to have to pay, instead of 20 percent of the premium, you are going to have to pay 30, and oh, by the way, it is no longer going to cover prescription drugs or we have got a very limited formulary; it is not going to cover your hearing aid or your eyeglasses or whatever or even worse than that, Mr. Speaker, would be the ultimate dear John letter. That is a letter, that pink slip, that says, guess what, we are dropping your coverage; we are going to completely drop your prescription coverage or may, in fact, drop the whole health insurance coverage, and this has happened.

It was happening, and under this plan, though, to prevent that, to try to stop that, we, in designing this plan, this Republican majority, this President, under our leadership, we said, look, we will help you, John Q. Employer, if you will continue these plans and you will not renege on these promises. We will reimburse you, really, for some of the cost of those plans so that you do not drop them.

Again, I go back to my Clinton press release. One of the things that they called for in 2000, optional of course for all beneficiaries as we said earlier, but also provides financial incentives for employers to develop and retain their retiree health coverage. That is what Clinton and the Democrats called for. This is another thing that they have been railing against, the fact that we have incentivized these employers not to drop these plans.

Well, okay, 26 percent have employment-based plans. Three percent individually purchase policies. That would be like my mom, Helen Gingrey, my precious mom who has a medigap policy, but now, unfortunately, the prescription part of that was so expensive that she had to drop it. Of course, the Department of Veterans Affairs and TRICARE, we talked about that. That is about 3 percent. About 12 percent are covered by the State Medicaid program. Some are more generous than others, I think very generous in my State of Georgia, and then some other State-based programs and other sources, 6 percent.

But the real eye-opener on this chart, on this pie graph, is that 40 percent before this plan, 40 percent were getting prescription drug coverage out of their own pocket. In other words, they had no coverage, and they had no bargaining power, Mr. Speaker. They simply went to the drugstore and they paid sticker price, you know, like buying an automobile and not getting any discount because you did not know to ask for one. They had no clout, one individual and elderly, frail senior, and so they were paying sticker price, and that was the problem. That is why we knew that we had to do something, especially for the neediest, especially for those who literally were breaking pills, running out of medication, not going to the drugstore because they are embarrassed that they could not pay.

It is an act of compassion on our part, really, for the neediest seniors especially, and of course, now, the good news is that, and this next slide shows, a total of 27 million seniors now have coverage under Medicare Part D.

I see that the gentlewoman from Virginia has been kind enough to stay with us, despite the lateness of the hour, and I want to yield a little time to her and maybe we can get engaged in a little bit of a colloquy in talking about the some of the things that we both notice in our district.

Mrs. DRAKE. Mr. Speaker, I thank you for that, and you brought up the issue of your mother, and that is a very important thing for us seniors to be thinking about because many of our seniors did buy the supplements that you are talking about that gave them some health care coverage as well as their prescription drug benefits.

My daughter's mother-in-law has one of those, and she is paying over $300 a month for it. So we went online, and we looked at what can she get today under this new program. So I think it is important that people like your mother do not think that because they have one of those plans from before that that is good enough, that they can go on today and save an incredible amount of money. You can go into plans today that give you the health care coverage, as well as the prescription drug coverage, but there, again, with that reduced premium, my daughter's mother-in-law is going to save over $100 a month by going in and revamping that policy.

I know a lot of our seniors got kind of hung up on the thought of deductibles and things like that, but there again, you need to understand that when Medicare set the plan, when Congress passed the plan, they put a cap on what a deductible could be of $250, and many of these plans have no deductibles. We keep talking about a donut hole where there will be a gap in coverage at a certain point, and what I say in my meetings is, if you did not have any coverage, you have been living in a black hole. You can pick a plan that has no gap in coverage based on what you want to pay monthly and how to streamline it for you.

The other point I wanted to make as you continue on is one of the questions I have really been asked is what if I take no medication. Isn't that a wonderful thing for our seniors today? I always look at them and say I bet you bought a homeowner's policy and you have insurance on your car and you buy those before you need them. Same thing for our seniors with prescription drug coverage.

When they go in and look at these programs, there are so many options, low-price options, that it is worth that for the peace of mind to know that next year when you go to open enrollment, you can always change the plan, upgrade the plan, but you are in the plan.

So I thank you for letting me talk about your mother.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman and my mother thanks the gentlewoman, but you have made such a great point about the option, and Representative DRAKE talked about the number of plans in Virginia. It is kind of similar in Georgia. There may be almost 50 plans, but there are only 18 companies.

But what that means is companies, good companies, offer more than one plan, so that seniors have the option, as she described, to say, well, if somebody says well I do not need that, I have got the Methuselah gene, that means you live a long, healthy life. A person like that might say, well, I do not take anything, I buy a few over-the-counter drugs a year and I bet I do not spend $200 a year. Well, God bless them. They are lucky. They are fortunate, but what Representative DRAKE is talking about is that very next week may be the time that the chest pain strikes and all of the sudden you have a coronary bypass or stints put in and you are on five or six medications. That happened to yours truly a couple or 3 years ago, and then all of the sudden you are kind of stuck.

So what the gentlewoman from Virginia was saying is look, seniors, if you are in that fortunate situation, do not roll the dice on this because you could come up snake eyes. Go ahead and take one of these plans where the monthly premium is 20 bucks a month. There is no deductible. There is a donut hole, but you are not worried about that donut hole because you are blessed with that Methuselah gene. Then later on, as she so correctly pointed out, if something does happen, then you can switch, and you do not have to pay a penalty because you did not sign up; you did not roll the dice and come up snake eyes.

Then the corollary to that is say someone who has a lot of prescription drug costs, they are already on six or eight drugs and they are spending $10,000 a year, and they look at that and they say hey, look, give me one, I will pay a higher monthly premium. I may pay 60 bucks a month premium, but that plan gives me coverage in that so-called donut hole. That is important because they are already spending a lot of money, and so you tailor these. The companies are actually doing that. I think it is a great thing.

Mrs. DRAKE. That is what is so important is that our seniors have choices, and you mentioned our veterans. I just wanted to finish up with them and let you finish up this evening and to remind our veterans that they are the only group of people that keep their veterans benefits and can purchase into Medicare Part D as well. So that gives them the ability, if there are medications they need that are not covered by the VA, that they can be covered by Medicare Part D. So I want to make sure that they understand that since they are the only group that can have both.

So certainly thank you again for letting me be here. Thank you for letting me talk about your mom and talking about our veterans, and there are so many things to talk about with the program. I would like to encourage everyone, if there is a workshop in their area, to please attend because it is amazing the questions and the answers and the much better understanding and that you realize this is a good product for seniors. The price is so much lower, and it gives them so many choices.

Mr. GINGREY. Well, I thank the gentlewoman, and I know she is looking forward to going back into the 2nd District of Virginia tomorrow, and I am sure she is one of the many Republican Members who have got those town hall meetings scheduled to get those remaining 6 or 8 million signed up, and I thank her.

At the outset, I said do not just take our word for it, and I have been expounding a little bit for the last 50 minutes, but I did want to give some anecdotal stories, and let us do that for a moment, Mr. Speaker.

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Barbara W. From El Mirage, Arizona, had no prescription drug coverage. She spent more than $2,600 a year on medication just this past year. She wanted an inexpensive plan with a low premium, so she did enroll in the part D plan, and it only had a $6.14 monthly premium. In 2006, she will save $1,800, nearly $200 a month, the lady from Arizona. God bless her.

Here is another, Mr. Speaker. Sandra S. from Woodland Hills, California. In 2005, she spent $4,600 per year on prescription drugs. She read about Medicare part D in the Los Angeles Times. I am sure they weren't praising it, but thank goodness she read about it. She called 1–800–MEDICARE for help. She wanted a plan with no donut hole. We just talked about that a minute ago. Her plan has a $50 monthly premium, no deductible, no gap in coverage and, of course as all those plans, it has that catastrophic coverage. So that if you really get into a year where you have out-of-pocket expenses of $3,600, out of your own pocket, then after that, the insurance pays 95 percent and you only pay 5 percent. What a godsend. Total savings for Sandra, $2,400 a year.

I think we have a couple more that I wanted to show. Barbara L. from Kemp, Texas. In 2005, spent $2,100 on prescription drugs. She enrolled in an AARP part D plan. They have a very good plan. So in 2006 she expects to pay $360. Barbara saved $1,740.

Well, I could go on and on, but let me just say one other thing, because I mentioned AARP, the American Association of Retired Persons. I am proudly one of them. I am not retired, but I was eligible and got my card at age 50, so I have had it a while. Thirty-seven million seniors are members. And AARP is not typically a conservative organization, supportive of Republican ideas. More typically, they are supportive of the Democrat line of thought, and yet they have supported this program.

My colleagues on the other side of the aisle came down to the well, Member after Member after Member, telling members of AARP to tear up their cards and throw them out the window. Thank God for AARP.

In fact, we had a press conference today, Mr. Speaker, talking about the plan and what the Republican Members are going to do when we go back to our districts, and we have 76, count them, 76 organizations that are supporting this program. The AIDS Institute, Alzheimer's Association, American Geriatric Society, American Pharmacists Association, Association of Black Cardiologists, National Hispanic Medical Association, National Alliance For the Mentally Ill, National Alliance for Hispanic Health, the Generic Pharmaceutical Association, and Easter Seals. I could go on and on, but there are 76.

Let me talk briefly as we close about groups misleading seniors about Medicare part D. In fact, they were out there protesting our press conference on the terrace of the Cannon Building this afternoon. Guess who was there chanting against seniors? MoveOn.org and far left shadow groups.

So let's see. Doctors, pharmacists, hospitals, health care providers and AARP, versus MoveOn.org, NANCY PELOSI, and other far-left groups. Who do you trust with senior health? I think the answer is pretty obvious, Mr. Speaker, and I am proud to be part of the solution and not part of the problem.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. Mr. Speaker, I want to yield very quickly to the chairman of the House Armed Services Committee, my chairman, and I am talking about the gentleman from California, Representative DUNCAN HUNTER. I gladly yield to the chairman.

Mr. HUNTER. I thank my friend for yielding, Mr. Speaker, and I would just take a minute. I have been watching my friend and the gentlewoman from Virginia (Mrs. DRAKE), and I just wanted to tell you how proud I am of the job that you do representing your districts and representing those great contingencies of American veterans and active duty service people in your district.

I wanted to say, and I know you have been talking about health care, but I wanted to talk about another type of security just for one second, and that is national security. And I know my friend has been to Iraq, and I think he is going again soon, and many other Members of this body, Democrat and Republican, are going. Now is the time when America should take heart.

I have watched the newspapers and the mood of this House as of late, and I feel, especially coming from the Democrat side, the message is one that I have seen before. It is a message that we saw in the 1980s, when Ronald Reagan faced down the Soviet Union, and you had calls from the far left to the effect that President Reagan was going to have a war with the Soviets, that he needed to acquiesce, he needed to engage, even as they ringed our allies in Europe with SS–20 missiles. And yet Ronald Reagan stood tough. He stood for a policy of peace through strength. And at one point the Soviets picked up the phone and said, can we talk? And when we talked, we talked about the disassembly of the Soviet empire.

Similarly he stood tough in Central America, and today those two nations in question. El Salvador and Nicaragua, have fragile democracies because of America. Today, we are providing that military shield in Iraq while we put this fragile government together, a government based on something new in that part of the world: Freedom and representative government.

You know, this has been done on the shoulders of the great American servicemen and women who serve us in that very troubled and difficult part of the world. And their job is dusty and dirty and sometimes bloody, but it is worthwhile. And what they are giving to us, if we can stabilize that country and that neighborhood and have a country that has a benign relationship towards the United States, will accrue to the benefit of generations of Americans.

So now is the time to take heart. Now is the time to not fail. Now is the time to stand firm, and I want to thank the gentlemen for his work on Armed Services and the Rules Committee, for the great work he does in that regard.

Mr. GINGREY. Mr. Speaker, I thank the gentleman so much in these closing seconds. And of course we know of the work of the esteemed chairman of the House Armed Services Committee, Representative DUNCAN HUNTER. What a wonderful way to close this hour.

What is more important than the defense of this Nation, as this great patriot just described, and providing health care for our precious seniors?

IN SUPPORT OF NOGORNO-KARABAKH

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise tonight to lend my support to the Republic of Nogorno-Karabakh in its pursuit of independence and international recognition. I believe that U.S. recognition of the Republic of Nogorno-Karabakh would greatly contribute to stability and peace in the South Caucasus region.

Nogorno-Karabakh is a country of proud citizens committed to the values of freedom, democracy, and respect for human rights. We as Americans cherish and defend these same values at home and internationally. The path to freedom has not been easy for the people of Nogorno-Karabakh. Following a peaceful demand by Karabakh's legislative body to reunite the region with Armenia in 1988, Azerbaijan launched an ethnic cleansing campaign against individuals of Armenian descent in both Karabakh and Azerbaijan. As a result, thousands of ethnic Armenians were killed, while some 400,000 fled Azerbaijan to escape the killings.

Mr. Speaker, on September 2, 1991, the people of Nogorno-Karabakh, consistent with their status as an oblast, or autonomous region, under the Soviet constitution, declared their independence. The declaration of independence noted Azerbaijan's policies of discrimination against the Armenian people, the need to restore friendly relations between Armenia and Azerbaijani people, and respect for the universal declaration of human rights. In response, Azerbaijan launched an all-out war against Nogorno-Karabakh.

Mr. Speaker, the people of Nogorno-Karabakh have steadily progressed on the path of democracy and conducted regular elections for president and the legislature. I actually acted as an observer for the last presidential election, and those elections were praised by international observers, including the United States, as free, fair and transparent.

While strengthening its democratic institutions, Nogorno-Karabakh has also successfully transitioned from a Soviet-inherited centrally planned economy to a market economy. Despite significant setbacks, it has largely restored its infrastructure and introduced reforms to encourage private enterprise and foreign investments.

With its democratically elected government, capable armed forces, and an independent foreign policy, Nogorno-Karabakh clearly satisfies the international criteria for statehood. Throughout its 14-year history of independence, it has proven to be a reliable partner of the international community and has contributed meaningfully to peace and stability in the strategic south caucuses.

Mr. Speaker, the United States should formally recognize the Republic of Nogorno-Karabakh, basically expand its relationship with the democratically elected Republic of Nogorno-Karabakh, and provide increased U.S. humanitarian and development assistance. It is crucial for the U.S. to unequivocally support the right of the people of Nogorno-Karabakh to decide their own future.

Mr. Speaker, the Nogorno-Karabakh Republic's democratic regime is in sharp contrast to its neighbor, Azerbaijan. Azerbaijan has evolved since its succession from the Soviet Union into an autocratic dictatorship.

Finally, Mr. Speaker, there should not be a double standard. Since its independence, the Republic of Nogorno-Karabakh has enjoyed all attributes and institutions of statehood. Currently, its de facto statehood fully satisfies the requirements of conventional and customary international laws for de jure recognition.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining before midnight.

Mr. MEEK of Florida. Thank you, Mr. Speaker. It is an honor to come before the House once again. And once again, the 30-something Working Group comes to the floor to share with the American people and to report what is happening here under the Capitol dome.

We look forward to continuing to do this in the future. We know we are going to be off for 2 weeks for the Easter break; all of next week, all of the week after, and we come back at the end of the month to try to do the business of the people of the United States of America.

I think it is important for us to understand what took place here, Mr. Speaker, in the Capitol just today. As you know, we have been working throughout the week and sharing with not only the American people but also with the Members of Congress the importance of what we do here under the Capitol dome. When I say under the Capitol dome, I am talking about the legislating that is supposed to be taking place on behalf of the American people.

I think it is important for us to not lose or miss the occurrence that did not take place here tonight or tomorrow. We were supposed to be in session tomorrow. We were supposed to vote on the budget that many Members on the majority side and the Republican side, Mr. Speaker, said was a good budget; that it is fiscally sound and we know what we are doing.

Well, we debated all day here on this floor. I was here a little earlier today, Mr. Speaker, maybe some 13 hours ago on this floor when we opened this Chamber at 10 a.m. this morning. And I pulled my chart out to talk about the borrowing that this Republican majority has done with the President of the United States, record-breaking borrowing from foreign nations and selling off the United States of America where foreign countries own our debt. And all day today I saw Members after that on the Republican side saying we are proud of this budget, this budget is going to put America back on track.

On this side, the Democratic side, we were talking about fiscal responsibility, we were talking about being reasonable with our spending and also making sure that we prioritize every day working Americans and not just the special interests and the super wealthy. I think that argument prevailed. Because I understood at the end of the day that there weren't enough Members on the majority side to pass President Bush's budget, because that is what it is.

This House has been just saying, yes, Mr. President, whatever you want. No matter what the Constitution says, no matter what our responsibility is to our constituents, we are going to do it the way you say you want it done.

□ 2300

That is what has gotten this House in a bad light with the American people.

Now, I am here tonight and the 30-Something Working Group is here tonight to make sure that the American people and the Members of the majority side understand, we were united in voting for our budget which is a pay-as-you-go budget and that will balance the budget in 6 years. We were united. When I say "we," House Democrats are united. If they were from the west coast or South Or North, whichever way you cut it, you can go all of the way to Hawaii, House Democrats were united in bringing America back into a fiscal responsibility era when we balanced the budget. We are the only party in this House that can say, We balanced the budget.

Now, I used to play football for Florida A&M, and it was kind of hard for the coach to talk about the national championship if the coach has never been to the national championship or played in the national championship game. Might have read about it, but it is hard for someone to tell you how it feels if you have never been there.

We have been there on the Democratic side. We have balanced the budget. We come to this floor to say if you are going to spend, then you better show where the money is coming from and how you are going to replace it. You just cannot say I am going to take the credit card out and I am going to put it on the backs of Americans, and I am going to come to the floor, and I am talking about, say for instance, hypothetically if I was on the majority side being a Republican, and it bothers me just saying it because the Republican majority has made history in all of the wrong places and for all of the wrong reasons over the past years of borrowing and spending. Borrowing and spending. Borrowing from whom? Let me just take my little map out here.

The Republican majority and President Bush, $1.05 trillion that foreign nations own that did not exist prior to this Republican majority having the opportunity to have their way along with following the President and bad policy. Japan, they own a part of the American pie. Did the American people do that? No. Did the Democrats do that? No. Remember, the Republican majority did it with the President of the United States. $682.8 billion is what Japan owns of U.S. debt. That is not my doing. That is the President and the Republican majority.

Red China, and we have major, major problems with China. I am talking about China as it relates to Red China, Communist China. We have a number of our jobs, we have U.S. workers training to do their job in China. Ninety percent of the engineers will no longer be in the United States of America; they will be in China. They will be in Asia. They will be in other countries and so we have folks that are attending school now, those that can afford to, and I will get to that in a minute, those that can still afford to go to school, without the help of the Federal Government because the Republican majority would like to cut that in the budget also. They would like to attend school, but that is something that the Democratic Congress in the next Congress will hopefully be able to provide for them. China owns $248.8 billion of the American apple pie.

The United Kingdom owns $223.2 billion. They are buying our debt. If I was a Republican, it would be hard for me to go back home and share that I am a fiscal conservative. Just because you say you are, does not necessarily mean you are. These are the facts. Caribbean nations, all of them put together, $115.3 billion in foreign debt that they own of the United States because of the Republican majority and the President's policies.

Taiwan, $71.3 billion.

OPEC nations, we have a lot of problems with OPEC nations, and not only are we paying through the nose at the pump, countries like Iran that own a part of the American apple pie as it relates to foreign debt, $67.8 billion.

Germany. Germany, that means something to some of our veterans, $68.7 billion of our debt.

Korea, $66.5 billion of our debt. Once again, to our veterans, that means something.

Canada, just north of us, $53.8 billion of our debt.

I say to the majority Members, they do not want to lead on the Republican side of the aisle and they do not want to work in a bipartisan way and pick up the Democratic policies as it relates to governing in a way where everyone can participate and be a part of the United States of America, then they can join us because I believe the American people may very well see fit, not just Democrats and not just Independent, but there are some Republicans out there saying, what happened? What happened to the folks that lined up out here on the steps, Mr. Speaker, and said with this Contract on America, or for America or whatever it was called, that we were going to balance the budget and be fiscally sound and we were not going to be spenders? The biggest spenders in this Chamber are the Republican majority. If you want to clear that up, you can vote for a Democratic Congress.

I am glad to be joined by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). I was just going down the line, and I will also share with the Speaker and other Members the fact that we were supposed to vote on the budget if not tonight, tomorrow. It was pulled. Some may go home and say, and I want to make sure that there is not one American confused on why we did not vote for the budget. Somebody may say, The Democrats stopped us from voting for the budget. No, the Democrats pointed out what was in President Bush's budget, and the Republicans said, as they have been doing for the last 6, 7 years that the President has been in office, Oh, Mr. President, we are right with you. We do not have a process. You send it to us and we will rubber-stamp it and send it on out. Foreign countries may own our debt. We may go into deficits. Student loans may be cut. We can train the next generation to make us the leaders of the free world and continue to keep us in front. That is fine, Mr. President, whatever you send, we will do.

The bottom line is that the pressure was too great, and we were the ones that called out what was wrong.

I think some Members on the majority side felt a little bit uncomfortable going home for a couple of weeks sharing, and a big holy week coming up, some folks might have leaned over and said, Mr. Congressman, Madam Congresswoman, why do I have to pay more for my child's education? Why do we pay more for debt than we invest in education and homeland security?

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. You asked why we were unable to vote on the budget. It is simple. Finally, finally, it obviously became clear to many of our Republican colleagues because we were all unified on the Democratic side, there was not going to be a single Democratic vote for this budget because we are not going to put a vote up for increasing the deficit or maintaining the deficit or increasing our national debt. We are not going to put a vote up on that board that makes drastic cuts in education or cuts in veterans health care. We are not going to put a vote up on that board that fails to protect the environment.

This Republican budget would have done all of those things. I have been here 15 months. I am a freshmen. This is my first year. I just completed my first year in Congress, and finally someone found a conscience on the other side of the aisle. Finally, it was not that they just put that bill out there and you saw enough arms being twisted and the board being held open long enough so they could wrench the votes that they needed.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, it was not "finally"; it was because the American people were saying, what's wrong with you guys? What is going on? I did not elect you all to go up there and represent the super-wealthy, and I didn't elect you all to make specials deals with special interests. I did not elect you to be fiscally irresponsible. They are reading the same papers. Somebody give me a newspaper. I just need a newspaper. They are reading the same newspapers and watching the same news and getting the same phone calls we are getting in our office about, are you all still with us? Are you with us or are you with them?

I need to get my Newt Gingrich quote up here because I just want to make sure that folks do not get confused. Ms. WASSERMAN SCHULTZ, I want to make sure that we tell it the way it is because I believe the American people and some Members are getting what we are sharing with them. You have the Gingrich quote. I think it is important that we continue to share this information.

When we talk about third-party validators, this is not just something that we talk about over lunch and say that sounds good. No, this is from government offices and former Members of this Chamber and generals that are out there that are retired and some are still serving.

Ms. WASSERMAN SCHULTZ. Let's just look at the record here. What we are talking about and what our colleagues on the other side of the aisle would have been faced with is going home for the next 2 weeks and looking their constituents in the eye and having to tell them if this budget had gone forward and they had supported it, that they would be supportive of the five largest deficits in history. The top-ranking deficit in history was in 2004 when we had a $412 billion deficit.

Number two was in 2003 when we had a $378 billion deficit.

Number three was 2006, the current year, when we had a $372 billion deficit.

The fourth largest year is 2007, still a $348 billion deficit.

And the fifth largest deficit, 2005, the year that just ended, with a $318 billion deficit.

Now these numbers jump all over the board, but if you go in order, the deficit is going in the wrong direction. 2006 is when you had the third highest deficit in history.

If, like the President said he was committed and his Republican leadership was committed to cutting the deficit in half, I don't know. It does not appear like it does. Is 318 half of 412? Are any of these numbers half of any other number here? I am not very good at math, but not the math I am familiar with.

Now let us look at the debt limit because we have also been careening every year towards the debt ceiling. You have held up letter after letter after letter from Secretary Snow, the Secretary of the Treasury who begs us, who was begging us recently to please increase the debt limit so the United States of America does not default on its loans, the loans that you were just outlining that cover the country. Can you pull those up?

Mr. MEEK of Florida. This was letter one, December 29th of 2005, the Secretary came into the office days before the New Year and said please raise the debt limit because we are about to run out of money.

February 16, he got a little nervous and said, Listen, the Federal retirement program, we are not going to be able to make the payments. This went to Mr. SPRATT, our ranking member. Again on the 6th of March, 2006, it is almost like we are having problems and we may not be able to pay the light bill, in so many words. Those were written by Secretary Snow, appointed by the President and confirmed by the Senate.

Ms. WASSERMAN SCHULTZ. Lest people think that the increases we are talking about are small and insignificant, let's go through the kind of numbers that we are talking about and the increases we are referring to.

The Republicans have increased the debt limit by $3 trillion since 2002. That is since 2002. This is 2006. In 2002 they increased it by $450 billion. In 2003, May of 2003, by another $984 billion.

In November of 2004, the month I was elected, another $800 billion.

□ 2315

Now, where is the planning? I mean, what is going on? They are spending like drunken sailors. That is what is going. They have no self-control.

Let's go to March 2006, which was just last month, $781 billion. And you know it would be nice if we could have some transparency and some clarity and honesty in this Chamber, which would mean that we would have had a straight up or down vote on the debt limit. But this last time it was tucked into legislation. I bet you most Members, I can assure you, most Members had no idea that the increase in the debt limit was in there.

They do everything, the Republican leadership does everything possible to avoid us taking a straight up or down vote because, oh, my God, I mean, if they have to go home and face the families that they represent, who every day are struggling, Mr. RYAN, to make ends meet and not run up debt on their credit cards, and not spend more than they take in, well, it is a little tough to face your constituents when you don't do that with their money.

There is no regard here for the use of the American taxpayers dollars because it apparently doesn't matter to the Republican leadership here that we are spending more than we have. Clearly, it is baffling. It really is. And this is the party, supposedly, at least in name only, of fiscal responsibility, of smaller government, of reducing spending.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I will be happy to yield.

Mr. RYAN of Ohio. I think that we are starting to see, every single day in the news, and we don't need to bring up all the different topics, but every single day over the course of the last couple of years, we have seen the dismantling of the credibility of the Republican majority.

The party that came in saying they were going to balance the budget, gone. The party that came in and said they were in charge of real security in the United States, gone. Smuggling in nuclear material. The party that said that they were going to get the economy up and moving hasn't happened. All of the promises pre-war, none have happened. None. The party that said America first, well, Mr. MEEK, you have the beautiful poster, beautiful in the sense that it illustrates the point of where this Republican Congress is borrowing their money from. That is not America first. That is not taking care of home. I mean, we have got to get back to the basics.

And so every single day this Republican majority and this President are getting dismantled day by day by day in news accounts from people who work, underlings who have diminished the credibility of this administration. They have Republican generals coming out talking about how this has been such a foolhardy effort, and how the execution of the war has been an atrocity, how Katrina just fell apart right before the country's eyes on all of the cable news channels and on the network news channels.

And now, my friend, we have the father of the Republican revolution. I yield to my friend to talk about that because this it is one thing for Ms. WASSERMAN SCHULTZ, Tim Ryan from Ohio, Mr. MEEK from Florida, it is one thing for us to be critical. It is not just us. I yield to my friend.

Mr. MEEK of Florida. Well, what I am going is do is just pepper in, Mr. Speaker, the difference from what the Republican majority is proposing and ran out of town without voting on because it is a budget of shame versus what we have put forth as our budgets. And then Ms. WASSERMAN SCHULTZ is going to share with us what the former Speaker, the first Republican Speaker in a number of years, when the Republicans took over the House, what he has to say about the Republican majority.

But let me just, once again, you know, more of the same versus change. Okay? And the bottom line is, is this budget that we were supposed to vote on, either tomorrow or today, you let the majority tell it, is it fiscally responsible?

Number 1, we have a chart, and this chart, Mr. Speaker, for the majority Members and also for the American people, will be on housedemocrats.gov website starting tomorrow. Is it fiscally responsible? No. The GOP budget calls for deficits as far as the eye can see. Never achieving balance, a balanced budget, adding another $2.3 trillion to the national debt over the next 5 years.

Democratic budget, yes. Fiscally responsible. The deficit is lower than the GOP budget over the next 5 years and gets to a balanced budget, balanced budget, Mr. Speaker, in 6 years basically using pay-as-you-go rules which require that spending increases and tax cuts be paid for, and which brought us into a budget surplus in the 1990s. That is fact. That is not fiction.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. And when you are dealing with the facts staring you in the face like that, then even their former leader, the chief architect of what was then called the Republican revolution that began in 1994 and the run up to the 1994 election, when he begins to use "us" and "they" terminology, then you know they have really made some serious mistakes. They, the Republican leadership here has really made some serious mistakes.

And let's just go through what former Speaker Gingrich has said about what they are doing. He cited a series of blunders. Our third party validator for this evening is the Knight Ridder news papers. And Speaker Gingrich was quoted in their papers on Friday, March 31, 2006. He cited a series of blunders under Republican rule, from failures in the aftermath of Hurricane Katrina to mismanagement of the war in Iraq. He said, the government has squandered billions of dollars in Iraq.

But that is not all he said. He also noted that a congressional watchdog agency, and I will note that I can recall watching Speaker Gingrich on the House floor a number of times, and when he was in the minority, would cite the congressional watchdog either when the facts helped him, and then when he was in the majority, disparaging what the congressional watchdog that he was referring to said, depending on which side he felt like taking.

But in this case he noted that a congressional watchdog agency recently smuggled a truck carrying nuclear material in the country to test security. He said, why isn't the President pounding on the table? Why isn't he sending up 16 reform bills?

And that is the lack of outrage that we have talked about here on the House floor in the 30-Something Working Group. Where is the outrage? I mean, if we have nuclear material being smuggled into this country, and no one knows it, where is their outrage? Where is the oversight? Where is the committee hearing?

Another thing he said, here is where he calls them "they". In the same article, he says, they are seen by the country as being in charge of a government that can't function.

Now, if the architect of the Republican revolution is calling the Republican leadership and the rank and file here "they", then I think it is clear that it is time for a change. It is time that we restore the PAYGO rules. It is time that we restore some fiscal responsibility. It is time that we make sure that actions match words. The American people, in each of their families, they struggle to spend only what they have.

Mr. RYAN of Ohio. Can I make a point?

Ms. WASSERMAN SCHULTZ. Yes, absolutely.

Mr. RYAN of Ohio. The point I want to make is one that we have made many, many times here, is that this outfit, on the other side of the aisle, has for the last 14 or 16 years run down government. The only problem in society is government.

And so, when it comes to Katrina or comes to a war and you actually need government or education, you actually need government to work on behalf of the American people, all of a sudden it doesn't work. And it doesn't work because you have disrespected it for the last 14 or 16 years. You have appointed people to positions that are not qualified to actually run it.

And I think what we see here, with the Defense Department and Secretary Rumsfeld and the Pentagon and the way they have executed the war has been atrocious. Katrina, you have people who are not qualified to run the emergency management system in the country. And you get the kind of results that you have talked about. You get what you think about it. If you have a good attitude about things, good things will happen. Run it down, you get crap. And that is basically what has happened.

I yield to my friend.

Ms. WASSERMAN SCHULTZ. We have been talking about the pay-as-you-go needs that we have here. Because we are the 30-Something Working Group, what we try to do really often is explain the multi generational impact that these fiscal policies and decisions have.

Let's take a look at the economic impact on college students, Mr. MEEK. We are talking about, in this chart, you have the average tuition and fees, which is this line here that has gone up and up and up. Yet, the Pell Grant average award has remained completely flat. The maximum award has also remained completely flat and doesn't even come anywhere close to meeting the needs that the students who are trying to attend college and who are struggling to get a higher education need the two to coincide. There is an impact seniors, an impact on college students.

I would be happy to yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Well, I just want to say what we are spending our money on, instead of spending it on the Pell Grants, this is what we are spending it on, just the interest on the debt that we have been talking about, and this is what we are spending on education.

We have got to balance the budget, implement these PAYGO rules that say that you are not going to spend any money in this government unless you know how to pay for it. And you are not going to go out and borrow it. We tried to do it with H. Con. Res. 95, couldn't do it. Zero Republicans voted to put PAYGO rules on to reign in spending. We tried it again with roll call vote Number 91 on March 25 of 2004. Dennis Miller tried to do it in Kansas. Charlie Stenholm tried to do it. Democrats have tried to reign in spending here in the United States Congress by putting these PAYGO rules in, Mr. MEEK, by putting these rules in. And no Republican, ladies and gentlemen, we had a huge vote today and the Republicans kept talking about we are reigning in spending. Baloney. We have tried to put these restraints on time and time again and no Republican, not one, tried to implement these rules.

I yield to my friend from Florida.

Mr. MEEK of Florida. I would appreciate, Mr. RYAN, while you are at it, if you give the website out to the Members.

Mr. RYAN of Ohio. www.housedemocrats.gov/30something. All of the charts that folks see here tonight, Mr. Speaker, can be accessed on this website. www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Thank you, Mr. RYAN, and thank you Ms. WASSERMAN SCHULTZ. And Mr. Speaker, basically what we are talking about is change. We are giving the American people an alternative to where we are headed now, which is down a dark tunnel, and it very well can be a train versus the sunlight. And we believe the numbers that we showed here today, we want to make sure that everyone knows that all of these charts will be on the website, housedemocrats.gov. You can get that information. And we would like to thank the democratic leadership for allowing us to have this hour.

REPUBLICAN REBUTTAL

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 30 minutes.

Ms. FOXX. Mr. Speaker, I am very much aware that I am the only thing standing between everybody going home tonight, so while I have 30 minutes, I am not sure that I am going to use all of them. But I have been listening to some of the things being said tonight. I listened to them last week when I was in the Chair. And I get pretty wrought up about some of those things. And so I am going to talk a little bit about some of the comments that have been made tonight and present some facts.

Now, I don't have tonight with me our great poster that says "The Truth Squad". But I am going to leave this white chart up here for just a few minutes. So imagine that that says on it "The Truth Squad". I couldn't find the poster tonight. I am sort of filling in for someone else tonight.

But I want to say that, you know, I am a rather plainspoken person. I come from the mountains of North Carolina and generally am known as pretty plainspoken. And tonight, when I was listening to some of the rhetoric that was going on over here, I thought, one of the first things I want to say, if you believe that the Democrats will do a better job of providing for national security, then I have got some swamp land in New Mexico for sale for a great price for you.

□ 2330

I have not been a big watcher of C-SPAN before I came to the House of Representatives. I know we have got a lot of great folks who watch it, and I am grateful to you for doing that. But my guess is that there have been more untruths told in this Chamber in the past 15 months than maybe any other period of time in the history of this country. I have been watching it and I know other people have been too. That is what caused us to form the Truth Squad so that we could come out and set the facts straight.

I get very concerned when people play fast and loose with the truth and particularly when they play fast and loose with talking about national security. You see, I take that very, very seriously; and I think most of my colleagues on the Republican side of the aisle do too. The role of the Federal Government is to provide for the national security of this Nation. We were savagely attacked on 9/11, and we have responded to that, I think, in an appropriate way. These are people that hate us, that hate our way of life, and that want to take us back to the 5th century and have us live the way they live.

I do not think the American people want to do that. I think the American people love their freedom and want to maintain that freedom, and we are interested in helping other people gain their freedom.

What I am curious about, the Democrats get up here and say, We could provide better for the national security. I just have a couple of questions to ask them: Where were they and their President when the World Trade Center was first hit? Where were they and their President when we got hit several other times and we could have had a response to that? My guess is if we had had a Democratic President when we were facing 9/11, we would still be negotiating at the U.N. somewhere and pretty soon we would be losing our freedoms in this country.

I do get a little upset about it. I think that they are absolutely ridiculous in the things that they say about how they would keep us safer than the Republicans have kept us safe. We are in a terrible time. We did not ask for the war. We are not imperialistic people, but we know how to protect ourselves when we are attacked, and we are going to continue to do that. The Democrats are Johnny-come-latelies on all of this stuff. They know that the American people see the Republican Party as the party that will protect us and protect our freedoms, and that is the number one role of the Federal Government and that is where our money should be spent. So I am very happy for us to be doing our job when it comes to national security. And we are going to be working on all of those things. Our budget will address that. Our budget has addressed that, and we will continue to do that.

I want to make another comment to sort of clear up the facts tonight, comments made about the fact that we did not pass President Bush's budget today and somehow or another that is terrible. Well, we have never passed President Bush's budget, and there is no intention of passing President Bush's budget now. The President does submit a budget. The Constitution requires him to do so. However, it is the Congress's responsibility to take that budget and to look at what is proposed and then to come up with our own budget. And we will do that. But to be so duplicitous as to say that we are going to rubber-stamp the President's budget is just unbelievable to me.

To talk about cutting student loans, as my colleague says here all the time, Representative PRICE of Georgia, you can have your opinions, but you cannot make up the facts. And there is no way that you can distort the facts in what we have done for the education budget and particularly the higher education budget.

They talk all the time about what they would do, what they would do, what they would do. Well, I want to show you what they would have done had we let the Democrats have their way in Appropriations Committee meetings and in Budget Committee meetings.

I am going to turn this chart around now. For all their rhetoric about cutting spending and doing something about the deficit, during the markup of the budget, they proposed new spending of $26.9 billion and new taxes of $19.3 billion. How much savings? Zero. Now, they can get up on the floor of the House and they can say lots of things, but when we bring out the facts, the comments that they make just do not hold true. They think people are just going to ignore what they really do and believe what they say.

I said this the other night: our motto in the State of North Carolina is to be, rather than to seem. Some day I am going to figure out a clever way to show how the Democrats want to seem, rather than to be, instead of reversing that. But that is what they want to do. They want the American people to believe that what they are saying is true when they live a totally different kind of life-style. And I think it is very important that every time this happens that we respond to it. It is very, very important that we do that and not let them get by with it.

I want to say a couple of things about the effect of what we have done in terms of cutting taxes. The difference between Democrats and Republicans is that the Democrats think they know how to spend your money better than you do and the Republicans think that the American people know how to spend their money better than the Federal Government knows how to spend it. So we want the American people to keep more of their money than they have been. So the Republicans instituted tax cuts, and what we have done is we see that tax receipts rebound with record increases based on tax cuts.

They want you to believe that all the ills of the world have come as a result of tax cuts. Well, the good things that have happened in this economy, most of them have come as a result of our having cut taxes. We want to let you keep your money in your pocket and spend it the way you want to and not turn it over to bureaucrats in Washington, D.C. who waste a lot of it and then spend a little bit of it maybe on some good things. That is not the way it ought to be. We want you to keep your money.

Let me show one other chart here that I have to talk about the projected growth of revenue and what will happen. We need to make the tax cuts that were instituted permanent, and that is one of the things that we need to be able to do so that we can keep this economy going in the right direction. And this is what will happen with tax relief made permanent. And, yes, indeed, we can cut the deficit in half by 2009, which is when the President said that it would be cut in half, and there is another chart over there to show that.

They just very, very cavalierly leave out certain things when they are talking, like the President said that the deficit would be cut in half. The President did not say the deficit would be cut in half this year. He said very clearly in 2009. And it will be if we can make the tax cuts permanent. The biggest fight we are having around here is how do we make those tax cuts permanent and keep that money in your pocket instead of putting it into the hands of people who will not spend it nearly as well as you do.

And you notice again that the Democrats are very, very selective in the things that they tell you in terms of their own actions and the things that they have done. They are fond of quoting third sources, and I want to quote something for you too tonight that you probably will not hear about in the mainstream media, the best friend of the Democrats. But Roll Call, one of the local newspapers here in town that is read primarily inside the Beltway, April 6, states: "House Democrats have spent hundreds of thousands of dollars in taxpayer funds over the past several years on the party's annual retreats. Democrats have used official money to pay for a portion of their retreats for at least a decade. And a review of disbursement reports from the chief administrative officer shows that the House Democratic Caucus has spent more than $200,000 directly out of the caucus's official budget since 2003 on chartered jets, rented buses, entertainers, brochures, staff travel, and a host of other retreat expenses."

These are not allowed. The Republicans do not do that. We pay for our retreats ourselves. But you are never going to hear this again from the mainstream media because they do not want you to know about the way Democrats abuse taxpayer funds.

I want to talk just a little bit tonight about some of the good and great things that have been done in this session of the Congress. It is the "do big things Congress." The Democrats would like you to believe that we have not accomplished a great deal. They are focused tonight on the budget. We did not get the budget passed. Well, we do not have any deadline for doing that until the end of the session, actually. But we set ourselves to task at doing that, and we will do that. And it will be a good budget when we do it, and it will cut spending, which is what we need to be doing. And it will rein in some of the spending that is on automatic pilot because programs set up under Democratic administrations are difficult to cut back.

We passed the energy bill, H.R. 6, which brings America's energy system into the 21st century, signed into law by the President. We passed the highway bill, which creates millions of new jobs and improves public transportation and highways and other things all across the country, public law. We passed the Deficit Reduction Act, which provides $39.732 billion in savings by reforming the government, reducing the deficit, and renewing our commitment to hardworking American taxpayers.

How many Democrats voted for reducing the deficit? Zero. None of them. They can stand up here again and talk all they want, but they have got to walk the walk. And when it comes to that, they just do not do it.

We have passed liability reform, several liability reform bills. We have passed class action reform legislation to reduce frivolous lawsuits, to reduce all this money going into the hands of the trial lawyers.

We have passed a Combat Meth Act. Methamphetamines are a terrible scourge on our country, and we are doing something about that.

We passed the PATRIOT Act, again, something that we need to do to protect Americans, to allow our government to do proper investigations of the people who may be harming us. What did the Democrats do? They bragged that they killed it.

We passed a United Nations Reform Act in the House with very little support from Democrats. We are mandating budget oversight, accountability, and ethics into U.N. reforms. You do not hear that coming out of the Democrats.

We passed the Health Act, making positive changes to the health care liability system.

We have extended the death tax repeal permanently. Help from the Democrats, very little.

We passed the Tax Relief Extension Act. We are going to extend the tax provisions expiring in 2005. No Democrats helping with that.

We passed the Job Training Improvement Act of 2005, enhancing the workforce investment system of the Nation.

We have passed lots and lots of bills. We passed in December the Border Protection, Antiterrorism, and Illegal Immigration Control Act. Any help from the Democrats? No.

We are working hard to protect the American people in the way that they should be protected. And one of the ways that we need to be doing that is to be reducing the spending of the Federal Government and reducing the burden on hardworking Americans.

We also need to make sure that we maintain our freedom so that we can do all the other things that we want to do. That is what the Republicans are doing.

What you hear out of the Democrats is a lot of empty rhetoric, and I am afraid that it just won't wash anymore, because the Truth Squad is going to be around all the time calling their hand on the things that they are saying that are simply not true.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANGEVIN (at the request of Ms. PELOSI) for today after 5:30 p.m.

Ms. SCHAKOWSKY (at the request of Ms. PELOSI) for April 5.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mrs. Hass, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 11 o'clock and 45 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, April 10, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 382, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Administrator, FAA, Department of Transportation, transmitting a copy of the "Federal Aviation Administration and National Air Traffic Controllers Association Collective Bargaining Proposal Submission to Congress," pursuant to 49 U.S.C. Sections 106(l) and 40122(a); jointly to the Committees on Transportation and Infrastructure and Government Reform. Received April 6, 2006.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4973. A bill to restore the financial solvency of the national flood insurance program, and for other purposes (Rept. 109–410). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. H.R. 5020. A bill to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 109–411). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 889. A bill to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes (Rept. 109–413). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4411. A bill to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes; with an amendment (Rept. 109–412, Pt. I). Referred to the Committee on the Judiciary for a period ending not later than May 26, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. Waxman, Mr. Shays, Mr. Lantos, Mr. Gutknecht, Mr. Owens, Mr. Platts, Mr. Towns, Mrs. Miller of Michigan, Mrs. Maloney, Mr. Issa, Mr. Cummings, Mr. Dent, Mr. Kucinich, Ms. Foxx, Mr. Clay, Ms. Watson, Mr. Lynch, Mr. Van Hollen, Mr. Higgins, Ms. Norton, Mr. Kanjorski, and Mr. Davis of Illinois):

H.R. 5112. A bill to provide for reform in the operations of the executive branch; to the Committee on Government Reform.

By Mr. CONYERS:

H.R. 5113. A bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies; to the Committee on the Judiciary.

By Ms. HART (for herself, Ms. Eshoo, Ms. Zoe Lofgren of California, Mr. Tiahrt, Mr. Doolittle, Mrs. Northup, Mr. Goodlatte, Mr. Pombo, Mr. Cleaver, Mr. Shimkus, Mr. Simmons, Mr. Sessions, Mr. Graves, Mr. Pence, Mr. Westmoreland, Mr. Campbell of California, Mr. Conaway, Mr. McCaul of Texas, Mr. Crowley, Mr. Otter, Mr. Pearce, Mr. Goode, Miss McMorris, Mr. Hoekstra, Mr. Issa, Mrs. Blackburn, Mr. Kennedy of Minnesota, Mr. Boozman, Mrs. Miller of Michigan, Mr. McHugh, Mr. Bachus, Mr. Neugebauer, Mr. Shuster, Mr. Cannon, Mr. Mario Diaz-Balart of Florida, Mr. Herger, Ms. Harris, Mr. Gerlach, Mr. Inglis of South Carolina, Mr. English of Pennsylvania, Mr. Sullivan, Mr. Calvert, Mr. Culberson, Mr. Simpson, Mr. Kline, Mr. Thompson of California, Mr. Ross, Mr. Lewis of Kentucky, Mr. McKeon, Mr. Flake, Mr. Royce, Mr. Manzullo, Mrs. Myrick, Mr. Porter, Mr. Carter, Mrs. Musgrave, Ms. Bean, Mr. Reynolds, Mr. Cantor, Mr. Langevin, Mr. McHenry, Mr. Cardoza, Mr. Peterson of Minnesota, Mr. Wilson of South Carolina, Mr. Taylor of North Carolina, Mr. Norwood, Mr. Honda, Mr. Hastings of Washington, Mr. Beauprez, Mr. Jindal, Mr. Sweeney, Mr. Boustany, Mr. Souder, Mr. Wamp, Mr. Forbes, Mrs. Capito, Mr. Poe, Mrs. Kelly, Mr. Gary G. Miller of California, Mr. Walsh, Mr. Murphy, Mr. Akin, Mr. Gallegly, Mr. Sam Johnson of Texas, Mr. Aderholt, Mr. Berry, Mr. Boyd, Mr. Melancon, Mr. Capuano, Mr. Franks of Arizona, Mr. Renzi, Mr. Rogers of Michigan, Mr. Gutknecht, Mr. Hall, Mrs. Jo Ann Davis of Virginia, Mr. Gohmert, Mr. LoBiondo, Mr. Chocola, Mr. Weller, and Mr. Foley):

H.R. 5114. A bill to limit the development or implementation of a return-free tax system; to the Committee on Ways and Means.

By Ms. HART (for herself, Mr. English of Pennsylvania, and Mr. Weller):

H.R. 5115. A bill to amend the Internal Revenue Code of 1986 to modernize the tax treatment of biomedical research corporations; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. Smith of Washington, Mr. Davis of Alabama, Mr. Kind, Mrs. McCarthy, Mr. Inslee, Ms. Herseth, Mr. Crowley, Mr. Meeks of New York, Mr. Emanuel, Ms. Millender-McDonald, Mr. Higgins, Ms. Harman, Mr. Price of North Carolina, Mr. Baird, Ms. Schwartz of Pennsylvania, Mr. McIntyre, Mr. Engel, Mr. Israel, Mr. Chandler, Mr. Boswell, Ms. Loretta Sanchez of California, Mr. Larson of Connecticut, Mr. Davis of Florida, Mr. Moore of Kansas, and Ms. Hooley):

H.R. 5116. A bill to amend title XVIII of the Social Security Act to extend the 2006 initial enrollment period for the Medicare prescription drug benefit by six months, to suspend the late enrollment penalty for such benefit during 2006, to permit Medicare beneficiaries to change enrollment in a prescription drug plan once a year, and to prevent changes in formularies other than at the time of open enrollment periods and only with advance notice; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mr. Hobson, Mr. Tiberi, Mr. Ney, and Mr. Leach):

H.R. 5117. A bill to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Financial Services.

By Mr. WALDEN of Oregon (for himself, Mr. Pomeroy, Mr. Alexander, Mr. Allen, Mr. Berry, Mr. Bishop of Georgia, Mr. Boucher, Mr. Boyd, Mrs. Capito, Mr. Case, Mr. Costello, Mrs. Jo Ann Davis of Virginia, Mr. Davis of Tennessee, Mr. DeFazio, Mrs. Emerson, Mr. Evans, Mr. Graves, Mr. Hastings of Washington, Ms. Herseth, Mr. Hinchey, Mr. Hinojosa, Ms. Hooley, Mr. Kind, Ms. Jackson-Lee of Texas, Mr. Marshall, Mr. Matheson, Mr. McHugh, Mr. McIntyre, Miss McMorris, Mr. Moran of Kansas, Mr. Oberstar, Mr. Ortiz, Mr. Paul, Mr. Peterson of Minnesota, Mr. Peterson of Pennsylvania, Mr. Renzi, Mr. Ross, Mr. Sanders, Mr. Shuster, Mr. Simpson, Mr. Skelton, Mr. Stupak, Mr. Sweeney, Mr. Tanner, Mr. Taylor of Mississippi, Mr. Udall of New Mexico, Mr. Whitfield, Mr. Wicker, and Mr. Young of Alaska):

H.R. 5118. A bill to amend title XVIII of the Social Security Act and the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend certain Medicare payment methodologies provided for rural health care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. Berman, Mr. Evans, Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Strickland, Mrs. Maloney, Mr. Chandler, and Mr. Michaud):

H.R. 5119. A bill to amend title 38, United States Code, to improve the pension program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. JENKINS (for himself, Mr. Delahunt, Mr. Duncan, and Mr. Meehan):

H.R. 5120. A bill to amend title 35, United States Code, to conform certain filing provisions within the Patent and Trademark Office; to the Committee on the Judiciary.

By Mr. NEY (for himself, Ms. Waters, Mr. Gary G. Miller of California, and Mr. Tiberi):

H.R. 5121. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself and Mr. Skelton) (both by request):

H.R. 5122. A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. Rangel, Mr. Stark, Mr. Levin, Mr. McDermott, Mr. Lewis of Georgia, Mr. McNulty, Mr. Jefferson, Mr. Becerra, Mr. Pomeroy, Mrs. Jones of Ohio, Mr. Thompson of California, Mr. Larson of Connecticut, Mr. Emanuel, Mr. Allen, Mr. Conyers, Mr. Grijalva, Mr. Hinchey, Ms. Eddie Bernice Johnson of Texas, Mr. Sherman, Ms. Slaughter, and Ms. Solis):

H.R. 5123. A bill to amend the Internal Revenue Code of 1986 to simplify and provide greater uniformity for child-related tax benefits and to eliminate the potential for abuse created by the uniform definition of child in the Working Families Tax Relief Act of 2004; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. Green of Wisconsin):

H.R. 5124. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COSTA (for himself and Mr. Cardoza):

H.R. 5125. A bill to amend the Indian Gaming Regulatory Act to provide that the Secretary of the Interior shall not approve a Tribal-State gaming compact under that Act unless the State involved has a State law providing for a gaming master plan that has been approved by the Secretary; to the Committee on Resources.

By Mr. BARTON of Texas (for himself, Mr. Engel, Mr. Simmons, and Mr. Reichert):

H.R. 5126. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEAUPREZ:

H.R. 5127. A bill to prohibit the Department of Energy from obligating funds for appropriation earmarks in the Energy Efficiency and Renewable Energy program; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself, Mr. Radanovich, and Ms. Matsui):

H.R. 5128. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to facilitate the establishment of the National Ag Science Center in Stanislaus County, California; to the Committee on Agriculture.

By Mr. CHOCOLA (for himself, Mr. Kirk, and Mr. Cooper):

H.R. 5129. A bill to amend title 31, United States Code, to require certain additional calculations to be included in the annual financial statement submitted under section 331(e) of that title; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5130. A bill to extend Federal recognition to the Rappahannock Tribe, and for other purposes; to the Committee on Resources.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. Berman, Ms. Roybal-Allard, Ms. Hart, Mr. Leach, Mr. LaHood, Mr. Skelton, Ms. Ros-Lehtinen, Ms. Harman, Mr. Mario Diaz-Balart of Florida, Mr. Gutierrez, Mr. Fortuño, and Mr. Sabo):

H.R. 5131. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 5132. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812; to the Committee on Resources.

By Mr. DINGELL:

H.R. 5133. A bill to direct the Secretary of the Interior to accept the donation of certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812 for inclusion in the National Park System; to the Committee on Resources.

By Mrs. EMERSON (for herself, Mr. Berry, Mr. Chandler, Mr. Brown of Ohio, Mr. Wilson of South Carolina, Mr. Kennedy of Rhode Island, Ms. Herseth, Mr. Moran of Virginia, Mr. Boozman, Mr. Walden of Oregon, Ms. Pryce of Ohio, Mr. Jones of North Carolina, Mr. Gutknecht, Mr. Pitts, Mr. Allen, Mr. Boren, Mr. Israel, Mr. Cardoza, Mr. Skelton, Mr. Cleaver, Ms. Eshoo, Mr. Pomeroy, Mr. Murtha, Ms. Kaptur, Mr. Schwarz of Michigan, Mrs. Capito, Mr. Osborne, Mr. Simpson, Mr. Renzi, Mr. Weller, Mr. Wamp, Mr. LaHood, Mrs. Cubin, Mr. Wicker, Mr. Sweeney, Mr. Capuano, Mr. Hulshof, Mr. Shimkus, Mr. Brady of Texas, Mr. Gilchrest, and Mrs. Capps):

H.R. 5134. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 5135. A bill to amend the Internal Revenue Code of 1986 to add meningococcal vaccines to the list of taxable vaccines for purposes of the Vaccine Injury Compensation Trust Fund; to the Committee on Ways and Means.

By Mr. HALL (for himself and Mr. Udall of Colorado):

H.R. 5136. A bill to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities; to the Committee on Science.

By Mr. HASTINGS of Florida:

H.R. 5137. A bill to assist first-time homebuyers to attain home ownership, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 5138. A bill to amend the Internal Revenue Code of 1986 to restrict the use of tax return information by preparers of returns; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. Weldon of Pennsylvania, Ms. Zoe Lofgren of California, Mr. Price of North Carolina, Ms. Lee, Mr. Smith of Washington, Mr. Conyers, Mr. Owens, Mr. Kennedy of Minnesota, Mr. Emanuel, Mr. Hinojosa, Mr. Payne, Mr. Grijalva, Mr. Capuano, Mr. McDermott, Mr. Wolf, Ms. Schakowsky, and Mr. Inslee):

H.R. 5139. A bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. Conyers, Ms. Zoe Lofgren of California, Mr. Kennedy of Minnesota, Ms. Lee, Mr. Grijalva, Mr. Emanuel, Mr. Hinojosa, Mr. McDermott, Mr. Wolf, Ms. Schakowsky, Mr. McIntyre, and Mr. Inslee):

H.R. 5140. A bill to establish the Congressional Teacher Award Task Force to enter into an agreement with a nonprofit entity for the operation of a program to recognize excellent elementary and secondary school teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Ms. Eddie Bernice Johnson of Texas, Ms. Zoe Lofgren of California, Mr. Capuano, Mr. Markey, Mr. Smith of Washington, Mr. Price of North Carolina, Mr. Owens, Mr. Payne, Mr. Grijalva, Ms. Jackson-Lee of Texas, Mr. Hinojosa, Mr. McDermott, Ms. Schakowsky, Mr. McIntyre, and Mr. Inslee):

H.R. 5141. A bill to provide for the establishment of a program at the National Science Foundation to increase up to 10,000 per year the number of elementary and secondary science and mathematics teachers through a scholarship program encouraging students to obtain science, technology, engineering, and mathematics degrees with teacher certification, and for other purposes; to the Committee on Science.

By Mr. HOLT (for himself, Ms. Eddie Bernice Johnson of Texas, Ms. Zoe Lofgren of California, Mr. McDermott, Mr. Markey, Mr. Smith of Washington, Mr. Inslee, Mr. Owens, Mr. Van Hollen, Mr. Grijalva, Mr. Hinojosa, Mr. Capuano, Ms. Schakowsky, Mr. McIntyre, and Mr. Jefferson):

H.R. 5142. A bill to provide for the establishment of a program at the National

Science Foundation to increase the population of science, technology, engineering, and mathematics undergraduate students through a scholarship program to increase the business, industrial, academic, and scientific workforce, and for other purposes; to the Committee on Science.

By Mr. INGLIS of South Carolina (for himself, Mr. LIPINSKI, Mr. KINGSTON, Mr. WAMP, Mr. WOLF, Mr. BOEHLERT, Mr. EHLERS, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. DENT, Mr. LARSON of Connecticut, Mr. MCCAUL of Texas, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. TERRY):

H.R. 5143. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; to the Committee on Science.

By Mr. JINDAL:

H.R. 5144. A bill to provide for supply chain security cooperation between Department of Homeland Security and the private sector, and for other purposes; to the Committee on Homeland Security.

By Mr. JONES of North Carolina (for himself and Mr. DELAHUNT):

H.R. 5145. A bill to authorize the National War Dogs Monument, Inc. to establish a national monument in honor of military working dog teams; to the Committee on Resources.

By Mr. KNOLLENBERG:

H.R. 5146. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax to qualified small employers who create new jobs; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5147. A bill to amend part B of title XVIII of the Social Security Act to repeal the income-related increase in part B premiums that was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. TOM DAVIS of Virginia, and Mr. HOYER):

H.R. 5148. A bill to ensure that at least one-half of the 12 weeks of parental leave made available to a Federal employee under subchapter V of chapter 63 of title 5, United States Code, shall be paid leave; to the Committee on Government Reform.

By Mr. MCKEON:

H.R. 5149. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. TIERNEY, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, and Mr. BISHOP of New York):

H.R. 5150. A bill to amend the Higher Education Act of 1965 to reduce interest rates for student and parent borrowers; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Ms. SLAUGHTER, Mrs. LOWEY, Mr. CONYERS, Mrs. MALONEY, Ms. SCHAKOWSKY, Ms. MATSUI, Ms. BALDWIN, Mr. SHERMAN, Mr. WEXLER, Mr. GRIJALVA, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. MCDERMOTT, Ms. SOLIS, Mr. BERMAN, Mr. FILNER, Ms. HARMAN, Mr. HINCHEY, Mr. OWENS, Mr. GEORGE MILLER of California, and Mrs. CAPPS):

H.R. 5151. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Ms. BALDWIN, Mr. BERMAN, Mr. CONYERS, Mr. CROWLEY, Mr. EMANUEL, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. STARK, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 5152. A bill to provide for entitlement to dependents' and survivors' benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act based on permanent partnership as well as marriage; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5153. A bill to revise the number of associate judges of the Superior Court of the District of Columbia; to the Committee on Government Reform.

By Mr. POMBO:

H.R. 5154. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for teleworking; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 5155. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Resources.

By Mr. ROGERS of Michigan (for himself and Mr. GENE GREEN of Texas):

H.R. 5156. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 5157. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation system and designate a National Recreation Area; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO (for himself, Mr. WEINER, Mr. BACA, Mr. CROWLEY, Mr. GRIJALVA, Mr. HINCHEY, Mrs. MALONEY, and Mr. MCNULTY):

H.R. 5158. A bill to amend the Food Stamp Act of 1977 to provide greater access to the food stamp program by reducing duplicative and burdensome administrative requirements; authorize the Secretary of Agriculture to award grants to certain community-based nonprofit feeding and anti-hunger groups for the purpose of establishing and implementing a Beyond the Soup Kitchen Pilot Program for certain socially and economically disadvantaged populations, and for other purposes; to the Committee on Agriculture.

By Mr. SHUSTER (for himself, Mr. TANCREDO, Mr. COBLE, Mr. WILSON of South Carolina, Ms. GRANGER, Mr. KUHL of New York, Mr. SIMMONS, Mr. KLINE, Mr. FITZPATRICK of Pennsylvania, Ms. HART, Mr. GENE GREEN of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. HALL, Mr. BROWN of Ohio, Mr. HOBSON, Mr. PETERSON of Pennsylvania, Mr. BISHOP of Georgia, Mr. MCKEON, Mr. FRANKS of Arizona, Ms. CARSON, Mr. MCCAUL of Texas, and Mr. DENT):

H.R. 5159. A bill to posthumously award a Congressional gold medal on behalf of each person aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash; to the Committee on Financial Services.

By Mr. SIMMONS (for himself, Mr. ISRAEL, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mrs. MCCARTHY, Mr. HINCHEY, Mr. KING of New York, Mr. CROWLEY, Mr. BISHOP of New York, Mr. NADLER, Mr. FOSSELLA, Mr. SERRANO, Mr. MEEKS of New York, Mr. ACKERMAN, Mr. WALSH, Mrs. MALONEY, Ms. DELAURO, Mr. BOEHLERT, Mr. WEINER, Mr. OWENS, Mr. HIGGINS, Mrs. LOWEY, Mr. RANGEL, Mr. ENGEL, Mr. GILCHREST, and Mrs. KELLY):

H.R. 5160. A bill to establish the Long Island Sound Stewardship Initiative; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. GUTIERREZ, Mr. BERMAN, Mr. HONDA, Mr. EMANUEL, Ms. MATSUI, Mr. LEWIS of Georgia, Ms. LEE, and Ms. ZOE LOFGREN of California):

H.R. 5161. A bill to establish a commission to study the removal of Mexican-Americans to Mexico during 1929-1941, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 5162. A bill to pay a one-time bonus to members of the Armed Forces who serve honorably in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 5163. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. RANGEL, Mr. GUTIERREZ, Ms. NORTON, and Mr. MEEKS of New York):

H.R. 5164. A bill to amend the Housing and Urban Development Act of 1968 to ensure improved access to employment opportunities for low-income people; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 5165. A bill to authorize the grant program under which the Secretary of Homeland Security makes discretionary grants for use in high-threat, high-density urban areas, and for other purposes; to the Committee on Homeland Security.

By Mr. WICKER (for himself, Mr. LoBiondo, Mr. Pickering, Mr. Bonner, Mr. Brown of Ohio, Mr. Peterson of Pennsylvania, Mrs. Cubin, Mr. Everett, Mr. Bachus, Mr. Davis of Kentucky, Mr. Boustany, Mr. Sodrel, Mr. Conaway, Mr. Fortenberry, Ms. Harris, Mr. Whitfield, Mr. Bilirakis, Mrs. Emerson, Ms. Pryce of Ohio, Mr. Schwarz of Michigan, Mr. Foley, Mr. Leach, Mr. Gerlach, Mr. Walden of Oregon, Mrs. Jo Ann Davis of Virginia, Mr. Sherwood, Mr. Boozman, Mr. Osborne, Mr. Doolittle, Mr. Tiahrt, Mr. Burgess, Mr. Akin, Mr. Aderholt, Mr. Blunt, Mr. McHenry, Ms. Foxx, Mr. Pence, Mr. Bishop of Utah, Mr. Garrett of New Jersey, Mr. Hoekstra, Mr. Fitzpatrick of Pennsylvania, Ms. Kaptur, Mr. Gutknecht, Ms. Wasserman Schultz, and Mr. Van Hollen):

H.R. 5166. A bill to amend title XVIII of the Social Security Act to improve payments made by prescription drug plans and MA-PD plans to pharmacies for covered part D drugs dispensed through such pharmacies; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. Shays, Mr. Conyers, Mrs. Johnson of Connecticut, Mr. Grijalva, Mr. Filner, Mr. Evans, Ms. Wasserman Schultz, Mr. Farr, Mrs. Capps, Mr. Pomeroy, and Ms. Herseth):

H.R. 5167. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Education and the Workforce.

By Mr. CHABOT (for himself and Mr. Brown of Ohio):

H. Con. Res. 381. Concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan; to the Committee on International Relations.

By Mr. BOEHNER:

H. Con. Res. 382. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FORTENBERRY:

H. Con. Res. 383. Concurrent resolution supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day; to the Committee on Government Reform.

By Mr. HINCHEY (for himself, Mr. Rangel, Mr. Scott of Virginia, Mr. Fattah, Mr. Meeks of New York, Mr. Davis of Illinois, Mr. Scott of Georgia, Mr. Al Green of Texas, Mr. Cleaver, Mr. Snyder, Mr. Conyers, Mr. McDermott, Ms. Lee, Mr. Brady of Pennsylvania, Mr. Price of North Carolina, Mr. Hastings of Florida, Ms. Norton, Mr. Thompson of Mississippi, Mr. Ross, Mr. Etheridge, Mrs. Christensen, Mr. Lewis of Georgia, Mr. Holt, Mr. Jefferson, Mr. Cummings, Mr. Owens, Mr. Berry, Ms. Carson, Ms. Jackson-Lee of Texas, Mr. Bishop of Georgia, Mr. Cardin, and Mr. McGovern):

H. Con. Res. 384. Concurrent resolution recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Jefferson, Ms. Kilpatrick of Michigan, Mr. Butterfield, Mr. Doggett, Mr. Payne, Ms. McCollum of Minnesota, Mr. Lewis of Georgia, Mr. Cleaver, Mr. Cummings, Mr. Hastings of Florida, Mr. Conyers, Ms. McKinney, Ms. Wasserman Schultz, Mr. Delahunt, Ms. Corrine Brown of Florida, Ms. Eddie Bernice Johnson of Texas, Mr. Honda, Mr. Owens, Mr. Lantos, Ms. Lee, Mr. Rangel, Mr. Wexler, Ms. Linda T. Sánchez of California, Ms. Berkley, Ms. DeLauro, Mr. Becerra, Mrs. Napolitano, Mr. Gutierrez, Mrs. Lowey, Mr. Scott of Virginia, Mr. Melancon, Mr. Crowley, Mr. Hinchey, Mr. McDermott, Mr. Davis of Illinois, Mr. Wynn, Mr. Towns, Mr. Watt, Ms. Solis, Mr. Filner, Ms. Millender-McDonald, and Ms. Matsui):

H. Con. Res. 385. Concurrent resolution expressing the sense of Congress to encourage the State of Louisiana and the Department of Justice to establish satellite voting outside the State of Louisiana for the New Orleans elections scheduled for April 22, 2006; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Capuano, Mr. Olver, Mrs. McCarthy, Mr. Davis of Illinois, Mrs. Capps, Mr. Delahunt, Mr. Conyers, Mr. Grijalva, Mr. Cleaver, Mr. Scott of Georgia, Mr. McDermott, Mr. Owens, Mr. Scott of Virginia, Mr. Wynn, Mrs. Christensen, Mr. Shimkus, Ms. Lee, Mr. Jefferson, Ms. Millender-McDonald, Mr. Payne, Mr. Rush, Mr. Rangel, Ms. Watson, Ms. Moore of Wisconsin, Mr. Cummings, Mr. Davis of Alabama, Ms. Norton, Mr. Fattah, Ms. Corrine Brown of Florida, Mr. Bishop of Georgia, Ms. Carson, Ms. Waters, Mr. Watt, Mr. Thompson of Mississippi, Mrs. Jones of Ohio, Mr. Al Green of Texas, Ms. Jackson-Lee of Texas, Mr. Meek of Florida, and Ms. Solis):

H. Con. Res. 386. Concurrent resolution honoring Mary Eliza Mahoney, America's first professionally trained African-American nurse; to the Committee on Energy and Commerce.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 387. Concurrent resolution encouraging minority participation in the goals of Financial Literacy Month for April, 2006; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. Ackerman, and Mr. Gordon):

H. Con. Res. 388. Concurrent resolution recognizing that the plight of Kashmiri Pandits has been an ongoing concern since 1989 and that their physical, political, and economic security should be safeguarded by the Government of India and the state government of Jammu and Kashmir; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Scott of Virginia, Mrs. Drake, Mr. Cantor, and Mr. Goodlatte):

H. Res. 769. A resolution recognizing Virginia's James River as "America's Founding River"; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mrs. Drake, Mr. Wolf, Mr. Boucher, Mr. Scott of Virginia, and Mr. Forbes):

H. Res. 770. A resolution commending Christian Relief Services Charities and its founder Eugene L. Krizek on the organization's 20th anniversary; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. King of Iowa, and Mr. Pitts):

H. Res. 771. A resolution expressing the sense of the House of Representatives that individuals who commit acts of sexual violence against minor children should be prosecuted to the fullest extent of the law; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

275. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 229 memorializing the Congress of the United States to maintain the combat capabilities and force structure of the National Guard; to the Committee on Armed Services.

276. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 11 requesting the United States House of Representatives defeat the Budget Reconciliations Bill; to the Committee on the Budget.

277. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 48 memorializing the Congress of the United States to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years immediately following graduation; to the Committee on Education and the Workforce.

278. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 13 memorializing the Congress of the United States to enact the "School Energy Crisis Relief Act"; to the Committee on Education and the Workforce.

279. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States and the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program's solvency for future generations; to the Committee on Energy and Commerce.

280. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 13 memorializing the Congress of the United States and

the United States Secretary of Health and Human Services to reform the Medicaid program to ensure the program's solvency for future generations; to the Committee on Energy and Commerce.

281. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 114 encouraging the Department of Energy and the Congress of the United States to identify, commit and sustain the funding necessary to allow design, development, testing and demonstration in Idaho at INL of safe, state of the art, advanced nuclear energy systems that can, ultimately, be commercially replicated in other locations throughout the United States and throughout the world; to the Committee on Energy and Commerce.

282. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 72 memorializing the Congress of the United States and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients; to the Committee on Energy and Commerce.

283. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 19 encouraging the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the Darfur region of Sudan and to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violation to justice; to the Committee on International Relations.

284. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 19 encouraging the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the Darfur region of Sudan and encouraging the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice; to the Committee on International Relations.

285. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 67 memorializing the Congress of the United States to take such actions as are necessary, due to the many problems that have occurred in Jefferson Parish with the ZIP codes 70121 and 70123, to enact legislation to change the ZIP code in Jefferson Parish in the area currently covered by the ZIP code 70121 to 70021 and to change the ZIP code in Jefferson Parish in the area currently covered by the ZIP code 70123 to 70023 and also to assign new ZIP codes to the main post office in Metairie; to the Committee on Government Reform.

286. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to Senate Joint Resolution No. 15-01 requesting the United States House of Representatives convey non-voting delegate status to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

287. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 29 memorializing the Congress of the United States to take such actions as are necessary to amend the Federal Rules of Civil Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to adopt a substantially similar rule in federal court; to the Committee on the Judiciary.

288. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 10 urging its congressional delegation to work to repeal any provisions of the USA Patriot Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution, and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' rights and liberties; to the Committee on the Judiciary.

289. Also, a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 60 expressing support of the United States armed forces in Iraq; jointly to the Committees on Armed Services and International Relations.

290. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to enact legislation regarding in-state tuition rates for in-state, undocumented immigrants who attend public institutions of higher education; jointly to the Committees on Education and the Workforce and the Judiciary.

291. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4038 memorializing the Congress of the United States to enact the "Diabetes Self-Management Training Act"; jointly to the Committees on Energy and Commerce and Ways and Means.

292. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4023 urging the Congress of the United States to enact the "Kidney Care Quality Improvement Act of 2005"; jointly to the Committees on Energy and Commerce and Ways and Means.

293. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Resolution No. 4031 urging the Congress of the United States to preserve section 5 of the Marine Mammal Protection Act of 1972 (33 U.S.C. 476) to continue protecting Puget Sound for current and future citizens of Washington and the United States to enjoy; jointly to the Committees on Resources and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI (by request) introduced a bill (H.R. 5168) for the relief of Eric Westhagen; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 450: Mr. FATTAH.

H.R. 500: Mr. AKIN and Mr. PEARCE.

H.R. 550: Ms. WATERS.

H.R. 552: Mr. HAYWORTH.

H.R. 559: Mr. SERRANO, Ms. NORTON, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. LANTOS, Ms. CARSON, and Mr. MCGOVERN.

H.R. 583: Mr. FATTAH.

H.R. 747: Mr. VAN HOLLEN, Mr. BOUCHER, and Mr. CASE.

H.R. 752: Ms. MATSUI, Mr. MARSHALL, and Mr. CRAMER.

H.R. 759: Ms. WATERS.

H.R. 791: Ms. DEGETTE.

H.R. 920: Mrs. MUSGRAVE.

H.R. 930: Mr. DAVIS of Kentucky and Mr. KANJORSKI.

H.R. 968: Mr. FORBES, Mr. DAVIS of Alabama, Mr. OBERSTAR, and Mrs. WILSON of New Mexico.

H.R. 994: Mrs. TAUSCHER, Mr. JOHNSON of Illinois, Mr. EHLERS, Ms. FOXX, Mr. BOUSTANY, Mr. ENGEL, Mr. SWEENEY, and Mr. SESSIONS.

H.R. 998: Mr. SMITH of Washington.

H.R. 1050: Mr. RANGEL.

H.R. 1079: Mr. CARTER.

H.R. 1105: Mr. MARKEY.

H.R. 1106: Mr. YOUNG of Alaska.

H.R. 1108: Mr. FATTAH.

H.R. 1125: Mr. YOUNG of Alaska.

H.R. 1131: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HASTINGS of Florida.

H.R. 1182: Ms. CARSON.

H.R. 1186: Ms. FOXX, Mr. GERLACH, and Mr. RAMSTAD.

H.R. 1217: Mr. CLEAVER.

H.R. 1249: Mr. BAIRD and Ms. ROYBAL-ALLARD.

H.R. 1333: Mrs. MALONEY and Mr. RUPPERSBERGER.

H.R. 1380: Mr. WELLER and Mr. YOUNG of Alaska.

H.R. 1402: Mr. YOUNG of Alaska.

H.R. 1405: Mr. BISHOP of Georgia.

H.R. 1415: Ms. BALDWIN, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. SCHIFF, and Mr. WEINER.

H.R. 1447: Mr. FARR, Mr. DEFAZIO, and Mr. SOUDER.

H.R. 1456: Mr. HOLDEN.

H.R. 1471: Mr. KENNEDY of Minnesota.

H.R. 1498: Mr. DELAHUNT and Ms. MILLENDER-MCDONALD.

H.R. 1545: Mr. ALEXANDER and Mr. ANDREWS.

H.R. 1554: Mr. ENGEL.

H.R. 1578: Mr. MARSHALL.

H.R. 1582: Ms. HERSETH and Mr. YOUNG of Alaska.

H.R. 1603: Mr. WAMP.

H.R. 1621: Mr. ROTHMAN.

H.R. 1639: Mr. FATTAH.

H.R. 1732: Mr. COOPER and Mr. FORD.

H.R. 1733: Mr. COOPER and Mr. FORD.

H.R. 1734: Mr. COOPER and Mr. FORD.

H.R. 1946: Ms. MATSUI.

H.R. 1951: Mr. DOYLE, Ms. WATSON, Mr. ORTIZ, Ms. KILPATRICK of Michigan, and Mr. MARCHANT.

H.R. 2044: Mrs. MALONEY.

H.R. 2134: Mr. JEFFERSON.

H.R. 2177: Mr. OSBORNE.

H.R. 2206: Mr. ROGERS of Alabama, Mr. DAVIS of Alabama, Mr. POMBO, and Mr. OXLEY.

H.R. 2231: Mr. NORWOOD.

H.R. 2234: Mr. FATTAH.

H.R. 2317: Mrs. JONES of Ohio.

H.R. 2328: Mr. CRAMER, Mr. LEACH, Mr. SNYDER, and Mr. MOORE of Kansas.

H.R. 2386: Mr. POMBO.

H.R. 2418: Ms. BORDALLO and Mrs. MUSGRAVE.

H.R. 2428: Mr. SPRATT, Mr. WAXMAN, Mr. ROTHMAN, Mr. PALLONE, Mr. MORAN of Virginia, Mr. WU, and Mr. WEXLER.

H.R. 2498: Mr. BARTLETT of Maryland.

H.R. 2533: Mr. BAKER.

H.R. 2558: Mr. SIMMONS.

H.R. 2666: Mr. RAMSTAD.

H.R. 3061: Mr. SHUSTER.

H.R. 3145: Mr. KIND, Ms. HERSETH, and Mr. BISHOP of New York.

H.R. 3159: Ms. MCCOLLUM of Minnesota, Mr. BOOZMAN, and Mr. DENT.

H.R. 3185: Mr. COSTA.

H.R. 3350: Mr. FALEOMAVAEGA.

H.R. 3361: Mr. DELAHUNT.

H.R. 3476: Mr. PITTS.

H.R. 3478: Mr. SHUSTER and Mr. TIBERI.

H.R. 3628: Mr. PAYNE, Mrs. BLACKBURN, Mr. BERRY, and Mr. MILLER of North Carolina.

H.R. 3861: Mr. MURTHA.

H.R. 3875: Mr. FATTAH, Mr. FITZPATRICK of Pennsylvania, Mr. BROWN of Ohio, and Ms. ESHOO.

H.R. 3883: Mr. SOUDER, Mr. LAHOOD, and Mr. NORWOOD.

H.R. 3939: Mr. LEWIS of Kentucky.

H.R. 3949: Mr. UPTON and Mr. KILDEE.

H.R. 4033: Mr. CASTLE.

H.R. 4049: Mr. HINOJOSA.

H.R. 4127: Mr. DINGELL, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. INSLEE, Ms. BALDWIN, and Mr. ROSS.

H.R. 4166: Mr. RUPPERSBERGER.

H.R. 4197: Mr. GENE GREEN of Texas.

H.R. 4212: Mr. YOUNG of Florida.

H.R. 4227: Mr. SOUDER.

H.R. 4294: Mr. UDALL of Colorado.

H.R. 4296: Mr. MCHUGH.

H.R. 4315: Mr. PALLONE.

H.R. 4318: Mr. NORWOOD, Mr. DANIEL E. LUNGREN of California, Mr. MCHENRY, Mr. NEUGEBAUER, Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, Mr. DELAY, Mr. PORTER, Mr. AKIN, Mr. CHOCOLA, and Mr. CANTOR.

H.R. 4341: Mr. DANIEL E. LUNGREN of California, Mr. WICKER, Mr. CANNON, Mr. WHITFIELD, and Mr. HEFLEY.

H.R. 4371: Mr. ENGLISH of Pennsylvania.

H.R. 4373: Mrs. MALONEY and Mr. WEINER.

H.R. 4392: Mr. CASE and Mr. DEFAZIO.

H.R. 4416: Ms. BORDALLO, Mr. LANTOS, Mr. SHIMKUS, Mr. GENE GREEN of Texas, Ms. DELAURO, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. HINOJOSA, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. DAVIS of Illinois, Ms. WATSON, and Mr. FATTAH.

H.R. 4470: Mr. EVANS, Mr. CUMMINGS, Mr. RANGEL, and Mr. JEFFERSON.

H.R. 4481: Ms. KAPTUR, Mr. OBERSTAR, Mr. INSLEE, and Ms. LEE.

H.R. 4511: Mr. HERGER.

H.R. 4512: Mr. ENGLISH of Pennsylvania, Mr. CONYERS, and Mr. FITZPATRICK of Pennsylvania.

H.R. 4560 Mr. ABERCROMBIE.

H.R. 456[illegible] Mr. EVANS and Mr. RAHALL.

H.R. 4681: Mr. STUPAK, Mr. CARNAHAN, Mr. BACHUS, Mr. EVERETT, Mr. MEEK of Florida, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. BERRY, Mr. SHUSTER, Ms. HERSETH, Mr. CHOCOLA, Mr. HAYES, Mr. VAN HOLLEN, Mr. LEWIS of California, Mr. REYES, Mr. YOUNG of Alaska, Mr. WALSH, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Mr. KENNEDY of Rhode Island, Mr. EMANUEL, Ms. PRYCE of Ohio, Mr. UDALL of Colorado, Mr. CUMMINGS, Mr. BACA, Mr. LATHAM, Mr. HERGER, Mr. UDALL of New Mexico, Mr. BILIRAKIS, Mr. REHBERG, Mr. GUTKNECHT, Mr. OSBORNE, Mr. RADANOVICH, Mr. CANNON, Mr. BARRETT of South Carolina, Mr. SMITH of Texas, Ms. SLAUGHTER, Mr. PASCRELL, Mr. WICKER, Mr. RYUN of Kansas, Mr. KNOLLENBERG, Mr. BOOZMAN, Mr. REICHERT, Ms. DELAURO, Mr. GALLEGLY, Mr. NEAL of Massachusetts, Ms. PELOSI, Ms. DEGETTE, Mr. LIPINSKI, and Mr. DANIEL E. LUNGREN of California.

H.R. 4722: Ms. CARSON.

H.R. 4739: Mr. PETERSON of Minnesota.

H.R. 4755: Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Tennessee, Mr. DAVIS of Alabama, Mr. FATTAH, Ms. MILLENDER-MCDONALD, Mr. AL GREEN of Texas, Mr. HOYER, Mr. FARR, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. CARDIN, Mr. ORTIZ, Mr. SANDERS, Mr. HIGGINS, Mr. CUMMINGS, Mr. MEEK of Florida, Mr. MARKEY, Ms. MOORE of Wisconsin, Mr. BOYD, and Mr. KILDEE.

H.R. 4761: Mr. CARTER, Mr. GENE GREEN of Texas, Mr. DAVIS of Kentucky, and Ms. FOXX.

H.R. 4774: Ms. CARSON.

H.R. 4777: Mr. KIRK.

H.R. 4790: Mr. GREEN of Wisconsin.

H.R. 4793: Mr. SCHWARZ of Michigan, Mr. MCGOVERN, Mr. MCCOTTER, Mr. LIPINSKI, and Mr. BROWN of Ohio.

H.R. 4808: Mr. SODREL and Mr. BISHOP of Georgia.

H.R. 4824: Mr. TERRY, Mr. ALLEN, and Mr. MCNULTY.

H.R. 4834: Mr. SOUDER.

H.R. 4836: Mr. PAUL, Mr. POE, and Mr. FITZPATRICK of Pennsylvania.

H.R. 4867: Mr. SMITH of Washington and Mr. BACHUS.

H.R. 4890: Mr. WELLER.

H.R. 4894: Mr. FITZPATRICK of Pennsylvania, Mr. SOUDER, and Mr. UDALL of Colorado.

H.R. 4901: Mr. CANNON.

H.R. 4902: Mr. TANNER, Mr. BARTLETT of Maryland, Mr. INGLIS of South Carolina, Mr. RYAN of Wisconsin, Mr. PALLONE, Mr. SCOTT of Georgia, Mr. CAPUANO, Ms. HERSETH, Mr. CANNON, Mr. DUNCAN, Mr. KUHL of New York, Mr. POMEROY, Mr. TAYLOR of North Carolina, Mr. WAXMAN, Mr. OBERSTAR, Mr. OBEY, Mr. DAVIS of Tennessee, Mr. MATHESON, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mrs. JO ANN DAVIS of Virginia, Mr. PICKERING, Mr. PASTOR, Ms. BORDALLO, Mr. FATTAH, Mr. SWEENEY, Mr. BASS, Mr. DOGGETT, Mr. TURNER, Mr. HULSHOF, Mr. COSTA, Mr. HINCHEY, Mr. COSTELLO, Mr. DAVIS of Illinois, and Ms. MCCOLLUM of Minnesota.

H.R. 4903: Mr. GRIJALVA.

H.R. 4915: Mr. FORD, Mr. KUCINICH, Mr. MOORE of Kansas, Ms. WASSERMAN SCHULTZ, and Mr. BACA.

H.R. 4956: Mr. MCCAUL of Texas.

H.R. 4961: Ms. BEAN, Mr. FITZPATRICK of Pennsylvania, Mr. OTTER, Mrs. BLACKBURN, Mr. LOBIONDO, and Mr. BROWN of Ohio.

H.R. 4967: Mr. GUTKNECHT, Mr. AKIN, and Mr. FRANKS of Arizona.

H.R. 4976: Mr. INGLIS of South Carolina and Ms. ZOE LOFGREN of California.

H.R. 4980: Mr. YOUNG of Alaska.

H.R. 4988: Ms. DEGETTE.

H.R. 5005: Mr. KUHL of New York.

H.R. 5013: Mr. MCCAUL of Texas, Mrs. SCHMIDT, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5023: Mr. ABERCROMBIE and Mr. CROWLEY.

H.R. 5032: Mr. SOUDER.

H.R. 5037: Mr. GALLEGLY, Mr. MARKEY, Mr. MILLER of North Carolina, Mr. HIGGINS, Mr. BECERRA, Mr. HINOJOSA, Mr. HONDA, Mr. CUELLAR, Mr. PETERSON of Minnesota, Mr. BACA, Mr. SALAZAR, Mr. SPRATT, Mr. MURTHA, Mr. KUCINICH, Mr. DOYLE, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. ROTHMAN, Mr. DOGGETT, Mr. STUPAK, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. DAVIS of Tennessee, Mr. OTTER, Mr. SAXTON, Mr. DEFAZIO, Mr. GILLMOR, Mr. JONES OF NORTH CAROLINA, MR. DAVIS of Florida, Mr. GRIJALVA, Mr. WELDON of Pennsylvania, Ms. BALDWIN, Mr. MORAN of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WHITFIELD, Mr. PUTNAM, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROGERS of Kentucky.

H.R. 5051: Mr. WALSH, Mr. HEFLEY, Mr. JOHNSON of Illinois, Ms. MCCOLLUM of Minnesota, Mr. OLVER, and Mr. NADLER.

H.R. 5055: Mr. SENSENBRENNER.

H.R. 5075: Mrs. NAPOLITANO, Mr. CUELLAR, and Mr. HOLT.

H.R. 5087: Mr. MCGOVERN.

H.R. 5097: Mr. MELANCON.

H.R. 5099: Mr. CASE, Mr. ORTIZ, Mr. SNYDER, Mr. SALAZAR, Mr. MCINTYRE, Mr. CONYERS, Mr. BOOZMAN, Mr. ADERHOLT, and Mr. COSTA.

H.R. 5100: Mr. BOEHLERT and Mr. KUCINICH.

H.R. 5101: Mr. SALAZAR.

H.R. 5102: Mr. NADLER, Mr. KILDEE, Mr. PALLONE, Ms. LEE, and Mr. GUTIERREZ.

H.R. 5106: Mr. LEVIN, Mr. REYES, and Mr. ORTIZ.

H. Con. Res. 3: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Ms. LEE, Mr. WATT, Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. CLAY, Mr. CLEAVER, Mr. BUTTERFIELD, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Mr. OWENS, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. PAYNE, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. LEWIS of Georgia, Ms. NORTON, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. RANGEL, Mr. PEARCE, Mr. UDALL of Colorado, Mr. MEEKS of New York, Mr. TOWNS, Mr. WYNN, Mr. RUSH, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. KILDEE, Ms. MILLENDER-MCDONALD, and Mr. BISHOP of Georgia.

H. Con. Res. 100: Mr. BROWN of Ohio and Mr. ABERCROMBIE.

H. Con. Res. 197: Mr. ROTHMAN and Mr. CARDIN.

H. Con. Res. 231: Mr. YOUNG of Alaska.

H. Con. Res. 323: Mr. MCCOTTER and Mr. CONYERS.

H. Con. Res. 346: Mr. SOUDER.

H. Con. Res. 363: Mr. GUTIERREZ, and Ms. NORTON.

H. Con. Res. 365: Mr. ANDREWS.

H. Con. Res. 367: Mr. BLUNT.

H. Con. Res. 378: Mr. MOORE of Kansas, Mr. ORTIZ, Mr. REICHERT, Ms. ROYBAL-ALLARD, Ms. HART, Mr. MCCAUL of Texas, and Mr. CASE.

H. Con. Res. 380: Mr. CARTER and Mr. GORDON.

H. Res. 82: Mr. HINCHEY.

H: Res. 149: Mr. JEFFERSON.

H. Res. 327: Mr. GEORGE MILLER of California.

H. Res. 498: Mr. RYAN of Ohio, Mr. WEINER, Mr. SKELTON, and Mr. PITTS.

H. Res. 652: Mr. GOODLATTE.

H. Res. 686: Mr. GUTIERREZ and Ms. DEGETTE.

H. Res. 707: Mr. FOSSELLA.

H. Res. 731: Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. AKIN, Mr. MCHENRY, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. FLAKE, Mr. WAMP, Mr. ROHRABACHER, Mrs. MUSGRAVE, Mr. GARRETT of New Jersey, Mr. CONAWAY, Mr. ADERHOLT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. HENSARLING, Mr. RYAN of Wisconsin, Mr. KLINE, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. ROGERS of Michigan, and Mr. PUTNAM.

H. Res. 735: Mr. CLAY.

H. Res. 753: Mr. MOORE of Kansas and Mr. MCHUGH.

H. Res. 756: Mr. CAMPBELL of California, Mr. GARRETT of New Jersey, Mrs. MUSGRAVE, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. COLE of Oklahoma, Mr. GINGREY, Mr. KLINE, Mr. PRICE of Georgia, Mr. TIAHRT, Mr. SODREL, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. GUTKNECHT, Mr. MORAN of Kansas, Mr. DOOLITTLE, Mr. KUHL of New York, Mr. MANZULLO, Mr. CULBERSON, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. PEARCE, Mr. BISHOP of Utah, Mr. CHABOT, Mr. BURGESS, Ms. FOXX, Mr. NEUGEBAUER, Mr. WAMP, Mr. PENCE, Mr. ROTHMAN, and Mr. EMANUEL.

H. Res. 764: Mr. TOM DAVIS of Virginia, Mr. LYNCH, Mr. SANDERS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAYS, Mr. OXLEY, Ms. HARMAN, Mr. DAVIS of Tennessee, Mr. CASTLE, Mr. RYAN of Ohio, Mr. GORDON, Mr.

NEAL of Massachusetts, Mr. GERLACH, Mr. STRICKLAND, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROHRABACHER, Mr. RUPPERSBERGER, Mr. FITZPATRICK of Pennsylvania, Mr. DELAHUNT, Mr. GRIJALVA, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. CAPUANO, Mr. LEVIN, Mr. HOLDEN, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. JOHNSON of Illinois, Mr. SNYDER, Mr. NORWOOD, Mr. BISHOP of Georgia, Mr. BOUSTANY, Mr. BRADLEY of New Hampshire, Mr. HOYER, Mr. BLUMENAUER, Mr. HEFLEY, Mr. DOYLE, Mr. SCHWARZ of Michigan, Mrs. LOWEY, Mr. LANGEVIN, Mr. BRADY of Pennsylvania, Mr. REYES, Ms. Bean, Mrs. BONO, Mr. POMBO, Mr. BROWN of South Carolina, Mr. KENNEDY of Minnesota, Mr. MICHAUD, Mr. POE, and Mr. WEXLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2646: Mr. FORD.
H.R. 4542: Mr. FORD.
H.R. 4881: Mr. FORD.

PETITIONS, ETC.

Under clause 3 of rule XII,

112. The SPEAKER presented a petition of the Essex County Board of Supervisors, New York, relative to Resolution No. 16 requesting an explanation from FEMA, SEMO and our federal representatives as to the denial of flood disaster reimbursement for the towns of Crown Point, Moriah, Ticonderoga and the County of Essex in 2005; which was referred to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. EDWARDS on House Resolution 271: José E. Serrano.

Petition 4 by Ms. SLAUGHTER on House Resolution 460: José E. Serrano.

Petition 5 by Mr. WAXMAN on House Resolution 537: José E. Serrano.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Benjamin L. Cardin, Michael M. Honda, Emanuel Cleaver, Wayne T. Gilchrest, Walter B. Jones, Ron Paul, Adam Smith, Mark Udall, Tom Udall, Richard E. Neal, Ted Strickland, Brad Miller, Albert Russell Wynn, David E. Price, David R. Obey, Frank Pallone, Jr., Maurice D. Hinchey, and José E. Serrano.

Petition 7 by Ms. HERSETH on House Resolution 568: Ted Strickland and José E. Serrano.

Petition 8 by Mr. WAXMAN on House Resolution 570: Ted Strickland and José E. Serrano.

Petition 9 by Mr. BOSWELL on House Resolution 584: Jim Marshall.

Petition 11 by Mr. BARROW on House Resolution 614: Mike Thompson.

SENATE—*Thursday, April 6, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. This morning, we have the privilege of being led in prayer by our guest Chaplain, Rabbi Shmuel Butman from the Lubavitch Youth Organization of New York City.

The guest Chaplain offered the following prayer:

Ovinu Shebashomayim, our Heavenly Father.

We pray to You today, 3 days before the 104th birthday of the Lubacitcher Rebbe, Rabbi Manachem M Schneerson. The Rebbe reached out to all people and inspired all people throughout the world, regardless of race, religion, color, and creed, to reach a greater level of observance and service. The Rebbe said that this is the last generation of exile and the first generation of redemption and that each one of us can bring the redemption even closer by doing more deeds of goodness and kindness. The Rebbe also encouraged the observance of the Seven Noahide Laws, or the Seven Universal Laws, which are the basis of any decent and civilized society.

In the merit of the Rebbe, we ask You, Almighty God, to bestow Your blessings on the Members of the Senate and their families and through them on all the people in the United States of America for peace, contentment, and fulfillment in all their endeavors, in joy, in happiness, and in gladness of heart.

In honor of the Rebbe, I want to do an act of goodness and kindness. I want to put a dollar in a pishky, in the charity box. May God bless you, all of you. Thank you.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SECURING AMERICA'S BORDERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Pending:

> Specter/Leahy amendment No. 3192, in the nature of a substitute.
>
> Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.
>
> Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.
>
> Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.
>
> Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.
>
> Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.
>
> Santorum/Mikulski amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.
>
> Nelson (FL) amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.
>
> Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.
>
> Nelson (NE) amendment No. 3421 (to amendment No. 3420), of a perfecting nature.

The PRESIDENT pro tempore. Under the previous order, the time between 9:30 and 10:30 will be equally divided between the managers or their designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the time until 10:30 will be equally divided for debate prior to the vote on invoking cloture on the Specter substitute to the border security bill. I now ask unanimous consent that the final 20 minutes before the vote be divided so that the Democratic leader has 10 minutes, to be followed by the majority leader for the final 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I don't believe that cloture will be invoked today on the chairman's substitute. Therefore, we have two additional cloture motions pending to the border security bill. There is a cloture motion to the Hagel-Martinez language that was offered yesterday and a cloture motion to the underlying border security bill. We will announce the exact timing of those votes a little later as we go through the morning and see how we progress. It is unfortunate that we had to set up these procedural challenges, but given the lack of progress and cooperation on getting amendments up and voted on, it was the only way to move ahead.

We have very important Department of Defense nominations that have been pending on the calendar since last year. I have consulted with the Democratic leader, and I have scheduled cloture votes on those nominations this week to allow the Senate to vote on these important Department of Defense nominees.

Needless to say, we have a lot to do before the Easter-Passover adjournment.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to suggest the absence of a quorum so the leader and I may speak for a couple minutes before the debate starts.

I ask unanimous consent that the time on our side be divided between Senators DURBIN, LEAHY, and KENNEDY, each 8 minutes; Senators SALAZAR and MENENDEZ, each 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. It has already been suggested by the Republican leader that our time would follow the hour time that is allotted under the rule, a half hour on each side, and then I would speak, and then the distinguished Republican leader would end the debate. Is that appropriate?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Nevada, the distinguished Democratic leader, has suggested more time than is available to the Senator.

Mr. REID. Mr. President, I ask unanimous consent that the 10 minutes for me and the 10 minutes for the majority leader be under leader time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. And I ask unanimous consent that the time not start running until we finish our personal colloquy.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There is now 60 minutes equally divided. Who yields time?

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, today the Senate has a historic opportunity with this cloture vote to move forward with tough, smart, and comprehensive immigration reform that secures our Nation's borders or to maintain the status quo of failed laws and a broken immigration system that is weak on enforcement and leaves our borders and our citizens unsecured.

A vote for invoking cloture is a vote for an increase of 1,250 Customs and Border Protection officers, 2,500 port-of-entry inspectors, 1,000 personnel dedicated to the investigation of alien smuggling, 25,000 investigators, 12,000 new Border Patrol agents, 10,000 work-site enforcement agents, 5,000 fraud detection agents, and the acquisition of 20 new detention facilities to accommodate at least 10,000 detainees to ensure that we have tightened our border security and workplace enforcement.

A vote for invoking cloture is a vote to create an equal playing field and ensure that American workers' wages, benefits and health and safety standards are not undercut.

A vote for invoking cloture is also a vote to realize the economic realities in our society in which undocumented workers are bending their backs every day, picking the fruits and vegetables that end up on our kitchen tables, digging the ditches that lay the infrastructure for the future, cleaning the hotel and motel rooms for our travelers, plucking the chicken or deboning the meat that we had for dinner last night, and helping the aged, the sick and disabled meet their daily needs.

This vote ensures that they are brought out of the darkness and into the light of America's promise. A vote for invoking cloture is a vote to create the possibility for those who contribute to our country a pathway to earn legalization—but only after they pay thousands of dollars in fines and fees, pass a criminal background check, go to the back of the line behind all applicants waiting for green cards, pay any and all back taxes, remain continuously employed going forward, pass a medical exam, and learn English and U.S. History and Government.

A vote for cloture gives us greater security. But unlike the House bill, it doesn't criminalize innocent U.S. citizens—those, for example, like Catholic Charities—who give advice to immigrants, like those who give help to a rape victim or a battered woman. That is why I urge our colleagues to vote to invoke cloture on the Judiciary Committee bill.

The PRESIDENT pro tempore. The Senator's time has expired. Who yields time? If no Senator seeks time, the time is charged against each side equally.

Mr. FRIST. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise today to urge my colleagues to invoke cloture on the Specter substitute amendment. I do so because of several key reasons. First, the legislation that came out of the Judiciary Committee had broad bipartisan support. I think when you have that kind of bipartisan support, it speaks to what we can do as a Senate when we reach across the aisle to try to find common ground. I think the Judiciary Committee found that common ground.

Second, the bill addresses the key issues we should be addressing in the Senate today. It addresses border security, which is critically important to us, that we deal with trying to strengthen our homeland defenses and our national security. It addresses the issue of enforcement of immigration laws in our country. It also addresses the economic and human realities of undocumented workers that we have in America today.

It is a good bill from that perspective. It is a law and order bill. For those on the other side who say this is amnesty, I reject that labeling. It has penalties and registration that go along with the requirement for those people who are undocumented and working in the United States.

Finally, no matter how this cloture vote goes—and I intend to vote for cloture because it is a good bill, and I urge my colleagues to vote for cloture—we need to continue to work on this issue because it is so important to the future of America. We have a reality in our country today; where we have broken borders and lawlessness, we need to restore some order and regularity to our immigration system. This issue is too important for us to simply walk away.

I hope we will continue to work through this issue and come up with the kind of wisdom that Solomon would bring to a very important national issue, so we can get some kind of resolution that addresses the concerns of all of those who are so affected by our immigration laws.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I began this debate by praising the bipartisanship of the Judiciary Committee for reporting a comprehensive and realistic immigration bill to the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days and the protestations from the other side of the aisle it may seem surprising, but the truth is that by invoking cloture on this bill, we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for all the bluster and false claims of Democratic obstruction we have heard. If Republicans want to move forward on this debate, and get one step closer to a vote on tough but fair immigration reform, they should support cloture. For the past few days, I have offered, and our leadership has offered, to take up a number of bipartisan amendments for debate and votes that would have easily won the support of the Senate. It was Senator KYL who objected to that progress.

Late last night, the Republican leader came to the floor to file a motion that would require the Senate to send the immigration bill back to the committee. He immediately acted to "fill the tree," a parliamentary procedure that means that none of us could offer amendments, and he filed an immediate cloture motion.

So before any of us even saw the amendment, the Republican leader made sure to prevent any Senator in this body from offering an amendment of his or her own. It is somewhat ironic, after all of the posturing by Republicans over the past 2 days about the right of Senators to offer amendments and be heard, that the Republican Party has returned full force to its standard practice of shutting out those who might disagree. That is too bad, especially on a matter this important. We began with a high level of demonstrated bipartisanship. Senator SPECTER and I worked together to get a bill out that had a two-thirds majority of the Judiciary Committee, Republicans and Democrats, voting for it.

The majority leader had set March 27 as the deadline for Judiciary Committee action, and we met his deadline. I always understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline. That is what I heard the Judiciary Committee chairman reiterate as we concluded our markup and heard him say, again, as the Senate debate began. The Democratic leader noted that we had agreed to proceed based on the assurances he had received that "the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan Committee bill."

The majority leader had often spoken of allowing two full weeks for Senate debate of this important matter. Regrettably, what the majority leader said and what happened are not the same. The Senate did not complete work on the lobbying reform bill on schedule and that cut into time for this debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with 1 week, not 2. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. When the false and partisan charges of obstruction came from the other side, the Democratic leader filed a petition for cloture that I hope will bring successful action on a comprehensive, realistic and fair immigration bill.

So I regret that now, when we have a bill with strong bipartisan support, some would try to make this into a partisan fight. I fear that they have succeeded in making a partisan fight over a bill that began as a bipartisan bill. I urge all Senators, Republicans, Democrats and the Senate's Independent, to vote for cloture on the bipartisan committee bill and bring this debate to a successful conclusion so that we can have a bill passed by the Senate by the end of this week.

This is an historic vote. It asks us whether the Senate is committed to forging real immigration reform. I urge all Senators to vote for reform by supporting this cloture motion on what is a bipartisan bill that balances tough enforcement with human dignity.

Now, the Republican manager of the bill was right to take on the smear campaign against the committee bill from opponents who falsely labeled it amnesty. The committee bill is not an amnesty bill. President Reagan signed an amnesty bill in 1986. This is not. This is a tough bill with a realistic way to strengthen our security and border enforcement, while bringing people out of the shadows to earn citizenship—not immediate citizenship; it still takes 11 years. They have to pay fines, work, pay taxes, they have to learn English, and then they have to swear allegiance to the United States. That is a long way from amnesty.

As the New York Times noted in an editorial, responding to those who falsely smeared this as an amnesty bill, painting the word "deer" on a cow and taking it into the woods does not make the cow into a deer. This is something every deer hunter in Vermont knows.

It is most ironic to hear those in the Republican Congress talk about amnesty and lack of responsibility. Their record over the last 6 years is a failure to require responsibility and accountability, or to serve as a check and balance. They are experts in amnesty, so they should know this bill is not amnesty.

I was glad to hear the Republican leader begin to change his tune over this week and acknowledge that providing hard-working neighbors with a path to citizenship is not amnesty. I have not had an opportunity to see, let alone review, the Republican instructions in the motion filed late last night. I am advised that they now have a proposal to establish a path for citizenship for some of the undocumented. I guess other Republicans will falsely label that effort as "amnesty for some."

Tragically, however, the opponents of tough and smart comprehensive immigration reform will not stop with smearing the bill. Some who have opposed it have used ethnic slurs with respect to outstanding Members of the Senate. I spoke about this yesterday, when I praised Senator SALAZAR. His family's is a distinguished record that should not need my defense. I deplore the all-too-typical tactics of McCarthyism and division to which our opponents have resorted, again. This is an issue that goes to the heart and soul and conscience of the Senate. When people who disagree with Members of this body resort to ethnic or religious slurs, we all ought to stand up and condemn it. I did so on the floor of the Senate yesterday.

I recall the wisdom of Senator Ralph Flanders, the first one to have the courage to stand up to Joseph McCarthy. We are now facing in this country a religious and ethnic McCarthyism. I wish one Republican would stand up—just one—and say they agree that we should not have such religious and ethnic slurs on Members of the Senate just because of disagreement with a position they have taken on the bill. Regrettably, no one did. It is beneath the dignity and honor of this great body and beneath the dignity and honor of any Member of the body. I, again, thank Senator SALAZAR, Senator MENENDEZ, Senator OBAMA, and Senator MARTINEZ for their support of the committee bill and their participation in this debate.

The Specter-Leahy-Hagel substitute amendment that mirrors the Judiciary Committee bill confronts the challenging problem of how to fix our broken immigration system head on. It is strong on enforcement—stronger than the majority leader's bill. In some ways it is stronger than the bill passed by the House. It includes provisions added by Senator FEINSTEIN to make tunneling under our borders a federal crime and increases the number of enforcement agents. It is tough on employer enforcement and tough on traffickers. But it is also comprehensive and balanced. I have called it enforcement "plus" because it confronts the problem of the millions of undocumented who live in the shadows. It values work and respects human dignity. It includes guest worker provisions supported by business and labor and a fair path to earned citizenship over 11 years through fines, the payment of taxes, hard work and learning English that has the support of religious and leading Hispanic organizations. It includes the AgJOBS bill and the DREAM Act, the Frist amendment, the Bingaman enforcement amendment, and the Alexander citizenship amendment.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bill supported by congressional Republicans have understandably sparked nationwide protests because they are viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has been called a defining moment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience to the Nation, in the best true interests of our Nation.

I hope that the Senate's work on immigration reform will be in keeping with the best the Senate can offer the Nation. I hope that our work will be something that would make not only my immigrant grandparents proud—and I stand only one generation from my immigrant grandparents—but a product that will make our children and grandchildren proud as they look back on this debate. Now is the time and this is the moment for the Senate to come together to do its part and reject the calls to partisanship.

Now is the time to move forward with the bipartisan committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture, we will take a giant step toward better protecting our security and borders and allowing the American dream to become a reality for our hard-working neighbors. History will judge. The time is now.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I asked Senator LEAHY to take my place in the chair because I want to show that a Republican agrees with him, in part. I do support the statements made by the Senator from Vermont concerning the derogatory statements that may have been made concerning any racial connections with this bill.

However, I cannot support cloture on the bill because it still contains the provisions with regard to felons. The amendment we tried to vote on the other day, I am informed, is probably not possible to consider if we vote cloture on this bill at this time. So I regret that I cannot support cloture. I stated that I would vote for cloture on the bill as it came from the Judiciary Committee. Under the circumstances, once it was discovered, with the provisions with regard to prior convictions for felonies, I supported that amendment the other day by voting not to table it. I believe that amendment should be considered before we vote cloture on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I believe time has been allocated.

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes.

Mr. KENNEDY. Will the Chair remind me when there is 2 minutes remaining?

Madam President, the Senate Judiciary Committee passed a strong bipartisan, comprehensive reform bill last week, and Members on this side of the aisle believe it deserves an up-or-down vote on its own terms. Unfortunately, we have gotten bogged down instead on procedural issues. But the vote we cast this morning for or against cloture is not just a procedural vote; the vote we cast today is a vote on how to reconcile America's history and its heritage as a nation of immigrants with today's crisis of undocumented immigration.

It has been said many times—and it bears repeating—all in this room are descended from immigrants. Immigrants signed the Declaration of Independence and they wrote the Constitution of these United States. Immigrants settled our frontiers, they built our great cities, and they fueled our industrial revolution.

Our history is a nation of immigrants, but that history has a dark side as well. Millions of Africans were brought here in chains, immigrants in a technical sense, but forced for generations to labor as slaves, our great national shame. Millions of other immigrants fared only slightly better: the Chinese coolies, who worked 18 to 20 hours a day to build our railroads under deplorable conditions; the Mexican braceros, who were actively recruited by the United States Government to labor in our fields but were systematically denied fair payment for their work; and today the undocumented immigrants who are exploited at the workplace and live with their families in constant fear of detection and deportation.

For decades, this country has turned a blind eye to the plight of the stranger in our midst and looked away in indifference from this grotesque system. But a nation of immigrants rejects its history and its heritage when millions of immigrants are confined forever to second-class status.

All Americans are debased by such a two-tier system. The vote we cast today is on whether the time has come to right these historic wrongs, and we will have that opportunity to do so with the underlying bill.

Over these past days, it has become apparent to Senator MCCAIN, myself, and the others who are in active support of this legislation that adjustments are going to have to be made in that legislation to gain strong bipartisan support that will reflect greater than 60 votes in the Senate. I am convinced a majority in the Senate supports our particular proposal.

As I have spoken on other occasions, this is a composite of different actions that is in the interest of our national security, our economic progress, and our sense of humanity. But we understand adjustments have to be made, and over the last few days, Democrats and Republicans in the leadership have been coming together to try and find common ground.

There are those who believe we ought to treat undocumented aliens as a particular group and treat them all the same. There are others who say those who have just arrived here should be treated differently and under different circumstances. We have been attempting to adjust those different views, and I believe we have made important progress in a way that will maintain the integrity of the legislation but also will mean perhaps a somewhat longer period of time for adjusting of status or earning citizenship for those who have more recently arrived.

There has been a strong, good-faith effort on both sides to try and find this common ground. I am very grateful for the leadership our leaders have provided on our side—Senator REID, Senator LEAHY, and others who have worked in this endeavor. I thank my friend and colleague Senator MCCAIN and a number of his associates—MEL MARTINEZ and a number of others—who have worked to try and move this process forward.

I hope the vote on cloture will be successful, but I recognize fully that if we are not successful, it is going to open up a new opportunity for us to finally realize the legislation which will essentially preserve the fundamental integrity of the approach Senator MCCAIN and I have taken. It will provide some differences, and out of accommodation and in the desire and interest to achieve the underlying thrust of this legislation, I urge our colleagues to support those compromises. It is in our best interest. Then I am confident that we can, before the end of this week, report out legislation that will be comprehensive and will meet the challenges of our time.

Finally, we have come together—Republicans and Democrats—in other major civil rights times. We came together in the 1960s with the 1964 Civil Rights Act, 1965 and 1968 Civil Rights Act. We all came together on the Medicare and Medicaid proposals. We came together, as well, on higher education legislation that made such a difference. And we came together on the Americans with Disabilities Act. We haven't had that kind of coming together in this body on a matter of national importance and international importance. We may very well be at that moment in the Senate. I am prayerful that will be the outcome and that we will have that kind of achievement. We still have some hurdles to work through, but I hope that will be the final and ultimate outcome.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. SPECTER. Madam President, I might say to my colleagues who would like some time, we have 25 minutes. They are invited to come to the floor and speak. I think we will have time to extend to a number of Members.

I am pleased to note we have made some significant progress, although we do not have the bill in a position yet where we know precisely where we are heading, but it now appears we will be successful with the addition of the ideas which have been injected into the process by Senator HAGEL and Senator MARTINEZ.

We will be coming up on a cloture vote on the committee bill shortly. I would very much like to see the committee bill move forward, but I do not think it is fair to have cloture on the committee bill without giving Senators an opportunity to offer amendments.

We have been on this measure since last Wednesday, and we have had very few amendments offered. The Senators—principally Republican Senators—who have come to the floor to offer amendments have been prevented from doing so by parliamentary rules. I acknowledge that those who have stopped us from offering amendments are operating within the rules, but I do not think within the spirit of the Senate, which is to have a committee bill, have it open for amendments, have the amendments debated, and have the amendments voted on—that is the way the Senate works, but that has not been the result here.

Had that been the case, had Senators been permitted to offer their amendments in due course and have an opportunity to follow the customary procedure, then I would have been an advocate of cloture to move the process along. But that has not been the case.

Unusual as it may seem for the chairman of the committee bill to oppose cloture on that bill, that is the position I am taking because there has not been an opportunity to vote on amendments.

We have, in any event, progressed beyond this point so that we now have another bill which has been committed to the committee, and we are having a cloture vote in due course scheduled for tomorrow. Perhaps that cloture vote could occur today; I don't know. But if we can see where we are heading, it would obviously be desirable to move the process along as promptly as possible.

The ideas advanced by Senator HAGEL and Senator MARTINEZ make changes in the committee bill by having a distinction between those who have been here for more than 5 years, where they will work for 6 years and be entitled to a green card, contrasted with those who have been here for less than 5 years but more than 2 years from the date of January 7, 2004, which is the date established by the date President Bush made a major speech on advancing ideas on immigration reform. Those who have been in the country prior to January 7, 2004, but for less than 5 years, will be on a slightly different track, where they can be here for 6 years and have 1-year extensions, and their ability for green cards will depend upon the cap not having been reached so that they are at the end of the line, in any event, from those who have had their applications pending. Some of the nurse applications for visas from the Philippines go back to 1983, and one of the additions made in the committee mark was to see to it that those 11 million undocumented aliens would not come ahead of people who have been following the law and who have been in line.

There is another modification on the temporary workers—if the green cards are reduced from 400,000 to 325,000, with an effort being made not to take away jobs from Americans, to limit that number to try to reflect the need for immigrant workers but to reduce it to that extent. We are still working on some refinements so that if the unemployment rate is high in certain cities, the number of green cards may be reduced there; again, so that employers cannot bring in immigrant workers where American workers are involved.

We have, obviously, a very complicated system, but the work has been prodigious. There have been quite a number of Democrats who have met with quite a number of Republicans. My own view has been to try to be flexible. If I had my choice, I would have the original chairman's mark, the mark that I put down as chairman. But that was modified significantly in the committee, taking up other provisions of the McCain-Kennedy bill, and other amendments which were offered. As chairman, I tried to structure an accommodation among all of the bills: the Hagel bill, the McCain-Kennedy bill, the Kyl-Cornyn bill. We came very close in the markup a week ago Monday to an accommodation somewhat similar to what we have reached now, but we couldn't make it in committee, so we have come forward with the committee bill. If I had my choice, to repeat, I would want the chairman's mark. My second choice is the committee bill. I am not wildly enthusiastic about the changes made in Hagel-Martinez. But where we are with the changes made by Senator HAGEL and Senator MARTINEZ is better than where we are now; it is better than no bill.

What we are dealing with here, as we inevitably and invariably do on legislation, is finding the best compromise we can pass. The issue is whether that bill is better than no bill. I think, for me, that bill is decisively better than no bill.

Mr. CRAIG. Madam President, would the chairman yield for a question?

Mr. SPECTER. I will.

Mr. CRAIG. Let me first thank the chairman for his due diligence. There is no question that he has focused on this for a good many months and has tried to work us through a process of time and issue. The Senator is so right in talking about all of the complications involved: the types of labor, qualifications, and all that is necessary to deal with this in a responsible way, and to contain our borders and to control them. And without that, no orderly process will ever happen effectively.

As the chairman knows, I have spent a good deal of time on this issue, somewhat focused on a segment of our economy in agriculture. To your knowledge, as it relates to the compromise you are talking about that may be struck and has taken form here in the last 24 hours, is the agricultural provisions that we—myself, working with a member of your committee, Senator FEINSTEIN—worked to put in the bill that came out of committee, is that still the provision that is in place as we know it and as we would vote on it?

Mr. SPECTER. Madam President, I respond to the distinguished Senator from Idaho in the affirmative. It is intact. The reduction in green cards and visas from 400,000 to 325,000 may impact on that to some extent. But the amendment which was offered by Senator FEINSTEIN, who is on the committee and on which you were a collaborator—and I again congratulate you on that, as I did in committee when we accepted the amendment—is intact. It is a very important amendment, worked out very carefully. You have been working on this for years—you can say how many years—but it has been a very long haul.

Mr. CRAIG. I thank the chairman for that response. Every employment sector is unique, and what we have found, and I think what the committee has found, is that agriculture, because of the type of labor involved, is kind of the entry door many of our migrant laborers come through, legal and illegal, and from that, if you will, learn and move to other segments of the economy.

So we tried to reflect that in the structure of the Feinstein amendment to the bill, recognizing that other portions of the bill would be different, and that the compromise that is being talked about, in my opinion, makes some sense as it relates to seniority and time and place to work in a fair and responsible way. At the same time, it makes sure that we don't effectively damage these segments of the economy Americans will not work in, choose not to work in, and that we find foreign nationals can and will and are very effective in their work there.

I thank the Senator very much.

Mr. SPECTER. Madam President, how much time remains on this side?

The PRESIDING OFFICER. There is 14 minutes on the Republican side.

Mr. SPECTER. Again, I invite my colleagues if they wish to comment to come to the floor. There is time.

I yield the floor.

Mr. DURBIN. Madam President, this is a historic moment in the Senate. These who are witnessing this debate may think it is just another debate on another bill, but it is not. This is a debate that has been in the brewing—at least in the making, I should say—for decades. Senator KENNEDY of Massachusetts has been speaking out about meaningful immigration reform for decades. It has eluded us. There are times when we have done temporary things of some value, but we have never come to grips with the fact that the immigration laws in America have broken down. We are in virtual chaos. Borders are out of control, employers are hiring people without adequate enforcement, and there are 11 million or 12 million amongst us who are in undocumented or illegal status, uncertain of their future.

This is controversial. We have to come to grips with it. But it is rare in the history of the Senate that we consider a bill that touches so many hearts and changes so many lives in America as this immigration reform. We are literally going to define America's future with this bill. We are going to make it clear whether we are going to hold to the values that have made us a great and diverse nation.

There are people amongst us, some you may see and not know—people you sit next to in church; families who bring their children to school with your children; the worker at the daycare center where you leave your precious kids every morning; the practical nurse who is working at a nursing home caring for your aging parent; the people who cooked your breakfast this morning at the restaurant, who cleared the table; those who will straighten your room after you leave the hotel—many of them you may not know, but look closely. Many of them will be directly affected by what we do in this Senate Chamber. What we do will change their lives. What we do will give them a chance to come out of the shadows, to emerge from the fear of detection, to finally have a chance to be part of America. We don't make it easy for them. It is a long, hard process to move from where they are today to legal status tomorrow, but at least we are addressing it and doing it in an honest fashion.

This morning's vote on cloture is on a bill which I think is the best approach. That is why I will vote for cloture. Some will disagree. But we know, even as I stand here, there is another agreement underway. It is promising. It embodies the basic principles of the bill that emerged from the Senate Judiciary Committee. That bill included the Kennedy-McCain substitute, an approach which offers a pathway to legalization for the millions who are here in America.

I salute Senator SPECTER who spoke before me. He was one of the four Republicans who stood with eight Democrats to bring that bill out. It was not a popular position on his side of the table. The majority of Republicans on the Senate Judiciary Committee oppose this bill. When it came to the floor, the leaders on the Republican side of the Senate condemned the bill. Yet today we find ourselves in a much different place.

I give special credit to my leader, Senator HARRY REID of Nevada. In the beginning of this week he said, We are going to stand fast for the values and principles of this bipartisan bill. He has taken a lot of heat on the floor of the Senate and outside, resisting amendments that would cripple and destroy this process and derail our efforts to finally have comprehensive immigration reform. Were it not for Senator HARRY REID on the Democratic side of this aisle standing fast, I don't know that we could have reached the point we have reached today. But we have reached it, and it tells me that we finally have come together in a bipartisan fashion to deal with an issue that affects so many millions across this country.

It is not over. Even if the cloture vote, as we call it in the Senate, passes tomorrow on the compromise, this can still be derailed. There are still Senators, primarily on the other side of the aisle, determined to derail this agreement. They will offer crippling, devastating amendments. We need to stand fast on a bipartisan basis to resist those amendments. Those who pledge their fealty to this bill can prove it with their votes. Don't say you are for it today and vote for a devastating amendment tomorrow.

Secondly, what we decide here will go to a conference with the House. The House approach is so different and it is so wrong. The House Republican immigration bill by Chairman SENSENBRENNER does not reflect American values. To say that 12 million amongst us will be branded as felons under the Federal law, to say that Good Samaritans, nurses and teachers and volunteers and people of faith, will be charged as criminals under the Federal law is unthinkable and unacceptable and is not consistent with American values. We will walk into a conference with that point of view among the House Republicans. If we do not hold fast to our belief that we need a bill that is fair, a bill that is honest and tough, a bill that is consistent with American values, we will come back with a terrible outcome.

We need a commitment from the Republican majority in the Senate that we will not even consider a conference report that moves in the direction of the Sensenbrenner bill in the House. That is unacceptable. It is unacceptable for us to criminalize millions of people.

With that commitment, and if we stand true to the values of McCain-Kennedy and the bill produced by the Senate Judiciary Committee, we will finally bring our neighbors and those who live amongst us out of the shadows.

I yield the floor.

Mr. CRAIG. Madam President, I yield 5 minutes to the Senator from Texas, Senator CORNYN.

Mr. CORNYN. Madam President, I rise to speak in opposition to closing off debate on the underlying bill. We have heard at great length how the opportunity to file and argue and have votes on amendments has been effectively denied by the Democratic leader. It would be a travesty and, indeed, it would be a farce for the Senate to close off debate before we have even had that debate on the substance of this bill.

Why it is that the Democratic leader and others who might vote to close off debate would want to deny the Senate an opportunity to exclude felons from the scope of the amnesty provided by this bill is beyond me. Why it is that there could be those who would want to deny American workers the protection of a fluctuating cap on temporary work permits such that American citizens would not be put out of work because those who have come to the country in violation of our immigration laws and would be given a guaranteed path to American citizenship is beyond me. Why it is we would want to deny countries such as Mexico and the Central American countries the opportunity to develop their own economies and to provide opportunities for their own citizens so that fewer and fewer of them would have to engage in part of the mass exodus from those countries to the United States, leaving those countries hollowed out and unable to economically sustain themselves and create opportunities for their own citizens, is beyond me.

I understand there are those, on both sides of the aisle, who happen to like the Judiciary Committee bill that is the subject of this cloture motion. While there are portions of the bill I like very much, particularly those which have to do with border security, we know that the bill as yet still does not have a worksite verification provision, to my knowledge. My understanding is, because of jurisdictional conflicts, the Judiciary Committee could not complete work on that portion of the bill, and that is within the exclusive jurisdiction of the Finance Committee. We are still waiting for that title III to this bill to come to the floor and be offered as an amendment and be made part of this legislation. Without a worksite verification requirement, this bill will not work, notwithstanding how much we do at our borders, which is very important.

This bill will not work unless we make sure that only people who come forward and submit themselves to background checks and we know are not criminals or terrorists and we know in fact they are qualified and eligible workers—unless we have a system in place to make sure of that, this will not work and we will not have done everything we can and should do to make sure this bill will work.

Indeed, in 1986, as part of the amnesty that was signed in that year, the quid pro quo for the amnesty of some 3 million people was an effective worksite verification program and employer sanctions for those employers who cheat and hire people on the black market of human labor.

We know, because the Federal Government failed to provide that effective Federal Government worksite verification program, that now we are dealing with approximately 12 million people who have come here in violation of our immigration laws, and we are confronted with the monumental challenge of how to address those 12 million in a way that both respects our legacy as a nation that believes in the rule of law while we continue to celebrate our heritage as a nation that believes we are indeed a nation of immigrants and better for it.

This is not the Senate working according to its finest traditions. The only way the Senate works is if each Senator has an opportunity to debate and to argue and to offer amendments. We understand not all of the amendments will be accepted. I am happy—maybe not happy, but I am willing to accept the fact that there may be amendments I will offer that will not be successful. But that is the way the committee process worked under Chairman SPECTER in the Judiciary Committee. Each of us had a chance to have our say, to offer amendments, and to have a vote. That is the way democracy works. But the idea that we will somehow try to jam this bill through here without Senators having a chance to debate and vote on amendments is a farce. I hope my colleagues will not support it and that they will vote against cloture so we may offer those amendments and have the kind of debate and process that represents the finest traditions of the Senate.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

The Senator from Idaho.

Mr. CRAIG. Madam President, I would like to take a minute only. I would like the record to reflect I am speaking as in morning business for that minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, in the absence of any other Republican Senator who seeks time to speak on the pending issue, I yield to myself 5 minutes as in morning business to talk about two Judiciary Committee bills.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2557 and S. 2560 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Madam President, I began this debate by praising the bipartisanship of the Judiciary Committee for reporting a comprehensive and realistic immigration bill to the Senate. I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter today.

With all the dramatic stagecraft of the last few days, and the protestations from the other side of the aisle, it may seem surprising, but the truth is that by invoking cloture on this bill we move to consideration of germane amendments. If the Kyl amendment is germane and pending, it would be in line for a vote. So much for all the bluster and false claims of Democratic obstruction we have heard. If Republicans want to move forward on this debate and get one step closer to a vote on tough but fair immigration reform, they should support cloture. For the past few days, I have offered and our leadership has offered to take up a number of bipartisan amendments for debate and votes that would have easily won the support of the Senate. It was Senator KYL who objected to that progress.

Late last night, the Republican leader came to the floor to file a motion that would require the Senate to send the immigration bill back to the committee. He immediately acted to "fill the tree" with a series of amendments and filed an immediate cloture motion. So before any of us even saw the amendment, the Republican leader made sure to stop every other Senator from offering any amendment. How ironic, after all the posturing by Republicans over the last 2 days about the rights of Senators to offer amendments and be heard, the majority party has returned full force to its standard practices. That is too bad, especially on a matter this important and on which we began with such a high level of demonstrated bipartisanship.

The majority leader had set March 27 as the deadline for Judiciary Committee action, and we met his deadline. I always understood that the majority leader had committed to turn to the committee bill if we were able to meet his deadline. That is what I heard the Judiciary Chairman reiterate as we concluded our markup and heard him say, again, as the Senate debate began. The Democratic leader noted that we had agreed to proceed based on the assurances he had received that "the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan committee bill."

The majority leader had often spoken of allowing 2 full weeks for Senate debate of this important matter. Regrettably, what the majority leader said and what happened are not the same. The Senate did not complete work on the lobbying reform bill on schedule and cut into time for this debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with 1 week, not 2. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. When the false and partisan charges of obstruction came from the other side, the Democratic leader filed a petition for cloture that I hope will bring successful action on a comprehensive, realistic, and fair immigration bill.

I regret that over the last 3 days some tried to make this into a partisan fight. I fear they have succeeded. I urge all Senators, Republicans and Democrats, and the Senate's Independent, to vote for cloture on the bipartisan committee bill, to bring this debate to a head and a successful conclusion, in the time and on the terms set by the majority leader. If we are to pass a bipartisan bill by the end of this week, we will need to join together to support cloture on the bipartisan committee bill, proceed to work our way through the remaining amendments and pass the bill.

This is a historic vote on whether the Senate is committed to making real immigration reform. I urge all Senators to vote for reform by supporting this cloture motion on the bipartisan bill that balances tough enforcement with human dignity.

The Republican manager of the bill was right to take on the smear campaign against the committee bill from opponents who falsely labeled it amnesty. The committee bill on which cloture is being sought is not an amnesty bill but a tough bill with a realistic way to strengthen our security and border enforcement while bringing people out of the shadows to have them earn citizenship over the course of 11 years through fines and work and paying taxes and learning English and swearing allegiance to the United States. As The New York Times noted in a recent editorial, painting the word "deer" on a cow and taking it into the woods does not make the cow into a deer.

It is most ironic to hear those in the majority of the Republican Congress talk about amnesty and lack of accountability. Their record over the last 6 years is a failure to require responsibility and accountability or to serve as a check or balance. They are experts in amnesty and should know that this bill is not amnesty.

I was glad to hear the Republican leader begin to change his tune this weekend and to acknowledge that providing hardworking neighbors with a path to citizenship is not amnesty. I have not had an opportunity to see, let alone review, the Republican instructions in the motion filed late last night. I am advised that they would establish a path to citizenship for a segment of the undocumented. I guess other Republicans will falsely label that effort as "amnesty for some."

Tragically, however, the opponents of tough and smart comprehensive immigration reform do not stop with smearing the bill. They have also used ethnic slurs with respect to outstanding Members of this Senate. I spoke yesterday to praise Senator SALAZAR. His family has a distinguished record that should not need my defense. I deplore the all-too-typical tactics of McCarthyism and division to which our opponents have resorted, again. I wish someone on the other side of the aisle had shown the wisdom of Ralph Flanders and joined with me in criticism of such tactics. Regrettably, no one did. I, again, thank Senator SALAZAR, Senator MENENDEZ, Senator OBAMA, and Senator MARTINEZ for their support of the committee bill and their participation in this debate.

The Specter-Leahy-Hagel substitute amendment that mirrors the Judiciary Committee bill confronts the challenging problem of how to fix our broken immigration system head on. It is strong on enforcement—stronger than the majority leader's bill. In some ways it is stronger than the bill passed by the House. It includes provisions added by Senator FEINSTEIN to make tunneling under our borders a Federal crime and increases the number of enforcement agents. It is tough on employer enforcement and tough on traffickers. But it is also comprehensive and balanced. I have called it enforcement "plus" because it confronts the problem of the millions of undocumented who live in the shadows. It values work and respects human dignity. It includes guest worker provisions supported by business and labor and a fair path to earned citizenship over 11 years through fines, the payment of taxes, hard work, and learning English that has the support of religious and leading Hispanic organizations. It includes the Ag JOBS bill and the DREAM Act, the Frist amendment, the Bingaman enforcement amendment, and the Alexander citizenship amendment.

Wisely, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling, and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions of the criminal law. And we have rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions of the bills supported by congressional Republicans have understandably sparked nationwide protests being viewed as anti-Hispanic and anti-immigrant and are inconsistent with American values.

Our work on immigration reform has accurately been called a defining moment in our history. The Senate, in its best moments, has been able to rise to the occasion and act as the conscience of the Nation, in the best true interests of our Nation. I hope that the Senate's work on immigration reform will be in keeping with the best the Senate can offer the Nation. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud as they look back on this debate.

Now is the time and this is the moment for the Senate to come together to do its part and to reject the calls to partisanship. Now is the time to move forward with the committee bill as our framework so that we can bring millions of people out of the shadows and end the permanent underclass status of so many who have contributed so much. By voting for cloture we will take a giant step toward better protecting our security and borders and allowing the American dream to become a reality for our hard-working neighbors. History will judge, and the time is now.

Mr. FEINGOLD. Madam President, I will vote in favor of cloture on the Judiciary Committee substitute to S. 2454, the immigration bill that is pending. This substitute is not a perfect bill, but it is a good bill, and I urge my colleagues to support it.

This is a defining moment for America. Our immigration system is broken, and it is up to us to fix it.

Congress can choose from several paths. We can build a wall around our country and make felons of millions of people who are undocumented or who have provided humanitarian assistance to the undocumented. That is the path the House bill would take, and I believe it is a path that is fundamentally inconsistent with our Nation's history and values.

But we have another option, a better option. We can recognize that we need a comprehensive, pragmatic approach that strengthens border security but also brings people out of the shadows and ensures that our Government knows who is entering this country for legitimate reasons, so we can focus our efforts on finding those who want to do us harm. That is the Judiciary Committee substitute, and that is the path I believe we must choose.

First of all, we can and must bolster our efforts at the borders and prevent terrorists from entering our country. We absolutely must work to curb illegal immigration, and I am pleased that the Judiciary Committee substitute contains strong provisions in this area. But it would be fiscally irresponsible to devote more and more Federal dollars to border security without also creating a realistic immigration system to allow people who legitimately want to come to this country to go through legal channels to do so.

Right now, there are roughly 11 million to 12 million individuals here illegally. The United States issues only 5,000 employment-based immigrant visas each year for nonseasonal, low-skilled jobs. This is nowhere near the number of jobs that are available but not filled by American workers. More than anything else, this lack of available visas explains why we face such an influx of undocumented workers. These are the facts, and our immigration policy must deal with them.

Improving our border security alone will not stem the tide of people who are willing to risk everything, even their lives, in order to enter this country. According to a recent Cato Institute report, the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that we have tripled the number of border agents and increased the enforcement budget tenfold. If we focus exclusively on enforcement, our immigration system will remain broken, and I fear we will have wasted Federal dollars.

We need a new solution. We need to improve security at our borders and create a system that allows law-abiding noncitizens to enter the country legally to work when there is truly a need for their labor and that deals with the "shadow population" of illegal immigrants who are already here. And that is why business groups, labor unions and immigrant's rights groups have all come together to demand comprehensive immigration reform.

There has been a lot of talk in this debate about "amnesty." Let's be perfectly clear: Not one Senator who supports this committee substitute has suggested giving undocumented aliens blanket amnesty. The committee substitute would require undocumented aliens to show work history, satisfy background checks, pay fines, fulfill English language and civics requirements, and wait at the back of the line in order to obtain permanent status. In other words, people who come forward and play by the rules would be able to earn—not automatically receive but earn—a path to permanent status.

It is easy to argue that those who came here illegally should be sent back to their home countries and that to do otherwise would be an affront to the rule of law. But even Homeland Security Secretary Michael Chertoff acknowledged to the Judiciary Committee last fall that it is impractical, not to mention astronomically expensive, to suggest that we just deport 11 million or 12 million people. We have to grapple with the complex reality in which we find ourselves, and it is not realistic or productive to suggest that mass deportations are a solution.

Another provision of this substitute creates a guest worker program that allows employers in the future to turn to foreign labor but only when they cannot find American workers to do the job. This will help avoid a future flow of undocumented workers. Our laws must acknowledge the reality that American businesses need access to foreign workers for jobs they cannot fill with American workers. In my home State, I have heard from many business owners, including a number whose businesses go back for generations, about the need for Congress to fix our broken immigration system because they cannot find American workers. These hard-working American business owners desperately want to follow the rules and cannot fathom why Congress has dragged its feet on this issue for so long. Whether it is tourism or farming or landscaping, our businesses will continue to suffer if we fail to enact meaningful, comprehensive, long-term immigration reform. But once we do, we also need to do a better job of enforcing our immigration laws in the workplace.

While the committee substitute recognizes the need for foreign workers, the new guest worker program also includes strong labor protections to ensure that foreign labor does not adversely affect wages and working conditions for U.S. workers. We must not create a second class of workers subject to lower wages and fewer workplace protections. That would hurt all workers because it drives down wages for everyone. Foreign workers who have paid their dues should be treated fairly and deserve the protections of all working Americans.

For all of these reasons, I support the core immigration reform provisions of the committee substitute. I also want to mention two pieces of legislation included in the committee substitute that I strongly support.

The first is the DREAM Act. Regardless of what you might think about other aspects of immigration reform, we have to recognize that there are people affected by this debate with little say in the decisions that affect their lives—undocumented children. Many of these children have lived in this country for most of their lives and have worked hard in school. Yet due to their undocumented status, their long-term options are greatly limited. These children live with the threat of deportation and without access to crucial financial resources, making it virtually impossible to pursue the college education that would enable them to contribute more fully to our society. We should not punish children for their parent's actions, and we should not deny children who have worked hard the opportunity to live up to their potential. That is why I am a longtime supporter of the DREAM Act and why I am so pleased it was accepted as an amendment during the Judiciary Committee proceedings on this bill. This provision will allow children who are long-term U.S. residents, who have graduated high school, who have good moral character, and who simply want to further their contribution to our society, to pursue a higher education or enlist in the military. Under this provision, States could grant instate tuition to such students, and it would also establish an earned adjustment mechanism by which these young people could adjust to a legal status.

I am also pleased that the AgJOBS legislation is included in this substitute. It is a tribute to Senator CRAIG, Senator FEINSTEIN, and Senator KENNEDY that we were able to reach a compromise on AgJOBS that the committee voted to include. This crucial legislation will enable undocumented agricultural workers to legalize their status and would reform the H2-A agricultural worker visa program so that in the future, growers and workers will not continue to rely on illegal channels.

I wish to mention that I was pleased the Judiciary Committee accepted an amendment that I offered, to ensure that people whose naturalization petitions are denied by U.S. Citizenship and Immigration Services can seek judicial review. Citizenship decisions have historically been a judicial function, and it would have been a real disservice to our Nation's traditions to prevent individuals who have worked hard to become U.S. citizens to be denied that most central privilege without a judge's review of the decision.

Of course, this bill is not perfect. It contains some very troubling provisions. I do not think that the National Crime Information Center database, which is the central criminal database used by local, State and Federal agencies around the country, should include civil immigration violations, and the International Association of Chiefs of Police has also expressed concerns about this. I also have concerns about other provisions in title II of the bill that require excessive deference to executive agency decisionmaking in immigration cases and that expand the categories of individuals subject to the most draconian immigration consequences.

But overall, this is a good bill. I believe that if the Senate invokes cloture on, and ultimately passes, the Judiciary Committee substitute or something similar to it, we will be well on our way to fixing our broken immigration system. We will have chosen the right path.

Mr. SPECTER. Madam President, how much more time remains on our side?

The PRESIDING OFFICER. There remains 1 minute 40 seconds.

Mr. SPECTER. I reserve the remainder of the time and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, baseball season is upon us. Tomorrow, my friend, Hall of Fame to be pitcher Greg Maddux will pitch. With 11 more victories, he will be in the top 10 of all baseball players who have ever pitched in the Major Leagues. He needs to win 11 more games this year.

The reason I mention this is what we are doing here in the Senate is not a baseball game but, in spite of that, the American people are looking for a win. There is no question to this point the Senate has not pitched a perfect game, but I will say that the Senate Judiciary Committee has done a great deal. They have, in effect, loaded the bases. The Senate Judiciary Committee has loaded the bases. We have the bases loaded, and now the Senate is up to bat. We need to get a hit. If we get a hit, we drive in a run, it is over, and the American people have won.

We have to remember what we are voting on. We are voting to keep moving forward on a good, strong, bipartisan bill that will secure our borders. No matter how many people come and talk, how many speeches they give, the fact is that is what it is all about. We, the minority, believe we owe it to the American people to keep moving forward on legislation that will keep us safe.

Some Republicans disagree with that. It is very clear from the debate that has taken place. I can only guess they intend to kill this immigration debate and move on to other matters. That is unfortunate. If that happens, the Senate's inability to secure our borders and fix our immigration system will be the Republican's burden to bear.

The one question I ask throughout all this: Where is President Bush? On an issue which is this important, I haven't seen his congressional liaison working the halls the way they do on the budget matters or they will later today or early when we come back after a break on reconciliation. I haven't seen them here. I haven't seen the Vice President over in his little office here, calling people in, saying this is what we need to do for the country. On immigration, the President has been silent.

After this vote, which will take place in just a few minutes, I hope the President will become engaged in what is going on here and join in the move to pass important immigration legislation.

Everyone says that they support immigration reform. In a matter of minutes, we are going to vote, and we have been told that all the majority is going to vote against cloture. That is too bad because the bill before us is, as I indicated, a good bill. This legislation is important. It will be a blow to America if this vote is blocked.

For the last 2 weeks, we have enjoyed some rare bipartisan moments in the Senate. We have seen Democrats and Republicans on the Judiciary Committee work together on one of the greatest national security issues we have ever faced. The bipartisan spirit has resulted in a strong bill that was supported by half the Republicans and all the Democrats on the Judiciary Committee.

This bill isn't perfect, but it takes a comprehensive approach to immigration reform that this Nation needs. It will secure our borders. It cracks down on employers who break the law. It will allow us to find out who is living here, whether it is 11 million or 12 million. We will find out. We want the people who are living in the shadows to come forward, to be fluent in English. We do not want people who have committed crimes. We want them to pay taxes and have jobs. Even with that, they go to the back of the line.

It is true that there will be additional immigration votes tomorrow—maybe even late tonight if something can be worked out this afternoon. People have been working on the Martinez amendment for the last several days, and they haven't completed it yet, but they are very close. I compliment the Senator from Florida for the work he has done. Maybe it can be improved. I hope it becomes something for which I can vote.

There has been tremendous movement during the night. I think that is very fortunate. We don't need to wait until tomorrow to register support for a strong bipartisan immigration reform bill; we can do it right now by voting for the committee bill.

I have heard the arguments against voting for cloture but, frankly, they do not make a lot of sense.

The first argument you hear is that by invoking cloture, you are shutting down debate.

It was interesting. Late last night, Senator FRIST offered an amendment. Do you know what he did? He filled the tree. He filled it up so no more amendments could be offered.

I said last night to the Presiding Officer: Can I offer an amendment?

He said no.

But I have to say that the majority leader, in rare form, said: I got the point.

That happens all the time here. It happens that people are not allowed to offer amendments. It is very frustrating to me—I wanted to offer a lot of amendments—and I am sure it is frustrating to others, but that is the way it is.

The other argument is that we shouldn't vote for cloture because the cloture motion was filed by the minority and not by the majority. If it is important to end the debate, it doesn't matter who files a cloture motion.

I don't know how easy it is for someone who has voted for this committee bill to vote against cloture. I don't understand how you could do that logically. But, in effect, that is what is going to happen. I think voting against cloture is a disservice to our country.

I have great hope that when we complete this vote here today, we will come back, the bases will still be loaded, and we will have a pitcher there ready to throw something, and what will be thrown is the Martinez amendment. It is something we can all take a swing at and drive in a run. What would that run be? It would be a run that would give the American people a victory—a victory for border security, a victory for people who want to work. It would be a very important provision of this guest worker program, supported by wide-ranging groups of people.

The third important aspect of this legislation, if we can get the hit this afternoon, would be to make sure that the 12 million people have a path to legalization—not an easy path but mountains to climb, some washes to move up, maybe even a tree or two to cut down, but it gives people hope that they can come out of the shadows and be part of our great American culture. I hope that will happen.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Madam President, in a few moments, we will be voting on this cloture motion.

We find ourselves this morning at an interesting moment in time based on what we had to do yesterday and last night. The procedure has been complex. Indeed, some have tried to play politics or use parliamentary rules to slow things down, speed them up, cherry-pick amendments that we address.

I believe many of our colleagues have been unfairly treated in the sense that, in a very important debate, when they have amendments we know will advance the discussion and improve the underlying bill they have been denied the opportunity to come forward and even introduce their amendments, debate them, and have them voted on.

In a few moments, we will have a vote on a motion presented by the Democratic leader that everyone knows will fail, and I think it is a real shame that some have felt it was more important to play these games to get to this point, but we are here and we are going to have a vote.

On the other hand, I am very optimistic by a lot of the events that have occurred over the last 14, 18 hours in terms of making real progress. After this vote in 30 or 45 minutes, I think the decks will essentially be cleared in the sense that we can optimistically look at where we are going to go over the next 12 or 24 hours.

I believe the Hagel-Martinez proposal introduced yesterday, which all of our colleagues have looked at over the course of this morning, gives us an opportunity to make a major step forward on the underlying bill. It gives a fair approach, a balanced approach. It gives priority to the security concerns about our national security interests that are always at the top of our list. It pays attention to the 9/11 recommendations. It respects the rule of law as well as that rich contribution and heritage provided by our immigrant population.

It was last October that I met with Senators CORNYN and MCCAIN and many others to discuss our intentions to take a 2-week block of time and focus on it here on the floor of the Senate. Publicly, at that point in time—again, it was October—I laid out a strategy, a plan to start with border security, where we have in this broad body agreement, and then build out by consensus a comprehensive plan that would include the two other very important components—border security; second, interior enforcement, enforcement of the workplace—and, third, a comprehensive immigration temporary worker plan that would address what has become the most challenging aspect of this discussion: the 11 million, 12 million, or 13 million illegal immigrants or undocumented people who are here. That is where we will find ourselves after this cloture vote.

Shortly thereafter, I asked the Judiciary Committee, ably led by ARLEN SPECTER and Senator LEAHY, to produce a bill, to have the necessary hearings and markup, and consider legislation. Indeed, after six markup periods of designing and writing that bill, they did just that. I commend them. I thank the chairman. I know many Members were involved and participated, and I think they did a very good job.

We began the debate last week. We started with border control, just as we laid out. We extended that to interior control enforcement and workplace enforcement and then comprehensive immigration reform including the temporary worker program. The American people expect it. To allow 2,000 or 3,000 illegal people to come across the border in the middle of the night, not knowing who they are or where they are going, is wrong. We can fix that, as well as comprehensive reform.

I am optimistic that after today's vote, after we do that, if we stay focused, if we come together, if everyone takes a very careful look at the Hagel-Martinez proposal, we will finish with a bill which will make America safer, protect the rule of law, and recognize our interest in legal immigration.

As I have said all along, I believe we cannot support amnesty. Amnesty, as I said before, is to give people who have broken the law a specialized, unique track to citizenship. But we do have 12 million people here today. We have to be practical. With the Hagel-Martinez approach, we will recognize and discuss the fact that these 12 million people are not a monolithic group. It is a group that can be addressed in different ways depending on where one falls within that group.

I support a strong temporary worker program that allows people to fill what employment needs we have, to come here and to learn a skill, send money back home, and then return to their hometowns to build and contribute to their local community.

I believe we need this three-pronged approach because only a comprehensive approach is going to fix this badly broken system we have today. For all we do on the border, at the worksites, we need to fix the immigration system and also to give us the real border security that so many know we need.

Over the course of the day, people can study the approach which was put on the table by Senators HAGEL and MARTINEZ. It deserves discussion and focus. I believe it will be the turning point in the debate because it is time for us to act and not talk. It is time for us to no longer delay, no longer postpone. It is time for us to give our colleagues the opportunity to offer their amendments.

So talk, yes; debate, yes. But then let us vote—let us vote in our States' interests, vote for what is in our country's interest but; above all, let us give people the opportunity to vote.

I will close by saying again that I am very optimistic that by working together and applying a little common sense, we will come up with a plan that gets the job done and which makes America safer and more secure.

I encourage our colleagues to vote no on cloture now, and then the Senate will really get to work.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Specter substitute amendment No. 3192.

Patrick J. Leahy, Edward M. Kennedy, Robert Menendez, Frank R. Lautenberg, Joseph I. Lieberman, Carl Levin, Maria Cantwell, Barack Obama, Tom Harkin, Hillary Rodham Clinton, John F. Kerry, Dianne Feinstein, Richard Durbin, Charles E. Schumer, Harry Reid, Daniel K. Akaka.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3192 to S. 2454, a bill to amend the Immigration and Nationality Act, to provide for comprehensive reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 60, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THOMAS. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, over the past few weeks, the Senate has engaged in an important debate that is long overdue. Our current immigration system is broken and has been broken for many years. Although this problem is complex, the need for reform is clear, and I am pleased that the Senate is moving forward on the issue.

We need to make comprehensive, responsible, and commonsense reforms that will stem the tide of illegal immigrants, will be fair to those who are here legally, and will deal realistically with the millions of illegal immigrants already here. I believe U.S. immigration policy should establish clear procedures for determining who can enter this country legally. And it must provide the tools for apprehending those who enter the United States illegally and to punish those who hire them at the same time. We must honor our traditions as both a nation of laws and a nation of immigrants, enriched by the diversity of newcomers.

The Senate Judiciary Committee worked hard to create a bipartisan package that would accomplish many of those goals. The bill before us today would strengthen security at our borders through advanced technology, increased border patrol, and heavier fines. It would create a sustainable temporary worker program to help fill the lowest wage jobs, which pay little and are short of American takers. And it would provide a path to citizenship that does not bump anybody who is here legally but would allow law-abiding, hard-working undocumented immigrants to go to the end of the line.

I am pleased by the inclusion of the AgJOBS bill in the Specter substitute amendment. The agriculture industry is the second largest industry in Michigan, behind manufacturing, and it depends upon the work of immigrants. The AgJOBS provision would provide protections for both the immigrant and American workers. It is estimated that without a guest worker program that allow for agricultural workers, the State of Michigan would lose hundreds of millions of dollars. In short, the AgJOBS provision is vital to the economic health of Michigan.

The security provisions in this bill are also important for Michigan and for the Nation. As the 9/11 Commission pointed out in its final report, the northern border has traditionally received dramatically less attention and resources from the Federal Government. I am pleased that the language passed by the Senate Judiciary Committee and included in the Specter substitute amendment authorizes an additional 12,000 Border Patrol agents over the next 5 years, and requires that at least 20 percent of these agents be stationed along our northern border.

I was also pleased that Senator COLLINS is joining me in an amendment to help ensure our Border Patrol agents and other Federal officials involved in border security—including police officers, National Guard personnel, and emergency response providers—have the capability to communicate with each other and with their Canadian and Mexican counterparts.

The Levin-Collins amendment would direct the Secretary of Homeland Security to establish demonstration projects on the northern and southern borders to address the interoperable communications needs of those who have border security responsibilities. These projects would identify common frequencies for communications equipment between United States and Canada and the United States and Mexico and provides training and equipment to relevant personnel.

Overall, this legislation would be a step forward on a challenging and pressing issue. It contains important bipartisan provisions that will enhance our security and our prosperity while being fair.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KERRY pertaining to the introduction of S.J. Res. 33 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Idaho is recognized.

(Mr. DEMINT assumed the Chair.)

Mr. CRAIG. Mr. President, let me talk about the business at hand, and that is the most important debate that I think this Senate has held in a good many months, on S. 2454, the comprehensive national immigration bill. In this immigration reform discussion, I have stood here to emphasize our imperative duty to guard our borders and strengthen our national security. I have spoken about the provisions within S. 2454 that deal particularly with the agricultural economy that I have focused on now for a good many years. I presented my colleagues with alternatives and approaches toward resolving the issue of illegal foreign nationals working in the agricultural economy.

Today I want to talk about another component of the immigration debate. I am concerned about some of the comments being flung around as we address this critical issue. Certainly, this is a topic that awakens America's emotions, but I cannot help but reflect on what those comments reveal about us as a Nation. It is as though America doesn't want to face the mirror and look at herself. She doesn't want to see what she is and what that means. But for her own good, she has to. She must look in her mirror. She is a blend. She is a wonderful mosaic. She is English. She is German. She is Italian. She is Polish. She is Irish. She is Asian. She is African. And, yes, she is Hispanic. She is multiracial, multiethnic, and diverse in every aspect of her national life. That is why she is admirable. That is why she has prospered, and that is why she is strong.

What is true in science is true in sociology. Mixing results in achievement and strength—we ought to think about that. We ought to evaluate some of the conceptions we have regarding immigrants and measure them against the realities to see if they hold true.

Immigration is a phenomenal national challenge. It always has been. But immigration is a challenge, it is not a threat. Quite honestly, immigrants represent solutions to many of our Nation's problems, both currently and in the future.

(Mr. VITTER assumed the chair.)

Mr. CRAIG. Mr. President, the U.S. Bureau of Labor Statistics projects a shortfall of 10 million workers in this country by 2010. The reason is quite simple: Our workforce is growing older, and as it grows older, it shrinks.

That is true in Japan, a great Nation 30 years ago, 20 years ago, suggested to be the economic force of the world, and 12 years ago, it quit growing and began to die. Why? Because her workforce grew older.

On the other hand, immigrant labor is behind the significant economic growth this country has experienced in different areas in recent years. These are the economic necessities of today in a growing economy. Can we recognize this? Do we see that foreign nationals are cleaning up New Orleans and binding her wounds? Do we know that the Pentagon was rebuilt by Hispanic muscle?

Immigrants are sweating it out across our country. They consistently have done it literally for centuries. In my home State, Hispanics were digging the mines in the 1860s. Mexican cowboys and ranchers were solid members of the pioneer communities even before my State became a State. Hispanics were mule packers in the 1880s, the mule trains that moved across the great West. They and the Chinese were building and maintaining the railroad systems of the American West throughout the 19th and 20th centuries. Today, they are harvesting apples in Washington, peaches in Georgia, and oranges in Florida. They are gathering grapes in California, slashing sugarcane in Louisiana, harvesting potatoes in Idaho, and picking corn in Iowa. Their footprints are in agricultural fields across America.

Immigrants are hard workers. They work hard because they are grateful people and feel a sense of debt for the opportunity this country has given them. Contrary to what some believe, immigrants who have entered legally and illegally are not here to siphon services but to produce and to contribute. They are working hard and, in most instances, giving back.

The Idaho commerce and labor department reports that between 1990 and 2005, Hispanic buying power in Idaho rose more than twice as fast as total buying power across our State. Nationwide, the purchasing power of Hispanics will reach $1 trillion—that is trillion with a "t"—in 4 years. Beyond their role in sustaining the country's labor force, immigrants make a net fiscal contribution to the U.S. economy.

The President's 2005 Economic Report, which uses figures that are most authoritative in analyzing to date the economic impact of immigrants, says:

> The average immigrant pays nearly $1,800 more in taxes than he or she costs—

The economy. Undocumented immigrants are believed to contribute billions of dollars to our Social Security system, billions of dollars they will not benefit from.

According to the President's report, the administration's earnings suspense file—that is a file within Social Security made up of taxes paid by workers with invalid or mismatched Social Security numbers—totaled $463 billion in 2002.

While other nations of the developed world are aging, America still sees a youthful face reflected in that mirror in which she looks. Immigration renews the United States, and it keeps us young, while countries such as Japan, as I mentioned earlier, and Russia and Spain are facing problems because their populations are decreasing. America has the necessary arms to support its pension and its social programs. Therefore, a comprehensive immigration reform is in America's best self-interest.

Yes, we must contain our borders. Yes, we must, in any immigration program, make sure that it is controlled and managed so that those who come to America can, in fact, become Americans.

Understanding these realities erases some of the misconceptions bouncing around this Chamber and bouncing around America, misconceptions that sometimes smack of prejudice. Previous immigration waves have experienced it to some extent, but I believe that we, as a nation, are greater than that. When every one of us, except Native Americans, belong to a family that came from somewhere else, we should be careful not to erect mental borders, the type that keep people who are different from us at arm's length.

We are a nation that encourages new thinking and benefits from the growth that results from that new thinking. The American poet, Oliver Wendell Holmes, said it best when he said:

> A mind stretched by a new idea never returns to its original shape.

It expands. It grows. It broadens. Immigration is a source of new ideas of entrepreneurship and vitality. The meeting of cultures simply does not happen in a one-way street but in a bridge, where both sides give and receive.

When America looks at herself in her mirror, what will she see? She will see the very multicultural character she has always been. She will see that characteristic is her greatest asset.

So the debate on the floor of the Senate today is worthy of this Senate. It is worthy of all of us to make sure that a program that is broken, a national immigration program that has not had a caretaker for over two decades, now be given that responsibility, to be redesigned, to be shaped, to be brought under control, that our borders be secure and that America's multinational or multiethnicity continue to grow and prosper and bring the kind of strength and viability to our culture that it has always given us.

America will be greater because of what we do here, if we do it right; it will not be lessened by our actions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise today to speak about the compromise that we have reached around a comprehensive immigration bill.

A group of Members led by Senators HAGEL, MARTINEZ, SALAZAR, MCCAIN, KENNEDY, DURBIN, LIEBERMAN, GRAHAM, and others, have agreed to move this debate to a sensible center. In doing so, they have bridged a wide divide and demonstrated what the U.S. Senate is capable of when it comes together to work on an important problem affecting the lives of all Americans. So I commend this group that I have had the honor of being a part of for moving closer to an agreement that serves the twin purposes of securing our borders and bringing undocumented workers out of the shadows.

To assess our progress on this issue, we need only look back on where we were when this debate started last week. Many Members on the other side of the aisle opposed any plan that would provide a path to citizenship for undocumented workers who are living in the United States. I think the fact that, a little over a week later, we are now at a point where it is recognized that a path to citizenship should be part of a comprehensive package; that it will, in fact, improve our ability to monitor these workers and to make sure they are not depressing the wages of American workers; and that the undocumented population should have the opportunity to live out the immigrant dream over the long term is a positive step forward. I am especially pleased that the compromise includes changes to the guestworker program, first proposed by Senator FEINSTEIN and me, to protect American wages and ensure that Americans get a first shot and a fair shot at jobs before they go to guestworkers.

Everyone in the Senate who has introduced a comprehensive immigration bill, including the Administration, has called for a new guestworker program. I have to say that there are some concerns I have with a guestworker program. Clearly, there is a consensus among employers and the Chamber of Commerce that they need greater access to legal foreign workers in order to avoid the disconnect between supply and demand. In recognition of that consensus, the Judiciary Committee bill created a new temporary worker program. But many experts have expressed concerns about the size of that guestworker program and the effect it could have on American workers' wages and job opportunities. I think many of those concerns are legitimate.

The Judiciary Committee bill would have allowed 400,000 new temporary "essential" workers per year, adjusted up or down by market triggers. It would have created a 3-year visa, renewable for 3 years, with portability to allow guestworkers to move from employer to employer. It would have required that employers first seek out U.S. workers, and that guestworkers be granted labor protections and market wage requirements.

Under the Judiciary Committee proposal, the guestworker could apply for permanent status within the new employment-based cap if his employer sponsored him, or the guestworker could self-petition to stay if he worked for 4 years.

In order for any guestworker system to work, it has to be properly structured to turn people who would otherwise be illegal immigrants into legal guestworkers. And it has to provide protections for American workers who perceive their jobs to be at stake.

Unfortunately, I believe the Judiciary Committee did not quite strike the right balance. But we can do better. We can ensure that guestworkers are not just unfair competition for American workers; rather, that they are a legitimate source of critical workers.

To that end, Senator FEINSTEIN and I offered an amendment to retain the underlying structure of the program presented in the Judiciary bill, but to address some legitimate concerns that have been brought to our attention.

Let me discuss some of the key provisions in this amendment.

First, Senator FEINSTEIN and I originally sought to lower the cap on guestworkers from 400,000 to 300,000. The compromise bill lowers the cap to 325,000 workers. That's a significant decrease that should give some comfort to American workers.

Second, our amendment ensures that localities with an unemployment rate for low-skilled workers of 9 percent or higher do not see an inflow of guestworkers under any circumstances.

Third, our amendment ensures that guestworkers receive a prevailing wage, whether or not they are covered by a collective bargaining agreement.

Finally, we guarantee that any job offered to a guestworker is first advertised to Americans at a fair wage.

These are fair, commonsense changes. Our amendment recognizes that American workers will be better off if we replace the uncontrolled stream of undocumented workers with a regulated stream of guestworkers who enter the country legally and have full access to labor rights. Replacing an illegal workforce with legal guestworkers who can defend themselves will raise wages and working conditions for everyone.

I think the amendment Senator FEINSTEIN and I have offered will ensure that an employer seeks a temporary worker only as a last resort, and only after making a good-faith and fair offer to American workers, which is why this amendment has been endorsed by the Laborers' International Union, the United Brotherhood of Carpenters, SEIU, and the United Food and Commercial Workers Union.

I am pleased at the work that has been done. My understanding is that the compromise Hagel-Martinez legislation that is being prepared will provide for these terms. However, I remain concerned. We have to make absolutely certain—given the delicate balance between security, border protection, and treating all workers fairly—that we do not end up having a series of amendments that effectively gut this legislation. We also have to make sure that, if this bill is negotiated with the House in a conference committee, we do not end up with a program that creates a second-tier class of workers who cannot be citizens, and can be exploited by their employers.

I am pleased at the progress that we have made since last week. I hope we continue it. I am looking forward, on a bipartisan basis, to addressing these concerns in the debate that follows over the next several days.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOHA ROUND

Mr. GRASSLEY. Mr. President, as chairman of the Senate Committee on

Finance, I chair a committee that has jurisdiction over international trade. We find ourselves being both a participant and an observer of Doha Round negotiations under the World Trade Organization. Those negotiations are in a very determinative state; success will be made, I believe, during the month of April or the Doha Round, for all practical purposes, would end—not in the minds of the WTO or in the minds of the 148 nations other than the United States but as a practical matter. If things are not done by the end of 2006 and the President's authority for trade promotion running out in July of 2007, there will not be time for us to get something done before trade promotion authority runs out.

I would like to have trade promotion authority for the President continued beyond July 2007. I would try to promote that, but we saw very close votes on CAFTA and other trade agreements; there is a protectionist trend in the Congress—maybe not in the Nation as a whole but at least in Congress—that might keep us from getting trade promotion authority reauthorized.

I comment in these few minutes on where we are on the Doha Round and what I expect to happen and leave the message, if it does not happen very soon, this round could be dead.

As we enter the final months of the WTO Doha negotiations, I am very concerned the bright promise of a world far less burdened with often crippling, market-distorting trade barriers may be slipping from our grasp. In particular, I am very troubled by the fact that nearly 5 years after WTO members adopted the Doha ministerial declaration that launched this round of global trade talks, some of our WTO negotiating partners still seem willing to forgo this very historic opportunity that Doha represents to open highly protected agricultural markets.

We now have less than 4 weeks to go to meet the WTO's new April 30 deadline to reach agreement on what is referred to as modalities or, another way to put it, a roadmap for how we will achieve our specific market-opening objectives in the agricultural negotiations. This deadline, similar to most of the others, also appears to be elusive.

The Doha Round is a historic opportunity because global trade rounds are relatively rare events. We have had only nine of them since the creation of the global trading regime back in 1947, what we then called the General Agreement on Tariffs and Trade, or GATT.

Agriculture, which was ignored for almost the first 40 years of GATT, was only first addressed at all during the last round, which was the eighth round, which was called the Uruguay Round because it started in Montevideo and finished and passed by Congress in 1993.

So here we are, 13 years later, trying to make some progress—but not making very much progress—toward what we would hope would be a 10th successful round since the regime started in 1947. Because many trade-distorting barriers were untouched or minimally reduced at the end of the Uruguay Round in 1993, much was left to be done, particularly in agriculture, but we are negotiating manufacturing, we are negotiating services, so a lot needs to be done.

In light of the lack of progress in the World Trade Organization, I briefly address a few points. First, as chairman of this Senate Committee on Finance, I reaffirm, as strongly as I can, the basic elements of the Trade Act of 2002, especially the legislation crafted by this committee that renewed the President's trade promotion authority in 2002, after it had lapsed for about 7 years.

The underlying premise of our trade promotion authority legislation, which gives Congress enhanced oversight authority over trade negotiations conducted under that act, is that the United States will pursue a very ambitious, very comprehensive trade negotiation, particularly in agriculture. This was the cornerstone of the Doha Round—ambitious, comprehensive negotiations and nothing less.

The reason I fought so hard for trade promotion authority is simple. The benefits from ending decades of trade-distorting practices in the global agricultural trade are overwhelming. The U.S. Department of Agriculture has estimated getting rid of market-disrupting agricultural protection could increase the value of U.S. agricultural exports by at least 19 percent. In addition, the Department of Agriculture study also concludes that agricultural liberalization would increase global economic welfare by $56 billion each year.

I know well how vital trade is to farming families anyplace in America, but I am particularly knowledgeable about my State of Iowa because I happen to be a family farmer, farming jointly with my son Robin. Our farmers and agricultural producers sold over $3.6 billion in agricultural exports in overseas markets last year. Although importers and consumers from all over the world seek out Iowa's agricultural products, this is also true of American agriculture generally.

Moreover, more than $3 trillion of economic activity in our $12 trillion economy is derived from trade. Think of that: More than 25 percent of our economy is based upon international trade. That is why an ambitious, comprehensive result in the Doha negotiations is the only kind of result that makes sense, both for my State of Iowa and the United States.

President Bush and Ambassador Portman have done a very good job—in fact, a remarkable job, in my view,—of pursuing an ambitious, comprehensive agricultural deal, especially in the difficult period prior to and during the Hong Kong Ministerial Conference last December.

Nevertheless, some World Trade Organization members, principally the European Union, now apparently want to stop short of that ambitious, comprehensive, result-seeking agreement that was previously reached in opening Doha Round, and they particularly want to shortchange the negotiations in the area of agricultural market access. That is why, when pressed by the United States and other World Trade Organization members, the European Union appears to be changing the subject away from ambitious market access to secondary issues such as food aid, on which we are now having protracted discussions.

I am not even sure our own negotiators should be participating in something as fringe as food aid as compared to the massive discussions and decisions that need to be made in trade-distorting export subsidies by the European Union or by, in the case of the United States, production-related subsidies that we do for American agriculture, not subsidies for agriculture generally but those which are trade distorted. We find our American negotiators getting all nervous about food aid as somehow being a major item. No. What it is is an effort on the part of the European Union to detract attention from the really big export subsidies and production-oriented subsidies.

Perhaps that is because of the intense political pressure European trade and agricultural officials think they face at home. It seems to me that the European Trade Minister wants to open up and do really good trade negotiations. It seems like there is a hangup by the European Agricultural Minister. And it seems to be really a hangup by French farmers. According to one account by former European Commission officials, European farm groups described one compromise agricultural agreement as a death warrant for European farmers. However, that was in 1992, connected with the Uruguay Round negotiations, and the agricultural agreement that drew so much protest in Europe was back then, not today, when that description was made. Ultimately, of course, Europe accepted the Uruguay agreement in 1993. Now the European Union is right back where they were 13 years ago, citing that same agreement as a model for the type of agreement they would like to see today, at least in terms of linear tariff reductions.

So we have seen this type of reaction from Europe before.

Today, once again, the European Union thinks that ambitious market access too politically painful to achieve or to even thoroughly negotiate, but they got over that hurdle in Uruguay. Why can't they get over that hurdle in Doha? So we are back at the European tactic. It appears that what they are really trying to do is a minimal deal somehow being seen as a good deal. Apparently, they think it is a good result if they can get something that is marginally better than the status quo, end negotiations, declare victory, and go home.

Other WTO Members such as Brazil appear reluctant to agree to an ambitious outcome in agricultural market access because they may believe that they can achieve their objectives through other means, such as litigation. You know about the cotton case. Brazil recently was successful in that case. So it may give them false hopes that they can achieve, through legal briefs in Geneva, what they do not appear to win at the negotiating table of the Doha Round.

I would like to say a word about both of those situations.

First, a minimal deal in the Doha agricultural negotiations is not something that can be considered a victory in any sense of the term, even in a political sense. What do I mean by a minimal deal? A deal that goes just beyond the 36-percent average tariff reduction of the Uruguay Round, a deal that leaves tariff peaks in place, or a deal that undermines market access by long lists of special exemptions.

I will not try, as chairman of the Finance Committee, to spin some minimalist deal into some sort of political victory. In fact, I will not even allow it to be brought up for consideration in the Finance Committee or, if I was overruled by my own committee, I would fight it on the floor, if it ever got that far.

So let me make that as clear as I can. A bad deal for agriculture in Doha negotiations is worse than no deal. That was my position at the start of these negotiations, and that is my position now. All those people spending all their time negotiating on food aid when they ought to be negotiating on export subsidies, when they ought to be negotiating on subsidies encouraging overproduction, that is not going to take my eye off the ball.

A minimalist outcome in the Doha negotiations, after years of effort and high-level political engagement, would send a terrible message that real reform in agriculture is too hard to achieve and may set us back for decades.

It would make meaningless a key element of the agricultural component of the Doha Ministerial Declaration where WTO member countries committed themselves to "comprehensive negotiations aimed at substantial improvement in market access." That is what U.S. agriculture demands for giving up our subsidies connected to production. Farmers want their income from the marketplace, not from the Federal Treasury. But we cannot do that without market access, where there are 62 percent average tariffs around the world on agriculture compared to our 12 percent. If that happened, it would reward countries such as the European Union that have big farm spending, highly inefficient production——

The PRESIDING OFFICER. The Senator has used his time in morning business.

Mr. GRASSLEY. I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. If we went this route, it would reward countries such as the European Union that have big farm spending, highly inefficient production, and use nontariff barriers to thwart trade. And even though this round is known as the Doha Development Round because it is supposed to help poor countries, a bad deal that keeps high trade barriers in place would tell developing countries that they can forget about seeing fair opportunity to export their products.

As for World Trade Organization members that see litigation in dispute settlement—as Brazil did in the cotton case—as a practical alternative to negotiations, I would remind those who are tempted to adopt this position that litigation, even under the new, improved WTO rules, is unpredictable, costly, time-consuming, and not the way to resolve unfair trade.

Moreover, litigation is not always the most effective way to open markets and eliminate trade barriers, especially over the long haul. Historically, we have also depended on negotiations and the everyday management of trade and commercial relations as much better ways to achieve and maintain open markets.

Make no mistake, we can and will defend our interests through dispute settlement when it is necessary to do so, and we have done so as the United States in the World Trade Organization quite successfully. But substituting litigation for negotiations or for management of our commercial relations is neither practical nor desirable, nor is it the way to bolster confidence in the World Trade Organization as an effective negotiating forum.

I began by saying that this round of trade negotiations is a historic opportunity. It can be historic in the sense that we achieve a result that truly benefits the global community by increasing global prosperity, and it can be historic in the sense that we miss a great opportunity to promote prosperity and open markets throughout the world.

Unfortunately, we have made enormous mistakes before when we missed important opportunities to fight for comprehensive global trade liberalization. In the early years of the General Agreement on Tariffs and Trade, going as far back as 1947, it was the developed nations, particularly the United States, that created exceptions for agriculture, that exempted it from liberalization under the GATT regime. It has taken us decades to shift gears to try to bring agriculture under the discipline of global trade rules. That is why it is so important for us to continue to make real progress in this round of global trade talks.

Achieving real, meaningful results in these talks is something I am as strongly committed to now as ever before. It is also why I will continue to oppose any outcome in the WTO that, in my judgment, fails to accomplish these goals, even if it is a minimalist approach. Don't expect me to bring such an agreement before the Senate as chairman of the Finance Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise to talk about immigration reform. Over the past week, I have heard many of my colleagues describe the important contributions immigrants have made to American society and culture. Like my colleagues, I agree that the United States has a long and proud tradition of immigration. Immigrants have contributed in many ways to our Nation since its birth. Many Americans are descendants of immigrants who came to America seeking a better life. Unfortunately, today we have a huge illegal immigration problem that threatens our Nation's security and our economic security.

I was recently contacted about this issue by a constituent of mine. She is a young Irish-American woman whose parents emigrated from the Republic of Ireland to the Commonwealth of Kentucky over 20 years ago. When talking about her experience of immigration to the United States, this young woman stressed to me what a privilege immigration to our country truly is. She is right. Immigration is a privilege and not an entitlement. This distinct privilege of immigration is one which is unique to our great Nation and one which is currently being threatened by the flow of illegal immigrants into our society.

Like so many of my colleagues, I would like to see this country's traditions of immigration preserved. But it must be done in a way that does not reward those who broke our laws and came to this country illegally. Looking at immigration reform, I believe we must start with securing our borders, to stop those who illegally try to enter the United States.

Border security is the foundation on which we must build immigration reform. It is essential to our national security that we make it our No. 1 priority. We need to keep a close eye on who the people are who are entering this country and the purpose they have for coming here. The only way to do that is to make sure our Border Patrol agents and other law enforcement officials responsible for stopping illegal immigrants have the resources they need to protect our borders.

Right now, our Border Patrol agents do not have enough funds to secure our borders effectively. Often, people have the ability to just walk across the unguarded border without question.

We need to provide the Border Patrol agents with the best resources, the most up-to-date technology, and, most importantly, the manpower they need to successfully do their job.

Just this past week, the FBI busted a smuggling ring organized by the terrorist group Hezbollah. They had some of their members cross the Mexican border to carry out possible terrorist attacks inside the United States. Securing our borders is no longer an option, it is a necessity. It is essential to securing our national safety, the safety of our citizens, and the safety of future American citizens.

We must also find a commonsense solution to dealing with those individuals who are already here illegally. While there currently are several options on the table, I believe amnesty in any form is not an option. I was disappointed to see this in the Specter amendment. We must find a solution that meets the needs of employers, while also protecting American jobs.

I think this could be done through some kind of program that would require illegal immigrants to return home to their country of origin after a set period of time. Once home, these workers could then apply to get on the path to come back as a temporary resident and maybe even apply for citizenship. But in no way should amnesty for illegal immigrants be an option. If these folks want to come back as citizens, they need to go back to their country and get in line behind the almost 3 million people who have already begun following the law and waiting patiently to enter the United States legally. No one should be allowed to cut in line.

As many of you know, Kentucky has a very proud and rich history in agriculture. From our tobacco farms, to our dairy farms, Kentucky's economy relies on its agricultural industries. As someone who is from an agricultural State, I understand the need for temporary workers. Any guest worker program needs to be simple to use for both the employer and the employee. Employers must be provided with the proper tools to verify the immigration status of their employees. Those tools need to be easy for our Nation's employers to access and to use. This is essential to any type of immigration reform and to our national security. We need to know who is being employed, where they came from, and how long they are allowed to stay.

Congress must act on immigration reform. I hope partisan politics does not prevent action on an issue that is so important to our Nation. I would like to once again reflect back on the words of my Irish-American constituent and urge my colleagues, this week, to help keep immigration a privilege of our great Nation.

I urge my colleagues to help put integrity back into the immigration process. While our country does have a rich tradition of immigration, we do not have a rich tradition of rewarding those who break our laws. I call on my colleagues on both sides of the aisle, both Democrats and Republicans, to remember the principles upon which our great Nation was founded. While we always have been and still are a land of opportunity, we also are a land of laws.

Mr. President, I thank the Chair, and I hope this big problem that we have facing our Nation is given a chance to be solved on the floor of the Senate this week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR THE PRESIDENT'S PLAN FOR IRAQ

Mr. ALLARD. Mr. President, I come to the floor to respond to some of the comments that were just made by my colleague from Massachusetts. I want to start off by saying that I have been very supportive of the President on the war in Iraq because he has had a plan and he has stayed the course. That is what gives me confidence in the President. I think it is what gives confidence to many American people. They understand that he has made a strong commitment in Iraq to stick with the Iraqi people, and he has confidence in those people. Even though the political winds are twirling around, he has been able to ignore those and move forward. He is showing success. Sometimes it is not as great as we would like to see or as dramatic, but I think what we see today in the criticism of the President is individuals who are being spun in the political winds, unlike the President.

When my colleague from Massachusetts calls the strategy of today counterproductive and says we ought to pull out our forces immediately from Iraq, that is a catastrophic suggestion. It is not anything that we should consider very seriously. It wasn't that long ago when my colleague from Massachusetts was saying that it would be a disaster and a disgraceful betrayal of principle to speed up the process and simply lay the groundwork for expedient withdrawal of American troops, which would risk the hijacking of Iraq by former terrorist groups and former Baathists. This quote was in the runup to the 2004 election.

So we see some being spun in the political winds, while the President remains strong, forceful. The President truly is a leader in a very difficult situation in Iraq. That is why I feel so very committed to supporting the President. You cannot deny the fact that this President truly wants to see democracy survive in Iraq, and he truly believes in the Iraqi people.

Contrary to criticism coming from the other side of the aisle, he does have a plan, and he is sticking to that plan.

As we move through various phases of the President's plan, we have seen that criticism has changed from the other side. I think they criticize just for the sake of criticism, trying to get the President off course. But to his credit, he has stayed the course. I think that is commendable. That is what helps make him a strong and effective President.

I want to make this point: Al-Qaida is still a threat in Iraq, but we are making significant advances there. I have to base that on discussions I have had with troops that have come freshly out of Iraq. They all believe they are indeed improving our situation in Iraq. They think they are making a difference in Iraqi lives, and they truly believe the Iraqi people they associate with appreciate what is happening and appreciate their efforts.

There is a statewide elected official in Colorado, Mike Coffman, who has returned from Iraq. His mission was to help set up local governments throughout Iraq. We found in our military forces that we didn't have that expertise. And Mike, who is in the Reserves, could make a difference in Iraq. The military said: We need you, Mike Coffman, to help set up these local governments. He spent almost a year in Iraq helping set up local governments and the story he has to tell is one of progress in Iraq, that the people in Iraq are truly moving forward and trying to set up their local governments. He thinks that our soldiers are making a difference.

Not for one moment has he expressed any regrets in having taken a year out of his political life in Colorado to go to Iraq and make a difference in Iraqi lives and help support the President and the plan he has for stabilizing Iraq and a gradual withdrawal.

This is the point: my colleague from Massachusetts seemed to have learned the lessons of 9/11 when he warned against a precipitous withdrawal from Iraq in the past, but as the political winds have changed, he seems to have forgotten those lessons anew. Republicans will never forget the lessons of 9/11 and will continue to support the President's efforts to bring peace and stability to Iraq.

I am supporting the President because he is staying the course. He has a plan in Iraq. He is putting the plan to work. I think that in the long run he is going to make a difference. We are going to have a better world because of his efforts. We are going to have a more stable Middle East, and this President will truly go down in history as a great leader.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I would like to speak for a few minutes with respect to the amendment that has already been filed.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I have come to the floor to talk about an amendment that I filed, that I hope soon we might be able to consider, on this important bill with respect to immigration and with respect to Federal land border security, which are integrated.

First, let me say that I am hopeful we can move forward with this bill. It is a very important bill. Obviously, all of us agree with the fact that there are problems that need to be resolved, and they need to be resolved soon so they don't continue to become more difficult.

We also recognize that there are aspects of this bill that are controversial and difficult. I am not certain where we are in the process, but I am hopeful the discussions we have had will continue to be useful and that we can come to, whether this week or later, completion of this issue.

As far as I can tell, everyone has agreed we need to do something about the border, that the border needs to be secure, whatever it takes to do that. Some of us don't think it takes 700 miles of fence, but it will probably take some fence and take some other new technologies, as well as dollars and people, to have a secure border.

I don't think there is any question but that that needs to be done and needs to be done soon so that the problem that exists because of having a porous border doesn't continue to exist in the future. There is general agreement that over time, as immigrants come here for jobs, employers will need to report as to the citizenship status of the people they employ. There needs to be a system to do that so it can be part of the way of enforcing lawful immigration into this country.

Further, I think most people don't disagree with the idea of immigration. The question, at least in my view, is illegal immigration. I am opposed to illegal immigration, and I think we have to do something to see that it doesn't continue to happen. The challenge is: How do we handle those folks who are here, whether it is 12 million or whatever the number is? I think that is where we are in the controversy, and I understand that.

Personally, I don't think anyone should be given amnesty, nor should they be given any particular advantages for citizenship if they came here illegally, and we need to find a way to deal with it. On the other hand, I am very much in favor of having legal workers come here and fill the jobs that are necessary. But they ought to have legal work permits, and they should have to go back if it is a work permit, and if they are citizens, they need to go through a citizen entry system.

The other part of the debate and what I came to talk about is the aspect of our borders and security. That is one of the reasons—not only for immigration, but for security—we need to secure our borders. Many of our national treasures and resources are on the front line of border security. Thirty-nine percent of the southern border of the United States is under the jurisdiction of the Department of the Interior. Arizona's Organ Pipe Cactus National Monument and other federally owned resources have become a hotspot for illegal border crossings. I visited Oregon Pipe last year. I am the chairman of the Parks Subcommittee. Frankly, they are using almost all of their resources not to take care of the park, not to do the things park people normally do, but to protect against illegal immigration movement across the border that is the park boundary border on the national park border.

Over the last 2 years, park rangers have arrested 385 felony smugglers, seized 40,000 pounds of marijuana, and interdicted 3,800 illegal immigrants. These are national park rangers. So it has become a very important part of border security.

Border security activities play, as you might imagine, a very significant role in park operation funding and in park operation staff. Customs and border protection agents are not always available to patrol the Federal lands along the border. As you can see here, there are a number of things that are there. The Bureau of Indian Affairs, for instance, right here, is a very large aspect of the Arizona border. Here is the Organ Pipe park we mentioned. The Bureau of Reclamation has a number of these yellow spots along here. We don't have Texas and New Mexico on the map, but there are also a great many more Federal lands that are there.

We have to make sure these agencies are given the assistance they need to provide the border security that is necessary, to provide for park researchers and others who are there doing their work or to pursue smugglers crossing the border. We never think about that particularly. All of a sudden there are cars parked there and people who have driven across, left the cars and walked on through, and so on. It is quite a problem. I understand that the Park Service law enforcement will inevitably play a role in border security, but we need to keep their jobs focused on protecting the park and not having to spend all their time on international borders—which is the responsibility of the Border Patrol—and other activities, or at least provide additional funding.

This amendment will ultimately do two things: Protect our borders and protect our national treasures.

We direct the Director of Homeland Security to increase Customs and border protection personnel to secure Federal lands and Federal parks along the border, which is I think a reasonable thing to do.

It requires Federal land resources training for Customs and Border Patrol agents who will be dedicated to Federal land border security to minimize the impact on the natural resources. After all, that is why we have Federal lands.

That is why we have parks, to make sure the resources are protected. Quite frankly, if you have illegals crossing, they have no interest in protecting those resources.

It provides unmanned aerial vehicles, aerial assets, and remote video surveillance camera systems and sensors. Those are the things we need as opposed to big walls.

It requires the Secretary of the Interior to conduct an inventory of the costs incurred by the National Park Service relating to the border security activities and submit those recommendations to Congress.

I realize this is only one rather small element of this whole issue we are talking about but, nevertheless, it is a unique issue, it is an important issue, and as we move through dealing with border security and dealing with Federal land borders and protecting these things, I hope we keep in mind this unusual but important exposure we have to our Federal lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD and Mr. ALEXANDER pertaining to the introduction of S. 2571 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending legislation is the Frist second-degree amendment to the motion to commit.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KERRY. Mr. President, a little while ago—I was not here, I was at a hearing of the Finance Committee—I am informed that the Senator from Colorado, Mr. ALLARD, came to the floor to attack my position on Iraq, which is fine by me, but also I think somewhat questionable with respect to the rules and the ethics of the Senate to attack me personally about my motives with respect to a position I have taken. The Senator from Colorado suggested that "we see an individual who is being spun in the political winds."

Let me make it clear to the Senator from Colorado, and anybody else who wants to debate Iraq, that when it comes to issues of war and peace and of young Americans dying, nobody spins me, period.

I am not going to listen to the Senator from Colorado or anyone else question my motives when young Americans are dying on a daily basis or losing their limbs because Iraqi politicians won't form a government from an election that they held in December. That is inexcusable.

Let me ask the Senator from Colorado: Is it OK by him that young Americans are dying right now while politicians in Baghdad are frittering away their time and squandering the opportunity our soldiers fought to give them? Does he think that is a plan that is working? Does he think that is serving the needs of the American military?

Indeed, a year and a half ago or 2 years ago, I suggested, as did many other people, that it would be inappropriate to set a timetable for American troops to withdraw because we had not had elections and because most people assumed what we were fighting then was al-Qaida and terrorists who were foreign terrorists. But the fact is since then we have trained forces, we have trained police. We listened to this administration consistently come and tell us how great the training is, how many people are up and trained, how much they have been able to make progress, how 70 percent of the country is indeed peaceful.

If that is true, then there shouldn't be a great threat to reducing American forces on a schedule that is also tied to our ability to resolve other issues with respect to Iraq.

I ask the Senator from Colorado: Let us have a real debate about this issue.

Does he ignore what our own generals tell us? He says the President has a plan. Our generals tell us—General Casey—that the large presence of American forces in fact is adding to the occupation in the sense of an occupation and it derails the Iraqis standing up on their own.

I am listening to General Casey—not to the Senator from Colorado. If General Casey tells me the Iraqis would stand up faster if there were less Americans there, I believe him. Our troops have done the job.

Don't come to the floor of the Senate and try to suggest to me that somehow when we come up with a plan to protect our troops and to make America stronger we are somehow making their life more miserable. Ask the troops. Seventy percent of the troops who were polled in Iraq said they thought next year we ought to be able to withdraw. Those are our troops talking to us.

The notion that we are going to try to make this into one of those political squabbles—let us have a real debate about the policy in Iraq. Anybody who wants to come to the floor and pretend it is working today is living in fantasyland.

Anybody who wants to suggest our soldiers ought to be dying so a bunch of folks over there can squabble over issues we haven't even brought to the diplomatic table adequately has a false sense of what protecting the troops means and of what their interests are. The fact is they only respond to deadlines.

Talk to people who have been in the region. It took a deadline to get them to have a transfer of the provisional government. It took a deadline to be able to get the elections in place. It took a deadline to be able to get the Constitution in place. It took a deadline to be able to have the election that we held in December.

The fact is it ought to take a deadline now to tell them to put a government together, stop messing around, and don't put our kids' lives at stake and waste the billions of dollars of American taxpayers. Get your government together. You owe that much to the American people. You owe that much to yourself. You owe that much to the Iraqis. You owe that much to the world, which is waiting for leadership, for some kind of adult behavior.

I don't think the American people believe what the Senator from Colorado said—that they believe there is a good plan in place. Everything we have been told about Iraq has turned out to be false, from almost day one. This is the third war we are fighting in Iraq in as many years. The first war, I remind Americans, was the war to get Saddam Hussein and weapons of mass destruction. Then when there were not any weapons of mass destruction, it became regime change.

If the President of the United States had come to the Congress and said I want authorization to go to Iraq for regime change, he wouldn't have received it.

Then after it was regime change, it transformed into, oh, we have to fight them over here rather than fight them over there—fight them over there rather than here in the United States of America. That sounded good for a while because all of us want to fight al-Qaida and want to fight terrorists. But, lo and behold, we found there were, according to most of the estimates, 700 to 1,000 or so hardcore jihadists from other countries over there.

The insurgency grew day by day to be an insurgency that is now a low-grade civil war. Prime Minister Allawi called it a civil war. Does the Senator from Colorado believe he knows better than Prime Minister Allawi what to call it? The fact is it is now a civil war, and our troops can't resolve a civil war, no matter how valiant—and they have been—no matter how courageous—and they have been—and no matter how skilled—and they have been. This is the best military I have ever seen. These are the best young men and women I have ever met, and it has been a privilege to go to Iraq and meet them. And they are making progress in certain areas. But their progress is set back by the unwillingness of Iraqis to pick up the baton of democracy.

You have to compromise. The whole reason they think they can sit there and not compromise is because the President's policy is stay the course, stay the course, stay the course. And we have an occasional visit by the Secretary of State or somebody to suggest they ought to do more.

Ambassador Khalilzad is a terrific person. He is skilled, and he is doing a great job. But he can't do this alone.

I believe we ought to have a real debate about their policy—a policy where they told us it would cost $20 billion to $30 billion. Remember that, colleagues? Remember Mr. Wolfowitz in front of the committees telling us, Oh, the Iraqi oil is going to pay for the war? Remember them telling us that the soldiers were going to be received like conquering heroes with flowers all across Iraq?

Then when looting broke out, remember Mr. Rumsfeld standing up and saying that Washington is safer than Baghdad, and looting happens? Remember how they didn't even guard the ammo dumps and our kids started to get blown up with the ammo they could have guarded? No plan was put in place.

If anybody wants to read about Iraq, read the book "Cobra 2." You can read the astounding story of negligence and malfeasance with respect to this war, about companies overbilling us, Halliburton by billions of dollars.

Do you want to run down the list of things that are egregious with respect to this war? I will tell you one thing that I know well, and I will remind the Senator from Colorado that half the names on the wall of that Vietnam Memorial—half the names on that wall—became names of the dead after our leaders knew our policy wouldn't work.

Our policy isn't working today, and I am not going to be a Senator who adds to the next wall, wherever it may be, that honors those who served in Iraq so that once again people can point to a bunch of names that are added after we knew something was wrong. We have a bigger responsibility than that.

The absence of legitimate diplomacy in this is absolutely astounding to me. When you look at what former Secretary of State Henry Kissinger did night after night, day after day, flying back and forth on an airplane, struggling to be able to get people to come to agreement around the table; when you look at what former Secretary Jim Baker did, traveling all over the world, working with countries, pulling people together around the idea—I don't even see deputy assistant secretaries or other people out there at that level working with other countries to try to find a resolution to this.

There are Sunni neighbors all around who could play a more significant role. The Arab League could play a more significant role. The United Nations could play a more significant role. What are we doing? Drifting day after day after day.

Do we want to go back and talk about the armor our troops didn't have? Do we want to go back and talk about the humvees that weren't uparmored? How many kids have lost their arms or legs because of the lack of adequacy of the equipment they were given? How many parents had to go out and buy armor for their kids because it wasn't provided for?

I have never in my life seen a war managed like this one where there has been zero accountability at the highest levels of civilian leadership and people have been able to make mistake after mistake after mistake. And people want to come to the floor and defend it as somehow justifiable that we have a plan and we are on course? We are not on course. We are on the wrong course. The plan needs to be changed.

Somebody ought to tell the Iraqi leadership that American citizens are not going to put their money and the treasury of their young into a kind of noneffort to compromise and show statesmanship and leadership that puts a government together. When they put that government together, then we can talk about how we are going to move forward. But right now, this is adrift. It is a policy without leadership, and the American people understand that. What we need now is civilian leadership that is equal to the sacrifice of our soldiers.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLICE CHIEF TERRY GAINER

Mr. DURBIN. Mr. President, today is the day before the departure of Capitol Hill Chief of Police Terry Gainer, a man who has served us so well.

I have known Terry Gainer for almost 20 years. He served as superintendent of the Illinois State Police and left that position to become one of the leading officers in the District of Columbia Police Force. He was then asked to become chief of the Capitol Police Force. I knew that the people making that decision had made a very fine choice. Chief Gainer proved me right.

Terry Gainer grew up in Illinois, served his country in Vietnam, returned from that war a decorated veteran. His service did not end when he left the military. Prior to his position with the Illinois State Police, he spent 16 years with the Chicago Police Department. With his extensive experience at the highest levels of police work, his reputation for professionalism and his tireless commitment to the security of our Nation's most honored building and those who visit and work within it, Terry Gainer brought the Capitol Police Force to a new level of professionalism.

In the words of one of their officers, Chief Gainer transformed the Capitol Police Force from an inside operation, where the officers were often viewed many times as security guards, to a well-known, highly visible, professional law enforcement team. That change took place at a critical moment in our Nation's history. The threat of terrorism became very real and the vulnerability of the building in which I speak became very obvious. Today, the well-trained group of men and women protecting our security today in this hallowed building are among the finest in the Nation, and we are extremely fortunate to have them.

As a Member of the Senate whose life was made safer because of Chief Terry Gainer's leadership, I am indebted to him for his singular service to Congress and to our country. The Gainer legacy on Capitol Hill is written in a police force proud of its mission and committed to serve and protect. Chief Gainer deserves the gratitude of the Capitol family for his fine service. He will be missed.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2573 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SCOOTER LIBBY

Mr. DURBIN. Mr. President, the last item I would like to speak to is one that is now in the news for the last several hours. It has been noted that in the court papers filed by Lewis Scooter Libby before the Federal court that he has made some amazing disclosures. You will remember that Mr. Libby was Vice President CHENEY's chief of staff who was indicted recently over the Valeri Plame incident. The Valeri Plame incident involved a situation where someone told Robert Novak, a columnist, about the identity of a woman who was working undercover to protect the United States. That disclosure was made through White House sources which Mr. Novak attributed them to and has been investigated since by Patrick Fitzgerald, who is a special prosecutor on this case and the U.S. attorney for the northern district of Illinois.

As a result of his investigation to date, Mr. Libby, Vice President CHENEY's chief of staff, has been indicted. Now today there are disclosures that in his court papers he has made some statements which are troubling. Before his indictment, according to CNN.com, Lewis Libby testified to the grand jury investigating the CIA leak that Vice President CHENEY told him to pass on the information and that it was President Bush who authorized the disclosure.

According to the documents, the authorization led to a July 8, 2003, conversation between Mr. Libby and New York Times reporter Judith Miller. There was no indication in this court filing that either President Bush or Vice President CHENEY authorized Mr. Libby to disclose Valeri Plame's CIA identity, but the disclosure in documents filed Wednesday means that the President of the United States and the Vice President put Lewis Libby in play as a secret provider of information to reporters about prewar intelligence on Iraq.

The authorization came as the Bush administration faced mounting criticism about its failure to find weapons of mass destruction, the main reason the President gave for the invasion of Iraq.

Mr. Libby's participation in a critical conversation with New York Times reporter Judith Miller on July 8, 2003, occurred only after the Vice President advised the defendant, Mr. Libby, that the President of the United States specifically had authorized Mr. Libby to disclose certain information in the National Intelligence Estimate. That is what is in the court records. That is what was disclosed today.

At the time the National Intelligence Estimate was prepared, I was a member of the Senate Intelligence Committee. I recall it very well because as we were preparing for the invasion of Iraq, one of the senior staff people on the committee came to me and said: Senator, something is unusual here. We never make an important decision, let alone an invasion of a country, without what is known as a National Intelligence Estimate. We bring together all the intelligence agencies of our Federal Government, ask them to compare notes, and reach a conclusion as to what we are likely to find if we move forward. It has not been done.

This was in September. The vote on authorizing the invasion of Iraq was weeks away, and we still hadn't brought together the best minds of our intelligence community to determine what we were likely to find once there. So I wrote a letter to George Tenet, head of the Central Intelligence Agency, requesting this National Intelligence Estimate, as well as Senator Robert Graham, who joined me, as chairman of the committee, in making the same request. Within a few weeks, the National Intelligence Estimate was prepared and given to us.

There has been a lot of review of that estimate ever since. Some people say it was a shoddy job. It was slapped together. It had footnotes that didn't make sense. It was the basis of our intelligence for going to war. But the one thing I can tell you is, the minute it was handed to me in the Intelligence Committee, I was told: This is top secret. This is classified. You disclose this at your own peril. You will be subject to criminal prosecution if you do. It is one of the burdens of serving on that committee. You are reminded of that constantly, that no matter what information you absorb, you cannot speak to that information when you leave that closed room.

Now we learn that according to Mr. Libby, now under indictment, he was authorized by not only Vice President CHENEY but President Bush to disclose information in the National Intelligence Estimate to the press. The allegations that are contained here suggest that information was being disclosed in order to overcome criticism that the American people had been misled about weapons of mass destruction.

I have to tell you, as a member of that committee, we looked at the preparation of this intelligence leading up to the war, and we were disappointed. Our intelligence agencies did not do the professional job we expected of them. I can't explain to you exactly why. Some of it has to do with lack of technology, lack of sharing information. Some of it, they were just plain wrong.

Their guess and best estimate as to what we would find in Iraq was plain wrong. Despite all of the hyperbole about weapons of mass destruction, still today, not a single weapon has been found. Despite all of the suggestions that somehow Saddam Hussein was part of the tragedy and disaster of 9/11, absolutely no connection has been established. Despite all of the threats of mushroom clouds from Condoleezza Rice and others, it turns out there was no evidence of nuclear weapons in Iraq.

That information was wrong. The American people were told that we have to go to war, we have to risk the lives of American servicemen because of a threat that didn't exist. Where are we today? We are still there, and 130,000 American soldiers, as I stand here safely, are risking their lives for America in Iraq. As of this morning, 2,346 American soldiers have died in service to their country. We stand in awe of their patriotism and courage, but we have to ask some hard questions.

The hard questions go to this point: How and when will this war end? When will the Iraqis reach the point where they accept responsibility for their own country? We can no longer afford to be misled about the threat to the United States and what lies ahead in Iraq. The people I spoke to on my recent trip to southern Illinois got it right. One of them said: Why aren't we going to the Iraqi Government and saying that over 3 years ago we sent in our soldiers to depose your dictator, a man whom no one respected; we deposed him so that you could take control of your own country. We put American lives on the line so you could hold free elections. We gave you a chance to start your own government. When are the Iraqis going to stand up for themselves, their own country, and their own defense? How many years have we been promised that we are so close to the day when the Iraqi Army will be able to take the place of the U.S. Army? I will believe it when the first American soldier comes home and is replaced by an Iraqi soldier ready to stand and die for Iraq, as our soldiers do every single day.

Sadly, we don't know when that day might come. The President comes before the American people several weeks ago and what does he say? "Be patient." Be patient as more American soldiers are endangered and lose their lives. Be patient as we face a situation with no end in sight. It is hard to counsel patience. When asked directly when will the American soldiers be coming home, what did the President say? That will be up to the next President—the next President.

The Iraq war has lasted almost as long as World War II. If we have to wait 2½ more years for American soldiers to come home, it will be one of the longest conflicts in our history. Is this what we bargained for when we invaded Iraq? We know now that the so-called coalition of the willing involved a lot of countries, but primarily it involved American lives. It is American soldiers who are standing and fighting in vastly greater numbers than any other country that is involved.

Let me tell you that the families who wait at home anxiously want to know the same answer to the question I pose: When, Mr. President, is this war going to end? When are we going to turn over the responsibility to the Iraqis?

When will we replace American soldiers with Iraqis who will stand and fight for Iraq? This last week I was in Illinois and visiting with friends of mine who work in railroad unions. I talked about this issue, and a fellow followed me out of the room and said: My son is headed over there next week. He started crying. This strong fellow who worked for the railroad all his life was a father whose heart was broken knowing his son was going into this danger. How many families have had to watch that happen and waited anxiously and expectantly at home for the letters and e-mails and phone calls? How many, sadly, have received the tragic news that they were one of the 2,346 families who lost someone they loved very much in that country?

Mr. President, as I read the allegations in the newspapers from Mr. Libby, former Chief of Staff to Vice President CHENEY, they were disclosing secret, classified information from a national intelligence estimate to the press in the hopes of bolstering the President's popularity. It is a grave disappointment. We can do nothing less than to investigate this. We need to find out if this did occur. If it did occur, the President and Vice President must be held accountable—accountable for misleading the American people and for disclosure of classified information for political purposes. That is as serious as it gets in this democracy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPERATION IRAQI FREEDOM: THREE YEARS LATER

Mr. ALLARD. Mr. President, in light of the fact that we have those who are calling for the immediate withdrawal from Iraq, I think we ought to sit back and look at what has happened in Operation Iraqi Freedom for the last 3 years. We have made remarkable progress in Iraq in the last 3 years.

On March 19, 2003, the United States and coalition forces launched Operation Iraqi Freedom. At that time, life in Iraq, under Saddam Hussein, was marked by brutality and fear and terror. Iraqis had no voice in their country or their lives. Saddam devastated Iraq, wrecked its economy, ruined and plundered its infrastructure, and destroyed its human capital.

Let's look at what is happening today. Iraq has a democratically elected government. The reign of a dictator has been replaced by a democratically elected government, operating under one of the most progressive constitutions in the Arab world. Millions of Iraqis have joined the political process over the past year alone. Today, Saddam Hussein is facing justice in an Iraqi court.

The Iraqi people are holding Saddam accountable for his crimes and atrocities. I believe the next year will bring a consolidation of these gains, helping a new government stabilize and build a solid foundation for democracy and increased economic growth.

Iraq's elected leaders are diligently working to form a government that will represent all the Iraqi people. As the Iraqi Government comes together and Iraqi security forces improve their readiness, efforts to stabilize the nation will increasingly be Iraqi-led.

I point out that securing a lasting victory in Iraq will make America safer, more secure, and stronger—make it safer by depriving terrorists of a safe haven from which they can plan and launch attacks against the United States and American interests overseas; more secure by facilitating reform in a region that has been a source of violence and depriving terrorist control over a hub of the world's economy; stronger by demonstrating to our friends and enemies the reliability of U.S. power, the strength of our commitment to our friends, and the tenacity of resolve against our enemies.

Despite progress, the situation on the ground is tense. As al-Qaida's actions show, terrorists want to impose a dictatorial government on the Iraqi people. The coalition is united in support of the Iraqi people in helping them win their struggle for freedom. The terrorists know they lack the military strength to challenge Iraqi and coalition forces directly, so their only hope is to try to provoke a civil war and create despair.

The President's national security for victory in Iraq has three tracks. I would like to go over those briefly. They are a political track, a security track, and an economic track, and I would add that all three tracks are progressing.

On the political track, many are participating in Iraq's political process. Iraqis completed two successful nationwide elections and a national constitutional referendum in 2005. Each successive election experienced less violence, bigger voter turnout, and broader political participation. On December 15, more than 75 percent of the Iraqi voting-age population participated in the election for a new government—an increase of more than 3 million voters over the January election.

I will talk a little bit about the security track.

Iraqi security forces are increasingly in the lead. Three years ago, under Saddam Hussein's rule, the Iraqi Army was an instrument of repression. Today, an all-volunteer Iraqi security force is taking increasing responsibility for protecting the Iraqi people.

Iraqi security forces are growing in number and assuming a larger role. More than 240,000 Iraqi security forces have been trained and equipped. Over 112,000 Iraqi soldiers, sailors, and airmen have now been trained and equipped. More than 87,000 police have been trained and equipped. These police work alongside over 40,000 other Ministry of Interior forces.

Additional Iraqi battalions are conducting operations. Last fall, there were over 120 Iraqi Army and police combat battalions in the fight against the enemy, and 40 of those were taking the lead in the fight. Today, the number of battalions in the fight has increased to more than 130, with more than 60 taking the lead.

Let's briefly look at the economic track.

Iraq's economy is recovering, and the Iraqi people have better access to essential services. In 2005, the Iraqi economy grew an estimated 2.6 percent in real terms, and the International Monetary Fund has estimated it will grow by more than 10 percent in 2006.

Mr. President, 3.1 million Iraqis enjoy improved access to clean water, and 5.1 million have improved access to sewage treatment. More than 30 percent of Iraq's schools have been rehabilitated, and more than 36,000 teachers have been trained.

This is what our American soldiers in Iraq have helped accomplish for the Iraqi people and for America. We should be proud and thankful for their willingness to step forward for freedom. Freedom does work. It works for America, and I believe it will work for Iraq. The solution is not a hasty retreat; the solution is to carry on with the President's plan for victory.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, as we all know, there has been an announcement of a resolution or a settlement among a group of Senators relating to the border security and immigration reform bill that is pending before the Senate, although I would note that the entire Senate has yet to sign off on that agreement. I, for one, want to talk for a few minutes about my concerns regarding the proposal.

Last night we were told at approximately 10 o'clock that this agreement was struck with a group of Senators. It consists of 525 pages and I dare say not many people have read it yet. But my review of the agreement causes me some serious concerns about whether it represents something that reflects good policy or something that would warrant my support.

First, I believe there is a grave risk that the proposal would represent a repetition of the mistake of 1986 when the Congress passed major immigration legislation. My colleagues will recall that it was that year Ronald Reagan signed a bill that was acknowledged to be now, in retrospect, two different things. The first is it was an amnesty for 3 million people who entered our country in violation of our immigration laws. The second thing we have come to realize in retrospect is it was a complete and total failure when it came to securing our borders and enforcing our immigration laws.

Some have speculated it was the Federal Government's failure to provide employers a means to verify the eligibility of prospective employees that they could work legally in the country, and certainly the failure on the Federal Government's part is a large part of what is to blame. The corollary of that is the lack of employer sanctions for hiring an illegal workforce. In the past year, we have seen only three sanctions filed against employers for hiring illegal aliens to work in the United States.

Some have said the reason that bill failed is because it didn't have any provision for a legal workforce. I am somewhat sympathetic to that argument because I do support comprehensive immigration legislation, but starting first with border security. We know our inability to control our borders is not only resulting in massive waves of illegal immigration, but we also know it is a national security risk because anyone who has the money to pay a human smuggler or has their wits about them enough to make it over here on their own could literally walk or swim or drive across our border because it is wholly unprotected between the authorized ports of entry. We know our Border Patrol is sorely undermanned with only about 11,000 Border Patrol agents for a 2,000-mile southern border, and contrast that with 39,000 police officers in the city of New York alone.

So we can see the Border Patrol has been vastly out manned and outnumbered when it comes to the number of people coming across. There were 1.1 million illegal aliens apprehended last year alone.

The problem with the 1986 amnesty is that it led to additional illegal immigration, and we now have approximately 12 million undocumented immigrants—people who have come to this country in violation of our immigration laws. And we have come to learn that our booming economy is a vast magnet for people who want a better life. While we can all understand that on a very basic human level, we also know the U.S. Government and the people of this country cannot accept anyone and everyone who wants to come into this country in violation of our immigration laws. Thus, we have a right, as every sovereign nation has, to regulate the flow of people across our borders in our Nation's best interests.

I worry that the legislation that is now pending before this body, the so-called Hagel-Martinez compromise, would actually result in a further magnet for illegal immigration because it, in part, rewards people for coming into the country in violation of our immigration laws.

It causes me great concerns in other respects as well. For example, the proposal would not be closed to felons and serial criminal offenders. Nor would it be closed to people who had their day in court but failed to comply with the deportation order, showing tremendous disrespect not only for our laws but for the safety and welfare of the American people.

We also know the current bill that is pending before us prevents information sharing by the Department of Homeland Security to root out fraud, which is another problem with the 1986 amnesty because people were able to generate fraudulent documents to qualify for that amnesty. We know that false documents are a tremendous vulnerability of the American people to terrorists and criminals and others who want to come across our borders, and this bill does not do enough to allow us to protect ourselves by investigating and prosecuting that kind of fraud, by sharing information, and that is why we need some amendments to be argued and voted on by the Senate to fix the serious gaps in this bill.

But perhaps one of the gravest concerns I have is this proposed compromise does not protect American workers. Indeed, under this bill, up to 12 million people will be able to get green cards. In other words, they will gain the status of a legal permanent resident and a path to American citizenship. This is without regard to whether our economy is in a boom status as it is now, with about 4.8 percent unemployment, or whether our economy is in a recession, where Americans are more likely to be out of work and competing with these 12 million new green card holders for employment. So I believe we need a provision in this bill that provides for a true temporary worker program that can reflect the ups and downs of the economy.

Under this bill there will be a massive one-way migration of people from countries in Central America and Mexico and South America into the United States, and no incentives for their return and for maintaining their ties to their family and their culture and their country in a way that ultimately benefits their country as well. No country on Earth can sustain an economic body blow of a permanent migration of its work force out of that country. But this proposal this creates a temporary worker category that is not temporary, but is instead an alternative path to citizenship. So even though there are some who have talked about a guest worker program or a temporary worker program, this is neither. This is an alternative path to citizenship for 12 million people, permanent status in the United States, regardless of whether our economy is good or our economy is bad. And when it is bad, these individuals will prove stiff competition indeed for America and people born in these United States, or legal immigrants.

There is also no provision in this bill—and this is another concern I have for the American worker—that there be a willing employer and a willing employee. In other words, under this bill individuals can come into the country and self petition for green cards or legal permanent residency. Thus, here again, another important protection for the American worker is totally ignored under this bill.

Another grave concern I have, and this goes back to 1986, is there is absolutely no provision made for employer verification of the eligibility of prospective employees. As some have said, this is deja vu all over again because the Judiciary Committee, as you know, Mr. President, and as the distinguished ranking member knows, did not have jurisdiction over that provision of the bill, so it had to be drafted by the Finance Committee. Yet there is absolutely no amendment pending. I don't know of any plans—maybe there are plans that I am just unaware of—that would provide employers the means to verify that individuals are indeed eligible to work in the United States and discourage, if not eliminate, the use of fraudulent documents to claim that authority to work in the United States. Without that, without border security, without interior enforcement, and without employer verification and sanctions for those who do not play by the rules, this bill provides another invitation to massive illegal immigration and constitutes a reward to those who have come into our country in violation of our laws.

My ultimate concern is we will have a vote on a motion to close off debate on this compromise tomorrow morning. There are a number of pending amendments that I intend to offer. Of course we know the Senate largely operates by unanimous consent. There is also a desire by Senators right before any recess to get on to their homes and their families and back to their States. But this is an extremely important bill, I would say, even more than most of the issues we consider here because it is a matter of national security. It is a matter of maintaining the confidence of the American people because, frankly, the American people believe we let them down in 1986. They believe the Senate is not serious about border security, is not serious about workplace enforcement, and the only way we are going to be able to demonstrate that we are serious is to have a full and fair debate, to allow amendments and votes on those amendments on the floor. So far, all we have been met with is obstructionism because we have been denied the opportunity to have an up-or-down vote on essential amendments that are necessary to improve this bill.

I know we will have a vote tomorrow morning. Unless there is some good-faith attempt to reach some accommodation to allow Senators to offer those amendments that would improve the bill in the respects I have pointed out, then I expect that we will have a long weekend, and perhaps beyond, so there will be an opportunity for us to have the kind of debate that is reflective of the world's greatest deliberative body and which discharges the responsibility we have to protect the American people, to secure our borders, to make sure we are absolutely serious about enforcing our laws, while at the same time we enact comprehensive border security and immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

DARFUR

Mr. LEAHY. Mr. President, I will not speak for long. I do this because I wish to speak about the severe humanitarian crisis in Darfur, Sudan.

It has been almost 2 years since the Congress, in a bipartisan effort of both the House and Senate, declared the atrocities in Darfur, Sudan, to be genocide. That is a word not passed around easily in these halls.

Then, about a year and a half ago, the administration publicly reached the same conclusion. I know there was debate within the administration whether they would use that word. I commend President Bush for reaching the same conclusion.

What worries me, here is a case where the Senate, the House of Representatives, and the President of the United States, all came together to call the atrocities in Darfur, in our day and our age, genocide. But since those declarations, the United States and other nations have failed to devise an effective strategy to bring peace to the desperate people of that remote, war-ravaged region. The human cost of this failure has been unimaginable. It is staggering.

Earlier this month, President Bush celebrated International Women's Day. There is no cause for celebration for the women of Darfur, thousands of whom have been the victims of rape and other acts of sexual violence inflicted by Government security forces and the militias they support. They use rape as a method of terror.

There have been systematic massacres, rape, torture and the burning of hundreds of villages, homes—often with the families inside. Darfur has been pillaged and the lives of its people destroyed.

The Government of Sudan has repeatedly attempted to disguise its role in the violence so it has been impossible to ascertain an accurate death toll, but somewhere between 200,000 and 300,000 people have died of murder or starvation.

Many thousands more have ended up in squalid refugee camps after their homes have been reduced to ashes by the Government-sponsored jinjaweit militias.

At the same time this is happening, we see Sudan's President, Omar Hassan al-Bashir, squander $4.5 million, in this desperately poor country, to purchase a 118-foot, 172-ton Presidential yacht so he can entertain foreign dignitaries and create a perverse façade of Sudanese progress and sophistication.

This is progress and sophistication, or a reflection of the ego of a leader? Is it progress and sophistication, that children have been murdered and members of the family murdered in front of other members of the family?

Then, to make this even worse, the President of Sudan, in order to transport it by land from Port Sudan to Khartoum, required severing 132 electric lines, plunging neighborhood after neighborhood into temporary darkness.

It is difficult to conceive of the level of greed, arrogance, and twisted logic that would cause the leader of a desperately impoverished country to waste millions of dollars on a ridiculously ostentatious yacht to cruise the Nile River while thousands of the Sudanese children he is supposed to be protecting have fallen victim to the jinjaweit's brutality.

Tens of thousands more are at serious risk of death by starvation, malnutrition, disease, and mayhem. Under Secretary General for Humanitarian Affairs, Jan Egeland, recently stated that Darfur has returned to "the abyss" of early 2004 when the region was "the killing fields of this world."

The scale of atrocities occurring in Darfur is appalling. For too long the international community has been doing too little, hoping against reality that somehow the situation would improve.

Instead, in recent weeks we have seen the violence spread across the border into Chad. The Government of Sudan is actively exporting the Darfur crisis to its neighbor by providing arms to the jinjaweit and allowing them to attack Chadian refugees and villagers, seizing their livestock and killing anyone who resists.

As a result, 200,000 of the residents of Chad have been forced from their homes. They have become displaced people in their own country.

Earlier this month, the Senate, and rightly so, unanimously passed S. Res. 383. It calls on our President to take immediate steps to help improve security in Darfur. The resolution proposed a no-fly zone over Darfur and the deployment of NATO troops to support the African Union forces currently on the ground.

The African Union has done its best, but with only 7,000 troops, inadequate resources, and a weak mandate to patrol this vast area, it has been unable to prevent the militias from continuing to attack civilians with impunity.

I strongly support a role for NATO to bolster the African Union's mission, until the U.N. peacekeeping mission can be fully deployed, which could take a year or more.

Only a few nations have the trained troops to contribute and their numbers are stretched thin among many of the U.N. missions around the world. But NATO troops on the ground could reinforce the African Union force with their superior command and control and intelligence-gathering capabilities.

Until recently, the Bush administration refused to support additional troops. However, in the last several weeks, President Bush has shown a renewed interest in Darfur. On March 9, in a hearing before the Senate Appropriations Committee, Secretary of State Condoleezza Rice testified the administration is committed to the deployment of a larger peacekeeping force, and I agree with her on that.

Despite the encouraging rhetoric, the administration continues to underfund the African Union mission. The $161 million requested in the Fiscal Year 2006 supplemental request for peacekeeping in Darfur will only cover the U.S. share to sustain the current number of troops.

It will not do anything to pay for the additional troops that President Bush has finally acknowledged that we need. With people dying needlessly every week, the President must address the Darfur crisis more urgently.

Earlier this week, I was pleased to cosponsor an amendment, which was accepted, to the FY 2006 Emergency Supplemental Appropriations bill to add $50 million in peacekeeping funds for Darfur.

The funds in the supplemental bill for peacekeeping in Darfur were barely adequate to support the current African Union mission through the rest of this fiscal year. The additional $50 million will go to training and equipping the African Union force that has done its best despite scarce training and too little heavy equipment.

There is no question the Government of Sudan bears a great deal of responsibility for the crimes against humanity that have occurred and continue to occur within its borders, and now in eastern Chad.

It has sponsored brutal militias, hampered the African Union peacekeepers, and impeded the work of the international relief organization.

Most recently, it has opposed reconstituting the African Union force as a U.N. force, presumably fearing that the United Nations could pose a challenge to its own ability to act with impunity in a part of the world that is often beyond the spotlight of public scrutiny.

But we in this country, the richest, most powerful Nation on Earth, a country blessed with so many advantages, have done too little to stop the genocide in Sudan. Many more lives could have been saved if we and other nations had shown stronger leadership.

This is not just an economic or military issue; this is a moral issue. With all the blessings this country receives, we have a moral responsibility to stop genocide.

In our history, we have known what has happened when we have moved too slowly when we had a chance to stop genocide. We either moved too slowly or we did not move at all when genocide occurred.

Let us match the rhetoric with resources to support the number of troops needed to do the job. Let us set an example by our own leadership to the rest of the world that we will put an end to the violence. This is something on which I believe all Americans—Republicans and Democrats—would agree. It is something that, if we believe in a higher calling, we will do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY, ranking member on the Judiciary Committee.

I have received just this afternoon in my office some disturbing news in the form of correspondence from the Congressional Budget Office. It suggests a number of areas where the amendment we are talking about here today, No. 3424, the immigration so-called compromise, violates our budget and the rules of the Senate.

Let me read from the correspondence we have received. This is something, as you know, Mr. President, as a member of the Judiciary Committee, that we never discussed at all. It is not a matter we spent any time at all discussing as we moved forward with legislation which ultimately cleared that committee and came to the floor—legislation which I thought was not good legislation and which I opposed, and so did the Senator from Texas, who just relinquished the Chair. We didn't discuss the financial impact of the legislation before us.

One of the things our rules of the Senate require is that if a bill is on the floor that is in violation of a budget we have adopted, it is subject to a budget point of order. I am not going to make that budget point of order now because I am sure someone here would want to move to waive that budget point of order, but I am giving the heads up to those who are supporting this bill that it is a budget buster.

We have not yet begun to figure out how much this legislation will cost. I will be quoting from the Congressional Budget Office, which is the authoritative department to determine these matters. They have given us a preliminary report.

Let me read from the correspondence they have given and which I have just received.

> CBO has estimated the cost of some—but not all—of the provisions of the proposed Hagel-Martinez amendment to the immigration bill. The version we are working with is labeled O:/MDM/MDM06671 and was provided to us this morning.

One reason they got this this morning was that this so-called compromise which was hatched yesterday was not even printed until 10 o'clock last night.

We have been talking about these problems for weeks and we produced the bill that came out of committee—I don't know what name to put on it; the Specter-Kennedy-McCain amendment, the bill that came out of committee—and it was crushed on the floor of the Senate, with 60 people refusing to move to a final up-or-down vote on it, 60 to 39.

We have now the compromise desperately put together by people—well meaning, no doubt, but none of whom bring any particular experience, knowledge to the problem facing us. And I assure you, if in the 5 days of markup in Judiciary Committee we didn't discuss the actual cost of this program. I am sure, as they worked feverishly into the night last night, they didn't consider it either. They had no idea. But this was a political discussion about how to put a bill together that politically might pass around here regardless of the details of it.

Frankly, we are going to have to deal with the specifics of illegal immigration. It is too important to treat it at a superficial level.

There are bills which, when we come up to a recess, the leader has to push, and you always try to do those things, and people make compromises, and they pass. But this is not a normal bill at all. The American people care about it, and we owe them some things.

I don't think there are any Senators here who haven't been back to their States and made some commitments and stated some principles that they thought are critical to a good immigration bill, and I want them to be aware of what we are talking about.

The bill number which the Congressional Budget Office referenced is the pending amendment, No. 3424, to the Frist motion to commit.

Let me continue now with what we received from the Congressional Budget Office:

> The figures in this e-mail do NOT include costs associated with the conditional non-immigrant provisions, which we are still working on. They also do NOT include revenue losses and outlays for the Earned Income Tax Credit, which we will be getting from the Joint Tax Committee and which results largely from the conditional non-immigrant provisions. Those revenue losses and Earned Income Tax Credit outlays may be significant.

I will talk about the average salary of most of the workers who are here illegally today and those workers who will be regularized, placed on permanent resident status, given a green card, and placed on a pathway to citizenship. As you look at those salaries, you will see that they fall in the classic earned income tax credit range.

I have had occasion for some time to wrestle with the earned income tax credit. A lot of people oppose it entirely. You file your tax return, and if you don't owe any taxes and you have a lower income, you get a tax rebate from the Government. You don't pay taxes; they give you an average rebate. I submit that salaries for these workers are going to be pretty close to the average recipient of the earned income tax credit benefit. The average recipient gets $2,400 a year by way of a tax credit. Persons who are working here illegally today are not currently getting the earned income tax credit, but if we regularize them and make them permanent residents, they will. That will cost us a lot of money.

The Congressional Budget Office is saying they haven't considered those numbers yet in the cost of this bill, but they are real and significant, as I say they, indeed, are.

They go on to say this:

> With those important caveats, estimated outlays are about $2 billion for the first 5 years—2007-2011—and $12 billion for the first 10 years—2007-2016. The final figures will be bigger than those. Most of those costs are for Medicaid and Food Stamp programs.

They say those are not the final figures. The final figures will be bigger. It didn't include the earned income tax credit.

They go on to say this:

> Outlays in the succeeding 10 years will be greater. The bill would impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least 1 of the first 5 years after they would take effect.

I ask unanimous consent that this message from the Congressional Budget Office be printed in the RECORD so that my colleagues can begin to look at it and begin to understand that we have a budget problem with this bill, among other things.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From: Paul Cullinan.
Sent: April 6, 2006.
To: Ed Corrigan.
Subject: Partial cost estimate for immigration amendment.

CBO has estimated the cost of some—but not all—of the provisions of the proposed Hagel-Martinez amendment to the immigration bill. The version we are working with is labeled O: MDM MDM 06671 and was provided to us this morning.

The figures in this e-mail do NOT include costs associated with the conditional non-immigrant provisions, which we're still working on. They also do NOT include revenue losses and outlays for the Earned Income Tax Credit, which we will be getting from the Joint Tax Committee and which result largely from the conditional non-immigrant provisions. Those revenue losses and EITC outlays may be significant.

With those important caveats, estimated outlays are about $2 billion for the first five years (2007-2011) and $12 billion for the first ten years (2007-2016). The final figures will be bigger than those. Most of those costs are for the Medicaid and Food Stamp programs.

Outlays in the succeeding 10 years will be greater. The bill would impose mandates on State and local governments with costs that would exceed the threshold established in the Unfunded Mandates Reform Act in at least one of the first five years after they would take effect.

If you have any questions, please call Paul Cullinan, Eric Rollins, or myself.

BOB SUNSHINE,
Assistant Director for Budget Analysis.

Mr. SESSIONS. Mr. President, the Senate Judiciary Committee, under the 2006 budget resolution, has only $6 million remaining. We are talking about a minimum of $2 billion in costs, according to the Congressional Budget Office, under the first 5 years of this immigration bill which is before us today, but the Judiciary Committee, under our budget resolution, has only $6 million remaining in its direct spending allocation for the next 5 years.

CBO's preliminary estimate, according to the Congressional Budget Office letter I just read, is that amendment No. 3224 will spend at least $2 billion during that period and likely much more over that period and the next 5 years. This far exceeds the $6 million—it might sound large to you, but in the scheme of things we discuss today, it is a paltry sum—allocated to the committee under the budget.

On this basis, we need to review what we should do as a Senate. I think it is appropriate and the right thing that the Senate confront the question and make a decision as to whether we should waive that point of order and go forward with this legislation or not waive it, in which case the bill would be subject to failure.

I note that the Budget Committee has responsibilities in this, and every aspect of that has not been completed to date, and it may be premature to move to make such a motion at this time. I am sharing this with everyone so they can be prepared to think through the consequences of this cost, which has not been discussed whatsoever. In fact, if you listen to some of the proponents of the legislation before us, if we just pass this bill, it is going to make us all rich, everybody is going to do better, for the first time people are going to pay taxes, the economy is going to improve, and the average guy is going to be fine. The reality is, that did not happen in 1986 and it is not going to happen this time because many of these benefits are such that they are not available to people here illegally. Under this law they will become legal.

We are going to see a rise in costs to our Government beyond that which is permitted by the budget we all voted on, we all agreed to, and we all said we need to stand by. I should not say "all," but enough voted to pass the budget. The budget is a very significant and important document. Many of us take very seriously this cap we agreed to place on spending and agreed not to pass legislation that would break those caps, even if we like the underlying amendment or bill that would spend money. That violates the budget. On many occasions I have felt it my duty to vote "no" because I agreed to a budget number. This Congress and this Senate has agreed to budget caps. The very significant factor is that today we now know the Hagel-Martinez amendment violates that Budget Act. I am sure the committee bill also did, but it would appear this may be further along.

We have seen amnesty before in our country, in 1986, and the record is clear that American taxpayers did pay the cost of the fiscal deficit created by the 3 million beneficiaries under the 1986 amnesty. Of course, the original estimates were that 1 million, 1.5 million people would qualify for amnesty in 1986. Now they are estimating 12 million. But, in fact, 3 million showed up in 1986 and claimed the benefits of amnesty, many using documents that were dubious.

A 1997 study conducted by the Center for Immigration Studies estimated that the 3 million newly legalized aliens in the 1986 amnesty had generated a net fiscal deficit of $24 billion in the short decade that passed since their arrival. The 3 million cost the Government $24 billion. That is a very large sum of money.

Incidentally, when Congress passed the 1986 amnesty bill, it estimated only 1 million illegal aliens would qualify for that amnesty law and draw upon the Treasury. That is how the numbers were out of sync.

There is no doubt about it. American taxpayers will pay if this legislation passes. If this, what I consider to be fairly described as amnesty, passes, the American taxpayers will pay the cost of this amnesty and it will be a drain on our programs that are designed to provide health care and assistance to American citizens and those who came here lawfully to achieve legal permanent status.

According to the Pew Hispanic Center report from last year, the average family income in 2003 for unauthorized migrants in the country for less than 10 years was $25,700, while those who had been in the country a decade or more earned $29,000.

Given that the average family income for illegal immigrants is just above the 2006 Federal poverty line of $20,000, it is not surprising that many of these families will likely rely on social service programs to meet their basic needs. That is what we know will occur.

Though the exact cost of this new amnesty is impossible to absolutely determine, certainly CBO is providing a low figure that they can verify as of this date. We can learn a lot by looking at existing studies that give us a glimpse at the cost of illegal immigration to our social program. For example, the Center for Immigration Studies estimated that in 2001, 31 percent of illegal households used at least one of four major welfare programs: Medicaid, SSI, TANF, which is temporary assistance for needy families, which is a basic welfare program, or food stamps. That is a very large number. It is not improbable considering the other numbers about the average income, knowing that there are so many below the poverty line.

The Urban Institute estimates in 2000, 47,000 families in the United States headed by one or two illegal aliens received TANF, the temporary assistance for needy families, on behalf of their children—47,000 is a pretty dramatic number.

Further, if each of these families received greater than $1,000 a year, the amount spent for a TANF household by illegal aliens could easily reach tens of millions of dollars.

I see others who wish to speak and I will follow up on this later. I am saying we have to deal with the reality. Unfortunately, we have not spent a lot of time thinking through the full consequences of our actions. We have not had economists, we have not had experts, we have not had Government officials, we have not had professors and scientists discuss with us the impact of this legislation and how we can pass legislation that would best help those who come here, and how we can do so in a way that does not adversely impact the Treasury of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business so I can engage the distinguished chairman of the Senate Intelligence Committee in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT INQUIRY

Mr. WYDEN. Mr. President, in the aftermath of the terrorist attacks of September 11, 2001, Congress convened a bipartisan, bicameral joint inquiry into the activities of the intelligence community before and after the attacks. I had the opportunity to serve on the joint inquiry and I am proud of the work that was accomplished there.

In December of 2002, a report was issued in which we stated that the inspector general of the CIA should "conduct investigations and reviews as necessary to determine whether and to what extent personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards in regards to the identification, prevention, or disruption of terrorist attacks."

The report went on to state that the Director of the CIA should take appropriate action in response to the inspector general's review.

The CIA Inspector General completed his report in June 2005. I was surprised that the report took so long to complete, but I am impressed with its quality. After the report of the 9/11 Commission and the joint inquiry itself, it is one of the most thorough examinations of the intelligence community activity before September 11. It provides a unique perspective and makes a number of findings that in my view should be available to the American people as part of the historical record. It also makes a number of recommendations that should be carefully considered.

The public has a right to see these recommendations consistent with the protection of our national security. The American people should be able to read the report and decide for themselves whether the recommendations of the CIA inspector general have been carried out in a satisfactory manner. Both the chairman and the vice chairman of the Senate Intelligence Committee have supported the release of this report.

As Chairman ROBERTS has put it, "The deaths of nearly 3,000 citizens on September 11, 2001, gives the American people a strong interest in knowing what the [inspector general] found and whether those whose performance was lacking will be held accountable."

Despite the chairman's request, the CIA has decided not to act on the inspector general's recommendations at all. Not to act at all. It is important to note that the inspector general did not recommend that certain individuals be held accountable. The inspector general merely recommended that the action or inaction of certain individuals be examined to determine whether they should be held accountable. CIA Director Porter Goss has refused to allow even this initial examination.

Two months ago I wrote to the Director of the CIA, Mr. Goss, asking this report be declassified and released as soon as possible. I notified Director Goss if I did not see any progress within 60 days I would take action to release this report to the public. It has been over 60 days and still the CIA has not responded.

In the interest of making this report public and available to the American people, I ask now unanimous consent the Senate direct the Senate Select Committee on Intelligence to make this report available to the American people as soon as possible.

Mr. ROBERTS. Mr. President, reserving the right to object, I agree with the Senator from Oregon that this is a very important report. We were, as everyone knows, viciously attacked on September 11 and in the aftermath of those attacks we wanted answers. Many of those answers have been found during the last 4 years and some of those answers are contained in the report. But the families of the victims of September 11 have a right to these answers and the American people have a right to these answers.

At the same time, I tell my colleague, we need to be sensitive to the fact that there is properly classified national security information that is included in this report, and this information needs to be protected.

While the Senator is correct that the CIA has not been adequately responsible to him or to me, I suggest that rather than release the report immediately in unredacted form, we instead sit down with the inspector general and work to redact any information that needs to remain classified in the interest of national security.

So I object to the Senator's request and suggest instead that we work with the inspector general to review this report and determine what can be appropriately released to the public.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, I want to express my appreciation to the chairman of the Intelligence Committee for his willingness to work with me and for the suggestions and discussions that we have had. I would like to suggest that we bring this issue to the inspector general immediately and ask the inspector general to release this report within 30 days. If the Senator agrees to bring this issue to the inspector general immediately so that staff can begin working with the inspector general's office over the upcoming 2-week recess, and the chairman and I can review their progress when we return, then I would be willing to withdraw my unanimous consent request that this report be made public immediately at this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the Senator from Oregon for his willingness to cooperate on this issue. It is an important one, and I look forward to working with him on it. This certainly sounds reasonable to me. So I think he is absolutely correct in his suggestion. I will be happy to work with him.

Mr. WYDEN. Mr. President, because we are going to work together cooperatively to turn this around in the next 30 days, I withdraw my unanimous consent request at this time and express my appreciation to chairman of the Senate Intelligence Committee, Senator ROBERTS.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Alaska.

EXCUSED FROM VOTING

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from voting until the first vote that occurs on April 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, at 10:30 this morning, the proponents of what I would have to say is amnesty in the bill that came out of the committee, the Kennedy-McCain-Specter bill, or whatever name you want to give it, that bill was crushed in this body with 39 votes for and 60 votes against. It was pulled and removed from the docket and sent back to Committee. Then we had a group get together yesterday in an effort to develop what they call a compromise. They could see that there was a vote coming, and they thought they could put something together, and I don't blame them. It has been referred to as the Hagel compromise. But we have looked at the bill, and I have to tell my colleagues, if you voted against the Kennedy bill this morning, you need not support the Hagel compromise because it is fundamentally the same thing. I am going to talk about it and explain how it is essentially the same bill.

I wish it weren't the same thing. I wish it was something we could support. I would like to support good legislation. We have an opportunity—a real opportunity—to fix the problem with security and immigration in our country. Our Nation is at risk. Our borders are not under control. However, we have the capacity to do it. It is not that hard. I have said it before, and I have explained how we can do it.

T.J. Bonner, the head of the National Border Patrol Council said: It is real simple. You simply fix up the border. You remove the magnet of a job by having real workplace enforcement and, all of a sudden, things can go in the right direction.

This bill does none of that. It rewards bad behavior, it would encourage illegal behavior in the future, and we should not pass it. It is against what so many of us promised that we would vote for and we don't have a lot of time. That bill was hatched yesterday after a few Senators met somewhere and thought they could waltz in and just fix it. They expected all of us to line up and vote for it. I don't believe people are going to line up and vote for it.

They produced this compromise and introduced it, and we didn't get a copy until 10 o'clock last night. This compromise that we got late last night is 525 pages long. What is in it? Ninety-five percent of what is in it, I have to tell you, is just what you voted against and rejected this morning. We rejected it because it was not a good piece of legislation. It did not do what we promised the American people we were going to do as individual Senators. If you look at the expressions of Senators as a group, time and again they say things that they believe are legitimate principles. These bills do not reflect those principles.

The President has said he is against an automatic path to citizenship, and he is against amnesty, both of which are in this bill. The President needs to read it. When you go out and campaign and tell people what you are going to do, you need to honor that commitment.

Let me tell you some of the things that are in this Hagel compromise. It triples—triples—the number of employment-based green cards available each year. This is not a committee that met yesterday. This is a group of people, ad hoc Senators got together and huddled. The Senator in the chair there, he has been in a huddle, Quarterback GEORGE ALLEN. They got in a huddle, and with very little time and effort to study the issues, they came up with this legislation. Ninety-five percent of it was what was in the bill we rejected just this morning. What does it do? One of the most significant things that we have given very little thought to is it triples the number of employment-based green cards available each year. It triples the number.

Currently, there are 140,000 available. Currently, spouses and children, if they come in, they count against the 140,000 cap. Under the Kennedy bill that we voted down this morning they jumped that number to 400,000, and spouses and children didn't count against the cap. This bill raises it to 450,000 annually, and spouses and children—we estimate about 540,000 more, family members—can come with them, and they do not count against the cap. That is pushing a million a year. That is a huge change.

I, personally, am of the view that if we can make our system lawful and have it work correctly, we can and will want to increase the number. But triple the number, and then increase that number again, by allowing spouses and children to come and not count against the cap? That is a sixfold increase. Without any hearings? Without any economists? Without listening to the labor unions? Without listening to business people tell us how many people we really need? Without any professors or scientists who understand the impact this kind of huge numbers would have? They propose we accept this compromise, and it goes beyond the Kennedy proposal that was rejected this morning.

It changes the amnesty process for the current number of people. These 450,000 plus family members are, for the most part people who live outside the country. They apply and can come in. So the total number who come in with a green card—which means you are a permanent resident citizen and you are on an automatic path to citizenship—this is supposed to be for those people.

The message is we want a guest worker program. That is what they said. We want a guest worker program. What does that sound like, if you are an American citizen trying to evaluate what your legislators are doing up here? I hope those American people who are watching are following this closely because these are not guest workers.

Somebody said let's not call it guest workers anymore, let's call it temporary workers. But they are not temporary workers either. They get a green card. They come in under this new H-2C program, and they are able then, on the petition of an employer, to get a green card within 1 year. If they don't have an employer petition for them, they can self-petition, which is not the rule now. Now these are supposed to be based on employment that is needed.

President Bush says a company that needs workers certifies they need you. Now you can self-certify and within 5 years you can be placed on an automatic path to citizenship. They never have to return home. That is all I am saying. Anybody who says this is a temporary worker program or guest worker program is not correct the way this language is in the bill.

These numbers do not include all that is in the bill. The AgJOBS bill came up on the floor a little over a year ago and was debated and blocked. Senator SAXBY CHAMBLISS, who chairs the Agriculture Committee, and a number of us raised objections to that bill. We blocked it. It did not go forward. It did not pass.

They blithely added the whole AgJOBS bill to the committee bill and it has now been made part of this compromise. There are 1.5 million who can come in under the AgJOBS bill.

People say we need the talented people. We still have limits on talented people who come into the country with high education levels, but there is virtually no limit on the number of unskilled workers who come into our country. That is not good public policy, I submit. That is probably not what you said when you have been out campaigning and talking to your constituents around the country.

Under the current law, before new legislation passes, the United States issues 1.1 million green cards a year. That is what we do today, and 140,000 of those green cards are available to aliens who are sponsored by employers. That is the working group. Under the Hagel-Martinez compromise bill, the United States would now issue between 2.2 million and 2.5 million green cards each year, 450,000 of which will be employment-based green cards during the years 2007 and 2016. That is triple the number of employment-based green cards we currently issue on an annual basis, triple the number we currently issue. Although the number would be curtailed after a few years, it is still 150,000 more than currently issued. After 2016, the number of green cards for employer-sponsored aliens would go back to double the current level, at 290,000.

They have also increased the employment-based green card cap—that is the total limit, over and above the 450,000 that would now be available each year under the compromise—by exempting spouses and children from counting against the cap. Spouses and children count against the cap today. So we triple the number, and we don't count spouses and children. Because an average of 1.2 family members accompany employment-based green card holders, we estimate that about 540,000 family members will also get employment-based green cards without counting against this cap. That is contrary to what we do today. It is contrary to our policy. This is a huge change is all I am saying.

Maybe after thorough debate we might want to go that far. I doubt it. I think we want to increase the number of legal workers who come to our country but surge these numbers this much without any discussion whatsoever? This means next year we could have 990,000—that is almost a million—employment-based green cards issued: 550,000 for the workers, 540,000 for the family members. That is equal to the total number of green cards we handed out this year for all categories, including employment-based, family-based, asylum, refugees, cancellation of removal, and so forth.

Using the estimate from our population chart, based on the CRS data and the Pew Hispanic data, the way the new amnesty categories would work is as follows. This is what is in the compromise.

If you are here for 5 or more years—and that includes 8.85 million of the 11.5 to 12 million people who are estimated to be here, or 75 percent of those who are estimated to be here today—what happens to you? You are treated just like you were under the Kennedy bill that was rejected this morning. You get to stay, work, apply for a green card from inside the United States.

Again, what does green card mean? It means you are a permanent resident, eligible for all the social welfare benefits that belong to American citizens, No. 1. No. 2, it puts you on a guaranteed path to citizenship. This is your reward for violating the law by coming in illegally.

Under this bill, 75 percent of them, 8.85 million would get to stay and apply for green cards from inside the United States, just like the rejected bill earlier today provided for. And in addition, spouses and children would get those green cards as well. And they, spouses and children, would get green cards even if they are not in the United States.

So if the person came here to work temporarily, planned to go back to his family, didn't have a plan to stay here permanently and intended to go back to his country of origin, make a little extra money to help out the family, now we have encouraged them to go ahead and bring their family here. That would be a large number. That will impact more than the 1.1 million who are covered by the bill, according to the estimates.

They do not count against any family or employment caps or green cards. We do currently have a limit. We are supposed to have a limit on the total number who can come in as permanent workers on the path to citizenship so none of these would count against the caps, out of the 11 to 12 million.

So 75 percent of the 11.5 million are like that. What about those in the compromise? They say we are going to be a little different than the Kennedy bill for those 1.4 million people who have been here from 2 to 5 years. What happens to those that have only been here illegally for 2 to 5 years? You get to stay legally, and you are able to continue to work in the United States while you apply for a work visa if, within 3 years, at any time during that 3 years, you go across the border through a consular office and pick up a nonimmigrant visa that you can apply for from the United States. Although the Department of Homeland Security Secretary may waive the departure requirement. So you can go across the border, go to the office, pick up the thing and come right back the same day.

Spouses and children get the same status. If they came here illegally, they get the same green card status, but they don't have to go across the border to pick it up, they can get it right here at home. If they apply for the H-2C, a new work visa created under title IV, the employer can sponsor them for a green card the day they come back into the United States.

The employer can petition that day to get them a green card. Once you get that green card, you are a legal, permanent resident, entitled to the welfare and governmental benefits of our country.

What about those who are here for less than 2 years? That is not directly addressed in this compromise bill that we now have before us that is supposed to solve all of our problems. Unfortunately, it doesn't solve them.

The compromise sponsors will tell you that the people who have been here less than 2 years—that is about 1.2 to 1.7 million—will have to leave immediately or be deported.

First, let me ask how many people are being apprehended and deported today? Who is going to apprehend and deport these people who are here illegally in the last year?

I raise that as a practical question.

But under the bill language, you can qualify for the new H-2C worker program, even if you are unlawfully present in the United States.

My legal counsel is a smart reader of the law.

This is the way the bill explains it. It doesn't say that plainly. It says:

> In determining the alien's admissibility as an H-2C nonimmigrant. . . . paragraphs (5), (6)(A), (7), (9)(B) and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date.

What does all that mean?

If you do not have time to put aside the statute, the compromise bill, and go back and read the underlying statute, you don't know what it means, but if you do that, as my counsel did, you will see that is a pretty sneaky maneuver. As I noted, under the new H-2C program, 400,000 per year can get green cards as workers, and these people will qualify for that because those code sections refer to aliens who came here illegally and those who have been ordered removed but have come illegally will go back into the United States.

The last bunch, the 1.2 million that have been here less than 2 years, they are not going to leave this country.

First of all, nobody is going to come and get them. They are going to apply under the new visa program, the H-2C worker program that has these huge numbers that we have triple the numbers for. And it specifically says in the statute that they will qualify, even if they came here illegally or have been apprehended here illegally or removed—and removed from the United States—and they have come back illegally, they still get to qualify and stay here.

We don't need to vote for a bill such as that.

By the way, in reading the bill carefully, my fine staff discovered—it is kind of hard to do all this when you get a bill last night at 10 p.m. which is 325 pages—that those here illegally, whom I just mentioned, in the last 2 years or have been removed and come back illegally, they do not even count against the cap. Why would we want to do that?

I say to you that whoever drafted the bill—I don't really say this to the sponsors because the sponsors of the compromise who met for a few hours and put this thing together didn't realize who all had worked on it. I guess it is the forces who believe that no illegal alien should be left behind. So everybody who is here illegally gets to stay in the country, and they don't even count against the cap for the green card.

I don't think we ought to welcome back into this country someone who has been apprehended, deported and removed from the country and they come back again illegally. They ought not to be allowed to stay, period, much less be given a permanent status and much less be put on a path to citizenship, which this compromise legislation will do.

We think somebody had to have intended this. Somebody who was involved in the writing of this knew what they were doing and definitely wanted to include everybody to make sure that they could say publicly: Well, if it is 5 years, you know you can stay, but if is less than 5 years, you could be removed. None will be removed unless they are convicted of a felony or three misdemeanors.

They basically said you wouldn't be eligible for citizenship if you came here after January of 2004. That is not true. The bill covers everybody. That is part of the compromise legislation and still part of it. It is part of the Kennedy bill that we roundly rejected this morning, and it is part of the compromise that is before us now.

Let me take a few minutes to run over some of the provisions in that 95 percent of the Kennedy bill that was rejected this morning that remains in the Hagel compromise.

Here are some of the difficulties with it.

Let us take loophole No. 1: Absconders and some individuals with felonies or 3 misdemeanors are not barred from getting amnesty.

An absconder is somebody who was apprehended by Border Patrol people, detained, they did not have time to take him or her out of the country, they were busy, they did not have jail space, detention space for them, so they release them on bail. That is what they do all over the country because we don't take this seriously, and they don't show up when they are supposed to be deported. Surprise. They abscond.

Absconders and some individuals with felonies or three misdemeanors are not barred from getting amnesty.

Under the Immigration and Nationality Act, different crimes make aliens "inadmissible," "deportable," or "ineligible" for specific benefits.

As written, the Specter substitute—it is included in this bill—only requires an alien to show they are not "inadmissible" to qualify for the amnesty contained in the bill. However, some felonies make an alien "inadmissible," but some do not.

Absconders—aliens with final orders of removal who are currently watched by ICE immigration officers—should not be eligible for amnesty. They remain eligible for this amnesty. The Kyl-Cornyn amendment that was blocked by the other side so we couldn't get a vote on it, was designed to fix this loophole. It would keep aliens with felony convictions or three misdemeanors from being eligible for the new amnesty program. Surely, we agree on that. If we had a vote on it, I am sure it would pass.

But the leader on the other side has managed to block us from getting a vote.

Loophole No. 2: Aliens specifically barred from receiving immigration benefits for life because they filed a frivolous asylum application will also be able to receive amnesty. Under INA, section 208(d)(6), if the Attorney General determines that an alien knowingly filed a frivolous asylum application, the alien will be permanently ineligible for any benefits under the INA. This bill changes that. On page 333, it says: "Notwithstanding any other provision of law, the Secretary shall adjust . . ." an alien who meets the requirement of INN 245B. There is no provision that states that the alien is eligible for amnesty if they file a frivolous asylum application. It, therefore, gives benefits to aliens previously barred from all immigration benefits.

Loophole No. 3: All aliens who are subject to a final order of removal—for some reason you are brought up and the court has ordered you removed from the country—who failed to leave pursuant to a voluntary departure agreement, they entered into those agreements and oftentimes people promise to leave and never leave—or who are subject to the reinstatement of a final order of removal because they illegally reentered after being ordered removed from the United States are also eligible for amnesty.

I call on my colleagues to look at the bill. On page 353, line 3, the bill clearly states that any alien with a final order of removal can apply for amnesty. This means that the aliens who have already received their day in court have had their case fully litigated, and they have been ordered removed and have failed to depart will now be rewarded for not following the law and leaving like they were ordered to do. They will qualify for this amnesty.

This will include many of the 37,000 Chinese nationals that China has refused to take back. I understand maybe they have agreed to take them back in the last day or so, but they have been pretty recalcitrant on it. I will be surprised if they are all approved for repatriation.

But do you see how important this could be.

Loophole No. 4: Aliens who illegally entered the country multiple times are also eligible for amnesty. Page 334, line 8 requires continuous physical presence and states than an alien must not have departed from the United States before April 5, 2006, except for brief, casual or innocent departures. Every time the alien reenters the United States illegally, they are committing a criminal offense. But this bill rewards those aliens with amnesty also.

Loophole No. 5: This bill allows aliens who have persecuted anyone on account of race, religion, nationality, membership in a particular social group or political opinion get amnesty. It fails to make persecutors ineligible for amnesty.

I would have thought that was an oversight until I noticed on page 363, line 22, that the bill makes those heinous acts bar aliens here between 2 and 5 years from amnesty but not those who have been here longer. The same bar left out for the 8.8 million who have been here for more than 5 years. This will be interpreted as an intentional decision of Congress when we pass this bill.

That is not inadvertent. I don't know why they did that.

Loophole No. 6: There is no continuous presence or continuous work requirement for amnesty. To be eligible to adjust from illegal to legal statutes under the bill, the alien must simply have been "physically present in the United States on April 5, 2001," and have been "employed continuously in the United States" for 3 of the 5 years "since that date."

The bill does not say "employed continuously in the United States since that date," as some have said. It does not require that employment be full time. Which means that it will be interpreted by any fair court following the law to mean that the alien will be eligible for amnesty if they have been employed in the United States either full time, part time, seasonally, or self-employed.

The bill also allows the time of employment be shortened if the alien has attendance in a school. The employment requirement under the language, as written, is as broad as possible. Essentially, any alien who worked in the United States for 3 out of 5 years any time prior to April 5, 2006, will fulfill the eligibility requirements.

Loophole No. 7: The bill tells the Department of Homeland Security to accept "just and reasonable inferences" from day labor centers as evidence of an alien meeting the bill's work requirements.

Day labor centers—I am not sure how reliable those can be to make major decisions. Some of these are openly and notoriously promoting illegal workers.

Under the bill, an alien can "conclusively establish" that he was employed in the United States, and it can be either full time, part time, seasonally, or self-employed by presenting documents from Social Security, the Internal Revenue Service or an employer related to employment. The alien meets "the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements" if the alien can demonstrate "such employment as a matter of just reasonable inference."

If you can just have a reasonable inference that you have worked, get a document from a day labor center, you meet the work requirements. Everybody will meet it. No illegal alien will be left behind.

The bill then states:

> . . . it is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

The invitation is there to abuse the system. The invitation for fraud is clear.

Congress is telling the Department of Homeland Security to accept pretty much anything as proof of work, and if they don't take it, they will be sued and they will win in court because the bill we have written says anything goes as valid proof of work.

Loophole 8: The bill benefits only those who broke the law, not those who followed it and got work visas to come to the United States. That is a plain fact. If you were here legally on or before April 5, 2001, you will not get the benefit of this amnesty. This amnesty benefits you only if you came here illegally.

Loophole 9: The essential worker permanent immigration program for nonagriculture low-skilled workers leaves no illegal alien out. It is not limited to people outside the United States who want to come here to work in the future but includes illegal aliens currently present in the United States who do not qualify for the amnesty program in title VI, including aliens here for less than 2 years. Under the bill language, you can qualify for this new program to work as a low-skilled permanent immigrant even if you are unlawfully present in the United States.

The bill specifically states:

> In determining the alien's admissibility as an H–2C . . .

The program is specifically intended to apply to absconders. There are 400,000 absconders out there now that we are trying to apprehend and trying to deport. They have been ordered deported yet they absconded; illegal aliens who were in removal proceedings and signed a voluntary departure agreement but never left, many of them did that, and illegal aliens already removed from the United States but who have come back.

Loophole No. 10: The annual numerical cap on this program is a completely artificial cap. If the 400,000 cap per year is reached, what happens then? The cap immediately adjusts itself to make more room under the cap. I kid you not. If the cap is reached, an additional 80,000 visas can be given out that year and the cap will go up automatically the next year as much as 20 percent. Even if the cap stays at 400,000 per year, we will have a minimum of 2.4 million low-skilled permanent—not part-time—immigrants in the first 6 years, the length of the H–2C visa if the individual did not file for a green card.

I see the Democratic leader. I have been going over some of the things in the bill that I think the American people and maybe our colleagues are not aware of. It is a breathtaking piece of legislation. It is something that jeopardizes our ability to be successful in the Senate in passing good legislation. The compromise will not deal with the problems I mentioned today. I am very disappointed.

I urge my colleagues, if you said you would not vote for amnesty, you should not vote for this compromise. If you voted against the Kennedy-Specter-McCain committee bill that came out today—and the vote was 60–39 against it—you should not vote for this bill. It is essentially the same thing.

Mr. REID. Mr. President, I so appreciate the courtesy of my friend from Alabama.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate your courtesy so very much.

Mr. President, the Democrats continue to fight for strong border enforcement and comprehensive immigration reform. This compromise is the second bipartisan plan we have supported, this Martinez amendment which is now before the Senate. We are happy to welcome Senator FRIST. He has been very cooperative in working to get this bill where it is now, to the Senate, at this time. It is a comprehensive, tough, smart approach that we have advocated all along.

Unfortunately, other Republicans seem intent on delaying and defeating this compromise. We are ready to move forward, but a group of Republican Senators want to slow this matter down, it appears. If not for them, this legislation could move forward. We would head into the recess with a bipartisan victory for the American people.

Although this compromise is not perfect, it still is the right comprehensive approach. It is "enforcement plus," tough reforms to protect our border and crack down on employers who hire illegally plus it will bring the millions of undocumented immigrants out of the shadows.

The Republicans are divided, obviously, on this issue. We must protect this fragile compromise and those bent on gutting this bill with hostile amendments. We still must ensure that this comprehensive approach is not lost when the bill reaches conference with the House of Representatives.

Therefore, I have suggested to the distinguished majority leader that the conferees on this be the Judiciary Committee. There would still be the two-vote majority that we have on all conference committees. These men and women who make up the Judiciary Committee fully understand this legislation. I believe they would make sure the Senate's position was protected.

I have also said in addition to that we should have a limited number of amendments. I have made that proposal to the distinguished majority leader.

I believe it is a test of leadership for President Bush to see what he can do to help bring everyone into this program. We do not need this matter derailed.

I will meet with Senator FRIST at approximately 8:30 again tonight and see if there is something we can work out. Here he is. So I hope there is something we can do.

I have, as I indicated, suggested that the Judiciary Committee members be conferees and we have a limited number of amendments. It sounds fair. It sounds reasonable, to me. I hope President Bush, who has talked about immigration reform, would get involved and help us reach the finish line.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I said this earlier this morning: we find ourselves at an interesting moment. This morning we had a cloture vote which gave us the opportunity to start afresh. We started in a very positive way in that we had a strong bipartisan show of support for an amendment, the Martinez-Hagel amendment. That is a good alternative. That is what we will be voting on tomorrow morning.

We left that meeting with the understanding that we would be able to debate amendments and bring up amendments and discuss amendments to this issue of immigration given the fact that it is a complex issue. And I think this Senate has come to the real point where we agree it is going to take a comprehensive approach to address the illegal and undocumented people coming into this country across our borders. That is real progress over the last week.

However, the problem we have, we have not been given the opportunity to treat each of these colleagues in this room fairly, allowing them to come forward and offer their amendments and to have them debated, to improve, to modify, to probably win some and to lose some, but to help shape legislation as we did on other bills, including the transportation bill, highway bill, other large, complex bills in this Senate.

Over the course of the day it was my expectation as we set out this morning, we take a step forward in terms of debating an amendment and looking at the overall immigration bill and offering amendments on that immigration bill to improve it. Yet here we are, 10 hours later, and we have made absolutely no progress.

The amendments that were first offered on this bill were a week ago, Wednesday of last week, the Kyl amendment. To this day, we have not been able to have a vote on that Kyl amendment, the Dorgan amendment, or the Isakson amendment, all of which have been on the table and discussed, but we are not allowed to vote on them. It takes unanimous consent, all of us working together to do that.

The problem is, unless the Senate is able to work its will, we are not ever going to be able to finish a bill and all the good we want to do in addressing immigration will come to naught today or tomorrow and in the near future. That is the tragedy.

I still think we have an opportunity to reverse that. What I recommend, and I will talk to the Democratic leader shortly, is that we proceed and take up the Kyl amendment and that we debate it, and we already have had sufficient debate. We can vote on it and dispose of that and take that next amendment, the Dorgan amendment, and vote on that, dispose of that, and take up the Isakson amendment, and vote on that, and then develop some good will.

I think, again, most everyone in this Senate wants to move this bill forward, see where we are, and then continue through the evening and the night in order to consider other amendments. That would be the normal process and the process I would expect.

I will be talking to the Democratic leader and I hope we can make progress and do just that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I am a little puzzled as to why the distinguished Democratic leader needed to come to the Senate at this time because, as he said, there is going to be a conversation between him and the majority leader in 15 minutes.

We all know where we are. We all know the obstacles we face. But we also know that people of good will need to sit down together and implement the bipartisan agreement made after a lot of labor and hard work.

All I can say is I am a little puzzled, but I still hope in 15 minutes the conversation between two individuals of good will would agree to move forward with a process. That is, obviously, the will of the majority of this Senate.

I am puzzled, but I hope the conversation that takes place in about 15 minutes between the two leaders would bear fruit and the details of what that agreement would be would, obviously, be between the two leaders.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, let me salute those on the floor who have been so instrumental in bringing us to this point.

I look over and see Senator MARTINEZ, who has worked very hard to find a bipartisan compromise which I now support. I thank him for that leadership.

I say the same of Senator McCAIN and Senator GRAHAM and so many others who have gathered here today. They are people of good will who generally want to pass a bill, as I do. The same can be said for many on our side of the aisle who have spent an extraordinary amount of time trying to find this common ground.

But let's be very blunt about where we are at the moment. It is 8:15 on Thursday night. Tomorrow is the last day of the session before a 2-week recess.

Clearly, if we don't reach some agreement as to how we are going to deal with this bill when we return after the Easter recess, it really is a troubling situation. I hope it is not a situation that would jeopardize the bill. We are trying to come up with a reasonable number of amendments. Yesterday, we calculated there were 228 amendments filed to the pending bill. It is physically impossible to deal with that number of amendments. We know that. As the whip on this side, I have faced 100 or more amendments and had to try to talk Members out of them. At this point, we are trying to reach a reasonable number.

We have been given a list of potential amendments on the Republican side. I will tell you that almost without exception, they are authored by Senators who have expressly stated on the floor they want to defeat this bill. So at some point, we have to acknowledge the obvious. Senators should have the opportunity, I suppose, to express themselves, but if the purpose of the amendments is just to drag this out once we return to the point where it never passes, we have done a great disservice.

It was not that long ago that we gathered on the floor of the third floor of this Capitol in the press room congratulating ourselves on what we had achieved on a bipartisan basis. Supposedly there was a bipartisan will to move forward. We need the same thing now. And we need to acknowledge that every Senator who wants to offer every amendment cannot be allowed to do so, if we are ever going to complete action on the bill. Both sides have to be reasonable in the amount of amendments that will be offered or nothing will happen.

The final point the Democratic leader, Senator REID, made, is equally important. We want the conference committee to be a working committee that understands the bill. The clearest way to achieve that is to have the Senate Judiciary Committee, with 10 Republicans and 8 Democrats, represent our interests, if the bill ever passes in the Senate. We think it is going to be an arduous process facing a House where the chairman of the House Judiciary Committee has passed a bill far different than the one we are considering in the Senate today. I don't think that is an unreasonable request by the Senator from Nevada. It reflects a two-vote plurality for the Republicans, as is usually the case, and brings the people to this conference committee who have worked on this bill the longest and the hardest. That is what we put on the table.

I sincerely hope that before we adjourn this evening we can announce an agreement to move forward. If we don't, I fear that tomorrow there will be a race for the airports without this resolved, and we will wait for 2 weeks in the hopes that when we return we will have the same spirit of bipartisan cooperation. We may and we may not. We shouldn't miss this chance, this historic opportunity to seize this moment and to pass comprehensive immigration reform which starts with enforcement of our borders, enforcement against employers who are misusing those who are undocumented, and a legal pathway so that those who have lived in the shadows and in fear for so long finally have a chance to prove themselves, in a long and difficult process, that they are in a position to be legal participants as part of our great democracy.

Tonight may be the test as to whether we can achieve that. I hope before we close down the session tonight, it is with the good news that we have reached a bipartisan agreement; otherwise, I am very concerned about the fate of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Illinois. He has been involved in many, probably too many, conversations we have had on this issue and meetings and gatherings. It is very interesting. Everybody is expressing the same desire, yet we can't quite get there. That is hard to understand.

I would like to make one comment to my friend from Illinois about conferees. One, I am confident it will be a fair conference. Obviously, in my personal view, the Judiciary Committee will be the appropriate conference. But that is a privilege and a right and a responsibility of the majority leader. We know the way it works around here. The majority leader appoints conferees. The majority leader wants to resolve this. He doesn't want the legislation gutted or destroyed in conference. We have worked too hard to get where we are. We have to proceed, at least a little bit, in good faith, recognizing if at some point as we are moving along that confidence is not there, you can derail it at any time. You can start the procedure that we have been in for the last 9 or 10 days. That seems to me the right thing to do, and I hope the discussion between the two leaders in 10 minutes will yield us an agreement to move forward.

The Kyl-Cornyn amendment has been pending for 10 days. We have on your side Senator DORGAN who feels strongly about his amendment, and so does the Senator from Georgia, Mr. ISAKSON. Those are issues we could work through and then see the end of the tunnel. We all know what happens. I think we are down to something like 20 amendments on our side, and it would probably be less than that. But there are only so many major issues associated with this bill.

I thank the Senator from Illinois for his cooperation and his efforts to bring this process forward. I think any objective observer would argue that it is time we move forward with the process. As the Senator from Illinois said, it is almost too late.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. McCONNELL. Mr. President, if I may echo the comments of the Senator from Arizona, had we followed a normal procedure in the Senate over the last week or 10 days, we would have probably had way more votes than Senators on this side of the aisle are requesting. A modest number of amendments, as Senator McCAIN indicated, roughly 20 amendments, is an incredibly small number of amendments when you consider the magnitude of the bill that is before us and the length of time that it has been before us. We could have been to the end of the process if we had had the kind of procedure that is typically followed in this body. I am hoping that we can get to that point. I am optimistic that the meeting between the two leaders may produce an agreement to get started. We have a group of amendments that are the logical place to start. I hope before the evening is over, we will have an opportunity to lock those in and to move forward, as we do on every other piece of legislation that we handle in this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I have been involved, along with many other people, trying to work hard. And if this were an easy problem, we would have solved it many years ago. As a nation, in 1986, we offered amnesty under Ronald Reagan, and 3 million people have turned into 11 million people. We can argue rightfully about what is punishment, what is amnesty. But what we can't afford is to take broken borders and combine them with a broken Senate.

America needs something to work around here on immigration. The House has spoken. I don't agree with their conclusion, but at least they spoke. The President is speaking. The Senate is trying to speak. We have reached a bipartisan compromise that enjoys support on both sides but also enjoys fair criticism. If it begins to be the rule that you can't offer an amendment if you oppose a bill, that is probably not a good policy for our friends in the minority.

We want to be able to tell America why we differ with each other and in some constructive way vote on what our differences are. Three amendments on a bill this important is unfair to our colleagues who disagree with what we are trying to do. Some of them are trying to make the compromise better. I was in the Judiciary Committee. It has been a heck of a place to reside. If I had known going in what it was about, I don't know if I would have accepted the job. But I have thoroughly enjoyed it in this sense: We have taken very important issues, and we talked about them and we voted. We spent days on this bill. We had dozens of votes, Senator SESSIONS. Nobody said you couldn't vote. We worked through it, and we came out with a bill that some like and some don't. Now we are on the Senate floor.

Everybody who is not on Judiciary deserves at least a shot to have a say about this bill. As much as I like being on the Judiciary Committee, I don't think we should take over the whole Senate. So what we are trying to do is give people on the committee and not on the committee a chance to revisit this legislation in some orderly process.

Here is what we propose. It really is about who to trust, and trust is pretty low around here. The country has lots of problems, but we have to be able to prove to each other we mean what we say. I hope I have proven this. I mean it when I say I am for a comprehensive bill. I have taken some votes that are not that popular at home. But I believe it is best for the country and the people of South Carolina to realistically solve this problem. Senator ISAKSON has a good amendment. Senator KYL and Senator CORNYN, there are a bunch of good amendments out there. Some of them I will vote against, but they deserve the right to be voted on.

What do we do in conference? Senator FRIST has been a very good leader this week. He has taken a majority of his conference in a way they really didn't want to go, but they are now understanding it is better to get something done than nothing. And to get to the end of the tunnel, we are going to have to trust each other a little bit.

Senator DURBIN has been terrific. You have been in every meeting I have been in, and I believe in your heart you believe it is good for the country to solve this problem. The only way we are going to get there from here is to have a little bit of faith. If at the end of the day this bill blows up, I don't expect you to accept that result, nor will I. But I am willing to give the process an opportunity to prove to each other that we can do what we said we can do.

I think we can deliver a bill with Republicans and Democrats that would honor the compromise we reached today, but we can't do it shutting out our colleagues. I know if we give this a shot, we will make it. But those who want to kill it, you need to be on notice. As long as I am in the Senate, we are going to be talking about this kind of problem. Every day we talk, people come across our border, and we don't know who they are. Some are doing good and some may not. We need to fix this problem.

To my colleague from Illinois, I know where your heart is, and I appreciate what you have done. But we need to move forward. America needs a better legal system when it comes to immigration. America needs secure borders. America needs to treat with dignity 11 million people who have committed a wrong but could be of great value to us in the future. But more than anything else, America needs a Senate that can work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will be brief. Obviously, Senator SESSIONS is on the committee and had been speaking prior to this interlude with our leaders.

I have worked 5 years to get a piece of this bill, and I have a piece of the bill that is currently before us. At the same time, I have voted consistently to allow my colleagues who disagree to have a vote on their issues. Senator SESSIONS and I rarely disagree on issues. On this we disagree.

He is very artful in casting certain provisions of it one way. I could argue it the opposite way. I suspect my arguments would sound nearly as logical as his. But what is important here is the final shaping of a very important piece of legislation.

Controlling our borders is an absolute must that we have denied ourselves for now two decades. Everybody talks about the 1986 act. It didn't work. No, it didn't work. It didn't work because we didn't realize, at least some didn't, that we were sending a signal out that if you could get here and wait your time, some day you might become legal. You might become a citizen. We didn't realize that we put a megaphone to the world and said: Come one, come all.

We also had an economy and job-creating environment in which there were jobs to be had. We didn't control the border. Again in 1996, a decade later, we attempted to tackle it again. Numbers had grown. We didn't control the border.

In 1999, I began to work on the agricultural issue. I worked a compromise over a period of 5 years now with a lot of different people. But in the heart of what I have done is a very important key: it is controlling the border. No matter how we write this legislation, if you cannot define the number and control the number, it is for naught. That is an absolute fact.

It isn't by accident that the first few titles of the committee bill are all about border control. I wish we would move much faster on border control. I wish nationally we could move tomorrow because what we have offered will take a few years to implement.

We have to train more Border Patrol men, 1,500 a year, and go on and on with beds of detention and all that. That is important and part of the control. We have to find the resources to do it. So all of that has to fit together.

At the same time, Americans are phenomenally frustrated about what we are doing and where we are. They know why we need to do something, and they know our borders ought to be controlled. Well, I am going to stand here and defend the right of my colleagues to offer amendments. I would like to think that on the issues I am passionate about, my arguments are more persuasive to a majority and I can defeat any amendment that might be proposed to change certain provisions. I don't know, but I am willing to take that risk because I have to guarantee this process.

The attitude of shut out and deny has never worked in this Senate. We always shape it a little bit, but we never deny it. Yet for a week now it has been denied and it will not stand or the bill will fall. That would be wrong for the American people not only to see but to understand because in it are the ingredients to solve a problem, if we have the heart and the will to implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I agree with much of what Senator CRAIG said—particularly about the ineffectiveness at the border. Let's be real frank and honest about the bill we have today. The reason we are in trouble today, the reason we are not going to be able to pass this legislation is that the bill is a failure. It is a colossal failure. It is a dead horse. It has been lying out in the sun, and people have been having to look at it, and they are now able to smell it. A few amendments and a compromise is not going to revive this. It doesn't do what we want it to do. It has a huge surge in immigration.

The compromise is 95 percent of what was in the bill we just rejected this morning by a 60-vote margin—95 percent of it. And the others were supposed to make some big difference, but part of the changes in the bill increase the number of people who would come into the country, and there is not any restraint on the legislation. So the underlying bill that came out of committee was bad from the beginning.

Let me tell you what happened. We debated the bill. We spent 5 days in markup, and 4 of those days basically were on border control issues. We debated individual words. Then, all of a sudden, on the last day, when the majority leader said we had to have the bill out, about noon we got around to the amnesty for the 11 million people and what we were going to do about future immigration policies. And without any amendments—maybe no more than one or two—they were adopted in toto, without any real discussion, no expert testimony, no full understanding of the comprehensiveness of it. We just rushed it through. We passed this bill last Monday at about 6 or 7 o'clock at night. It hit the floor on Tuesday or Wednesday. The bill was not even printed until Wednesday night. We were devoting Wednesday all day to the bill, and it had not even been printed.

I ask my colleagues this: Should you not know how much the bill costs? Is anybody here prepared to stand up and say what this bill would cost, the compromise bill, if we pass it? How much will it cost? Does anybody know?

I made inquiry today and got back a letter from CBO that said it is clearly in violation of the Budget Act. Now, they said that was just a part of the cost; it was much more than that. They were still trying to run the numbers.

So within minutes, I got this e-mail from the Congressional Budget Office. It has a score on it. It says that CBO and Joint Tax estimate that direct spending outlays under this bill would total about $8 billion for the first 5 years. That is clearly in violation of the Budget Act.

What about revenues? Joint Tax and CBO—our two agencies we depend on to tell us what the cost and impact of the legislation will be—estimate that the legislation would result in an on-budget revenue loss of $5 billion from 2007 to 2011 and $2 billion over the 2007-to-2016 period, largely because of lower tax payments by businesses.

Here is discretionary spending. Assuming the appropriation of a necessary sum, CBO estimates that outlays for those purposes would total at least $16 billion from 2007 to 2011 and more than $30 billion over 2007 to 2016. And they are in a governmental mandate. The bill would impose mandates on State and local governments with costs that would exceed the threshold established by the Unfunded Mandates Act and at least 1 of the first 5 years after they take effect, totaling $29 billion over 5 years.

Well, why am I saying that? First of all, that is a lot of money. We have Social Security in trouble, Medicaid in trouble, and we are going to add $29 billion more to our costs?

What is really troubling is that it is symptomatic of the lack of thought and serious evaluation that went into writing this bill to begin with. It is not a good piece of legislation. It has good intentions. It desires to do the right thing. Unfortunately, as I have studied it, having been on the Judiciary Committee, I have come to believe it cannot be amended. And we are going to have three amendments that are going to somehow fix this bill? It fundamentally needs to be reviewed. I really think so.

I will repeat that I am optimistic about our ability to make this work. I am optimistic that, with just a commitment of will and some resources, we can create secure borders and increase the number of people who come into our country legally. We can deal humanely and fairly with the 11 million to 12 million—or maybe even 20 million—illegals who are here. We don't have to give them every single benefit we give to those who follow the law, but we can allow most to stay and work and live here, if that is what they have been doing and if that is possible. We can work out all those things. We can deal with those issues in an effective way. But this legislation doesn't do it, and it is too late to fix it.

We need to have some real hearings, get the best minds in America to tell us about this problem, and work out legislation that is not amnesty, that doesn't cost $27 billion, that creates a lawful system on our borders so people can enter and exit easily with biometric identifiers if they are lawful and those who try to come in unlawfully get apprehended. That can be done. This bill doesn't do it. The compromise legislation doesn't do it. It needs to be voted down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, we have been in a stalemate over the issue of amendments for several days now on what is an issue which, as the Senator from Alabama so eloquently said, is very important to all Americans. It is a very important issue to those who support the bill and to those who might oppose the bill. It is an issue where the lives of many people in America are hanging on its outcome.

The President has spoken in the last 24 hours about the need for the Senate, with a seriousness of purpose, to move forward to try to arrive at a reasonable resolution of this issue. The fact is that, as we have over now several days endured, I am not so familiar with every nuance of Senate procedure so as to fully understand all that might be and could be done. But there is also a benefit to that, which is that I am so accustomed to what the rest of America thinks and hears and, frankly, have a view that I think is also fresh, which is to say: How do you explain to anyone in America that on something as fundamentally important as the immigration laws of this country, on a system that admittedly, while we cannot agree on much, we have to agree is a broken system, that today is not working, not serving America's need for security of the border, that is not serving America's need to know who these 12 million people are and why they are here, that today is a system that compounds and permits illegal behavior by those who cross the border illegally and those who employ them and benefit by their labor.

There is a tacit understanding that we have an illegal system and we are fine with that. In the midst of that need and in the midst of this overwhelming problem we have in our country, the Senate has a responsibility to do something about it.

So how do we explain to the people of America that 100 Senators, led by their leaders, have been hung up over the fact that they cannot agree on how many amendments they are going to have to this bill? It is that simple. We just cannot agree on the number of amendments that will be considered on the bill. Some would say it is too fragile a compromise. If it is too fragile to not have the sufficient votes to defeat amendments to the bill, why, then, it would not pass anyway. That is an indication of a lack of purpose.

Some would say: It is too broken down and cannot be fixed. Let's give it a try. I have never heard of a bill which I participated in in my short career in the Senate that came to the floor and there was not an up-or-down vote—well, sometimes they are done by unanimous consent. But on monumental, controversial legislation such as this, there are always going to be amendments. And I think about how am I going to explain to the people who are looking to me for leadership, telling me to get something done on this problem—and on both sides, people are demanding that the border be secure, and other people are asking that their status be resolved so they can move on to have a piece of the American dream—and say to both of them that the Senate has failed you and did not act; we could not act for the simple reason that we could not agree on the number of amendments. We agreed on the underlying idea—a majority of Senators, I believe, or perhaps a significant majority agreed on how we might perhaps make a contribution toward solving this problem with what now has been reached as a compromise. And we announced it with great fanfare. Then we get to the issue of how many amendments.

The bottom line is that this issue is too important—too many people are depending on it and the security of our Nation depends upon it—for us to fail this test of leadership. If we fail to act on this bill, as I seriously fear we will because of the reason that some would prefer to have the politics of this issue over the policy we could create by acting upon this issue, whatever the will of the Senate may be on it, we will have seriously failed the American people and failed the test of leadership. The President has encouraged us, told us, urged us to move forward and to act on this very important issue. We simply are dilly-dallying and failing to act on something that is fundamentally important to the people of this country.

So I say that if this issue fails to be acted upon, there will be people looking for places to hide and fingers to point as to who is to blame. I would blame all 100 of us for not getting it done. Those who agree with it can vote for it, and those who disagree with it can vote against. Those who have legitimate amendments should be able to offer them and be able to have a vote on them up or down.

Obviously, we have to limit the number of amendments. So we are back to the decision of how many amendments. You would think that grown people could decide how many amendments to have on a bill of this significance and of this importance to the Nation. If we don't agree on the question of how many amendments, I look forward to hearing suggestions on how we explain to the American people why we failed to act.

Ms. LANDRIEU. Mr. President, I would like to speak to an amendment designed to clarify existing immigration law and ease the burden on families sent abroad in service to the United States.

Under the Immigration and Nationality Act, there is normally a 3-year residence requirement for spouses of U.S. citizens to be naturalized. Section 319(B)(3) waives that requirement for applicants whose citizen spouses are ordered abroad by our Government to keep families intact while certain members do their duty to our country, wherever in the world that may require them to go. The same law rightly places value on cohabitation between spouses in requiring that applicants spend no more than 45 days away from their citizen spouse. The waiver provided under existing law is clearly intended to prevent our Government from splitting up families whose members are in the service of this country for the mere purpose of satisfying shortsighted antifamily regulations. Yet that is exactly what has occurred as a result of the Bureau of Citizenship and Immigration Services' overly narrow interpretation of this law.

I wish to briefly tell you a story about two constituents of mine, a husband and wife from New Orleans, who were subjected to this particular fate. Brett Schexnider has served as an Active-Duty officer in the Armed Forces for more than 20 years, and holds the rank of commander in the U.S. Navy. Commander Schexnider married his wife Gisele in March of 1999. When the Navy ordered Commander Schexnider to leave New Orleans for a foreign post over 2 years later, Gisele, who is originally from France, understandingly and dutifully accompanied her husband on his tour of duty. After 14 months, the Navy sent Commander Schexnider back home, and his wife returned with him. Four months later, she applied for naturalization. Her application was denied as a result of her having joined her husband abroad, which caused a break in the 3 years of continuous residence normally required. Relying neither on explicit regulation nor statute, USCIS determined that she was no longer entitled to a waiver of the 3-year requirement because her husband had returned to the United States by the time she filed her application. After 6 years of marriage, Gisele was told that she would have to wait another 3 years before her application could be approved. I submit to my colleagues that this unwritten policy and absurd determination is not only bureaucratically senseless but also a shameful offense to the institution of marriage.

Again, this amendment does not seek to do anything more than clarify existing law so that it may achieve its original purpose. The provision in Federal regulations requiring that duty abroad last at least 1 year would remain intact, as would the requirement that an applicant be present in the United States at the time of naturalization. My amendment would simply prevent applicants from failing residence requirements if they choose to follow their spouse to a Government-ordered post.

Our military families and the families of this Nation's public servants who are sent abroad do not deserve to be punished for their service. The laws of this Government and the agencies that execute them must not be allowed to separate families whose members stand up to answer the call of duty, and I would hope that all my colleagues could join me in protecting our Nation's families from this disgraceful practice.

I ask unanimous consent that the text of the Amendment be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

At the appropriate place, insert the following:

SEC. . RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are about to close in a few moments. We have some business to do. But I want to comment briefly on the events of today with respect to what I think is tragic in the sense that we are, in all likelihood, not going to be able to address a problem that directly affects the American people.

What the Senate does best is to identify a problem, to develop and take a solution through committee, and then bring that product to the floor of this body and allow 100 Senators—the body itself—to modify, to take away, or to add to that product and produce a bill. And it becomes especially important when you are addressing very complicated issues, tough issues, tough challenges that you produce a product that reflects the intent and the will of this entire body, the Senate.

In this particular case, when we are discussing immigration, the problem has been clearly identified. Our borders are broken. Our immigration system does not work, Our laws that are on the books are not being enforced.

Again and again, we have heard over the last 2 weeks that we are a nation of laws, a proud nation, a rich nation because of our immigrants and our history of immigrants. But with those laws not enforced, our workplace is not protected, and with employers not having the tools available to enforce those laws, with too many people living in the shadows, we have a set of problems that have to be addressed.

This body has moved in the direction of addressing that in a comprehensive way. We developed a product in the committee, we took that product to the floor, but when we came to the point where the minority, using their rights, which I would argue is abusing those privileges, caused the system of deliberation and amendment to fail, that resulted in postponement, it resulted in blocking amendments, not having votes, obstruction.

They did not allow amendments to be offered—the substantive amendments, the really important amendments—or to be voted on.

Everybody watching this debate over the last week and a half asked—we all have that telephone call or that question in town meetings: How in the world could the Senate possibly operate that way? How can a handful of Senators or a minority of Senators—fewer than 50 in this body—actually stop progress on an important bill?

The American people are baffled by it, and appropriately so. The answer lies in that the rules of the Senate allow them to do that, and if those rules are used in that manner, then things can be stopped, postponed, and blocked.

People call it tyranny of a minority. Is that an overstatement? Not really, because the tyranny means that you have something bad happening, and the strength is of the minority, and that has actually taken place. We have seen it play out over the course of the last 12 hours, almost exactly 12 hours after a vote today to oppose a bill that gives illegal immigrants, undocumented people, a direct special path to citizenship. Many thought it would be a new day and, indeed, shortly thereafter, a large number, a bipartisan group of people, rallied in support of proceeding to an amendment put forth by Senators HAGEL and MARTINEZ, broadly supported with a number of cosponsors on both sides of the aisle.

That amendment, coupled with the work that the committee had done to date, that the Senate had done, did everything pretty much in terms of tightening the borders, worksite enforcement, looking at 12 million undocumented, illegal immigrants here and saying it is not a monolithic group and has to be addressed in a certain way and developing a temporary worker program.

However, at that point, the minority, having said the amendments could be offered, reversed course, and over the course of today we have not had any amendments offered. We have had them offered—in fact, 396 amendments are at the desk—but we are not allowed to take any of those amendments out and debate and vote on them. And we did not do any amendments today. We all know a lot of people say they will file amendments, and they do not ultimately even want to debate them, but 396 amendments reflect a lot of Members with interest, on both sides of the aisle, with an interest in modifying or attempting to modify or discussing how they might modify the underlying bill.

I have been consistent in my remarks over the last several days, actually at the end of last week, as well, that it is important we begin debate and we begin that amendment process and get votes on some of those amendments. People say, well, you had three votes. There are 396 amendments, and we did have three votes. They were fairly noncontroversial. The problem is that we have a lot more substantial amendments.

The amendment that we talked about earlier tonight, the Kyl amendment, was offered Wednesday of last week; and another amendment, the Dorgan amendment, was offered last week; and the Isakson amendment was offered last week. These are amendments we have not been allowed to vote on.

Earlier tonight, a couple of hours ago, when the Democratic leader and I were both on the floor, I suggested we go ahead and take up the Kyl amendment. Even if we could not come to all the agreements about what will happen weeks or months from now, let's go ahead and take up an amendment and maybe we could capture the good will of the Senate, show progress, and after that take up the Dorgan amendment and the Isakson amendment, and hopefully at some point—maybe it even could have been now—we could see how we could proceed with other amendments.

That proposal was refused and, thus, we are here now a couple of hours later. A lot of other proposals have gone back and forth, and without talking too much about what the Democratic leader and I have talked about, we have tried to put together packages or groups of amendments that might be considered. I have been quite open. We would like to see about 20 amendments, out of 396, about 20 be considered at some point in the future, in a package, and ultimately have passage of the bill after those amendments. How they fall is important, but voting is important. And however they fall, if we can vote on the underlying bill, I think it would pass. But the response to that, again, was "no."

I mention that because we have seen this flow over the course of the day, a lot of optimism earlier today, but now, since we have had no amendments over the course of today, I don't see how cloture can be invoked tomorrow morning. We will have to wait and see how the votes go, but I would think all of the people who have been denied the opportunity to offer their amendments are not going to want to proceed where, in a process, they are being shut out, totally shut out. But we have to wait and see how that vote goes tomorrow morning.

Now, where do we go from here? I always say that tomorrow is a new day, and we do not know what exactly will happen tomorrow morning. I do see little progress on this bill possible tomorrow because of the obstruction that we have run up against.

What is disheartening to me is that we do have a huge problem along our borders today. As I have said many times before, when I was last at the Rio Grande border, 400 people were caught that night. That means 400 people will probably be caught tonight in that one little sector. But in addition to those 400 people being gone, there are probably about 800 or 1,200 people who are going to get through that border tonight—just that little sector tonight—and tomorrow night and the next night and the next night because we did not act and because we are not acting and not moving forward. I think that is a disservice to the people living along those borders. It is a disservice to the people who are going in those hospitals along the borders in the border States, who have to wait hours, sometimes several hours, maybe even a whole day, because these waiting rooms are crowded with people who have come illegally across the border over the preceding days.

But we will have to see how the vote goes tomorrow morning. If cloture is not invoked—and I don't see how it can be, the way the process has proceeded—we will have a cloture vote on a strong border security bill, a bill that does deserve to be passed. If we cannot pass the comprehensive bill, because of obstruction, we will have the opportunity after that to vote on a strong border security bill that also has interior enforcement and worksite enforcement tomorrow morning as well.

I do hope we can turn the corner here at some point and address these problems which do affect the American people. We have to stay above partisanship. We have to work together and be able to debate in a civil way. I stressed that initially when we began the debate, saying we have to be civil and dignified, but then I found that we were not even really able to debate because we have not been allowed to vote on these amendments.

Mr. President, does the Democratic leader want to have any comment? If not, I will proceed on with business. I do not want to cut off anything.

Mr. REID. Mr. President, I will say a few words. I wasn't planning on saying anything, but I think I must say something.

Mr. President, no matter how many times I call this lectern a car, it does not matter, this is not a car. This is a lectern, used here in the Senate for us to put our papers on and deliver a speech. This is not a car. If I come to the Senate floor and, day after day, hour after hour, call this a car, it is not a car. It is a lectern.

If I come to this Senate floor day after day and say what the Democrats have done is unusual, unwarranted, unbelievable, it is wrong, it is as wrong as this lecturn being called a car.

Now, we are in a unique situation. The distinguished majority leader and I have really tried to work something out. I indicated that I thought it would be appropriate that we agree on who would be on the conference—the Judiciary Committee. It sounds reasonable.

I also thought we should have—not that I was rushing forward with this, but I would agree, on behalf of my caucus, to a reasonable number of amendments. Mr. President, 20 or so is not a reasonable number of amendments. That is filibuster by amendment. It appears here what they want is to filibuster. They, the Republicans, want to filibuster the Martinez bill.

So I do not know how much more reasonable we could be. We are united. We have produced votes this morning to show we are serious about legislation. We will continue to fight for strong border enforcement, comprehensive immigration reform.

What we have suggested is reasonable. It is fair. And the distinguished majority leader said we will see how the vote goes. I think that is really important, that we see how these votes go. I would hope that the night will bring the confidence that we can move forward and invoke cloture on the Martinez bill and finish this legislation. There are still votes that would be valid postcloture on that.

I also make this commitment: If cloture is not invoked—and I think that would be a terrible disservice to this country—I will continue to work on immigration reform. This is something that has to be done. It has to be done. The leader and I have gone back and forth so many times today that we are beating paths to our offices.

I hope this legislation will move forward tomorrow. I know people feel that this lecturn is a chair, but it is not. This is the Senate. This is how it works. The way to bring all this to a close is to invoke cloture. And then we can all walk out and declare victory for the American people. This isn't a question of who filed a cloture motion or who allowed amendments or didn't allow amendments. This is the Senate. That is how it has worked for almost 220 years.

I hope the night will bring what I think is common sense and we can resolve this matter. It would sure be something I would like very much.

Mr. FRIST. Mr. President, I want to, one more time, make it clear that we have tried to move to take up the Kyl amendment tonight, but the other side refused that opportunity, and the Dorgan amendment and the Isakson amendment, to proceed with debate. The Democratic leader and I have had the discussion. I want to make it clear that not supporting cloture tomorrow is the only way we can support our right to be able to offer amendments and to debate them. It is important for everybody to understand that because it comes on the heels of broad support for the underlying amendment.

Mr. REID. If I could ask a question—pardon the interruption—that would be in addition to at least 17 other amendments at some time in the future; is that right?

Mr. FRIST. Mr. President, the intent is to start down the path of amendments and allow the debate and then to allow the votes. We have stopped short because I have said that our side, since 396 amendments have been offered, needs about 20 amendments—and this doesn't have to be right now; this could be at some point in the future—that we could put into a package and then debate the bill. With that, we have not been able to reach agreement. That is where we are. But this willingness to debate and vote, I want to make it crystal clear we have attempted again to do that. I keep mentioning it because with cloture in all likelihood not being invoked tomorrow, it is solely because we have not been given that opportunity to offer amendments to improve the bill. Some of them would win; some would lose.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. FRIST. I am happy to.

Mr. DURBIN. If we fail to invoke cloture tomorrow, is the majority leader saying we then cannot amend the Martinez substitute that is before us?

Mr. FRIST. I believe that following the cloture, if cloture is not invoked on the Martinez amendment tomorrow, we will follow that immediately with a cloture vote on the bill itself, the border security bill.

Mr. DURBIN. If I might ask the majority leader, if I understand it, it is a cloture vote on the motion to commit which would make the Martinez substitute the bill before us. If that cloture vote prevails, there is ample opportunity then to amend that substitute that is before us. Why does the majority leader argue that Republicans would withhold their votes and stop the process? The process can still go forward. Amendments can still be offered at that point. We have not filed cloture on the underlying substitute. It is only on the motion to commit.

Mr. FRIST. Mr. President, the problem with tomorrow is, we will be in the exact same situation. If cloture is not invoked, we will have one amendment up. We will be exactly where we are now, with your ability to do what you have done, what the Democratic side has done, for the last week and a half, and that is not to allow amendments to come forward and continue to block and obstruct. That is the problem, that we can't come to an agreement on a package. And we have tried to bring it up with a group of amendments, say 20 amendments. We have tried to say let's take one amendment at a time. And the problem is that process is being thwarted, whatever technique we try.

I will not support cloture tomorrow and I don't think our side of the aisle will support cloture tomorrow because it denies our Members the right to offer their amendments and debate them.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. If cloture is invoked tomorrow, there would still be an opportunity to offer amendments postcloture, germane amendments?

The PRESIDING OFFICER. If a slot were available on the amendment tree, they could be offered. Currently, there are no slots. The tree is full.

Mr. REID. Mr. President, I ask the distinguished Chair, those slots were not filled by the minority, were they?

I think the point is made.

The PRESIDING OFFICER. On the motion to commit, the amendments were offered by the majority leader.

Mr. REID. I have no further questions.

Mr. FRIST. Mr. President, the leader is aware that one amendment could be pending during that entire 30 hours. The minority could deny Members the right for votes on their germane amendments.

I guess I would ask, would the minority leader agree to allow amendments be given 30 minutes of debate, equally divided, so we can be assured that we can debate and vote on that and other important amendments?

Mr. REID. Is that postcloture?

Mr. FRIST. Yes.

Mr. REID. I would be happy to consider that. I think we would have to see what amendments were offered. But I think something such as that is within reason. I am happy to see what we can do. I cannot say until I know what the amendments are, which ones are germane or not.

My point is that there is a way we can have amendments offered postcloture. All we have to do is have cloture invoked tomorrow.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to votes in relation to the following amendments: The Kyl amendment, the Dorgan amendment, and the Isakson amendment.

I further ask that before each vote there be 30 minutes of debate equally divided in the usual form.

Before the Chair rules, I note that two Republican amendments in this agreement have been pending for over a week.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, of course, Mr. President, until we have an agreement, as has been indicated, on what is going to happen postcloture, and we have talked about this, and a conference—these things sound very procedural in nature, but they are important to what this body does. So I object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support a bill which I will introduce, entitled, "Reverse the Raid on Student Aid Act of 2006."

Forty years ago, our country made a promise to the young men and women to make college more affordable for those who have the determination to pursue higher education regardless of their financial background. This promise was made through the enactment of the Higher Education Act of 1965.

Even before the enactment of that legislation, the National Defense Education Act in the 1950s marked the first time that Congress made a Federal commitment to help young people complete their education.

Most people do not remember the circumstances. We started giving student loans across America because we were afraid. Our fear was based on the fact that the Russians in the 1950s launched a satellite known as Sputnik. We knew they had nuclear capacity and now they were launching a satellite in the heavens. It frightened us.

In the midst of the world war, we did not know if we had a new vulnerability, but we knew where to start in America. We started in the classroom. We decided we needed a new generation of Americans with a college education—specialists, scientists, engineers—people who could prepare America to defend itself and to be competitive in years to come. And we also realized that college education in the 1950s and 1960s was not what it is today. It was really the province of the lucky few, those who were the Senators and daughters of alumni across America and those fortunate enough to be discovered and given a chance to go on to higher education.

We changed everything in the 1960s. We democratized college education in America. College education became an opportunity for many in families that had never produced a college graduate. How did these kids get to school and finish? The National Defense Education Act said: We will loan you the money.

I know a little bit about this story because I was one of those students. After graduating from high school, I borrowed money from the National Defense Education Act and went on to complete a college degree and a law degree. I never could have done it without borrowing that money. The terms now seem so simple and so easy. I was supposed to pay that money back over the next 10 years, after 1 year of grace period, but for the next 10 years after graduation, 10 percent a year at the outrageous interest rate of 3 percent. Of course, I did pay it back and look back now as I reflect on it and realize what a great loan it was and what a great investor it was. I was one of millions who benefited.

The good news is that the number of students who enroll in higher education across America has nearly doubled over the past 35 years: 8.5 million college students in 1970 to approximately 16 million by 2005. There is some bad news to this story. Despite the importance of college education in the 21st century, many millions of young adults never make it to college.

Never has higher education been more important than it is today. Over the course of a lifetime, a college graduate will earn over $1 million more than someone without a college degree. Today, six out of every ten jobs in America require some postsecondary education or training.

In addition to the individual benefits of a college education, we know that investing and producing more college-educated Americans is vital to our Nation's future. Economists estimate that the increase in the education level of the U.S. labor force between 1915 and 1999 resulted directly in at least a 23-percent overall growth in U.S. productivity.

If you are a student of history, you come to realize how critical education is to where we are today. Why was the 20th century, from 1900 to 1999, the American century? What was it that made America different? Why did we excel when other nations stalled? I think you look back to education there as well.

Between 1890 and 1912, during that 22-year period of time, we built, on average, one new high school in America every single day. All across America, communities decided that high school education was now something worth the investment. Was it a Federal mandate? No. It was the decision of local communities that kids would not quit at the eighth grade. High school—once again, a province of the wealthy and the privileged—became customary and public and universal in America.

So with this rush of new high school graduates coming to lead America, in so many different fields—business and education and other places—the 20th century became the American century. We moved from the Model T from Ford Motor Company to launching our own rockets at Cape Canaveral. We moved forward, with the understanding that education was the key.

Recently, many reports have sounded the alarm that we may be losing our education. The world's technology is moving faster than our education. Countries such as China and India are showing dramatic progress when it comes to technology and innovation. To keep America at the economic forefront of the 21st century, we have to realize we need to continue to value education. We need to invest in it. We need to make certain that Americans are in the forefront, leading the world when it comes to educational standards. We also have to understand that many of these young college students, tomorrow's leaders, will not have a chance unless we give them a helping hand, the same kind of helping hand that this college student had many years ago.

The cost of college education is far beyond the reach of many American students, not just those from poor families but those who come from middle-income households and farm families and families of recent immigrants to our country. According to the College Board, in current dollars, the total cost for tuition fees and room and board at a 4-year public university has increased by 44 percent over the last 5 years. Federal financial assistance is not keeping pace. Twenty years ago, the maximum Pell grant for low-income and working-class families covered about 55 percent of the costs of attending a 4-year public college. Today, the maximum Pell grant of $4,050 covers about 33 percent of the cost.

More and more students find that grant is not enough. According to the U.S. Department of Education, the average student debt of $17 thousand has increased by more than 50 percent over the last decade. We know the stories, stories of students who finally get the diploma, proudly walk down the steps, pose for photographs with their parents, and then try to figure out how in the world are they going to pay back that student loan. That student loan is going to guide them in their lifetime decisions. I have met so many who said: I took this job because it paid a little more. It was not the job I wanted, it was not the thing I wanted to do, but I have to pay off a student loan. So these students, burdened with more debt, find their life choices limited and restricted.

Smart, hard-working kids deserve a chance to go as far as their talent will take them in America.

Students who are qualified to go to college, students who have the desire to go to college, students who can make valuable economic, intellectual, and cultural contributions to America by pursuing higher education should not be kept away from school because they don't have the money. These students are our future.

Let me tell you why I come to the floor and make a speech, which virtually everyone would agree with, and why I am introducing a bill today. Earlier this year, we decided to change the law when it came to college student loans. Earlier this year, the Republican leadership in Congress missed an opportunity to make an important investment in our Nation's future. A bill known as the deficit reduction bill, pushed through Congress by the Republican leadership and signed by President Bush, made $12 billion in cuts in student aid, the single largest cut in financial aid programs in history.

Democrats, on the other hand, proposed reinvesting in student benefits the savings from reducing excessive bank subsidies. We were turned aside. Our approach was rejected. Unfortunately, the Republican majority missed an opportunity to prevent higher student loan interest rates from getting out of hand and going into effect. So as of July 1 of this year, regardless of how low interest rates may be, student loan interest rates will be fixed at 6.8 percent for student borrowers and 8.5 percent for parents who borrow for their child's education. Students will no longer be able to take advantage when interest rates go down by consolidating their loans. Currently, those loan rates are about 5.3 percent for student borrowers, 6.1 for parents.

In addition, students are prohibited from consolidating loans that they might have from various sources and various schools in an effort to lower their interest rates. If we want to move ahead in the global economy, we can't succeed by saddling our newest workers with more debt. That is exactly what this bill does. Anyone who owns a home and a mortgage knows that there comes a time when you get the news that interest rates are going down, that you might consider renegotiating your mortgage and then your monthly payment will go down. You can pay off more on principle and maybe retire your mortgage sooner. It is something we do all the time, whether we are refinancing a car or a home or something else for which we borrowed.

But along come the financial institutions and special interest groups and say: There is one group in America that we will not allow to consolidate their loans and at a lower interest rate. Which group did we pick? The most vulnerable—college students. And do you know why? They are not very good lobbyists. These kids spend too darned much time on their books, and they don't buy the good lobbyists in Washington. I just don't know what is wrong with this generation that they haven't hired the fancy lobbyists, who roam our hallways with considerable retainers, to represent them. Maybe they just assumed some of the Members of the Senate might be sympathetic to college students.

Well, they were wrong. When it came to a choice between more money for the financial institutions that finance the student loans or standing up for the students to keep interest rates down, guess who won. The special interests won; the financial institutions won. The college students lost. As a consequence, they are burdened with more debt. Isn't it great that this Government, which generates so much debt every single day to be heaped on the shoulders of future generations in terms of our national debt, now decided to increase the personal debt of that same generation when it comes to college student loans?

Large educational debt changes the future for many of these students. Career plans change. Lifestyles change. Home and auto purchases are put on hold. Family plans have to be delayed to accommodate debt payments.

Let me tell you two real-life stories that illustrate the effects of these large student loan debts.

Margo Alpert is a 29-year-old Chicago public interest lawyer who is on a 30-year repayment plan, 30 years to repay her student loan. She will be in her mid 50s and thinking about her retirement by the time she has finally paid off her student loan.

Carrie Gevirtz, a 28-year-old social worker who earned her master's degree in social work last year from the University of Chicago, babysits and teaches kickboxing to supplement her $33,000 yearly income so she can pay off her $55,000 student loan. She is a social worker, for goodness' sakes. Here she is taking part-time jobs to pay off this mountain of debt which Congress, thank you, has just increased the cost of.

College graduates such as Margo and Carrie are forced to make lifestyle decisions based on their debt. But there are other lifestyle decisions that are being made as well. Are you familiar with an operation known as Sallie Mae? Sallie Mae was a quasi-governmental agency which went private about 10 years ago. Sallie Mae is a financial institution, one of the largest when it comes to financing student debt. Check it out. Google Sallie Mae. You will find one of the most profitable corporations in America. They loan money to students, and they are making a fortune.

Let me give an illustration of how good life is at Sallie Mae, the institution that is providing student loans for students across America. Sallie Mae's chairman, Albert Lord, racked in $40 million a year to oversee the student loan business and took some of the money that he made and decided to buy over 200 acres in nearby Maryland, right outside of Washington. People in the area were nervous, wondering what Mr. Lord, the chairman of Sallie Mae, was going to do with over 200 acres. They were afraid he was going to build a subdivision.

He calmed their fears: Don't worry. I am going to be building my personal, private golf course. It is just for me. So don't worry, there will be a lot of people here.

The chairman of Sallie Mae, this operation that is financing students loans, is doing pretty well, don't you think? Obviously, he is not sweating out paying back his student loan. He is worried about whether he is going to be golfing and breaking par on the next hole.

Young adults are forced to hold off on life plans such as starting a family and a home and car purchases in order to accommodate their loan payments, while Sallie Mae vice presidents, just below Mr. Lord, are making an average of $350,000 to $400,000 a year. Young people like Margo and Carrie should not face such high penalties because they had the desire and determination to pursue higher education.

High school graduates who qualify for college should not be turned away because they can't afford the cost. That is why I am introducing the Reverse the Raid on Student Aid Act of 2006. This bill would cut student loan interest rates to 3.4 percent for student borrowers, 4.25 percent for parent borrowers. Students would be allowed to consolidate loans while in school in order to lock in lower interest rates. The bill would repeal the single holder rule and allow students who want to consolidate their loans to shop around for the best deals rather than being locked in with their current lender. This is a luxury everybody enjoys. Why shouldn't students have it? The Pell Grant Program would be turned into a mandatory spending program with yearly increases.

An investment in our children's education is an investment in America's future. We must do what we can today to ensure that America remains a global leader in the future.

I recently went to a high school outside of Chicago in one of the suburbs. I wanted to meet with the math and science teachers. We have a serious challenge, not enough math and science teachers, particularly at the high school level. I sat down with a young lady who was very good and well liked by her students. I said: How did you pick this high school?

She said: Honestly, Senator, I had hoped to teach in Chicago in one of the inner-city schools. That is where I wanted to be. But this job paid me $200 more a month. I didn't have any choice. I couldn't pay off my student loan and buy a car and work in the Chicago public school system. So I took this job in the suburbs.

That was perfectly understandable. But it is a clear illustration of how this debt drives career decisions and how this young woman who might have made a significant difference in the life of some of the poorest kids in my State had to make a different choice and, having made that choice, you can understand the outcome when it comes to education in my State.

HONORING MIKE TRACY

Mr. CRAIG. Madam President, today I come to the floor to recognize the retirement from my staff of Mike Tracey, my director of communications. Mike started working for me 10 years ago. When I first met him, he said: "Finally someone works here with less hair than me." Mike's head shines pretty brightly on a clear day.

Mike is always fond of saying that his job is not rocket science. It is not science, he is right. It is art—and Mike Tracey is a master at the art of communications. He is a man who finds a challenge and tackles it head-on.

His tenacity is legendary. When he heads into a battle with me, Mike is always out on the front line with the flag flying high. He is a man who loves America and is not afraid to let people know it. When you are around Mike, you cannot help but be boosted by this man's passion.

I am sad to see Mike Tracey leave my staff, but he goes on to a new challenge, and I know he will tackle that challenge with the same tenacity he approaches life and has for 10 years approached the job he does for me. I wish him the best of luck and thank him for his service to me, to the State of Idaho, and to America.

Mike Tracey, have a great life in your next job, as I know you will.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 27 young Americans who have been killed in Iraq since February 1. This brings to 550 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 24 percent of all U.S. deaths in Iraq.

PFC Sean T. Cardelli, 20, died February 1 from enemy small arms fire while conducting combat operations near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

PFC Caesar S. Viglienzone, 21, died February 1 in Baghdad when an improvised explosive device detonated near his Humvee. He was assigned to the Army's 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Santa Rosa, CA.

SPC Roberto L. Martinez Salazar, 21, died February 4 in Mosul when an improvised explosive device detonated near his up-armored Humvee during patrol operations. He was assigned to Company A, 14th Engineer Battalion, 555th Maneuver Enhancement Brigade, Fort Lewis, WA. He was from Long Beach, CA.

PFC Javier Chavez, 19, died February 9 from wounds received as a result of an improvised explosive device while conducting combat operations near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Cutler, CA.

Cpl Ross A. Smith, 21, died February 9 from an improvised explosive device while conducting combat operations against enemy forces near Fallujah. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Petty Officer 3rd Class Nicholas Wilson, 25, died February 12 as a result of an improvised explosive device in Al Anbar Province. He was assigned to Explosive Ordnance Disposal Mobile Unit Three, based in San Diego, CA.

LCpl Michael S. Probst, 26, died February 14 from an improvised explosive device while conducting combat operations near Abu Ghraib. He was assigned to 1st Tank Battalion, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Irvine, CA.

Cpl Matthew D. Conley, 21, died February 18 when his vehicle was attacked with an improvised explosive device while conducting combat operations in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SSgt Jay T. Collado, 31, died February 20 from an improvised explosive device near Baghdad. He was assigned to Marine Light/Attack Helicopter Squadron-267, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, he was attached to the U.S. Army's 4th Infantry Division.

2LT Almar L. Fitzgerald, 23, died February 21 at Landstuhl Regional Medical Center, Germany, from wounds received February 18 as a result of an improvised explosive device while conducting combat operations against enemy forces in Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Adam J. Vanalstine, 21, died February 25 from an improvised explosive device in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl John J. Thornton, 22, died February 25 of wounds received as a result of an enemy mortar attack in Ar Ramadi. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Clay P. Farr, 21, died February 26 in Baghdad when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the 1st Squadron, 71st Cavalry, 1st Brigade Combat Team, 10th Mountain Division of Fort Drum, NY. He was from Bakersfield, CA.

LCpl Matthew A. Snyder, 20, died March 3 from a non-combat-related vehicle accident in Al Anbar Province. He was assigned to Combat Service Support Group-1, 1st Marine Logistics Group, Twentynine Palms, CA.

Cpl Adam O. Zanutto, 26, died March 6 at National Naval Medical Center in Bethesda, Maryland, from wounds received as a result of an improvised explosive device in Al Anbar Province on February 25. He was assigned the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. He was from Caliente, CA.

LCpl Bunny Long, 22, died March 10 from a suicide, vehicle-borne, improvised explosive device in Al Anbar Province. He was assigned to Headquarters Battalion, 2nd Marine Division, Camp Lejeune, NC. He was from Modesto, CA.

LCpl Kristen K. Figaroa Marino, 20, died March 12 while conducting combat operations in the Al Anbar Province. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

PFC Angelo A. Zawaydeh, 19, died March 15 in Baghdad when his traffic control point came under mortar attack during combat operations. He was assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade, 101st Airborne Division, Air Assault, Fort Campbell, KY. He was from San Bruno, CA.

SSG Ricardo Barraza, 24, died March 18 in Ar Ramadi when he came under small arms fire by enemy forces during combat operations. He was assigned to the 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA. He was from Shafter, CA.

SGT Dale G. Brehm, 23, died March 18 in Ar Ramadi when he came under small arms fire by enemy forces during combat operations. He was assigned to the 2nd Battalion, 75th Ranger Regiment, Fort Lewis, WA. He was from Turlock, CA.

Hospitalman Geovani Padillaaleman, 20, died April 2 as a result of enemy action in Al Anbar Province. He was permanently assigned to Bethesda Naval Hospital, USNS Comfort Detachment and operationally assigned to Third Battalion, 8th Marine Regiment, 2/28 Brigade Combat Team. He was from South Gate, CA.

Cpl David A. Bass, 20, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA.

LCpl Patrick J. Gallagher, 27, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA.

LCpl Felipe D. Sandoval-Flores, 20, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA. He was from Los Angeles, CA.

Cpl Brian R. St. Germain, 22, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to an element of the 1st Marine Logistics Group, Camp Pendleton, CA.

SSgt Abraham G. Twitchell, 28, died April 2 when the seven-ton truck he was riding in rolled over in a flash flood near Al Asad. He was assigned to the Combat Service Support Group-1, 1st Marine Logistics Group, Twentynine Palms, CA.

SPC Ty J. Johnson, 28, died April 4 in Kirkuk when an improvised explosive device detonated near his Humvee during combat operations. He was assigned to the 2nd Battalion, 320th Field Artillery Regiment, 1st Brigade Combat team, 101st Airborne Division, Fort Campbell, KY. He was from Elk Grove, CA.

Mr. President, 550 men and women who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the two soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since February 1.

SFC Chad A. Gonsalves, 31, died February 13 north of Deh Rawod, Afghanistan, when an improvised explosive device detonated near his Humvee during combat operations. He was assigned to the 3rd Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Turlock, CA.

MSG Emigdio E. Elizarraras, 37, died February 28 in Tarin Kowt, Afghanistan, when an improvised explosive device detonated near his Humvee during a reconnaissance mission. He was assigned to the 3rd Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Pico Rivera, CA.

Mr. President, 37 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

STAFF ARMY SPECIALIST ANTOINE J. MCKINZIE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Indianapolis. Army Specialist Antoine J. McKinzie, 25 years old, died on March 21st when his unit came under attack during a patrol of western Baghdad. With his entire life before him, Antoine risked everything to fight for the values we Americans hold close to our hearts, in a land halfway around the world.

Antoine graduated from Pike High School in 2000 and joined the Army 3 years later, after receiving his associate's degree in computer-aided drafting from ITT Technical Institute. Jerry Henson, Antoine's best friend, described him as "one of the best guys I've ever known. I just remember his laugh. He had one helluva laugh. He had a hearty, tall-guy laugh. It is one of those things that I will miss a lot." In December, Antoine returned to Indiana for 3 weeks to celebrate Christmas with his family. His stepfather recounted to a local newspaper, "He looked great. He was healthy. He was happy. He felt like he was doing an important job He was proud to serve his country."

Antoine was killed while serving his country in Operation Iraqi Freedom. He was a member of the 4th Battalion, 27th Field Artillery Regiment, 1st Armored Division, based in Baumholder, Germany. Today, I join Antoine's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Antoine, a memory that will burn brightly during these continuing days of conflict and grief.

Antoine was known for his dedication to his family and his love of country. Today and always, Antoine will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Antoine's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Antoine's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Antoine J. McKinzie in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Antoine's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Antoine.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through April 4, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $11.785 billion in budget authority and by $4.226 billion in outlays in 2006. Current level for revenues is $17.288 billion above the budget resolution in 2006.

This is my first report for the second session of the 109th Congress.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 5, 2006.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through April 4, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2). This is my first report of the second session of the 109th Congress.

Sincerely,

DONALD B. MARRON,
Acting Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF APRIL 4, 2006

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (-) resolution
ON-BUDGET			
Budget Authority	2,094.4	2,082.6	−11.8
Outlays	2,099.0	2,094.8	−4.2
Revenues	1,589.9	1,607.2	17.3
OFF-BUDGET			
Social Security Outlays [3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	*

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

ANote.—* = Less than $50 million.
Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF APRIL 4, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	n.a.	n.a.	1,607,180
Permanents and other spending legislation [1]	1,296,134	1,248,957	n.a.
Appropriation legislation	1,333,823	1,323,802	n.a.
Offsetting receipts	−479,868	−479,868	n.a.
Total, enacted in previous sessions	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109–176)	250	250	0

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF APRIL 4, 2006—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109–204)	1,000	750	0
Total, enacted this session:	1,250	1,000	0
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	n.a.
Total Current Level [1] [2] [3] [4]	2,082,599	2,094,770	1,607,180
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements [4]	−50,000	−62,424	n.a.
Adjusted Budget Resolution	2,094,384	2,098,996	n.a.
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	17,288
Current Level Under Adjusted Budget Resolution	11,785	4,226	n.a.

[1] P.L. 109–171 was enacted early in this session of Congress, but is shown under "enacted in previous sessions" as requested by the Budget Committee. Included in current level for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level totals exclude the following amounts:

	Budget authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Total, enacted emergency requirements	77,006	114,698	−7,111

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 above), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable. P.L. = Public Law.

Source: Congressional Budget Office.

EXPOSING RECKLESS GUN DEALERS

Mr. LEVIN. Mr. President, in each of the last 4 years, amendments have been inserted in the Commerce, Justice, Science, CJS, Appropriations Act by the House of Representatives which severely handicap the efforts of those working to stop the flow of guns from reckless gun dealers into the hands of criminals. These amendments prohibit the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, from disclosing important information from the Firearms Trace System Database to local law enforcement and government officials unless it is connected to a "bona fide criminal investigation or prosecution" and prohibiting release for purposes of civil lawsuits.

According to published reports, these amendments have directly impacted a lawsuit by the city of New York against several gun manufacturers and distributors who it alleges have adopted sales and marketing practices which facilitate the transfer of guns to criminals. The city received ATF firearms trace data from 1998 to 2003 but has been unable to attain data from subsequent years because of the prohibition inserted in the law on its release for the purposes of civil lawsuits.

Legislation has recently been introduced in the House of Representatives which would make the restrictions on ATF firearms trace data permanent. On March 28, 2006, New York City Mayor Michael Bloomberg testified before the House Judiciary Committee against this bill and said that it "would make it immeasurably harder to stop the flow of illegal guns to criminals, and depriv[e] local governments and their law enforcement agencies of the tools they need to hold dealers accountable. Specifically, these obstacles would take the form of severe restrictions on our use of ATF trace data, which is perhaps the most effective tool we have in combating illegal gun trafficking."

Mayor Bloomberg also expressed concern regarding provisions in the bill and current law which limit the ATF firearms trace data available to local law enforcement officials to data regarding the local geographic data. Mayor Bloomberg testified that 82 percent of the guns used in crimes in New York City were purchased outside of New York State. As Mayor Bloomberg pointed out in his testimony, restricting the access of law enforcement officials to firearms trace data from other jurisdictions severely limits their ability to take action against reckless gun dealers in other States.

I am hopeful the House of Representatives will defeat efforts to continue restrictions on law enforcement and local government officials' access to important ATF firearms trace data. In addition, I am hopeful that the Senate will take up and pass legislation introduced last week by Senator MENENDEZ to repeal restrictions in current law. ATF firearms trace data related to reckless gun dealers should be made easily available to those who have a responsibility to protect our families and communities from the threat of gun violence.

NATIONAL AUTISM AWARENESS MONTH

Mr. LAUTENBERG. Mr. President, I rise today to commemorate National Autism Awareness Month and to urge my fellow Senators to continue to back efforts to fight this disorder and support the families affected by it.

Autism is a complex developmental disability that is the result of a neurological disorder that affects the normal functions and development of the brain, which affects social and communication skills. Autism is a spectrum disorder, making early diagnosis crucial to minimize the symptoms through specialized intervention programs.

Autism and its associated behaviors have been estimated to occur in as many as 2 to 6 in every 1,000 individuals. As many as 1.5 million Americans today are believed to have some form of autism. The Department of Education indicates that autism is growing at a rate of 10 to 17 percent per year. At these rates, the prevalence of autism could reach 4 million Americans in the next decade.

The prevalence of autism has increased astronomically in the past decade, and in certain areas of New Jersey, the rates are higher still. We know far too little about this disorder, and the work of the Centers for Disease Control, CDC, and the National Institutes of Health, NIH, is vital to our efforts to learn more about the nature and incidence of autism.

I am a proud cosponsor of S. 843, the Combating Autism Act of 2005, which authorizes $860 million over 5 years to combat autism through research, screening, intervention, and education. I urge my fellow Senators to support the passage of this bill so that we can continue efforts to eliminate autism.

Congress approved the Individuals with Disabilities Education Act, IDEA, in 1975, requiring States to provide an appropriate education to students with special needs. While it committed to providing 40 percent of the additional costs for educating such students, today the Federal Government funds only 17.8 percent of the cost. In the fiscal year 2006 Labor, Health and Human Services, and Education appropriations bill, the Federal Government cut back on its share of the cost of providing special education. This leaves State governments and local school districts to choose between paying the extra cost or cutting programs. It is vital that Congress fund IDEA at the fully authorized level. I urge my fellow Senators to support IDEA and pass S. 2185, the IDEA Full Funding Act.

Congress must remain committed to supporting efforts by medical researchers, doctors, schools, State and local governments, and families to learn more about autism and to treat it. This disorder affects too many already. We must do what we can to eliminate future cases while we treat people who currently have autism. I hope we can all join together in this important fight and recognize the importance of National Autism Awareness Month.

BOB NEWHART

Mr. LEAHY. Mr. President, recently The New York Times ran another profile of Bob Newhart. I say "another" because it is one of so many glowing articles written about him over the years.

Marcelle and I are fortunate to know Bob and his wife Virginia, known by everyone as Ginnie. Bob is a wonderful family person who enjoys being with his wife, children, and grandchildren, but still has time to bring joy to everyone who comes in contact with him. As many times as I have heard some of his comedy routines, I still find myself convulsed in laughter, though nothing can equal the quiet times Marcelle and I have been able to spend with the Newharts.

Bob is extraordinarily well read and well informed and brings a wry and insightful view to whatever is happening. I can think of no one who is his equal, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Mar. 25, 2006]

THE BUTTON-DOWN COMIC, STILL STANDING UP AT 76

(By Ben Sisario)

LOS ANGELES, MARCH 24: Hidden behind a wide black gate, with a fountain in front and a big pool in back that the grandchildren love to dive into, and with the bookcases inside cluttered with the likes of David McCulloch and Joseph J. Ellis, Bob Newhart's house in Bel Air would seem a perfectly comfortable spot for a man of 76 to cocoon and write his memoirs.

But a comedian craves the sound of laughter, and Mr. Newhart, though happily deep into his golf-playing years, cannot stay away from the stand-up circuit. He does about 30 dates a year, mostly on short weekend trips. (He will perform tonight at the Brooklyn Center for the Performing Arts.)

"I can't imagine not doing it," he said, sitting on an overstuffed sofa in his living room, in crisp gray slacks and a fuzzy blue sweater, with his narrow reading glasses resting at a steep angle almost at the tip of his nose. "It's something I've done for 46 years, and at 5 o'clock I'll start pacing up and down to get the adrenaline going. It's like Russian roulette—you're out there and it's working and you're saying, 'Thank God the bullet's not in the chamber.'"

Mr. Newhart built his career on a persona that would avoid tension and thrills at all cost. He emerged in the early 1960's as a former accountant and copywriter who acted out the mundane and ridiculous details of great moments in history through brilliantly minimalistic one-sided telephone calls, like a gigglingly skeptical Englishman talking to Sir Walter Raleigh about his discovery of tobacco. ("You take a pinch of tobacco and you stuff it up your nose and it makes you sneeze? Yeah, I imagine it would, Walt!") And on two long-running sitcoms, he played versions of the same character, a slightly grouchy pragmatist always just a breath away from losing his cool over the neurotic foibles of his supporting cast.

"The Bob Newhart Show" ran from 1972 to 1978 and is now finding a second life on DVD; its third season is being reissued April 11. And since his second sitcom, "Newhart," ended in 1990 after eight seasons, Mr. Newhart has lent his almost-unflappable deadpan to a handful of films and television shows, most recently "ER" and "Desperate Housewives." But his favorite activity remains simply standing in front of a crowd with a microphone.

"I'm proudest of being a stand-up," he explained, "because it's harder. The degree of difficulty is 3.85 instead of 3.5."

It was also his baptism. Sitting in his spacious living room, dressed like the frumpy innkeeper of "Newhart" and speaking with a strategic stammer that sets up every punch line, he is comfortingly recognizable as one of his television characters. His naturalistic technique of relying on his own personality to fill out his characters, he said, is a skill he picked up early in his stand-up career.

"You start out doing somebody else," he said. "I'd watch the Sullivan show and I'd watch the Paar show, and a comedian would be on, and I'd be laughing but at the same time analyzing him. When I started, I was doing all the good comedians I'd ever seen. Then I developed my own voice. My routines are my natural way of looking at the world."

Mr. Newhart discusses his performance like a serious method actor. He said: "With the stand-up comic on TV, whether it's Seinfeld or Cosby or Roseanne, more important than their knowledge of how to tell a joke is their knowledge of themselves, or the persona they've created as themselves. So that when you're in a room with writers you can say, 'Guys, that's a funny line but I wouldn't say it.'"

As a stand-up, he draws from a lifetime of routines, and for his oldest fans he always includes a few numbers from his first albums, like the conversation between Abraham Lincoln and his public relations man, who urges him not to shave his beard because it plays so well in focus groups. Reading recently about the Zacarias Moussaoui trial, his "button-down mind" found an angle on the 9/11 pilots, and he has been toying with it as a possible stand-up bit.

"They didn't want to learn to take off and land," he said. "They just wanted to fly. Some have criticized the F.B.I. because that should have been a red flag. But I saw it as a case of—" he studied his coffee table it as if it were a weekly planner—"'O.K., well, I don't have to come in Monday; I can come in late Tuesday; Wednesday and Thursday, O.K., that's flying; and then I don't have to come in Friday.'"

His understated style has been widely influential, often in surprising ways. One of his biggest fans is Bernie Mac, who says he is but one of a generation of black comedians who were inspired by Mr. Newhart.

"A lot of people define courage as being out front and in your face," Mr. Mac said, "but Bob didn't come out of his picture frame for anybody. That bland style, that plaid jacket, with the hair combed to one side over the bald spot—that was Bob. And there's nothing wrong with that. Because it takes courage to be yourself, and he showed everybody that."

Working on his memoir, to be published in the fall by Hyperion, Mr. Newhart was reminded of the time he was on David Susskind's talk show with a panel of comedians, including Buddy Hackett and Alan King, and Mr. Susskind asked him about his background.

"'You went to college?' he asked," Mr. Newhart said. "And I said, 'Yes, I went to Loyola University and I got a degree in accounting.' And Buddy said—" here Mr. Newhart did a remarkable imitation of Mr. Hackett's voice—" 'You mean you didn't have to do this?'"

"And now I can say, 'No, Buddy, I had to do this.'"

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

HONORING BRAVO COMPANY OF WEIRTON, WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, today it is my great honor to commend the soldiers of Bravo Company of the 463rd Engineering Battalion, Army Reserve Unit of Weirton, WV, as they return home. Selflessly leaving their families and communities behind during an 11-month deployment in Iraq, the 463rd served as a model of courage throughout their tour of duty.

In October 2004, more than 140 men and women of Bravo Company answered the call to service—leaving for training at Fort Bragg and in Kuwait. In doing so, they joined generations of West Virginians who have served our Nation in times of war, unselfishly putting themselves in harm's way to defend our country and protect the freedom of all Americans. I am not surprised by their actions—West Virginians, and our neighbors throughout the Ohio Valley, have always been among the first to respond to their country's call to service—but I am nevertheless grateful for their service and commitment. Thanks to the 463rd and so many other West Virginia men and women who have fought in Iraq and Afghanistan, I am proud to say that West Virginia's long tradition of patriotism is very much alive and well.

On Christmas Eve 2004, Bravo Company entered Iraq to begin its mission of rebuilding the war-torn country. Bravo Company provided engineering support for our troops, upgraded an Iraqi Air Force base, repaired a damaged bridge on the Tigris River needed for troop movements, and provided infrastructure for refueling the airplanes that provided such critical support in Operation Iraqi Freedom. Through their determined efforts, these individuals secured the safety of their fellow American men and women in uniform, simultaneously serving as the embodiment of American commitment to the people of Iraq. For that, they deserve our sincere gratitude and deepest respect.

Tragically, Bravo Company's mission was not completed without loss. On August 21, 2004, the life of Sgt. Joseph Nurre, a 22-year-old native of Wilton, CA was claimed by a roadside bomb near Samarra, Iraq. His fellow soldiers described him as an intensely dedicated soldier and a warm, engaging friend. As Bravo Company returns home, Sergeant Nurre and his family remain in our thoughts and prayers.

To all the men and women of Bravo Company, 463rd Engineering Battalion, I thank you for your service, patriotism, and commitment to our country and its defense. Your bravery and selfless sacrifice have earned you the admiration and respect of West Virginians and our Nation. God bless you all, and welcome home.●

ADDITIONAL STATEMENTS

25 YEARS DEFENDING DIGNITY AND WORTH

● Mr. CRAPO. Mr. President, 25 years ago, a community in my State found itself with some new unwelcome neighbors. North Idaho made dismaying national headlines as "Hate's New Home." These headlines were a terrible distortion of the truth; the neo-Nazi organization that moved its headquarters to Hayden represented only a tiny fraction of the people who called Idaho home. Still, the damage was done, and people were left with the dreadful and mistaken impression that Idahoans were intolerant, prejudiced and hateful. And to make matters worse, like a malignant growth, some who did embrace doctrines of intolerance and bigotry were drawn to the area.

It is at crisis points that we define ourselves as either cowards or people of honor. The citizens of Kootenai County had a choice to make, and they chose to be people of honor. The Kootenai County Task Force on Human Relations was founded, giving that region a chance to speak out against human rights violations and prejudice. When the Aryan Nation decided to march down Main Street in Coeur d'Alene, rather than return hatred for hatred, businesses simply closed, giving the marchers no audience for their message of intolerance. Last year, the residents of Hayden exercised perhaps the most powerful right granted us as American citizens—our vote—sending a clear message that a leadership of hatred was absolutely unacceptable. And what didn't make the national press in recent years is the fact that according to the Southern Poverty Law Center, as of 2000, Idaho had 70 human rights groups, or one for every 18,500 people. To put this in perspective, at that time, California had one for every 358,000 people and New York had one for every 167,000 people. Now that is worthy of headlines, as far as I am concerned.

In cooperation with the task force and with a vision of established, ongoing education and leadership in human rights, the generous support of the Greg C. Carr Foundation, and dedicated leadership of Human Rights Education Institute board of directors, the Human Rights Education Institute was established, opening its doors in December 2005.

North Idaho was unexpectedly presented with a choice 25 years ago. Its citizens have not only responded with honor and justice, they, in the words of a former task force leader, "made lemonade out of lemons." I commend my fellow Idahoans on their vision for dignity and worth for all people. I applaud their staunch commitment to uphold our Declaration of Independence, Constitution, and our Bill of Rights which ensure equality for all under the law.●

HONORING THE CITY OF MADISON ON ITS 150TH ANNIVERSARY

● Mr. FEINGOLD. Mr. President, today I wish to recognize and honor the city of Madison as it celebrates its 150th year. As a Wisconsinite, I take great pride in our State's Capital, which is well known for a unique mix of culture, education and natural beauty, as well as a vibrant civic and political life.

In the first part of the 19th century, James Duane Doty, who would later serve as Wisconsin's territorial governor, became enamored with a piece of land in south central Wisconsin that was nestled on an isthmus between two lakes. Doty purchased the land and named it after the fourth President, James Madison. It was this land that would become home to Wisconsin's capitol, its university, and one of the State's thriving cultural centers.

Doty had the territorial capital moved from Belmont to Madison in 1837. By the time the Village of Madison was incorporated as a city in 1856 there were nearly 7,000 residents.

Madison boasts a strong tradition of diversity. Yankees from the Eastern States came first, followed soon by German, Irish and Norwegian immigrants. After the turn of the century, Madison also became home to a growing number Italian, Greek, African-American, and Jewish residents.

The State constitution called for a university to be situated near the seat of government. In many ways, this provision could be credited with paving the way for "the Wisconsin Idea" that has made Wisconsin such a center for innovative public policy. Putting the capital and the university together has encouraged educators and researchers to play a central role in addressing social problems, and it has revolutionized the way that Wisconsin, and the nation, approach public policy issues.

The University of Wisconsin-Madison is also a cornerstone of Madison's rich cultural life, offering a tremendous array of concerts, plays, lectures and other activities. And UW's students bring an energy to life in the city that is one of Madison's hallmarks.

The State capitol is another defining Madison landmark, both the building itself, and how it has contributed to the city's character. Politics and public service have been a part of Madison from the very beginning, and they have made Madison home to some of the State's greatest moments, including the passage of historic progressive legislation at the turn of the last century under the leadership of then-Governor Robert M. La Follette.

Madison has also achieved a wonderful system of parks and architectural beauty in its public spaces, which complement the natural beauty of the lakes' shorelines. These areas also serve as host to outdoor concerts and countless other activities during summer months.

Having graduated from UW-Madison and served in the State senate, and as a resident of nearby Middleton, I am not only proud to represent the people of Madison, I am privileged to be a part of this community. I know Madison residents will continue to draw on their city's rich history and continue to enjoy the beautiful land that captivated James Doty so many years ago. I hope that my colleagues will join me in congratulating the city of Madison as it celebrates its sesquicentennial.●

SESQUICENTENNIAL OF MADISON, WISCONSIN

● Mr. KOHL. Mr. President, I rise today to recognize the sesquicentennial of the great city of Madison, WI. Over the next few days people from all over Wisconsin will gather in Madison for the 150-year anniversary festivities.

Madison is a city unlike all others. The vibrant people who give life to the city care about their community and appreciate the natural beauty and unique character that surrounds them. As a graduate of the University of Wisconsin, I spent 4 of the happiest years of my life in Madison and my fondness for the city is undiminished years later. Visiting the farmers' market is one of my favorite ways to spend a summer morning, even better if I can stop at Ella's Deli afterward.

Since that time, Madison has continued to grow and flourish. It is a place of great culture, home to a vast array of interests, and a center of learning. Madison is fortunate to have first-class opera, symphony, and theater. Art and history enthusiasts can find the Chazen Museum of Art, the Wisconsin Historical Museum and the Madison Museum of Contemporary Art. As the home of the University of Wisconsin, as well as Edgewood College, Madison Area Technical College and Herzing College, Madison's student population is an important part of the community and drives fresh thinking and new ideas.

As the State Capital, Madison has been the center of Wisconsin's proud progressive tradition. "Fighting Bob" La Follette founded his magazine, The Progressive, in 1909, and it is still published in Madison today. And we know that The Onion has its roots there, too.

Parks and trails, lectures and sporting events, fine food and nightlife make Madison a great place to live and work. Money Magazine wrote what we knew all along when it rated Madison as the best place to live in the United States.

These are just a few of the many more reasons that I am proud of the city of Madison and I congratulate them their sesquicentennial.•

RETIREMENT OF JOHN W. KEYS III

• Mr. SMITH. Mr. President, I rise today to recognize John W. Keys III, an extraordinary public servant who will be retiring on April 15, 2006, as the Commissioner of Reclamation. John is a truly dedicated Federal official who has worked tirelessly throughout his career on behalf of the Bureau of Reclamation and the water users it serves.

John has served as the Commissioner of Reclamation since July 2001. Prior to that, he spent 34 years as a career employee with the Bureau, starting as a civil and hydraulic engineer. He spent many years in my part of the country, serving as the Pacific-Northwest regional director for 12 years prior to his retirement in 1998.

John's tenure as Commissioner coincided with the worst five years of drought in the past 5 centuries. John had to deal with growing, often conflicting, demands for water in the arid West. He initiated the Water 2025 program to help States and water districts address these competing needs. He is a consensus builder who helped craft a historic agreement on the use of Colorado River water. Throughout his tenure, he made resolving water conflicts in the Klamath Basin, on the Oregon-California border, a top priority for the Bureau.

John is a commercial airline pilot and a white water enthusiast. He used to average about 300 flight hours a year, often flying for organizations like Angel Flight, Air LifeLine, and County Search and Rescue, based out of Moab, UT. He also used to officiate high school and college football games. It is my understanding that John intends to spend time with his family after he retires. John's wife Dell is a family practice physician and Airman Medical Examiner, and is also a pilot.

While I wish John well as he returns to the family and the activities he loves, I want him to know that he will be missed. His leadership and his understanding of western water issues have been invaluable over these last 5 years.

I wish John and his wife Dell well as they enjoy their family and their golden years.•

CONGRATULATING UNIVERSITY OF WISCONSIN NCAA CHAMPIONS

• Mr. KOHL. Mr. President I rise today as a proud alumnus of the University of Wisconsin to congratulate the Men's Cross Country and Women's Hockey teams on their recent NCAA National Championship victories.

On November 21, 2005, the UW Men's Cross Country team won their first NCAA Division I title since 1988. This fourth NCAA title for the Men's Cross Country program broke their 3-year streak of second place finishes. Since their first competition in 1905, the UW Men's Cross Country program has been no stranger to success. Just 5 years after UW Madison formed the team, the Badgers won the first Big Ten cross country championship in school history. Their success continued over the decades, with many more Big Ten Championship wins.

I also commend the UW Madison Women's hockey team. On March 26, 2006, the Badger Women defeated the defending champions, the University of Minnesota, to claim the 2006 NCAA National Championship. This victory represents several firsts: the first National Championship won by the Badger women's hockey team; the first NCAA Championship for any UW women's team since 1985; and the first Division I women's hockey title won by a school outside the State of Minnesota. This accomplishment for the UW Madison Women's Hockey Team follows a record setting season in which the team recorded 36 wins.

I am proud to recognize these student-athletes and coaching staffs for all of their hard work and dedication, and I am pleased to have these two very deserving athletic teams represent our great state of Wisconsin.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 513. An act to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

H.R. 3127. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building".

H.R. 4646. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building".

H.R. 4688. An act to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 360. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel.

H. Con. Res. 371. Concurrent resolution honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

ENROLLED JOINT RESOLUTIONS SIGNED

At 6:04 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. STEVENS).

At 8:06 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes.

H. Con. Res. 366. Concurrent resolution to congratulate the National Aeronautics and

Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America's space program for their accomplishments and their role in inspiring the American people.

H. Con. Res. 382. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3127. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; to the Committee on Foreign Relations.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4646. An act to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4688. An act to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the "Mayor John Thompson 'Tom' Garrison Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes; to the Committee on Foreign Relations.

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that Saudi Arabia should fully live up to its World Trade Organization commitments and end all aspects of any boycott on Israel; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 513. An act to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6302. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report concerning the Agency's Collective Bargaining Proposal to the National Air Traffic Controllers Association; to the Committee on Commerce, Science, and Transportation.

EC–6303. A communication from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for Fiscal Year 2005; to the Committee on Environment and Public Works.

EC–6304. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Red-legged Frog, and Special Rule Exemption for Existing Routine Ranching Activities" (RIN 1018–AJ16) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6305. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "PM 2.5 De Minimis Emission Levels for General Conformity Applicability" ((RIN 2060–AN60) (FRL No. 8055–3)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6306. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Magnetic Tape Manufacturing Operations" ((RIN 2060–AK23) (FRL No. 8054–2)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6307. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production" ((RIN 2060–AM25) (FRL No. 8055–6)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6308. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: General Provisions" ((RIN 2060–AM89) (FRL No. 8055–5)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6309. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to Vehicle Inspection Maintenance Program Requirements to Address the 8-Hour National Ambient Air Quality Standard for Ozone" ((RIN 2060–AM21) (FRL No. 8054–3)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6310. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO2 Nonattainment and the Monongahela River Valley Unclassifiable Areas to Attainment and Approval of the Maintenance Plan; Correction" (FRL No. 8055-8) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6311. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethylene Oxide Emissions Standards for Sterilization Facilities" ((RIN 2060-AK09) (FRL No. 8054-6)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6312. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 8055-7) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6313. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)" ((RIN 2060-AK10) (FRL No. 8054-5)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6314. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers" ((RIN 2060-AK16) (FRL No. 8054-1)) received on April 4, 2006; to the Committee on Environment and Public Works.

EC–6315. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled "Office of National Drug Control Policy Strategic Plan for Fiscal Years 2006–2012"; to the Committee on the Judiciary.

EC–6316. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Conditions for Payment of Power Mobility Devices, Including Power Wheelchairs and Power-Operated Vehicles" (RIN 0938-AM74) received on April 5, 2006; to the Committee on Finance.

EC–6317. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Share Insurance and Appendix" (RIN 3133-AD18) received on April 5 , 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6318. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Supporting Human Rights and Democracy: The U.S. Record 2005-2006"; to the Committee on Foreign Relations .

EC–6319. A communication from the Secretary of Energy, transmitting, a report of proposed legislation entitled "Nuclear Fuel Management and Disposal Act"; to the Committee on Energy and Natural Resources.

EC–6320. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the development of fusion energy; to the Committee on Energy and Natural Resources.

EC–6321. A communication from the Secretary of Energy, transmitting, the report of proposed legislation to authorize the Secretary of Energy to retain funds contributed pursuant to an agreement for international participation in the Global Threat Reduction Initiative (GTRI), and to utilize such funds without further appropriation and without fiscal year limitation; to the Committee on Armed Services.

EC–6322. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Colby M. Broadwater III , United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6323. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–308, "Walter E. Washington Way Designation Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6324. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–309, "Home of Walter Washington Way Designation Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6325. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–310, "Terry Hairston Run Designation Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6326. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–311, "Carolyn Llorente Memorial Designation Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6327. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–312, "District of Columbia Bus Shelter Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6328. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–314, " Real Property Disposition Economic Analysis Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6329. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–315, "Lamond-Riggs Air Quality Study Temporary Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6330. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–316, "Victims of Domestic Violence Fund Establishment Temporary Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–318, "School Without Walls Development Project Temporary Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6332. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–319, "Vehicle Insurance Enforcement Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–313, "Office and Commission on African Affairs Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–335, "Way to Work Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–336, "Home Again Initiative Community Development Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–337, "Contracting and Procurement Reform Task Force Membership Authorization and Qualifications Clarification Temporary Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–338, "Unemployment Compensation Contributions Federal Conformity Temporary Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–339, "Procurement Practices Timely Competition Assurance and Direct Voucher Prohibition Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–340, "White Collar Insurance Fraud Amendment Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–341, "School Modernization Financing Act of 2006" received on April 5, 2006; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 108–27 Mutual Legal Assistance Treaty with Germany (Ex. Rept. 109–14)]

[Treaty Doc. 108–12 Mutual Legal Assistance Treaty with Japan (Ex. Rept. 109–14)] and the text of the committee-recommended resolutions of advice and consent to ratification are as follows:

108–27 MUTUAL LEGAL ASSISTANCE TREATY WITH GERMANY

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty Between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes.

108–12 MUTUAL LEGAL ASSISTANCE TREATY WITH JAPAN

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty Between the United States of America and Japan on Mutual Legal Assistance in Criminal Matters, signed at Washington on August 5, 2003.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH:

S. 2556. A bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. KOHL, Mr. DEWINE, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW:

S. 2558. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for employee catastrophic health care costs and to health insurance companies for insurer catastrophic health care costs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 2559. A bill to make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. HATCH, Mr. GRASSLEY, and Mr. LEVIN):

S. 2560. A bill to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2561. A bill to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. Akaka):

S. 2562. A bill to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. COCHRAN (for himself, Mr. Enzi, and Mr. Talent):

S. 2563. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part; to the Committee on Finance.

By Mr. BURR (for himself, Mr. Frist, Mr. Enzi, Mr. Gregg, Mr. Alexander, and Mrs. Dole):

S. 2564. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself and Mr. Leahy):

S. 2565. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation System and designate a National Recreation Area; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself and Mr. Obama):

S. 2566. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 2567. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild a scenic rivers in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. Warner, Mr. Allen, Ms. Mikulski, Mr. Biden, and Mr. Carper):

S. 2568. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 2569. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving five per centum of the proceeds of the sale of public land lying within said States as provided by their respective Enabling Acts; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mr. Domenici, Mr. Kyl, and Mr. McCain):

S. 2570. A bill to authorize funds for the United States Marshals Service's Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 2571. A bill to promote energy production and conservation, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. Rockefeller):

S. 2572. A bill to amend the Aviation and Transportation Security Act to extend the suspended service ticket honor requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 2573. A bill to amend the Higher Education Act of 1965 to provide interest rate reductions, to authorize and appropriate amounts for the Federal Pell Grant program, to allow for in-school consolidation, to provide the administrative account for the Federal Direct Loan Program as a mandatory program, to strike the single holder rule, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2574. A bill to suspend temporarily the duty on certain golf club driver heads; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2575. A bill to suspend temporarily the duty on certain golf club fairway heads; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2576. A bill to suspend temporarily the duty on certain golf club driver heads of titanium; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2577. A bill to suspend temporarily the duty on certain golf club driver heads with plasma welded face plate; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2578. A bill to suspend temporarily the duty on certain golf club driver heads with rhombus shaped center face; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2579. A bill to suspend temporarily the duty on certain leather basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2580. A bill to suspend temporarily the duty on certain rubber basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2581. A bill to suspend temporarily the duty on certain volleyballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2582. A bill to suspend temporarily the duty on certain basketballs; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2583. A bill to suspend temporarily the duty on certain synthetic basketballs; to the Committee on Finance.

By Mr. SALAZAR:

S. 2584. A bill to amend the Healthy Forests Restoration Act of 2003 to help reduce the increased risk of severe wildfires to communities in forested areas affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. Kerry):

S. 2585. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Finance.

By Mr. KERRY:

S. 2586. A bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER:

S. 2587. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mrs. Lincoln, and Mr. Levin):

S. 2588. A bill to provide for the certification of programs to provide uninsured employees of small businesses access to health coverage, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. Inhofe) (by request):

S. 2589. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COBURN (for himself, Mr. Obama, Mr. Carper, and Mr. McCain):

S. 2590. A bill to require full disclosure of all entities and organizations receiving Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEWINE (for himself, Mr. Grassley, Mr. Harkin, and Mr. Voinovich):

S. 2591. A bill to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. Specter, Mr. Bingaman, Ms. Murkowski, Mr. Durbin, Mr. Chafee, and Mrs. Clinton):

S. 2592. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Mrs. Feinstein, Mrs. Murray, Ms. Mikulski, Mr. Lautenberg, Ms. Stabenow, and Ms. Cantwell):

S. 2593. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. Pryor, and Ms. Landrieu):

S. 2594. A bill to amend the Small Business Act to reauthorize the loan guarantee program under section 7(a) of that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Mr. Pryor):

S. 2595. A bill to amend the Small Business Investment Act of 1958 to modernize the treatment of development companies; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:

S.J. Res. 33. A joint resolution to provide for a strategy for successfully empowering a new unity government in Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM:

S. Res. 434. A resolution designating the week of May 22, 2006, as "National Corporate Compliance and Ethics Week."; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. ALLEN, Mr. THUNE, Mr. BURNS, Mr. ISAKSON, Mr. BAYH, Mr. FRIST, Mr. COLEMAN, and Mr. LIEBERMAN):

S. Res. 435. A resolution honoring the entrepreneurial spirit of America's small businesses during National Small Business Week, beginning April 9, 2006; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. LUGAR, Ms. COLLINS, Mr. LIEBERMAN, Mr. ENSIGN, Mr. MENENDEZ, and Mr. MARTINEZ):

S. Res. 436. A resolution urging the Federation Internationale de Football Association to prevent persons or groups representing the Islamic Republic of Iran from participating in sanctioned soccer matches; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. COLEMAN, Mrs. BOXER, Mr. STEVENS, Mr. LAUTENBERG, Ms. MURKOWSKI, Mr. AKAKA, Mr. ISAKSON, and Mr. DODD):

S. Res. 437. A resolution supporting the goals and ideals of the Year of the Museum; considered and agreed to.

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 493, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 654

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 811

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1221

At the request of Mr. DAYTON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1221, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1507

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1507, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1888

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1888, a bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2235

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2235, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2370

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2424

At the request of Mr. ALLEN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2429

At the request of Mr. LUGAR, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 2429, a bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

S. 2446

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2446, a bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2482

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2482, a bill to authorize funding for State-administered bridge loan programs, to increase the access of small businesses to export assistance center services in areas in which the President declared a major disaster as a result of Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005, to authorize additional disaster loans, to require reporting regarding the administration of the disaster loan programs, and for other purposes.

S. 2554

At the request of Mr. ENSIGN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2554, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

AMENDMENT NO. 3214

At the request of Mr. SANTORUM, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3214 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3223

At the request of Mr. DORGAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Montana (Mr. BAUCUS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 3223 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3295

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 3295 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. KOHL, Mr. DEWINE, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Madam President, I am sending to the desk today legislation captioned as the "Oil and Gas Industry Antitrust Act of 2006," legislation on behalf of myself and Senator DEWINE, Senator KOHL, Senator LEAHY, Senator FEINSTEIN and Senator DURBIN. The Judiciary Committee has held hearings on the escalating price of gasoline, which has risen some 25 percent in the past year, from $1.85 per gallon nationally in January of 2005 to $2.38 a gallon early this year.

We have seen rapid consolidation in the oil and gas industry, with many mergers which are specified in the written statement I will have included in the RECORD and enormous profits characterized by the profits reported by ExxonMobil, which earned over $36 billion in 2005, the largest corporate profit in U.S. history.

The legislation we are introducing will do a number of things. First, it will eliminate the judge-made doctrines that prevent OPEC's members from being sued for violating the antitrust laws. There is no doubt that they take joint action when deciding how much oil to sell, actions would normally constitute unlawful price fixing. This legislation would make them subject to our antitrust laws.

With fewer players in the industry, anticompetitive acts, including the withholding of supply and information sharing, become easier. The bill would prohibit oil and gas companies from diverting, exporting, or refusing to sell existing supplies with the specific intention of raising prices.

The bill also requires the FTC and the Attorney General to consider whether future oil and gas mergers should receive closer scrutiny. It requires the GAO to evaluate whether the divestitures required by the antitrust agencies for past mergers were adequate to preserve competition. There is significant evidence that the concentration in the industry has been a contributing factor to increasing gasoline and oil prices. There are other factors, but it is not explained simply by the increase in the cost of crude oil. This bill takes a firm stand to protect the American consumer from enormous increases in gasoline prices and in oil prices—something very serious when we have insufficient funds in LIHEAP to take care of people who are unable to pay for the increasing costs of heating oil.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSOLIDATION IN THE OIL AND GAS INDUSTRY: RAISING PRICES?

Mr. President, I have sought recognition to introduce new legislation, the Oil and Gas Industry Antitrust Act of 2005.

Average gasoline prices nationwide have risen by 25 percent in the past year alone, from $1.85 per gallon in January 2005 to $2.38 per gallon at the beginning of this year.

Prices for heating oil, other petroleum products and natural gas—products that are important to the lives of American consumers—have risen to similar heights.

While Americans are paying more for the products they use to get to work and heat their homes, the mammoth integrated oil companies that dominate the industry have earned record profits. ExxonMobil reported that it earned over $36 billion in 2,005, the largest corporate profit in U.S. history.

Although rising crude oil prices are one factor influencing gasoline prices, it is not the only factor. Increased prices simply cannot be entirely explained by higher crude oil prices.

In a hearing last month and another one next week, the Judiciary Committee is I exploring a likely cause for higher prices—the consolidation that has occurred in the industry over the past decade, and that continues today.

Over 2,600 mergers have occurred in the U.S. petroleum industry since the 1990s, including transactions involving the largest oil and gas companies in the nation.

Last summer, the FTC approved Chevron's acquisition of Unocal.

In 2002, Valero acquired Ultramar Diamond Shamrock and Phillips merged with Conoco.

The year 2000 saw the merger of British Petroleum and ARCO.

The largest transaction occurred in 1999 when Exxon merged with Mobil.

Other transactions included British Petroleum's acquisition of Amoco, Marathon's joint venture with Ashland Petroleum and another joint venture that combined the refining assets of Shell and Texaco.

Last month the Department of Justice just approved Conoco-Phillips' acquisition of Burlington Resources, a merger that creates the nation's largest natural gas company and the third largest integrated oil company.

These transactions have resulted in significantly increased concentration in the oil and gas industry, particularly in the downstream refining and wholesale gasoline markets.

Fewer competitors in a market conveys market power on remaining players, and with it, the opportunity to increase prices. As we have learned in Committee, there is some evidence that consolidation in the industry has increased wholesale gasoline prices.

Fewer competitors in a market also makes collusion easier. Recent events suggest that increased concentration may be creating a "collusive environment" in the industry.

A number of experts have pointed to limited refinery capacity as a cause for price spikes in recent years. No new refineries have been built in the U.S. for-30 years. While some existing refineries have expanded in recent years, other refineries have closed. From 1998 through 2004, total refinery capacity nationwide grew by less than one percent. Today, U.S. refineries routinely operate at over 90 percent of capacity. Critics have alleged that tacit collusion among industry players has restrained the growth of refinery capacity.

ExxonMobil and British Petroleum were recently sued by the Alaska Gasoline Port Authority for allegedly conspiring to withhold natural gas from customers who wished to transport the gas via pipeline to an Alaskan port. An agreement between Exxon and British Petroleum not to sell their natural gas to the Alaskan project would violate the antitrust laws.

The Judiciary Committee has held two hearings this year to consider the effects of concentration in the industry. The most recent hearing in March considered whether concentration had resulted, in increased prices for gasoline, other petroleum-based fuels and natural gas.

The witnesses at that hearing—two experienced and respected antitrust lawyers, the attorney general of Iowa, an economist from the University of California at Berkeley and the Senior Assistant Attorney General from California—all agreed that there were problems with market power in the industry.

Most of these witnesses testified that there was a serious problem with tacit coordination and information sharing in the industry made possible by having fewer players in the oil and gas industry. Such conduct unquestionably leads to higher prices.

Based on the testimony the Committee heard, it is pretty clear that increased concentration in the industry has led to higher prices. In part, the antitrust agencies need to adjust their enforcement posture to reflect existing conditions in the industry, but I believe there is a need for legislation. The Oil and Gas Industry Antitrust Act of 2006, which I am introducing today, would require the antitrust enforcement agencies, as well as the GAO, to take a close look at their past merger enforcement and whether the standard for reviewing mergers should be changed. The original draft of this legislation would have increased the standard of review for mergers in the industry, but we would like to give GAO and the enforcement agencies a chance to look at how the standard should be changed. The legislation:

Amends the Clayton Act by prohibiting oil and gas companies from diverting, exporting or refusing to sell existing supplies with the specific intention of raising prices or creating a shortage.

Requires the FTC and the Attorney General to consider whether the standard of review for mergers contained in Section 7 of the Clayton Act needs to be modified for mergers in the oil and gas industry to take into account the concentration that has already occurred in this industry.

Requires the Government Accountability Office to evaluate whether . divestitures required by the antitrust agencies in oil and gas industry mergers have been effective in restoring competition. Once the study is complete, the antitrust agencies must consider whether any additional steps are necessary to restore competition, including further divestitures or possibly unraveling some mergers.

Requires the antitrust agencies to establish a joint federal-state task force to examine information sharing and other anticompetitive results of consolidation in the oil and gas industry. Economic studies show that sharing price and production information in a concentrated market will result in increased prices. Oil companies frequently supply each other with gasoline in areas where they have no source of supply through so-called "exchange agreements." Refiners also frequently share terminals and pipelines, which facilitates the exchange of information. These practices alone do not violate the antitrust laws, but parallel conduct in combination with information sharing could be enough to establish a violation of the antitrust laws.

Eliminates the judge-made doctrines that prevent OPEC members from being sued for violating the antitrust laws by conspiring to fix the price of crude oil.

It is my hope that this legislation will help reverse the trend toward less competition and higher prices. The cosponsors of this legislation—Senator KOHL, SENATOR DEWINE, Senator DURBIN, Senator LEAHY, Senator FEINSTEIN—deserve enormous credit for having the courage to take on this issue and for helping to develop this important legislation. I urge other members that are concerned about consolidation in the industry—and about the prices that consumers are paying to drive to work and heat their homes—to support this important legislation.

Mr. LEAHY. Mr. President. I am proud to join with Senators SPECTER, KOHL, DEWINE and others on a new bill, the Oil and Gas Industry Antitrust Act of 2006, which includes, as its centerpiece, our NOPEC legislation, which many of us have worked together on for years.

This measure—The No Oil Producing And Exporting Cartels Act, NOPEC—would make OPEC accountable for its anticompetitive behavior and allow the Justice Department to crack down on illegal price manipulation by oil cartels. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities. The tools this bill would provide to law enforcement agencies are necessary to immediately counter OPEC's anticompetitive practices, and these tools would help reduce gasoline prices now.

The Congress should pass this measure immediately instead of waiting until the price of gasoline at the pump is $4 a gallon. OPEC has America over a barrel, and we should fight back. If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to American antitrust law. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of this cartel's member nations.

It is time for the President to join the bipartisan majority in the Senate which already said "NO" to OPEC by passing NOPEC and by sending it to the other body, where it was killed.

The Senate has already passed this bill, which would make OPEC subject to our antitrust laws. In fact, the Judiciary Committee has approved the NOPEC bill three times. Regrettably, even though President Bush promised in 2000 that he would "jawbone OPEC," the Bush administration and its friends in the House have scuttled the NOPEC bill and the direct and daily relief it would bring to millions of Americans.

In addition, this bill makes it unlawful to divert petroleum or natural gas products from their local market to a distant market with the primary intention of increasing prices or creating a shortage in a market. This solves a real problem where products are being shipped for sale in that market but are later diverted and sold for less in another market.

We have an obligation to address these and other issues caused by oil cartels and by greedy companies who have money—that they have extracted from the American people—to burn. That is why I am also pleased that the bill includes provisions to conduct several studies that address serious competition, information sharing, and other antitrust problem areas related to the oil and natural gas industries. The American people deserve answers, and this bill also provides a path to getting those answers.

Authorizing tough legal action against illegal oil price fixing, and taking that action without delay, is one thing we can do without additional obstruction or delay.

The artificial pricing scheme enforced by OPEC affects all of us, not the least of whom are hardworking Vermont farmers. The overall increase in fuel costs for an average Vermont farmer last year was 43 percent, meaning that each farmer is estimated to pay an additional $700 in fuel surcharges in 2006 alone. Vermonters know what the terrible consequences of these high prices can be: forcing many farmers to make unfair choices between running their farms or heating their homes. No one should be forced to make these choices, certainly not our hard-working farmers.

In summary, this bill will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now. I urge my colleagues to support this bill, and to say "NO" to OPEC as we have done in the past.

Mr. KOHL. Mr. President, I rise today with Senator SPECTER to introduce the Oil and Gas Industry Antitrust Act of 2006. This legislation will make several important and overdue reforms to our antitrust laws to give our Federal Government more of the tools it needs to take action to combat anti-competitive conduct in the oil and gas industry. It will also direct that our antitrust enforcement agencies undertake several actions to ensure that they are enforcing our current antitrust laws properly.

We have all seen the suffering felt by consumers and our national economy resulting from rising energy prices. Gasoline prices are once again on the rise, with the national average price increasing more than thirty cents in the last month alone. Many industry experts fear, if current trends continue, that last summer's record levels of more than three dollars per gallon will be exceeded this coming summer. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases. These price increases are a silent tax that steals hard earned money away from American consumers every time they visit the gas pump and every time they raise their thermostat to keep their family warm.

There is much debate about the causes of these gas prices. The role of increasing worldwide demand and supply limitations obviously play a role. But our investigation in the Judiciary Committee—including two hearings in the last several months—have made plain the facts that make many of us suspect that oil and gas markets are not behaving in a truly competitive fashion. The GAO has found that there were over 2600 mergers and acquisitions in the oil industry since 1990, and that these mergers have caused the price of gasoline to increase from one to seven cents per gallon. Despite a substantial growth in demand, no new refineries have been opened in the United States in 25 years. Instead, more than half have been closed, so that overall national refining capacity declined by more than 9 percent from 1981 to 2004 while demand for gasoline rose 37 percent. Many argue that limiting refining capacity is actually in the oil companies' interest, as it enables them to gain market power over supply to raise price.

And the oil industry has unquestionably enriched itself during this period of high prices. Oil industry profits reached record high levels last year, led by Exxon Mobil's record high profits of over $36 billion. An independent study by the consumers group Public Citizen found that U.S. oil refiners increased their profits on each gallon of gasoline they refined by 79 percent in the five-year period ending in 2004. While it is true that the world price of crude oil has substantially increased, the fact that the oil companies can so easily pass along all of these price increases to consumers of gasoline and other refined products—and compound their profits along the way—demonstrates to many of us that that there is a failure of competition in our oil and gas markets.

Indeed, at our hearing last month, the chief executives of our Nation's largest oil companies admitted they had no difficulty in passing along crude oil price increases to consumers. Rex Tillerson of ExxonMobil forthrightly testified that "[t]he high price of crude oil has been passed ultimately along to the consumer of whatever the finished product may be . . . ." David O'Reilly of Chevron agreed.

It also seems clear that there has been a failure of our antitrust enforcement agencies to take action to restore competition to this vital industry. Vigorous antitrust enforcement is essential to restore competition to these markets, and it is now time to strengthen our antitrust laws to ensure that they are up to the job. This bill that Senator SPECTER and I are introducing today will significantly enhance our antitrust laws to ensure that the government has the necessary tools to take action to restore competition in this industry, and also direct that the government examine its enforcement policy to determine if additional changes are needed.

Our bill has five elements, each essential to strengthening antitrust enforcement in the petroleum industry. It contains two important changes to existing antitrust law. First, it will amend the Clayton Act to prohibit withholding supplies of petroleum, gasoline or any other fuel for the primary purpose of increasing prices or creating a shortage. This provision will prevent the ability of oil producers and refiners to limit supply to manipulate price. Second, it incorporates our NOPEC bill—legislation I have introduced each Congress since 2000—to make the actions of the OPEC oil cartel subject to U.S. antitrust law. This provision will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. This provision will authorize the Attorney General to file suit under the antitrust laws for redress, and will remove the protections of sovereign immunity and the act of state doctrine from nations that participate in the oil cartel. Our NOPEC provision passed the Senate last year as an amendment to the energy bill, but was subsequently dropped by the House-Senate Conference Committee without explanation. It is past time to pass this much needed anti-cartel measure finally into law.

Our bill also will direct that the antitrust enforcement agencies undertake several important actions to promote competition. The first two of these measures will address the government's response to the huge wave of consolidation in the oil industry. First, the bill will direct that the Justice Department and Federal Trade Commission conduct a study and report their findings to us in nine months, as to whether the Clayton Act needs to be amended to ensure that mergers which truly lessen competition in the petroleum industry are prohibited. Second, the bill directs a study by the GAO to be completed within six months to examine whether the consent decrees and divestitures obtained by the Justice Department or FTC in the oil industry have been effective in protecting competition. The Attorney General and FTC are directed to consider additional action be required to restore competition upon completion of this report. Finally, the bill directs that the Attorney General and FTC Chairman establish a joint Federal-State task force to investigate information sharing among companies producing, refining, or marketing petroleum, gasoline or any other refined product.

As Ranking Member on the Senate Antitrust Subcommittee, I believe that this bill is an important step to reforming our antitrust laws and restoring competition to the oil and gas industry. All of us can agree that anticompetitive conduct leading to higher prices for gasoline and other energy products simply cannot be tolerated. It is essential that we give our government the necessary tools to do the job, and I am certain our bill is a long overdue measure to do just that.

I urge my colleagues to support the Oil and Gas Industry Antitrust Act of 2006.

Mr. DEWINE. Mr. President, I am proud to join as a co-sponsor of Senator SPECTER's Oil and Gas Industry Antitrust Act. This bill should help us curb the skyrocketing energy prices that have been an increasing burden on our Nation's consumers and businesses. It also should help us figure out how we can address these problems in the future.

High fuel costs are affecting every family, whether they are driving across town or heating their homes, and we must continue our efforts to do something about it. This bill would take immediate steps to help decrease possible price manipulation by oil companies and allow government enforcement agencies to take action to prevent price-fixing by oil producing nations.

I have been working on this problem for a long time. In fact, Senator KOHL and I have worked hard in our Subcommittee on Antitrust, Competition Policy and Consumer Rights to encourage FTC monitoring of gas prices and their careful investigation of oil industry behavior. I believe that those efforts have helped limit the fuel price increases; unfortunately, we still face enormous problems in this area, and we are all paying higher and higher prices for gas and heating oil. So, we need to continue our efforts and try some different approaches, and this legislation does just that.

Specifically, this bill calls for the Government Accountability Office to undertake a thorough study of the past enforcement actions taken by the Federal Trade Commission and the Department of Justice in prior oil industry merger investigations. This study will provide much-needed information on how effective the antitrust agencies' actions have been in preventing harm to consumers from mergers within the petroleum industry. Even more important, this bill also will call on the FTC and DOJ to use the findings from that study to examine those specific mergers and determine if they need to take further enforcement action regarding those deals. In addition, the antitrust agencies will utilize this information to take a close look at the petroleum industry and to determine whether they require special antitrust rules—applicable specifically to the oil industry—to give the agencies the tools they need to promote competition in the oil industry. This would be a very significant step, of course, but it is something they will consider.

Another important provision of this legislation creates a Joint Federal and State Task Force to investigate information sharing in the oil industry that may lead to artificially high prices for gasoline, electricity, and heating oil. The Federal Government and the various States have worked very effectively in the past to look into price spikes, supply disruptions, and a host of commercial arrangements that can harm consumers, and this bill provides a valuable framework for continuing and increasing this very effective cooperation.

Moreover, this bill will put an end to certain types of activities that oil companies may use to drive up prices or create shortages for all types of fuels. Specifically, this bill makes sure that oil companies cannot manipulate prices by refusing to sell their products in particular markets or diverting oil products away from American shores to artificially create a shortage and pad their profits. I am particularly pleased that the bill includes a provision that Senator KOHL and I have pursued since 2000—a provision that would make it clear that the Antitrust Division can prosecute OPEC for its price-fixing.

I believe that some of the provisions of this bill will help right away, like limiting the ability of the oil companies to refuse to sell petroleum in markets that need it and putting OPEC on notice that they can be prosecuted if they violate our laws. These provisions should help in the short-term. And, the other provisions, which require studies and review of past enforcement actions and analysis of possible changes in the antitrust laws, may help us address this problem in the long-run.

This bill will make a difference and help consumers. I strongly encourage my colleagues to join in support of its passage.

Mr. LEAHY. Mr. President, I am proud to join with Senators SPECTER, KOHL, DEWINE and others on a new bill, the Oil and Gas Industry Antitrust Act of 2006, which includes, as its centerpiece, our NOPEC legislation, which many of us have worked together on for years.

This measure—The No Oil Producing And Exporting Cartels Act, NOPEC—would make OPEC accountable for its anticompetitive behavior and allow the Justice Department to crack down on illegal price manipulation by oil cartels. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities. The tools this bill would provide to law enforcement agencies are necessary to immediately counter OPEC's anticompetitive practices, and these tools would help reduce gasoline prices now.

The Congress should pass this measure immediately instead of waiting until the price of gasoline at the pump is $4 a gallon. OPEC has America over a barrel, and we should fight back. If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to American antitrust law. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of this cartel's member nations.

It is time for the President to join the bipartisan majority in the Senate which already said "NO" to OPEC by passing NOPEC and by sending it to the other body, where it was killed.

The Senate has already passed this bill, which would make OPEC subject to our antitrust laws. In fact, the Judiciary Committee has approved the NOPEC bill three times. Regrettably, even though President Bush promised in 2000 that he would "jawbone OPEC," the Bush administration and its friends in the House have scuttled the NOPEC bill and the direct and daily relief it would bring to millions of Americans.

In addition, this bill makes it unlawful to divert petroleum or natural gas products from their local market to a distant market with the primary intention of increasing prices or creating a shortage in a market. This solves a real problem where products are being shipped for sale in that market but are later diverted and sold for less in another market.

We have an obligation to address these and other issues caused by oil cartels and by greedy companies who have money—that they have extracted from the American people—to burn. That is why I am also pleased that the bill includes provisions to conduct several studies that address serious competition, information sharing, and other antitrust problem areas related to the oil and natural gas industries. The American people deserve answers, and this bill also provides a path to getting those answers.

Authorizing tough legal action against illegal oil price fixing, and taking that action without delay, is one thing we can do without additional obstruction or delay.

The artificial pricing scheme enforced by OPEC affects all of us, not the least of whom are hardworking Vermont farmers. The overall increase in fuel costs for an average Vermont farmer last year was 43 percent, meaning that each farmer is estimated to pay an additional $700 in fuel surcharges in 2006 alone. Vermonters know what the terrible consequences of these high prices can be: forcing many farmers to make unfair choices between running their farms or heating their homes. No one should be forced to make these choices, certainly not our hard-working farmers.

In summary, this bill will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now. I urge my colleagues to support this bill, and to say "NO" to OPEC as we have done in the past.

By Mr. LEAHY:

S. 2559. A bill to make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the "Honest Services Act of 2006,"—a bill to provide new tools for Federal prosecutors to combat public corruption in our government. The purpose of this bill is to strengthen the tools available to Federal prosecutors to combat public corruption. This bill articulates more clearly for lobbyists, members of Congress, and Congressional staff the line that cannot be crossed regarding links between gifts or special favors and official acts, without incurring criminal liability.

Just recently, the Senate passed the Legislative Transparency and Accountability Act of 2006, S. 2349—the first lobbying reform bill in Congress in over a decade. I voted for the lobbying reform bill and I believe that this legislation takes an important step toward restoring the public's confidence in Congress.

I was disappointed, however, that I did not have an opportunity to offer the bill that I now propose as an amendment to the lobbying reform bill because cloture was invoked very early in the floor debate. My amendment would have offered an important and needed new dimension to the lobbying reform bill by strengthening our criminal public corruption laws.

Although it is certainly important to have high ethical standards within Congress and more transparency in the lobbying process, vigorous enforcement of our Federal public corruption laws is also an important component of this effort to restore public confidence in government. Indeed, it was only with the indictments of Jack Abramoff, Michael Scanlon, and Randy "Duke" Cunningham that Congress took note of the serious ethics scandals that have grown over the last years. If we are serious about restoring public confidence in Congress, we need to do more than just reform the lobbying disclosure laws and ethics rules. Congress must send a signal that it will not tolerate this type of public corruption by providing better tools Federal prosecutors to combat it.

This bill will do exactly that. The bill creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of Honest Services Fraud Involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this bill, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions. The law also prohibits Members of Congress and their staff from accepting these types of gifts and favors, or holding hidden financial interests, in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption, by removing some of the legal hurdles to public corruption prosecutions. Under current law, Federal prosecutors often have great difficulty bringing public corruption cases because it is difficult to prove a specific quid pro quo under the Federal bribery statute. In addition, the current honest services fraud statute—18 U.S.C. 1346—requires that prosecutors must also show that misconduct occurred via the mail or wire, even when there is clear evidence of an improper link between gifts and an official act. My bill makes it possible for Federal prosecutors to bring public corruption cases without having to first overcome these hurdles.

The bill also provides lobbyists, Members of Congress, and other individuals with much-needed notice and clarification as to what kind of conduct triggers this criminal offense. For much of the 20th Century, honest services fraud was a common law offense which courts read into the federal mail and wire fraud statutes. In 1987, the Supreme Court invalidated this common law concept in the case of McNally v. United States. In response to the McNally case, Congress subsequently added an honest services mail and wire fraud statute—18 U.S.C. 1346—to the Federal criminal code. Section 1346 has been regularly relied upon by prosecutors in public corruption cases ever since. However, that provision is often criticized for being too vague or for failing to give public officials sufficient notice about what type of conduct is covered by the statute. Courts have also disagreed about exactly what this statute means. My bill will help to resolve the confusion about honest services fraud in the legislative context, by setting out a well-defined honest services fraud offense for violations involving Members of Congress. In addition, the bill's intent requirements ensure that corrupt conduct can be appropriately prosecuted, but that innocuous actions will not be inappropriately targeted.

Lastly, my bill authorizes $25 million in additional federal funds over each of the next four years to give federal prosecutors needed resources to investigate public corruption. According to the FBI's 2004–2009 Strategic Plan, reducing public corruption in our country's Federal, State, and local governments is one of the FBI's top investigative priorities—behind only terrorism, espionage, and cyber crimes. However, an August 2005 report by the Department of Justice's Inspector General, found that, since 2000, there has been an overall reduction in the number of public corruption matters investigated by the FBI. That report noted that, in 2004, the FBI referred 63 fewer public corruption cases to the United States Attorney's offices across the Nation than it referred in 2000. My bill will give the FBI and the Public Integrity Section within the Department of Justice new resources to hire additional public corruption investigators and public corruption prosecutors.

If we are serious about addressing the egregious misconduct that we have recently witnessed, Congress must enact meaningful legislation to strengthen our public corruption laws and give investigators and prosecutors the resources they need to enforce these laws.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and former Representative Randy "Duke" Cunningham demonstrate that unethical conduct by public officials has broad ranging impact. Just last month, the Washington Post reported that, as an outgrowth of the Cunningham investigation, federal investigators and the Pentagon are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade, who recently pleaded guilty to conspiring to bribe Mr. Cunningham. The Cunningham case demonstrates that our democracy and national security depend upon a healthy, efficient, and ethical government.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that Congress must do more to restore the public's trust in their Congress, I urge all Senators to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honest Services Act of 2006".

SEC. 2. HONEST SERVICES FRAUD INVOLVING MEMBERS OF CONGRESS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1351. Honest services fraud involving members of Congress

"(a) IN GENERAL.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud and deprive the United States, the Congress, or the constituents of a Member of Congress, of the right to the honest services of a Member of Congress by—

"(1) offering and providing to a Member of Congress, or an employee of a Member of Congress, anything of value or a series of things of value, with the intent to influence the performance an official act or series of official acts; or

"(2) being a Member of Congress, or an employee of a Member of Congress, accepting anything of value or a series of things of value or holding an undisclosed financial interest, with the intent to be influenced in performing an official act or series of official acts;

shall be fined under this title or imprisoned not more than 20 years, or both.

"(b) DEFINITIONS.—In this section:

"(1) HONEST SERVICES.—The term 'honest services' includes the right to conscientious, loyal, faithful, disinterested, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

"(2) OFFICIAL ACT.—The term 'official act'—

"(A) has the meaning given that term in section 201(a)(3) of this title; and

"(B) includes supporting and passing legislation, placing a statement in the Congressional Record, participating in a meeting, conducting hearings, or advancing or advocating for an application to obtain a contract with the United States Government.

"(3) UNDISCLOSED FINANCIAL INTEREST.—The term 'undisclosed financial interest' includes any financial interest not disclosed as required by statute or by the Standing Rules of the Senate.

"(c) NO INFERENCE AND SCOPE.—Nothing in this section shall be construed to—

"(1) create any inference with respect to whether the conduct described in section 1351 of this title was already a criminal or civil offense prior to the enactment of this section; or

"(2) limit the scope of any existing criminal or civil offense.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 63 of title 18, United States Code is amended by adding at the end, the following:

"1351. Honest services fraud involving Members of Congress.".

SEC. 3. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE HONEST SERVICES FRAUD, BRIBERY, GRAFT, AND CONFLICTS OF INTEREST OFFENSES.

There are authorized to be appropriated to the Department of Justice, including the Public Integrity Section of the Criminal Division, and the Federal Bureau of Investigations, $25,000,000 for each of the fiscal years 2007, 2008, 2009, and 2010, to increase the number of personnel to investigate and prosecute violations of section 1351 and sections 201, 203 through 209, 1001, 1341, 1343, and 1346 of title 18, United States Code, as amended by this Act.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. HATCH, Mr. GRASSLEY, and Mr. LEVIN):

S. 2560. A bill to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

Mr. SPECTER. Madam President, I further introduce the reauthorization for the Office of National Drug Control Policy Act of 2006. Senators HATCH, BIDEN, and GRASSLEY have worked with me on this issue. This is the office to establish our drug policy. Since 2001, according to the ONDCP—the Office of National Drug Control Policy—the combined use of illicit drugs by 8th, 10th, and 12th graders has decreased by some 19 percent. We have seen a serious problem with methamphetamine. This agency is very important to carry out the administration's policy to try to reduce drug usage.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

INTRODUCTORY STATEMENT—"OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2006"

Mr. President, to reiterate I seek recognition today to introduce the "Office of National Drug Control Policy Reauthorization Act of 2006" and ask for the support of my colleagues for this important legislation concerning the war on illegal drugs.

This bill re-authorizes the Office of National Drug Control Policy—("ONDCP")—the Administration's office responsible for establishing policy and objectives to reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences. Senators BIDEN, HATCH and GRASSLEY have worked diligently with me in crafting this bill to provide authorization for ONDCP and its programs, and maintain a high level of Congressional oversight. I appreciate their consistent leadership.

Since 2001, according to ONDCP, the combined use of illicit drugs by 8th, 10th, and 12th graders has decreased 19 percent. This amounts to roughly 700,000 students who are not using drugs. ONDCP has prepared a National Drug Control Strategy that seeks to build on this progress and attain the President's goal of a 25 percent reduction in 5 years. I want to see the President's 25 percent reduction goal become a reality, and this bill will assist the Administration meet this objective.

Drug use and abuse—particularly among our youth—has a profoundly negative impact that spreads among our society like ripples made in water. Drug use leads to increased crime and violence, lowers educational standards, and has a destructive impact on the family unit. We need to take affirmative steps to provide the Executive Branch with the tools it needs to confront the problem of drugs and the negative consequences that follow from their abuse. This bill seeks to do just that.

We have seen over the last few years an epidemic involving the abuse of methamphetamine—a highly addictive drug that has been particularly damaging to our youth. This is a drug that can be cooked in low-tech labs with ingredients that can be purchased at most convenience stores. As a result, we included in the USA Patriot Act—which was recently signed into law—provisions that: (1) restrict the sale and distribution of chemical ingredients that make methamphetamine; (2) provides critical resources to state and local law enforcement; and (3) enhances international law enforcement of methamphetamine trafficking. Congress affirmatively responded to this problem and acted by passing the Combat Meth Act. We seek to continue these efforts with this legislation.

Once again, the President's 2007 budget seeks to shift funding of High Intensity Drug Trafficking Areas (HIDTA's) from ONDCP to the Department of Justice as a separate entity within the Organized Crime Drug Enforcement Task Force—(OCDETF). The HIDTA program was created by Congress to exist within ONDCP, and has successfully grown from 5 HIDTA's in 1990 to 28 HIDTA's that currently exist across the United States. HIDTA's enhance and coordinate drug control efforts among local, state, and federal law enforcement agencies, and provides agencies with equipment, technology, and additional resources to combat drug trafficking and their harmful consequences in critical regions of the United States. This bill keeps the HIDTA program within ONDCP where Congress intended it to remain.

I am hopeful the provisions in this bill meet the goals set by the President and reduce the overall use and abuse of illegal drugs in our country.

By Mr. DOMENICI:

S. 2561. A bill to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, an excerpt from John Steinbeck's classic The Grapes of Wrath recounting the conditions preceding the great Dust Bowl is eerily similar to the conditions currently faced by the Southwestern United States. "The sky grew pale and the clouds that had hung in high puffs for so long in the spring were dissipated. The sun flared down on the growing corn each day until a line of brown spread along the edge of each green bayonet. The clouds appeared, and went away, and in a while they did not try any more. The weeds grew darker green to protect themselves, and they did not spread any more. The surface of the earth crusted, a thin hard crust, and as the sky became pale, so the earth became pale, pink in the red country and white in the gray country . . . Every moving thing lifted the dust into the air. . . . The dust was long in settling back again."

As of April 5, 2006, statistics provided by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture indicate that my home State of New Mexico is facing one of the worst droughts in the past 100 years. Historic snow pack data indicates the 2005–2006 snow season is the worst in more than 50 years. Several river basins in New Mexico, including the Rio Hondo and Mimbres river basins currently have no snow pack. This fact is particularly troubling when one considers that we rely on spring run-off for our surface water. Moreover, lack of snow pack indicates that our reservoirs, already depleted after years of drought, will remain at alarmingly low levels. According to the NRCS, "Record low snow packs in several of the major basins have water managers scratching their heads, wondering how best to manage the water resource, with no real hopes of realizing any significant runoff to refill the reservoirs." These facts, taken together, are particularly ominous.

Unseasonably warm temperatures in New Mexico have resulted in the start of the runoff season in early March, something that usually starts in middle to late April. The early beginning of the run-off season will be particularly damaging to the agriculture industry which relies on spring run-off for irrigation during the early growing season. The lack of precipitation will also be devastating to our ranchers and dairymen. Because drought has hindered local production of hay, it has to be hauled from great distances. As a result, hay is approximately twice as expensive as usual, placing a great economic strain on the ranching and dairy industries. I fully anticipate that the drought will interrupt municipal water service. Although early in the year, the Village of Ruidoso, New Mexico has contacted my office seeking emergency Federal assistance to address looming water shortages. In addition, numerous New Mexico communities are under severe water restrictions.

The current drought illustrates how perilously close we are coming to having serious and widespread water shortages and the need to make more efficient use of the water we do have. The competing demands of agriculture, industry, municipalities and environmental needs have placed an enormous strain on available supplies of water. This is particularly true with respect to our interstate rivers that are governed by compacts. These interstate agreements require that a certain amount of water be delivered to downstream States. Meanwhile, enormous amounts of water are lost because of antiquated water infrastructure. In many instances, relatively cheap water infrastructure upgrades can minimize water losses. For example, by lining dirt canals, large amount of water can be saved that otherwise would have been lost to seepage. For the past 3 years, Congress has made available efficiency and conservation grants through the Administration's Water 2025 program. The goal of this program is to make more water available in water-short river systems through infrastructure conservation and efficiency upgrades. The bill I introduce today would authorize the Water 2025 program. While not a panacea to our water woes, I believe that this legislation will help us maximize the water available to us during times of drought.

I would like to thank Representative HEATHER WILSON, our Congresswoman from the First Congressional District of New Mexico for introducing the House companion to this measure. She fully appreciates the breadth of this problem and I look forward to working with her on this critically important issue.

Ensuring adequate water supplies for the Southwestern United States is as important a matter as any I can contemplate. As Chairman of the Energy and Natural Resources Committee, which has jurisdiction over this legislation, I assure it will receive prompt Committee consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bureau of Reclamation Water Conservation, Efficiency, and Management Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) NON-FEDERAL ENTITY.—The term "non-Federal entity" means a State, Indian tribe, irrigation district, water district, or any other organization with water delivery authority.

(2) RECLAMATION STATE.—The term "Reclamation State" means each of the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 3. AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may, in accordance with the criteria published under subsection (b), provide grants to, and enter into cooperative agreements with non-Federal entities to pay the Federal share of the cost of a project to plan, design, construct, or otherwise implement improvements to conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to Federal water projects within the Reclamation States.

(b) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this Act, publish in the Federal Register criteria developed by the Secretary for—

(A) determining the eligibility of a non-Federal entity for assistance under subsection (a); and

(B) prioritizing requests for assistance under subsection (a).

(2) FACTORS.—The criteria developed under paragraph (1) shall take into account such factors as—

(A) the extent to which a project under subsection (a) would reduce conflict over water;

(B) the extent to which a project under subsection (a) would—

(i) increase water use efficiency; or

(ii) enhance water management;

(C) the extent to which unallocated water is available in the area in which a project under subsection (a) is proposed to be conducted;

(D) the extent to which a project under subsection (a) involves water marketing;

(E) the likelihood that the benefit of a project under subsection (a) would be attained;

(F) whether the non-Federal entity has demonstrated the ability of the non-Federal entity to pay the non-Federal share;

(G) the extent to which the assistance provided under subsection (a) is reasonable for the work proposed under the project;

(H) the involvement of the non-Federal entity and stakeholders in a project under subsection (a);

(I) whether a project under subsection (a) is related to a Bureau of Reclamation project or facility; and

(J) the extent to which a project under subsection (a) would conserve water.

(c) FEDERAL FACILITIES.—If a grant or cooperative agreement under subsection (a) provides for improvements to a Federal facility—

(1) the Federal funds provided under the grant or cooperative agreement may be—

(A) provided on a nonreimbursable basis to an entity operating affected transferred works; or

(B) determined to be nonreimbursable for non-transferred works; and

(2) title to the improvements to the Federal facility shall be held by the United States.

(d) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project assisted under subsection (a) shall be not more than 50 percent.

(2) NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of carrying out a project under subsection (a), the Secretary—

(A) may include any in-kind contributions that the Secretary determines would materially contribute to the completion of proposed project; and

(B) shall exclude any funds received from other Federal agencies.

(e) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining improvements assisted under subsection (a) shall be 100 percent.

(f) MUTUAL BENEFIT.—Grants or cooperative agreements made under this section or section 4 may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(g) LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the United States shall not be liable under Federal or State law for monetary damages of any kind arising out of any act, omission, or occurrence relating to any non-Federal facility constructed or improved under this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the United States may be held liable for damages to non-Federal facilities caused by acts of negligence committed by the United States or by an employee or agent of the United States.

(3) NO ADDITIONAL LIABILITY.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the "Federal Torts Claim Act").

SEC. 4. RESEARCH AGREEMENTS.

The Secretary may enter into cooperative agreements with institutions of higher education, nonprofit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary determines to be appropriate.

SEC. 5. EFFECT.

Nothing in this Act—

(1) affects any existing project-specific funding authority; or

(2) invalidates, preempts, or creates any exception to State water law, State water rights, or any interstate compact governing water.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2007 through 2016.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2562. A bill to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans: to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, today I join Senator AKAKA in introducing legislation that would provide a cost-of-living adjustment to the rates of disability compensation provided to our Nation's disabled veterans and to the compensation provided to survivors of veterans and servicemembers who died, or who will die, as a result of military service. Every year since 1976 Congress has enacted an annual COLA adjustment for veterans with disabilities and survivors. The regularity of Congress's action on COLA legislation underscores its importance. Without it, inflation would erode the purchasing power of millions of beneficiaries.

According to its fiscal year 2007 budget, VA estimates that it will provide disability compensation to 2,867,013 veterans with service-connected disabilities in the upcoming fiscal year. Among the veterans estimated to receive such compensation are 5 World War I veterans; 335,180 World War II veterans; 160,889 Korean-conflict veterans; 992,360 Vietnam-era veterans; and 762,230 veterans of the Persian Gulf war era. The COLA legislation will also benefit an estimated 348,479 survivors.

The Congressional Budget Office, CBO, estimates that inflation, at the close of this fiscal year, will be at 2.2 percent as measured by the consumer price index published by the Department of Labor's Bureau of Labor Statistics. Once the actual inflation level is known, this legislation would adjust payment rates in effect on November 30, 2006, and be applied to payments made to veterans and survivors effective December 1, 2006. CBO also estimates that the legislation will increase direct spending by $530 million in fiscal year 2007. Again, because of the importance accorded to annual COLA legislation, all of this spending is assumed in the budget baseline and, thus, requires no offset.

In summary, this legislation is critical to the lives of over 3 million beneficiaries who have served our country well and faithfully. I ask my colleagues for their continued support for our nation's veterans. And I ask for their support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2006".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2006, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2006, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2007.

By Mr. COCHRAN (for himself, Mr. ENZI, and Mr. TALENT):

S. 2563. A bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part; to the Committee on Finance.

Mr. COCHRAN. Mr. President, The Medicare prescription drug plan is a tremendous success with more than 27 million Medicare beneficiaries now enrolled in the program. Seniors are realizing significant decreases in the cost of their prescription drugs and the savings are even greater than expected. The Centers for Medicare and Medicaid Services (CMS) and health care providers worked together to plan and implement this program. In particular, community pharmacists played an important role in making this benefit successful. Prior to the January 1 start of the program, pharmacists assisted their Medicare patients in the selection and enrollment process. This process was new and challenging, but pharmacists were diligent in serving their patients and providing much-needed medications while the program became functional.

We are introducing a bill today to assist pharmacists as they continue to serve their patients and as they help to continue the success of the Medicare drug benefit. This bill will allow pharmacists to achieve efficiencies in reimbursement for the products they have provided to new beneficiaries. This is especially needed by small, rural independent pharmacies. This legislation will also provide incentives for pharmacists and other providers to help beneficiaries better utilize their medications, adhere to their drug regimens, and utilize cost saving medication therapy management programs.

I am pleased to offer this legislation that will help continue the success of the Medicare prescription drug benefit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pharmacist Access and Recognition in Medicare (PhARM) Act of 2006".

SEC. 2. PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS AND MA-PD PLANS UNDER PART D.

(a) PROMPT PAYMENT BY PRESCRIPTION DRUG PLANS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

"(4) PROMPT PAYMENT OF CLEAN CLAIMS.—

"(A) PROMPT PAYMENT.—

"(i) IN GENERAL.—Each contract entered into with a PDP sponsor under this section with respect to a prescription drug plan offered by such sponsor shall provide that payment shall be issued, mailed, or otherwise transmitted with respect to all clean claims submitted under this part within the applicable number of calendar days after the date on which the claim is received.

"(ii) CLEAN CLAIM DEFINED.—In this paragraph, the term 'clean claim' means a claim that has no apparent defect or impropriety (including any lack of any required substantiating documentation) or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this part.

"(B) Applicable number of calendar days defined.—In this paragraph, the term 'applicable number of calendar days' means—

"(i) with respect to claims submitted electronically, 14 days; and

"(ii) with respect to claims submitted otherwise, 30 days.

"(C) Interest payment.—If payment is not issued, mailed, or otherwise transmitted within the applicable number of calendar days (as defined in subparagraph (B)) after a clean claim is received, interest shall be paid at a rate used for purposes of section 3902(a) of title 31, United States Code (relating to interest penalties for failure to make prompt payments), for the period beginning on the day after the required payment date and ending on the date on which payment is made.

"(D) Procedures involving claims.—

"(i) In general.—A contract entered into with a PDP sponsor under this section with respect to a prescription drug plan offered by such sponsor shall provide that, not later than 10 days after the date on which a clean claim is submitted, the PDP sponsor shall provide the claimant with a notice that acknowledges receipt of the claim by such sponsor. Such notice shall be considered to have been provided on the date on which the notice is mailed or electronically transferred.

"(ii) Claim deemed to be clean.—A claim is deemed to be a clean claim if the PDP sponsor involved does not provide notice to the claimant of any deficiency in the claim within 10 days of the date on which the claim is submitted.

"(iii) Claim determined to not be a clean claim.—

"(I) In general.—If a PDP sponsor determines that a submitted claim is not a clean claim, the PDP sponsor shall, not later than the end of the period described in clause (ii), notify the claimant of such determination. Such notification shall specify all defects or improprieties in the claim and shall list all additional information or documents necessary for the proper processing and payment of the claim.

"(II) Determination after submission of additional information.—A claim is deemed to be a clean claim under this paragraph if the PDP sponsor involved does not provide notice to the claimant of any defect or impropriety in the claim within 10 days of the date on which additional information is received under subclause (I).

"(III) Payment of clean portion of a claim.—A PDP sponsor shall pay any portion of a claim that would be a clean claim but for a defect or impropriety in a separate portion of the claim in accordance with subparagraph (A).

"(iv) Obligation to pay.—A claim submitted to a PDP sponsor that is not paid or contested by the provider within the applicable number of days (as defined in subparagraph (B)) shall be deemed to be a clean claim and shall be paid by the PDP sponsor in accordance with subparagraph (A).

"(v) Date of payment of claim.—Payment of a clean claim under such subparagraph is considered to have been made on the date on which full payment is received by the provider.

"(E) Electronic transfer of funds.—A PDP sponsor shall pay all clean claims submitted electronically by electronic transfer of funds.".

(b) Prompt Payment by MA-PD Plans.—Section 1857(f) of the Social Security Act (42 U.S.C. 1395w-27(f)) is amended by adding at the end the following new paragraph:

"(3) Incorporation of certain prescription drug plan contract requirements.—The provisions of section 1860D–12(b)(4) shall apply to contracts with a Medicare Advantage organization in the same manner as they apply to contracts with a PDP sponsor offering a prescription drug plan under part D.".

(c) Effective Date.—The amendments made by this section shall apply to contracts entered into or renewed on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 3. RESTRICTION ON PHARMACY CO-BRANDING ON MEDICARE PRESCRIPTION DRUG CARDS ISSUED BY PRESCRIPTION DRUG PLANS AND MA-PD PLANS.

(a) In General.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended—

(1) in subsection (b)(2)(A), by striking "The PDP sponsor" and inserting "Subject to subsection (l), the PDP sponsor"; and

(2) by adding at the end the following new subsection:

"(l) Co-Branding Prohibited.—A card that is issued under subsection (b)(2)(A) for use under a prescription drug plan offered by a PDP sponsor shall not display the name, brand, or trademark of any pharmacy.".

(b) Effective Date.—The amendments made by this section shall apply to cards distributed on or after the date that is 90 days after the date of enactment of this Act.

SEC. 4. PROVISION OF MEDICATION THERAPY MANAGEMENT SERVICES UNDER PART D.

(a) Provision of Medication Therapy Management Services Under Part D.—

(1) In general.—Section 1860D–4(c)(2) of the Social Security Act (42 U.S.C.1395w–104(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting "or other health care provider with advanced training in medication management" after "furnished by a pharmacist"; and

(II) by striking "targeted beneficiaries described in clause (ii)" and inserting "targeted beneficiaries specified under clause (ii)"

(ii) by striking clause (ii) and inserting the following:

"(ii) Targeted beneficiaries.—The Secretary shall specify the population of part D eligible individuals appropriate for services under a medication therapy management program based on the following characteristics:

"(I) Having a disease state in which evidence-based medicine has demonstrated the benefit of medication therapy management intervention based on objective outcome measures.

"(II) Taking multiple covered part D drugs or having a disease state in which a complex combination medication regimen is utilized.

"(III) Being identified as likely to incur annual costs for covered part D drugs that exceed a level specified by the Secretary or where acute or chronic decompensation of disease would likely increase expenditures under the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund under sections 1817 and 1841, respectively, such as through the requirement of emergency care or acute hospitalization.";

(B) by striking subparagraph (B) and inserting the following:

"(B) Elements.—

"(i) Minimum defined package of services.—The Secretary shall specify a minimum defined package of medication therapy management services that shall be provided to each enrollee. Such package shall be based on the following considerations:

"(I) Performing necessary assessments of the health status of each enrollee.

"(II) Providing medication therapy review to identify, resolve, and prevent medication-related problems, including adverse events.

"(III) Increasing enrollee understanding to promote the appropriate use of medications by enrollees and to reduce the risk of potential adverse events associated with medications, through beneficiary and family education, counseling, and other appropriate means.

"(IV) Increasing enrollee adherence with prescription medication regimens through medication refill reminders, special packaging, and other compliance programs and other appropriate means.

"(V) Promoting detection of adverse drug events and patterns of overuse and underuse of prescription drugs.

"(VI) Developing a medication action plan which may alter the medication regimen, when permitted by the State licensing authority. This information should be provided to, or accessible by, the primary health care provider of the enrollee.

"(VII) Monitoring and evaluating the response to therapy and evaluating the safety and effectiveness of the therapy, which may include laboratory assessment.

"(VIII) Providing disease-specific medication therapy management services when appropriate.

"(IX) Coordinating and integrating medication therapy management services within the broader scope of health care management services being provided to each enrollee.

"(ii) Delivery of services.—

"(I) Personal delivery.—To the extent feasible, face-to-face interaction shall be the preferred method of delivery of medication therapy management services.

"(II) Individualized.—Such services shall be patient-specific and individualized and shall be provided directly to the patient by a pharmacist or other health care provider with advanced training in medication management.

"(III) Distinct from other activities.—Such services shall be distinct from any activities related to formulary development and use, generalized patient education and information activities, and any population-focused quality assurance measures for medication use.

"(iii) Opportunity to identify patients in need of medication therapy management services.—The program shall provide opportunities for health care providers to identify patients who should receive medication therapy management services.";

(C) by striking subparagraph (E) and inserting the following:

"(E) Pharmacy fees.—

"(i) In general.—The PDP sponsor of a prescription drug plan shall pay pharmacists and others providing services under the medication therapy management program under this paragraph based on the time and intensity of services provided to enrollees.

"(ii) Submission along with plan information.—Each such sponsor shall disclose to the Secretary upon request the amount of any such payments and shall submit a description of how such payments are calculated along with the information submitted under section 1860D–11(b). Such description shall be submitted at the same time and in a similar manner to the manner in which the information described in paragraph (2) of such section is submitted."; and

(D) by adding at the end the following new subparagraph:

"(F) PHARMACY ACCESS REQUIREMENTS.—The PDP sponsor of a prescription drug plan shall secure the participation in its network of a sufficient number of retail pharmacies to assure that enrollees have the option of obtaining services under the medication therapy management program under this paragraph directly from community-based retail pharmacies.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to medication therapy management services provided on or after January 1, 2008.

(b) MEDICATION THERAPY MANAGEMENT DEMONSTRATION PROGRAM.—Section 1860D–4(c) of the Social Security Act (42 U.S.C.1395w–104(c)) is amended by adding at the end the following new paragraph:

"(3) COMMUNITY-BASED MEDICATION THERAPY MANAGEMENT DEMONSTRATION PROGRAM.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—By not later than January 1, 2008, the Secretary shall establish a 2-year demonstration program, based on the recommendations of the Best Practices Commission established under subparagraph (B), with both PDP sponsors of prescription drug plans and Medicare Advantage Organizations offering MA–PD plans, to examine the impact of medication therapy management furnished by a pharmacist in a community-based or ambulatory-based setting on quality of care, spending under this part, and patient health.

"(ii) SITES.—

"(I) IN GENERAL.—Subject to subclause (II), the Secretary shall designate not less than 10 PDP sponsors of prescription drug plans or Medicare Advantage Organizations offering MA–PD plans, none of which provide prescription drug coverage under such plans in the same PDP or MA region, respectively, to conduct the demonstration program under this paragraph.

"(II) DESIGNATION CONSISTENT WITH RECOMMENDATIONS OF BEST PRACTICES COMMISSION.—The Secretary shall ensure that the designation of sites under subclause (I) is consistent with the recommendations of the Best Practices Commission under subparagraph (B)(ii).

"(B) BEST PRACTICES COMMISSION.—

"(i) ESTABLISHMENT.—The Secretary shall establish a Best Practices Commission composed of representatives from pharmacy organizations, health care organizations, beneficiary advocates, chronic disease groups, and other stakeholders (as determined appropriate by the Secretary) for the purpose of developing a best practices model for medication therapy management.

"(ii) RECOMMENDATIONS.—The Commission shall submit to the Secretary recommendations on the following:

"(I) The minimum number of enrollees that should be included in the demonstration program, and at each demonstration program site, to determine the impact of medication therapy management furnished by a pharmacist in a community-based setting on quality of care, spending under this part, and patient health.

"(II) The number of urban and rural sites that should be included in the demonstration program to ensure that prescription drug plans and MA–PD plans offered in urban and rural areas are adequately represented.

"(III) A best practices model for medication therapy management to be implemented under the demonstration program under this paragraph.

"(C) REPORTS.—

"(i) INTERIM REPORT.—Not later than 1 year after the commencement of the demonstration program, the Secretary shall submit to Congress an interim report on such program.

"(ii) FINAL REPORT.—Not later than 6 months after the completion of the demonstration program, the Secretary shall submit to Congress a final report on such program, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

"(D) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII as may be necessary for the purpose of carrying out the demonstration program under this paragraph.".

Mr. ENZI. Mr. President, I rise to introduce the Pharmacist Access and Recognition in Medicare Act. I have enjoyed working closely with Chairman COCHRAN and Senator TALENT on this bill that will help protect the valuable role that pharmacists play in our communities.

I have spent a lot of time over the past few months traveling around my home State of Wyoming talking to seniors about the new Medicare prescription drug benefit. This new voluntary benefit represents the most significant improvement to Medicare since its inception in 1965. Because of this new benefit, more seniors have prescription drug coverage and are able to purchase the medicines they need. Since the benefit took effect on January 1, 2006, 17,700 beneficiaries in Wyoming have signed up for prescription drug coverage and 27 million beneficiaries nationwide have drug coverage. I encourage all beneficiaries to enroll in a prescription drug plan before May 15, 2006.

I strongly support our community pharmacists. The changeover to Medicare Part D hasn't been easy and has produced several obstacles they have had to deal with as they have worked to serve Medicare beneficiaries. In traveling around my State over the past few months, I have talked to a few pharmacists who mentioned a few key problems they are facing with this new Medicare program that I believe we should address.

The first is an issue of cash flow management. As the only accountant in the United States Senate, I understand this problem. Most pharmacists have to pay their wholesalers like clockwork two times a month, but they are not receiving their reimbursement from the prescription drug plans in a similar timely fashion. This bill changes that. The bill states that plans have to reimburse all "clean claims" every 14 days. The bill also facilitates a quicker reimbursement by specifying that claims submitted electronically shall be paid by electronic transfer of funds. This is a small change in the law that I believe will play a large role in helping ease the transition to the new program for our local and community pharmacists.

The second issue I have heard about is called co-branding. Some of the prescription drug plans have partnered with some of the larger pharmacies and the plans are putting pharmacy logos on the benefit cards the beneficiaries use to get their prescriptions filled. Some people have told me that this is very confusing, because beneficiaries think that they must go to the pharmacy listed on the card. My bill says that co-branding is no longer allowed and all newly issued cards will not have pharmacy logos on them.

The final thing this bill does is expand upon what was in the Medicare bill that passed in 2003 regarding medication therapy management programs. I am pleased to say that Wyoming is ahead of the curve in this area. A few years ago, the Wyoming Department of Health partnered with the University of Wyoming to provide a service called Wyoming PharmAssist, which directly connects patients with registered pharmacists to review their medications for possible drug interactions and duplications. I was pleased to learn that this service is more advanced than systems in other States, providing patients with ways to reduce their monthly medication costs while improving safety. The Wyoming PharmAssist program can save clients $152 per month and $1,844 a year. Wyoming Pharm-Assist pays registered pharmacists for these unique services and is a model for the Nation. My bill tries to make the Federal program more like the very successful program in Wyoming.

I commend all the pharmacists across the country who are working so hard to make this new Medicare program work. They are getting life saving drugs to seniors who may not have been able to afford them before. I am proud to say I voted for this program back in 2003 and I am pleased with all the progress we are making.

I believe the Senate operates under what I call the 80/20 rule. 80 percent of the things that get done around here are non-contentious issues with support from both parties. The other 20 percent are the contentious issues that we seem to spend all our time talking about. I think this bill falls into the 80 percent category. This is a small bill that will do a lot of good for our pharmacists. It has wide support and I look forward to working with Chairman GRASSLEY to help move this bill through his Committee.

I invite my colleagues to join me and Senators COCHRAN and TALENT as sponsors of this bill to allow pharmacists to continue to provide the best quality care for seniors and the disabled who rely on them for their medications.

I ask that the text of the bill following my statement be placed in the RECORD.

By Mr. BURR (for himself, Mr. FRIST, Mr. ENZI, Mr. GREGG, Mr. ALEXANDER, and Mrs. DOLE):

S. 2564. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biodefense and Pandemic Vaccine and Drug Development Act of 2006".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Biomedical Advanced Research and Development Authority; National Biodefense Science Board.
Sec. 4. Clarification of countermeasures covered by Project BioShield.
Sec. 5. Orphan drug market exclusivity for countermeasure products.
Sec. 6. Technical assistance.
Sec. 7. Collaboration and coordination.
Sec. 8. Procurement.
Sec. 9. Rule of construction.

SEC. 3. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY; NATIONAL BIODEFENSE SCIENCE BOARD.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

"SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

"(a) DEFINITIONS.—In this section:

"(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.

"(2) FUND.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

"(3) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

"(4) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

"(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.

"(6) ADVANCED RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

"(i) are conducted after basic research and preclinical development of the product; and

"(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.

"(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—

"(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

"(ii) design and development of tests or models, including animal models, for such testing;

"(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

"(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

"(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

"(7) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2.

"(8) RESEARCH TOOL.—The term 'research tool' means a device, technology, biological material (including a cell line or an antibody), reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

"(9) PROGRAM MANAGER.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.

"(10) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

"(b) STRATEGIC PLAN FOR COUNTERMEASURE RESEARCH, DEVELOPMENT, AND PROCUREMENT.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006, the Secretary shall develop and make public a strategic plan to integrate biodefense and emerging infectious disease requirements with the advanced research and development, strategic initiatives for innovation, and the procurement of qualified countermeasures and qualified pandemic or epidemic products.

"(2) CONTENT.—The strategic plan under paragraph (1) shall guide—

"(A) research and development, conducted or supported by the Department of Health and Human Services, of qualified countermeasures and qualified pandemic or epidemic products against possible biological, chemical, radiological, and nuclear agents and to emerging infectious diseases;

"(B) innovation in technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products (such research and development referred to in this section as 'countermeasure and product advanced research and development'); and

"(C) procurement of such qualified countermeasures and qualified pandemic or epidemic products by such Department.

"(c) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

"(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

"(2) IN GENERAL.—Based upon the strategic plan described in subsection (b), the Secretary shall coordinate and oversee the acceleration of countermeasure and product advanced research and development by—

"(A) facilitating collaboration among the Department of Health and Human Services, other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

"(B) promoting countermeasure and product advanced research and development;

"(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

"(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

"(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

"(4) DUTIES.—

"(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

"(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

"(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

"(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

"(ii) at least annually—

"(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

"(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

"(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

"(iii) carry out the activities described in section 7 of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

"(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

"(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

"(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

“(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

“(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

“(C) FACILITATING ADVICE.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

“(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

“(ii) ensure that, with respect to persons performing countermeasure and product advanced research and development funded under this section, such offices or employees provide such advice in a manner that is ongoing and that is otherwise designated to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

“(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

“(i) innovation in technologies that may assist countermeasure and product advanced research and development;

“(ii) research on and development of research tools and other devices and technologies; and

“(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

“(5) TRANSACTION AUTHORITIES.—

“(A) OTHER TRANSACTIONS.—In carrying out the functions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have authority to enter into other transactions for countermeasure and product advanced research and development.

“(B) EXPEDITED AUTHORITIES.—

“(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F-1.

“(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F-1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.

“(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F-1(b)(1)(D) to this paragraph, the phrase ‘BioShield Program under the Project BioShield Act of 2004’ shall be deemed to mean the countermeasure and product advanced research and development program under this section.

“(iv) AVAILABILITY OF DATA.—The Secretary shall require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, all data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.

“(C) ADVANCE PAYMENTS; ADVERTISING.—The authority of the Secretary to enter into contracts under this section shall not be limited by section 3324(a) of title 31, United States Code, or by section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

“(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.

“(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people.

“(F) ESTABLISHMENT OF RESEARCH CENTERS.—The Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)).

“(6) VULNERABLE POPULATIONS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations.

“(7) PERSONNEL AUTHORITIES.—

“(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—In addition to any other personnel authorities, the Secretary may—

“(i) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and

“(ii) compensate them in the same manner in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may—

“(i) appoint special consultants pursuant to section 207(f); and

“(ii) accept voluntary and uncompensated services.

“(d) FUND.—

“(1) ESTABLISHMENT.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be available to carry out this section.

“(2) FUNDS.—

“(A) FIRST FISCAL YEAR.—

“(i) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated and there are appropriated to the Fund $340,000,000 to carry out this section for fiscal year 2007. Such funds shall remain available until expended.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to the amounts appropriated under clause (i), $160,000,000 to carry out this section for fiscal year 2007. Such funds shall remain available until expended.

“(B) SUBSEQUENT FISCAL YEARS.—

“(i) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(I) $500,000,000 for fiscal year 2008; and

“(II) such sums as may be necessary for fiscal years 2009 through 2012.

“(ii) AVAILABILITY OF FUNDS.—Such sums authorized under clause (i) shall remain available until expended.

“(e) INAPPLICABILITY OF CERTAIN PROVISIONS.—

“(1) DISCLOSURE.—

“(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development funded by the Secretary that reveal vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

“(B) OVERSIGHT.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years to determine the relevance or necessity of continued nondisclosure.

“(2) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a working group of BARDA or to the National Biodefense Science Board under section 319M.

“SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the ‘Board’) to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

“(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—

“(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

“(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

“(C) four individuals representing academia; and

“(D) five other members as determined appropriate by the Secretary.

“(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

“(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

“(5) DUTIES.—The Board shall—

"(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;

"(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and

"(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.

"(6) MEETINGS.—

"(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006, the Secretary shall hold the first meeting of the Board.

"(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

"(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

"(9) POWERS.—

"(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

"(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(10) PERSONNEL.—

"(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

"(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

"(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(b) OTHER WORKING GROUPS.—The Secretary may establish a working group of experts, or may use an existing working group or advisory committee, to—

"(1) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product;

"(2) identify accepted animal models for particular diseases and conditions associated with any biological, chemical, radiological, or nuclear agent, any toxin, or any potential pandemic infectious disease, and identify strategies to accelerate animal model and research tool development and validation; and

"(3) obtain advice regarding supporting and facilitating advanced research and development related to qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations, and other issues regarding activities under this section that affect such populations.

"(c) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for fiscal year 2007 and each fiscal year thereafter.".

(b) OFFSET OF FUNDING.—The amount appropriated under the subheading "Biodefense Countermeasures" under the heading "Emergency Preparedness and Response" in title III of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108-90) shall be decreased by $340,000,000.

SEC. 4. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F-1(a) of the Public Health Service Act (42 U.S.C. 247d-6a(a)) is amended by striking paragraph (2) and inserting the following:

"(2) DEFINITIONS.—In this section:

"(A) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

"(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

"(ii) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in this subparagraph.

"(B) INFECTIOUS DISEASE.—The term 'infectious disease' means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.".

(b) SECURITY COUNTERMEASURE.—Section 319F-2(c)(1)(B) is amended by striking "treat, identify, or prevent" each place it appears and inserting "diagnose, mitigate, prevent, or treat".

(c) LIMITATION ON USE OF FUNDS.—Section 510(a) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)) is amended by adding at the end the following: "None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease.".

SEC. 5. ORPHAN DRUG MARKET EXCLUSIVITY FOR COUNTERMEASURE PRODUCTS.

(a) IN GENERAL.—Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended by adding at the end the following:

"(c) MARKET EXCLUSIVITIES FOR COUNTERMEASURES, ANTIBIOTICS, AND ANTIINFECTIVES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a drug that is designated under section 526 for a rare disease or condition, the period referred to in this section is deemed to be 10 years in lieu of 7 years if—

"(A) such rare disease or condition is directly caused by a—

"(i)(I) biological agent (including an organism that causes infectious disease);

"(II) toxin; or

"(III) chemical, radiological, or nuclear agent; and

"(ii) such biological agent (including an organism that causes an infectious disease), toxin, or chemical, radiological or nuclear agent, is identified as a material threat under subsection (c)(2)(A)(ii) of section 319F-2 of the Public Health Service Act;

"(B) such drug is determined by the Secretary to be a security countermeasure under subsection (c)(1)(B) of such section 319F-2 with respect to such agent or toxin;

"(C) no active ingredient (including a salt or ester of the active ingredient) of the drug has been approved under an application under section 505(b) prior to the submission of the request for designation of the new drug under section 526; and

"(D) notice respecting the designation of a drug under section 526 has been made available to the public.

"(2) APPLICATION OF PROVISION.—Paragraph (1) shall apply with respect to an antibiotic drug or antiinfective drug designated under section 526 only if—

"(A) no active ingredient (including a salt or ester of the active ingredient) of such drug has been approved as a feed or water additive for an animal in the absence of any clinical sign of disease in the animal for growth promotion, feed efficiency, weight gain, routine disease prevention, or other routine purpose;

"(B) no active ingredient (including a salt or ester of the active ingredient) of such drug has been approved for use in humans under section 505 or approved for human use under section 507 (as in effect prior to November 21, 1997) prior to the submission of the request for designation of the new drug under section 526;

"(C) the Secretary has made a determination that—

"(i) such drug is not a member of a class of antibiotics that is particularly prone to creating antibiotic resistance;

"(ii) sufficient antibiotics do not already exist in the same class;

"(iii) such drug represents a significant clinical improvement over other antibiotic drugs;

"(iv) such drug is for a serious or life-threatening disease or conditions; and

"(v) such drug is for a countermeasure use; and

"(D) notice respecting the designation of a drug under section 526 has been made available to the public.

"(3) RULE OF CONSTRUCTION.—With respect to a drug to which this subsection applies, and which is also approved for additional uses to which this subsection does not apply, nothing in section 505(b)(2) or 505(j) shall prohibit the Secretary from approving a drug under section 505(b)(2) or 505(j) with different or additional labeling for the drug as the Secretary deems necessary to ensure that the drug is safe and effective for the uses to which this subsection does not apply.

"(4) STUDY AND REPORT.—Not later than January 1, 2011, the Comptroller General of the United States shall conduct a study and submit to Congress a report concerning the effect of and activities under this subsection. Such study and report shall examine all relevant issues including—

"(A) the effectiveness of this subsection in improving the availability of novel countermeasures for procurement under section 319F-2 of the Public Health Service Act;

"(B) the effectiveness of this subsection in improving the availability of drugs that treat serious or life threatening diseases or conditions and offer significant clinical improvements;

"(C) the continued need for additional incentives to create more antibiotics and antiinfectives;

"(D) the economic impact of the section on taxpayers and consumers, including—

"(i) the economic value of additional drugs provided for under this subsection, including the impact of improved health care and hospitalization times associated with treatment of nosocomial infections; and

"(ii) the economic cost of any delay in the availability of lower cost generic drugs on patients, the insured, and Federal and private health plans;

"(E) the adequacy of limits under subparagraphs (A) and (B) of paragraph (2) to maximize the useful period during which antibiotic drugs or antiinfective drugs remain therapeutically useful treatments; and

"(F) any recommendations for modifications to this subsection that the Comptroller determines to be appropriate.

"(5) EFFECTIVE DATE.—This subsection shall apply only to products for which an applicant has applied for designation under section 526 after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

"(6) SUNSET.—This subsection shall not apply with respect to any designation of a drug under section 526 made by the Secretary on or after October 1, 2011.".

SEC. 6. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 565. TECHNICAL ASSISTANCE.

"The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.".

SEC. 7. COLLABORATION AND COORDINATION.

(a) LIMITED ANTITRUST EXEMPTION.—

(1) MEETINGS AND CONSULTATIONS TO DISCUSS SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES, OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT.—

(A) AUTHORITY TO CONDUCT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary"), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with persons engaged in the development of a security countermeasure (as defined in section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act), a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act (42 U.S.C. 247d–6a))) (as amended by this Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)) for the purpose of the development, manufacture, distribution, purchase, or storage of a countermeasure or product. The Secretary may convene such meeting or consultation at the request of the Secretary of Homeland Security, the Attorney General, the Chairman of the Federal Trade Commission (referred to in this section as the "Chairman"), or any interested person, or upon initiation by the Secretary. The Secretary shall give prior notice of any such meeting or consultation, and the topics to be discussed, to the Attorney General, the Chairman, and the Secretary of Homeland Security.

(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

(i) be chaired or, in the case of a consultation, facilitated by the Secretary;

(ii) be open to persons involved in the development, manufacture, distribution, purchase, or storage of a countermeasure or product, as determined by the Secretary;

(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairman;

(iv) be limited to discussions involving covered activities; and

(v) be conducted in such manner as to ensure that no national security, confidential commercial, or proprietary information is disclosed outside the meeting or consultation.

(C) LIMITATION.—The Secretary may not require participants to disclose confidential commercial or proprietary information.

(D) TRANSCRIPT.—The Secretary shall maintain a complete verbatim transcript of each meeting or consultation conducted under this subsection, which shall not be disclosed under section 552 of title 5, United States Code, unless such Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, determines that disclosure would pose no threat to national security. The determination regarding possible threats to national security shall not be subject to judicial review.

(E) EXEMPTION.—

(i) IN GENERAL.—Subject to clause (ii), it shall not be a violation of the antitrust laws for any person to participate in a meeting or consultation conducted in accordance with this paragraph.

(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that is not covered by an exemption granted under paragraph (4).

(2) SUBMISSION OF WRITTEN AGREEMENTS.—The Secretary shall submit each written agreement regarding covered activities that is made pursuant to meetings or consultations conducted under paragraph (1) to the Attorney General and the Chairman for consideration. In addition to the proposed agreement itself, any submission shall include—

(A) an explanation of the intended purpose of the agreement;

(B) a specific statement of the substance of the agreement;

(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

(D) an explanation of the necessity for a cooperative effort among the particular participating persons to achieve the objectives of the agreement; and

(E) any other relevant information determined necessary by the Attorney General, in consultation with the Chairman and the Secretary.

(3) EXEMPTION FOR CONDUCT UNDER APPROVED AGREEMENT.—It shall not be a violation of the antitrust laws for a person to engage in conduct in accordance with a written agreement to the extent that such agreement has been granted an exemption under paragraph (4), during the period for which the exemption is in effect.

(4) ACTION ON WRITTEN AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, in consultation with the Chairman, shall grant, deny, grant in part and deny in part, or propose modifications to an exemption request regarding a written agreement submitted under paragraph (2), in a written statement to the Secretary, within 15 business days of the receipt of such request. An exemption granted under this paragraph shall take effect immediately.

(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 business days.

(C) DETERMINATION.—An exemption shall be granted regarding a written agreement submitted in accordance with paragraph (2) only to the extent that the Attorney General, in consultation with the Chairman and the Secretary, finds that the conduct that will be exempted will not have any substantial anticompetitive effect that is not reasonably necessary for ensuring the availability of the countermeasure or product involved.

(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and such exemption shall be renewed (with modifications, as appropriate, consistent with the finding described in paragraph (4)(C)), on the date that is 3 years after the date on which the exemption is granted unless the Attorney General in consultation with the Chairman determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

(6) AUTHORITY TO OBTAIN INFORMATION.—Consideration by the Attorney General for granting or renewing an exemption submitted under this section shall be considered an antitrust investigation for purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(7) LIMITATION ON PARTIES.—The use of any information acquired under an agreement for which an exemption has been granted under paragraph (4), for any purpose other than specified in the exemption, shall be subject to the antitrust laws and any other applicable laws.

(8) REPORT.—Not later than one year after the date of enactment of this Act and biannually thereafter, the Attorney General and the Chairman shall report to Congress on the use of the exemption from the antitrust laws provided by this subsection.

(b) SUNSET.—The applicability of this section shall expire at the end of the 6-year period that begins on the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ANTITRUST LAWS.—The term "antitrust laws"—

(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) COUNTERMEASURE OR PRODUCT.—The term "countermeasure or product" refers to a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product (as those terms are defined in subsection (a)(1)).

(3) COVERED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "covered activities" includes any activity relating to the development, manufacture, distribution, purchase, or storage of a countermeasure or product.

(B) EXCEPTION.—The term "covered activities" shall not include, with respect to a meeting or consultation conducted under subsection (a)(1) or an agreement for which an exemption has been granted under subsection (a)(4), the following activities involving 2 or more persons:

(i) Exchanging information among competitors relating to costs, profitability, or distribution of any product, process, or service if such information is not reasonably necessary to carry out covered activities—

(I) with respect to a countermeasure or product regarding which such meeting or consultation is being conducted; or

(II) that are described in the agreement as exempted.

(ii) Entering into any agreement or engaging in any other conduct—

(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

(II) to restrict or require participation, by any person participating in such covered activities, in other research and development activities, except as reasonably necessary to prevent the misappropriation of proprietary information contributed by any person participating in such covered activities or of the results of such covered activities.

(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws under subsection (a)(4).

(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out such covered activities.

(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not expressly exempted from the antitrust laws under subsection (a)(4).

(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person participating in such covered activities, in any unilateral or joint activity that is not reasonably necessary to carry out such covered activities.

(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a countermeasure or product is offered for sale, whether by bid or otherwise.

SEC. 8. PROCUREMENT.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(1) in the section heading, by inserting "**AND SECURITY COUNTERMEASURE PROCUREMENTS**" before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking "BIOMEDICAL";

(B) in paragraph (5)(B)(i), by striking "to meet the needs of the stockpile" and inserting "to meet the stockpile needs";

(C) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through "Homeland Security Secretary" and inserting the following: "INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary"; and

(ii) by striking clause (ii);

(D) in paragraph (7)(C)(ii)—

(i) by amending clause (I) to read as follows:

"(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract. Provided that the specified milestones are reached, these advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government."; and

(ii) by adding at the end the following:

"(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

"(VIII) SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

"(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

"(aa) the dosing and administration requirements for countermeasures to be developed and procured;

"(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

"(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section."; and

(E) in paragraph (8)(A), by adding at the end the following: "Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this section for the procurement of countermeasures.".

SEC. 9. RULE OF CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to affect any law that applies to the National Vaccine Injury Compensation Program under title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.), including such laws regarding—

(1) whether claims may be filed or compensation may be paid for a vaccine-related injury or death under such Program;

(2) claims pending under such Program; and

(3) any petitions, cases, or other proceedings before the United States Court of Federal Claims pursuant to such title.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2565. A bill to designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation system and designate a National Recreation Area; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JEFFORDS. Mr. President, I rise today to join my colleague from Vermont, Mr. LEAHY, in introducing the Vermont Wilderness Act of 2006. This legislation designates 48,051 acres within the Green Mountain National Forest for management under the 1964 Wilderness Act.

The Green Mountain National Forest constitutes more than 400,000 acres of woodlands in central and southern Vermont. The Forest hosts up to 3.4 million visitors each year and is capable of supporting a variety of uses, from timber production to snowmobiling to hiking, which contribute to Vermont's economy. The forest is also an important wildlife habitat and source of clean, fresh water. If well managed, the Green Mountain National Forest will remain one of Vermont's most precious environmental treasures, while continuing to support our state's economic and recreational needs for generations to come.

The National Forest Service is responsible for most aspects of national forest management but Congress reserved the authority to set aside undisturbed wilderness lands. Good stewardship of the forest requires leadership, and now is the time for us to accept this responsibility to designate additional wilderness areas.

Twenty-two years ago, as a member of the U.S. House of Representatives, I joined my Senate colleagues, Mr. Stafford and Mr. LEAHY, to introduce the Vermont Wilderness Act of 1984. That act designated 41,260 acres as wilderness. Since that time the Green Mountain National Forest has acquired over 110,000 additional acres, while the populations of the State and the region have increased. These changing demands, and the changing landscape, provide the opportunity and drive the need to designate additional land as wilderness.

The Vermont Wilderness Act of 1984 directed Congress to consider additional wilderness designations in the Green Mountain National Forest only after 15 years had elapsed and the management plan for the Forest had been thoroughly reviewed. With last month's adoption of a completely revised Land Resource Management Plan for the Green Mountain National Forest, these conditions have been met and it is time to act.

I have worked for the past 6 years with the other members of Vermont's Congressional delegation, the National Forest Service, and State leaders. I have reviewed comments from thousands of constituents, visited the forest on the ground and viewed it from the air, and spent countless hours studying maps. These new designations are the result of thorough analysis and thought, and we do not make them lightly.

Many Vermonters disagree with the need for any wilderness designations, much less additional lands to be set aside at this time. I understand their concerns, but I also recognize the intent of the Wilderness Act of 1964, and I believe deeply in the benefits of managing some areas so that forces of nature hold sway.

The Vermont Wilderness Act of 2006 designates two significant new wilderness areas: the 28,491-acre Glastenbury wilderness in southern Vermont, and the 12,437-acre Battell wilderness in central Vermont. These are pristine, remote forest lands, and would remain undisturbed for future generations.

The recently completed Land and Resource Management Plan for the Green Mountain National Forest is a credit to everyone who worked on it, and reflects the hard work of the U.S. National Forest Service. This plan calls for additions to several existing wilderness areas including Peru Peak, Big Branch, Breadloaf and Lye Brook. These recommended additions are included in this legislation, with some modification.

This legislation also calls for 16,890 acres of the Moosalamoo Recreation Area in Central Vermont to be designated a national recreation area. Moosalamoo exists today as a world-class destination for widely diverse outdoor recreation activities on both public and private land. Moosalamoo is managed cooperatively by a group of owners and it attracts visitors from far and wide for hiking, camping, Nordic and alpine skiing and other activities. From the Robert Frost interpretive trails to the blueberry management areas and oak clad escarpments, Moosalamoo is uniquely deserving of national recreation area designation.

The Green Mountain National Forest is an important source of wood products and the timber industry is critically important to Vermont's economy. These wilderness and national recreation area designations are not meant to interfere with a robust timber management program within the forest, and I will work to support that program at every opportunity.

As we introduce this legislation it is important to acknowledge the fine work of Supervisor Paul Brewster and the staff of the Green Mountain National Forest. They applied great skill and technical expertise in developing the new management plan for the forest. The same professionalism will certainly be applied to implement the plan. Our wilderness designations differ somewhat from those proposed by the Forest Service, which is the reason this authority is reserved for Congress, but the new management plan has helped to inform and guide our work.

It is with great pride that I join my colleagues to introduce the Vermont Wilderness Act of 2006. Our great state has been blessed with a beautiful natural landscape, which Vermonters have worked hard to preserve. This bill will continue in that tradition by helping to secure areas of the unspoiled wilderness that Vermont is known and admired for.

Mr. LEAHY. Mr. President, I join with Senator JEFFORDS today to introduce the Vermont Wilderness Act of 2006, to designate two new wilderness areas and to make a number of additions to existing wilderness areas in Vermont's Green Mountain National Forest. This legislation will also designate a new National Recreation Area (NRA) in the Green Mountain National Forest in the area commonly known as Moosalamoo.

The U.S. Forest Service has recently released its Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) for the revision of the Green Mountain National Forest Land and Resource Management Plan. This has been an effort encompassing several years, a lengthy process including significant public involvement, and a great deal of difficult and detailed work on the part of the Forest Service staff in Vermont and our region.

I want to extend my appreciation and thanks to the staff of the Green Mountain National Forest for their perseverance and professionalism throughout the plan revision process. This has been by no means an easy task, with Vermonters and other interested citizens who care deeply about the National Forest weighing in with sincere and often conflicting views on land, resource and forest management decisions.

While there is much of interest in such a comprehensive plan, the primary role of the Congress lies with wilderness and other related special designations, such as National Recreation Areas. The Vermont Congressional Delegation has taken this responsibility seriously as we have sought a compromise between those who would prefer significant additions in wilderness areas and those who would prefer none. If this recommendation were enacted, about a quarter of the current Green Mountain National Forest would be designated as wilderness.

Just as the recently released Land and Resource Management Plan for the Green Mountain National Forest has elicited abundant feedback across the spectrum of interested citizens and organizations, we expect our proposal to do the same. We offer this legislation as a good-faith effort to find a middle ground, and once this proposal is referred to the Senate Committee on Agriculture, Nutrition, and Forestry—of which I am a member—we will welcome constructive comments and criticisms to improve the bill. Since the Vermont Congressional Delegation has long been on the public record in favor of additional wilderness designations within the Green Mountain National Forest, comments that are as specific as possible will be especially helpful in helping to refine our proposal.

In specific terms, this legislation proposes a new wilderness area in the Glastenbury Mountain area of approximately 28,500 acres. In the Romance, Monastery and Worth Mountain areas the bill proposes adding approximately 12,500 acres, which together would become the Battell Wilderness in honor of Joseph Battell, who once owned some 9,000 acres in this area and bequeathed thousands of acres to Middlebury College, which eventually became the core of the north half of the Green Mountain National Forest.

The bill also proposes designating approximately 4,200 acres for addition to the existing Breadloaf Wilderness, 2,200 acres to the Lye Brook Wilderness, 800 acres to the Peru Peak Wilderness, and 40 acres to the Big Branch Wilderness. The proposed Moosalamoo National Recreation Area covers approximately 17,000 acres.

This legislation does not include additional acreage for the George D. Aiken Wilderness Area or the Bristol Cliffs Wilderness Area. It does not propose a wilderness designation for the area known as Lamb Brook, and it does not propose a new National Recreation Area in the Somerset region.

Our legislation builds on the recommendations of the Forest Service. In many areas the Delegation bill closely tracks the Forest Service plan—Breadloaf, Big Branch and Peru Peak areas are nearly identical. In the Glastenbury area, the Forest Service added more than 8,000 acres to their original plan, and we have further increased the acreage of a proposed Glastenbury Wilderness Area. In addition, this legislation adds about 2,000 acres to the Lye Brook Wilderness, above the Forest Service recommendation. Finally, we are proposing the new Battell Wilderness Area, which encompasses lands the Forest Service included in a Remote Backcountry management category, which is essentially managed as a wilderness area.

In the Moosalamoo area, this legislation codifies the Moosalamoo National Recreation Area, which has the strong support of the various communities and local partners in the area. We believe this designation best represents the actual goals of the various stakeholders and merits this national designation. Furthermore, we have included the Forest Service's Escarpment management category in the designated area and have also included previously agreed upon management guidelines in the bill.

I would offer the following thoughts which we have returned to on those numerous occasions over recent years whenever this subject has been brought up for discussion in our State.

In sponsoring this legislation today, the Vermont Congressional Delegation is demonstrating our commitment to additional wilderness designations on the Green Mountain National Forest. The Green Mountain National Forest is the largest contiguous public land area in Vermont and within a days drive for over 70 million people. We are committed to protecting some National Forest lands for future generations under the National Wilderness Preservation System.

Our proposals have not been driven by acreage quotas, but rather by data supplied by the Forest Service and by interested Vermonters. Therefore, what is too much for some will be too little for others.

The timing of this introduction was conditioned so as to allow the Forest Service process to reach its conclusion and, at the same time, to enable Vermonters and other interested parties to review both the Forest Service and the Delegation recommendations. Throughout our deliberations, we have appreciated the help of the Forest Service staff and have recognized their commitment to their planning regulations, guidelines and timetable. We invite all Vermonters to join us in thanking the Forest Service staff for all the hard work in their planning effort.

While this legislation proposes to add significant wilderness to the Green Mountain National Forest, it bears noting that most of the lands designated in this bill are not suitable for timber harvesting. This legislation would retain many thousands of acres available for timber harvesting which will have to be managed in a fair, open and professional manner. We are committed to the development of such a process and we know the Forest Service shares this commitment. We invite all interested parties to join in this effort. It is our hope that given the superior manner in which the Forest Service conducted the Forest Plan Revision process, unnecessary appeals and litigation of the plan and future management activities can be avoided.

The Green Mountain National Forest has expanded since the last wilderness designations were made. As Senator Stafford, then Congressman JEFFORDS and I remember, during the consideration of the last Vermont Wilderness bill in 1984 there were many perspectives on the use of our National Forest. We assume there will be again this time. As we were 1984, we remain committed to carrying on the strong conservation legacy that generations of Vermonters, like Senator Robert Stafford, have fostered over the decades.

We urge anyone who is interested in the Green Mountain National Forest to review the whole Plan, as the Forest Service has recommended, and to look beyond their own primary areas of concern so that we can all do what we can to help implement the Plan.

In closing, I would note that the Delegation knows that you cannot undertake every possible use on every acre of National Forest land, and we believe most Vermonters support our approach to this issue. In recognition of this fact, we are introducing this legislation as a vision for the Green Mountain Forest for this and future generations.

By Mr. LUGAR (for himself and Mr. OBAMA):

S. 2566. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the Cooperative Proliferation Detection, Interdiction Assistance, and Conventional Threat Reduction Act of 2006. This bill is based upon the legislation that Senator OBAMA and I introduced last year by the same name. Over the last six months we have worked closely with the Administration and the Department of State on legislation to improve U.S. programs focused on conventional weapons dismantlement and counterproliferation assistance more effective and efficient.

The Lugar-Obama bill launches two major weapons dismantlement and counterproliferation initiatives. Modeled after the Nunn-Lugar program, which dismantles weapons of mass destruction in the former Soviet Union and beyond, our legislation seeks to build cooperative relationships with willing countries to secure vulnerable stockpiles of conventional weapons and strengthen barriers against WMD falling into terrorist's hands.

The first part of our legislation energizes U.S. programs to dismantle MANPADS and large stockpiles of other conventional weapons, including tactical missile systems. There may be as many as 750,000 MANPADS in arsenals worldwide. The State Department estimates that more than 40 civilian aircraft have been hit by such weapons since the 1970's. In addition loose stocks of small arms and other weapons help fuel civil wars and provide ammunition for those who attack peacekeepers and aid workers seeking to help war-torn societies. Our bill would enhance U.S. capability to safely destroy munitions like those used in the improvised roadside bombs that have proved so deadly to U.S. forces in Iraq.

In August Senator OBAMA and I traveled to Ukraine and saw stacks of thousands of mortars and other weapons, left over from the Soviet era. The scene there is similar to situations in other states of the former Soviet Union, Africa, Latin America, and Asia. In many cases, the security around these weapons is minimal. Every stockpile represents a theft opportunity for terrorists and a temptation for security personnel who might seek to profit by selling weapons on the black market. The more stockpiles that can be safeguarded or eliminated, the safer we will be. We do not want the question posed the day after an attack on an American military base, embassy compound, or commercial plane why we didn't do more to address these threats.

Some foreign governments have already sought U.S. help in eliminating their stocks of lightweight antiaircraft missiles and excess weapons and ammunition. But low budgets and insufficient attention have hampered destruction efforts. Our legislation would require the Administration to develop a response commensurate with the threat, by requiring better coordination and a three-fold increase in spending in this area, to $25 million—a relatively modest sum that would offer large benefits to U.S. security.

The other part of the Lugar-Obama legislation would strengthen the ability of America's friends and allies to detect and intercept illegal shipments of weapons and materials of mass destruction. Stopping these weapons and materials of mass destruction in transit is an important complement to the Nunn-Lugar program, which aims to eliminate weapons of mass destruction at their source.

We cannot do this alone. We need the vigilance of like-minded nations. The Proliferation Security Initiative has been successful in enlisting the help of other countries, but many of our partners lack the capability to detect and interdict hidden weapons. Lugar-Obama seeks to address this gap by providing $50 million to establish a coordinated effort to improve the capabilities of foreign partners by providing equipment, logistics, training and other support. Examples of such assistance may include maritime surveillance and boarding equipment, aerial detection and interdiction capabilities, enhanced port security, and the provision of hand-held detection equipment and passive WMD sensors.

On February 9 the Committee on Foreign Relations held a hearing to examine the State Department's efforts in these important areas. In response to a question on how important conventional weapons elimination and counter-proliferation is to U.S. security Under Secretary Joseph stated that "other than stopping weapons of mass destruction (at their source), I personally do not think that there is . . . a higher priority." The Under Secretary also pointed out that with more resources he was confident additional progress could be achieved faster.

We have worked closely with Secretary Rice and her staff to improve this legislation. The bill has been modified in a number of ways to improve its effectiveness and to provide the Department with the authority necessary to carry out important nonproliferation and counter-proliferation missions. At the Department's request, we provide authorization for the entire Nonproliferation, Antiterrorism, Demining, and Related Programs account. We also authorize international ship-boarding agreements under the Proliferation Security Initiative, the use of the Nonproliferation and Disarmament Fund outside the former Soviet Union, and the use of funds for administrative purposes. In addition, we provide the Secretary with the authority to make a reprogramming request to use the funds required under this legislation for other nonproliferation and counter-proliferation activities in an emergency.

Earlier this week, Secretary Rice appeared before the Committee on Foreign Relations. I took the opportunity to ask her opinion of Lugar-Obama. She stated her personal support and that of the Department and the Administration. I am pleased that efforts to craft this important effort not only have bipartisan Congressional support but the support of the Administration as well.

The U.S. response to conventional weapons threats and the lack of focus on WMD detection and interdiction assistance must be rectified if we are to provide a full and complete defense for the American people. Senator OBAMA and I understand that the United States cannot meet every conceivable security threat everywhere in the world. But filling the security gaps that we have described and that Secretary Rice and Under Secretary Joseph have confirmed, should be near the top of our list of priorities. We do not believe these problems have received adequate resources and look forward to working with our colleagues in the Senate to rectify the situation.

Mr. OBAMA. Mr. President, Senator LUGAR has already outlined the legislation that we are reintroducing here today and the process that has led us to this point, so I will be brief.

I don't want my brevity to be confused with indifference towards this legislation. I want to underscore the importance of this bill in establishing a broad framework to more effectively combat the proliferation of weapons of mass destruction and heavy conventional weapons. As I have said before, these are two critical issues that directly impact the security of the United States.

In some ways, the bill has already had its desired impact. There was a reorganization of the State Department that will improve the Department's ability to deal with the proliferation of weapons of mass destruction and heavy conventional weapons. Moreover, the legislation has focused additional high-level attention—the scarcest commodity in Washington—on these issues.

However, there is more that needs to be done. I believe the Senate can and should move this bill in an expeditious fashion. We have already held a hearing on the bill, worked with the State Department to update and improve the legislation, and have received endorsements from an array of non-governmental organizations that follow these issues.

I will defer to the Chairman on the procedural issues, but my hope is that we can report this bill out of the Foreign Relations Committee as soon as possible and work for Senate passage shortly thereafter.

In closing, I want to thank Senator LUGAR for his steadfast commitment to these critical issues and look forward to collaborating with him in the coming months on this legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2567. A bill to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild and scenic rivers in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing "the Eastern Sierra Rural Heritage and Economic Enhancement Act," a bill that will provide protection for thousands of some of the most pristine, wild, and beautiful acres in California. I am glad to be joined in this effort by my colleague, Senator FEINSTEIN. Representative MCKEON, whose congressional districts contains these special lands, introduced companion legislation today in the House of Representatives.

My bill will protect three very special California treasures in the Eastern Sierra. It makes considerable additions to existing Hoover Wilderness areas, which border on Yosemite National Park. These additions will protect the stunning High Sierra landscape of 11,000 foot snow-capped peaks and valleys, lush meadows and deep forests that people around the world associate with the Eastern Sierra.

These areas are also home to an abundance of wildlife, including black bear, mountain lion, mule deer, waterfowl, and bald eagles.

This land provides more than just visual beauty, however—it is also a recreational paradise. Year after year, hikers enjoy the approximately nine miles of the Pacific Crest National Scenic Trail that runs through this wilderness, and anglers enjoy the clear lakes and streams that support a number of species of wild trout. The bill will also protect areas adjacent to the Emigrant Wilderness area, including another two miles of the Pacific Crest Trail.

My legislation will also designate about 24 miles of the Amargosa River as a Wild and Scenic River. As the only river flowing into Death Valley, the Amargosa is an ecologically-important river in a dry desert area. Birds—and birdwatchers—abound in this area, both coming from far and wide to enjoy the river area.

In short, these areas are not just California's natural treasures—they are America's natural treasures. And that is why they deserve the highest level of protection possible. That is what this bill does.

I was proud to include most of these lands in my California Wild Heritage Act that I reintroduced last month. And I look forward to working with Senator FEINSTEIN and Representative MCKEON, and all my colleagues, to protect these special places forever.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, Ms. MIKULSKI, Mr. BIDEN, and Mr. CARPER):

S. 2568. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today I am introducing legislation, together with Senators WARNER, ALLEN, MIKULSKI, BIDEN and CARPER to designate the route of Captain John Smith's exploration of the Chesapeake Bay and its tributaries as a National Historic Trail. The proposed Trail is of great historical importance to all Americans in that it represents the beginning of our Nation's story.

Next year our Nation will commemorate the 400th anniversary of the founding of Jamestown and the beginning of John Smith's momentous explorations of the Chesapeake Bay. In April 1607, three ships, the *Susan Constant*, the *Godspeed*, and the *Discovery*, arrived at the mouth of the Chesapeake Bay after a four-month voyage from England carrying the colonists who would establish the first permanent English settlement in North America and plant the seeds of our nation and our democracy. Under the leadership of Captain John Smith, the fledgling colony not only survived, but helped ignite a new era of discovery in the New World sparked by reports of Smith's voyages around the Chesapeake Bay.

John Smith's explorations in the small, 30 foot shallop totaled some three thousand miles, reaching from present-day Jamestown, Virginia, to Smiths Falls on the Pennsylvania border with Maryland and from Broad Creek, in Delaware to the Potomac River and Washington, DC. His journeys brought the English into contact with many Native American tribes for the first time, and his observations of the region's people and its natural wonders are still relied upon by anthropologists, historians, and ecologists to this day.

Chief Justice John Marshall wrote of the significance of Smith's explorations, "When we contemplate the dangers, and the hardships he encountered, and the fortitude, courage and patience with which he met them; when we reflect on the useful and important additions which he made to the stock of knowledge respecting America, then possessed by his countrymen; we shall not hesitate to say that few voyages of discovery, undertaken at any time, reflect more honour on those engaged in them, than this does on Captain Smith."

What better way to commemorate this important part of our Nation's history and honor John Smith's courageous voyages than by designating the Captain John Smith Chesapeake National Historic Trail? The Congress established the National Trails System "to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation." National Historic Trails such as the Lewis and Clark Trail, the Pony Express Trail, the Trail of Tears, and the Selma to Montgomery Trail were authorized as part of this System to identify and protect historic routes for public use and enjoyment and to commemorate major events which shaped American history. In my judgment, the proposed Captain John Smith Chesapeake National Historic Trail is a fitting addition to the 13 National Historic Trails administered by the National Park Service.

Pursuant to legislation we enacted as part of the Fiscal 2006 Interior Appropriations Act authorizing the National Park Service to study the feasibility of so designating this trail, on March 21, 2006 the National Park System Advisory Board concluded that the proposed trail is "nationally significant" as a milestone for the English exploration of North America, contact between the English and the Native American tribes of the region, and in commerce and trade in North America. This finding is one of the principal criteria for qualifying as a National Historic Trail. Well documented by the remarkably accurate maps and charts that Smith made of his voyages, the trail also offers tremendous opportunities for public recreation and historic interpretation and appreciation. Similar in historic importance to the Lewis and Clark National Trail, this new historic water trail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about the roots of our Nation and to better understand the contributions of the Native Americans who lived within the Bay region. It would also help highlight the Chesapeake Bay's remarkable maritime history, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world's most productive estuary.

As Jamestown's 400th anniversary quickly approaches, designating the Captain John Smith Chesapeake National Historic Trail will bring history to life. It would serve to educate visitors about the new colony at Jamestown, John Smith's journeys, the history of 17th century Chesapeake region, and the vital importance of the Native Americans that inhabited the Bay area. It would provide new opportunities for recreation and heritage tourism not only for more than 16 millions Americans living in the Chesapeake Bay's watershed, but for visitors to this area throughout the country and abroad.

This legislation enjoys strong bipartisan support in the Congress and in the States through which the trail passes. The trail proposal has been endorsed by the Governors of Virginia, Pennsylvania, Delaware and Maryland and numerous local governments throughout the Chesapeake Bay region. The measure is also strongly supported by the National Geographic Society, The Conservation Fund, The Garden Club of America, the Izaak Walton League of America, the Chesapeake Bay Foundation and the Chesapeake Bay Commission as well as scores of businesses, tourism leaders, private groups, and intergovernmental bodies.

The Captain John Smith Chesapeake National Historic Trail Act comes at a very timely juncture to educate Americans about historical events that occurred 400 years ago right here in Chesapeake Bay, which were so crucial to the formation of this great country and our democracy. I urge my colleagues to support this measure.

By Mr. HATCH:

S. 2569. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving five per centum of the proceeds of the sale of public land lying within said States as provided by their respective Enabling Acts; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce a bill that would restore balance to a system that disadvantages education funding in the West. The Action Plan for Public Land and Education Act of 2006 would authorize the Secretary of the Interior and the Secretary of Agriculture to grant Federal land to western States where large proportions of public land hamper the States ability to raise funding for public education. This is a product of the hard work and creativity of Representative ROB BISHOP, and I am working with him on this important effort.

Many of my colleagues may not know this, but 10 of the top 12 States with the largest student-teacher ratios are in the West. These States also have the lowest growth in per-pupil expenditures, and their enrollment growth is projected to increase dramatically.

The West's education funding deficit is not due to lack of commitment or effort by the States. The fact is that Western States allocate as great a percentage of their budgets to public education as the rest of the Nation. Moreover, Western States pay on average 11.1 percent of their personal incomes to State and local taxes, whereas citizens of the remaining States pay 10.9 percent of their incomes to these same State and local taxes.

The funding discrepancy for education in the West is due in large part to the lack of a sales tax base, which can only be generated on private land. On average, the Federal Government owns 52 percent of the land located in the 13 Western States, while the remaining States average just 4 percent Federal land. Sales tax is not collected on Federal land, and as we know, public education is funded largely through sales taxes.

We all know, the school trust lands that are available to these States are not sufficient to make up the education shortfall in the West. This legislation would remedy that by granting public land States 5 percent of federally-owned land within the State boundaries. The land would be held in trust to be sold or leased, and the proceeds used strictly for the support of public education.

Again, I thank Representative BISHOP for his excellent work on this bill. My colleagues and I know of the need to address the West's education funding problem. The Action Plan for Public Land and Education Act of 2006 is a solution to this problem, and I urge my colleagues to lend their support for this important proposal.

By Mr. DEWINE (for himself, Mr. DOMENICI, Mr. KYL, and Mr. MCCAIN):

S. 2570. A bill to authorize funds for the United States Marshals Service's Fugitive Safe Surrender Program; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, today I join Senators DOMENICI, KYL, and MCCAIN to introduce a bill to support the Fugitive Safe Surrender Program, which encourages those with outstanding arrest warrants to turn themselves in peacefully. This program—conducted under the auspices of the U.S. Marshal Service, with the cooperation of public, private, nonprofit and faith-based partners—involves using a local church or community center as a temporary courthouse, where fugitives can turn themselves in and have their cases adjudicated.

This is not an amnesty program. Those who surrender are still held accountable for the original charges. However, by moving the prosecutors, public defenders, and judges to the new location, non-violent cases can be resolved promptly on-site, in a setting where fugitives feel they can safely turn themselves in.

In a pilot program implemented last August in Cleveland, over 800 people turned themselves in during a four day period, including 324 who had outstanding felony warrants. Almost all the cases were adjudicated on the day of the surrender. As means of comparison, the Fugitive Task Force conducted a more traditional sweep for three days following the implementation of the Fugitive Safe Surrender program, resulting in the capture of 65 people with outstanding warrants. Clearly, the Fugitive Safe Surrender program was a tremendous success, and I'd like to offer my personal congratulations to Pete Elliott, the U.S. Marshal for the Northern District of Ohio, and Dr. C. Jay Matthews, the Senior Pastor of the Mt. Sinai Baptist Church in Cleveland, for their efforts in heading up this successful endeavor. This type of innovation and creative thinking is exactly what we need in the law enforcement community, and it has obviously paid off in Cleveland.

The Fugitive Safe Surrender program has exceeded expectations and demonstrated its value to the community. The logical next step is for the U.S. Marshals to expand their initiative nationwide. They already have been working with law enforcement, community, and church groups in eight cities that have volunteered to be sites for Fugitive Safe Surrender in 2006: Albuquerque, NM; Phoenix, AZ; Washington, DC; Louisville, KY; Camden, NJ; Indianapolis, IN; Richmond, VA; and Akron, OH. They are hoping to expand to even more cities in 2007 and 2008. This expansion is worthy of federal support, and that is why I have joined Senators DOMENICI, KYL, and MCCAIN in sponsoring the Fugitive Safe Surrender Act of 2006, which authorizes $3 million for fiscal year 07, $5 million for fiscal year 08, and $8 million for fiscal year 09. These funds will allow the U.S. Marshals Service to coordinate with the Fugitive Safe Surrender sites around the country, also providing for the cost of establishing secure courtrooms inside of a local church or community center.

This is a good bill, and I encourage my colleagues to support it.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

SEC. 2. AUTHORIZATION.

(a) IN GENERAL.—The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the "Fugitive Safe Surrender Program"), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshals Service to carry out this section—

(1) $3,000,000 for fiscal year 2007;

(2) $5,000,000 for fiscal year 2008; and

(3) $8,000,000 for fiscal year 2009.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

By Mr. CONRAD:

S. 2571. A bill to promote energy production and conservation, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce a comprehensive energy bill, one that I call Breaking Our Long-Term Dependency, or the BOLD Energy Act.

As President Bush has stated, our Nation is addicted to oil. Our economy requires over 20 million barrels of oil a day to fuel our cars, our trucks, heat our homes, and bring goods to market all across the country. Sixty percent of our consumption—60 percent—is from imports. Many of these imports are coming from the most volatile parts of the world, the most unstable parts of the world, and we have to take serious steps now to reduce our growing dependency. That is what this bill is all about.

This legislation, which is comprehensive in nature and which we have worked on for over 6 months, I believe is a serious contribution to the discussion. Let me make clear: These are not tepid steps. This legislation is bold because that is what the situation requires if we are to seriously reduce our dependence.

This legislation invests approximately $40 billion over the next 5 years to meaningfully reduce our dependence on foreign energy. Much of our imported oil comes from unstable parts of the world. Forty-five percent of our oil comes from Saudi Arabia, Venezuela, Nigeria, and Iraq. A major disruption to oil supplies in any of those areas could send oil over $100 a barrel. Threats to oil supplies and surging demand have contributed to a 95-percent increase in oil prices over the past 2 years.

Imported oil now accounts for $266 billion of our trade deficit. That is more than a third of our total trade imbalance.

Our Nation faces other challenges on the energy front as well. Fluctuating natural gas prices threaten the livelihood of our Nation's farmers and manufacturers. Electricity sales are projected to increase by 50 percent over the next 25 years. Transmission capacity constraints prevent development of power production in many parts of the country, including North Dakota.

Fortunately, the United States has the domestic resources and the ingenuity to reduce our dependence on foreign oil and meet our energy challenges. It is time, I believe, to look to the Midwest rather than turning to the

Middle East for our energy resources. We can turn to our farm fields to produce more ethanol and biodiesel.

Brazil shows what can be done. Thirty years ago Brazil was 80 percent dependent on foreign energy. They have reduced that dependence to less than 10 percent. At the same time, our country has gone from 35-percent dependence to now 60-percent dependence. We have been going the wrong way. Brazil has demonstrated what can be done to dramatically reduce one's energy dependence. How did they do it? They did it by aggressive promotion of biodiesel, by aggressive promotion of ethanol, and by creating a fleet of flexible fuel vehicles.

We could do that here. Brazilian officials are now predicting they will be completely energy independent this year—this year. We can use our abundant domestic reserve of coal to produce clean, clear fuel as part of a plan to reduce our dependence, in addition to the use of those renewables.

Coal-to-liquid fuel technology has tremendous potential. Converting America's 273 billion tons of coal into transportation fuel would result in the equivalent of over 500 billion barrels of oil. That compares to Saudi Arabia's reserves of 262 billion barrels.

Why are we continuing to be dependent and vulnerable to foreign sources of energy? It makes no sense. It is time to do more than talk about the threat; it is time to act. That is why I am introducing the BOLD Energy Act today.

My legislation would accomplish the following: It would increase production of renewable energy and alternative fuels. It would reward conservation and energy efficiency. It would provide more research and development funding for new energy technologies. It would promote responsible development of domestic fossil fuel resources, and it would facilitate upgrades to our Nation's electricity grid.

First, the BOLD Act takes aggressive steps to increase alternative fuel production and use. It extends the biodiesel and ethanol tax credit. It requires ethanol use in the United States to increase from 4.7 billion gallons in 2007 to 30 billion gallons in 2025. It creates a new biodiesel standard. It promotes alternative fueling stations, and it establishes a $500 million grant program for the expensive front-end engineering and design of coal-to-liquid fuel plants. These steps will allow us to substitute home-grown fuels for foreign oil, dramatically reducing our dependence on imported oil.

Second, the experts tell us the single most important thing we can do to reduce our reliance on foreign oil is to improve the efficiency of our cars and trucks. My legislation provides a new rebate program for cars and trucks that achieve above-average fuel economy. The most fuel-efficient vehicles would qualify for rebates of up to $2,500. This will encourage consumers to buy, and manufacturers to produce, more fuel-efficient cars. We don't do this with the command-and-control structure of CAFE standards; we do it with incentives for the marketplace.

My bill also requires that all vehicles sold in the United States by 2017 must include alternative fuel technologies, such as hybrid electric or flex-fuel systems. Auto makers will be eligible for a 35-percent tax credit or retiree health care cost relief to make this transition. We have had extensive discussions with the automobile industry on how to design these incentives so they would be effective.

North Dakota E85 fueling systems will allow drivers to dramatically reduce gasoline usage. And in urban areas such as Washington, D.C. where most drivers commute fewer than 20 miles a day, new plug-in hybrids will allow most trips to be fueled by electricity rather than gasoline.

Third, the BOLD Energy Act promotes environmentally responsible energy development here at home. It increases the existing enhanced oil recovery tax credit to 20 percent for any new or expanded domestic drilling project that uses carbon dioxide to recover oil from aging wells. Again, we have consulted broadly with industry on what would be the most effective incentives to seriously increase domestic energy production.

It also includes language authorizing energy development in the Lease Sale 181 area in the Gulf of Mexico that prohibits this development from occurring within 100 miles of the Florida coast or interfering with military activities in the gulf.

These steps will allow us to substitute American oil and natural gas for imports, creating jobs here at home and improving our energy security.

Fourth, my BOLD Energy Act promotes new technologies to improve energy efficiency and develop renewable energy, such as wind and solar. It extends the renewable energy tax credit for 5 years and establishes a national 10-percent renewable electricity standard.

My energy bill also creates a clean coal energy bonds program to allow electric cooperatives, tribal governments, and other public power systems to finance new, advanced clean coal powerplants.

Finally, my legislation will improve the electricity grid in the United States by making it easier for State governments to finance the construction of transmission lines through the issuance of tax exempt bonds. Again, we have consulted broadly with industry over an extended period to find the things that would make the greatest difference to dramatically reducing our energy dependence. That is what this legislation is about. That is why I call it the BOLD Energy Act. It is seriously designed to break our long-term dependency. That is why we called it the BOLD Energy Act.

A few weeks ago I met with the President and a bipartisan group of Senators at the White House to talk about energy policy. I told the President he was right to identify our addiction to oil as one of our challenges. I also told him it is time to be bold. No more tepid plans, no more plans that fundamentally do not make a difference. It is time for the United States to stand up to this challenge of seriously reducing our dependence on foreign energy.

Make no mistake, this is a bold plan. This plan calls for the investment of approximately $40 billion over the next 5 years. That is what it is going to take. If we are going to be serious about reducing our dependence, it is going to take more than half steps. It is time to put politics aside and assemble our best collective ideas into a new, comprehensive energy policy. I ask my colleagues and I urge them to look at this bill, to examine it. I urge them and hope that they could cosponsor it. If not, I welcome their constructive criticism about what could be done to make it better.

I don't think we have any time to waste. There is no time to lose. We need bold action. We need this BOLD Energy Act.

I send the bill to the desk for its assignment to the appropriate committee.

The PRESIDING OFFICER. The bill will be received and assigned to the appropriate committee.

Mr. CONRAD. Mr. President, I thank very much the dozens of organizations that have contributed to writing this legislation. As I have indicated, we have spent 6 months in preparing this legislation. We have consulted with literally dozens and dozens of organizations across this country. We have consulted with Members in both the House and the Senate. We have consulted with Governors. We have consulted with every relevant energy group in the State of North Dakota and in the Midwest. I am delighted that so many of them have already endorsed this legislation.

It is time for us to get serious about reducing our dependence on foreign oil. I am delighted today to be presenting this BOLD Energy Act. I believe it is the direction we should take. I again ask my colleagues to give it their close consideration.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I compliment the Senator from North Dakota for thinking boldly and focusing on an urgent need for our country. I look forward to studying his proposal and working with him, especially in the areas of conservation and efficiency. There is a consensus within the

Energy and Natural Resources Committee that we can do more in conservation and efficiency. There is a consensus in the Senate, I believe, that we could do more in research and development. There is a consensus that we could do more in renewable fuels. So I look forward to looking at what he has to say.

I think our goal should be within a generation to end our dependence on foreign oil. That wouldn't mean we wouldn't buy oil from Mexico or from Canada or from anyone, really, but it would mean that no other country could hold the United States of America hostage to the oil supply.

That is a very constructive suggestion. There is one yellow flag I would wave a little bit, and we can talk about it as it makes its way through the process. The Senator mentioned wind power. In terms of the transportation sector, unless we begin to put these large, giant wind machines on the cars—which I fully expect someone to propose before very long, with a large subsidy—I think we ought to examine carefully just how much money we are already spending on giant windmills because it is a massive tax ripoff to the taxpayers of the United States.

The last figures I saw showed that we were now, over the next 5 years, about to spend $3 billion supporting these giant wind machines, which are twice as tall as the football stadium at the University of Tennessee and extend from 10-yard line to 10-yard line and only work when the wind is blowing. They deface the landscape of America.

The Senator has suggested a comprehensive policy that sounds very attractive to me, but I would like us to examine carefully, as we go through this, whether it is wise, for example, to extend the renewable tax credit another 2 years because that is just code words for more billions of dollars to the wind industry. They have a very good lobby. They are very effective. But there are other forms of alternative energy, especially regarding fuels, which is what we are talking about when we are trying to reduce our dependence on foreign oil. That is where we use most of our oil, in the transportation sector. I hope we will spend our available money on research and development, as the Senator has suggested, on conservation and efficiency, as the Senator suggested, and on other kinds of fuels—biodiesel, as the Senator suggested—and be very cautious about adding to the wind subsidy before we clearly understand what we are doing.

Perhaps the figures aren't right, but the last figures I saw from the Department of Treasury is that the Congress has now authorized $3 billion for giant wind machines. We don't need a national windmill policy; we need a national energy policy.

Mr. CONRAD. Mr. President, might I get the attention of the Senator for just a moment? I say to him, first of all, I appreciate very much his thoughtful remarks, as always. When you have a chance to look at this, this is a comprehensive bill. We have spent months talking to everyone we thought had a good idea. We have talked to people who sponsored legislation in the House and the Senate, trying to cull those legislative offerings for the best ideas. We have talked to the people who were sponsored by Hewlett-Packard to do a review of national energy policy in America.

As you know, they spent several years in a serious effort to come to grips with what we could do that would dramatically reduce our energy dependence. The Senator is quite right. That is why so much of this legislation is focused on fuels; that is where a significant part of our imported energy is going—to fuel the fleets of our country.

Let me say with respect to wind energy, I truly believe that is a component of a comprehensive bill. Let me put it in perspective. In terms of our legislation, it is a very small part because I think that is the appropriate level of commitment to make in terms of comprehensive energy policy. There are many other things that have much more prominence in terms of where the investment is being made. I would say to my colleague, in North Dakota we have extraordinary wind energy capacity. We have the ability to relieve our dependence on coal-fired plants and our dependence on plants that are fueled by natural gas, and we have extreme problems, long term, with natural gas in this country. That is why natural gas prices have had such a runup.

Wind energy is a great part of an overall plan to reduce peaking load. Obviously, you cannot count on the wind blowing—although in North Dakota you almost always can. So you have to marry it with other energy-generating sources. That is what we have done with this legislation. I very much welcome my colleague's kind comments, and I look forward to his consideration of what we have tried to do.

Let me just say, I gave my staff an assignment 6 months ago. I told them I wanted an energy bill that anybody could look at and objectively say: If this were enacted, it would make a serious contribution to reducing our energy dependence. I have supported the past energy bills that have come through here. I was pleased to do so. But I think we all know none of them make a dramatic change in our long-term dependence. That is what this bill is designed to do, I say to my colleague: make a dramatic reduction in our dependence.

Mr. ALEXANDER. Mr. President, I appreciate the spirit of the Senator's remarks. He has presented this the same way he dealt with the budget issues. He and Senator GREGG did a very good job with that and helped the Senate through a difficult area. The last energy bill, the one in July, was a very good bill because it began to shift our policy toward producing large amounts of low-carbon and no-carbon energy. It takes a while to do that. It is like turning a big ship around. But we are already beginning to see the results.

There was more conservation and efficiency in that than we had before, which avoids building new natural gas plants, for example. But we could do much more.

There was significant support for nuclear power, which we should do more of. All those who want to solve global warming in a generation should be helping to support nuclear power because 70 percent of our carbon-free energy in the United States today comes from nuclear power. Seventy percent of the carbon-free electricity that we produce comes from nuclear power. There is a growing consensus that we should begin to proceed with that in the United States, and even help India and China avoid dirty coal plants that pollute the area. If we want clean air and low-cost power that is reliable, the approach toward nuclear power is important. That was in the bill.

I encourage steps towards clean coal, which would be coal gasification, which would limit the amount of nitrogen and sulphur and mercury that would come from the use of coal—we have a lot of coal in the United States—and research for carbon sequestration. If we could recapture the carbon, we could then use coal for large amounts of clean power.

Then we had significant support for renewable energy, for ethanol. The President has now suggested that we extend that to different kinds of ethanol. I am sure there are appropriate places for wind power, but it doesn't amount to much. It is not very reliable. And there is no excuse for spending $3 billion over the next 5 years on gigantic windmills that give big subsidies to investors and scar the landscape when we could be spending it on conservation and efficiency. Of course, what I hope, finally, and in pursuit of Senator CONRAD's goal, is that we redouble our interest in the hydrogen fuel cell economy. Major manufacturers are telling me they are investing hundreds of millions of dollars each year in hydrogen fuel cells which will have no emissions except water, and one major manufacturer said to me that his company, one of the largest in the world, would have a commercially available car on the market within 10 years, and that was last year. That seems soon to me. But the sooner that happens—the sooner that happens, the better.

To reduce our dependence on foreign oil so that we are not held hostage, and to make sure that we have clean air and to make sure that we do our part not to add to global warming, we should do all these things. We do not need a national windmill policy. We need a comprehensive energy policy.

I see the Senator from Massachusetts.

We would have to put enough giant windmills to cover 70 percent of Massachusetts to equal the amount of energy in the oil we would get from ANWR.

My main purpose is to say to Senator CONRAD that I welcome his proposal. It is a serious, thoughtful effort, as is characteristic of his efforts.

I wish to ask that we carefully consider where the tax subsidies go before we spend more billions of dollars on a source that is already oversubsidized, that scars the landscape, that only works when the wind blows, that requires large new power lines to be built and that can fend for its own in marketplaces where it is appropriate to be.

I thank the Chair. I yield the floor.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 2572. A bill to amend the Aviation and Transportation Security Act to extend the suspended service ticket honor requirement; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, I come to the floor today to introduce the Aviation Consumer Protection Extension Act. The bill is a 1-year extension of section 145 of the Aviation and Transportation Security Act, which passed in 2001. The current extension expires in November of this year.

Currently, the aviation industry is going through a difficult time with numerous airline bankruptcies and overall uncertainty. In this environment, airline consumers deserve protection in the circumstance that their air service provider suspends service because of a bankruptcy.

This extension provides that airline passengers holding tickets from a bankrupt carrier are entitled to a seat on a standby basis on any airline serving that route if arrangements are made within 60 days after the bankrupt airline suspends operations.

Under the provision, the maximum fee that an airline can charge for providing standby transportation would not exceed $50 each way. The extension does not apply to charter flights but does cover frequent flyer tickets.

Like all Members of this body, my State of Montana has a number of traveling families. In the unfortunate circumstance that an air carrier discontinues service, those families should not have to foot an outrageous bill to get back home.

In these times of unease and uncertainty in the airline industry, we need to make sure hard-earned family vacations don't turn into unnecessarily costly expenditures. I look forward to working with my colleagues on a timely passage of this important extension.

By Mr. DURBIN:

S. 2573. A bill to amend the Higher Education Act of 1965 to provide interest rate reductions, to authorize and appropriate amounts for the Federal Pell Grant program, to allow for in-school consolidation, to provide the administrative account for the Federal Direct Loan Program as a mandatory program, to strike the single holder rule, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reverse the Raid on Student Aid Act of 2006".

SEC. 2. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—Section 427A(*l*) (20 U.S.C. 1077a(*l*)) is amended—

(1) in paragraph (1)—

(A) by striking "6.8 percent" and inserting "3.4 percent"; and

(B) by inserting before the period at the end the following: ", except that for any loan made pursuant to section 428H for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan"; and

(2) in paragraph (2), by striking "8.5 percent" and inserting "4.25 percent".

(b) DIRECT LOANS.—Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended—

(1) in subparagraph (A)—

(A) by striking "and Federal Direct Unsubsidized Stafford Loans";

(B) by striking "6.8 percent" and inserting "3.4 percent"; and

(C) by inserting before the period at the end the following: ", and for any Federal Direct Unsubsidized Stafford Loan made for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan"; and

(2) in subparagraph (B), by striking "7.9 percent" and inserting "4.25 percent".

SEC. 3. FEDERAL PELL GRANT AWARDS.

Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking clauses (i) through (v) and inserting the following:

"(i) $4,500 for academic year 2007–2008;

"(ii) $4,800 for academic year 2008–2009;

"(iii) $5,200 for academic year 2009–2010;

"(iv) $5,600 for academic year 2010–2011; and

"(v) $6,000 for academic year 2011–2012.";

(B) in paragraph (3)(A), by striking "an appropriation Act" and inserting "this section"; and

(C) in paragraph (7), by striking "the appropriate Appropriation Act for this subpart" and inserting "this section";

(2) by striking subsection (g);

(3) by redesignating subsections (h), (i), and (j), as subsections (g), (h), and (i), respectively; and

(4) by adding at the end the following:

"(j) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this section—

"(1) for academic year 2007–2008, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $4,500;

"(2) for academic year 2008–2009, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $4,800;

"(3) for academic year 2009–2010, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $5,200;

"(4) for academic year 2010–2011, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $5,600;

"(5) for academic year 2011–2012, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such academic year not more than $6,000; and

"(6) for each subsequent academic year, such sums as may be necessary to award each student eligible for a Federal Pell Grant for such subsequent academic year not more than the amount that is equal to the maximum award amount for the previous academic year increased by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between such previous academic year and such subsequent academic year.".

SEC. 4. IN-SCHOOL CONSOLIDATION.

Section 428(b)(7)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7)(A)) is amended by striking "shall begin" and all that follows through the period and inserting "shall begin—

"(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

"(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.".

SEC. 5. ADMINISTRATIVE ACCOUNT FOR DIRECT LOAN PROGRAM.

Section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h) is amended to read as follows:

"SEC. 458. FUNDS FOR ADMINISTRATIVE EXPENSES.

"(a) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Each fiscal year there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

"(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

"(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b),

not to exceed (from such funds not otherwise appropriated) $904,000,000 in fiscal year 2007, $943,000,000 in fiscal year 2008, $983,000,000 in fiscal year 2009, $1,023,000,000 in fiscal year 2010, $1,064,000,000 in fiscal year 2011, and $1,106,000,000 in fiscal year 2012.

"(2) ACCOUNT MAINTENANCE FEES.—Account maintenance fees under paragraph (1)(B) shall be paid quarterly and deposited in the Agency Operating Fund established under section 422B.

"(3) CARRYOVER.—The Secretary may carry over funds made available under this section to a subsequent fiscal year.

"(b) CALCULATION BASIS.—Account maintenance fees payable to guaranty agencies under subsection (a)(1)(B) shall not exceed the basis of 0.10 percent of the original principal amount of outstanding loans on which insurance was issued under part B.

"(c) BUDGET JUSTIFICATION.—No funds may be expended under this section unless the Secretary includes in the Department of Education's annual budget justification to Congress a detailed description of the specific activities for which the funds made available by this section have been used in the prior and current years (if applicable), the activities and costs planned for the budget year, and the projection of activities and costs for each remaining year for which administrative expenses under this section are made available.".

SEC. 6. SINGLE HOLDER RULE.

Subparagraph (A) of section 428C(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(1)) is amended by striking "and (i)" and all that follows through "so selected for consolidation)".

By Mr. SALAZAR:

S. 2584. A bill to amend the Healthy Forests Restoration Act of 2003 to help reduce the increased risk of severe wildfires to communities in forested areas affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SALAZAR. Mr. President, I rise today to speak about S. 2584, "The Rocky Mountain Forest Insects Response Enhancement and Support Act," or "Rocky Mountain FIRES Act," which I introduced earlier today.

I am introducing this bill because we are facing an extremely dangerous wildfire situation in the West, including my home State of Colorado, maybe worse than we have ever faced.

Below-average snowfalls, protracted drought, and a massive bark beetle infestation have created fuel loads that threaten forest health, property, and human life. I fear that we are facing a perfect storm of conditions for devastating fires this summer in Colorado.

The southern half of Colorado, and much of the Southwest, has been hit by yet another year of below-average precipitation. With the exception of a few areas in Colorado's northern mountains, precipitation levels this winter were 25–50 percent of average. Colorado is now in its 7th consecutive year of drought.

This drought has been so severe and so long that even the healthiest trees have become fuel for disease, fire, and insect infestations.

Mr. President, the bark beetle, a pest that normally kills only a few weak trees in a stand, has fed off entire forests of drought-weakened trees. It is a plague that is sweeping through the Rockies.

The bark beetle problem in Colorado is of unprecedented magnitude. The infestation is killing trees over hundreds of thousands of acres, leaving huge, dry fuel loads in its wake.

Across the State, but particularly in the Arapaho National Forest in northern Colorado, bark beetles are turning entire forests into brown, dead stands. In 2004, bark beetles killed an estimated 7 million trees over 1.5 million acres in Colorado.

When you see pictures that show the stands that have been hit by the bark beetle, you can see why people who live nearby are so concerned. You can imagine what a fire would look like if it got into a stand of beetle-infested timber—it would jump from crown to crown, racing up ridges and through the forest faster than we could respond.

Beetle-kill stands are everywhere in Grand County and Larimer County, Summit and Eagle, Saguache and San Miguel. They are increasingly visible in pockets along the Front Range, among houses and communities in the wildland-urban interface.

The areas with smaller outbreaks, like those in the Pike National Forest and the Gunnison National Forest, are just as worrisome as the massive outbreaks in northern Colorado. When we see even a handful of beetle-kill trees, it usually means that the insects are already attacking the surrounding trees.

Private land owners and local governments are doing all they can to combat this problem—they are using their chainsaws to protect their homes, they are spraying trees, and they are devising protection plans. They wonder, though, if they aren't alone in this fight. They wonder if the Federal Government is asleep at the wheel in the face of potential disaster.

The people who see the browned-out, dead forests from their kitchen windows wonder why Washington isn't moving faster to curb this onslaught on our public lands—why is the government not clearing out the dead trees, creating buffers to prevent the beetle from spreading, or providing more resources and expertise to help local communities protect themselves?

I have pressed Secretary Johanns to find funds to deal with this emergency in Colorado and across the West. At the current budget levels, we are simply not able to curb the bark beetle problem and prepare for the upcoming fire season. We could be treating 2 or 3 times as many acres this year if we only had adequate funds.

We must also give local communities and land managers the tools they need to combat the bark beetle infestation. That is what S2584, the "Rocky Mountain Fires Act," will do.

My bill will facilitate a swifter response by the Forest Service and BLM to widespread insect infestations in our forests; provide additional money to communities that are preparing or revising their wildfire protection plans; make grant funding available for enterprises that use woody biomass for energy production and other commercial purposes, so that we can put beetle-kill trees and wood from hazard fuels-reduction projects to good use; and allow the Forest Service and the BLM to award stewardship contracts to nearby landowners, so that residents can do hazard fuels reduction on federal lands to protect their homes.

Coloradans are anxious for Congress to take action on the bark beetle issue because they know the dangers they face. They remember the fire storms of 2002, when the Hayman Fire burned 138,000 acres on the Front Range, the Missionary Ridge Fire burned 70,000 acres near Durango, and scores of other fires across the State chewed up resources and claimed property and lives.

This year could be as bad, or worse, if we don't take action right now.

We must find funds or provide emergency funding so that we can gear up for the fire season. We must also pass bark beetle legislation that gives communities and land managers the tools they need to protect property and lives.

We must take action right now. As I am reminded by the reports of fires in Colorado just this past week: this summer's fire season is already upon us.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2585. A bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts; to the Committee on Finance.

Mr. SMITH. America's service men and women continue to make the ultimate sacrifices for our Nation. In the tragic cases where brave soldiers, marines, airmen, and sailors lose their lives in support of Operation Enduring Freedom or Operation Iraqi Freedom, we must honor their service by ensuring that their families are not forced to shoulder undue financial strain. Therefore, I am honored to introduce the Fallen Heroes Family Savings Act.

This legislation will increase the flexibility given to families while managing the death gratuity payment to the survivors of fallen service men and women. This bill will provide these families expanded financial options to invest the $100,000 death gratuity payment in health, education, and retirement savings accounts. Allowing families to transfer these funds will help them save money for a college education, medical expenses, or to finance a future retirement.

Allowing military families increased financial flexibility is the least we can do to honor the legacy our troops have worked so hard to create. It is my hope that this legislation will assist the families of fallen service men and women in their time of grief and allow them to plan for their future.

I ask for unanimous consent to have printed in the RECORD the following letter from the Military Officers Association of America in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS ASSOCIATION
OF AMERICA,
Alexandria, VA, April 6, 2006.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: I am writing on behalf of the 360,000 members of the Military Officers Association of America (MOAA) in support of your planned legislation, the Fallen Heroes Family Savings Act. This important bill would help military survivors manage the increased death gratuity amounts permanently authorized in the FY2006 National Defense Authorization Act.

The new $100,000 death gratuity provides greatly improved compensation for military survivors and their families but also presents a challenge as to where to safely invest such sizeable sums to provide for future financial security. Your bill would allow survivors to invest death gratuity lump sums in Roth IRA's and other savings accounts, above the contribution limits now allowed. This makes perfect sense and is a logical extension of efforts to increase benefits to widows.

MOAA is grateful for your leadership on this and other issues important to our servicemembers. We pledge our support in seeking enactment of this important legislation.

Sincerely,

NORB RYAN, Jr.,
President.

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing "The Fallen Heroes Family Savings Act" that will help military families that have suffered a tragic loss. In recent years, the Congress has generously raised the amount of the military death gratuity to $100,000 and expanded eligibility to all in uniform.

Our current tax laws do not allow the recipients of this payment to use it to make contributions to tax-preferred accounts that help with saving for retirement, health care, or the cost of education. Our legislation would allow families who already have given so much to contribute the death gratuity to certain tax-preferred accounts. These contributions would be treated as qualified rollovers. The contribution limits of these accounts will not be applied to these contributions.

This legislation will not ease the pain of military families that suffer the loss of a loved one, but it can help families put their lives back together. It will enable military families to save more for retirement, education, and health care by being able to put the death gratuity payment in an account in which the earnings will accumulate tax-free.

These changes to our tax laws will help military families with some of their financial burdens. It can not repay the sacrifices that they have made for us, but it hopefully demonstrates the gratitude of a Nation that will not forget the families of the fallen.

By Mr. KERRY:

S. 2586. A bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I rise today to introduce the Minority Entrepreneurship and Innovation Pilot Program, legislation aimed at addressing this Nation's growing economic disparities through entrepreneurship and business development. It is the spirit of entrepreneurship that has made America's economy the best in the world. And it is through the energy and vitality of the small business sector that we will help all sectors of American society benefit from our robust economy.

Exactly one year ago, the National Urban League released a report on the State of Black America, which discussed the growing economic gap between African Americans and their white counterparts. The report states that the median net worth of an African American family is $6,100 compared with $67,000 for a white family. The report makes clear that closing the racial wealth gap needs to be at the forefront of the civil rights agenda moving into the twenty-first century.

Disproportionate unemployment figures for minorities versus their white counterparts have also been a persistent problem. Even as the administration has been touting the current low nationwide unemployment rate, the African American unemployment rate was 9.5 percent, the Hispanic unemployment rate was 6 percent, while the unemployment rate for whites averaged 4.1 percent.

As the Ranking Member on the Senate Committee on Small Business and Entrepreneurship, I have received firsthand testimony and countless reports documenting the positive economic impact that occurs when we foster entrepreneurship in underserved communities. There are signs of significant economic returns when minority businesses are created and are able to grow in size and capacity. Between 1987 and 1997, revenue from minority owned firms rose by 22.5 percent, an increase equivalent to an annual growth rate of 10 percent and employment opportunities within minority owned firms increased by 23 percent during that same period. There is a clear correlation between the growth of minority owned firms and the economic viability of the minority community.

We have come a long way, but we still have a long way to go if this country is going to keep the promise made to all its citizens of the American dream. In 2005, African Americans accounted for 12.3 percent of the population and only 4 percent of all U.S. businesses. Hispanics Americans represent 12.5 percent of the U.S. population and approximately 6 percent of all U.S. businesses. Native Americans account for approximately 1 percent of the population and .9 percent of all U.S. businesses. We can, and should do something to address what is essentially an inequality of opportunity.

I have long argued that there is a compelling interest for the Federal Government to create opportunities for business and economic development in all communities—throughout this Nation. It is appropriate for the Federal Government to lead the efforts and find innovative solutions to the racial disparities that exist in this country, whether they are in healthcare, education, or economics.

Economic disparities in this country are a very complex issue, particularly when racial demographics are involved. I am well aware that there is no one-size-fits-all solution and there is no single piece of legislation that will level the playing field. However, I strongly believe that education and entrepreneurship can help to close the gap in business ownership and the wealth gap that exists in this country. Many minorities are already turning to entrepreneurship as a means of realizing the American dream. According to U.S. Census data, Hispanics are opening businesses 3 times faster than the national average. Business development and entrepreneurship have played a significant role in the expansion of the black middle class in this country for over a century.

The Minority Entrepreneurship and Innovation Pilot Program offers a competitive grant to Historically Black Colleges and Universities, Tribal Colleges, and HispanicServing Institutions to create an entrepreneurship curriculum at these institutions and to open Small Business Development Centers on campus to serve local businesses. The colleges and universities that participate in this program will foster entrepreneurship among their students, the best and brightest of the minority community, and develop a pool of talented entrepreneurs that are essential to innovation, job creation, and closing the wealth gap. The bill would make 24 grants, for $1 million each, available to institutions that include entrepreneurship and innovation as a part of their organizational mission and open a business-counseling center for those graduates that start their own businesses as well as the surrounding community of existing business owners.

The goal of this program is to target students who have skills in highly skilled fields such as engineering, manufacturing, science and technology, and guide them towards entrepreneurship as a career option. Minority-owned businesses already participate in a wide variety of industries, but are disproportionately represented in traditionally lowgrowth and low-opportunity service sectors. Promoting entrepreneurial education to undergraduate students at colleges and universities expands the pool of potential business owners to technology, financial services, legal services, and other non-traditional areas in which the overall development of minority firms has been slow. Growing the size and capacity of existing minority firms and promoting entrepreneurship among minority students already committed to higher education will have a direct relationship on the employment rate, income levels and wealth creation of minorities throughout the nation.

The funds are also to be used to open a Small Business Development Center (SBDC) on the campus of the institution to assist in capacity building, innovation and market niche development, and to offer traditional business counseling, similar to other SBDCs. The one-to-one counseling offered by the business specialists at these centers has proven to be the most effective model available for making entrepreneurs run more effective, more efficient, and more successful businesses. By placing the centers on campus, the institutions will be able to leverage the $1 million grant for greater returns and coordinate efforts with the school's academic departments to maximize the efficacy of the program.

While the funding in this bill is modest relative to the multi-billion dollar budgets we discuss on a daily basis, these funds can go a long way and be leveraged to create economic growth in the most needed areas of this country. With this legislation, we will help foster long-term innovation and competitiveness in the small business sector. Mr. President, this bill is a small investment in the future of this country that I am sure will do much to foster economic growth in our minority communities and beyond. I urge my colleagues to join me as cosponsors of this important piece of legislation.

By Mr. DOMENICI (for himself and Mr. Inhofe) (by request):

S. 2589. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I am pleased to rise today, on behalf of myself and Senator Inhofe, to introduce, at the request of the administration, legislation to further the development at Yucca Mountain of the national repository for nuclear spent fuel and defense nuclear waste. This bill is a good start on the road to enactment of legislation that will resolve issues critical to the construction, licensing and operation of the facility.

I hope to begin hearings on this issue in the Energy and Natural Resources Committee shortly after the conclusion of the upcoming recess. I look forward to working with the administration, Senator Inhofe, and other interested Senators to facilitate the construction and operation of the repository, a project so important to the continued development of safe, clean, and efficient nuclear power in this country.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Fuel Management and Disposal Act".

SEC. 2. DEFINITIONS.

(a) Definitions From Nuclear Waste Policy Act of 1982.—In this Act, the terms "Commission", "disposal", "Federal agency", "high-level radioactive waste", "repository", "Secretary", "State", "spent nuclear fuel", and "Yucca Mountain site" have the meaning given those terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) Other Definitions.—In this Act:

(1) Project.—The term "Project" means the Yucca Mountain Project.

(2) Secretary concerned.—The term "Secretary concerned" means the Secretary of the Air Force or the Secretary of the Interior, or both, as appropriate.

(3) Withdrawal.—The term "Withdrawal" means the withdrawal under section 3(a)(1) of the geographic area consisting of the land described in section 3(c).

SEC. 3. LAND WITHDRAWAL AND RESERVATION.

(a) Land Withdrawal, Jurisdiction, and Reservation.—

(1) Land withdrawal.—Subject to valid existing rights and except as provided otherwise in this Act, the land described in subsection (c) is withdrawn permanently from all forms of entry, appropriation, and disposal under the public land laws, including, without limitation, the mineral leasing laws, geothermal leasing laws, and mining laws.

(2) Jurisdiction.—

(A) In general.—Except as otherwise provided in this Act, the Secretary shall have jurisdiction over the Withdrawal.

(B) Transfer.—There is transferred to the Secretary the land covered by the Withdrawal that is under the jurisdiction of the Secretary concerned on the date of enactment of this Act.

(3) Reservation.—The land covered by the Withdrawal is reserved for use by the Secretary for the development, preconstruction testing and performance confirmation, licensing, construction, management and operation, monitoring, closure, post-closure, and other activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(b) Revocation and Modification of Public Land Orders and Rights-of-Way.—

(1) Public land order revocation.—Public Land Order 6802 of September 25, 1990, as extended by Public Land Order 7534, and any conditions or memoranda of understanding accompanying those land orders, are revoked.

(2) Right of way reservations.—Project right-of-way reservations N–48602 and N–47748 of January 5, 2001, are revoked.

(c) Land Description.—

(1) Boundaries.—The land and interests in land covered by the Withdrawal and reserved by this Act comprise the approximately 147,000 acres of land in Nye County, Nevada, as generally depicted on the Yucca Mountain Project Map, YMP–03–024.2, entitled "Proposed Land Withdrawal" and dated July 21, 2005.

(2) Legal description and map.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(A) publish in the Federal Register a notice containing a legal description of the land covered by the Withdrawal; and

(B) file copies of the maps described in paragraph (1) and the legal description of the land covered by the Withdrawal with Congress, the Governor of the State of Nevada, and the Archivist of the United States.

(3) Technical corrections.—The maps and legal description referred to in this subsection have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(d) Relationship to Other Reservations.—

(1) In general.—Subtitle A of title XXX of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 885) and Public Land Order 2568 do not apply to the land covered by the Withdrawal and reserved by subsection (a).

(2) Other withdrawn land.—This Act does not apply to any other land withdrawn for use by the Department of Defense under subtitle A of title XXX of the Military Lands Withdrawal Act of 1999.

(e) Management Responsibilities.—

(1) General authority.—The Secretary, in consultation with the Secretary concerned, as applicable, shall manage the land covered by the Withdrawal in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law.

(2) Management plan.—

(A) Development.—Not later than 3 years after the date of enactment of this Act, the Secretary, after consultation with the Secretary concerned, shall develop and submit to Congress and the State of Nevada a management plan for the use of the land covered by the Withdrawal.

(B) Priority of Yucca Mountain project-related issues.—Subject to subparagraphs (C), (D), and (E), any use of the land covered by the Withdrawal for activities not associated with the Project is subject to such conditions and restrictions as the Secretary considers to be necessary or desirable to permit the conduct of Project-related activities.

(C) Department of the Air Force uses.—The management plan may provide for the continued use by the Department of the Air Force of the portion of the land covered by the Withdrawal within the Nellis Air Force Base Test and Training Range under terms and conditions on which the Secretary and the Secretary of the Air Force agree with respect to Air Force activities.

(D) Nevada test site uses.—The Secretary may—

(i) permit the National Nuclear Security Administration to continue to use the portion of the land covered by the Withdrawal on the Nevada Test Site; and

(ii) impose any conditions on that use that the Secretary considers to be necessary to minimize any effect on Project or Administration activities.

(E) OTHER NON-YUCCA MOUNTAIN PROJECT USES.—

(i) IN GENERAL.—The management plan shall provide for the maintenance of wildlife habitat and the permitting by the Secretary of non-Project-related uses that the Secretary considers to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with clauses (ii) and (iii).

(ii) GRAZING.—Subject to regulations, policies, and practices that the Secretary, after consultation with the Secretary of the Interior, determines to be necessary or appropriate, the Secretary may permit grazing on land covered by the Withdrawal to continue on areas on which grazing was established before the date of enactment of this Act, in accordance with applicable grazing laws and policies, including—

(I) the Act of June 28, 1934 (commonly known as the "Taylor Grazing Act") (43 U.S.C. 315 et seq.);

(II) title IV of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(III) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(iii) HUNTING AND TRAPPING.—The Secretary may permit hunting and trapping on land covered by the Withdrawal on areas in which hunting and trapping were permitted on the day before the date of enactment of this Act, except that the Secretary, after consultation with the Secretary of the Interior and the State of Nevada, may designate zones in which, and establish periods during which, no hunting or trapping is permitted for reasons of public safety, national security, administration, or public use and enjoyment.

(F) MINING.—

(i) IN GENERAL.—Except as provided in subparagraph (B), surface or subsurface mining or oil or gas production, including slant drilling from outside the boundaries of the land covered by the Withdrawal, is not permitted at any time on or under the land covered by the Withdrawal.

(ii) VALIDITY OF CLAIMS.—The Secretary of the Interior shall evaluate and adjudicate the validity of all mining claims on the portion of land covered by the Withdrawal that, on the date of enactment of this Act, was under the control of the Bureau of Land Management.

(iii) COMPENSATION.—The Secretary shall provide just compensation for the acquisition of any valid property right.

(iv) CIND-R-LITE MINE.—

(I) IN GENERAL.—Patented Mining Claim No. 27–83–0002, covering the Cind-R-Lite mine, shall not be affected by establishment of the Withdrawal, unless the Secretary, after consultation with the Secretary of the Interior, determines that the acquisition of the mine is required in furtherance of the reserved use of the land covered by the Withdrawal described in subsection (a)(3).

(II) COMPENSATION.—If the Secretary determines that the acquisition of the mine described in subclause (I) is required, the Secretary shall provide just compensation for acquisition of the mine.

(G) LIMITED PUBLIC ACCESS.—The management plan may provide for limited public access to and use of the portion of the land covered by the Withdrawal that is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act, including for—

(i) continuation of the Nye County Early Warning Drilling Program;

(ii) utility corridors; and

(iii) such other uses as the Secretary, after consultation with the Secretary of the Interior, considers to be consistent with the purposes of the Withdrawal.

(H) CLOSURE.—If the Secretary, after consultation with the Secretary concerned, determines that the health or safety of the public or the common defense or security requires the closure of a road, trail, or other portion of land covered by the Withdrawal, or the airspace above land covered by the Withdrawal, the Secretary—

(i) may close the portion of land or the airspace; and

(ii) shall provide public notice of the closure.

(3) IMPLEMENTATION.—The Secretary and the Secretary concerned shall implement the management plan developed under paragraph (2) in accordance with terms and conditions on which the Secretary and the Secretary concerned jointly agree.

(f) IMMUNITY.—The United States (including each department and agency of the Federal Government) shall be held harmless, and shall not be liable, for damages to a person or property suffered in the course of any mining, mineral leasing, or geothermal leasing activity conducted on the land covered by the Withdrawal.

(g) LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire land, and interests in land within the land, covered by the Withdrawal.

(2) METHOD OF ACQUISITION.—Land and interests in land described in paragraph (1) may be acquired by donation, purchase, lease, exchange, easement, right-of-way, or other appropriate methods using donated or appropriated funds.

(3) EXCHANGE OF LAND.—The Secretary of the Interior shall conduct any exchange of land covered by the Withdrawal for Federal land not covered by the Withdrawal.

SEC. 4. APPLICATION PROCEDURES AND INFRASTRUCTURE ACTIVITIES.

(a) APPLICATION.—Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(1) by striking "If the President" and inserting the following:

"(1) IN GENERAL.—If the President"; and

(2) by adding at the end the following

"(2) REQUIRED INFORMATION.—An application for construction authorization shall not be required to contain information any surface facility other than surface facilities necessary for initial operation of the repository.".

(b) APPLICATION PROCEDURES AND INFRASTRUCTURE ACTIVITIES.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended—

(1) in the first sentence, by striking "The Commission shall consider" and inserting the following:

"(1) IN GENERAL.—The Commission shall consider";

(2) by striking the last 2 sentences; and

(3) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

"(2) AMENDMENTS TO APPLICATION FOR CONSTRUCTION AUTHORIZATION.—

"(A) IN GENERAL.—If the Commission approves an application for construction authorization and the Secretary submits an application to amend the authorization to obtain permission to receive and possess spent nuclear fuel and high-level radioactive waste, or to undertake any other action concerning the repository, the Commission shall consider the application using expedited, informal procedures, including discovery procedures that minimize the burden on the parties to produce documents that the Commission does not need to render a decision on an action under this section.

"(B) FINAL DECISION.—The Commission shall issue a final decision on whether to grant permission to receive and possess spent nuclear fuel and high-level radioactive waste, or on any other application, by the date that is 1 year after the date of submission of the application, except that the Commission may extend that deadline by not more than 180 days if, not less than 30 days before the deadline, the Commission complies with the reporting requirements under subsection (e)(2).

"(3) INFRASTRUCTURE ACTIVITIES.—

"(A) IN GENERAL.—At any time before or after the Commission issues a final decision on an application from the Secretary for construction authorization under this subsection, the Secretary may undertake infrastructure activities that the Secretary determines to be necessary or appropriate to support construction or operation of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high level radioactive waste, including infrastructure activities such as—

"(i) safety upgrades;

"(ii) site preparation;

"(iii) the construction of a rail line to connect the Yucca Mountain site with the national rail network, including any facilities to facilitate rail operations; and

"(iv) construction, upgrade, acquisition, or operation of electrical grids or facilities, other utilities, communication facilities, access roads, rail lines, and non-nuclear support facilities.

"(B) COMPLIANCE.—

"(i) IN GENERAL.—The Secretary shall comply with all applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an infrastructure activity undertaken under this paragraph.

"(ii) EIS.—If the Secretary determines that an environmental impact statement or similar analysis under the National Environmental Policy Act of 1969 is required in connection with an infrastructure activity undertaken under this paragraph, the Secretary shall not be required to consider the need for the action, alternative actions, or a no-action alternative.

"(iii) OTHER AGENCIES.—

"(I) IN GENERAL.—To the extent that a Federal agency is required to consider the potential environmental impact of an infrastructure activity undertaken under this paragraph, the Federal agency shall adopt, to the maximum extent practicable, an environmental impact statement or similar analysis prepared under this paragraph without further action.

"(II) EFFECT OF ADOPTION OF STATEMENT.—Adoption of an environmental impact statement or similar analysis described in subclause (I) shall be considered to satisfy the responsibilities of the adopting agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no further action for the activity covered by the statement or analysis shall be required by the agency.

"(C) DENIALS OF AUTHORIZATION.—The Commission may not deny construction authorization, permission to receive and possess spent nuclear fuel or high-level radioactive waste, or any other action concerning the repository on the ground that the Secretary undertook an infrastructure activity under this paragraph.".

(c) CONNECTED ACTIONS.—Section 114(f)(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)(6)) is amended—

(1) by striking "or"; and

(2) by inserting before the period at the end the following: ", or an action connected or otherwise relating to the repository, to the extent the action is undertaken outside the geologic repository operations area and does not require a license from the Commission".

(d) EXPEDITED AUTHORIZATIONS.—Section 120 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10140) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by inserting ", or the conduct of an infrastructure activity," after "repository";

(B) by inserting ", State, local, or tribal" after "Federal" each place it appears; and

(C) in the second sentence, by striking "repositories" and inserting "a repository or infrastructure activity";

(2) in subsection (b), by striking ", and may include terms and conditions permitted by law"; and

(3) by adding at the end the following:

"(c) FAILURE TO GRANT AUTHORIZATION.—An agency or officer that fails to grant authorization by the date that is 1 year after the date of receipt of an application or request from the Secretary subject to subsection (a) shall submit to Congress a written report that explains the reason for not meeting that deadline or rejecting the application or request.

"(d) TREATMENT OF ACTIONS.—For the purpose of applying any Federal, State, local, or tribal law or requirement, the taking of an action relating to a repository or an infrastructure activity shall be considered to be—

"(1) beneficial, and not detrimental, to the public interest and interstate commerce; and

"(2) consistent with the public convenience and necessity.".

SEC. 5. NUCLEAR WASTE FUND.

(a) CREDITING FEES.—Beginning on October 1, 2007, and continuing through the end of the fiscal year during which construction is completed for the Nevada rail line and surface facilities for the fully operational repository described in the license application, fees collected by the Secretary and deposited in the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) shall be credited to the Nuclear Waste Fund as discretionary offsetting collections each year in amounts not to exceed the amounts appropriated from the Nuclear Waste Fund for that year.

(b) FUND USES.—Section 302(d)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)(4)) is amended by inserting after "with" the following: "infrastructure activities that the Secretary determines to be necessary or appropriate to support construction or operation of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high-level radioactive waste, and".

SEC. 6. REGULATORY REQUIREMENTS.

(a) MATERIAL REQUIREMENTS.—Notwithstanding any other provision of law, no Federal, State, interstate, or local requirement, either substantive or procedural, that is referred to in section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a)), applies to—

(1) any material owned by the Secretary, if the material is transported or stored in a package, cask, or other container that the Commission has certified for transportation or storage of that type of material; or

(2) any material located at the Yucca Mountain site for disposal, if the management and disposal of the material is subject to a license issued by the Commission.

(b) PERMITS.—

(1) IN GENERAL.—The Environmental Protection Agency shall be the permitting agency for purposes of issuing, administering, or enforcing any new or existing air quality permit or requirement applicable to a Federal facility or activity relating to the Withdrawal that is subject to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(2) STATE AND LOCAL ACTIVITY.—A State or unit of local government shall not issue, administer, or enforce a new or existing air quality permit or requirement affecting a Federal facility or activity that is—

(A) located on the land covered by the Withdrawal; and

(B) subject to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

SEC. 7. TRANSPORTATION.

The Nuclear Waste Policy Act of 1982 is amended by inserting after section 180 (42 U.S.C. 10175) the following:

"SEC. 181. TRANSPORTATION.

"(a) IN GENERAL.—The Secretary may determine the extent to which any transportation required to carry out the duties of the Secretary under this Act that is regulated under the Hazardous Materials Transportation Authorization Act of 1994 (title I of Public Law 103-311; 108 Stat. 1673) and amendments made by that Act shall instead be regulated exclusively under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(b) DETERMINATION OF PREEMPTION.—On request by the Secretary, the Secretary of Transportation may determine, pursuant to section 5125 of title 49, United States Code, that any requirement of a State, political subdivision of a State, or Indian tribe regarding transportation carried out by or on behalf of the Secretary in carrying out this Act is preempted, regardless of whether the transportation otherwise is or would be subject to regulation under the Hazardous Materials Transportation Authorization Act of 1994 (title I of Public Law 103-311; 108 Stat. 1673).".

SEC. 8. CONSIDERATION OF EFFECT OF ACQUISITION OF WATER RIGHTS.

Section 124 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10144) is amended—

(1) by striking the section heading and all that follows through "The Secretary" and inserting the following:

"SEC. 124. CONSIDERATION OF EFFECT OF ACQUISITION OF WATER RIGHTS.

"(a) WATER RIGHTS ACQUISITION EFFECT.—The Secretary"; and

(2) by adding at the end the following:

"(b) BENEFICIAL USE OF WATER.—

"(1) IN GENERAL.—Notwithstanding any other Federal, State, or local law, the use of water from any source in quantities sufficient to accomplish the purposes of this Act and to carry out functions of the Department under this Act shall be considered to be a use that—

"(A) is beneficial to interstate commerce; and

"(B) does not threaten to prove detrimental to the public interest.

"(2) CONFLICTING STATE LAWS.—A State shall not enact or apply a law that discriminates against a use described in paragraph (1).

"(3) ACQUISITION OF WATER RIGHTS.—The Secretary, through purchase or other means, may obtain water rights necessary to carry out functions of the Department under this Act.".

SEC. 9. CONFIDENCE IN AVAILABILITY OF WASTE DISPOSAL.

Notwithstanding any other provision of law, in deciding whether to permit the construction or operation of a nuclear reactor or any related facilities, the Commission shall deem, without further consideration, that sufficient capacity will be available in a timely manner to dispose of the spent nuclear fuel and high-level radioactive waste resulting from the operation of the reactor and related facilities.

By Mr. COBURN (for himself, Mr. OBAMA, Mr. CARPER, and Mr. MCCAIN):

S. 2590. A bill to require full disclosure of all entities and organizations receiving Federal funds; to the Committee on Homeland Security and Governmental Affairs.

Mr. COBURN. Mr. President, today, along with Senators BARACK OBAMA, THOMAS CARPER, and JOHN MCCAIN, I introduced legislation to create an online public database that itemizes Federal funding.

The bill ensures that the taxpayers will now know how their money is being spent. Every citizen in this country, after all, should have the right to know what organizations and activities are being funded with their hard-earned tax dollars.

The Federal Government awards roughly $300 billion in grants annually to 30,000 different organizations across the United States, according to the General Services Administration.

This bill would require the Office of Management and Budget, OMB, to establish and maintain a single public Web site that lists all entities receiving Federal funds, including the name of each entity, the amount of Federal funds the entity has received annually by program, and the location of the entity. All Federal assistance must be posted within 30 days of such funding being awarded to an organization.

This would be an important tool to make Federal funding more accountable and transparent. It would also help to reduce fraud, abuse, and misallocation of Federal funds by requiring greater accounting of Federal expenditures. According to OMB, Federal agencies reported $37.3 billion in improper payments for fiscal year 2005 alone. Better tracking of Federal funds would ensure that agencies and taxpayers know where resources are being spent and likely reduce the number of improper payments by Federal agencies.

Over the past year, the Senate Federal Financial Management Subcommittee, which I chair along with ranking member CARPER, has uncovered tens of billions of dollars in fraud, abuse and wasteful spending, ranging from expensive leasing schemes to corporate welfare to bloated bureaucracy.

This database would ensure that such spending is better tracked and the public can hold policymakers and Government agencies accountable for questionable spending decisions.

The Web site required by this bill would not be difficult to develop. In fact, one such site already exists for some Federal funds provided by agencies within the Department of Health and Human Services, HHS. The CRISP, Computer Retrieval of Information on Scientific Projects, is a searchable database of federally funded biomedical research projects conducted at universities, hospitals, and other research institutions. The database, maintained by the Office of Extramural Research at the National Institutes of Health, includes projects funded by the National Institutes of Health, Substance Abuse and Mental Health Services, Health Resources and Services Administration, Food and Drug Administration, Centers for Disease Control and Prevention, CDC, Agency for Health Care Research and Quality, and Office of Assistant Secretary of Health. The CRISP database contains current and historical awards dating from 1972 to the present.

This type of information should be available for all Federal contracts, grants, loans, and assistance provided by all Federal agencies and departments.

It often takes agencies months to verify or to determine an organization's funding when requested by Congress. There are numerous examples of Federal agencies or entities receiving Federal funds actually trying to camouflage how Federal dollars are being spent or distributing public funds in violation of Federal laws.

In October 2005, the House Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources questioned the U.S. Agency for International Development, USAID, assistant administrator to determine if the agency was funding a proprostitution nongovernmental organization called Sampada Grameen Mahila Sanstha, SANGRAM, in apparent violation of Public Law 108-25. This law prohibits funds from being used "to promote or advocate the legalization or practice of prostitution or sex trafficking," and organizations seeking Federal funding for HIV/AIDS work must have a policy "explicitly opposing prostitution and sex trafficking."

According to an unclassified State Department memorandum, Restore International, an antitrafficking organization working in India, was "confronted by a USAID-funded NGO, SANGRAM while the former attempted to rescue and provide long-term care for child victims of sex trafficking. The confrontation led to the release of 17 minor girls—victims of trafficking—into the hands of traffickers and trafficking accomplices." According to this memorandum, SANGRAM "allowed a brothel keeper into a shelter to pressure the girls not to cooperate with counselors. The girls are now back in the brothels, being subjected to rape for profit."

On November 16, 2005, a USAID briefer asserted to subcommittee staff that USAID had "nothing to do with" the grant to the proprostitution SANGRAM and that the subcommittee's inquiries were "destructive." Nonetheless, congressional investigators continued to pursue this matter and eventually proved that USAID money financed the proprostitution SANGRAM through a second organization named Avert, which was established with the assistance of four USAID employees as a passthrough entity. USAID has held the ex-officio vice chairmanship of Avert since inception. According to documents obtained by the subcommittee, the USAID board member of Avert voted twice to award funding to SANGRAM—July 27, 2002 and again on December 3, 2004—the last time being some 18 months after the provisions of Public Law 108-25 prohibited taxpayer funding of proprostitution groups like SANGRAM.

Last August, HHS sponsored a conference in Utah entitled the "First National Conference on Methamphetamine, HIV and Hepatitis" that promoted illegal drug abuse and dangerous sexual behavior. Conference sessions included: "We Don't Need a 'War' on Methamphetamine"; "You Don't Have to Be Clean & Sober, Or Even Want to Be!"; "Tweaking Tips for Party Boys"; "Barebacking: A Harm Reduction Approach"; and "Without condoms: Harm Reduction, Unprotected Sex, Gay Men and Barebacking." "Tweaking" is a street term for the most dangerous stage of meth abuse. A "tweaker" is a term for a meth addict who probably has not slept in days, or weeks, and is irritable and paranoid. Likewise, "party boy" is slang for an individual who abuses drugs, or "parties." "Barebacking" is a slang term for sexual intercourse without the use of a condom.

While HHS initially denied sponsoring the conference, it was later learned that thousands of dollars of a CDC grant were used to, in fact, sponsor this conference and CDC sent six employees to participate. In a letter dated October 28, 2005, CDC Director Dr. Julie Gerberding admitted that "Although CDC was not listed as a sponsor, a portion of CDC's cooperative agreement with Utah, $13,500, was used to support the conference. While Utah informed a CDC project officer that Utah and the Harm Reduction Coalition were sponsoring the conference and shared a draft agenda with the project officer, Utah did not inform the project officer about the particular source of the funding for the conference."

Previously, the CDC was questioned about its financial support for a number of dubious HIV prevention workshops, including "flirting classes" and "Booty Call," orchestrated by the Stop AIDS Foundation of San Francisco. While CDC repeatedly denied to both Congress and the public that taxpayer funds were used to finance these programs, a Stop AIDS Project official eventually admitted in August 2001 to using Federal funds for the programs. An HHS Office of Inspector General, OIG, investigation also concluded in November 2001 that Federal funds were used to finance the programs and that the programs themselves contained content that may violate Federal laws and Federal guidelines were not followed. The OIG found that the activity under review "did not fully comply with the cooperative agreement and other CDC guidance," that the CDC requirement for review of materials by a local review panel was not followed, and characterized some of the project activities as "inappropriate." Finally, the OIG concluded that "CDC funding was used to support all [Stop AIDS] Project activities." The Stop AIDS Project received approximately $700,000 a year from the CDC but no longer receives Federal funding.

These are just a few recent examples from only a couple agencies uncovered due to aggressive congressional oversight. While the public, whose taxes finance these groups and programs, watchdog organizations, and the media can file Freedom of Information Act, FOIA, requests for this same information, such requests can take months to receive answers and often go completely ignored.

If enacted, this legislation will finally ensure true accountability and transparency in how the Government spends our money, which will hopefully lead to more fiscal responsibility by the Federal Government.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. DURBIN, Mr. CHAFEE, and Mrs. CLINTON):

S. 2592. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, our Nation faces a public health crisis of the first order. Poor diet and physical inactivity are contributing to growing rates of chronic disease in the U.S. These problems do not just affect adults, but increasingly affect the health of our children as well. Research suggests that one-third of American children born today will develop type II diabetes at some point. For some minority children, the numbers are even more shocking, as high as 50 percent. At the same time, rates of overweight among children are skyrocketing: tripling among children ages 6–11, and doubling among children ages 2 to 5 and ages 12–19 over the past three decades. Indeed, just this week the Journal of the American Medical Association released a new study that found that, in just the past 5 years, rates of childhood overweight and obesity rose very significantly.

There are many reasons for this public health crisis, and accordingly, addressing the crisis will require multiple solutions as well. One place where we can start is with our schools, which have been inundated with foods and drinks having little or no positive nutritional value. A recent study from the Government Accountability office found that 99 percent of high schools, 97 percent of middle schools, and 83 percent of elementary schools sell foods from vending machines, school stores, or a-la-carte lines in the cafeteria. And it is not fresh fruits and vegetables and other healthy foods that are being sold. No, the vast majority of the foods being sold in our schools outside of Federal meal programs are foods that contribute nothing to the health and development of our children and are actually detrimental to them.

Not only does the over consumption of these foods take a toll on the health of our children, but they also have a negative impact of the investment of taxpayer dollars in the health of our kids. Every year the Federal Government spends nearly $10 billion to reimburse schools for the provision of meals through the National School Lunch Program and School Breakfast Program. In order to receive reimbursement, these meals must meet nutrition standards based upon the Dietary Guidelines for All Americans, the official dietary advice of the U.S. government. However, sales of food elsewhere in our schools do not fall under these guidelines. Therefore, as children consume more and more of the foods typically sold through school vending machines and snack bars, it undermines the nearly $10 billion in Federal reimbursements that we spend on nutritionally balanced school meals.

Finally, the heavy selling of candy, soft drinks and other junk food in our schools undermines the guidance, and even the instruction and authority of parents who want to help their children consume sound and balanced diets. The American public agrees. A Robert Wood Johnson Foundation poll from several years ago found that 90 percent of parents would like to see schools remove the typical junk food from vending machines and replace it with healthier alternatives. My bill seeks to restore the role and authority of parents by ensuring that schools provide the healthy, balanced nutrition that contributes to health and development.

What really hurts children and undermines parents is the junk food free-for-all that currently exists in so many of our schools. How does it help kids if the school sells them a 20-ounce soda and a candy bar for lunch when their parents have sent them to school with the expectation that they will have balanced meals from the school lunch program?

Today, for the first time ever, bipartisan legislation is being introduced in both Chambers of Congress to address this problem—and to do what is right for the health of our kids. This bill is supported by key health and education groups, and I would like to thank the National PTA, the American Medical Association, the Center for Science in the Public Interest, the American Heart Association, the American Dietetic Association, the American Diabetes Association, and others for their strong support.

The Child Nutrition Promotion and School Lunch Protection Act of 2006 does two very simple but important things:

First, it requires the Secretary of Agriculture to initiate a rulemaking process to update nutritional standards for foods sold in schools. Currently, USDA relies upon a very narrow nutritional standard that is nearly 30 years old. Since that definition was formulated, children's diets and dietary risk have changed dramatically. In that time, we have also learned a great deal about the relationship between poor diet and chronic disease. It is time for public policy to catch up with the science.

Second, the bill requires the Secretary of Agriculture to apply the updated definition everywhere on school grounds and throughout the school day. Currently, the Secretary can only issue rules limiting a very narrow class of foods, and then only stop their sales in the actual school cafeteria during the meal period. As a result, a child only needs to walk into the hall outside the cafeteria to buy a "lunch" consisting of soda, a bag of chips and a candy bar. This is a loophole that is big enough to drive a soft drink delivery truck through—literally. It is time to close it.

The bill is supported in the Senate by a bipartisan group of Senators. Joining me in introducing the bill are Senator SPECTER of Pennsylvania, Senator BINGAMAN of New Mexico, Senator MURKOWSKI of Alaska, Senator DURBIN of Illinois, and Senator CHAFEE of Rhode Island. The diverse group of supporters of this bill cuts all lines and shows that when the health of our children is at stake, we can put aside our differences in the interest of our children.

This bill, by itself, will not solve the problem of poor diet and rising rates of chronic disease among our children and adults. But it is a start. Scientists predict that—because of obesity and preventable chronic diseases—the current generation of children could very well be the first in American history to live shorter lives than their parents. If this isn't a wakeup call, I don't know what is.

Our children are at risk. The time to act is now. And that's why I am pleased to introduce the Child Nutrition Promotion and School Lunch Protection Act of 2006.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Nutrition Promotion and School Lunch Protection Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) for a school food service program to receive Federal reimbursements under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), school meals served by that program must meet science-based nutritional standards established by Congress and the Secretary of Agriculture;

(2) foods sold individually outside the school meal programs (including foods sold in vending machines, a la carte or snack lines, school stores, and snack bars) are not required to meet comparable nutritional standards;

(3) in order to promote child nutrition and health, Congress—

(A) has authorized the Secretary to establish nutritional standards in the school lunchroom during meal time; and

(B) since 1979, has prohibited the sale of food of minimal nutritional value, as defined by the Secretary, in areas where school meals are sold or eaten;

(4) Federally-reimbursed school meals and child nutrition and health are undermined by the uneven authority of the Secretary to set nutritional standards throughout the school campus and over the course of the school day;

(5) since 1979, when the Secretary defined the term "food of minimal nutritional value" and promulgated regulations for the sale of those foods during meal times, nutrition science has evolved and expanded;

(6) the current definition of "food of minimal nutritional value" is inconsistent with current knowledge about nutrition and health;

(7) because some children purchase foods other than balanced meals provided through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the efforts of parents to ensure that their children consume healthful diets are undermined;

(8) experts in nutrition science have found that—

(A) since 1980, rates of obesity have doubled in children and tripled in adolescents;

(B) only 2 percent of children eat a healthy diet that is consistent with Federal nutrition recommendations;

(C) 3 out of 4 high school students do not eat the minimum recommended number of servings of fruits and vegetables each day; and

(D) type 2 diabetes, which is primarily due to poor diet and physical inactivity, is rising rapidly in children;

(9) in 1996, children aged 2 to 18 years consumed an average of 118 more calories per day than similar children did in 1978, which is the equivalent of 12 pounds of weight gain annually, if not compensated for through increased physical activity; and

(10) according to the Surgeon General, the direct and indirect costs of obesity in the United States are $117,000,000,000 per year.

SEC. 3. FOOD OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking the section heading and all that follows through "(a) The Secretary" and inserting the following:

"SEC. 10. REGULATIONS.

"(a) In General.—The Secretary"; and

(2) by striking subsections (b) and (c) and inserting the following:

"(b) Food of Minimal Nutritional Value.—

"(1) Proposed regulations.—

"(A) In general.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to revise the definition of 'food of minimal nutritional value' that is used to carry out this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(B) Application.—The revised definition of 'food of minimal nutritional value' shall apply to all foods sold—

"(i) outside the school meal programs;

"(ii) on the school campus; and

"(iii) at any time during the school day.

"(C) Requirements.—In revising the definition, the Secretary shall consider—

"(i) both the positive and negative contributions of nutrients, ingredients, and foods (including calories, portion size, saturated fat, trans fat, sodium, and added sugars) to the diets of children;

"(ii) evidence concerning the relationship between consumption of certain nutrients, ingredients, and foods to both preventing and promoting the development of overweight, obesity, and other chronic illnesses;

"(iii) recommendations made by authoritative scientific organizations concerning appropriate nutritional standards for foods sold outside of the reimbursable meal programs in schools; and

"(iv) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

"(2) Implementation.—

"(A) Effective date.—

"(i) In general.—Except as provided in clause (ii), the proposed regulations shall take effect at the beginning of the school year following the date on which the regulations are finalized.

"(ii) Exception.—If the regulations are finalized on a date that is not more than 60 days before the beginning of the school year, the proposed regulations shall take effect at the beginning of the following school year.

"(B) Failure to promulgate.—If, on the date that is 1 year after the date of enactment of this paragraph, the Secretary has not promulgated final regulations, the proposed regulations shall be considered to be final regulations.".

By Mrs. BOXER (for herself, Mrs. Feinstein, Mrs. Murray, Ms. Mikulski, Mr. Lautenberg, Ms. Stabenow, and Ms. Cantwell):

S. 2593. A bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing the Freedom of Choice Act. When the Supreme Court issued its landmark Roe v. Wade decision in 1973, it made clear that our Constitutional right to privacy grants women the freedom to choose whether to begin, prevent, or continue a pregnancy.

The purpose of this bill is very simple: It ensures that the guarantees of Roe v. Wade will be there for every generation of women.

We know what Roe has meant for women these past 33 years. It has allowed them to make their most personal and difficult reproductive decisions in consultation with loved ones and health care providers. It has given them the dignity to plan their own families and the ability to participate fully in the economic and social life of our country. And, most important, it has preserved health and saved lives.

Many of us are old enough to remember what it was like in the days before Roe. More than a million women a year were forced to seek illegal abortions, pushed into the back alleys where they risked infection, hemorrhage, disfiguration, and death. Some estimate that thousands of women died every year because of illegal abortions before Roe.

When the Senate debated the Supreme Court nomination of Judge Alito, women wrote to me with their own heart-breaking stories. For one woman, the year was 1956. She was only four when her mother died of an illegal abortion performed with a coat hanger. Too scared to ask for help, her mother bled to death at work.

Another woman wrote to me about how hard her mother and father struggled during the depression, how they worked day and night to make ends meet and support their two children. When her mother found out she was pregnant again, she had health problems, and she knew she couldn't take care of another child. She made the very difficult decision to get an illegal abortion. The procedure left her bleeding for weeks, and she almost died.

Mr. President, the American people do not want us to go back to those dark days. In a recent CNN poll, 66 percent said they do not want Roe overturned. Yet there is a dangerous movement afoot to overrule Roe and, in the meantime, to severely undermine its promises.

Make no mistake: The threat to Roe is real and immediate. President Bush has already put two anti-choice justices on the Supreme Court, where reproductive freedom now hangs by a thread. More than 450 anti-choice measures have been enacted by the states since 1995.

Recently, South Dakota enacted a ban on abortion in nearly all circumstances, even when a woman's health is at stake, even when she is the victim of rape and incest. And South Dakota is not alone. Several other states are considering similar bans.

The extremists behind these abortion bans make no secret about their goal. They want to use these laws to overturn Roe, and they think that the changes on the Supreme Court give them a chance to do just that.

We must act now. That is why I am introducing legislation today to protect the reproductive freedom of women across America.

The Freedom of Choice Act writes Roe v. Wade into federal law. It says that every woman has the fundamental right to choose to bear a child; to terminate a pregnancy before fetal viability; or, if necessary to protect the health or life of the mother, after viability. It says that we will not turn back the clock on the health and rights of women. And it says that we will take steps—as a Congress and as a country—to safeguard the dignity, privacy, and health of women now and for generations to come.

I thank the cosponsors of this legislation, and I ask all my colleagues who support Roe v. Wade to join us in making sure that it is the law of the land, and I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Choice Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States was founded on core principles, such as liberty, personal privacy, and equality, which ensure that individuals are free to make their most intimate decisions without governmental interference and discrimination.

(2) One of the most private and difficult decisions an individual makes is whether to begin, prevent, continue, or terminate a pregnancy. Those reproductive health decisions are best made by women, in consultation with their loved ones and health care providers.

(3) In 1965, in Griswold v. Connecticut (381 U.S. 479), and in 1973, in Roe v. Wade (410 U.S.

113) and Doe v. Bolton (410 U.S. 179), the Supreme Court recognized that the right to privacy protected by the Constitution encompasses the right of every woman to weigh the personal, moral, and religious considerations involved in deciding whether to begin, prevent, continue, or terminate a pregnancy.

(4) The Roe v. Wade decision carefully balances the rights of women to make important reproductive decisions with the State's interest in potential life. Under Roe v. Wade and Doe v. Bolton, the right to privacy protects a woman's decision to choose to terminate her pregnancy prior to fetal viability, with the State permitted to ban abortion after fetal viability except when necessary to protect a woman's life or health.

(5) These decisions have protected the health and lives of women in the United States. Prior to the *Roe v. Wade* decision in 1973, an estimated 1,200,000 women each year were forced to resort to illegal abortions, despite the risk of unsanitary conditions, incompetent treatment, infection, hemorrhage, disfiguration, and death. Before Roe, it is estimated that thousands of women died annually in the United States as a result of illegal abortions.

(6) In countries in which abortion remains illegal, the risk of maternal mortality is high. According to the World Health Organization, of the approximately 600,000 pregnancy-related deaths occurring annually around the world, 80,000 are associated with unsafe abortions.

(7) The Roe v. Wade decision also expanded the opportunities for women to participate equally in society. In 1992, in Planned Parenthood v. Casey (505 U.S. 833), the Supreme Court observed that, "[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.".

(8) Even though the *Roe v. Wade* decision has stood for more than 30 years, there are increasing threats to reproductive health and freedom emerging from all branches and levels of government. In 2006, South Dakota became the first State in more than 15 years to enact a ban on abortion in nearly all circumstances. Supporters of this ban have admitted it is an attempt to directly challenge Roe in the courts. Other States are considering similar bans.

(9) Legal and practical barriers to the full range of reproductive services endanger women's health and lives. Incremental restrictions on the right to choose imposed by Congress and State legislatures have made access to abortion care extremely difficult, if not impossible, for many women across the country. Currently, 87 percent of the counties in the United States have no abortion provider.

(10) While abortion should remain safe and legal, women should also have more meaningful access to family planning services that prevent unintended pregnancies, thereby reducing the need for abortion.

(11) To guarantee the protections of Roe v. Wade, Federal legislation is necessary.

(12) Although Congress may not create constitutional rights without amending the Constitution, Congress may, where authorized by its enumerated powers and not prohibited by the Constitution, enact legislation to create and secure statutory rights in areas of legitimate national concern.

(13) Congress has the affirmative power under section 8 of article I of the Constitution and section 5 of the 14th amendment to the Constitution to enact legislation to facilitate interstate commerce and to prevent State interference with interstate commerce, liberty, or equal protection of the laws.

(14) Federal protection of a woman's right to choose to prevent or terminate a pregnancy falls within this affirmative power of Congress, in part, because—

(A) many women cross State lines to obtain abortions and many more would be forced to do so absent a constitutional right or Federal protection;

(B) reproductive health clinics are commercial actors that regularly purchase medicine, medical equipment, and other necessary supplies from out-of-State suppliers; and

(C) reproductive health clinics employ doctors, nurses, and other personnel who travel across State lines in order to provide reproductive health services to patients.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT.—The term "government" includes a branch, department, agency, instrumentality, or official (or other individual acting under color of law) of the United States, a State, or a subdivision of a State.

(2) STATE.—The term "State" means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory or possession of the United States.

(3) VIABILITY.—The term "viability" means that stage of pregnancy when, in the best medical judgment of the attending physician based on the particular medical facts of the case before the physician, there is a reasonable likelihood of the sustained survival of the fetus outside of the woman.

SEC. 4. INTERFERENCE WITH REPRODUCTIVE HEALTH PROHIBITED.

(a) STATEMENT OF POLICY.—It is the policy of the United States that every woman has the fundamental right to choose to bear a child, to terminate a pregnancy prior to fetal viability, or to terminate a pregnancy after fetal viability when necessary to protect the life or health of the woman.

(b) PROHIBITION OF INTERFERENCE.—A government may not—

(1) deny or interfere with a woman's right to choose—

(A) to bear a child;

(B) to terminate a pregnancy prior to viability; or

(C) to terminate a pregnancy after viability where termination is necessary to protect the life or health of the woman; or

(2) discriminate against the exercise of the rights set forth in paragraph (1) in the regulation or provision of benefits, facilities, services, or information.

(c) CIVIL ACTION.—An individual aggrieved by a violation of this section may obtain appropriate relief (including relief against a government) in a civil action.

SEC. 5. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which the provision is held to be unconstitutional, shall not be affected thereby.

SEC. 6. RETROACTIVE EFFECT.

This Act applies to every Federal, State, and local statute, ordinance, regulation, administrative order, decision, policy, practice, or other action enacted, adopted, or implemented before, on, or after the date of enactment of this Act.

By Mr. KERRY (for himself, Mr. PRYOR, and Ms. LANDRIEU):

S. 2594. A bill to amend the Small Business Act to reauthorize the loan guarantee program under section 7(a) of that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, every three years, our Committee reviews the majority of the Small Business Administration's (SBA) programs to see what's working, what's broken, and what can be improved. As ranking member of the Small Business and Entrepreneurship Committee currently, and a member for more than 20 years, I have worked on many reauthorizations. I can tell you that the SBA reauthorization process is a great opportunity to examine programs, to work with the small business groups and SBA's partners—those who use these programs on a day-to-day basis—and the SBA, to ensure that they serve their intended purpose and make the dream of a small business a reality to those who might not be eligible for business loans through conventional lending, don't have an MBA but need some management counseling, or need help cutting through red tape to get government contracts.

Today I am focusing on the SBA's largest small business programs. Specifically, I am introducing legislation to reauthorize the 7(a) Loan Guaranty Program for three years. This bill, the "7(a) Loan Program Reauthorization Act of 2006," authorizes the SBA to back more than a combined $58 billion in 7(a) loans to small businesses, gives borrowers more options when choosing SBA financing, reduces program fees on borrowers and lenders if the government charges excess fees or has excess funding, creates an Office of Minority Small Business Development within SBA to increase the availability of capital to minorities, and creates a National Preferred Lenders program to streamline the application process for exemplary lenders to operate on a national basis and reach more borrowers.

7(a) loans are the most basic and widely used loan of the SBA business loan programs. These loans help qualified, small businesses obtain financing which is guaranteed for working capital, machinery and equipment, furniture and fixtures, land and building (including purchase, renovation and new construction), leasehold improvements, and debt refinancing, under special conditions. The loan maturity is up to 10 years for working capital and generally up to 25 years for fixed assets. A key concept of the 7(a) guaranty loan program is that the loan actually comes from a commercial lender, not the government.

This excellent private/public partnership has made this program one of the agency's most popular, with over 400,000 approved loans in the past six years. Last year alone, almost 96,000 small businesses received $15 billion in

7(a) loans, creating or retaining an estimated 460,000 jobs. To ensure that we continue to have enough authorization levels to manage the increasing demand, my bill reauthorizes the 7(a) Loan Program for three additional years at $18,500,000,000 fiscal year 07, $19,500,000,000 fiscal year 08 and $20,500,000,000 fiscal year 09. These authorization levels ensure that program levels are sufficiently high to enable the SBA to back the maximum amount of loans as possible and avoid credit rationing or shutdowns.

Providing appropriate authorization levels to adequately address the capital needs of small businesses is as important as ensuring that eligible borrowers have access to both fixed asset financing and working capital to address all of their small business needs. Currently, borrowers who need working capital under the 7(a) program and fixed asset financing through the 504 loan program are not able to utilize both SBA loan guaranty programs to their maximum amount and are therefore forced to choose between the two programs. To prevent a situation where a borrower is forced to choose between getting a much-needed facility or getting working capital, my bill specifies that the borrower can have financing under both loan programs at the maximum level, given they qualify for both programs. In previous years, both 7(a) and 504 loans were subsidized by appropriated funds to pay losses. It was therefore appropriate to restrict small businesses to choose between the two programs. However, both of these programs are now self-supporting, and it makes no sense to continue this restriction on borrowers.

One of our jobs on the Committee is to make sure that SBA-backed financing remains affordable to the small business community. As I just referenced, the 7(a) program is now self-funding. The Administration insisted on eliminating all funding for the loans, shifting the cost to borrowers and lenders, by imposing higher fees on them. The administration spins this as a "savings" of $100 million to taxpayers while the small business community considers this a "tax." In addition to this "tax," the President's budget shows that borrowers and lenders already pay too much in fees, generating more than $800 million in overpayments since 1992 because the government routinely over-estimates the amount of fees needed to cover the cost of the program. This is part of the reason that many of us in Congress, on both sides of the aisle, opposed eliminating funding for the program. This legislation seeks to address overpayments by requiring the SBA to lower fees if borrowers and lenders pay more than is necessary to cover the program costs or if the Congress happens to appropriate money for the program and combined with fees there is excess funding to cover the cost of the program. The Senate adopted this provision, offered by me and Senator LANDRIEU last year, to the fiscal year 2006 Commerce Justice State Appropriations bill.

In this reauthorization process, as I mentioned previously, I think it is important to look at specific programs and examine whether or not they are meeting their goals and intended mission. Part of the agency's mission is to fill the financing gap left by the private sector. According to a recent study by the U.S. Chamber of Commerce and Business Loan Express, availability of capital remains a priority for all small businesses, but for Hispanics and African Americans, it is one of their top three concerns. They are still more likely to use credit cards to finance their businesses, and they fear denial from lenders. Knowing of this need, I was deeply disappointed to see that although SBA's loan programs have increased lending overall, the figures surrounding the percentage of small business loans going to African-Americans, Hispanics, Asian Americans and women have not changed much since 2001. The administration will tell you that SBA has been "highly successful" in making business loans to minority groups facing competitive opportunity challenges. They claim that in fiscal year 2005, almost 30 percent of 7(a) loans and about 25 percent of 504 loans were made to minority groups. However, according to the SBA's own data, since 2001, while numbers of 7(a) loans have gone up for African Americans, the dollars have remained at 3 percent of all money loaned. In the 504 program, loans to women have decreased from 19 percent in number to 15 percent, and dropped from 16 percent to 14 percent in dollars. In the Microloan program, African Americans received 28 percent of the total number of microloans made in 2001 as compared to only 21 percent of the total number of loans made in 2005. Their microloan dollars have also decreased from $7.1 million to $5.7 million in 2005. Native Americans went from 2 percent of the total number of microloans made in 2001 to less than one percent—a mere .93 percent—in 2005.

These statistics are of great concern and demonstrate that the SBA has not been highly successful in playing an active role in fostering and encouraging robust entrepreneurial activity and small business ownership amongst these minority groups. The stagnant percentage of small business loans in these communities represents a failure of this Administration to provide an alternative means of obtaining capital to our underserved communities where funding has not been available throughout conventional lending methods.

To break this trend and increase the proportion of small business loans to minorities, and the percentage of loans to African Americans, Hispanics, and Asians relative to their share of the population, my bill creates an Office of Minority Small Business Development at the SBA, similar to offices devoted to business development of veterans and women and rural areas. In charge of the office will be the Associate Administrator for Minority Small Business and Capital Ownership Development with expanded authority and an annual budget to carry out its mission.

Currently this position is limited to carrying out the policies and programs of SBA's contracting programs required under sections 7(j) and 8(a) of the Small Business Act. To make sure that minorities are getting a great share of loan dollars, venture capital investments, counseling, and contracting, this bill expands its authority and duties to work with and monitor the outcomes for programs under Capital Access, Entrepreneurial Development, and Government Contracting. It also requires the head of the Office to work with SBA's partners, trade associations, and business groups to identify more effective ways to market to minority business owners, and to work with the head of Field Operations to ensure that district offices have staff and resources to market to minorities. The latter is important because when SBA implemented its extensive workforce transformation plans several years ago, it eliminated lending-related jobs with a partial justification that remaining staff would be trained to do outreach and marketing to the community. However, district offices are not provided with sufficient funds or resources to do the job.

In addition to setting sufficient program levels, giving our borrowers maximum loan options, reaching the underrepresented, and lowering fees to our borrowers, my bill makes great improvements in our lender operations. Lenders are key to providing these loans to small business borrowers throughout our nation. An exceptional lender in the 7(a) program will often become a "preferred lender," with the authority to approve, close, service and liquidate loans without the lender obtaining the prior specific approval of the agency. SBA requires that lenders request preferred lender status in each of the 70 districts it desires to operate. There are many problems with this system, and this bill streamlines and makes uniform the process, an advantage to borrowers, lenders and the SBA.

This preferred lender problem is not a new issue. During our last reauthorization in 2003, lenders complained that applying for lending autonomy in each of the 70 district office and branches is administratively burdensome, both for them and for the Agency staff, and that some district offices have taken advantage of the power to approve or disapprove lenders when they apply for this special lending status. I was very disappointed that this issue was not resolved in our last reauthorization. My bill attempts to alleviate this administrative burden on lenders and SBA staff who must process the application. My bill creates a National Preferred Lenders Program to allow lenders that have already demonstrated proficiency as a preferred lender the authority to operate in any state where it desires to make loans. To ensure that national preferred lenders are proficient and experienced, this bill requires the Administrator, no later than 60 days after enactment, to establish eligibility criteria for national preferred lenders but suggests that the criteria established include several things—consideration of whether the lender has experience as a preferred lender in not fewer than 5 district offices of the Administration for a minimum of 3 years in each territory, uniform written policies on the 7(a) loan program, including centralized loan approval, servicing, and liquidation functions and processes that are satisfactory to the administration.

If a national preferred lender fails to meet the eligibility requirements established by the Administrator, the lender shall be notified of this deficiency and allowed a reasonable time for correction. Failure to correct the deficiency may result in suspension or revocation as a national preferred lender.

Last, my legislation directs the SBA to establish a simple and straightforward alternative size standard for business loan applicants under section 7(a), similar to what is already available for borrowers in the 504 loan program, which utilizes maximum tangible net worth and average net income as an alternative to the use of industry standards. Currently, in order to be eligible for an SBA business loan, the borrower must meet the definition of small businesses. Pursuant to the Small Business Act, SBA has promulgated size standards by industry utilizing the North American Industry Classification System. The SBA table based on this system is over 20 pages, single-spaced, which has made this size standard very complicated for lenders to utilize.

In closing, I want to commend the community of 7(a) lenders for the tens of thousands of borrowers they reach every year, and for working with us to understand how to improve the program to attract more lenders and reach more borrowers. I hope that the Committee will act on this bill and other similar reauthorization bills before the current laws governing the 7(a) loan program expire on September 30, 2006. I ask unanimous consent that my remarks be printed in the RECORD.

By Mr. KERRY (for himself and Mr. PRYOR):

S. 2595. A bill to amend the Small Business Investment Act of 1958 to modernize the treatment of development companies; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, today, as Ranking Democrat on the Committee on Small Business and Entrepreneurship, I am introducing a reauthorization bill for the Small Business Administration's (SBA) 504 Loan Guaranty Program. This legislation goes beyond simply reauthorizing the 504 loan program. Not only does this bill provide adequate authorization levels in the 504 loan program, but it also takes on important oversight and accountability issues pertaining to the operation of Certified Development Companies (CDC). The issues that I will present in detail below are well overdue and failure on Congress's behalf to deal with them before the end of the fiscal year when the program expires will shortchange our borrowers, and ultimately our communities who reap the benefits of the local economic development that the 504 loan program is intended to provide.

For more than 20 years, the 504 loan program has provided long-term financing for growing businesses with long-term (up to 20 years), fixed-rate financing for major fixed assets, such as purchasing land and making improvements, including existing buildings, grading, street improvements, utilities, parking lots and landscaping; construction of new facilities, or modernizing, renovating or converting existing facilities; or purchasing long-term machinery and equipment. The 504 loan is made through a collaboration between the Certified Development Company (which provides 40 percent of the financing), a private sector lender (covering up to 50 percent of the financing) and a contribution of at least 10 percent from the small business being helped. This program is a national leader in federal economic development finance programs and demonstrates it through, creating or retaining over 1.4 million jobs, backing more than $25 billion in loans, and leveraging over $30 billion in private investment.

These incredible returns to our community could not be possible without the solid mission of the program that drives the types of projects and borrowers it serves. This program was not established to simply make loans—it was established to promote local economic development and to create jobs. I cannot think of another federal economic development program that has created over 605,000 jobs, as the 504 program has done. Last year alone, the 504 program created over 145,000 jobs. As the demand for 504 loans continues to grow, it is more important than ever to reaffirm the mission of the 504 program and to ensure that the 504 program is reauthorized at adequate levels to meet this growth.

To address this issue, my bill reauthorizes the 504 Loan Program for three additional years at $8,500,000,000, fiscal year 07, $9,500,000,000 fiscal year 08, and $10,500,000,000, fiscal year 09. These levels are based on the current pace of program growth to ensure that there is more than adequate authorization. The fiscal year 06 504 demand is projected to exceed $7 billion, and the last 3 years have shown growth rates of 28 percent, 26 percent, and 26 percent. A low authorization level would either force the SBA to shut down the program or to ration credit throughout the year to avoid a shut-down.

As I mentioned previously, this bill goes beyond simply reauthorizing the 504 loan program for an additional three years. It makes some much-needed changes to the structure of our CDCs, which are responsible for the delivery of this program and which are essential to the success of the 504 loan program.

Year after year, I have heard about the dangers that structural changes pose to the CDC industry and the 504 loan program in maintaining the mission of economic development. One of the major changes experienced by CDCs includes the centralization of all 504 loan processing, loan servicing and liquidation functions from 70 SBA district offices to one or two centers in the country. This has resulted in a huge backlog, estimated at 900 loans waiting to be liquidated. This backlog results in a loss of revenue through delaying or completely writing off defaulted loans. This has the potential to drive up subsidy costs of the program and therefore fees on borrowers, CDCs and lenders. This bill puts forward a solution to this issue by decentralizing liquidation functions and allowing CDCs, if they choose, to foreclose and liquidate defaulted loans or to contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. However, CDCs are not required to liquidate until SBA has come up with a program to compensate and reimburse them for all expenses pertaining to foreclosure and liquidation. The expenses would be approved in advance by the Administrator or on an emergency basis.

The biggest structural change that has had a tremendous impact on our not-for-profit CDCs is the ability to expand operations into multiple states. This structural change, in conjunction with the growing demand for 504 loans and CDC operations in providing these loans to small businesses, requires Congress to set a statutory course that preserves the local economic development intent and mission of the program through accountability measures. The 504 program was not created for CDCs to expand operations and simply create revenue from one state to another. CDCs are more than lenders and should not act like for-profit banks.

My bill ensures that local communities continue to be the main focus of CDCs by requiring that the 25 members of their board and board of directors be residents of the area of operations. In addition, CDCs will be required to annually submit to the SBA a report on the use of all excess funds and local economic development activities in each state of operation. This ensures that the members engage, invest, and are held accountable to the communities they serve.

In addition to preserving and growing the 504 loan program, I think it is very important to ensure that low-income communities have access to 504 loans. As you may know, in 2000 Congress enacted the New Markets Tax Credit program to facilitate private sector investment in low-income communities.

Theoretically, the program was designed to encourage private investors who may never have considered investing in low-income communities to do so, thereby attracting new sources of private capital for a variety of projects, including retail, childcare and primary healthcare centers, which in turn attracts jobs, services and additional opportunities to areas that have historically had a difficult time sustaining economic development. My bill creates a new public policy goal for the "expansion of businesses in low-income communities" and defines low-income areas as those areas which would be eligible for new market tax credits. Under public policy goals, a borrower can get a higher loan than the standard limit of $1.5 million. For example, a borrower could receive a 504 loan of up to $2 million if the proceeds will be directed toward this new public policy goal, or any of the currently established eight public policy goals. It is my hope that this incentive will increase the number of 504 loans in low-income communities and therefore build wealth, economic security, and employment opportunities which benefit the entire surrounding community.

I want to thank Senator PRYOR for his sponsorship of this legislation, and thank the many members of the 504 community for working with us to identify ways to make this program better than ever. I look forward to working with them to enact this legislation before the fiscal year expires on September 30, 2006, and ask unanimous consent that my statement be included in the RECORD.

By Mr. KERRY:

S.J. Res. 33. A joint resolution to provide for a strategy for successfully empowering a new unity government in Iraq; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, 39 years ago this week Dr. Martin Luther King gave a speech at the Riverside Church in New York about the war in Vietnam. He began with these words:

> I come to this magnificent house of worship tonight because my conscience leaves me no other choice.

His message was clear. Despite the difficulty of opposing the government's policy during time of war, he said, "We must speak with all the humility that is appropriate to our limited vision, but we must speak."

I am here today to speak about Iraq. There should be humility enough to go around for a Congress that shares responsibility for this war. I believe the time has come again when, as Dr. King said, we must move past indecision to action.

I have many times visited the Vietnam Memorial Wall, as many Vietnam veterans have. When you walk down the path of either side of that wall, east and west of the panels, you walk down to the center of the wall where it comes together in a V. That V represents both the beginning of the war and the end of the war because the names start at that V and go all the way up one end, east, and then they come back from the west.

I remember standing there once after reading "A Bright Shining Lie," by Neil Sheehan, Robert McNamara's memoirs, and many other histories of that war. One cannot help but feel the enormity of the loss, of the immorality that our leaders knew that the strategy was wrong and that almost half the names were added to that wall after the time that people knew our strategy would not work. It was immoral then and it would be immoral now to engage in the same delusion with respect to our policy in Iraq.

Obviously, every single one of us would prefer to see democracy in Iraq. We want democracy in the whole Middle East. The simple reality is, Iraqis must want it as much as we do, and Iraqis must embrace it. If the Iraqi leadership is not ready to make the changes and the compromises that democracy requires, our soldiers, no matter how valiant—and they have been valiant—can't get from a humvee or a helicopter.

The fact is, our soldiers have done a stunning job. I was recently in Iraq with Senator WARNER and Senator STEVENS. I have been there previously. No one can travel there and talk to our soldiers and not be impressed by their commitment to the mission, by their sacrifice, by their desire to have something good come out of this, and by the remarkable contribution they have made to give Iraqis the opportunity to create a democratic future for their country. Our soldiers have done their job. It is time for the newly elected Iraqi leadership to do theirs. It is time for America's political leaders to do theirs.

President Bush says we can't lose our nerve in Iraq. It takes more nerve to respond to mistakes and to adjust a policy that is going wrong than it does to stubbornly continue down the wrong path.

Last week, Secretary Rice acknowledged "thousands" of mistakes in Iraq. Amazingly, nobody has been held accountable for those mistakes. But our troops have paid the price, and our troops pay the price every single day. Yet the President continues to insist on a vague and counterproductive strategy that will keep U.S. forces in Iraq indefinitely.

I accept my share of responsibility for the war in Iraq. As I said in 2004, knowing what we know now, I would not have gone to war, and I certainly wouldn't have done it the way the President did. My frustration is that many of us all along the way have offered alternatives to the President. Countless numbers of Senators, Republican and Democrat alike, have publicly offered alternative ways of trying to achieve our goals in Iraq.

I have listened to my colleagues, Senator FEINGOLD, Senator BIDEN, Senator HAGEL, the Presiding Officer, and others all talk about ways in which we could do better. But all of these, almost all of them without exception, have been left by the wayside without any real discussion, without any real dialog, without any real effort to see if we could find a common ground. My frustration is that we keep offering alternatives.

In 2003, in 2004, 2005, 2006, year after year, we put them on the table, but they get ignored and then we get further in the hole, the situation gets worse, and we are left responding, trying to come back to a worse situation than the one we were responding to in the first place. And we keep putting out possibilities, and the possibilities keep being left on the sidelines.

Time after time, this administration has ignored the best advice of the best experts of the country, whether they be our military experts or former civilian leaders of other administrations or our most experienced voices on the Committee on Armed Services and Foreign Relations Committee of the U.S. House and Senate.

The administration is fond of saying that we shouldn't look back, that recrimination only helps our enemies, that we have to deal with the situation on the ground now. Well, we do have to deal with the situation on the ground now, but we have to deal with it in a way that honors the suggestions and ideas of a lot of other people who have concerns about our forces on the ground and our families at home and our budget and our reputation in the world and our need to respond to Afghanistan, North Korea, and Iran.

Frankly, accountability and learning from past mistakes is the only way to improve both policies and institutions. Let me, for the moment, go along with this idea, the administration's idea. Let me focus on the here and now and let's face that reality honestly and let's act accordingly.

You have to live in a fantasy world to believe we are on the brink of domestic peace and a pluralistic democracy in Iraq. One has to be blind to the facts to argue that the prospects for success are so great they outweigh the terrible costs of the President's approach. And you have to be incapable of admitting failure not to be able to face up to the need to change course now. Yes, change course now.

Our soldiers on the ground have learned a lot of terrible lessons in Iraq. All you have to do is talk to some of the soldiers who have returned, as many of us have. It is time those of us responsible for the policies of our country learn those lessons. It is clear the administration's litany of mistakes has reduced what we can reasonably hope to accomplish. Any reasonable, honest observer—and there are many in the Senate who have gone over to Iraq and have come back with these views—knows that the entire definition of this mission has changed and the expectations of what we can get out of this mission have changed.

I, for one, will not sit idly by and watch while American soldiers give their lives for a policy that is not working. Let me say it plainly. Withdrawing U.S. troops from Iraq over the course of the year in a timely schedule is actually necessary to give democracy the best chance to succeed, and it is vital to America's national security interests.

Five months ago, I went to Georgetown University. I gave a speech where I said that we were then entering the make-or-break period, a make-or-break 5-month, 6-month period in Iraq. I said the President must change course and hold Iraqis accountable or Congress should insist on a change in policy. And I set a goal then, back in November, that we should try to reduce American combat forces and withdraw them by the end of this year.

The situation on the ground has now changed for the worse since then. In fact, we are now in the third war in Iraq in as many years. The first war was against Saddam Hussein and his alleged weapons of mass destruction. The second war was against Jihadist terrorists whom the administration said it was better to fight over there than over here. And now we find our troops in the middle of a low-grade civil war that could explode into a full civil war at any time.

While the events in Iraq have changed for the worse, the President has not changed course for the better. It is time for those of us in Congress who share responsibilities constitutionally for our policy to stand up and change that course. We have a constitutional responsibility, and we have a moral responsibility not to sit on the sidelines while young Americans are in harm's way.

That is why today I am introducing legislation that will hold the Iraqis accountable and make the goal of withdrawing the most American forces a reality. I personally believe that most of those forces could be and should be out of Iraq by the end of the year. This war, in the words of our own generals, cannot be won militarily. It can only be won politically.

General Casey said, of our large military presence, it "feeds the notion of occupation" and it "extends the amount of time that it will take for Iraqi security forces to become self-reliant."

That is General Casey saying that the large force of American presence in Iraq contributes to the occupation and extends the amount of time. Zbigniew Brzezinski put it:

> The U.S. umbrella, which is in effect designed to stifle these wars but it is so poor that it perpetuates them, in a sense keeps these wars alive . . . and [is] probably unintentionally actually intensifying them.

Richard Nixon's Secretary of Defense, Melvin Laird, breaking a 30-year silence, summed it up simply:

> Our presence is what feeds the insurgency.

The bottom line is that as long as American forces remain in large numbers, enforcing the status quo, Americans will be killed and maimed in a crossfire of vicious conflict that they are powerless to end. We pay for the President's reluctance to face reality in both American dollars and in too many lives. American families pay in the loss of limb and the loss of loved ones.

I don't think we should tolerate what is happening in Iraq today. We can no longer tolerate the political games currently being played by Iraqi politicians in a war-torn Baghdad. No American soldier, not one American soldier, should be sacrificed for the unwillingness of Iraqi politicians to compromise and form a unity government.

We are now almost 5 months since the election. What is happening is the daily game being played by Iraqis who listen to the President say we will be here to the end. There is no sense of urgency, there is no sense of impending need to make a decision. The result is they just go on bickering and they go on playing for advantage while our troops drive by the next IED and the next soldier returns to Walter Reed or to Bethesda without arms and limbs.

Given the recent increase in deadly sectarian strife, Iraq urgently needs a strong unity government to prevent a full-fledged civil war from breaking out and becoming the failed state that all of us have wanted to avoid. I believe the current situation is actually allowing them to go down the road toward that sectarian strife rather than stopping them.

Thus far, step by step, Iraqis have only responded to deadlines. It took a deadline to transfer authority to the provisional government. It took a deadline for the first election to take place. It took a deadline for the referendum on the Constitution. It took a deadline for the most recent election. It is time for another deadline, and that deadline is to say to them that they have to come together and pull together and put together a government or our troops are going to withdraw. And under circumstances over a period of time, we will withdraw in order to put Iraq up on its own two feet.

Iraqi politicians should be told in unmistakable language: You have until May 15 to put together an effective unity government or we will immediately withdraw our military.

I know some colleagues and other people listening will say: Wait a minute. You mean we are going to automatically withdraw our military if they don't pull it together?

The answer is: You bet we ought to do that. Because there isn't one American soldier who ought to be giving up life or limb for the procrastination and unwillingness of Iraqis who have been given an extraordinary opportunity by those soldiers to take hold of democracy and who are ignoring it and playing for advantage. We all know that after the last elections, the momentum was lost by squabbling interim leaders. Everybody sat around and said, coming up to this election, the one thing we can't do is allow the momentum to be lost. Guess what. It has been lost. It has been squandered, again. We are sitting there with occasional visits, occasional speeches but without the kind of sustained diplomacy necessary to provide a resolution. It has gone on for too long, again.

If Iraqis aren't willing to build a unity government in 5 months, then how long does it take and what does it take? If they are not willing to do it, they are not willing to do it. It is that simple. The civil war will only get worse. And if they are not willing to do it, it is because there is such a fundamental intransigence that we haven't broken, that civil war, in fact, becomes inevitable, and our troops will be forced to leave anyway.

The fact is, we have no choice but to get tough and to ratchet up the pressure. We should immediately accelerate the redeployment of American forces to rear guard, garrisoned status for security backup, training, and emergency response. Special operations against al-Qaida in Iraq should be initiated on hard intelligence leads only.

If the Iraqi leaders finally do their job, which I believe you have a better chance of getting them to do if you give them a timetable, then we have to agree on a schedule for leaving, withdrawing American combat forces by the end of the year. The only troops that remain should be those critical to finishing the job of standing up Iraqi security forces.

Such an agreement will have positive benefits in Iraq. It will empower and legitimize the new leadership and the Iraqi people. It will expedite the process of getting the Iraqis to assume a larger role of running their own country. And it will undermine support for the insurgency among the now 80 percent of Iraqis who want U.S. troops to leave. In short, it will give the new Iraqi Government the best chance to succeed in holding the country together while democratic institutions can evolve.

This deadline makes sense when you look at the responsibilities that Iraqis should have assumed by then. Formation of a unity government would constitute a major milestone in the transfer of political responsibility to the Iraqis. Even the President has said that responsibility for security in the majority of the country should be able to be transferred to the Iraqis by this time. If the President believes that it should be able to be transferred to the Iraqis by this time, why not push that eventuality and make it a reality? By the end of the year, our troops will have done as much as they possibly can to give Iraqis the chance to build a democracy. I again remind my colleagues, we are still going to have the ability to have over-the-horizon response for emergency, as well as over-the-horizon response to al-Qaida. And we will have the ability to continue to train those last forces to make sure they are in a position to stand up for Iraq.

The key to this transition is a long overdue engagement in serious and sustained diplomacy. I want to say a word about this. I am not offering this plan in a vacuum. Critical to the achievement of all of our goals in Iraq is real diplomacy. Starting with the leadup to the war, our diplomatic efforts in Iraq have ranged from the indifferent to the indefensible. History shows that effective diplomacy requires persistent hands-on engagement from the highest levels of America's leadership. Top officials in the first Bush administration worked directly and tirelessly to put together a real coalition before the first Gulf War, and President Clinton himself took personal responsibility at Camp David for bringing the Israelis and Palestinians together and leading the comprehensive effort to resolve the conflict in the Middle East. This type of major diplomatic initiative has proven successful in many places in American history.

Most recently, in 1995, there was a brutal civil war in Bosnia involving Serbs, Croats, and Muslims. Faced with a seemingly intractable stalemate in the midst of horrific ethnic cleansing, the Clinton administration took action—direct, personal, engaged action. Led by Richard Holbrooke, they brought leaders of the Bosnian parties together in Dayton, OH, with representatives from the European Union, Russia, and Britain to hammer out a peace agreement. NATO and the United Nations were given a prominent role in implementing what became known as the Dayton Accords.

In contrast, this President Bush has done little more than deliver political speeches, while his cronies in the White House and outside blame the news media for the mess the administration has created in Iraq. We keep hearing: They are not telling the full story. They are not telling the story.

Secretary of State Rice's brief surprise visit to Iraq a few days ago pales in comparison to the real shuttle diplomacy that was practiced by predecessors such as James Baker and Henry Kissinger. Given what is at stake, it is long since time to engage in that. I can remember Henry Kissinger going from one capital to the next capital, back and forth, engaged, pulling people together. Jim Baker did the same thing. There was a genuine and real effort to leverage the full prestige and full power of the United States behind a goal. That is absent here.

Ambassador Khalilzad is a good man, and he has done a terrific job, almost by himself, left almost to his own devices. That is not the way to succeed. Given what is at stake, it is past time to engage in diplomacy that matches the effort of our soldiers on the ground. We should immediately bring the leaders of the Iraqi factions together at a Dayton-like summit that includes our allies, Iraq's neighbors, members of the Arab League, and the United Nations. The fact is, a true national compact is needed to bring about a political solution to the insurgency. That is how you end the sectarian violence. Our soldiers going on patrol in a striker or a humvee, walking through communities will not end this violence. Our generals have told us, it can only be ended politically. Yet where is the kind of political effort that our Nation has seen in history now, trying to effect what our soldiers have created an opportunity to effect through their sacrifice?

Iraqis have to reach a comprehensive agreement that includes security guarantees, disbanding the militias, and ultimately, though not necessarily at this conference, confronting some of the questions of the Constitution. All of the parties must reach agreement on a process for reviving reconstruction efforts and securing Iraq's borders. Our troops cannot be left hanging out there without that kind of effort to protect them.

At this summit, Shiite religious leaders must agree to rein in their militias and to commit to disbanding them. They also have to work with Iraqi political leaders to ensure that the leadership of the Interior Ministry and the police force under its control is nonsectarian. Shiite and Kurdish leaders must make concessions necessary to address Sunni concerns about federalism and equitable distribution of oil revenues. There is no way the Sunnis are going to suddenly disband or stop the insurgency without some kind of adequate guarantee of their security and their participation in the process. That was obvious months ago. It is even more obvious today. It still remains an open question.

The Sunnis have to accept the reality that they will no longer dominate Iraq. Until a sufficient compromise is hammered out, a Sunni base cannot be created that isolates the hard-core Baathists and jihadists and defuses the insurgency itself. We must work with Iraqis at the summit to convince Iraq's neighbors that they can no longer stand on the sidelines while Iraq teeters on the edge of a civil war that could bring chaos to the entire region. Where they can help the process of forming a government, they need to step up. And for my colleagues who suggest that somehow withdrawing American forces will put that region at greater risk, I say "no." I say that an over-the-horizon deployment, a deployment in Kuwait and elsewhere, diffusing the insurgency, and an adequate effort to diplomatically pull together this kind of summit is the only way to diffuse the insurgency and ultimately strengthen the region.

The administration must also work with Iraqi leaders in seeking a multinational force to help protect Iraq's borders until finally a national army of Iraq has developed the capacity to do that itself. Frankly, such a force, if sanctioned by the United Nations Security Council, could attract participation by Iraq's neighbors, countries such as India and others, that would be a critical step in stemming the tide of insurgents and of encouraging capital to flow into Iraq.

To be credible with the Iraqi people, the new government must deliver goods and services at all levels. It is absolutely stunning—I don't know how many Americans are even aware of the fact—that today, several years later, electricity production is below where it was before the war. It is at 4,000 megawatts compared to the 4,500 before the war. Crude oil production has declined from a prewar level of 2.5 million barrels per day to 1.9 million barrels per day. We were told that oil was going to pay for this war. That has to change. Countries that have promised money for reconstruction, particularly of Sunni areas, haven't paid up yet. The money is not on the table.

We can also do our part on the ground. Our own early reconstruction efforts were—now known to everybody—poorly planned and grossly mismanaged. But as I saw on a recent trip to Iraq, the efforts of our civilian military provisional reconstruction teams, which have the skills and capacity to strengthen governance and institution building around the country, are beginning to take hold. We need to stand up more of those teams as fast as possible. If we do that in the same context as we find the political resolution, then you have a chance.

We must also continue to turn the job of policing the streets and providing security over to Iraqi forces. That means giving our generals the tools they need to finish training an Iraqi police force that is trusted and respected on the street by the end of the year. It also means finishing the training of Iraqi security forces with U.S. troops acting only on the basis of hard intelligence to combat terrorist threats.

The withdrawal of American forces from Iraq is necessary not only to give democracy in Iraq the best chance to succeed, it is also vital to our own national security interests.

We need to pay more attention to our own vital national security interests. We will never be as safe as we ought to be if Iraq continues to distract us from the most important war we need to win—the war on Osama bin Laden, al-Qaida, and the terrorists who are resurfacing even in Afghanistan.

To make it clear, despite everything this administration has said, today, al-Qaida, and the Taliban, even, are more dangerous in northwest Pakistan and northeast Afghanistan than Iraq is to us at this moment in time. There is a greater threat from al-Qaida, which has dispersed cells and through its training and abilities to organize, in Afghanistan than in the place that is consuming most of America's forces and money.

The way to defeat al-Qaida is not by serving as their best recruitment tool. Even Brent Scowcroft, George H. W. Bush's National Security Adviser, has joined the many experts who agree that the war in Iraq actually feeds terrorism and increases the potential for terrorist attacks against the United States. The results speak for themselves: The number of significant terrorist attacks around the world increased from 175 in 2003 to 651 in 2004, and it has continued to increase in 2005.

The President keeps talking about al-Qaida's intent to take over Iraq. I have not met anybody in Iraq—none of the leaders on either side, not Kurds, the Shia, or Sunni—who believes a few thousand, at most—and by many estimates, less than a thousand—foreign jihadists are a genuine threat to forcibly take over a country of 25 million people. And while mistake after mistake by this administration has actually turned Iraq into the breeding ground for al-Qaida that it was not before the war, large numbers of United States troops are not the key to crushing these terrorists.

In fact, Iraqis have begun to make clear their own unwillingness to tolerate foreign jihadists. Every Iraqi I talked to said to me: When we get control and start moving forward, we will deal with the jihadists. They don't want them on Iraqi soil, and they have increasingly turned on these brutal foreign killers who are trying to foment a civil war among Iraqis. This process will only be complete when Iraqis have taken full responsibility for their own future, and resistance to a perceived occupation no longer provides them any common cause with jihadists.

As General Anthony Zinni said on Sunday, building up intelligence-gathering capability from Iraqis is essential to defeating the insurgency. He said:

> We're not fighting the Waffen S.S. here. They can be policed up if the people turn against them. We haven't won the hearts and minds yet.

Once again, I remind my colleagues, the hearts and minds of the Iraqis will be more susceptible to being won when American forces are not there in the way they are now, in a way that can be used as the recruitment tool that it has been, when 80 percent of the Iraqi people suggest that American forces ought to leave.

After the bulk of U.S. forces have been withdrawn, I believe it is essential to keep a rapid reaction force over the horizon. That force can be over the horizon within the desert itself, or it can be in Kuwait, and that can be used to act against terrorist enclaves. Our air power—the air power we used to police two-thirds of the no-fly zone in Iraq before the war—will always ensure our ability to bring overwhelming force to bear to protect the U.S. interests in the region. The bottom line is that working together with Iraqis from inside and outside Iraq, we can prosecute the war against al-Qaida in Iraq more effectively than we are today.

Withdrawing U.S. troops will also enable us to more effectively combat threats around the world. But winning the war on terror requires more than the killing we have seen from 3 years of combat. The fact is that just taking out terrorists, as our troops have been doing, is not going to end the flow of terrorists who are recruited, for all of the reasons that we understand. The cooperation critical to lasting victory in the region is going to be enhanced when Abu Ghraib, Guantanamo, civil chaos, and mistake after mistake in Iraq no longer deplete America's moral authority within the region.

This is also key to allowing us to repair the damage that flag officers fear has been done to our Armed Forces. I know my colleagues on the other side of the aisle—members of the Armed Services Committee and Intelligence Committee—have heard from flag officers in private about what is happening to the Armed Forces of our country. We know it will take billions of dollars to reset the equipment that has been lost, damaged, or worn out from 3 years of combat. In the National Guard alone, units across the country have only 34 percent of their authorized equipment, including just 14 percent of the chemical decontamination equipment they need. That is a chilling prospect if they are ever asked to respond to a terrorist incident involving weapons of mass destruction.

The fact is the Army is stretched too thin. Soldiers and brigades are being deployed more frequently and longer than the Army believes is best in order to continue to attract the best recruits. Recruiting standards have been changed and recruitment is suffering. The Army fell 6,700 recruits short of their needs in 2005—the largest shortfall since 1979. Recruitment is suffering today. Not only are American troops not getting leadership equal to their sacrifice on the civilian side, but our generals are not getting enough troops to accomplish their mission of keeping the country safe.

The fact is that in the specialties—special forces, translators, intelligence officers, for the Marines, for the Army, for the National Guard—our recruitments are below the levels they ought to be.

Withdrawing from Iraq will also enable us to strengthen our efforts to prevent the proliferation of weapons of mass destruction. Iran, the world's leading state sponsor of terrorism, is absolutely delighted with our presence in Iraq. Why? Because it advances their goals, keeping us otherwise occupied, and it allows them to make mischief in Iraq itself at their choice. Their President is so emboldened that he has openly called for the destruction of Israel, while defying the international community's demands to stop developing its nuclear weapons capability. Could that have happened prior to our being bogged down the way we are?

North Korea has felt at liberty to ignore the six-party talks, while it continues to stockpile more nuclear weapons material.

Any effort to be stronger in dealing with the nuclear threat from Iran and North Korea is incomplete without an exit from Iraq. It will also enable us to more effectively promote democracy in places such as Russia, which is more than content to see us bogged down while President Putin steadily rolls back democratic reforms.

China benefits from us throwing hundreds of billions of dollars into Iraq instead of into economic competition and job creation here at home. Our long-term security requires putting the necessary resources into building our economy and a workforce that can compete and win in the age of globalization. We cannot do as much as we need to—not nearly as much as we need to—while the war in Iraq is draining our treasury.

Finally, we have not provided anywhere near the resources necessary to keep our homeland safe. Katrina showed us in the most graphic way possible that 5 years after 9/11, we are woefully unprepared to handle a natural disaster that we know is coming a week in advance, let alone a catastrophic terrorist attack we have no notice of. Removing the financial strain of Iraq will free up funds for America's homeland defense.

The time has come for the administration to acknowledge the realities that the American people are increasingly coming to understand—the realities in Iraq and the requirements of America's national security. Stop telling us that terrible things will happen if we get tough with the Iraqis, when terrible things happen every single day because we are not tough enough. If we don't change course and hold the Iraqis accountable now, I guarantee you it will get worse.

Ignoring all of the warnings, and ignoring history itself, in a flourish of ideological excess, this administration has managed to make the ancient cradle of civilization look a lot like Vietnam. But there is a path forward if we start making the right decisions.

As Dr. King said so many years ago:

> The choice is ours, and though we might prefer it otherwise, we must choose in this crucial moment of human history.

Now is the moment of choice for Iraq, for America, and for this Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 434—DESIGNATING THE WEEK OF MAY 22, 2006, AS "NATIONAL CORPORATE COMPLIANCE AND ETHICS WEEK."

Mr. SANTORUM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 434

Whereas the United States has experienced corporate scandals in recent years, resulting in serious legislation and regulation dealing with professional responsibility, ethics, and compliance programs;

Whereas the Sarbanes-Oxley Act of 2002 is a compelling example of legislative guidance that recognizes the important role of compliance programs for organizations that desire to maintain ethical and law-abiding workplaces, services, and products;

Whereas the Federal Sentencing Guidelines, including recent amendments to the Federal Sentencing Guidelines, emphasize and reinforce that there are specific consequences for noncompliance;

Whereas many companies in the United States have responded by developing and implementing corporate ethics and compliance programs intended to detect and prevent violations of law, such as establishing a high level official to oversee compliance and integrity in the organization, auditing and monitoring mechanisms to test compliance, reporting mechanisms such as hotlines to ensure open communication, and training programs designed to educate employees on the laws, regulations, and policies that affect their business operation;

Whereas the private sector has organized to provide the necessary resources for ethics and compliance professionals and others who wish to promote quality compliance through organizations such as the Health Care Compliance Association and the Society for Corporate Compliance and Ethics; and

Whereas the establishment of a National Corporate Compliance and Ethics Week would celebrate the creation and maintenance of these ethics and compliance programs, and their resulting impact on the integrity, ethics, and compliance of the organizations that have created them: Now, therefore, be it

Resolved, That the Senate designates the week of May 22, 2006, as "National Corporate Compliance and Ethics Week".

SENATE RESOLUTION 435—HONORING THE ENTREPRENEURIAL SPIRIT OF AMERICA'S SMALL BUSINESSES DURING NATIONAL SMALL BUSINESS WEEK, BEGINNING APRIL 9, 2006

Ms. SNOWE (for herself, Mr. KERRY, Mr. ALLEN, Mr. THUNE, Mr. BURNS, Mr. ISAKSON, Mr. BAYH, Mr. FRIST, Mr. COLEMAN, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 435

Whereas America's 25,000,000 small businesses have been the driving force behind the Nation's economy, creating more than 75 percent of all new jobs and generating more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and in the growth of the Nation's economy;

Whereas the programs and services of the Small Business Administration have time and again proven their value, having helped to create or retain over 5,300,000 jobs in the United States since 1999;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small businesses compete;

Whereas, for more than 50 years, the Small Business Administration has helped more than 23,000,000 Americans start, grow, and expand their businesses and has placed almost $280,000,000,000 in loans and venture capital financing in the hands of entrepreneurs;

Whereas the Small Business Administration, established in 1953, has provided valuable service to small businesses through financial assistance, procurement assistance, business development, small business advocacy, and disaster recovery assistance;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth in underserved communities; and

Whereas the Small Business Administration will mark National Small Business Week, beginning April 9, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of America's small businesses during the Small Business Administration's National Small Business Week, beginning April 9, 2006;

(2) supports the purpose and goals of National Small Business Week, and the ceremonies and events to be featured during the week;

(3) commends the Small Business Administration and the resource partners of the Small Business Administration for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(4) applauds the achievements of small business owners and their employees, whose entrepreneurial spirit and commitment to excellence has been a key player in the Nation's economic vitality.

SENATE RESOLUTION 436—URGING THE FEDERATION INTERNATIONALE DE FOOTBALL ASSOCIATION TO PREVENT PERSONS OR GROUPS REPRESENTING THE ISLAMIC REPUBLIC OF IRAN FROM PARTICIPATING IN SANCTIONED SOCCER MATCHES

Mr. MCCAIN (for himself, Mr. LUGAR, Ms. COLLINS, Mr. LIEBERMAN, Mr. ENSIGN, Mr. MENENDEZ, and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 436

Whereas, since 1984, the Islamic Republic of Iran has been identified by the Department of State as an active sponsor of terrorism;

Whereas an Iran capable of deploying nuclear weapons constitutes a threat to international peace and security;

Whereas, in July 2003, the Iranian Ministry of Defense confirmed the results of a successful test of an intermediate range ballistic missile that is capable of striking Israel;

Whereas, since February 2003, Iran has—

(1) consistently misled the United Nations, the International Atomic Energy Agency, the European Union, and the United States about the scope of its nuclear activities; and

(2) taken steps to produce weapons-grade uranium;

Whereas top officials of Iran have repeatedly threatened the United States, including—

(1) Ayatollah Ali Khamenei, who stated in June 2004 that "[t]he world of Islam has been mobilized against America for the past 25 years. The peoples call, 'death to America'. Who used to say death to America? Who, besides the Islamic Republic and the Iranian people, used to say this? Today, everyone says this.";

(2) members of the parliament of Iran who, on October 2004, shouted "Death to America" as that body unanimously approved legislation requiring the Government to resume uranium enrichment; and

(3) President Ahmadinejad, who stated on October 2005 that "God willing, with the

force of God behind it, we shall soon experience a world without the United States and Zionism", and referred to a world without the United States as "a possible goal and slogan";

Whereas the Iranian President, Mahmoud Ahmadinejad, in an October 26, 2005, address at the World Without Zionism conference in Tehran, declared that—

(1) Israel is "a disgraceful blot [on] the face of the Islamic world";

(2) Israel "must be wiped off the map"; and

(3) "anybody who recognizes Israel will burn in the fire of the Islamic nation's fury";

Whereas President Ahmadinejad also stated on December 8, 2006, that "If the Europeans are honest they should give some of their provinces in Europe . . . to the Zionists, and the Zionists can establish their state in Europe";

Whereas Iran supports and provides funds to terrorist groups that are determined to destroy the State of Israel;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas President Ahmadinejad has denied the existence of the Holocaust on numerous occasions, including—

(1) on December 8, 2005, when at an Islamic conference in Mecca, Saudi Arabia, he declared that "Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces . . . although we don't accept this claim"; and

(2) on December 14, 2005, when on Iranian television, he remarked that "They have invented a myth that Jews were massacred and place this above God, religions and the prophets";

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust;

Whereas on June 9, 2006, the Federation Internationale de Football Association (referred to in this preamble as "FIFA") World Cup soccer tournament is scheduled to begin in the Federal Republic of Germany;

Whereas the Islamic Republic of Iran is a member of FIFA, and the Iranian national team is scheduled to play its opening match on June 11, 2006, in Nuremberg, Germany, which was the site of war crimes tribunals that tried Nazi leaders for atrocities and genocide against Jews during the Holocaust;

Whereas the International Olympic Committee barred the Republic of South Africa from the Olympics until 1992, when the country repealed all of its apartheid laws during the previous year;

Whereas, in October 1964, FIFA suspended the national soccer team of South Africa from international competition until the Government of South Africa ended its policy of apartheid in 1991;

Whereas, on May 30, 1992, in a resolution imposing diplomatic and economic sanctions on Yugoslavia, the United Nations Security Council called on member states of the United Nations to "take the necessary steps to prevent the participation in sporting events on their territory of persons or groups representing Yugoslavia.";

Whereas, in 1992, the Union of European Football Associations banned Yugoslavia from participating in the European soccer championships and prevented it from participating in the 1994 World Cup qualifying matches; and

Whereas Article 3 of the "Regulations Governing the Application of the FIFA Statutes" states that "Discrimination of any kind against a country, private person or groups of people on account of ethnic origin, gender, language, religion, politics or any other reason is strictly prohibited and punishable by suspension or expulsion.": Now, therefore, be it

Resolved, That the Senate—

(1) condemns the terrible statements issued by the Iranian president and demands that he repudiate them;

(2) calls on the United Nations Security Council and all countries to prevent Iran from acquiring nuclear weapons;

(3) strongly urges the Federation Internationale de Football Association (referred to in this resolution as "FIFA") to ban persons or groups representing the Islamic Republic of Iran from sanctioned international sporting competition, including the 2006 FIFA World Cup, until such time that Iran—

(A) rescinds its position disavowing the Holocaust;

(B) repudiates its calls for the eradication of the State of Israel;

(C) ends its support for terrorism; and

(D) ceases its pursuit of nuclear weapons; and

(4) calls on all FIFA members to support such actions within the appropriate FIFA governing bodies.

SENATE RESOLUTION 437—SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE MUSEUM

Mr. ENZI (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. COLEMAN, Mrs. BOXER, Mr. STEVENS, Mr. LAUTENBERG, Ms. MURKOWSKI, Mr. AKAKA, Mr. ISAKSON, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 437

Whereas museums are institutions of public service and education that foster exploration, study, observation, critical thinking, contemplation, and dialogue to advance a greater public knowledge, understanding, and appreciation of history, science, the arts, and the natural world;

Whereas, according to survey data, the people of the United States view museums as one of the most important resources for educating children;

Whereas museums have a long-standing tradition of inspiring curiosity in schoolchildren that is a result of investments of more than $1,000,000,000 and more than 18,000,000 instructional hours annually for elementary and secondary education programs in communities across the United States, creative partnerships with schools, professional development for teachers, traveling exhibits to local schools, digitization of materials for access nationwide, creation of electronic and printed educational materials that use local and State curriculum standards, and the hosting of interactive school field trips;

Whereas museums serve as community landmarks that contribute to the livability and economic vitality of communities through expanding tourism;

Whereas museums rank in the top 3 family vacation destinations, revitalize downtowns (often with signature buildings), attract relocating businesses by enhancing quality of life, provide shared community experiences and meeting places, and serve as a repository and resource for each community's unique history, culture, achievements, and values;

Whereas there are more than 16,000 museums in the United States and admission is free at more than half of these museums;

Whereas approximately 865,000,000 people visit museums annually and these people come from all ages, groups, and backgrounds;

Whereas research indicates Americans view museums as one of the most trustworthy sources of objective information and believe that authentic artifacts in history museums and historic sites are second only to their families in significance in creating a strong connection with the past;

Whereas museums enhance the public's ability to engage as citizens, through developing a deeper sense of identity and a broader judgment about the world, and by holding more than 750,000,000 objects and living specimens in the public trust to preserve and protect the cultural and natural heritage of the United States for current and future generations;

Whereas museums are increasingly entering into new partnerships with community educational institutions that include schools, universities, libraries, public broadcasting, and 21st Century Community Learning Centers, and these partnerships reach across community boundaries to provide broader impact and synergy for their community educational programs;

Whereas supporting the goals and ideals of the Year of the Museum would give Americans the opportunity to celebrate the contributions museums have made to American culture and life over the past 100 years; and

Whereas in 2006, museums of the United States are celebrating 100 years of collective contribution to our communities: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of the Year of the Museum.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3427. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3428. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3429. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3430. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3431. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3432. Mr. REED submitted an amendment intended to be proposed to amendment SA 3366 submitted by Mr. REED and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3433. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3382 submitted by Mr. STEVENS (for himself, Mr. SHELBY, Mr. INOUYE, and Mrs. HUTCHISON) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3434. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S . 2454, supra; which was ordered to lie on the table.

SA 3435. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S . 2454, supra; which was ordered to lie on the table.

SA 3436. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S . 2454, supra; which was ordered to lie on the table.

SA 3437. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3438. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3439. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3440. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3441. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3442. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3444. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3445. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3446. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3447. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3448. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3449. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3450. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3451. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3452. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3453. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3454. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3455. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3456. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3457. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3458. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3459. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3460. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3461. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3462. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3463. Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COBURN, Mr. BUNNING, Mr. CHAMBLISS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3464. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3465. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3466. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3467. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3468. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3469. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3470. Mr. INHOFE (for himself, Mr. ENZI, Mr. BYRD, Mr. COBURN, Mr. BUNNING, Mr. CHAMBLISS, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3471. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3472. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3473. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3474. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3475. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3476. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3478. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3479. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3480. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3481. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3482. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 3361 submitted by Mr. GRASSLEY (for himself and Mr. KYL) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3483. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3484. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3485. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3486. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3487. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3488. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3489. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3490. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3491. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3492. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3493. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3494. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3495. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3496. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3497. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3498. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3499. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3500. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3501. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3502. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3503. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3504. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3505. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3506. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3507. Mr. REID (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3508. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3509. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3510. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3511. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3512. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3513. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3514. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3515. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3520. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3525. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3526. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3527. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3528. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3530. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3531. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3532. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3533. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3534. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3535. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3536. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3537. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3538. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3539. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3540. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3541. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3542. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3543. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3544. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3545. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3546. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3547. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3548. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3549. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3550. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3551. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3552. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3553. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3554. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3555. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3556. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3557. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3558. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3421 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3559. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3560. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3561. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3562. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3563. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3564. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3565. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3566. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3567. Mr. LEVIN (for himself, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3568. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3569. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3570. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3571. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3572. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3573. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3574. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3575. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3576. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3577. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3578. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3579. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3580. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3581. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3582. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3583. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3585. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3586. Mr. ENSIGN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3427. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In title I, at the end of subtitle B, add the following:

SEC. ___. SOUTHWEST BORDER SECURITY TASK FORCE.

(a) SHORT TITLE.—This section may be cited as the "Southwest Border Security Task Force Act of 2006".

(b) SOUTHWEST BORDER SECURITY TASK FORCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a Southwest Border Security Task Force Program to—

(A) facilitate local participation in providing recommendations regarding steps to enhance border security; and

(B) provide financial and other assistance in implementing such recommendations.

(2) NUMBER.—In carrying out the program established under paragraph (1), the Secretary shall establish at least 1 Border Security Task Force (referred to in this section as a "Task Force") in each State that is adjacent to the international border between the United States and Mexico.

(3) MEMBERSHIP.—Each Task Force shall be composed of representatives from—

(A) relevant Federal agencies;

(B) State and local law enforcement agencies;

(C) State and local government;

(D) community organizations;

(E) Indian tribes; and

(F) other interested parties.

(4) CHAIRMAN.—Each Task Force shall select a Chairman from among its members.

(5) RECOMMENDATIONS.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, each Task Force shall submit a report to the Secretary containing—

(A) specific recommendations to enhance border security along the international border between the State in which such Task Force is located and Mexico; and

(B) a request for financial and other resources necessary to implement the recommendations during the subsequent fiscal year.

(c) BORDER SECURITY GRANTS.—

(1) GRANTS AUTHORIZED.—The Secretary shall award a grant to each Task Force submitting a request under subsection (b)(5)(B) to the extent that—

(A) sufficient funds are available; and

(B) the request is consistent with the Nation's comprehensive border security strategy.

(2) MINIMUM AMOUNT.—Not less than 1 Task Force in each of the States bordering Mexico shall be eligible to receive a grant under this subsection in an amount not less than $500,000.

(3) REPORT.—Not later than 90 days after the end of each fiscal year for which Federal financial assistance or other resources were received by a Task Force, the Task Force shall submit a report to the Secretary describing how such financial assistance or other resources were used by the Task Force and by the organizations that its members represent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2010 to carry out this section.

SA 3428. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.

The Secretary shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico, to remain in New Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

SA 3429. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUAL REPORT ON THE NORTH AMERICAN DEVELOPMENT BANK.

Section 2 of Public Law 108-215 (22 U.S.C. 290m-6) is amended—

(1) in paragraph (1), by inserting after "The number" the following: "of applications received by, pending with, and awaiting final approval from the Board of the North American Development Bank and the number"; and

(2) by adding at the end the following:

"(8) Recommendations on how to improve the operations of the North American Development Bank.

"(9) An update on the implementation of this Act, including the business process review undertaken by the North American Development Bank.

"(10) A description of the activities and accomplishments of the North American Development Bank during the previous year, including a brief summary of meetings and actions taken by the Board of the North American Development Bank.".

SA 3430. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BORDER HEALTH SECURITY

SEC. 01. SHORT TITLE.

This Act may be cited as the "Border Health Security Act of 2006".

SEC. 02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term "border area" has the meaning given the term "United States-Mexico Border Area" in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-6).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. ___03. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. 04. BORDER HEALTH DEMONSTRATION PROJECTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to fund demonstration projects to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) demonstration programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other demonstration programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. ___05. PROVISION OF RECOMMEDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-3) is amended by adding at the end the following:

"(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concering issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.".

SEC. ___06. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational public health infrastructure and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

SA 3431. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY CERTIFICATION.

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who enters or entered the United States illegally, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

SA 3432. Mr. REED submitted an amendment intended to be proposed to amendment SA 3366 submitted by Mr. REED and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. _. CONDITIONAL NONIMMIGRANT WORK AUTHORIZATION AND STATUS.

Section 218D(c) of the Immigration and Nationality Act, as added by section 601, is amended to read as follows:

"(c) SPOUSES AND CHILDREN AND CERTAIN OTHER INDIVIDUALS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

"(1) adjust the status to that of a conditional nonimmigrant under this section for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under this section;

"(2) adjust the status to that of a conditional nonimmigrant under this section for an alien who, before January 7, 2004, was the spouse or child of an alien who is provided conditional nonimmigrant status under this section, or is eligible for such status, if—

"(A) the termination of the qualifying relationship was connected to domestic violence; and

"(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided conditional nonimmigrant status under this section; or

"(3) adjust the status to that of a conditional immigrant under this section for an individual who was present in the United States on January 7, 2004, and is the national of a country designated at that time for protective status pursuant to section 244.".

SA 3433. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3382 submitted by Mr. STEVENS (for himself, Mr. SHELBY, Mr. INOUYE, and Mrs. HUTCHISON) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike the title relating to improved maritime security and insert the following:

TITLE —IMPROVED MARITIME SECURITY

SEC. 500. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Maritime and Transportation Security Act of 2006."

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE V—IMPROVED MARITIME SECURITY

Sec. 501. Establishment of additional interagency operational centers for port security.
Sec. 502. Area maritime transportation security plan to include salvage response plan.
Sec. 503. Assistance for foreign ports.
Sec. 504. Specific port security initiatives.
Sec. 505. Technical requirements for non-intrusive inspection equipment.
Sec. 506. Random inspection of containers.
Sec. 507. Port security user fee study.
Sec. 508. Port security grants.
Sec. 509. Work stoppages and employee-employer disputes.
Sec. 510. Inspection of car ferries entering from Canada.

TITLE V—IMPROVED MARITIME SECURITY

SEC. 501. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in and maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

SEC. 502. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.".

SEC. 503. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 70109. International cooperation and coordination"; and

(2) by adding at the end the following:

"(c) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

"(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

"(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section —— of the Maritime and Transportation Security Act of 2006 Act;

"(3) to implement the requirements of the container security initiative under section 70117; and

"(4) to implement standards and procedures established under section 70119.".

(b) Conforming Amendment.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

"70901. International cooperation and coordination".

SEC. 504. SPECIFIC PORT SECURITY INITIATIVES.

(a) In General.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(6) by inserting after section 70115 the following:

"§ 70116. Automated targeting system

"(a) In General.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

"(b) 24-Hour Advance Notification.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

"(c) Secure Transmission; Confidentiality.—All information required by the Secretary from supply chain partners under this section shall—

"(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

"(2) shall not be subject to public disclosure under section 552 of title 5.

"(c) Authorization of Appropriations.—

"(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

"(A) $30,700,000 for fiscal year 2007;

"(B) $33,200,000 for fiscal year 2008; and

"(C) $35,700,000 for fiscal year 2009.

"(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

"§ 70117. Container security initiative

"(a) In General.—The Secretary shall issue regulations to—

"(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

"(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

"(b) Implementation.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

"(c) Application of Container Security Initiative to Other Ports.—

"(1) In general.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

"(A) the seaport—

"(i) presents a significant level of risk;

"(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

"(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

"(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

"(2) Coordination with international cargo security standards.—In carrying out paragraph (a), the Secretary shall—

"(A) consult with the Secretary of State concerning progress under section 70109(d); and

"(B) coordinate activities under paragraph (1) with activities conducted under that section.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $142,000,000 for fiscal year 2007;

"(2) $144,000,000 for fiscal year 2008; and

"(3) $146,000,000 for fiscal year 2009.

"§ 70118. Customs-Trade Partnership Against Terrorism validation program

"(a) In General.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

"(b) Validation; Records Management.—The Secretary shall issue regulations—

"(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

"(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

"(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

"(B) tracking member status.

"(b) Human Capital Plan.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

"(c) Revalidation.—The Secretary shall establish a process for revalidating C-TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

"(1) $60,000,000 for fiscal year 2007;

"(2) $65,000,000 for fiscal year 2008; and

"(3) $72,000,000 for fiscal year 2009.

"§ 70119. Secure systems of transportation

"(a) In General.—The Secretary shall establish a program, to be known as the 'GreenLane program', to evaluate and certify secure systems of international intermodal transportation—

"(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

"(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

"(b) Program Elements.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

"(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

"(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

"(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

"(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

"(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C-TPAT participation under section 70118, particularly in the area of access controls;

"(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

"(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

"(c) Benefits from Participation.—

"(1) Eligibility.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

"(A) meets or exceeds the standards established under subsection (b); and

"(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

"(2) Benefits.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

"(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

"(B) reduced or eliminated bonding requirements for GreenLane cargo;

"(C) priority processing for searches;

"(D) further reduced scores in the automated targeting system; and

"(E) streamlined billing of any customs duties or fees.

"(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

"(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

"(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

"70116. Automated targeting system
"70117. Container security initiative
"70118. Customs-Trade Partnership Against Terrorism validation program
"70119. Secure systems of transportation
"70120. In rem liability for civil penalties and certain costs
"70121. Firearms, arrests, and seizure of property
"70122. Withholding of clearance
"70123. Enforcement by State and local officers
"70124. Container security initiative
"70125. Civil penalty".

(2) Section 70117(a) of title 46, United States Code, is amended by striking "section 70120" and inserting "section 70125".

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking "under section 70119," and inserting "under section 70125,"; and

(B) by striking "under section 70120," and inserting "under that section,".

SEC. 505. TECHNICAL REQUIREMENTS FOR NONINTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) FINAL RULE DEADLINE.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

SEC. 506. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. 507. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. 508. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "based on risk and vulnerability".

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.".

(d) OPERATION SAFE COMMERCE.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

"(4) OPERATION SAFE COMMERCE.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

"(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

"(ii) test physical access control protocols and technologies;

"(iii) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

"(iv) otherwise further maritime and cargo security, as determined by the Secretary.

"(B) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

"(C) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

"(i) the Senate Committee on Commerce, Science, and Transportation;

"(ii) the Senate Committee on Homeland Security and Governmental Affairs;

"(iii) the House of Representatives Committee on Homeland Security;

"(iv) the Senate Committee on Appropriations; and

"(v) the House of Representatives Committee on Appropriations.".

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) COORDINATION.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

SEC. 509. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after "area." the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.".

SEC. 510. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3434. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr.

FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 10 and all that follows through page 416, line 11, and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant visa outside the United States.

SA 3435. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 11, strike "863 hours or".

SA 3436. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, lines 8 and 9, strike "3 or more misdemeanors" and insert "misdemeanor".

SA 3437. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY CERTIFICATION.

Beginning on the date of the enactment of this Act, the Secretary may not implement the new conditional nonimmigrant work authorization programs provided for in this Act that grant legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the border security and enforcement provisions provided for in this Act are in place and operational as determined by the Secretary of Homeland Security.

SA 3438. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropirate place in the proposed instructions, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

"(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

"(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) MAINTENANCE OF INFORMATION.—

"(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(g) DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.".

(h) EFFECTIVE DATE.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 3439. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In the language proposed to be stricken, at the appropriate place insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) Worldwide Level of Diversity Immigrants and Immigrants With Advanced Degrees.—

"(1) Diversity immigrants.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) Immigrants with advanced degrees.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(f) Immigrants With Advanced Degrees.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) Aliens who hold an advanced degree in science, mathematics, technology, or engineering.—

"(A) In general.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) Economic considerations.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) Maintenance of information.—

"(A) Diversity immigrants.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) Immigrants with advanced degrees.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(g) Diversity Visa Carryover.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.".

(h) Effective Date.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 3440. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REIMBURSING STATES FOR THE COSTS OF UNDOCUMENTED IMMIGRANTS.

(a) Findings.—The Senate finds the following:

(1) It is the obligation of the Federal Government to adequately secure the borders of the United States and prevent the flow of undocumented immigrants into the United States.

(2) Despite the fact that, according to the Congressional Research Service, Border Patrol agents apprehend more than 1,000,000 individuals each year trying to illegally enter the United States, the net growth in the number of unauthorized immigrants entering the United States has increased by approximately 500,000 each year.

(3) The costs associated with incarcerating undocumented criminal immigrants and providing education and healthcare to undocumented immigrants place a tremendous financial burden on States and local governments.

(4) In 2003, States received compensation from the Federal Government, through the State criminal alien assistance program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), for incarcerating approximately 74,000 undocumented criminal immigrants.

(5) In 2003, 700 local governments received compensation from the Federal Government, through the State criminal alien assistance program, for incarcerating approximately 138,000 undocumented criminal immigrants.

(6) It is estimated that Federal Government payments through the State criminal alien assistance program reimburse States and local governments for 25 percent or less of the actual costs of incarcerating the undocumented criminal immigrants.

(7) It is estimated that providing kindergarten through grade 12 education to undocumented immigrants costs States more than $8,000,000,000 annually.

(8) It is further estimated that more than $1,000,000,000 is spent on healthcare for undocumented immigrants each year.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) States should be fully reimbursed by the Federal Government for the costs associated with providing education and healthcare to undocumented immigrants; and

(2) the program authorized under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) should be fully funded, for each of the fiscal years 2007 through 2012, at the levels authorized for such program under section 241(i)(5) of such Act (as amended by section 218(b)(2) of this Act).

SA 3441. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee or, penalty required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3442. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . SUFFICIENCY FOR REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee, revenue, or penalty required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—

(1) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

"(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

"(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

"(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

"(v) an estimate of the number of individuals who will be affected by the agreement,

"(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

"(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and establishing totalization arrangements between the social security system established by title II of such Act and the social security system of , transmitted to the Congress by the President on , is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant with paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the proceeding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after April 1, 2006.

(b) BIENNIAL GAO REPORT ON IMPACT TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(6) Not later than January 1, 2007, and biennially thereafter, the Comptroller General of the United States shall submit a report to Congress and the President with respect to each such agreement that has become effective that—

"(A) compares the estimates, statements, and assessments contained in the report submitted to Congress under paragraph (2) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on the estimated income and expenditures of the social security system established by this title; and

"(B) contains such recommendations for adjusting the methods used to make the estimates, statements, and assessments required for reports submitted under paragraph (2) as the Comptroller General determines necessary.".

SA 3444. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—

(1) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

"(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

"(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

"(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

"(v) an estimate of the number of individuals who will be affected by the agreement,

"(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

"(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and establishing totalization arrangements between the social security system established by title II of such Act and the social security system of ___________, transmitted to the Congress by the President on   , is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the proceeding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after March 1, 2006.

(b) Biennial GAO Report on Impact Totalization Agreements.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(6) Not later than January 1, 2007, and biennially thereafter, the Comptroller General of the United States shall submit a report to Congress and the President with respect to each such agreement that has become effective that—

"(A) compares the estimates, statements, and assessments contained in the report submitted to Congress under paragraph (2) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on the estimated income and expenditures of the social security system established by this title; and

"(B) contains such recommendations for adjusting the methods used to make the estimates, statements, and assessments required for reports submitted under paragraph (2) as the Comptroller General determines necessary.".

SA 3445. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON QUARTERS OF COVERAGE EARNED BY AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL WHILE THAT INIDIVIDUAL IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) In General.—Section 213(a)(2)(B)(i) of the Social Security Act (42 U.S.C. 413(a)(2)(B)(i)) is amended—

(1) by striking "and no quarter" and inserting ", no quarter"; and

(2) by inserting before the semicolon the following: ", and no quarter any part of which includes wages paid to an individual or self-employment income earned by an individual while the individual was not assigned a social security account number consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i) or was not described in section 214(c)(2) shall be a quarter of coverage".

(b) Effective Date.—The amendments made by subsection (a) shall apply to applications for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed on or after the date of enactment of this Act.

SA 3446. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON QUARTERS OF COVERAGE EARNED BY AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL WHILE THAT INIDIVIDUAL IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) In General.—Section 213(a)(2)(B)(i) of the Social Security Act (42 U.S.C. 413(a)(2)(B)(i)) is amended—

(1) by striking "and no quarter" and inserting ", no quarter"; and

(2) by inserting before the semicolon the following: ", and no quarter any part of which includes wages paid to an individual or self-employment income earned by an individual while the individual was not assigned a social security account number consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i) or was not described in section 214(c)(2) shall be a quarter of coverage".

(b) Effective Date.—The amendments made by subsection (a) shall apply to applications for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed one day after the date of enactment of this Act.

SA 3447. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 10% of the money appropriated in any given year shall be available to states along the Northern border of the United States.

SA 3448. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 20% of the money appropriated in any given year shall be available to states along the Northern border of the United States.

SA 3449. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 385, strike lines 21 through 25 and insert the following:

(7) Work day.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SA 3450. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

SA 3451. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 17, strike "and".

On page 386, line 21, strike the period at the end and insert "; and".

On page 386, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 398, strike lines 18 through 20 and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 401, strike lines 22 through 24 and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SA 3452. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, line 2, strike "or".

On page 388, strike line 14 and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 3453. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 18 and all that follows through page 396, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during 3 of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

SA 3454. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 416, strike lines 8 through 11 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.

SA 3455. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 385, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

On page 386, strike lines 10 through 13 and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

On page 386, line 17, strike "and".

On page 386, line 21, strike the period at the end and insert "; and".

On page 386, between lines 21 and 22, insert the following:

(D) has been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 388, line 2, strike "or".

On page 388, strike line 14 and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

Beginning on page 395, strike line 18 and all that follows through page 396, line 9, and insert the following:

(i) QUALIFYING EMPLOYMENT.—

(I) IN GENERAL.—Subject to subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to qualify under subclause (I) if the alien has performed 4 years of agricultural employment in the United States, for at least 150 work days during 3 of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

On page 398, strike lines 18 through 20 and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 401, strike lines 22 through 24 and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 416, strike lines 8 through 11 and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the startup costs of the program authorized under this section for each of fiscal years 2007 and 2008.

SA 3456. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 525, after line 2, add the following:

Subtitle E—Farm Worker Transportation Safety

SEC. . SHORT TITLE.

This subtitle may be cited as the "Farm Worker Transportation Safety Act".

SEC. . SEATS AND SEAT BELTS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS.

(a) SEATS.—Except as provided in subsection (d), in promulgating vehicle safety standards under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of migrant and seasonal agricultural workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle subject to such standards is provided with a seat that is a designated seating position (as such term is defined for purposes of the Federal motor vehicle safety standards issued under chapter 301 of title 49, United States Code).

(b) SEAT BELTS.—Each seating position required under subsection (a) shall be equipped with an operational seat belt, except that this subsection shall not apply with respect to seating positions in buses that would otherwise not be required to have seat belts under the Federal motor vehicle safety standards.

(c) PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall issue minimum performance requirements for the strength of seats and the attachment of seats and seat belts in vehicles that are converted, after being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(2) EXPIRATION.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for such purpose prior to being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 500.103, or the provision pertaining to transportation that is primarily on private roads in section 500.104(l), of title 29, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(e) DEFINITIONS.—The definitions contained in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802) shall apply to this section.

(f) COMPLIANCE DATE.—Not later than 1 year after such date of enactment, all vehicles subject to this Act shall be in compliance with the requirements of this section.

SA 3457. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(f) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking ", under circumstances indicating an intention to cause death or serious bodily harm, incited" and inserting "incited or advocated"; and

(2) in subclause (VII), by striking "or espouses terrorist activity or persuades others to endorse or espouse" and inserting "espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate".

(g)

SA 3458. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE METHAMPHETAMINE PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, shall submit to the Chairman of Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government should implement to reduce the amount of Methamphetamine being trafficked into the United States.

(b) CONTENTS OF PLAN.—The plan under subsection (a) shall, at a minimum, include—

(1) a specific timeline for engaging elected and diplomatic officials in a bilateral process focused on developing a framework to reduce the inflow of Methamphetamine into the United States;

(2) a specific plan to engage the 5 countries who export the most psuedoephedrine, ephedrine, phenylpropanolamine, and other such Methamphetamine precursor chemicals during calendar year preceding the year in which the plan is prepared; and

(3) a specific funding request that outlines what, if any, additional appropriations are needed to secure the border, ports of entry, or any other Methamphetamine trafficking windows that are currently being exploited by Methamphetamine traffickers.

(c) GAO REPORT.—Not later than 100 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the committees of Congress referred to in subsection (a), a report to determine whether the President is in compliance with this section.

SA 3459. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 15, strike "(f)" and insert the following:

(f) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking ", under circumstances indicating an intention to cause death or serious bodily harm, incited" and inserting "incited or advocated"; and

(2) in subclause (VII), by striking "or espouses terrorist activity or persuades others to endorse or espouse" and inserting "espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate".

(g)

SA 3460. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE METHAMPHETAMINE PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, shall submit to the Chairman of Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government should implement to reduce the amount of Methamphetamine being trafficked into the United States.

(b) CONTENTS OF PLAN.—The plan under subsection (a) shall, at a minimum, include—

(1) a specific timeline for engaging elected and diplomatic officials in a bilateral process focused on developing a framework to reduce the inflow of Methamphetamine into the United States;

(2) a specific plan to engage the 5 countries who export the most psuedoephedrine, ephedrine, phenylpropanolamine, and other such Methamphetamine precursor chemicals during calendar year preceding the year in which the plan is prepared; and

(3) a specific funding request that outlines what, if any, additional appropriations are needed to secure the border, ports of entry, or any other Methamphetamine trafficking windows that are currently being exploited by Methamphetamine traffickers.

(c) GAO REPORT.—Not later than 100 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the committees of Congress referred to in subsection (a), a report to determine whether the President is in compliance with this section.

SA 3461. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 232. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance,

"(II) is a professional athlete, as defined in section 204(i)(2),

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country,

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league, or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition, or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) ADVISORY OPINIONS.—Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) in paragraph (4)(D), by inserting "(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of subparagraph (A)(i) of this paragraph)," after "101(a)(15)(P)"; and

(2) in paragraph (6)(A)(iii), by inserting "(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of paragraph (4)(A)(i))" after "101(a)(15)(P)(i)".

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

"(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(a). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.".

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

"(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).".

SA 3462. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 232. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) In General.—Section 214(c)(4)(A) (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance,

"(II) is a professional athlete, as defined in section 204(i)(2),

"(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

"(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country,

"(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association (NCAA), and

"(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league, or

"(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production, and

"(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

"(I) as such an athlete with respect to a specific athletic competition, or

"(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.".

(b) Advisory Opinions.—Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) in paragraph (4)(D), by inserting "(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of subparagraph (A)(i) of this paragraph)," after "101(a)(15)(P)"; and

(2) in paragraph (6)(A)(iii), by inserting "(other than with respect to aliens seeking entry under subclause (II), (III), or (IV) of paragraph (4)(A)(i))" after "101(a)(15)(P)(i)".

(c) Petitions for Multiple Aliens.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following new paragraph:

"(F) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than one alien as a nonimmigrant under section 101(a)(15)(P)(i)(a). The fee charged for such a petition may not be more than the fee charged for a petition seeking classification of one such alien.".

(d) Relationship to Other Provisions of the Immigration and Nationality Act.—Section 214(c)(4) (8 U.S.C. 1184(c)(4)), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

"(G) Notwithstanding any other provision of this title, the Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i).".

SA 3463. Mr. INHOFE (for himself, Mr. Enzi, Mr. Byrd, Mr. Coburn, Mr. Bunning, Mr. Chambliss, and Mr. Roberts) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: 0

SEC. ___. NATIONAL LANGUAGE ACT OF 2006.

(a) Short Title.—This section may be cited as the "National Language Act of 2006".

(b) English as Official Language.—

(1) In general.—Title 4, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec
"161. Declaration of official language
"162. Official Government activities in English
"163. Preserving and enhancing the role of the official language
"164. Exceptions

"§ 161. Declaration of official language

"English shall be the official language of the Government of the United States.

"§ 162. Official government activities in English

"The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials.

"§ 163. Preserving and enhancing the role of the official language

"The Government of the United States shall preserve and enhance the role of English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

SA 3464. Mr. INHOFE (for himself and Mr. Vitter) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 11 and 12, insert the following:

Subtitle D—National Border Neighborhood Watch Program

SEC. 131. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the United States Customs and Border Protection (referred to in this subtitle as the "USCBP") shall establish a National Border Neighborhood Watch Program (referred to in this subtitle as the "NBNW Program") to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 132. BRAVE FORCE.

(a) Establishment.—There is established in the USCBP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as "BRAVE Force"), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) Retired Law Enforcement Officers.—In this section, the term "retired law enforcement officer" means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in section 216(*l*) of the Social Security Act (42 U.S.C. 416(*l*)).

(c) Effect on Personnel Caps.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCBP personnel limits.

(d) Retired Annuitants.—An employee of BRAVE Force who has worked for the Federal Government shall be considered a rehired annuitant and shall have no reduction in annuity as a result of salary payment for such employees' service in the NBNW Program.

SEC. 133. CIVILIAN VOLUNTEERS.

(a) In General.—The USCBP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

(b) Organization.—Not less than 3 civilian volunteers in the NBNW Program may report to each employee of BRAVE Force.

(c) Reporting.—A civilian volunteer shall report a violation of Federal immigration law to the appropriate employee of BRAVE Force as soon as possible after observing such violation.

(d) Reimbursement.—A civilian volunteer participating in the NBNW Program shall be eligible for reimbursement by the USCBP for expenses related to carrying out the duties of the NBNW Program.

SEC. 134. LIABILITY OF BRAVE FORCE EMPLOYEES AND CIVILIAN VOLUNTEERS.

(a) Civilians.—A civilian volunteer participating in the NBNW Program shall not be entitled to any immunity from personal liability by virtue of the volunteer's participation in the NBNW Program.

(b) Employees.—An employee of the BRAVE Force shall not be liable for the actions of a civilian volunteer participating in the NBNW Program.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3465. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table: as follows:

On page 11, after line 23, insert the following:

SEC. 107. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE.

(a) Findings.—Congress finds the following:

(1) On July 17, 2002, 18 aliens who were present in the United States illegally, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department. The aliens were later released by officials of the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma,

with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, 4 new agents at the Immigration and Naturalization Service office in Oklahoma City were hired.

(4) On January 30, 2003, Oklahoma's Immigration and Naturalization Service office added 6 new special agents to their staff.

(5) On September 22, 2004, officials of the Bureau of Immigration and Customs Enforcement of the Department authorized the release of 18 individuals who may have been present in the United States illegally and were in the custody of the police department of the City of Catoosa, Oklahoma. Catoosa Police stopped a truck carrying 18 individuals, including children, in the early morning hours on that date. Only 2 of the individuals produced identification. One adult was arrested on drug possession charges and the remaining individuals were released.

(6) Oklahoma has 1 Office of Investigations of the Bureau of Immigration and Customs Enforcement, which is located in Oklahoma City. In 2005, 12 agents of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

(7) Highway I-44 and U.S.-75 are major roads through Tulsa, Oklahoma, that are used to transport illegal aliens to all areas of the United States.

(8) The establishment of a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma, will help enforce Federal immigration laws in Eastern Oklahoma.

(9) Seven agents of the Drug Enforcement Administration and an estimated 22 agents of the Federal Bureau of Investigation are assigned to duty stations in Tulsa, Oklahoma, and there are no agents of the Bureau of Immigration and Customs Enforcement who are assigned to a duty station in Tulsa, Oklahoma.

(b) Establishment of Field Office in Tulsa, Oklahoma.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma.

SA 3466. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 11 and 12, insert the following:

Subtitle D—Immigration Enforcement Training

SEC. 131. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) In General.—

(1) Authority.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the "Project") described in this subtitle.

(2) Purpose.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(b) Project Director Responsibilities.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's concepts;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Web site developed under paragraph (1);

(C) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the various grounds for removal;

(vii) the types of false identification commonly used by illegal and criminal aliens;

(viii) the common methods of alien smuggling and groups that commonly participate in alien smuggling rings;

(ix) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(x) detention and removal procedures, including expeditious removal; and

(E) is accessible through the secure, encrypted on-line, e-learning Web site not later than 90 days of the date of enactment of this Act, and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course, by using on-line technology.

(c) Period of Project.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(d) Participation in Project.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course State, local, and tribal law enforcement officers from—

(1) Alabama;

(2) Colorado;

(3) Florida;

(4) Oklahoma;

(5) Texas; and

(6) at least 1, but not more than 3, other States.

(e) Participating Officers.—

(1) Number.—A total of 100,000 officers shall have access to, enroll in, and complete the e-learning training course provided under the Project.

(2) Apportionment.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(3) Selection.—Participation in the Project shall—

(A) be equally apportioned between State, county, and municipal law enforcement agency officers;

(B) include, when practicable, a significant subset of tribal law enforcement officers; and

(C) include officers from urban, rural, and highly rural areas.

(4) Recruitment.—Recruitment of participants shall begin immediately, and occur concurrently, with the e-learning training course's establishment and implementation.

(5) Limitation on participation.—Officers shall be ineligible to participate in the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(B) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(6) Additional requirements.—The law enforcement officers selected to participate in the e-learning training course provided under the Project—

(A) shall undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer; and

(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.

(f) Report.—

(1) In general.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;

(C) the effectiveness of the e-learning training course with respect to student-officer performance;

(D) the convenience afforded student-officers with respect to their ability to access the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and

(E) the ability of the on-line, e-learning Web site to safeguard the student officers' private and personal information while providing supervisors with appropriate information about student performance and course completion.

SEC. 132. EXPANSION OF PROGRAM.

(a) In General.—After the completion of the Project, the Secretary shall—

(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;

(2) annually enroll 100,000 new State, local, and tribal law enforcement officers in such e-learning training course; and

(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.

(b) Limitation on Participation.—An individual is ineligible to participate in the expansion of the Project established under this subtitle if the individual is employed by a State, local, or tribal law enforcement agency that—

(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

(a) Fiscal Year 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.

(b) Subsequent Fiscal Years.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subtitle.

(c) Availability of Funds.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3467. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike lines 10 through 13 and insert the following:

(c) Study on the Use of Technology to Prevent Unlawful Immigration.—The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to—

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the plan required under subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3468. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CRIMINAL PENALTIES FOR FORGERY OF FEDERAL DOCUMENTS.

(a) In General.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

"§ 515. Federal records, documents, and writings, generally

"Any person who—

"(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

"(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

"(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3),

shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) Clerical Amendment.—The table of contents for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

"515. Federal records, documents, and writings, generally.".

SA 3469. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMMIGRATION TRAINING FOR LAW ENFORCEMENT.

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by using law-enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(1) basic immigration enforcement training for State, local, and tribal police officers;

(2) training, mentoring, and updates authorized under section 287(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3470. Mr. INHOFE (for himself, Mr. Enzi, Mr. Byrd, Mr. Coburn, Mr. Bunning, Mr. Chambliss, and Mr. Roberts) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL LANGUAGE ACT OF 2006.

(a) Short Title.—This section may be cited as the "National Language Act of 2006".

(b) English as Official Language.—

(1) In general.—Title 4, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec
"161. Declaration of official language
"162. Official Government activities in English
"163. Preserving and enhancing the role of the official language
"164. Exceptions

"§ 161. Declaration of official language

"English shall be the official language of the Government of the United States.

"§ 162. Official government activities in English

"The Government of the United States shall conduct its official business in English, including publications, income tax forms, and informational materials.

"§ 163. Preserving and enhancing the role of the official language

"The Government of the United States shall preserve and enhance the role of English as the official language of the United States of America. Unless specifically stated in applicable law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

SA 3471. Mr. INHOFE (for himself, and Mr. Vitter) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle D—National Border Neighborhood Watch Program

SEC. 131. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the United States Customs and Border Protection (referred to in this subtitle as the "USCBP") shall establish a National Border Neighborhood Watch Program (referred to in this subtitle as the "NBNW Program") to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 132. BRAVE FORCE.

(a) Establishment.—There is established in the USCBP a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as "BRAVE Force"), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) Retired Law Enforcement Officers.—In this section, the term "retired law enforcement officer" means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in section 216(*l*) of the Social Security Act (42 U.S.C. 416(*l*)).

(c) Effect on Personnel Caps.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the USCBP personnel limits.

(d) Retired Annuitants.—An employee of BRAVE Force who has worked for the Federal Government shall be considered a rehired annuitant and shall have no reduction in annuity as a result of salary payment for such employees' service in the NBNW Program.

SEC. 133. CIVILIAN VOLUNTEERS.

(a) In General.—The USCBP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

(b) Organization.—Not less than 3 civilian volunteers in the NBNW Program may report to each employee of BRAVE Force.

(c) Reporting.—A civilian volunteer shall report a violation of Federal immigration law to the appropriate employee of BRAVE Force as soon as possible after observing such violation.

(d) Reimbursement.—A civilian volunteer participating in the NBNW Program shall be eligible for reimbursement by the USCBP for expenses related to carrying out the duties of the NBNW Program.

SEC. 134. LIABILITY OF BRAVE FORCE EMPLOYEES AND CIVILIAN VOLUNTEERS.

(a) Civilians.—A civilian volunteer participating in the NBNW Program shall not be entitled to any immunity from personal liability by virtue of the volunteer's participation in the NBNW Program.

(b) Employees.—An employee of the BRAVE Force shall not be liable for the actions of a civilian volunteer participating in the NBNW Program.

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3472. Mr. INHOFE submitted an amendment intended to be proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 107. ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE.

(a) Findings.—Congress finds the following:

(1) On July 17, 2002, 18 aliens who were present in the United States illegally, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department. The aliens were later released by officials of the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, 4 new agents at the Immigration and Naturalization Service office in Oklahoma City were hired.

(4) On January 30, 2003, Oklahoma's Immigration and Naturalization Service office added 6 new special agents to their staff.

(5) On September 22, 2004, officials of the Bureau of Immigration and Customs Enforcement of the Department authorized the release of 18 individuals who may have been present in the United States illegally and were in the custody of the police department of the City of Catoosa, Oklahoma. Catoosa Police stopped a truck carrying 18 individuals, including children, in the early morning hours on that date. Only 2 of the individuals produced identification. One adult was arrested on drug possession charges and the remaining individuals were released.

(6) Oklahoma has 1 Office of Investigations of the Bureau of Immigration and Customs Enforcement, which is located in Oklahoma City. In 2005, 12 agents of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

(7) Highway I–44 and U.S.–75 are major roads through Tulsa, Oklahoma, that are used to transport illegal aliens to all areas of the United States.

(8) The establishment of a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma, will help enforce Federal immigration laws in Eastern Oklahoma.

(9) Seven agents of the Drug Enforcement Administration and an estimated 22 agents of the Federal Bureau of Investigation are assigned to duty stations in Tulsa, Oklahoma, and there are no agents of the Bureau of Immigration and Customs Enforcement who are assigned to a duty station in Tulsa, Oklahoma.

(b) Establishment of Field Office in Tulsa, Oklahoma.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a field office of the Office of Investigations of the Bureau of Immigration and Customs Enforcement in Tulsa, Oklahoma.

SA 3473. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle D—Immigration Enforcement Training

SEC. 131. IMMIGRATION ENFORCEMENT TRAINING DEMONSTRATION PROJECT.

(a) In General.—

(1) Authority.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the "Project") described in this subtitle.

(2) Purpose.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve and enhance the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(b) Project Director Responsibilities.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's concepts;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Web site developed under paragraph (1);

(C) covers the basic principles and practices of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the various grounds for removal;

(vii) the types of false identification commonly used by illegal and criminal aliens;

(viii) the common methods of alien smuggling and groups that commonly participate in alien smuggling rings;

(ix) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(x) detention and removal procedures, including expeditious removal; and

(E) is accessible through the secure, encrypted on-line, e-learning Web site not later than 90 days of the date of enactment of this Act, and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course, by using on-line technology.

(c) Period of Project.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(d) Participation in Project.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course State, local, and tribal law enforcement officers from—

(1) Alabama;

(2) Colorado;

(3) Florida;

(4) Oklahoma;

(5) Texas; and

(6) at least 1, but not more than 3, other States.

(e) Participating Officers.—

(1) Number.—A total of 100,000 officers shall have access to, enroll in, and complete the e-learning training course provided under the Project.

(2) Apportionment.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(3) Selection.—Participation in the Project shall—

(A) be equally apportioned between State, county, and municipal law enforcement agency officers;

(B) include, when practicable, a significant subset of tribal law enforcement officers; and

(C) include officers from urban, rural, and highly rural areas.

(4) Recruitment.—Recruitment of participants shall begin immediately, and occur concurrently, with the e-learning training course's establishment and implementation.

(5) Limitation on participation.—Officers shall be ineligible to participate in the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(B) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(6) Additional requirements.—The law enforcement officers selected to participate in the e-learning training course provided under the Project—

(A) shall undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer; and

(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.

(f) Report.—

(1) In general.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period;

(C) the effectiveness of the e-learning training course with respect to student-officer performance;

(D) the convenience afforded student-officers with respect to their ability to access the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and

(E) the ability of the on-line, e-learning Web site to safeguard the student officers' private and personal information while providing supervisors with appropriate information about student performance and course completion.

SEC. 132. EXPANSION OF PROGRAM.

(a) In General.—After the completion of the Project, the Secretary shall—

(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;

(2) annually enroll 100,000 new State, local, and tribal law enforcement officers in such e-learning training course; and

(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.

(b) Limitation on Participation.—An individual is ineligible to participate in the expansion of the Project established under this subtitle if the individual is employed by a State, local, or tribal law enforcement agency that—

(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from cooperating with Federal immigration enforcement agents; or

(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

(a) Fiscal Year 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subtitle.

(b) Subsequent Fiscal Years.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subtitle.

(c) Availability of Funds.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3474. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

(c) Study on the Use of Technology to Prevent Unlawful Immigration.—The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to—

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the plan required under subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3475. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CRIMINAL PENALTIES FOR FORGERY OF FEDERAL DOCUMENTS.

(a) In General.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

"§ 515. Federal records, documents, and writings, generally

"Any person who—

"(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

"(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

"(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

"(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3),

shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) Clerical Amendment.—The table of contents for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

"515. Federal records, documents, and writings, generally.".

SA 3476. Mr. INHOFE submitted an amendment intended to be proposed to

amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMMIGRATION TRAINING FOR LAW ENFORCEMENT.

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by using law-enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(1) basic immigration enforcement training for State, local, and tribal police officers;

(2) training, mentoring, and updates authorized under section 287(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3477. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 163, strike lines 23 through 25 and insert the following:

(a) IN GENERAL.—Any alien with nonimmigrant status under subparagraph (H)(i)(b) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), who seeks to practice medicine in the United States, other than during participation in an accredited medical residency program, shall, during the 3-year period from the date of commencement of such status (or, in the case of an alien who initially practices medicine as part of such medical residency program, from the date of completion of such program), practice medicine in a facility that treats patients who reside in a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations) or a Medically Underserved Area (as designated by the Secretary of Health and Human Services).

(b) EXEMPTION FROM NUMERICAL LIMITATION.—Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) practices medicine in a facility that treats patients who reside in a Health Professional Shortage Area or a Medically Underserved Area, in accordance with section 226(a) of the Comprehensive Immigration Reform Act of 2006.".

(c) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SA 3478. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"(5) DEPUTY UNITED STATES MARSHALS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.".

On page 7, between lines 3 and 4, insert the following:

"(4) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (5) of subsection (a).".

SA 3479. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 62, after line 9, add the following:

Subtitle F—Border Infrastructure and Technology Modernization

SEC. 161. SHORT TITLE.

This subtitle may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 162. DEFINITIONS.

In this subtitle:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 163. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 154; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 164. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 165. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 166. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) Establishment.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) Technology and Facilities.—

(1) Technology testing.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) Development of facilities.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) Demonstration Sites.—

(1) Number.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) Selection criteria.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) Relationship With Other Agencies.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) Report.—

(1) Requirement.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) Content.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 167. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 153(a);

(2) to carry out section 153(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 155(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 156(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(4) to carry out section 155(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 156, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) International Agreements.—Amounts authorized to be appropriated under this subtitle may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this subtitle.

SA 3480. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) Cooperation Regarding Border Security.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) Cooperation Regarding Education on Immigration Laws.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) Cooperation Regarding Circular Migration.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) Annual Report.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 3481. Mr. DOMENICI (for himself, Mr. Kyl, Mr. Cornyn, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings totaled more than 50 per cent of all criminal filings for the 12-month period ending September 30, 2004.

SA 3482. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 3361 submitted by Mr. Grassley (for himself and Mr. Kyl) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) Making Employment of Unauthorized Aliens Unlawful.—

"(1) In general.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing that the alien is an unauthorized alien with respect to such employment; or

“(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

“(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

“(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—A rebuttable presumption is created for the purpose of a civil enforcement proceeding that an employer knowingly violated paragraph (1)(A) if the Secretary determines that—

“(A) the employer hired 50 or more new employees during a calendar year and that at least 10 percent of new employees hired in the calendar year by the employer were unauthorized aliens; or

“(B) the employer hired less than 50 new employees during a calendar year and that 5 new employees hired by the employer in the calendar year were unauthorized aliens.

“(5) DEFENSE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

“(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

“(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

“(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

“(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

“(A) the employer is in compliance with the requirements of subsections (c) and (d); or

“(B) that the employer has instituted a program to come into compliance with such requirements.

“(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

“(1) ATTESTATION BY EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

“(I) a document described in subparagraph (B); or

“(II) a document described in subparagraph (C) and a document described in subparagraph (D).

“(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of a document if the document examined reasonably appears on its face to be genuine. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine and that is sufficient to meet the requirement of clause (i), nothing in this paragraph may be construed as requiring the employer to solicit the production of any other document or as requiring the individual to produce such another document.

“(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

“(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

“(i) United States passport; or

“(ii) permanent resident card or other document designated by the Secretary, if the document—

“(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

“(II) is evidence of eligibility for employment in the United States; and

“(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

“(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

“(ii) any other documents evidencing eligibility of employment in the United States, if—

“(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

“(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States provided that such a card or document—

“(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

“(II) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

“(ii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

“(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

“(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

“(iii) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i) or (ii), a document of personal identity of such other type that—

“(I) the Secretary determines is a reliable means of identification; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

“(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

“(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

“(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

“(2) ATTESTATION OF EMPLOYEE.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited, or referred for a fee, in the United States.

“(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of recruiting or referral for a fee of an individual, 3 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 3 years after the date of such hiring;

"(ii) 1 year after the date of the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

"(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(B) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

"(C) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

"(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

"(2) MANAGEMENT OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

"(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

"(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

"(B) INITIAL RESPONSE.—

"(i) IN GENERAL.—The Secretary shall, through the System, tentatively confirm or nonconfirm an individual's identity and eligibility for employment in the United States not later than 1 working day after an employer submits an inquiry regarding the individual.

"(ii) MANUAL VERIFICATION.—If a tentative nonconfirmation is provided for an individual under clause (i), the Secretary, through the System, shall conduct a secondary manual verification not later than 9 working days after such tentative nonconfirmation is made.

"(iii) NOTICES.—Not later than 10 working days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(I) if the System is able to confirm, through a verification described in clause (i) or (ii), the individual's identity and eligibility for employment in the United States, an appropriate code indicating such confirmation; or

"(II) if the System is unable to confirm, through a verification described in clause (i) or (ii), the individual's identity or eligibility for employment in the United States, an appropriate code indicating such tentative nonconfirmation.

"(iv) DEFAULT CONFIRMATION IN CASE OF SYSTEM FAILURE.—If the Secretary, through the System, fails to provide a notice described in clause (iii) for an individual within the period described in such clause, an appropriate code indicating confirmation shall be provided to the employer. Such confirmation shall remain in effect for the individual until the Secretary, through the System, provides a notice that—

"(I) the System is unable to confirm the individual's identity; or

"(II) the individual is ineligible for employment in the United States.

"(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

"(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(iii)(II), not later than 10 working days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue to the employer an appropriate code indicating final confirmation or final nonconfirmation.

"(ii) DEFAULT CONFIRMATION IN CASE OF SYSTEM FAILURE.—If the Secretary, through the System, fails to confirm or tentatively nonconfirm the individual's identity and eligibility for employment in the United States within the period described in clause (i), an appropriate code indicating confirmation shall be provided to the employer. Such confirmation shall remain in effect for the individual until the Secretary, through the System, provides a notice that—

"(I) the System is unable to confirm the individual's identity; or

"(II) the individual is ineligible for employment in the United States.

"(iii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

"(D) RIGHT TO APPEAL FINAL NONCONFIRMATION.—The individual shall have the right to an administrative or judicial appeal of a notice of final nonconfirmation. The Secretary shall consult with the Commissioner of Social Security to develop a process for such appeals.

"(E) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

"(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

"(ii) to respond to each inquiry made by an employer; and

"(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

"(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information during use, transmission, storage, or disposal of that information, including the use of encryption, carrying out periodic stress testing of the System to detect, prevent, and respond to vulnerabilities or other failures, and utilizing periodic security updates;

"(v) to allow for monitoring of the use of the System and provide an audit capability;

"(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status; and

"(vii) to permit individuals—

"(I) to view their own records in order to ensure the accuracy of such records; and

"(II) to contact the appropriate agency to correct any errors through an expedited process established by the Secretary, in consultation and coordination with the Commissioner of Social Security.

"(F) LIMITATION ON DATA ELEMENTS STORED.—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation under the System shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, and in no case shall the data stored be other than—

"(i) the individual's full legal name;

"(ii) the individual's date of birth;

"(iii) the individual's social security account number, or employment authorization status identification number;

"(iv) the address of the employer making the inquiry and the dates of any prior inquiries concerning the identity and authorization of the employee by the employer or any other employer and the address of such employer;

"(v) a record of each prior confirmation, tentative nonconfirmation, or final nonconfirmation made by the System for such individual; and

"(vi) in the case of the individual successfully contesting a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity or eligibility for employment of the individual, including the source of that error.

"(G) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

“(ii) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner; and

“(iii) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(H) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(I) OFFICE OF ELECTRONIC VERIFICATION.—

“(i) IN GENERAL.—The Secretary shall establish the Office of Electronic Verification in the Bureau of Citizenship and Immigration Services.

“(ii) RESPONSIBILITIES.—Subject to available appropriations, the Office of Electronic Verification shall work with the Commissioner of Social Security—

“(I) to update the information maintained in the System in a manner that promotes maximum accuracy;

“(II) to provide a process for correcting erroneous information by registering not less than 97 percent of the new information and information changes submitted by employees within all relevant databases within 24 hours after submission and registering not less than 99 percent of such information within 10 working days after submission;

“(III) to ensure that at least 99 percent of the data received from field offices of the Bureau of Customs and Border Protection and from other points of contact between immigrants and the Department of Homeland Security is registered within all relevant databases within 24 hours after receipt;

“(IV) to ensure that at least 99 percent of the data received from field offices of the Social Security Administration and other points of contact between citizens and the Social Security Administration is registered within all relevant databases within 24 hours after receipt;

“(V) to employ a sufficient number of manual status verifiers to resolve 99 percent of the tentative nonconfirmations within 3 days;

“(VI) to establish and promote call-in help lines accessible to employers and employees on a 24-hour basis with questions about the functioning of the System or about the specific issues underlying a tentative nonconfirmation;

“(VII) to establish an outreach and education program to ensure that all new employers are fully informed of their responsibilities under the System; and

“(VIII) to conduct a random audit of a substantial percentage of workers' files in a database maintained by an agency or department of the United States each year to determine accuracy rates and require corrections of errors in a timely manner.

“(J) RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any individual who contests a tentative nonconfirmation or final nonconfirmation may review and challenge the accuracy of the data elements and information within the System upon, which such a nonconfirmation was based. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation to the Office of Electronic Verification. The Office of Electronic Verification shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge. The Office of Electronic Verification shall at least annually study and issue findings concerning the most common causes for erroneous nonconfirmations and issue recommendations concerning the resolution of such causes.

“(K) PRIVACY IMPACT ASSESSMENT.—The Commissioner of Social Security and the Secretary shall each complete a privacy impact assessment as described in section 208 of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note) with regard to the System.

“(L) TRAINING.—The Commissioner of Social Security and the Secretary shall provide appropriate training materials to participating employers to ensure such employers are able to utilize the System in compliance with the requirements of this section.

“(M) HOTLINE.—The Secretary shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particular data that resulted on the issuance of a nonconfirmation notice under the System.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—

“(I) DESIGNATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall designate, in the Secretary's sole and unrevieweable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers is part of the critical infrastructure of the United States or directly related to the national security or homeland security of the United States.

“(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary shall require such employer or class of employers to participate in the System, with respect to employees hired by the employer on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

“(ii) DISCRETIONARY PARTICIPATION.—

“(I) DESIGNATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may designate, in the Secretary's sole and unreviewable discretion, an employer or class of employers under this subclause if the Secretary determines such employer or class of employers as a critical employer based on immigration enforcement or homeland security needs.

“(II) PARTICIPATION.—Not later than 180 days after the date an employer or class of employers is designated under subclause (I), the Secretary may require such employer or class of employers to participate in the System, with respect to employees hired on or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

“(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (B), (C), (D), and (E) prior to the effective date of such requirements.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis.

“(5) WAIVER.—

“(A) AUTHORITY TO PROVIDE A WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

“(B) REQUIREMENT TO PROVIDE A WAIVER.—The Secretary shall waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers until the date that the Comptroller General of the United States submits the initial certification described in paragraph (13)(E) and shall waive or delay such participation during a year if the Comptroller General fails to submit a certification of paragraph (13)(E) for such year.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

"(7) SYSTEM REQUIREMENTS.—

"(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, of any individual for employment in the United States, shall—

"(i) notify employees of the employer and prospective employees to whom the employer has extended a job offer that the employer participates in the System and that the System may be used for immigration enforcement purposes;

"(ii) obtain from the individual and record on the form designated by the Secretary—

"(I) the individual's social security account number; and

"(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require;

"(iii) retain such form in electronic format, paper, microfilm, or microfiche and make such a form available for inspection for the periods and in the manner described in subsection (c)(3); and

"(iv) safeguard any information collected for purposes of the System and protect any means of access to such information to ensure that such information is not used for any other purpose and to protect the confidentiality of such information, including ensuring that such information is not provided to any person other than a person that carries out the employer's responsibilities under this subsection.

"(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be).

"(C) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

"(ii) NONCONFIRMATION AND VERIFICATION.—

"(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and shall provide the individual with information about the right to contest the tentative nonconfirmation and contact information for the appropriate agency to file such contest.

"(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice. An individual's failure to contest a tentative nonconfirmation may not be the basis for determining that the individual acted in a knowing (as defined in section 274a.1 of title 8, Code of Federal Regulations, or any corresponding similar regulation) manner.

"(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 working days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

"(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

"(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under subclause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

"(D) CONSEQUENCES OF NONCONFIRMATION.—

"(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(ii) ASSISTANCE IN IMMIGRATION ENFORCEMENT.—If an employer has received a final nonconfirmation which is not the result of the individual's failure to contest a tentative nonconfirmation in subparagraph (C)(ii)(II), the employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws.

"(E) UNLAWFUL USE OF SYSTEM.—It shall be an unlawful immigration-related employment practice for an employer—

"(i) to use the System prior to an offer of employment;

"(ii) to use the System selectively to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most applicants;

"(iii) to terminate or undertake any adverse employment action based on a tentative nonconfirmation described in paragraph (2)(B)(iii)(II); or

"(iv) to reverify the employment authorization of hire employees after the 3 days of the employee's hire and after the employee has satisfied the eligibility verification provisions of subsection (b)(1) or to reverify employees hired before the date that the person or entity is required to participate in the System.

"(F) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

"(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined no less than $1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

"(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

"(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

"(10) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than such an officer or employee who is responsible for the verification of employment eligibility or for the evaluation of an employment eligibility verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information, database, or other records utilized by the System.

"(11) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

"(13) ANNUAL STUDY AND REPORT.—

"(A) REQUIREMENT FOR STUDY.—The Comptroller General of the United States shall conduct an annual study of the System as described in this paragraph.

"(B) PURPOSE OF THE STUDY.—The Comptroller General shall, for each year, undertake a study to determine whether the System meets the following requirements:

"(i) DEMONSTRATED ACCURACY OF THE DATABASES.—New information and information changes submitted by employees to the System is updated in all of the relevant databases within 3 working days of submission in at least 99 percent of all cases.

"(ii) LOW ERROR RATES AND DELAYS IN VERIFICATION.—

"(I) That, during a year, the System provides incorrect tentative nonconfirmation notices under paragraph (2)(B)(ii) for no more than 1 percent of all such notices sent during such year.

"(II) That, during a year, the System provides incorrect final nonconfirmation notices under paragraph (2)(C)(i) for no more than 3 percent of all such notices sent during such year.

"(III) That the number of incorrect tentative nonconfirmation notices under paragraph (2)(B)(ii) provided by the System during a year for individuals who are not citizens of the United States is not more than 300 percent more than the number of such incorrect notices sent to citizens of the United States during such year.

"(IV) That the number of final nonconfirmation notices under paragraph (2)(C)(i) provided by the System during a year for individuals who are not citizens of the United States is not more than 300 percent more than the number of such incorrect notices sent to citizens of the United States during such year.

"(iii) LIMITED IMPLEMENTATION COSTS TO EMPLOYERS.—No employer is required to spend more than $10 to verify the identity and employment eligibility of an individual through the system in any year, including the costs of all staff, training, materials, or other related costs of participation in the System.

"(iv) MEASURABLE EMPLOYER COMPLIANCE WITH SYSTEM REQUIREMENTS.—

"(I) The System has not and will not result in increased discrimination or cause reasonable employers to conclude that employees of certain races or ethnicities are more likely to have difficulties when offered employment caused by the operation of the System.

"(II) The determination described in subclause (I) is based on an independent study commissioned by the Comptroller General in each phase of expansion of the System that includes the use of testers.

"(v) PROTECTION OF WORKERS' PRIVATE INFORMATION.—At least 97 percent of employers who participate in the System are in full compliance with the privacy requirements described in this subsection.

"(vi) ADEQUATE AGENCY STAFFING AND FUNDING.—The Secretary and Commissioner of Social Security have sufficient funding to meet all of the deadlines and requirements of this subsection.

"(C) CONSULTATION.—In conducting a study under this paragraph, the Comptroller General shall consult with representatives from business, labor, immigrant communities, State governments, privacy advocates, and appropriate executive branch agencies.

"(D) REQUIREMENT FOR REPORTS.—Not later that 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to the Secretary and to Congress a report containing the findings of the study carried out under this paragraph. Each report shall include any certification made under subparagraph (E) and, at a minimum, the following:

"(i) An assessment of the impact of the System on the employment of unauthorized workers, including whether it has indirectly caused an increase in exploitation of unauthorized workers.

"(ii) An assessment of the accuracy of databases employed by the System and of the timeliness and accuracy of the System's responses to employers.

"(iii) An assessment of the privacy and confidentiality of the System and of its overall security with respect to cyber theft and theft or misuse of private data.

"(iv) An assessment of whether the System is being implemented in a nondiscriminatory and non-retaliatory manner.

"(v) Recommendations regarding whether or not the System should be modified prior to further expansion.

"(E) CERTIFICATION.—If the Comptroller General determines that the System meets the requirements described in subparagraph (B) for a year, the Comptroller shall certify such determination and submit such certification to Congress with the report required by subparagraph (D).

"(14) SUNSET PROVISION.—Mandatory participation in the System shall be discontinued 6 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006 unless Congress reauthorizes such participation.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

"(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence of any employer being investigated; and

"(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) disclose the material facts which establish the alleged violation; and

"(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

"(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

"(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time during the 2-year period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 2-year period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

"(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

"(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until the appeal process is completed. The burden shall be on the employer to show that the final determination was not supported by a preponderance of the evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, no earlier than 46 days, but no later than 90 days, after the date the final determination is issued, in any appropriate district court of the United States. The burden shall remain on the employer to show that the final determination was not supported by a preponderance of the evidence.

"(7) RECOVERY OF COSTS AND ATTORNEYS' FEES.—In any appeal brought under paragraph (5) by an employer or suit brought under paragraph (6) against an employer, the employer shall be entitled to recover from the Department of Homeland Security reasonable costs and attorneys' fees if such employer substantially prevails on the merits of the case. An award of such attorneys' fees may not exceed $25,000. Any costs and attorneys' fees assessed against the Department of Homeland Security under this paragraph shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and shall not be reimbursed from any other source.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $2,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, the deposit of such amounts as miscellaneous receipts in the general fund.

"(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer may be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, may be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(i) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(j) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(d)".

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) COMMISSIONER OF SOCIAL SECURITY.—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out the responsibilities of the Commission under section 274A of the Immigration and Nationality Act, as amended by subsection (a).

(2) SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out section 274A of the Immigration and Nationality Act, as amended by section 301(a).

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 303. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 304. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(4)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(b).".

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2007 through 2009" before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 3483. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 324, strike line 8 and all that follows through page 332, line 7, and insert the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.".

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

"(J) an alien with a residence in a foreign country that the alien has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

"(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii))designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

"(ii) has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the physical or life sciences in the United States for the purpose of obtaining a master's or doctorate degree or pursuing post-doctoral studies.".

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (J)(ii), (L), or (V)".

(d) REQUIREMENTS FOR F–4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" before "No person";

(2) by striking "admission (i) whose" and inserting the following: "admission—

"(A) whose";

(3) by striking "residence, (ii) who" and inserting the following: "residence;

"(B) who";

(4) by striking "engaged, or (iii) who" and inserting the following: "engaged; or

"(C) who";

(5) by striking "training, shall" and inserting the following: "training,

"shall";

(6) by striking "United States: *Provided*, That upon" and inserting the following: "United States.

"(2) Upon";

(7) by striking "section 214(l): And provided further, That, except" and inserting the following: "section 214(l).

"(3) Except"; and

(8) by adding at the end the following:

"(4) An alien who qualifies for adjustment of status under section 214(m)(3)(C) shall not be subject to the 2-year foreign residency requirement under this subsection.".

(f) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(g) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before such alien's graduation;

"(B) the alien has earned a master's or doctorate degree or completed post-doctoral studies in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(h) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has a master's or doctorate degree, or completed post-doctoral studies, in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned a master's or doctorate degree, or completed post-doctoral studies, in science, technology, engineering, or math.";

SA 3484. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 233 beginning on line 14, strike all through page 491, line 9 and insert the following:

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security";

(B) in subclause (I), by inserting before the semicolon, ', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials';

(C) in subclause (III), by inserting "where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials," before "whose"; and

(D) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

"and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) NUMERICAL LIMITATION.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking "The number of aliens" and all that follows through the period and inserting the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.".

(c) REPORTS.—

(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking "The Attorney General" and inserting "The Secretary of Homeland Security"; and

(ii) by striking "concerning—" and inserting "that includes—";

(B) in subparagraph (D), by striking "and";

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting at the end the following:

"(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

"(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

"(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

"(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.".

(2) FORM OF REPORT.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

"(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.".

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

"(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.".

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than

reinstatement of the civil proceedings that the agreement settled.

(d) Definitions.—In this section:

(1) Consent decree.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) Good cause.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) Government.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) Permanent relief.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) Private settlement agreement.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) Prospective relief.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) Expedited Proceedings.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) In General.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) Pending Motions.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) Automatic Stay for Pending Motions.—

(1) In general.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) Duration of automatic stay.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) Family-Sponsored Immigrants.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

(b) Employment-Based Immigrants.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) Worldwide Level of Employment-Based Immigrants.—

"(1) In general.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A)(i) 450,000, for each of the fiscal years 2007 through 2016; or

"(ii) 290,000, for fiscal year 2017 and each subsequent fiscal year;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) Visas for spouses and children.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) Preference Allocation for Family-Sponsored Immigrants.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) Preference Allocations for Family-Sponsored Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) Unmarried sons and daughters of citizens.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level: and

"(B) any visas not required for the class specified in paragraph (4).

"(2) Spouses and unmarried sons and daughters of permanent resident aliens.—

"(A) In general.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

"(i) the spouses or children of an alien lawfully admitted for permanent residence; or

"(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(B) Minimum percentage.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

"(3) Married sons and daughters of citizens.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the classes specified in paragraphs (1) and (2).

"(4) Brothers and sisters of citizens.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.".

(b) Preference Allocation for Employment-Based Immigrants.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other workers.—

"(A) In general.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

"(B) Priority.—In allocating visas under subparagraph (A), priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004."; and

(8) by striking paragraph (6).

(c) Conforming Amendments.—

(1) Definition of special immigrant.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) Repeal of temporary reduction in workers' visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) In General.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

"(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(I) 2 years after such date; or

"(II) the date on which the spouse remarries.

"(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.".

(b) Petition.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)".

SEC. 505. SHORTAGE OCCUPATIONS.

(a) Exception to Direct Numerical Limitations.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

"(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

"(I) who is otherwise described in section 203(b); and

"(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

"(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.".

(b) Exception to Nondiscrimination Requirements.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)".

(c) Exception to Per Country Levels for Family-Sponsored and Employment-Based Immigrants.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting ", except for aliens described in section 201(b)," after "any fiscal year".

(d) Increasing the Domestic Supply of Nurses and Physical Therapists.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) Short Title.—This section may be cited as the "Widows and Orphans Act of 2006".

(b) New Special Immigrant Category.—

(1) Certain children and women at risk of harm.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(2) Statutory construction.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(3) Expedited process.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) Report to congress.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) Requirements for Aliens.—

(1) Requirement prior to entry into the Untied States.—

(A) Database search.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) Requirement after entry into the United States.—

(A) Requirement to submit fingerprints.—

(i) In general.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) Other requirements.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) Database search.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) Cooperation and schedule.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) Administrative and judicial review.—

(i) In general.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) Administrative review.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) Judicial review.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) In General.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon;

(3) in clause (iii), by adding "and" at the end; and

(4) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) Admission of Nonimmigrants.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) Requirements for F-4 Visa.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) Nonimmigrant Elementary, Secondary, and Post-Secondary School Students.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) Off Campus Work Authorization for Foreign Students.—

(1) In general.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) Adjustment of Status.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) Authorization.—

"(1) In general.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SA 3485. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 225, beginning on line 17, strike all through page 491, line 9, and insert the following:

(d) OTHER STUDIES AND REPORTS.—

(1) STUDY BY LABOR.—The Secretary of Labor shall conduct a study on a sector-by-sector basis on the need for guest workers and the impact that any proposed temporary worker or guest worker program would have on wages and employment opportunities of American workers.

(2) STUDY BY GAO.—The Comptroller General of the United States shall conduct a study regarding establishing minimum criteria for effectively implementing any proposed temporary worker program and determining whether the Department has the capability to effectively enforce the program. If the Comptroller General determines that the Department does not have the capability to effectively enforce any proposed temporary worker program, the Comptroller General shall determine what additional manpower and resources would be required to ensure effective implementation.

(3) STUDY BY THE DEPARTMENT.—The Secretary shall conduct a study to determine if the border security and interior enforcement measures contained in this Act are being properly implemented and whether they are effective in securing United States borders and curbing illegal immigration.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in cooperation with the Secretary of Labor and the Comptroller General of the United States, submit a report to Congress regarding the studies conducted pursuant to paragraphs (1), (2), and (3).

SEC. 410. S VISAS.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security";

(B) in subclause (I), by inserting before the semicolon, ', including a criminal enterprise undertaken by a foreign government, its agents, representatives, or officials';

(C) in subclause (III), by inserting "where the information concerns a criminal enterprise undertaken by an individual or organization that is not a foreign government, its agents, representatives, or officials," before "whose"; and

(D) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

"and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) NUMERICAL LIMITATION.—Section 214(k)(1) (8 U.S.C. 1184(k)(1)) is amended by striking "The number of aliens" and all that follows through the period and inserting the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 1,000.".

(c) REPORTS.—

(1) CONTENT.—Paragraph (4) of section 214(k) (8 U.S.C. 1184(k)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking "The Attorney General" and inserting "The Secretary of Homeland Security"; and

(ii) by striking "concerning—" and inserting "that includes—";

(B) in subparagraph (D), by striking "and";

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by inserting at the end the following:

"(F) in the event that the total number of such nonimmigrants admitted is fewer than 25 percent of the total number provided for under paragraph (1) of this subsection—

"(i) the reasons why the number of such nonimmigrants admitted is fewer than 25 percent of that provided for by law;

"(ii) the efforts made by the Secretary of Homeland Security to admit such nonimmigrants; and

"(iii) any extenuating circumstances that contributed to the admission of a number of such nonimmigrants that is fewer than 25 percent of that provided for by law.".

(2) Form of report.—Section 214(k) (8 U.S.C. 1184(k)) is amended by adding at the end the following new paragraph:

"(5) To the extent required by law and if it is in the interests of national security or the security of such nonimmigrants that are admitted, as determined by the Secretary of Homeland Security, the information contained in a report described in paragraph (4) may be classified, and the Secretary of Homeland Security shall, to the extent feasible, submit a non-classified version of the report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.".

SEC. 411. L VISA LIMITATIONS.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case" and inserting "Except as provided in subparagraph (H), in the case"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for a period not to exceed 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i);

"(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

"(VI) evidence that the importing employer, during the previous 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

"(VII) a statement of the duties the beneficiary has performed at the new facility during the previous 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

"(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

"(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

"(X) evidence of the financial status of the new facility; and

"(XI) any other evidence or data prescribed by the Secretary.

"(iii) Notwithstanding subclauses (I) through (VI) of clause (ii) and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

"(H)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (G), to engage in employment in the United States during the initial 9-month period described in subparagraph (G)(i).

"(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (G)(ii).

"(I) For purposes of determining the eligibility of an alien for classification under Section 101(a)(15)(L) of this Act, the Secretary of Homeland Security shall establish a program to work cooperatively with the Department of State to verify a company or facility's existence in the United States and abroad.".

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle and the amendments made by this subtitle for the first fiscal year beginning before the date of enactment of this Act and each of the subsequent fiscal years beginning not more than 7 years after the effective date of the regulations promulgated by the Secretary to implement this subtitle.

Subtitle B—Immigration Injunction Reform

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 422. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) Requirements for an Order Granting Prospective Relief Against the Government.—

(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) Written explanation.—The requirements described in subsection (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) Expiration of preliminary injunctive relief.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) Requirements for order denying motion.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) Procedure for Motion Affecting Order Granting Prospective Relief Against the Government.—

(1) In general.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) Automatic stays.—

(A) In general.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) Duration of automatic stay.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) Postponement.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) Orders blocking automatic stays.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) Settlements.—

(1) Consent decrees.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) Private settlement agreements.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) Definitions.—In this section:

(1) Consent decree.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) Good cause.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

SEC. 423. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 422(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 422(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 422(b)(2)(D).

TITLE V—BACKLOG REDUCTION

SEC. 501. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

"(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.".

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(A)(i) 450,000, for each of the fiscal years 2007 through 2016; or

"(ii) 290,000, for fiscal year 2017 and each subsequent fiscal year;

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(C) the difference between—

"(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

"(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

"(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 503. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

"(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

"(i) the spouses or children of an alien lawfully admitted for permanent residence; or

"(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

"(A) 10 percent of such worldwide level; and

"(B) any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.".

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "15 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "15 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) OTHER WORKERS.—

"(A) IN GENERAL.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.

"(B) PRIORITY.—In allocating visas under subparagraph (A), priority shall be given to qualified immigrants who were physically present in the United States before January 7, 2004."; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 504. RELIEF FOR MINOR CHILDREN.

(a) IN GENERAL.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

"(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

"(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

"(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

"(I) 2 years after such date; or

"(II) the date on which the spouse remarries.

"(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.".

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking "in the second sentence of section 201(b)(2)(A)(i) also" and inserting "in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)".

SEC. 505. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

"(F)(i) During the period beginning on the date of the enactment the Comprehensive Immigration Reform Act of 2006 and ending on September 30, 2017, an alien—

"(I) who is otherwise described in section 203(b); and

"(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

"(ii) During the period described in clause (i), the spouse or dependents of an alien described in clause (i), if accompanying or following to join such alien.".

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) (8 U.S.C. 1152(a)(1)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)".

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)), as amended by section 502(1), is further amended by inserting ", except for aliens described in section 201(b)," after "any fiscal year".

(d) INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.—Not later than January 1, 2007, the Secretary of Health and Human Services shall—

(1) submit to Congress a report on the source of newly licensed nurses and physical therapists in each State, which report shall—

(A) include the past 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify those receiving their initial license and those licensed by endorsement from another State;

(D) within those receiving their initial license in each year, identify the number who received their professional education in the United States and those who received such education outside the United States; and

(E) to the extent possible, identify, by State of residence and country of education, the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(F) identify the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies to be followed by Federal and State governments that would be effective in removing such barriers, including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommend amendments to Federal legislation that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommend Federal grants, loans, and other incentives that would provide increases in nurse educators, nurse training facilities, and other steps to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommend amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the National Academy of Sciences Institute of Medicine to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act necessary to eliminate the domestic nursing and physical therapist shortage not later than 7 years from the date on which the report is published; and

(3) collaborate with other agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived, to—

(A) address health worker shortages caused by emigration;

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 506. RELIEF FOR WIDOWS AND ORPHANS.

(a) SHORT TITLE.—This section may be cited as the "Widows and Orphans Act of 2006".

(b) NEW SPECIAL IMMIGRANT CATEGORY.—

(1) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(A) in subparagraph (L), by inserting a semicolon at the end;

(B) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(2) STATUTORY CONSTRUCTION.—Section 101 (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph 2(C) or subparagraph (A), (B), (C), or (E) of paragraph (3) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(3) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official (as

described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1))—

(A) special immigrant status shall be adjudicated; and

(B) if special immigrant status is granted, the alien shall be paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)) and allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) within 1 year after the alien's arrival in the United States.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(A) data related to the implementation of this section and the amendments made by this section;

(B) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by paragraph (1); and

(C) any other information that the Secretary considers appropriate.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(c) REQUIREMENTS FOR ALIENS.—

(1) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(A) DATABASE SEARCH.—An alien may not be admitted to the United States unless the Secretary has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(B) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (A) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (b)(1).

(2) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(A) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(i) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States, the alien shall be fingerprinted and submit to the Secretary such fingerprints and any other personal biometric data required by the Secretary.

(ii) OTHER REQUIREMENTS.—The Secretary may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints of clause (i).

(B) DATABASE SEARCH.—The Secretary shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(C) COOPERATION AND SCHEDULE.—The Secretary and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by subparagraph (B) is completed not later than 180 days after the date on which the alien enters the United States.

(D) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(i) IN GENERAL.—There may be no review of a determination by the Secretary, after a search required by subparagraph (B), that an alien is ineligible for an adjustment of status, under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds except as provided in this subparagraph.

(ii) ADMINISTRATIVE REVIEW.—An alien may appeal a determination described in clause (i) through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services. The Secretary shall ensure that a determination on such appeal is made not later than 60 days after the date that the appeal is filed.

(iii) JUDICIAL REVIEW.—There may be no judicial review of a determination described in clause (i).

SEC. 507. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking "he has no intention of abandoning, who is" and inserting the following: "except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

"(I)";

(B) by striking "consistent with section 214(l)" and inserting "(except for a graduate program described in clause (iv)) consistent with section 214(m)";

(C) by striking the comma at the end and inserting the following: "; or

"(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;";

(2) in clause (ii)—

(A) by inserting "or (iv)" after "clause (i)"; and

(B) by striking ", and" and inserting a semicolon;

(3) in clause (iii), by adding "and" at the end; and

(4) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (L), or (V)".

(c) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(d) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa;

"(C) the alien is admissible to the United States for permanent residence; and

"(D) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(D), an alien may file an application for adjustment of status under this section if—

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) Limitation.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(f) Use of Fees.—

(1) Job training; scholarships.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting "and 80 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

(2) Fraud prevention and detection.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting "and 20 percent of the fees collected under section 245(a)(2)(D)" before the period at the end.

SEC. 508. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) Aliens With Certain Advanced Degrees Not Subject to Numerical Limitations on Employment Based Immigrants.—

(1) In general.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by section 505, is amended by adding at the end the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

"(H) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

"(I) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).".

(2) Applicability.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) Labor Certification.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.".

(c) Temporary Workers.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking "(beginning with fiscal year 1992)"; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006;"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

"(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or";

(2) in paragraph (5)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) has earned an advanced degree in science, technology, engineering, or math.";

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

"(9) If the numerical limitation in paragraph (1)(A)—

"(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

"(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.".

(d) Applicability.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SA 3486. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 13 through page 13, line 20, and insert the following:

"SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States;

(2) increase the port of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106 CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) Tucson Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) Yuma Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) Other Sectors.—

(1) Reinforced fencing—The Secretary shall construct a double- or triple-layered fence

(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

(d) Construction Deadline.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) (b) and (c), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) (b) and (c).

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section."

SA 3487. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

On page 11, strike line 13 through page 13, line 20, and insert the following:

"SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent, the number of ports of entry along the southwestern international border of the United States;

(2) increase the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106 CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) Tucson Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector

located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) OTHER SECTORS.—

(1) REINFORCED FENCING.—The Secretary shall construct not less than 700 additional miles of double- or triple-layered fencing at strategic locations along the southwest international border to be determined by the Secretary.

(2) PRIORITY AREAS.—In determining strategic locations under paragraph (c)(1), the Secretary shall prioritize, to the maximum extent practicable—

(A) areas with the highest illegal alien apprehension rates; and

(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.

(d) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) (b) and (c), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) (b) and (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section."

SA 3488. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 169, line 1 and 2 strike "of the criminal provisions".

SA 3489. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. REQUIREMENTS FOR NATURALIZATION.

(a) ENGLISH LANGUAGE REQUIREMENTS.—Section 312(a)(1) (8 U.S.C. 1423(a)(1)) is amended to read as follows:

"(1) an understanding of the English language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State; and".

(b) REQUIREMENT FOR HISTORY AND GOVERNMENT TESTING.—Section 312(a)(2) (8 U.S.C. 1423(a)(2)) is amended by striking the period at the end and inserting ", as demonstrated by receiving a passing score on a standardized test administered by the Secretary of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary.".

SA 3490. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, after line 16, add new Sections 3 (3); 3(4); and 3(5) that reads:

(3) BIOMETRIC.—The term "Biometric" includes the collection of, at a minimum, all 10 fingerprints from an individual, unless the individual is missing one or more of their digits, in which case the term "biometric" shall include the collection of, at a minimum, all fingerprints available.

(4) BIOMETRIC IDENTIFIER.—The term "biometric identifier" includes identifying an individual through the use of, at a minimum, fingerprint biometrics. The term does not include identification through a facial recognition biometric alone.

(5) BIOMETRIC AUTHENTICATION.—The term "biometric authentication" includes, at a minimum, authentication through the use of a fingerprint biometric.

SA 3491. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—IMMIGRATION LITIGATION REDUCTION

SEC. 701. CONSOLIDATION OF IMMIGRATION APPEALS.

(a) REAPPORTIONMENT OF CIRCUIT COURT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended in the item relating to the Federal Circuit by striking "12" and inserting "15".

(b) REVIEW OF ORDERS OF REMOVAL.—Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (2), by striking the first sentence and inserting "The petition for review shall be filed with the United States Court of Appeals for the Federal Circuit.";

(2) in paragraph (5)(B), by adding at the end the following: "Any appeal of a decision by the district court under this paragraph shall be filed with the United States Court of Appeals for the Federal Circuit."; and

(3) in paragraph (7), by amending subparagraph (C) to read as follows:

"(C) CONSEQUENCE OF INVALIDATION AND VENUE OF APPEALS.—

"(i) INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a).

"(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the district court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.".

(c) REVIEW OF ORDERS REGARDING INADMISSABLE ALIENS.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:

"(6) VENUE.—The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.".

(d) EXCLUSIVE JURISDICTION.—Section 242(g) (8 U.S.C. 1252(g)) is amended—

(1) by striking "Except"; and inserting the following:

"(1) IN GENERAL.—Except"; and

(2) by adding at the end the following:

"(2) APPEALS.—Notwithstanding any other provision of law, the United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to review a district court order arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States, including a district court order granting or denying a petition for writ of habeas corpus.".

(e) JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) EXCLUSIVE JURISDICTION.—Section 1295(a) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(15) of an appeal to review a final administrative order or a district court decision arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States.".

(2) CONFORMING AMENDMENTS.—Such section 1295(a) is further amended—

(A) in paragraph (13), by striking "and"; and

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and "and".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the such Court.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 702. CERTIFICATE OF REVIEWABILITY.

(a) BRIEFS.—Section 242(b)(3)(C) (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

"(C) BRIEFS.—

"(i) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this subparagraph, the court shall dismiss the appeal unless a manifest injustice would result.

"(ii) UNITED STATES BRIEF.—The United States shall not be afforded an opportunity to file a brief in response to the alien's brief until a judge issues a certificate of reviewability as provided in subparagraph (D), unless the court requests the United States to file a reply brief prior to issuing such certification.".

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) (8 U.S.C. 1252 (b)(3)) is amended by adding at the end the following new subparagraphs:

"(D) CERTIFICATE OF REVIEWABILITY.—

"(i) After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals.

"(ii) Unless such judge issues a certificate of reviewability, the petition for review shall be denied and the United States may not file a brief.

"(iii) Such judge may not issue a certificate of reviewability under clause (ii) unless the petitioner establishes a prima facie case that the petition for review should be granted.

"(iv) Such judge shall complete all action on such certificate, including rendering judgment, not later than 60 days after the date on which the judge is assigned the petition for review, unless an extension is granted under clause (v).

"(v) Such judge may grant, on the judge's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

"(I) all parties to the proceeding agree to such extension; or

"(II) such extension is for good cause shown or in the interests of justice, and the judge states the grounds for the extension with specificity.

"(vi) If no certificate of reviewability is issued before the end of the period described in clause (iv), including any extension under clause (v), the petition for review shall be denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the Government, and the alien may be removed.

"(vii) If such judge issues a certificate of reviewability under clause (ii), the Government shall be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government brief, and the court may not extend this deadline except upon motion for good cause shown.

"(E) NO FURTHER REVIEW OF DECISION NOT TO ISSUE A CERTIFICATE OF REVIEWABILITY.—The decision of a judge on the Federal Circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the Federal Circuit Court of Appeals and may not be reconsidered, reviewed, or reversed by the such Court through any mechanism or procedure.".

SA 3492. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection 644(c)(3) and insert:

(3) ENGLISH AND HISTORY AND GOVERNMENT REQUIREMENTS.—Section 312(a) is amended to read as follows:

"(a) No person except as otherwise provided in this title shall hereafter be naturalized as a citizen of the United States upon his own application who cannot demonstrate—"

"(1) an understanding of the English language on an eighth grade level, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State; and"

"(2) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United Staes, as demonstrated by receiving a passing score on a standardized test administered by the Secretary of the Department of Homeland Security of not less than 50 randomly selected questions from a database of not less than 1000 questions developed by the Secretary."

SA 3493. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 13 through 20 and insert the following:

SEC. 105. PORTS OF ENTRY.

To facilitate the flow of trade, commerce, tourism, and legal immigration, the Secretary shall—

(1) at locations to be determined by the Secretary, increase by at least 25 percent the number of ports of entry along the southwestern border of the United States;

(2) increase the ports of entry along the northern international land border as needed; and

(3) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

On page 13, between lines 5 and 6 insert the following:

(c) OTHER SECTORS.—

(1) REINFORCED FENCING.—The Secretary shall construct not less than 700 additional miles of double- or triple-layered fencing at strategic locations along the southwest border at strategic locations to be determined by the Secretary.

(2) PRIORITY AREAS.—In determining strategic locations under paragraph (1), the Secretary shall prioritize, to the maximum extent practicable—

(A) areas with the highest illegal alien apprehension rates; and

(B) areas with the highest human and drug trafficking rates, in the determination of the Secretary.

On page 13, line 6, strike "(c)" and insert "(d)".

On page 13, line 11, strike "(d)" and insert "(e)".

On page 13, line 18, strike "(e)" and insert "(f)".

SA 3494. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454. to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, strike lines 9 through 12, and insert the following:

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, discloses, or allows to be disclosed information in violation of this subsection shall be fined not more than $1,000.

SA 3495. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 4 and all that follows through 350, line 21, and insert the following:

"(l) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may use the information filed by the applicant under this section for any purpose other than the enforcement and administration of the immigration laws.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, discloses, or allows to be disclosed information in violation of this subsection shall be fined not more than $1,000.

SA 3496. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.

No alien granted legal status under this Act or an amendment made by this Act shall be granted any public benefit as a result of the changed status of the alien, including any cash or non-cash assistance, postsecondary educational assistance, housing assistance, daycare assistance, food stamps, Medicaid, or other individual public assistance, whether or not receipt of the public assistance would be sufficient for the person to be considered a public charge under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

SA 3497. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 5 and all that follows through 350, line 21, and insert the following:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may use the information filed by the applicant under this section for any purpose other than the enforcement and administration of the immigration laws.

SA 3498. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 241, strike lines 13 and 14 and insert the following:

"(A) paragraphs (5) and (7) of section 212(a) may be waived for

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SA 3499. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 355, strike lines 7 through line 14, and insert the following:

"(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in status under this Title shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a))."

SA 3500. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 355, strike lines 7 through line 14, and insert the following:

"(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in status under this Title shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)), for the first 5 years after status under this Title is attained."

SA 3501. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) SHORT TITLE.—This section may be cited as the "Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006".

(b) PURPOSE.—The purpose of this section is to establish a grant program within the Bureau of Citizenship and Immigration Services that provides funding to community-based organizations, including community-based legal service organizations, as appropriate, to develop and implement programs to assist eligible applicants for the conditional nonimmigrant worker program established under this Act by providing them with the services described in subsection (d)(2).

(c) DEFINITIONS.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff has experience and expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for such statuses.

(2) IEACA GRANT.—The term "IEACA grant" means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) ESTABLISHMENT OF INITIAL ENTRY, ADJUSTMENT, AND CITIZENSHIP ASSISTANCE GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) USE OF FUNDS.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) INITIAL APPLICATION.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by section 601. Such assistance may include assisting applicants in—

(i) screening to assess prospective applicants' potential eligibility or lack of eligibility;

(ii) filling out applications;

(iii) gathering proof of identification, employment, residence, and tax payment;

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under such section 218D.

(B) ADJUSTMENT OF STATUS.—Assistance and instruction, including legal assistance, to aliens seeking to adjust their status in accordance with section 245 or 245B of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants on—

(i) the rights and responsibilities of United States Citizenship;

(ii) English as a second language;

(iii) civics; or

(iv) applying for United States citizenship.

(3) DURATION AND RENEWAL.—

(A) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew any grant awarded under this section in 1-year increments.

(4) APPLICATION FOR GRANTS.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(5) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for a grant under this section to provide services described in subparagraph (A), (B), or (C)(iv) of paragraph (2) may not receive such a grant unless the organization is—

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise directed by an attorney.

(6) SELECTION OF GRANTEES.—Grants.awarded under this section shall be awarded on a competitive basis.

(7) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall approve applications under this section in a manner that ensures, to greatest extent practicable, that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A).

(8) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.

(e) LIAISON BETWEEN USCIS AND GRANTEES.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.

(f) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—

(1) the status of the implementation of this section;

(2) the grants issued pursuant to this section; and

(3) the results of those grants.

(g) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use funds made available under sections 218A(l)(2) and 218D(f)(4)(B) of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such additional sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated pursuant to subparagraph (A) shall remain available until expended.

(h) DISTRIBUTION OF FEES AND FINES.—

(1) H–2C VISA FEES.—Notwithstanding section 218A(l) of the Immigration and Nationality Act, as added by section 403, 2 percent of the fees collected under section 218A of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

(2) CONDITIONAL NONIMMIGRANT VISA FEES AND FINES.—Notwithstanding section 218D(f)(4) of the Immigration and Nationality Act, as added by section 601, 2 percent of the fees and fines collected under section 218D of such Act shall be made available for grants under the Initial Entry, Adjustment, and Citizenship Assistance Grant Program established under this section.

SA 3502. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

(13) AGREEMENT TO COLLECT PERCENTAGE OF WAGES TO OFFSET COST OF EMERGENCY HEALTH SERVICES FURNISHED TO UNINSURED H–2C NONIMMIGRANTS.—The employer shall collect an amount equal to 1.45 percent of the wages paid by the employer to any H–2C nonimmigrant and shall transmit such amount to the Secretary of the Treasury for deposit into the H–2C Nonimmigrant Health Services Trust Fund established under section 404(c) of the Comprehensive Immigration Reform Act of 2006 at such time and in such manner as the Secretary of the Treasury shall determine.

On page 266, after line 22, add the following:

(c) H–2C NONIMMIGRANT HEALTH SERVICES TRUST FUND.—

(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "H–2C Nonimmigrant Health Services Trust Fund", consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this subsection or under rules similar to the rules of section 9602 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the H–2C Nonimmigrant Health Services Trust Fund amounts equivalent to the amounts received by the Secretary of the Treasury as a result of the provisions of section 218B(b)(13) of the Immigration and Nationality Act.

(3) EXPENDITURES FROM TRUST FUND.—Amounts in the H–2C Nonimmigrant Health Services Trust Fund shall be available only for making payments by the Secretary of Health and Human Services out of the State allotments established in accordance with paragraph (4) directly to eligible providers for the provision of eligible services to H–2C nonimmigrants to the extent that the eligible provider was not otherwise reimbursed (through insurance or otherwise) for such services, as determined by such Secretary. Such payments shall be made under rules similar to the rules for making payments to eligible providers under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(4) STATE ALLOTMENTS.—Not later than January 1 of each year, the Secretary of Health and Human Services shall establish an allotment for each State equal to the product of—

(A) the total amount the Secretary of the Treasury notifies the Secretary of Health and Human Services was appropriated or credited to the H–2C Nonimmigrant Health Services Trust Fund during the preceding year; and

(B) the number of H–2C nonimmigrants employed in the State during such preceding year (as determined by the Secretary of Labor).

(5) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PROVIDER; ELIGIBLE SERVICES.—The terms "eligible provider" and "eligible services" have the meanings given those terms in section 1011(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(B) H–2C NONIMMIGRANT.—The term "H–2C nonimmigrant" has the meaning given that term in section 218A(n)(7) of the Immigration and Nationality Act.

SA 3503. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 303, strike line 7 and all that follows through page 304, line 5, and insert the following:

"(A)(i) for each of fiscal years 2007 through 2016, 450,000; or

"(ii) for fiscal year 2017 and each subsequent fiscal year, 290,000; and

"(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year.

"(2) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS FOR FISCAL YEARS 2001 THROUGH 2005.—

"(A) IN GENERAL.—Beginning in fiscal year 2006, the number of employment-based visas made available for immigrants described in paragraph (1), (2), or (3) of section 203(b) during any fiscal year, as calculated under paragraph (1), shall be increased by the number described in subparagraph (B).

"(B) ADDITIONAL NUMBER.—

"(i) IN GENERAL.—Subject to clause (ii), the number referred to in subparagraph (A) shall be equal to the sum of—

"(I) the difference between—

"(aa) the number of employment-based visas made available during the period of fiscal years 2001 through 2005; and

"(bb) the number of employment-based visas actually used during that period; and

"(II) the number of immigrant visas issued after September 30, 2004, to spouses and children of employment-based immigrants that were counted for purposes of paragraph (1)(B).

"(ii) REDUCTION.—For fiscal year 2007 and each fiscal year thereafter, the number described in clause (i) shall be reduced by the number of employment-based visas actually used under subparagraph (A) during the preceding fiscal year.".

On page 304, strike lines 6 through 15 and insert the following:

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent".

On page 329, strike lines 1 through 4 and insert the following:

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

"(4) FILING IN CASES OF UNAVAILABLE VISA NUMBERS.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

"(5) PENDING APPLICATIONS.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this paragraph, on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

"(6) EMPLOYMENT AUTHORIZATIONS AND ADVANCED PAROLE TRAVEL DOCUMENTATION.—The Attorney General shall—

"(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

"(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.".

Beginning on page 329, strike line 23 and all that follows through page 330, line 4, and insert the following:

"(G) Aliens who have earned an advanced degree in science, technology, engineering, or math and are employed in a related field.

On page 333, after line 5, insert the following:

(e) TEMPORARY WORKER VISA DURATION.—Section 106 of the American Competitiveness in the Twenty-First Century Act of 2000 (Public Law 106–313; 114 Stat. 1254) is amended by striking subsection (b) and inserting the following:

"(b) EXTENSION OF H–1B WORKER STATUS.—The Attorney General shall—

"(1) extend the stay of an alien who qualifies for an exemption under subsection (a) in not less than 3 increments, the duration of each of which shall be not less than 3 years, until such time as a final decision is made with respect to the lawful permanent residence of the alien; and

"(2) adjust each applicable fee payment schedule in accordance with the increments provided under paragraph (1) so that 1 fee is required for each 3-year increment.".

SA 3504. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert "(other than subparagraph (C)(i)(II) of such paragraph (9))" after "212(a)".

At the appropriate place, insert the following:

this paragraph to waive the provisions of section 212(a).

"(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(B) the alien has been convicted of any felony or three or more misdemeanors; or

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SA 3505. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BORDER SECURITY CERTIFICATION.

(a) In General.—Notwithstanding any other provision of law, subject to subsection (b), beginning on the date of enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States, until the Secretary provides written certification to the President and Congress that the borders of the United States are reasonably sealed and secured.

(b) Waiver and Implementation.—The President may waive the certification requirement under subsection (a) and direct the Secretary to implement a new conditional nonimmigrant work authorization program or any similar or subsequent program described in that subsection, if the President determines that implementation of the program would strengthen the national security of the United States.

SA 3506. Mr. REID (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"(6) Criminal and Related Grounds.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section under any of the following circumstances:

"(A) Conviction of Certain Crimes.—

"(i) In general.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed acts which constitute the essential elements of—

"(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

"(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(ii) Exception.—Clause (i)(I) shall not apply to an alien who committed only 1 crime if—

"(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

"(II) the maximum allowable penalty for the crime for which the alien was convicted, admits having committed, or admits having committed the acts constituting the essential elements of, is not longer than imprisonment for 1 year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment longer than 6 months (regardless of the extent to which the sentence was ultimately executed).

"(B) Multiple criminal convictions.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

"(i) the conviction was in a single trial;

"(ii) the offenses arose from a single scheme of misconduct; or

"(iii) the offenses involved moral turpitude. .

"(C) Controlled substance traffickers.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

"(i) is or has been—

"(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(II) a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

"(ii) is the spouse, son, or daughter of an alien ineligible under clause (i), and has—

"(I) during the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien; and

"(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

"(D) Certain aliens involved in serious criminal activity who have asserted immunity from prosecution.—The alien—

"(i) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

"(ii) exercised immunity from criminal jurisdiction with respect to that offense;

"(iii) as a consequence of the offense and exercise of immunity, has departed from the United States; and

"(iv) has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

"(E) Foreign government officials who have committed particularly severe violations of religious freedom.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)).

"(F) Significant traffickers in persons.—

"(i) In general.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons (as defined in the section 103 of such Act (22 U.S.C. 7102)).

"(ii) Beneficiaries of trafficking.—Except as provided in clause (iii), the consular officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

"(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

"(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

"(iii) Exception for certain sons and daughters.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

"(G) Money laundering.—A consular officer or the Attorney General knows, or has reason to believe, that the alien—

"(i) has engaged, is engaging, or seeks to enter the United States to engage, in an offense described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

"(ii) is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense referred to in clause (i).

"(H) Criminal convictions.—The alien has been convicted of any felony or at least 3 misdemeanors.

SA 3507. Mr. REID (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"(6) Criminal and related grounds.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section under any of the following circumstances:

"(A) Conviction of certain crimes.—

"(i) In general.—Except as provided in clause (ii), the alien was convicted of, admits having committed, or admits having committed acts which constitute the essential elements of—

"(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

"(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(ii) Exception.—Clause (i)(I) shall not apply to an alien who committed only 1 crime if—

"(I) the crime was committed before the alien reached 18 years of age and the alien was released from any confinement to a prison or correctional institution imposed for the crime more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States; or

"(II) the maximum allowable penalty for the crime for which the alien was convicted, admits having committed, or admits having committed the acts constituting the essential elements of, is not longer than imprisonment for 1 year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment longer than 6 months (regardless of the extent to which the sentence was ultimately executed).

"(B) Multiple criminal convictions.—The alien has been convicted of 2 or more offenses (other than purely political offenses) for which the aggregate sentences to confinement were 5 years or more, regardless of whether—

"(i) the conviction was in a single trial;

"(ii) the offenses arose from a single scheme of misconduct; or

"(iii) the offenses involved moral turpitude. .

"(C) Controlled substance traffickers.—The consular officer or the Attorney General knows, or has reason to believe, that the alien—

"(i) is or has been—

"(I) an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(II) a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

"(ii) is the spouse, son, or daughter of an alien ineligible under clause (i), and has—

"(I) during the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien; and

"(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

"(D) CERTAIN ALIENS INVOLVED IN SERIOUS CRIMINAL ACTIVITY WHO HAVE ASSERTED IMMUNITY FROM PROSECUTION.—The alien—

"(i) has committed a serious criminal offense (as defined in section 101(h)) in the United States;

"(ii) exercised immunity from criminal jurisdiction with respect to that offense;

"(iii) as a consequence of the offense and exercise of immunity, has departed from the United States; and

"(iv) has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense.

"(E) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The alien, while serving as a foreign government official, was responsible for, or directly carried out, at any time, particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)).

"(F) SIGNIFICANT TRAFFICKERS IN PERSONS.—

"(i) IN GENERAL.—The alien is listed in a report submitted under section 111(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108(b)) or the consular officer or the Attorney General knows or has reason to believe that the alien is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons (as defined in the section 103 of such Act (22 U.S.C. 7102)).

"(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), the consular officer or the Attorney General knows or has reason to believe that the alien is the spouse, son, or daughter of an alien ineligible under clause (i), and the alien—

"(I) within the previous 5 years, has obtained any financial or other benefit from the illicit activity of that alien; and

"(II) knew or reasonably should have known that the financial or other benefit was the product of such illicit activity.

"(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

"(G) MONEY LAUNDERING.—A consular officer or the Attorney General knows, or has reason to believe, that the alien—

"(i) has engaged, is engaging, or seeks to enter the United States to engage, in an offense described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

"(ii) is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense referred to in clause (i).

SA 3508. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

On page 351, lines 7 and 8, strike ", when such information is requested in writing by such entity".

SA 3509. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

On page 351, strike lines 9 through 12.

SA 3510. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose; which was ordered to lie on the table; as follows:

On page 351, beginning on line 7, strike ", when such" and all that follows through line 12, and insert a period.

SA 3511. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 350, strike line 4 and all that follows through "(f)" on page 351, line 13, and insert "(e)".

SA 3512. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 339, strike lines 7 through 22, and insert the following:

"(E) PAYMENT OF INCOME TAXES.—

"(i) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

"(I) no such tax liability exists;

"(II) all outstanding liabilities have been paid; or

"(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3513. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 399, strike lines 6 through 25, and insert the following:

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal income tax liability" means liability for Federal income taxes owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3514. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 341, line 16, strike "90" and insert "180".

SA 3515. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 340, strike "alien—" and all that follows through line 15, and insert the following "alien meets the requirements of section 312.".

SA 3516. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 332, line 7, strike the semicolon at the end and all that follows through line 24 and insert a period.

SA 3517. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. H-1B EMPLOYER FEE.

Section 214(c)(9)(B) (8 U.S.C. 1184(c)(9)(B)) is amended by striking "$1,500" and inserting "$2,000".

SA 3518. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . NATIONAL CENTER FOR WELCOMING NEW AMERICANS.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, may establish the National Center for Welcoming New Americans, an organization duly established at the University of Northern Iowa.

(b) PURPOSES.—The purposes of the National Center for Welcoming New Americans shall be—

(1) to promote the integration of new immigrants and refugees in communities, institutions, faith-based organizations, and workplaces;

(2) to provide training to new immigrants and refugees with respect to culturally appropriate social and health services;

(3) to create publications for new immigrants and refugees, United States citizens, and institutions; and

(4) to establish a national clearinghouse to collect and disseminate information relating to best practices in immigrant integration in the United States and abroad.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 3519. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) INTERNAL CORRUPTION; BENEFITS FRAUD.—Section 453 of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking "the Bureau of" each place it appears and inserting "United States";

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) establishing the Office of Internal Corruption Investigation, which shall—

"(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

"(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

"(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

"(D) request such information or assistance from any Federal, State, or local governmental agency as may be necessary for carrying out the duties and responsibilities under this section;

"(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

"(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

"(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

"(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered'or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(G) investigate criminal allegations and noncriminal misconduct;

"(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

"(I) be under the direct supervision of the Director.";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

"(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

"(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

"(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

"(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud."; and

(3) by adding at the end the following:

"(c) ANNUAL REPORT.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

"(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

"(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).".

(b) USE OF IMMIGRATION FEES TO COMBAT FRAUD.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: "Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).".

SA 3520. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 283, line 21, strike "visa—" and all that follows through line 25, and insert "visa by the alien's employer.".

SA 3521. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 358, strike "$2,000" in line 17 and insert "$5,000".

SA 3522. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike "be eligible to" in line 19.

SA 3523. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 362, strike lines 20-22

SA 3524. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, strike "may" in line 21 and "be" in line 22, and insert "shall".

SA 3525. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 373, strike "$2,000" in line 19 and insert "$5,000".

On page 373, strike "$3,000" in line 22 and insert "$10,000".

SA 3526. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 20 and insert the following:

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, autonomous unmanned ground vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, autonomous unmanned ground vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

SA 3527. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 390, strike line 15 and all that follows through page 394, line 17.

SA 3528. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) land under the jurisdiction of the United States Fish and Wildlife Service; and

(3) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SA 3529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 389, line 18, strike "100" and insert "$1000".

SA 3530. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 388, lines 8 and 9, strike "3 or more misdemeanors" and insert "misdemeanor".

SA 3531. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 386, line 11, strike "863 hours or".

SA 3532. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, line 19, strike "$400" and insert "$1000".

SA 3533. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 385, line 22, strike "1" and insert "8".

SA 3534. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike line 13 and all that follows through line 19 on page 409.

SA 3535. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 426, strike line 6 and all that follows through line 23 on page 427.

SA 3536. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 439, strike line 24 and all that follows through line 19 on page 442, and insert the following:

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the applicable State minimum wage.".

SA 3537. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 10 and all that follows through page 416, line 11 and insert the following:

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant Visa outside the United States.

SA 3538. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 4, insert "autonomous unmanned ground vehicles, " after "vehicles,".

On page 9, line 16, insert "autonomous unmanned ground vehicles, " after "vehicles,".

SA 3539. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 305. EMPLOYEE IDENTITY THEFT PREVENTION AND PRIVACY PROTECTION.

(a) FINDINGS.—

(1) According to the Federal Trade Commission, more than 8,400,000 Americans were victims of identity theft in 2004, and according to published reports approximately 55,000,000 Americans' most sensitive, personally identifiable information was accidentally made public through a data breach during 2005.

(2) Approximately 54,000,000 times each year, someone in America begins a new job and full implementation of the System will require transfer of data to verify the identity and authorization of each potential new employee.

(3) The data transferred through the System or stored in the databases utilized to verify identity and authorization will contain each employee's most sensitive, personally identifiable information.

(4) The information transferred and stored will be of uniquely high value to any potential identity thief, nonwork authorized undocumented alien, alien smuggler, or terrorist seeking to establish work authorization under another's name.

(5) The System should not be implemented or expanded unless it sufficiently protects against identity theft and safeguards employees' personal privacy.

(b) PRIVACY PROTECTIONS IN THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—Section 274A (8 U.S.C. 1324a), as amended by section 30[illegible](a), is further amended by adding at the end of subsection (d)(2) the following new subparagraphs:

"(H) LIMITATION ON DATA ELEMENTS COLLECTED FOR VERIFICATION PROCESS.—Employers utilizing the System shall obtain only the following data elements from any employee:

"(i) The employee's full legal name.

"(ii) The employee's date of birth.

"(iii) The employee's social security account number or other employment authorization status identification number.

"(I) LIMITATION ON DATA ELEMENTS STORED.—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation of employment eligibility for an individual shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, but in no case shall the data stored be other than—

"(i) the individual's full legal name;

"(ii) the individual's date of birth;

"(iii) the individual's social security account number or other employment authorization status identification number;

"(iv) the address of the employer making the inquiry;

"(v) the dates of any prior inquiries concerning the identity and eligibility of the employee by the employer or any other employers and the address of any such employer;

"(vi) records of any prior confirmations, tentative nonconfirmations, or final nonconfirmations issued under the System for the individual; and

"(vii) in the case of an employee successfully challenging a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity of the employee, including the source of that error.

"(J) LIMITATION OF SYSTEM USE OR INFORMATION TRANSFER.—Only individuals employed by the Commissioner of Social Security or the Secretary to implement and operate the System shall be permitted access to the System and any information in the databases queried to determine identity and employment authorization. It shall be unlawful for any other person to access the System or such databases or obtain information from the System or database. Information stored in the Systems or such databases may not be transferred to or shared with any Federal, State, or local government officials for any purpose other than preventing unauthorized workers from obtaining employment.

"(K) PROTECTION AGAINST UNLAWFUL INTERCEPTION AND DATA BREACHES.—The Commissioner of Social Security and the Secretary shall protect against unauthorized disclosure of the information transferred between employers, the Commissioner, and the Secretary and between the Commissioner and the Secretary by requiring that all information transmitted be encrypted.

"(L) ROBUST COMPUTER SYSTEM AND SOFTWARE SECURITY.—The Commissioner of Social Security and the Secretary shall employ robust, state-of-the-art computer system and software security to prevent hacking of the System or the databases employed.

"(M) SYSTEM SECURITY TESTING.—

"(i) REQUIREMENT FOR TESTING.—The Commissioner of Social Security and the Secretary shall require periodic stress testing of the System to determine if the System contains any vulnerabilities to data loss or theft or improper use of data. Such testing shall occur not less often than prior to each phase-in expansion of the System.

"(ii) REQUIREMENT TO REPAIR VULNERABILITIES.—Any computer vulnerabilities identified under clause (i) or through any other process shall be resolved prior to initial implementation or any subsequent expansion of the System.

"(iii) REQUIREMENT TO UPDATE.—The Secretary shall regularly update the System to ensure that the data protections in the System remains consistent with the state-of-the-art for databases of similarly sensitive personally identifiable information.

"(N) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

"(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined no less than $1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

"(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined no less than $10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

"(O) OFFICE OF EMPLOYEE PRIVACY.—

"(i) ESTABLISHMENT.—The Commissioner of Social Security and the Secretary shall establish a joint Office of Employee Privacy that shall be empowered to protect the rights of employees subject to verification under the System.

"(ii) AUTHORITY TO INVESTIGATE.—The Office of Employee Privacy shall investigate alleged privacy violations concerning failure of the Commissioner or the Secretary to satisfy the requirements of subparagraphs (H) through (Q) of this paragraph and any data breaches that may occur pursuant to the implementation and operation of the System.

"(iii) AUTHORITY TO ISSUE SUBPOENAS.—The head of the Office of Employee Privacy may issue subpoenas for a document or a person to facilitate an investigation.

"(iv) ANNUAL REPORT TO CONGRESS.—The head of the Office of Employee Privacy shall submit to Congress an annual report concerning the operation of the System.

"(v) ANNUAL REPORT ON INCORRECT NOTICES.—The head of the Office of Employee Privacy shall, at least annually, study and issue findings concerning the most common causes of the incorrect issuance of nonconfirmation notices under the System. Such report shall include recommendations for preventing such incorrect notices.

"(vi) AVAILABILITY OF REPORTS.—The head of the Office of Employee Privacy shall make available to the public any report issued by the Office concerning findings of an investigation conducted by the Office.

"(vii) REQUIREMENT FOR HOTLINE.—The head of the Office of Employee Privacy shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particularity data that resulted in the issuance of a nonconfirmation notice under the System.

"(viii) CERTIFICATION BY GAO.—The Secretary may not implement the System or any subsequent expansion or phase-in of the System unless the Comptroller General of the United States certifies that the Office of Employee Privacy has hired sufficient employees to answer employee inquiries and respond in real time concerning the particular data that resulted in the issuance of a nonconfirmation notice.

"(ix) TRAINING IN PRIVACY PROTECTION.—The head of the Office of Employee Privacy shall train any employee of the Social Security Administration or the Department of Homeland Security who implements or operates the System concerning the importance of and means of utilizing best practices for protecting employee privacy while utilizing and operating the System.

"(P) AUDITS OF DATA ACCURACY.—The Commissioner of Social Security and the Secretary shall randomly audit a substantial percentage of both citizens and work-eligible noncitizens files utilized to verify identity and authorization for the System each year to determine accuracy rates and shall require correction of errors in a timely fashion.

"(Q) EMPLOYEE RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any employee who contests a tentative nonconfirmation notice or final nonconfirmation notice may review and challenge the accuracy of the data elements and information in the System that resulted in the issuance of the nonconfirmation notice. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation notice to the Office of Employee Privacy. The head of the Office of Employee Privacy shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge.".

SA 3540. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of the amendment, insert the following:

SEC. 2. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

"(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

"(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed or the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.".

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian and Immigrant Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; and

(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1), or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SEC. 3. INADMISSIBILITY DETERMINATION.

Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting "(6)(C)(i)," after "(6)(A)."

SA 3541. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 329, line 11, insert "(other than subparagraph (C)(i)(II) of such paragraph (9))" after "212(a)".

On page 330, strike lines 8 through 15, and insert the following: this paragraph to waive the provisions of section 212(a).

"(3) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(B) the alien has been convicted of any felony or three or more misdemeanors; or

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SA 3542. Mr. THOMAS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purpose: which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

SEC. . BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c): and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S. C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) land under the jurisdiction of the United States Fish and Wildlife Service; and

(3) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

SA 3543. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 3 and all that follows through the end, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Immigration Reform Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.
Sec. 4. Severability.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.
Sec. 115. Combating human smuggling.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US-VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure border initiative financial accountability.
Sec. 131. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 132. Evasion of inspection or violation of arrival, reporting, entry, or clearance requirements.

Subtitle D—Border Tunnel Prevention Act

Sec. 141. Short title.
Sec. 142. Construction of border tunnel or passage.
Sec. 143. Directive to the United States Sentencing Commission.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and immigration fraud offenses.
Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Construction.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 221. Alternatives to detention.
Sec. 222. Conforming amendment.
Sec. 223. Reporting requirements.
Sec. 224. State and local enforcement of Federal immigration laws.
Sec. 225. Removal of drunk drivers.
Sec. 226. Medical services in underserved areas.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders.
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Laundering of monetary instruments.
Sec. 231. Listing of immigration violators in the National Crime Information Center database.
Sec. 232. Cooperative enforcement programs.
Sec. 233. Increase of Federal detention space and the utilization of facilities identified for closures as a result of the Defense Base Closure Realignment Act of 1990.
Sec. 234. Determination of immigration status of individuals charged with Federal offenses.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.

TITLE IV—TEMPORARY WORKER PROGRAMS AND VISA REFORM

Subtitle A—Requirements for Participating Countries

Sec. 401. Requirements for participating countries.

Subtitle B—Nonimmigrant Temporary Worker Program

Sec. 411. Nonimmigrant temporary worker category.
Sec. 412. Temporary worker program.
Sec. 413. Statutory construction.
Sec. 414. Authorization of appropriations.

Subtitle C—Mandatory Departure and Reentry in Legal Status

Sec. 421. Mandatory departure and reentry in legal status.
Sec. 422. Statutory construction.
Sec. 423. Authorization of appropriations.

Subtitle D—Alien Employment Management System

Sec. 431. Alien employment management system.
Sec. 432. Labor investigations.

Subtitle E—Protection Against Immigration Fraud

Sec. 441. Grants to Support Public Education and Training.

Subtitle F—Circular Migration

Sec. 451. Investment accounts.

Subtitle G—Backlog Reduction

Sec. 461. Employment based immigrants.
Sec. 462. Country limits.
Sec. 463. Allocation of immigrant visas.

Subtitle H—Temporary Agricultural Workers

Sec. 471. Sense of the Senate on temporary agricultural workers.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 4. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) Port of Entry Inspectors.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) Border Patrol Agents.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

"SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

"(a) Annual Increases.—The Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by—

"(1) 2,000 in fiscal year 2006;

"(2) 2,400 in fiscal year 2007;

"(3) 2,400 in fiscal year 2008;

"(4) 2,400 in fiscal year 2009;

"(5) 2,400 in fiscal year 2010; and

"(6) 2,400 in fiscal year 2011;

"(b) Northern Border.—In each of the fiscal years 2006 through 2011, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.".

SEC. 102. TECHNOLOGICAL ASSETS.

(a) Acquisition.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(b) Increased Availability of Equipment.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) Construction.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) Construction of Border Control Facilities.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) Tucson Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) Yuma Sector.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) Construction Deadline.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) Requirement for Plan.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) Submission to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for Strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) Content.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) Law enforcement cooperation.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) Technical Assistance.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) Border Security for Belize, Guatemala, and Mexico.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) Tracking Central American Gangs.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

(d) Limitations on Assistance.—Any funds made available to carry out this section shall be subject to the limitations contained in section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2006 (Public Law 109–102; 119 Stat. 2218).

SEC. 115. COMBATING HUMAN SMUGGLING.

(a) Requirement for Plan.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) Content.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) Report.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) Savings Provision.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In General.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) Components of Review.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) Training.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) Forensic Document Laboratory.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) Assessment.—

(1) Requirement for assessment.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) Report to congress.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) In General.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in the heading, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(3) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the" and inserting "The"; and

(B) by striking "visas and" both places it appears and inserting "visas, evidence of status, and";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) Other Documents.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.".

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) Collection of Biometric Data From Aliens Departing the United States.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(b) Inspection of Applicants for Admission.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) Authority to collect biometric data.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).".

(c) Collection of Biometric Data From Alien Crewmen.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.".

(d) Grounds of Inadmissibility.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) Withholders of biometric data.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.".

(e) Implementation.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) Implementation.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register."; and

(2) in subsection (l)—

(A) by striking "There are authorized" and inserting the following:

"(1) In general.—There are authorized"; and

(B) by adding at the end the following:

"(2) Implementation at all land border ports of entry.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 129. BORDER STUDY.

(a) Southern Border Study.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance;

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System; and

(9) an assessment of the necessity of constructing such a system after the implementation of provisions of this Act relating to guest workers, visa reform, and interior and worksite enforcement, and the likely effect of such provisions on undocumented immigration and the flow of illegal immigrants across the international border of the United States;

(10) an assessment of the impact of such a system on diplomatic relations between the United States and Mexico, Central America, and South America, including the likely impact of such a system on existing and potential areas of bilateral and multilateral cooperative enforcement efforts;

(11) an assessment of the impact of such a system on the quality of life within border communities in the United States and Mexico, including its impact on noise and light pollution, housing, transportation, security, and environmental health;

(12) an assessment of the likelihood that such a system would lead to increased violations of the human rights, health, safety, or civil rights of individuals in the region near the southern international border of the United States, regardless of the immigration status of such individuals;

(13) an assessment of the effect such a system would have on violence near the southern international border of the United States; and

(14) an assessment of the effect of such a system on the vulnerability of the United States to infiltration by terrorists or other agents intending to inflict direct harm on the United States.

(b) Report.—Not later than 9 months after the date of the enactment of this Act, the

Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) In General.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Inspector General.—

(1) Action.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) Report.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) Reports by the Secretary.—

(1) In general.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) Contracts with foreign companies.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) Reports on United States Ports.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) Authorization of Appropriations.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

SEC. 131. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) In General.—Beginning on October 1, 2007, an alien (other than a national of Mexico) who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) Requirements During Interim Period.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2007, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) Rules of Construction.—

(1) Asylum and removal.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) Treatment of certain aliens.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) Discretion.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 132. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) In General.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

"(a) Prohibition.—A person shall be punished as described in subsection (b) if such person attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint;

"(b) Penalties.—A person who commits an offense described in subsection (a) shall be—

"(1) fined under this title;

"(2)(A) imprisoned for not more than 3 years, or both;

"(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

"(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

"(3) both fined and imprisoned under this subsection.

"(c) Conspiracy.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

"(d) Prima Facie Evidence.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.".

(b) Conforming Amendment.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

"554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.".

(c) Failure to Obey Border Enforcement Officers.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

"(c) Failure to Obey Lawful Orders of Border Enforcement Officers.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.".

Subtitle D—Border Tunnel Prevention Act

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "Border Tunnel Prevention Act".

SEC. 142. CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.

(a) In General.—Chapter 27 of title 18, United States Code, as amended by section 132(a), is further amended by adding at the end the following:

"§ 555. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

“(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, as amended by section 132(b), is further amended by adding at the end the following:

“Sec. 555. Border tunnels and passages.”.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting “555,” before “1425,”.

SEC. 143. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by section 132.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) provide adequate base offense levels for offenses under such section;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(B) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(4) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(5) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(6) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking “or (VI)” and inserting “(V), (VI), (VII), or (VIII)”.

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking “inadmissible under” and inserting “described in”; and

(2) by striking “deportable under” and inserting “described in”.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is amended by striking “deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)” and inserting “described in paragraph (2)(A)(iii) or (4) of section 237(a)”.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking “or” at the end;

(2) in clause (iv) by striking the period at the end and inserting “; or”;

(3) by inserting after clause (iv) the following:

“(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States).”; and

(4) in the undesignated paragraph, by striking “For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.”.

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

“SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

“A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

“(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

“(2) entered the United States before January 1, 1972;

“(3) has resided in the United States continuously since such entry;

“(4) is a person of good moral character;

“(5) is not ineligible for citizenship; and

“(6) is not described in section 237(a)(4)(B).”.

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing on or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking “Attorney General” the first place it appears and inserting “Secretary of Homeland Security”;

(B) by striking “Attorney General” any other place it appears and inserting “Secretary”;

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

“(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.”.

(ii) by amending subparagraph (C) to read as follows:

“(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

“(i) make all reasonable efforts to comply with the removal order; or

“(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal.”; and

(iii) by adding at the end the following:

“(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.”;

(D) in paragraph (2), by adding at the end the following: “If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.”;

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

“(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

“(i) to prevent the alien from absconding;

“(ii) for the protection of the community; or

“(iii) for other purposes related to the enforcement of the immigration laws.”;

(F) in paragraph (6), by striking “removal period and, if released,” and inserting “removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien”;

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

“(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

“(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

“(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

“(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

"(i) has effected an entry into the United States;

"(ii) has made all reasonable efforts to comply with the alien's removal order;

"(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

"(iv) has not conspired or acted to prevent removal.

"(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

"(i) shall consider any evidence submitted by the alien;

"(ii) may consider any other evidence, including—

"(I) any information or assistance provided by the Department of State or other Federal agency; and

"(II) any other information available to the Secretary pertaining to the ability to remove the alien.

"(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

"(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

"(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

"(ii) certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

"(IV) that—

"(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

"(bb) the alien—

"(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

"(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

"(V) that—

"(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

"(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

"(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

"(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

"(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

"(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

"(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

"(i) the alien fails to comply with the conditions of release;

"(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

"(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

"(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

"(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

"(i) has effected an entry into the United States; and

"(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

"(aa) failed or refused to make all reasonable efforts to comply with a removal order;

"(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

"(cc) conspired or acted to prevent removal; or

"(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

"(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting "(1)" before "If, after a hearing";

(C) in subparagraphs (B) and (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(D) by adding after subparagraph (C), as redesignated, the following:

"(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

"(A) is an alien; and

"(B)(i) has no lawful immigration status in the United States;

"(ii) is the subject of a final order of removal; or

"(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328)."; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by adding at the end the following:

"(C) the person's immigration status; and".

SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "The term 'aggravated felony' means—" and inserting "Notwithstanding any other provision of law (except for the provision providing an effective date for section 203 of the Comprehensive Reform Act of 2006), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—";

(2) in subparagraph (A), by striking "murder, rape, or sexual abuse of a minor;" and inserting "murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;";

(3) in subparagraph (N), by striking "paragraph (1)(A) or (2) of";

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) in subparagraph (U), by striking "an attempt or conspiracy to commit an offense described in this paragraph" and inserting "aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense"; and

(6) by striking the undesignated matter following subparagraph (U).

(b) Effective Date and Application.—

(1) In general.—The amendments made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any act that occurred on or after the date of the enactment of this Act.

(2) Application of IIRAIRA amendments.—The amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 204. TERRORIST BARS.

(a) Definition of Good Moral Character.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: ", regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or"; and

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character" and inserting the following: "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(b) Pending Proceedings.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(c) Conditional Permanent Resident Status.—

(1) In general.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) Certain alien entrepreneurs.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(d) Judicial Review of Naturalization Applications.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(e) Persons Endangering National Security.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) Persons Endangering the National Security.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(f) Concurrent Naturalization and Removal Proceedings.—Section 318 (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting: "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(g) District Court Jurisdiction.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) Request for Hearing Before District Court.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

(h) Effective Date.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) Criminal Street Gangs.—

(1) Inadmissibility.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

"(F) Members of criminal street gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

"(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.".

(2) Deportability.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) Members of criminal street gangs.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

"(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

"(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.".

(3) Temporary protected status.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: "Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.";

(ii) in subparagraph (C), by striking "a period of 12 or 18 months" and inserting "any other period not to exceed 18 months";

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking "The amount of any such fee shall not exceed $50.";

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking ", or" at the end;

(II) in clause (ii), by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code)."; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: "The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.".

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting "212(a) or" after "section"; and

(B) in the matter following subparagraph (D)—

(i) by striking "or imprisoned not more than four years" and inserting "and imprisoned for not less than 6 months or more than 5 years"; and

(ii) by striking ", or both";

(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).''; and

(3) by amending subsection (d) to read as follows:

"(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.".

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

"SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

"(a) CRIMINAL OFFENSES AND PENALTIES.—

"(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

"(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

"(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

"(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

"(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

"(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

"(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

"(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

"(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

"(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

"(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

"(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

"(i) transporting the person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

"(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

"(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in terrorist activity;

"(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

"(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

"(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

"(B) for an individual or organization, not previously convicted of a violation of this section, to provide an alien who is present in the United States with humanitarian assistance, including medical care, housing, counseling, victim services, and food, or to transport the alien to a location where such assistance can be rendered.

"(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

"(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

"(2) DEFINITION.—An alien described in this paragraph is an alien who—

"(A) is an unauthorized alien (as defined in section 274A(h)(3));

"(B) is present in the United States without lawful authority; and

"(C) has been brought into the United States in violation of this subsection.

"(c) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

"(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

"(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

"(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

"(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

"(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

"(2) other officers responsible for the enforcement of Federal criminal laws.

"(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

"(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

"(2) the deposition otherwise complies with the Federal Rules of Evidence.

"(f) OUTREACH PROGRAM.—

"(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

"(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

"(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

"(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

"(g) DEFINITIONS.—In this section:

"(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

"(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

"(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.".

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

"Sec. 274. Alien smuggling and related offenses.".

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ", alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting ", alien smuggling crime," after "such crime of violence";

(C) in subparagraph (D)(ii), by inserting ", alien smuggling crime," after "crime of violence"; and

(2) by adding at the end the following:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).".

SEC. 206. ILLEGAL ENTRY.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

"(a) IN GENERAL.—

"(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

"(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

"(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

"(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs law, immigration laws, agriculture laws, or shipping laws).

"(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

"(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

"(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

"(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

"(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

"(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.".

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry.".

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

"(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

"(b) Reentry of Criminal Offenders.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

"(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

"(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

"(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

"(c) Reentry After Repeated Removal.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(d) Proof of Prior Convictions.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) Affirmative Defenses.—It shall be an affirmative defense to a violation of this section that—

"(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

"(2) with respect to an alien previously denied admission and removed, the alien—

"(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

"(B) had complied with all other laws and regulations governing the alien's admission into the United States.

"(f) Limitation on Collateral Attack on Underlying Removal Order.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

"(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

"(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

"(g) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

"(h) Limitation.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

"(i) Definitions.—In this section:

"(1) Crosses the border.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

"(2) Felony.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(3) Misdemeanor.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

"(4) Removal.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

"(5) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) Passport, Visa, and Immigration Fraud.—

(1) In general.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"Sec.
"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Marriage fraud.
"1548. Attempts and conspiracies.
"1549. Alternative penalties for certain offenses.
"1550. Seizure and forfeiture.
"1551. Additional jurisdiction.
"1552. Additional venue.
"1553. Definitions.
"1554. Authorized law enforcement activities.
"1555. Exception for refugees and asylees.

"§ 1541. Trafficking in passports

"(a) Multiple Passports.—Any person who, during any 3-year period, knowingly–

"(1) and without lawful authority produces, issues, or transfers 10 or more passports;

"(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

"(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

"(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) Passport Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Any person who knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

"(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) Forgery.—Any person who—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) Unlawful Production.—Any person who knowingly and without lawful authority—

"(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

"(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

"(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1544. Misuse of a passport

"(a) In General.—Any person who—

"(1) knowingly uses any passport issued or designed for the use of another;

"(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Entry; Fraud.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

“(1) to enter or to attempt to enter the United States; or

“(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1545. Schemes to defraud aliens

“(a) In General.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

“(1) to defraud any person, or

“(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Misrepresentation.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1546. Immigration and visa fraud

“(a) In General.—Any person who knowingly—

“(1) uses any immigration document issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document;

“(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

“(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Multiple Violations.—Any person who, during any 3-year period, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) Immigration Document Materials.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1547. Marriage fraud

“(a) Evasion or Misrepresentation.—Any person who—

“(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

“(2) knowingly misrepresents the existence or circumstances of a marriage—

“(A) in an application or document authorized by the immigration laws; or

“(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) Multiple Marriages.—Any person who—

“(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

“(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) Commercial Enterprise.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

“(d) Duration of Offense.—

“(1) In general.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

“(2) Commercial enterprise.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

“§ 1548. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

“§ 1549. Alternative penalties for certain offenses

“(a) Terrorism.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

“(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

“(b) Offense Against Government.—Any person who violates any section of this chapter—

“(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

“(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

“§ 1550. Seizure and forfeiture

“(a) Forfeiture.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) Applicable Law.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§ 1551. Additional jurisdiction

“(a) In General.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) Extraterritorial Jurisdiction.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

“(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

“(6) the offender is a stateless person whose habitual residence is in the United States.

“§ 1552. Additional venue

“(a) In General.—An offense under section 1542 may be prosecuted in—

“(1) any district in which the false statement or representation was made;

“(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

“(b) Savings Clause.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

"§ 1553. Definitions

"As used in this chapter:

"(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

"(A) contains a statement or representation that is false, fictitious, or fraudulent;

"(B) has no basis in fact or law; or

"(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

"(2) The term a 'false statement or representation' includes a personation or an omission.

"(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

"(4) The term 'immigration document'—

"(A) means—

"(i) any passport or visa; or

"(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

"(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

"(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

"(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(8) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

"(9) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(10) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

"§ 1554. Authorized law enforcement activities

"Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).

"§ 1555. Exception for refugees, asylees, and other vulnerable persons

"(a) IN GENERAL.—If a person believed to have violated section 1542, 1544, 1546, or 1548 while attempting to enter the United States, without delay, indicates an intention to apply for asylum under section 208 or 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1231), or for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (in accordance with section 208.17 of title 8, Code of Federal Regulations), or under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, or a credible fear of persecution or torture—

"(1) the person shall be referred to an appropriate Federal immigration official to review such claim and make a determination if such claim is warranted;

"(2) if the Federal immigration official determines that the person qualifies for the claimed relief, the person shall not be considered to have violated any such section; and

"(3) if the Federal immigration official determines that the person does not qualify for the claimed relief, the person shall be referred to an appropriate Federal official for prosecution under this chapter.

"(b) SAVINGS PROVISION.—Nothing in this section shall be construed to diminish, increase, or alter the obligations of refugees or the United States under article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).".

(2) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

"75. Passport, visa, and immigration fraud .... 1541".

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—Section 208 (8 U.S.C. 1158) is amended by adding at the end the following:

"(e) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the written terms and limitations of Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).".

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking ", or" at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting "; or"; and

(3) by inserting after subclause (II) the following:

"(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,".

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

"(iii) of a violation of any provision of chapter 75 of title 18, United States Code,".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the "Program") or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

"(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.";

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

"(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

"(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.";

(iv) in subparagraph (C), as redesignated, by striking "subparagraphs (C) and(D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(v) in subparagraph (D), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(vi) in subparagraph (E), as redesignated, by striking "subparagraph (B)" each place that term appears and inserting "subparagraph (C)"; and

(F) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subsection (b)(2), by striking "a period exceeding 60 days" and inserting "any period in excess of 45 days";

(3) by amending subsection (c) to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

"(4) FAILURE TO COMPLY WITH AGREEMENT.—

"(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

"(i) ineligible for the benefits of the agreement;

"(ii) subject to the penalties described in subsection (d); and

"(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

"(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

"(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.";

(4) by amending subsection (d) to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

"(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

"(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection."; and

(5) by amending subsection (e) to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens."; and

(6) in subsection (f), by adding at the end the following: "Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking "seeks admission within 5 years of the date of such removal (or within 20 years" and inserting "seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal"; and

(2) in clause (ii), by striking "seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of" and inserting "seeks admission not later than 10 years after the date of the alien's departure or removal (or not later than 20 years after".

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

"(2) Savings Provision.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

"(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

"(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.".

(c) Effective Dates.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered on or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));"; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking "(y)(2)" and all that follows and inserting "(y), is in a nonimmigrant classification; or"; and

(C) by adding at the end the following:

"(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));".

(3) in subsection (y)—

(A) in the header, by striking "Admitted Under Nonimmigrant Visas" and inserting "In a Nonimmigrant Classification";

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).";

(C) in paragraph (2), by striking "has been lawfully admitted to the United States under a nonimmigrant visa" and inserting "is in a nonimmigrant classification"; and

(D) in paragraph (3)(A), by striking "Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)" and inserting "Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) In General.—Section 3291 of title 18, United States Code, is amended to read as follows:

"§ 3291. Immigration, naturalization, and peonage offenses

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.".

(b) Clerical Amendment.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

"3291. Immigration, naturalization, and peonage offenses.".

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

"(C) violations of chapter 77 of title 18, United States Code; and

"(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);".

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) In General.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

"(f) Minimum Number of Agents in States.—

"(1) In general.—The Secretary of Homeland Security shall allocate to each State—

"(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

"(i) investigate immigration violations; and

"(ii) ensure the departure of all removable aliens; and

"(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

"(2) Waiver.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census"; and

(2) by adding at the end the following:

"(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.".

(b) Effective Date.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. CONSTRUCTION.

(a) In General.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 362. CONSTRUCTION.

"(a) In General.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

"(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

"(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

"(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

"(b) Denial; Withholding.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.".

(b) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 361 the following:

"Sec. 362. Construction.".

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) Reimbursement for Costs Associated With Processing Criminal Illegal Aliens.—The Secretary shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) Authorization of Appropriations.—

(1) Processing criminal illegal aliens.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) Compensation upon request.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry this subsection—

"(A) such sums as may be necessary for fiscal year 2007;

"(B) $750,000,000 for fiscal year 2008;

"(C) $850,000,000 for fiscal year 2009; and

"(D) $950,000,000 for each of the fiscal years 2010 through 2012.".

(c) Technical Amendment.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) In General.—The Secretary shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 220. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) Grants Authorized.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) Use of Funds.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 221. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 222. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in chapter 75 of title 18, United States Code, and"; and

(2) by inserting the following: "that is not described in section 1548 of such title (relating to increased penalties), and" after "first offense".

SEC. 223. REPORTING REQUIREMENTS.

(a) Clarifying Address Reporting Requirements.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking "notify the Attorney General in writing" and inserting "submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,";

(B) by striking "the Attorney General may require by regulation" and inserting "the Secretary may require"; and

(C) by adding at the end the following: "If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.";

(2) in subsection (b), by striking "Attorney General" each place such term appears and inserting "Secretary";

(3) in subsection (c), by striking "given to such parent" and inserting "given by such parent"; and

(4) by adding at the end the following:

"(d) Address to Be Provided.—

"(1) In general.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

"(2) Specific requirements.—The Secretary may provide specific requirements with respect to—

"(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

"(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

"(3) Detention.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

"(e) Use of Most Recent Address Provided by the Alien.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

"(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

"(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

"(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

"(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

"(2) Reliance.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

"(3) Obligation.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).".

(b) Conforming Changes With Respect to Registration Requirements.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in section 263(a), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(B) in subsection (f)—

(i) by striking "Attorney General is authorized" and inserting "Secretary of Homeland Security and Attorney General are authorized"; and

(ii) by striking "Attorney General or the Service" and inserting "Secretary or the Attorney General".

(c) Penalties.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Failure to Provide Notice of Alien's Current Address.—

"(1) Criminal penalties.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

"(2) Effect on immigration status.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.";

(2) in subsection (c), by inserting "or a notice of current address" before "containing statements"; and

(3) in subsections (c) and (d), by striking "Attorney General" each place it appears and inserting "Secretary".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 224. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: "If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security."; and

(2) in paragraph (4), by adding at the end the following: "The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 225. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State law," after "offense)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 226. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "and before June 1, 2006.".

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting "EXPEDITED REMOVAL OF CRIMINAL ALIENS";

(2) in subsection (a), by striking the subsection heading and inserting: "EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—";

(3) in subsection (b), by striking the subsection heading and inserting: "REMOVAL OF CRIMINAL ALIENS.—";

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

"(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

"(A) has not been lawfully admitted to the United States for permanent residence; and

"(B) was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).";

(5) in the subsection (c) that relates to presumption of deportability, by striking "convicted of an aggravated felony" and inserting "described in subsection (b)(2)";

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking ", who is deportable under this Act,".

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(B) by adding at the end the following new subclause:

"(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking "and who arrives by aircraft at a port of entry" and inserting "and—"; and

(B) by adding at the end the following:

"(i) who arrives by aircraft at a port of entry; or

"(ii) who is present in the United States and arrived in any manner at or between a port of entry.".

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting "or stay, whether temporarily or otherwise," after "enjoin".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking "Any" and inserting "Except as provided in clause (vii), any":

(2) in subparagraph (A), by inserting after clause (vi) the following:

"(vii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed."; and

(3) in subparagraph (B)(i)—

(A) by striking "Any alien" and inserting the following: "(I) Except as provided in subclause (II), any alien"; and

(B) by adding at the end the following:

"(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.".

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting "(other than a citizen described in section 204(a)(1)(A)(vii))" after "citizen of the United States" each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

"SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(d) Reimbursement.—

"(1) In general.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

"(2) Cost computation.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

"(e) Requirement for Appropriate Security.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(f) Requirement for Schedule.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

"(g) Authority for Contracts.—

"(1) In general.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) Determination by secretary.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.".

(b) Authorization of Appropriations for the Detention and Transportation to Federal Custody of Aliens Not Lawfully Present.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

SEC. 230. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

SEC. 231. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the National Crime Information Center.—

(1) In general.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) Removal of information.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) Procedure for removal of erroneous information.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) Inclusion of Information in the National Crime Information Center Database.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

SEC. 232. COOPERATIVE ENFORCEMENT PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).

SEC. 233. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) Construction or Acquisition of Detention Facilities.—

(1) In general.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) Determination of location.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) Use of installations under base closure laws.—In acquiring detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) Technical and Conforming Amendment.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 234. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) Responsibility of United States Attorneys.—Beginning not later than 2 years after the date of the enactment of this Act, the office of the United States Attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning not later than 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) CONSTRUCTION.—Nothing in this section may be construed to provide a basis for admitting evidence to a jury or releasing information to the public regarding an alien's immigration status.

(e) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

"(5) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record-keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

"(I) a document described in subparagraph (B); or

"(II) a document described in subparagraph (C) and a document described in subparagraph (D).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

"(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

"(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

"(i) United States passport; or

"(ii) permanent resident card or other document designated by the Secretary, if the document—

"(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

"(II) is evidence of eligibility for employment in the United States; and

"(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

"(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

"(ii) any other documents evidencing eligibility of employment in the United States, if—

"(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

"(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13; 119 Stat. 302);

"(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

"(I) is not required by the Secretary to comply with such requirements; and

"(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

"(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

"(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

"(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

"(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii), a document of personal identity of such other type that—

"(I) the Secretary determines is a reliable means of identification; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

"(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 7 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

"(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

"(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

"(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

"(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

"(2) MANAGEMENT OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

"(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

"(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

"(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

"(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

"(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

"(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

"(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

"(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

"(ii) to respond to each inquiry made by an employer; and

"(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

"(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

"(v) to allow for monitoring of the use of the System and provide an audit capability; and

"(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

"(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

"(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(ii) a determination of whether such social security account number was issued to the named individual;

"(iii) a determination of whether such social security account number is valid for employment in the United States; and “(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

“(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

“(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

“(ii) a determination of whether such number was issued to the named individual;

“(iii) a determination of whether the individual is authorized to be employed in the United States; and

“(iv) any other related information that the Secretary may require.

“(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

“(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

“(A) CRITICAL EMPLOYERS.—

“(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

“(I) part of the critical infrastructure of the United States; or

“(II) directly related to the national security or homeland security of the United States.

“(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary may require an additional employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

“(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with 5,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(C) MIDSIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require an employer with less than 5,000 employees and with 1,000 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers with less than 1,000 employees and with 250 or more employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

“(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

“(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

“(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

“(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

“(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, if the Secretary has reasonable cause to believe that the employer has engaged in violations of the immigration laws.

“(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) with respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

“(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

“(7) SYSTEM REQUIREMENTS.—

“(A) IN GENERAL.—An employer that participates in the System, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

“(i) obtain from the individual and record on the form designated by the Secretary—

“(I) the individual's social security account number; and

“(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

“(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

“(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(ii) in the case of an employee hired prior to the date of enactment of the Comprehensive Immigration Reform Act of 2006, at such time as the Secretary shall specify.

“(C) CONFIRMATION OR NONCONFIRMATION.—

“(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

“(ii) NONCONFIRMATION AND VERIFICATION.—

“(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

“(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

“(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

“(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

“(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

“(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

“(D) CONSEQUENCES OF NONCONFIRMATION.—

“(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

“(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

“(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

“(12) REPORT.—Not later than 1 year after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

“(e) COMPLIANCE.—

“(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

“(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

“(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

“(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

“(2) AUTHORITY IN INVESTIGATIONS.—

“(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

“(i) shall have reasonable access to examine evidence of any employer being investigated; and

“(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

“(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

“(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

“(3) COMPLIANCE PROCEDURES.—

“(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

“(i) describe the violation;

“(ii) specify the laws and regulations allegedly violated;

“(iii) disclose the material facts which establish the alleged violation; and

“(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

“(B) REMISSION OR MITIGATION OF PENALTIES.—

“(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

“(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

“(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of subsection (b), (c), or (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

“(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

“(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(i) MISCELLANEOUS PROVISIONS.—

“(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

“(2) PREEMPTION.—The provisions of this section preempt any State or local law—

“(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

“(B) requiring, as a condition of conducting, continuing, or expanding a business, that a business entity—

“(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

“(ii) take other steps that facilitate the employment of day laborers by others.

“(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

“(k) DEFINITIONS.—In this section:

“(1) EMPLOYER.—The term ‘employer’ means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

“(2) NO-MATCH NOTICE.—The term ‘no-match notice’ means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W–2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

“(3) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(4) UNAUTHORIZED ALIEN.—The term ‘unauthorized alien’ means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

“(A) an alien lawfully admitted for permanent residence; or

“(B) authorized to be so employed by this Act or by the Secretary.”.

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

“(w) EMPLOYER COMPLIANCE FUND.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the ‘Employer Compliance Fund’ (referred to in this subsection as the ‘Fund’).

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

“(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

“(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.”.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning on the date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking “citizen” and inserting “national”.

TITLE IV—TEMPORARY WORKER PROGRAMS AND VISA REFORM

Subtitle A—Requirements for Participating Countries

SEC. 401. REQUIREMENTS FOR PARTICIPATING COUNTRIES.

(a) IN GENERAL.—An alien is not eligible for status as a nonimmigrant under section

101(a)(15)(W) of the Immigration and Nationality Act, as added by section 501 of this Act, or deferred mandatory departure status under section 218B of the Immigration and Nationality Act, as added by section 601 of this Act, unless the home country of the alien has entered into a bilateral agreement with the United States that conforms to the requirements under subsection (b).

(b) REQUIREMENTS OF BILATERAL AGREEMENTS.—Each agreement under subsection (a) shall require the home country to—

(1) accept, within 3 days, the return of nationals who are ordered removed from the United States;

(2) cooperate with the United States Government in—

(A) identifying, tracking, and reducing gang membership, violence, and human trafficking and smuggling; and

(B) controlling illegal immigration;

(3) provide the United States Government with—

(A) passport information and criminal records of aliens who are seeking admission to or are present in the United States; and

(B) admission and entry data to facilitate United States entry-exit data systems;

(4) take steps to educate nationals of the home country regarding the program under title V or VI to ensure that such nationals are not exploited; and

(5) provide a minimum level of health coverage to its participants.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services shall, by regulation, define the minimum level of health coverage to be provided by participating countries.

(2) RESPONSIBILITY TO OBTAIN COVERAGE.—If the health coverage provided by the home country falls below the minimum level defined pursuant to paragraph (1), the employer of the alien shall provide or the alien shall obtain coverage that meets such minimum level.

(d) HOUSING.—Participating countries shall agree to evaluate means to provide housing incentives in the alien's home country for returning workers.

Subtitle B—Nonimmigrant Temporary Worker Program

SEC. 411. NONIMMIGRANT TEMPORARY WORKER CATEGORY.

(a) NEW TEMPORARY WORKER CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

"(W) an alien having a residence in a foreign country which the alien has no intention of abandoning who is coming temporarily to the United States to perform temporary labor or service, other than that which would qualify an alien for status under sections 101(a)(15)(H)(i), 101(a)(15)(H)(ii)(a), 101(a)(15)(L), 101(a)(15)(O), 101(a)(15)(P), and who meets the requirements of section 218A; or".

(b) REPEAL OF H-2B CATEGORY.—Section 101(a)(15)(H)(ii) is amended by striking ", or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession".

(c) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking "or" at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and "or".

SEC. 412. TEMPORARY WORKER PROGRAM.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218 the following new section:

"SEC. 218A. TEMPORARY WORKER PROGRAM.

"(a) IN GENERAL.—The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(W) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15)).

"(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(W), an alien shall meet the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(W).

"(2) EVIDENCE OF EMPLOYMENT.—The alien must establish that he has a job offer from an employer authorized to hire aliens under the Alien Employment Management Program.

"(3) FEE.—The alien shall pay a $500 visa issuance fee in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(5) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of being admitted as a nonimmigrant under section 101(a)(15)(W).

"(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for admission as a nonimmigrant under section 101(a)(15)(W), the Secretary shall require an alien to provide information concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

"(C) WAIVER.—The Secretary of Homeland Security may require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of admission as a nonimmigrant under section 101(a)(15)(W), the alien agrees to waive any right—

"(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

"(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W).

"(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) GROUNDS OF INADMISSIBILITY.—

"(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(W)—

"(A) paragraphs (5), (6)(A), (7), and (9)(B) or (C) of section 212(a) may be waived for conduct that occurred on a date prior to the effective date of this Act; and

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraphs (A), (C) or (D) of section 212(a)(10) (relating to polygamists, child abductors and illegal voters);

"(C) for conduct that occurred prior to the date this Act was introduced in Congress, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

"(2) WAIVER FEE.—An alien who is granted a waiver under subparagraph (1) shall pay a $500 fee upon approval of the alien's visa application.

"(3) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(W) shall establish that the alien is not inadmissible under section 212(a).

"(d) BACKGROUND CHECKS AND INTERVIEW.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking admission under section 101(a)(15)(W) until all appropriate background checks have been completed. The Secretary of State shall ensure that an employee of the Department of State conducts a personal interview of an applicant for a visa under section 101(a)(15)(W).

"(e) INELIGIBLE TO CHANGE NONIMMIGRANT CLASSIFICATION.—An alien admitted under section 101(a)(15)(W) is ineligible to change status under section 248.

"(f) DURATION.—

"(1) GENERAL.—The period of authorized admission as a nonimmigrant under 101(a)(15)(W) shall be 2 years, and may not be extended. An alien is ineligible to reenter as an alien under 101(a)(15)(W) until the alien has resided continuously in the alien's home country for a period of 1 year. The total period of admission as a nonimmigrant under section 101(a)(15)(W) may not exceed 6 years.

"(2) SEASONAL WORKERS.—An alien who spends less than 6 months a year as a nonimmigrant described in section 101(a)(15)(W) is not subject to the time limitations under subparagraph (1).

"(3) COMMUTERS.—An alien who resides outside the United States, but who commutes to the United States to work as a nonimmigrant described in section 101(a)(15)(W), is not subject to the time limitations under paragraph (1).

"(4) DEFERRED MANDATORY DEPARTURE.—An alien granted Deferred Mandatory Departure status, who remains in the United States under such status for—

"(A) a period of 2 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 5 years;

"(B) a period of 3 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 4 years;

"(C) a period of 4 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 3 years; or

"(D) a period of 5 years, may not be granted status as a nonimmigrant under section 101(a)(15)(W) for more than a total of 2 years.

"(g) INTENT TO RETURN HOME.—In addition to other requirements in this section, an alien is not eligible for nonimmigrant status under section 101(a)(15)(W) unless the alien—

"(1) maintains a residence in a foreign country which the alien has no intention of abandoning; and

"(2) is present in such foreign country for at least 7 consecutive days during each year that the alien is a temporary worker.

"(h) BIOMETRIC DOCUMENTATION.—Evidence of status under section 101(a)(15)(W) shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity.

"(i) PENALTY FOR FAILURE TO DEPART.—An alien who fails to depart the United States prior to 10 days after the date that the alien's authorized period of admission as a temporary worker ends is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(j) PENALTY FOR ILLEGAL ENTRY OR OVERSTAY.—An alien who, after the effective date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, enters the United States without inspection, or violates a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission, shall be ineligible for nonimmigrant status under section 101(a)(15)(W) or Deferred Mandatory Departure status under section 218B for a period of 10 years.

"(k) ESTABLISHMENT OF TEMPORARY WORKER TASK FORCE.—

"(1) IN GENERAL.—There is established a task force to be known as the Temporary Worker Task Force (referred to in this section as the 'Task Force').

"(2) PURPOSES.—The purposes of the Task Force are—

"(A) to study the impact of the admission of aliens under section 101(a)(15)(W) on the wages, working conditions, and employment of United States workers; and

"(B) to make recommendations to the Secretary of Labor regarding the need for an annual numerical limitation on the number of aliens that may be admitted in any fiscal year under section 101(a)(15)(W).

"(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

"(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

"(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

"(C) 2 shall be appointed by the majority leader of the Senate;

"(D) 2 shall be appointed by the minority leader of the Senate;

"(E) 2 shall be appointed by the Speaker of the House of Representatives; and

"(F) 2 shall be appointed by the minority leader of the House of Representatives.

"(4) QUALIFICATIONS.—

"(A) IN GENERAL.—Members of the Task Force shall be—

"(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

"(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

"(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

"(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

"(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

"(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

"(7) MEETINGS.—

"(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

"(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

"(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

"(9) REPORT.—Not later than 18 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

"(A) findings with respect to the duties of the Task Force;

"(B) recommendations for imposing a numerical limit.

"(10) DETERMINATION.—Not later than 6 months after the submission of the report, the Secretary of Labor may impose a numerical limitation on the number of aliens that may be admitted under section 101(a)(15)(W). Any numerical limit shall not become effective until 6 months after the Secretary of Labor submits a report to Congress regarding the imposition of a numerical limit.

"(l) FAMILY MEMBERS.—

"(1) FAMILY MEMBERS OF W NONIMMIGRANTS.—

"(A) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) may be admitted to the United States—

"(i) as a nonimmigrant under section 101(a)(15)(B) for a period of not more than 30 days, which may not be extended unless the Secretary of Homeland Security, in his sole and unreviewable discretion, determines that exceptional circumstances exist; or

"(ii) under any other provision of this Act, if such family member is otherwise eligible for such admission.

"(B) APPLICATION FEE.—

"(i) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under section 101(a)(15)(W) who is seeking to be admitted as a nonimmigrant under section 101(a)(15)(B) shall submit, in addition to any other fee authorized by law, an additional fee of $100.

"(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(m) TRAVEL OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(W)—

"(A) may travel outside of the United States; and

"(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the period of authorized admission in the United States.

"(n) EMPLOYMENT.—

"(1) PORTABILITY.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens admitted under section 218C.

"(2) CONTINUOUS EMPLOYMENT.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien departs the United States and reenters as a nonimmigrant under section 101(a)(15)(W). The Secretary of Homeland Security may, in its sole and unreviewable discretion, reauthorize an alien for employment, without requiring the alien's departure from the United States.

"(o) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at time of admission of an alien under section 101(a)(15)(W).

"(p) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of nonimmigrant status under section 101(a)(15)(W) is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

"(q) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of nonimmigrant status under section 101(a)(15)(W) or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien if such order is entered after the termination of the alien's period of authorized admission as a nonimmigrant under section 101(a)(15)(W); or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(b) PROHIBITION ON CHANGE IN NONIMMIGRANT CLASSIFICATION.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (S)" and inserting "(S), or (W)".

SEC. 413. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for facilities, personnel (including consular officers), training, technology and processing necessary to carry out the amendments made by this subtitle.

Subtitle C—Mandatory Departure and Reentry in Legal Status

SEC. 421. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218A, as added by section 412, the following new section:

"SEC. 218B. MANDATORY DEPARTURE AND REENTRY.

"(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

"(b) REQUIREMENTS.—

"(1) PRESENCE.—An alien must establish that the alien was physically present in the United States 1 year prior to the date of the introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005 in Congress and has been continuously in the United States since such date, and was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

"(2) EMPLOYMENT.—An alien must establish that the alien was employed in the United States prior to the date of the introduction of the Comprehensive Enforcement and Immigration Reform Act of 2005, and has been employed in the United States since that date.

"(3) ADMISSIBILITY.—

"(A) IN GENERAL.—The alien must establish that he—

"(i) is admissible to the United States, except as provided as in (B); and

"(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

"(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(4) INELIGIBLE.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

"(A) is subject to a final order or removal under section 240;

"(B) failed to depart the United States during the period of a voluntary departure order under section 240B;

"(C) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

"(D) is a resident of a country for which the Secretary of State has made a determination that the government of such country has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

"(E) fails to comply with any request for information by the Secretary of Homeland Security.

"(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

"(A) if the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

"(B) if the alien commits an act that makes the alien removable from the United States.

"(7) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

"(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

"(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

"(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

"(3) APPLICATION.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

"(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of enactment of the Comprehensive Enforcement and Immigration Reform Act of 2005.

"(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

"(e) Acknowledgment.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

"(1) an acknowledgment made in writing and under oath that the alien—

"(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

"(B) understands the terms of the terms of Deferred Mandatory Departure;

"(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

"(3) any false or fraudulent documents in the alien's possession.

"(f) Mandatory Departure.—

"(1) In general.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant an alien Deferred Mandatory Departure status for a period not to exceed 5 years.

"(2) Registration at time of departure.—An alien granted Deferred Mandatory Departure must depart prior to the expiration of the period of Deferred Mandatory Departure status. The alien must register with the Secretary of Homeland Security at time of departure and surrender any evidence of Deferred Mandatory Departure status at time of departure.

"(3) Return in legal status.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs prior to the expiration of such status shall not be subject to section 212(a)(9)(B) and, if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

"(4) Failure to depart.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(5) Penalties for delayed departure.—An alien who fails to depart immediately shall be subject to the following fees:

"(A) No fine if the alien departs within the first year after the grant of Deferred Mandatory Departure.

"(B) $2,000 if the alien does not depart within the second year after the grant of Deferred Mandatory Departure.

"(C) $3,000 if the alien does not depart within the third year following the grant of Deferred Mandatory Departure.

"(D) $4,000 if the alien does not depart within the fourth year following the grant of Deferred Mandatory Departure.

"(E) $5,000 if the alien does not depart during the fifth year following the grant of Deferred Mandatory Departure.

"(g) Evidence of Deferred Mandatory Departure Status.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

"(h) Terms of Status.—

"(1) Reporting.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

"(2) Travel.—

"(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) must establish at the time of application for admission that the alien is admissible under section 212.

"(C) Effect on period of authorized admission.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) Benefits.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

"(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

"(i) Prohibition on Change of Status or Adjustment of Status.—An alien granted Deferred Mandatory Departure status is prohibited from applying to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

"(j) Application Fee.—

"(1) In general.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) Use of fee.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(k) Family Members.—

"(1) Family members.—

"(A) In general.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

"(B) Application fee.—

"(i) In general.—The spouse or child of an alien seeking Deferred Mandatory Departure shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(ii) Use of fee.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(l) Employment.—

"(1) In general.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens under section 218C.

"(2) Continuous employment.—An alien must be employed while in the United States. An alien who fails to be employed for 30 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) Enumeration of Social Security Number.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) Penalties for False Statements in Application for Deferred Mandatory Departure.—

"(1) Criminal penalty.—

"(A) Violation.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) Penalty.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) Inadmissibility.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) Relation to Cancellation of Removal.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) Waiver of Rights.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) Denial of Discretionary Relief.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

"(r) Judicial Review.—

"(1) Limitations on relief.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(b) CONFORMING AMENDMENT.—Amend section 237(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218B).".

SEC. 422. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this subtitle, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 423. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subtitle.

Subtitle D—Alien Employment Management System

SEC. 431. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 218B, as added by section 621, the following new section:

"SEC. 218C. ALIEN EMPLOYMENT MANAGEMENT SYSTEM.

"(a) ESTABLISHMENT.—

"(1) PURPOSE.—The Secretary of Homeland Security, in consultation with the Secretary of Labor, the Secretary of State, and the Commissioner of Social Security, shall develop and implement a program to authorize, manage and track the employment of aliens described in section 218A or 218B.

"(2) DEADLINE.—The program under subsection (a) shall commence prior to any alien being admitted under section 101(a)(15)(W) or granted Deferred Mandatory Departure under section 218B.

"(b) REQUIREMENTS.—The program shall—

"(1) enable employers who seek to hire aliens described in section 218A or 218B to apply for authorization to employ such aliens;

"(2) be interoperable with Social Security databases and must provide a means of immediately verifying the identity and employment authorization of an alien described in section 218A or 218B, for purposes of complying with title III of the Comprehensive Enforcement and Immigration Reform Act of 2005;

"(3) require an employer to utilize readers or scanners at the location of employment or at a Federal facility to transmit the biometric and biographic information contained in the alien's evidence of status to the Secretary of Homeland Security, for purposes of complying with title III of the Comprehensive Enforcement and Immigration Reform Act of 2005; and

"(4) collect sufficient information from employers to enable the Secretary of Homeland Security to identify—

"(A) whether an alien described in section 218A or 218B is employed;

"(B) any employer that has hired an alien described in section 218A or 218B;

"(C) the number of aliens described in section 218A or 218B that an employer is authorized to hire and is currently employing; and

"(D) the occupation, industry and length of time that an alien described in section 218A or 218B has been employed in the United States.

"(c) AUTHORIZATION TO HIRE ALIENS DESCRIBED IN SECTION 218A OR 218B.—

"(1) APPLICATION.—An employer must apply, through the program described in subsection (a) of this section, to obtain authorization to hire aliens described in section 218A or 218B.

"(2) PENALTIES.—An employer who employs an alien described in section 218A or 218B without authorization is subject to the same penalties and provisions as an employer who violates section 274(a)(1)(A) or (a)(2). An employer shall be subject to penalties prescribed by the Secretary of Homeland Security by regulation, which may include monetary penalties and debarment from eligibility to hire aliens described in section 218A or 218B.

"(3) ELIGIBILITY.—An employer must establish that it is a legitimate company and must attest that it will comply with the terms of the program established under subsection (a).

"(4) NUMBER OF ALIENS AUTHORIZED.—An employer may request authorization to multiple aliens described in section 218A or 218B.

"(5) ELECTRONIC FORM.—The program established under subsection (a) shall permit employers to submit applications under this subsection in an electronic form.

"(d) NOTIFICATION UPON TERMINATION OF EMPLOYMENT.—An employer, through the program established under subsection (a), must notify the Secretary of Homeland Security not more than 3 business days after the date of the termination of the alien's employment. The employer is not authorized to fill the position with another alien described in section 218A or 218B until the employer notifies the Secretary of Homeland Security that the alien is no longer employed by that employer.

"(e) PROTECTION OF UNITED STATES WORKERS.—An employer may not be authorized to hire an alien described in section 218A or 218B until the employer submits an attestation stating the following:

"(1) The employer has posted the position in a national, electronic job registry maintained by the Secretary of Labor, for not less than 30 days.

"(2) The employer has offered the position to any eligible United States worker who applies and is equally or better qualified for the job for which a temporary worker is sought and who will be available at the time and place of need. An employer shall maintain records for not less than 1 year demonstrating that why United States workers who applied were not hired.

"(3) The employer shall comply with the terms of the program established under subsection (a), including the terms of any temporary worker monitoring program established by the Secretary.

"(4) The employer shall not hire more aliens than the number authorized by the Secretary of Homeland Security has authorized it to hire.

"(5) The worker shall be paid at least the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage. All wages will be paid in a timely manner and all payroll records will be maintained accurately.

"(6) The employment of a temporary worker shall not adversely affect the working conditions of other similarly employed United States workers.

"(f) APPROVAL.—After determining that there are no United States workers who are qualified and willing to obtain the employment for which the employer is seeking temporary workers, the Secretary of Homeland Security may approve the application submitted by the employer under this paragraph for the number of temporary workers that the Secretary determines are required by the employer. Such approval shall be valid for a 2-year period.".

SEC. 432. LABOR INVESTIGATIONS.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor shall conduct audits, including random audits, of employers who employ aliens described under section 218A or 218B of the Immigration and Nationality Act, as added by section 412 and 421, respectively.

(b) PENALTIES.—The Secretary of Homeland Security shall establish penalties, which may include debarment from eligibility for hire also described under section 218A, as added by section 412 of this Act, 218B, as added by section 421 of this Act, for employers who fail to comply with section 218C of the Immigration and Nationality Act as added by section 431 of this Act, and shall establish protections for aliens who report employers who fail to comply with such section.

Subtitle E—Protection Against Immigration Fraud

SEC. 441. GRANTS TO SUPPORT PUBLIC EDUCATION AND TRAINING.

(a) GENERAL PROGRAM PURPOSE.—The purpose of this subtitle is to assist qualified non-profit community organizations to educate, train, and support non-profit agencies, immigrant communities, and other interested entities regarding this Act and the amendments made by this Act.

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—The grants under this part shall be used to fund public education, training, technical assistance, government liaison, and all related costs (including personnel and equipment) incurred by non-profit community organizations in providing services related to this Act, and to educate, train and support non-profit organizations, immigrant communities, and other interested parties regarding this Act and the amendments made by this Act and on matters related to its implementation. In particular, funding shall be provided to non-profit organizations for the purposes of—

(1) educating immigrant communities and other interested entities on the individuals and organizations that can provide authorized legal representation in immigration matters under regulations prescribed by the Secretary of Homeland Security, and on the dangers of securing legal advice and assistance from those who are not authorized to provide legal representation in immigration matters;

(2) educating interested entities on the requirements for obtaining non-profit recognition and accreditation to represent immigrants under regulations prescribed by the Secretary of Homeland Security, and providing non-profit agencies with training and technical assistance on the recognition and accreditation process; and

(3) educating non-profit community organizations, immigrant communities and other interested entities on the process for obtaining benefits under this Act or an amendment made by this Act, and the availability of authorized legal representation for low-income persons who may qualify for benefits under this Act of an amendment made by this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Justice Programs at the United States Department of Justice to carry out this section—

(1) $40,000,000 for fiscal year 2006;

(2) $40,000,000 for fiscal year 2007; and

(3) $40,000,000 for fiscal year 2008.

(d) IN GENERAL.—The Office of Justice Programs shall ensure, to the extent possible, that the non-profit community organizations funded under this Section shall serve geographically diverse locations and ethnically diverse populations who may qualify for benefits under the Act.

Subtitle F—Circular Migration

SEC. 451. INVESTMENT ACCOUNTS.

(a) IN GENERAL.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

"(o)(1) Notwithstanding any other provision of this section, the Secretary of the Treasury shall transfer at least quarterly from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund 100 percent of the temporary worker taxes to the Temporary Worker Investment Fund for deposit in a temporary worker investment account for each temporary worker as specified in section 253.

"(2) For purposes of this subsection—

"(A) the term 'temporary worker taxes' means that portion of the amounts appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under this section and properly attributable to the wages (as defined in section 3121 of the Internal Revenue Code of 1986) and self-employment income (as defined in section 1402 of such Code) of temporary workers as determined by the Commissioner of Social Security; and

"(B) the term 'temporary worker' means an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.".

(b) TEMPORARY WORKER INVESTMENT ACCOUNTS.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by inserting before section 201 the "**PART A—SOCIAL SECURITY**"; and

(2) by adding at the end the following:

"PART II—TEMPORARY WORKER INVESTMENT ACCOUNTS

"DEFINITIONS

"SEC. 251. For purposes of this part:

"(1) COVERED EMPLOYER.—The term 'covered employer' means, for any calendar year, any person on whom an excise tax is imposed under section 3111 of the Internal Revenue Code of 1986 with respect to having an individual in the person's employ to whom wages are paid by such person during such calendar year.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(3) TEMPORARY WORKER.—The term 'temporary worker' an alien who is admitted to the United States as a nonimmigrant under section 101(a)(15)(W) of the Immigration and Nationality Act.

"(4) TEMPORARY WORKER INVESTMENT ACCOUNT.—The term 'temporary worker investment account' means an account for a temporary worker which is administered by the Secretary through the Temporary Worker Investment Fund.

"(5) TEMPORARY WORKER INVESTMENT FUND.—The term 'Temporary Worker Investment Fund' means the fund established under section 253.

"TEMPORARY WORKER INVESTMENT ACCOUNTS

"SEC. 252. (a) IN GENERAL.—A temporary worker investment account shall be established by the Secretary in the Temporary Worker Investment Fund for each individual not later than 10 business days after the covered employer of such individual submits a W–4 form (or any successor form) identifying such individual as a temporary worker.

"(b) TIME ACCOUNT TAKES EFFECT.—A temporary worker investment account established under subsection (a) shall take effect with respect to the first pay period beginning more than 14 days after the date of such establishment.

"(c) TEMPORARY WORKER'S PROPERTY RIGHT IN TEMPORARY WORKER INVESTMENT ACCOUNT.—The temporary worker investment account established for a temporary worker is the sole property of the worker.

"TEMPORARY WORKER INVESTMENT FUND

"SEC. 253. (a) IN GENERAL.—There is created on the books of the Treasury of the United States a trust fund to be known as the 'Temporary Worker Investment Fund' to be administered by the Secretary. Such Fund shall consist of the assets transferred under section 201(o) to each temporary worker investment account established under section 252 and the income earned under subsection (e) and credited to such account.

"(b) NOTICE OF CONTRIBUTIONS.—The full amount of a temporary worker's investment account transfers shall be shown on such worker's W-2 tax statement, as provided in section 6051(a)(14) of the Internal Revenue Code of 1986.

"(c) INVESTMENT EARNINGS REPORT.—

"(1) IN GENERAL.—At least annually, the Temporary Worker Investment Fund shall provide to each temporary worker with a temporary worker investment account managed by the Fund a temporary worker investment status report. Such report may be transmitted electronically upon the agreement of the temporary worker under the terms and conditions established by the Secretary.

"(2) CONTENTS OF REPORT.—The temporary worker investment status report, with respect to a temporary worker investment account, shall provide the following information:

"(A) The total amounts transferred under section 201(o) in the last quarter, the last year, and since the account was established.

"(B) The amount and rate of income earned under subsection (e) for each period described in subparagraph (A).

"(d) MAXIMUM ADMINISTRATIVE FEE.—The Temporary Worker Investment Fund shall charge each temporary worker in the Fund a single, uniform annual administrative fee not to exceed 0.3 percent of the value of the assets invested in the worker's account.

"(e) INVESTMENT DUTIES OF SECRETARY.—The Secretary shall establish policies for the investment and management of temporary worker investment accounts, including policies that shall provide for prudent Federal Government investment instruments suitable for accumulating funds.

"TEMPORARY WORKER INVESTMENT ACCOUNT DISTRIBUTIONS

"SEC. 254. (a) DATE OF DISTRIBUTION.—Except as provided in subsections (b) and (c), a distribution of the balance in a temporary worker investment account may only be made on or after the date such worker departs the United States and abandons such worker's nonimmigrant status under section 101(a)(15)(W) of the Immigration and Nationality Act and returns to the worker's home country.

"(b) DISTRIBUTION IN THE EVENT OF DEATH.—If the temporary worker dies before the date determined under subsection (a), the balance in the worker's account shall be distributed to the worker's estate under rules established by the Secretary.".

(c) TEMPORARY WORKER INVESTMENT ACCOUNT TRANSFERS SHOWN ON W–2S.—

(1) IN GENERAL.—Section 6051(a) of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended—

(A) by striking "and" at the end of paragraph (12);

(B) by striking the period at the end of paragraph (13) and inserting "; and"; and

(C) by inserting after paragraph (13) the following:

"(14) in the case of a temporary worker (as defined in section 251(1) of the Social Security Act), of the amount shown pursuant to paragraph (6), the total amount transferred to such worker's temporary worker investment account under section 201(o) of such Act.".

(2) CONFORMING AMENDMENTS.—Section 6051 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)(6), by inserting "and paid as tax under section 3111" after "section 3101"; and

(B) in subsection (c), by inserting "and paid as tax under section 3111" after "section 3101".

Subtitle G—Backlog Reduction

SEC. 461. EMPLOYMENT BASED IMMIGRANTS.

(a) EMPLOYMENT-BASED IMMIGRANT LIMIT.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 140,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005; and

"(4) the number of visas previously made available under section 203(e).".

(b) DIVERSITY VISA TERMINATION.—The allocation of immigrant visas to aliens under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), and the admission of such aliens to the United States as immigrants, is terminated. This provision shall become effective on October 1st of the fiscal year following enactment of this Act.

(c) IMMIGRATION TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Immigration Task Force (referred to in this section as the "Task Force").

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the impact of the delay between the date on which an application for immigration is submitted and the date on which a determination on such application is made;

(B) to study the impact of immigration of workers to the United States on family unity; and

(C) to provide to Congress any recommendations of the Task Force regarding increasing the number immigrant visas issued by the United States for family members and on the basis of employment.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the minority party in the Senate, in consultation with the leader of the minority party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia.

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the date of enactment of this Act.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(9) REPORT.—Not later than 18 months after the date of enactment of this Act, the Task Force shall submit to Congress, the Secretary of Labor, and the Secretary of Homeland Security a report that contains—

(A) findings with respect to the duties of the Task Force; and

(B) recommendations for modifying the numerical limits on the number immigrant visas issued by the United States for family members of individuals in the United States and on the basis of employment.

SEC. 462. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 463. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "10 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "10 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "4 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 36 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States"; and

(8) by striking paragraph (6).

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4),".

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

Subtitle H—Temporary Agricultural Workers

SEC. 471. SENSE OF THE SENATE ON TEMPORARY AGRICULTURAL WORKERS.

It is the sense of the Senate that consideration of any comprehensive immigration reform during the 109th Congress will include agricultural workers.

SA 3544. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285, line 9, and insert the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa by the alien's employer.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

"(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

"(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SA 3545. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 283, strike lines 23 through 25.

SA 3546. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285, line 9, and insert the following:

"(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.".

SA 3547. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 403, insert the following:

(3) LIMITATION ON GRANTING OF VISAS TO H-2C NONIMMIGRANTS.—Notwithstanding any other provision of this Act or the amendments made by this Act, the Secretary may not grant a temporary visa to an alien described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as amended by section 402(a), pursuant to section 218A of the Immigration and Nationality Act, as amended by paragraph (1), until after the date that the Secretary certifies to Congress that—

(A) the Electronic Employment Verification System described in section 274A of the Immigration and Nationality Act, as amended by section 301(a), is fully operational;

(B) the number of full-time employees who investigate compliance with immigration laws related to the hiring of aliens within the Department is increased by not less than 2,000 more than the number of such employees within the Department on the date of the enactment of this Act and that such employees have received appropriate training;

(C) the number of full-time, active-duty border patrol agents within the Department is increased by not less than 2,500 more than the number of such agents within the Department on the date of the enactment of this Act; and

(D) additional detention facilities to detain unlawful aliens apprehended in United States have been constructed or obtained and the personnel to operate such facilities have been hired, trained, and deployed so that the number of detention bed spaces available is increased by not less than 2,000 more than the number of such beds available on the date of the enactment of this Act.

SA 3548. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike titles III, IV, V, and insert the following:

TITLE III—NONPARTISAN COMMISSION ON IMMIGRATION REFORM

SEC. 301. NONPARTISAN COMMISSION ON IMMIGRATION REFORM.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—

(1) ESTABLISHMENT.—Not later than May 1, 2006, the President shall establish a commission to be known as the Nonpartisan Commission on Immigration Reform (in this section referred to as the "Commission").

(2) COMPOSITION.—The Commission shall be composed of 9 members to be appointed as follows:

(A) 1 member who shall serve as Chairman, to be appointed by the President.

(B) 2 members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the House of Representatives.

(C) 2 members to be appointed by the minority leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the House of Representatives.

(D) 2 members to be appointed by the majority leader of the Senate who shall select such members from a list of nominees provided by the chairman of the Committee on the Judiciary of the Senate.

(E) 2 members to be appointed by the minority leader of the Senate who shall select such members from a list of nominees provided by the ranking minority member of the Committee on the Judiciary of the Senate.

(3) INITIAL APPOINTMENTS.—Initial appointments to the Commission shall be made during the 45-day period beginning on May 1, 2006.

(4) VACANCY.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(5) TERM OF APPOINTMENT.—Members shall be appointed to serve for the life of the Commission, except that the term of the member described in paragraph (2)(A) shall expire at noon on January 20, 2008, and the President shall appoint an individual to serve for the remaining life, if any, of the Commission.

(b) FUNCTIONS OF COMMISSION.—The Commission shall—

(1) review and evaluate the impact of this Act and the amendments made by this Act, in accordance with subsection (c);

(2) conduct a systematic and comprehensive review of this Nation's immigration laws, in accordance with subsection (c); and

(3) transmit to the Congress—

(A) not later than April 15, 2008, a first report describing the progress made in carrying out paragraphs (1) and (2); and

(B) not later than April 15, 2010, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional comprehensive changes that should be made with respect to immigration laws in the United States as the Commission deems appropriate, including, when applicable, such model legislative language for the consideration of Congress.

(c) CONSIDERATIONS.—

(1) GENERAL CONSIDERATIONS.—The Commission may investigate and make recommendations upon any subject that it determines would substantially contribute to the development of an equitable, efficient, and sustainable immigration system that will facilitate border security specifically and national security generally.

(2) GUEST WORKER PROGRAM.—The Commission shall analyze and make recommendations on the advisability of modifying the requirements for admission of nonimmigrants described in section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), including increasing the number of such nonimmigrants admitted to the United States and adopting a national guest worker program, and if, in the opinion of this Commission, such a modification or program should be adopted, then the Commission shall—

(A) set forth minimum requirements for such modification or program, including—

(i) the numerical limitations, if any, on such a program; and

(ii) the temporal limitations (in terms of participant duration), if any, on such a program;

(B) assess the impact and advisability of allowing aliens admitted under such section or participating in such a program to adjust their status from nonimmigrant to immigrant classifications; and

(C) determine whether and, if appropriate, to what degree, low-skilled enterprises should be included in a national guest worker program.

(3) PROJECT SUNSHINE.—The Commission shall analyze and make recommendations on the disposition of the unlawful alien population present in the United States, and such report shall—

(A) examine the impact of earned adjustment, amnesty, or similar programs on future illegal immigration;

(B) examine the ability, and advisability, of the United States Government to locate and deport individuals unlawfully present in the United States;

(C) assess the impact, advisability, and ability of earned adjustment, amnesty, or similar programs to locate and register individuals unlawfully present in the United States; and

(D) provide alternate solutions, if any, to the realm of options otherwise mentioned in this section.

(4) JUDICIAL REVIEW.—The Commission shall examine the operation of the relevant adjudicatory structures and mechanisms and make such recommendations as are necessary to ensure expediency of process consistent with applicable constitutional protections.

(5) INTERIOR ENFORCEMENT.—The Commission shall analyze current interior enforcement efforts and make such recommendations as are necessary to ensure viable interior enforcement, including issues surrounding worksite enforcement and the impact of inadequate interior enforcement on rural communities.

(d) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) TRAVEL EXPENSE.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 (Public Law 99-603; 8 U.S.C. 1160 note) shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of such subsection (e) shall not apply.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(g) TERMINATION DATE.—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(3)(B), except that the Commission may continue to function until January 1, 2012, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

SA 3549. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 243, line 3, strike "under section 248".

SA 3550. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EFFECTIVE DATE.

Notwithstanding any other provision in this Act, or the amendments made by this Act, titles III, IV, V, and VI of this Act, or the amendments made by such titles, shall not take effect until Congress has appropriated sufficient funds to fully implement the border security and interior enforcement provisions in titles I and II of this Act.

SA 3551. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. [ ]. RECAPTURE AND REALLOCATION OF UNUSED VISAS.

If the numerical limitation for visas described in 101(a)(15)(H)(i)(b) has been reached for fiscal year 2006 or a subsequent fiscal year, such numerical limitation shall be supplemented in a number equal to the number of H-2C visas, if any, not issued during the relevant fiscal year.

SA 3552. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESIDENCY REQUIREMENTS FOR CERTAIN ALIEN SPOUSES.

Notwithstanding any other provision of law, for purposes of determining eligibility for naturalization under section 319 of the Immigration and Nationality Act with respect to an alien spouse who is married to a citizen spouse who was stationed abroad on orders from the United States Government for a period of not less than 1 year and reassigned to the United States thereafter, the following rules shall apply:

(1) The citizen spouse shall be treated as regularly scheduled abroad without regard to whether the citizen spouse is reassigned to duty in the United States.

(2) Any period of time during which the alien spouse is living abroad with his or her citizen spouse shall be treated as residency within the United States for purposes of meeting the residency requirements under section 319 of the Immigration and Nationality Act, even if the citizen spouse is reassigned to duty in the United States at the time the alien spouse files an application for naturalization.

SA 3553. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 346, line 4, insert "(other than subparagraph (C)(i)(II) of such paragraph (9))" after "212(a)".

On page 347, strike lines 9 through 12, and insert the following:

"(3) Ineligibility.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) a final order of removal under section 217, 235, 238, or 240 has been entered against the alien on or before the date of enactment of this Act, or a removal proceeding pursuant to section 217, 235, 238, or 240 has been commenced on or before the date of enactment of this Act;

"(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

"(C) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(D) the alien has been convicted of any felony or three or more misdemeanors; or

"(E) the alien willfully fails to comply with any request for information by the Secretary of Homeland Security.

SA 3554. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

(1) by striking "the date of the enactment of the Legal Immigration Family Equity Act" and inserting "January 1, 2011"; and

(2) by striking "3 years" each place it appears and inserting "180 days".

SA 3555. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DISCRETIONARY AUTHORITY.

Section 212(i) (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

"(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

"(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), if—

"(I) the alien demonstrates extreme hardship to the alien or the alien's parent or child; and

"(II) such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

"(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.".

SA 3556. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FAMILY UNITY.

Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (C)(ii), by striking "between—" and all that follows and inserting the following: "between—

"(I) the alien having been battered or subjected to extreme cruelty; and

"(II) the alien's removal, departure from the United States, reentry or reentries into the United States, or attempted reentry into the United States."; and

(2) by adding at the end the following:

"(D) Waiver.—

"(i) In general.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under section 201 or 203 if such petition was filed not later than the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

"(ii) Fine.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.".

SA 3557. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) Codification of Detention Operations.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3558. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "8,000" and inserting "20,000".

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ALTERNATIVES TO DETENTION TO ENSURE COMPLIANCE WITH THE LAW.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) LEGAL REPRESENTATION.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) FUNDING TO CONSTRUCT OR ACQUIRE DETENTION FACILITIES.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(f) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

SA 3559. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SA 3560. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. FRIST to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 18, strike "500" and insert "1,500".

On page 7, line 2, strike "1000" and insert "2,000".

On page 7, line 10, strike "200" and insert "400".

On page 8, strike lines 9 through 15 and insert the following:

preceding fiscal year), by 4,000 for each of fiscal years 2006 through 2011.

At the appropriate place, insert the following:

(c) DETENTION AND REMOVAL OFFICERS.—

(1) IN GENERAL.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by paragraphs (2), (3), and (4).

(2) CODIFICATION OF DETENTION OPERATIONS.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(3) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (2) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(4) LEGAL ORIENTATION TO ENSURE EFFECTIVE REMOVAL PROCESS.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) LEGAL PERSONNEL.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; DEFENSE ATTORNEYS.

(a) IN GENERAL.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, add—

(1) at least 50 positions for attorneys in the Office of Immigration Litigation of the Department of Justice for the fiscal year;

(2) at least 50 United States Attorneys to litigate immigration cases in the Federal courts for the fiscal year;

(3) at least 200 Deputy United States Marshals to investigate criminal immigration matters for the fiscal year; and

(4) at least 50 immigration judges for the fiscal year.

(b) DEFENSE ATTORNEYS.—

(1) IN GENERAL.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) PRO BONO REPRESENTATION.—The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as are necessary to carry out this section, including the costs of hiring necessary support staff.

At the appropriate place, insert the following:

SEC. 234. DETENTION POLICY.

(a) DIRECTORATE OF POLICY.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(b) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—

(1) MANDATORY TRAINING.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESETTLEMENT.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the

custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) OTHER POLICIES AND PROCEDURES.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

On page 228, line 18, strike "2,000" and insert "4,000".

On page 229, line 1, strike "1,000" and insert "2,000".

SA 3561. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SA 3562. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the billl S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) INCREASING DETENTION BED SPACE.—Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking "8,000" and inserting "20,000".

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a).

(2) Use of alternate detention facilities.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) Use of installations under base closure laws.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) Determination of location.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) Alternatives to Detention to Ensure Compliance With the Law.—The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico, and at select sites in the interior with significant numbers of alien detainees, to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices, to ensure that such aliens appear in immigration court proceedings and comply with immigration appointments and removal orders.

(d) Legal Representation.—No alien shall be detained by the Secretary in a location that limits the alien's reasonable access to visits and telephone calls by local legal counsel and necessary legal materials. Upon active or constructive notice that a detained alien is represented by an attorney, the Secretary shall ensure that the alien is not moved from the alien's detention facility without providing that alien and the alien's attorney reasonable notice in advance of such move.

(e) Funding to Construct or Acquire Detention Facilities.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(f) Annual Report to Congress.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

SA 3563. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 234. DETENTION STANDARDS.

(a) Codification of Detention Operations.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(b) Detention Standards for Nuclear Family Units and Certain Non-Criminal Aliens.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in subsection (a) shall—

(1) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(2) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(c) Legal Orientation to Ensure Effective Removal Process.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3564. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 26, strike "250" and insert "1,500".

On page 5, line 24, strike "1000" and insert "2,000".

On page 6, line 8, strike "200" and insert "400".

On page 5, strike line 17 and insert "4000."

At the appropriate place, insert the following:

(c) Detention and Removal Officers.—

(1) In general.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purposes, designate a Detention and Removal officer to be placed in each Department field office whose sole responsibility will be to ensure safety and security at a detention facility and that each detention facility comply with the standards and regulations required by paragraphs (2), (3), and (4).

(2) Codification of detention operations.—In order to ensure uniformity in the safety and security of all facilities used or contracted by the Secretary to hold alien detainees and to ensure the fair treatment and access to counsel of all alien detainees, not later than 180 days after the date of the enactment of this Act, the Secretary shall issue the provisions of the Detention Operations Manual of the Department, including all amendments made to such Manual since it was issued in 2000, as regulations for the Department. Such regulations shall be subject to the notice and comment requirements of subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) and shall apply to all facilities used by the Secretary to hold detainees for more than 72 hours.

(3) Detention standards for nuclear family units and certain non-criminal aliens.—For all facilities used or contracted by the Secretary to hold aliens, the regulations described in paragraph (2) shall—

(A) provide for sight and sound separation of alien detainees without any criminal convictions from criminal inmates and pretrial detainees facing criminal prosecution; and

(B) establish specific standards for detaining nuclear family units together and for detaining non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(4) Legal orientation to ensure effective removal process.—All alien detainees shall receive legal orientation presentations from an independent non-profit agency as implemented by the Executive Office for Immigration Review of the Department of Justice in order to both maximize the efficiency and effectiveness of removal proceedings and to reduce detention costs.

(d) Legal Personnel.—During each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase the number of positions for attorneys in the Office of General Counsel of the Department by at least 200 to represent the Department in immigration matters for the fiscal year.

SEC. 102. DEPARTMENT OF JUSTICE PERSONNEL; DEFENSE ATTORNEYS.

(a) In General.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, add—

(1) at least 50 positions for attorneys in the Office of Immigration Litigation of the Department of Justice for the fiscal year;

(2) at least 50 United States Attorneys to litigate immigration cases in the Federal courts for the fiscal year;

(3) at least 200 Deputy United States Marshals to investigate criminal immigration matters for the fiscal year; and

(4) at least 50 immigration judges for the fiscal year.

(b) Defense Attorneys.—

(1) In general.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) Pro bono representation.—The Attorney General shall also take all necessary and reasonable steps to ensure that alien detainees receive appropriate pro bono representation in immigration matters.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General for each of fiscal years

2007 through 2011 such sums as are necessary to carry out this section, including the costs of hiring necessary support staff.

At the appropriate place, insert the follwing:

SEC. 234. DETENTION POLICY.

(a) Directorate of Policy.—The Secretary shall in consultation, with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Directorate of Policy that—

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to vulnerable detained populations including unaccompanied alien children, victims of torture, trafficking or other serious harms, the elderly, the mentally disabled, and the infirm; and

(3) require background and expertise working directly with such vulnerable populations.

(b) Enhanced Protections for Vulnerable Unaccompanied Alien Children.—

(1) Mandatory training.—The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, and procedures pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) Delegation to the Office of Refugee Resettlement.—Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of such Office as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(3) Other policies and procedures.—The Secretary shall further adopt important policies and procedures—

(A) for reliable age-determinations of children which exclude the use of fallible forensic testing of children's bones and teeth in consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children's records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children to their home countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child's removal if the child faces a clear risk of life-threatening harm upon return.

On page 203, line 10, strike "2,000" and insert "4,000".

On page 203, line 18, strike "1,000" and insert "2,000".

SA 3565. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SCREENING OF MUNICIPAL SOLID WASTE.

(a) Definitions.—In this section:

(1) Bureau.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) Commercial motor vehicle.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) Commissioner.—The term "Commissioner" means the Commissioner of the Bureau.

(4) Municipal solid waste.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) Reports to Congress.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) Impact on Commercial Motor Vehicles.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 3566. Mr. LEVIN (for himself, Mr. Kennedy, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table: as follows:

On page 42, strike lines 16 through 18 and insert the following:

(a) Denial or Termination of Asylum.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(v), by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)"; and

(B) by adding at the end the following:

"(4) Changed country conditions.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be denied asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien's nationality."; and

(2) in subsection (c)(2)(A), by striking "a fundamental change in circumstances" and inserting "fundamental and lasting changes that have stabilized the country of the alien's nationality".

SA 3567. Mr. LEVIN (for himself, Mr. Kennedy, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) Denial or Termination of Asylum.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A)(v), by striking "or (VI)" and inserting "(V), (VI), (VII), or (VIII)"; and

(B) by adding at the end the following:

"(4) Changed country conditions.—An alien seeking asylum based on persecution or a well-founded fear of persecution shall not be denied asylum based on changed country conditions unless fundamental and lasting changes have stabilized the country of the alien's nationality."; and

(2) in subsection (c)(2)(A), by striking "a fundamental change in circumstances" and inserting "fundamental and lasting changes that have stabilized the country of the alien's nationality".

SA 3568. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SCREENING OF MUNICIPAL SOLID WASTE.

(a) Definitions.—In this section:

(1) Bureau.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) Commercial motor vehicle.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) Commissioner.—The term "Commissioner" means the Commissioner of the Bureau.

(4) Municipal solid waste.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) Reports to Congress.—Not later than 90 days after the date of enactment of this

Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 3569. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table: as follows:

On page 33, strike lines 1 through 15 and insert the following:

SEC. 122. SECURE COMMUNICATION.

(a) IN GENERAL.—The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

(b) COMMUNICATION SYSTEM GRANTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "demonstration project" means the demonstration project established under paragraph (2)(A); and

(B) the term "emergency response provider" has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project.

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in the demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) PROJECT REQUIREMENTS.—The demonstration project shall—

(A) address the interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(B) foster interoperable communications—

(i) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the international land borders of the United States; and

(ii) with similar agencies in Canada and Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of interoperable communications equipment;

(E) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(F) ensure that border patrol agents and other Federal officials, involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(G) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in the demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local governments and emergency response providers participating in the demonstration project, as selected by the Secretary.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this subsection.

(6) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for the demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration project.

SA 3570. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 11 and 12, insert the following:

SEC. 131. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "demonstration project" means the demonstration project established under subsection (b)(1); and

(2) the term "emergency response provider" has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project.

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in the demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration project shall—

(1) address the interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the international land borders of the United States; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in the demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in the demonstration project, as selected by the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this section.

(f) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for the demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration project.

SA 3571. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285, line 9, and insert the following:

"(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.".

SA 3572. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 3311 submitted by Mr. KYL (for himself and Mr. CORNYN) and intended to be proposed to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes: which was ordered to lie on the table; as follows:

Beginning on page 283, strike line 17 and all that follows through page 285 and insert the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) upon the filing of a petition for such a visa by the alien's employer.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(c).

"(5) The Secretary of Homeland Security shall extend, in 1-year increments, the stay of an alien for whom a labor certification petition filed under section 203(b) or an immigrant visa petition filed under section 204(b) is pending until a final decision is made on the alien's lawful permanent residence.

"(6) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SA 3573. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 347, strike line 13 and all that follows through page 350, line 3, and insert the following:

"(c) TREATMENT OF APPLICATIONS DURING REMOVAL PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for a grant of status under this title unless a final administrative determination has been made.

SA 3574. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 347, strike lines 9 through 12, and insert the following:

"(6) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the alien is subject to a final order of removal under section 217, 235, 238, or 240;

"(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

"(C) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(D) the alien has been convicted of any felony or three or more misdemeanors; or

"(E) the alien willfully fails to comply with any request for information by the Secretary of Homeland Security.

SA 3575. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 4 and all that follows through page 351, line 12.

SA 3576. Mr. LAUTENBERG (for himself, Mr. REID, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —FAMILY HUMANITARIAN RELIEF

SEC. 1. SHORT TITLE.

This title may be cited as the "September 11 Family Humanitarian Relief and Patriotism Act".

SEC. ___02. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary of Homeland Security may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary of Homeland Security grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. ___03. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary of Homeland Security shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary of Homeland Security shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. 04. EXCEPTIONS.

Notwithstanding any other provision of this title, an alien may not be provided relief under this title if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC.___05. EVIDENCE OF DEATH.

For purposes of this title, the Secretary of Homeland Security shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC.___06. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this title.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this title, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

SA 3577. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 347, strike lines 9 through 12, and insert the following:

"(6) INELIGIBILITY.—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

"(A) the alien is subject to a final order of removal under section 217, 235, 238, or 240;

"(B) the alien failed to depart the United States during the period of a voluntary departure order entered under section 240B;

"(C) the Secretary of Homeland Security determines that—

"(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

"(D) the alien has been convicted of any felony or three or more misdemeanors; or

"(E) the alien has entered, the U.S. pursuant to section 217 and overstayed the period authorized admission, has been ordered removed under section 235 or 238, or is subject to a final order of removal under section 240.

SA 3578. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. SOUTHWEST BORDER PROSECUTION INITIATIVE

(a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR PROSECUTING FEDERALLY-INITIATED DRUG CASES.—The Attorney General shall, subject to the availability of appropriations, reimburse Southern Border State and county prosecutors for prosecuting federally initiated and referred drug cases.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2012 to carryout subsection (a).

SA 3579. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109-13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2009".

SA 3580. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . FAIRNESS IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting "Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the

Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed $35.".

(2) Technical amendments.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) in the third sentence, by striking "Attorney General's" and inserting "Secretary's".

(b) Recreational Courses.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers to in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

SA 3581. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ____. NORTH AMERICAN TRAVEL CARDS.

(a) Findings.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) North American Travel Cards.—

(1) Issuance.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall, not later than December 31, 2007, issue to a citizen of the United States who submits an application in accordance with paragraph (4) a travel document that will serve as a North American travel card.

(2) Applicability.—A North American travel card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(3) Limitation on use.—A North American travel card may only be used for the purpose of international travel by United States citizens through land border ports of entry, including ferries, between the United States and Canada and the United States and Mexico.

(4) Application for issuance.—To be issued a North American travel card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(5) Technology.—

(A) Expedited traveler programs.—To the maximum extent practicable, a North American travel card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the North American travel card is not developed by that date.

(B) Technology.—The Secretary of Homeland Security and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department of Homeland Security, allows for future technological innovations, and ensures maximum facilitation at the northern and southern border.

(6) Specifications for card.—A North American travel card shall be easily portable and durable. The Secretary of State and the Secretary of Homeland Security shall consult regarding the other technical specifications of the card, including whether the security features of the card could be combined with other existing identity documentation.

(7) Fee.—Except as in provided in paragraph (8), an applicant for a North American travel card shall submit an application under paragraph (4) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Fees for a North American travel card shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended. The fee for the North American travel card shall not exceed $20, of which not more than $2 shall be allocated to the United States Postal Service for postage and other application processing functions. Such fee shall be waived for children under 16 years of age.

(c) Foreign Cooperation.—In order to maintain and encourage cross-border travel and trade, the Secretary of State and the Secretary of Homeland Security shall use all possible means to coordinate with the appropriate representatives of foreign governments to encourage their citizens and nationals to possess, not later than the date at which the certification required by subsection (j) is made, appropriate documentation to allow such citizens and nationals to cross into the United States.

(d) Public Promotion.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the North American travel card and to facilitate the acquisition of a passport or North American travel card. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the establishment of at least 200 new passport acceptance facilities, with emphasis on facilities located near international borders;

(4) the collection and analysis of data to measure the success of the public promotion plan; and

(5) additional measures as appropriate.

(e) Accessibility.—In order to make the North American travel card easily obtainable, an application for a North American travel card shall be accepted in the same manner and at the same locations as an application for a passport.

(f) Expedited Travel Programs.—To the maximum extent practicable, the Secretary of Homeland Security shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists.

(g) Alternative Options.—

(1) In general.—In order to give United States citizens as many secure, low-cost options as possible for travel within the Western Hemisphere, the Secretary of Homeland Security shall continue to pursue additional alternative options, such as NEXUS, to a passport that meet the requirements of section 7209 of the Intelligence Reform and Terrorism Prevent Act (Public Law 108–458; 8 U.S.C. 1185 note).

(2) Feasibility study.—Not later than 120 days after the date of enactment of this Act, the Congressional Budget Office shall submit to the Committee on Homeland Security and Government Affairs and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security and the Committee on International Relations of the House of Representatives, a study on the feasibility of incorporating into a driver's license, on a voluntary basis, information about citizenship, in a manner that enables a driver's license which meets the requirements of the REAL ID Act of 2005 (division B of Public Law 109-13) to serve as an acceptable alternative document to meet the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act. Such study shall include a description of how such a program could be implemented, and shall consider any cost advantage of such an approach.

(h) Identification Process .—The Secretary of Homeland Security shall have appropriate authority to develop a process to ascertain the identity of and make admissibility determinations for individuals who arrive at the border without proper documentation.

(i) Rule of Construction.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a North American travel card.

(j) Certification.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) until the date that is 3 months after the Secretary of State and the Secretary of Homeland Security certify to Congress that—

(1) North American travel cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(2) North American travel cards are provided to applicants, on average, within 4 weeks of application;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept North American travel cards at all United States border crossings;

(4) the outreach plan described in subsection (d) has been implemented and deemed to have been successful according to collected data; and

(5) a successful pilot has demonstrated the effectiveness of the North American travel card program.

(k) Reports.—

(1) Reports on the issuance of North American travel cards.—The Secretary of State shall, on a quarterly basis during the first year of issuance of North American travel cards, submit to Congress a report containing information relating to the number of North American travel cards issued during the immediately preceding quarter or year, as appropriate, and the number of United States citizens in each State applying for such cards.

(2) Report on private collaboration.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State and the Secretary shall report to Congress on their efforts to solicit policy suggestions and the incorporation of such suggestions into the implementation strategy from the private sector on the implementation of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note). The report should include the private sector's recommendations concerning how air, sea, and land travel between countries in the Western Hemisphere can be improved in a manner that establishes the proper balance between national security, economic well being, and the particular needs of border communities.

(l) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this section.

SA 3582. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 32, between lines 5 and 6, insert the following:

(b) Mobile Identification System.—

(1) Requirement for systems.—Not later than October 1, 2007, the Secretary shall deploy wireless, hand-held biometric identification devices, interfaced with United States Government immigration databases, at all United States ports of entry and along the international land borders of the United States.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2007 to carry out this subsection.

(3) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (2) shall remain available until expended.

SA 3583. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3424 proposed by Mr. Frist to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 2 through 9, and insert the following:

(a) Acquisition.—Subject to the availability of appropriations, the Secretary shall—

(1) procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration; and

(2) acquire and utilize real time, high-resolution, multi-spectral, precisely-rectified digital aerial imagery to detect physical changes and patterns in the landscape along the northern or southern international border of the United States to identify uncommon passage ways used by aliens to illegally enter the United States.

SA 3584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 8 and 9, insert the following:

(c) Northern Border Training Facility.—

(1) In general.—The Secretary shall establish a northern border training facility at Rainy River Community College in International Falls, Minnesota, to carry out the training programs described in this subsection.

(2) Use of training facility.—The training facility established under paragraph (1) shall be used to conduct various supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(3) Training curriculum.—The Secretary shall design training curriculum to be offered at the training facility through multiday training programs involving classroom and real-world applications, which shall include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;

(ii) changing tactics;

(iii) language;

(iv) culture; and

(v) communications.

(4) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this subsection.

SA 3585. Mr. ENSIGN (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 10 and all that follows through page 360, line 6 and renumber all that follows accordingly.

Beginning on page 395, strike line 10 and all that follows through page 416, line 11 and insert the following:

(c) Period of Authorized Admission.—

(1) In general.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) Return to country.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) Eligibility for nonimmigrant visa.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) Loss of Employment.—

(1) In general.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) Return to country.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) Prohibition of change or adjustment of status.—

(1) In general.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) Loss of eligibility.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processing for an immigrant or nonimmigrant Visa outside the United States.

SA 3586. Mr. ENSIGN (for himself and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 10 and all that follows through page 416, Line 11 and insert all that follows:

(c) Mandatory Departure and Reentry.—

(1) In general.—Chapter 5 of title II (8 U.S.C. 1255 et seq.), as amended by subsection (b)(1), is further amended by inserting after section 245B the following: "

“SEC. 245C. MANDATORY DEPARTURE AND REENTRY.

“(a) In General.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

“(b) Requirements.—An alien desiring an adjustment of status under subsection (a) shall meet the following requirements:

“(1) Presence.—The alien shall establish that the alien—

“(A) was physically present in the United States on January 7, 2004;

“(B) has been continuously in the United States since such date, except for brief, casual, and innocent departures; and

“(C) was not legally present in the United States on that date under any classification set forth in section 101(a)(15).

“(2) Employment.—

“(A) In general.—The alien shall establish that the alien—

“(i) was employed in the United States, whether full time, part time, seasonally, or self-employed, before January 7, 2004; and

“(ii) has been continuously employed in the United States since that date, except for brief periods of unemployment lasting not longer than 60 days.

“(B) Evidence of employment.—

“(i) In general.—An alien may conclusively establish employment status in compliance with subparagraph (A) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

“(I) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

“(II) an employer; or

“(III) a labor union, day labor center, or an organization that assists workers in matters related to employment.

“(ii) Other documents.—An alien who is unable to submit a document described in subclauses (I) through (III) of clause (i) may satisfy the requirement in subparagraph (A) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

“(I) bank records;

“(II) business records;

“(III) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

“(IV) remittance records.

“(iii) Intent of congress.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

“(iv) Burden of proof.—An alien who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

“(3) Admissibility.—

“(A) In general.—The alien shall establish that such alien—

“(i) is admissible to the United States, except as provided as in (B); and

“(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(B) Grounds not applicable.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

“(C) Waiver.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

“(4) Ineligible.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

“(A) has been ordered excluded, deported, removed, or to depart voluntarily from the United States; or

“(B) fails to comply with any request for information by the Secretary of Homeland Security.

“(5) Medical examination.—The alien may be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

“(6) Termination.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status if—

“(A) the Secretary of Homeland Security determines that the alien was not in fact eligible for such status; or

“(B) the alien commits an act that makes the alien removable from the United States.

“(7) Application content and waiver.—

“(A) Application form.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

“(B) Content.—In addition to any other information that the Secretary requires to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States Government, voter registration history, claims to United States citizenship, and tax history.

“(C) Waiver.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum or restriction of removal pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a).

“(D) Knowledge.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(c) Implementation and Application Time Periods.—

“(1) In general.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary of Homeland Security shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

“(2) Initial receipt of applications.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date on which the application form is first made available.

“(3) Application.—An alien must submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date on which the application form is first made available. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

“(4) Completion of processing.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date on which the application form is first made available.

“(d) Security and Law Enforcement Background Checks.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

“(e) Acknowledgment.—

“(1) In general.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

“(A) an acknowledgment made in writing and under oath that the alien—

“(i) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

“(ii) understands the terms of the terms of Deferred Mandatory Departure;

“(B) any Social Security account number or card in the possession of the alien or relied upon by the alien;

“(C) any false or fraudulent documents in the alien's possession.

“(2) Use of information.—None of the documents or other information provided in accordance with paragraph (1) may be used in a criminal proceeding against the alien providing such documents or information.

“(f) Mandatory Departure.—

“(1) In general.—The Secretary of Homeland Security shall grant Deferred Mandatory Departure status to an alien who meets the requirements of this section for a period not to exceed 3 years.

“(2) Registration at time of departure.—An alien granted Deferred Mandatory Departure shall—

“(A) depart from the United States before the expiration of the period of Deferred Mandatory Departure status;

“(B) register with the Secretary of Homeland Security at the time of departure; and

“(C) surrender any evidence of Deferred Mandatory Departure status at the time of departure.

“(3) Application for readmission.—

“(A) In general.—An alien under this section may apply for admission to the United

States as an immigrant or nonimmigrant while in the United States or from any location outside of the United States, but may not be granted admission until the alien has departed from the United States in accordance with paragraph (2).

"(B) APPROVAL.—The Secretary may approve an application under subparagraph (A) during the period in which the alien is present in the United States under Deferred Mandatory Departure status.

"(C) US–VISIT.—An alien in Deferred Mandatory Departure status who is seeking admission as a nonimmigrant or immigrant alien may exit the United States and immediately reenter the United States at any land port of entry at which the US–VISIT exit and entry system can process such alien for admission into the United States.

"(D) INTERVIEW REQUIREMENTS.—Notwithstanding any other provision of law, any admission requirement involving in-person interviews at a consulate of the United States shall be waived for aliens granted Deferred Mandatory Departure status under this section.

"(E) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations under section 214 shall not apply to any alien who is admitted as a nonimmigrant under this paragraph.

"(4) EFFECT OF READMISSION ON SPOUSE OR CHILD.—The spouse or child of an alien granted Deferred Mandatory Departure and subsequently granted an immigrant or nonimmigrant visa before departing the United States shall be—

"(A) deemed to have departed under this section upon the successful admission of the principal alien; and

"(B) eligible for the derivative benefits associated with the immigrant or nonimmigrant visa granted to the principal alien without regard to numerical caps related to such visas.

"(5) WAIVERS.—The Secretary of Homeland Security may waive the departure requirement under this subsection if the alien—

"(A) is granted an immigrant or nonimmigrant visa; and

"(B) can demonstrate that the departure of the alien would create a substantial hardship on the alien or an immediate family member of the alien.

"(6) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and who departs before the expiration of such status—

"(A) shall not be subject to section 212(a)(9)(B); and

"(B) if otherwise eligible, may immediately seek admission as a nonimmigrant or immigrant.

"(7) FAILURE TO DEPART.—An alien who fails to depart the United States prior to the expiration of Mandatory Deferred Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(8) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to depart immediately shall be subject to—

"(A) no fine if the alien departs not later than 1 year after the grant of Deferred Mandatory Departure;

"(B) a fine of $2,000 if the alien does not depart within 2 years after the grant of Deferred Mandatory Departure; and

"(C) a fine of $3,000 if the alien does not depart within 3 years after the grant of Deferred Mandatory Departure.

"(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable and tamper-resistant, shall allow for biometric authentication, and shall comply with the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note). The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

"(h) TERMS OF STATUS.—

"(1) REPORTING.—During the period of Deferred Mandatory Departure, an alien shall comply with all registration requirements under section 264.

"(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure is not subject to section 212(a)(9) for any unlawful presence that occurred prior to the Secretary of Homeland Security granting the alien Deferred Mandatory Departure status.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) must establish at the time of application for admission that the alien is admissible under section 212.

"(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure under this section—

"(A) the alien shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) the alien may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36)) or any political subdivision thereof which furnishes such assistance.

"(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

"(1) IN GENERAL.—Before leaving the United States, an alien granted Deferred Mandatory Departure status may not apply to change status under section 248.

"(2) ADJUSTMENT OF STATUS.—An alien may not adjust to an immigrant classification under this section until after the earlier of—

"(A) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

"(B) 8 years after the date of enactment of this section.

"(j) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(k) FAMILY MEMBERS.—

"(1) IN GENERAL.—Subject subsection (f)(4), the spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien.

"(2) APPLICATION FEE.—

"(A) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(l) EMPLOYMENT.—

"(1) IN GENERAL.—An alien who has applied for or has been granted Deferred Mandatory Departure status may be employed in the United States.

"(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status must be employed while in the United States. An alien who fails to be employed for 60 days is ineligible for hire until the alien has departed the United States and reentered. The Secretary of Homeland Security may reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security system, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum, restriction of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or cancellation of removal pursuant to section 240A(a), any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 208(a).

"(r) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.), as amended by this subsection (b)(2), is further amended by inserting after the item relating to section 245B the following:

"245C. Mandatory Departure and Reentry.".

(3) CONFORMING AMENDMENT.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 245C)" after "imposed".

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection, or any amendment made by this subsection, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subsection.

(d) CORRECTION OF SOCIAL SECURITY RECORDS.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) whose status is adjusted to that of lawful permanent resident under section 245B of the Immigration and Nationality Act."; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien became lawfully admitted for temporary residence.".

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2006" or the "AgJOBS Act of 2006".

SEC. 612. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 613(a).

(3) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(4) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) PERIOD OF AUTHORIZED ADMISSION.—

(1) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

(2) RETURN TO COUNTRY.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.

(3) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.

(d) LOSS OF EMPLOYMENT.—

(1) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for at least 60 consecutive days.

(2) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.

(e) PROHIBITION OF CHANGE OR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—An alien with blue card status shall not be eligible to change or adjust status in the United States.

(2) LOSS OF ELIGIBILITY.—An alien with blue card status shall lose the status if the alien—

(A) files a petition to adjust status to legal permanent residence in the United States; or

(B) requests a consular processisng for an immigrant or nonimmigrant Visa outside the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 6, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Health Care Coverage for Small Business: Challenges and Opportunities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 6, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "Saving for the 21st Century: Is America Saving Enough to be Competitive in the Global Marketplace?".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 6, 2006, at 2 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 6, 2006, at 10 a.m. in the Dirksen Senate Office Building Room 226.

I. Nominations

Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel: Timothy Anthony Junker, to be United States Marshal for the Northern District of Iowa.

II. Bills

S. 489, Federal Consent Decree Fairness Act. Alexander, Kyl, Cornyn, Graham, Hatcher;

S. 2039, Prosecutors and Defenders Incentive Act of 2005. Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer;

S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges, Specter, Leahy, Cornyn, Feinstein, Biden;

S. 2453, National Security Surveillance Act of 2006, Specter;

S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham;

S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer.

III. Matters

S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback;

S. Res. 398, A resolution relating to the censure of George W. Bush, Feingold.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Orphan Works: Proposals for a Legislative Solution" on Thursday, April 6, 2006, at 2 p.m. in Room 226 of the Dirksen Senate Office Building.

Panel I: Jule L. Sigall, Associate Register for Policy & International Affairs, U.S. Copyright Office, Washington, DC; Victor S. Perlman, Managing Director and General Counsel, American Society of Media Photographers, Inc., Philadelphia, PA; June Cross, Documentary Filmmaker, Visiting Professor, Columbia University, New York, NY; Brad Holland, Founding Board Member, Illustrators' Partnership of America, Marshfield, MA; Maria Pallante-Hyun, Associate General Counsel and Director of Licensing, The Solomon R. Guggenheim Foundation (Guggenheim Museum), New York, NY; Thomas C. Rubin, Associate General Counsel, Microsoft Corporation, Redmond, VA; Rick Prelinger, Board President, Internet Archive, San Francisco, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, April 6, 2006, for a committee hearing to examine the VA's 5-year capital construction plan. The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 6, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, April 6, 2006, from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, April 6, 2006, at 2:30 p.m. for a hearing regarding "The Effectiveness of the Small Business Administration."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, April 6 at 2:30 p.m.

The purpose of the hearing is to recent testimony on the following bills: S. 1510, a bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; S. 1957, a bill to authorize the Secretary of Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; S. 2024 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historic Park, and for other purposes; S. 2252, a bill to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, WY, as the National Museum of Wildlife Art of the United States; and S. 2403, a bill to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the Grand Teton Park subdivision, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on April 6, 2006, at 2:30 p.m., in open session to receive testimony on Navy shipbuilding in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on April 6, 2006, at 3:30 p.m., in open session to receive testimony on military space programs in review of the defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL OCEAN POLICY STUDY

Mr. CRAIG. Mr. President, I ask unanimous consent that the National Ocean Policy Study be authorized to meet on Thursday, April 6, 2006, at 10 a.m., on Offshore Aquaculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF BENJAMIN A. POWELL TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF DEFENSE

Mr. FRIST. Mr. President, in executive session, I ask unanimous consent that the cloture motions with respect to executive calendar Nos. 239 and 310 be vitiated; provided further that the Senate immediately proceed to their consideration en bloc.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

Gordon England, of Texas, to be Deputy Secretary of Defense.

NOMINATION OF GORDON ENGLAND

Mr. LEVIN. Mr. President, I support the nomination of Gordon England to the position of Deputy Secretary of Defense.

Secretary England has been the Department's problem-solver for the last

5 years. In this brief period of time, he has served as Secretary of the Navy, Deputy Secretary of the Department of Homeland Security, Secretary of the Navy again, and—after being under consideration to serve as Secretary of the Air Force—as Deputy Secretary of Defense. At the request of the Secretary of Defense, he has also taken on such critical jobs as designing the new National Security Personnel System and overseeing the review of the status of DOD detainees at Guantanamo.

Secretary England has always made himself available for hearings, meetings with Members, and discussions with the wide array of others who have interests and concerns about the operations and activities of the Department of Defense. He is a good listener, open to compromise, willing to take on tough problems—characteristics which are always in great demand and short supply at DOD.

The Deputy Secretary of Defense serves in a position of awesome responsibility. He is the alter ego of the Secretary. In this capacity, the Deputy Secretary plays a key role in determining how our country will face critical national security challenges.

At the same time, the Deputy Secretary of Defense has traditionally served as the chief manager of the Defense Department. A wide array of management challenges, including financial management, acquisition management, and human capital issues, cut across functional areas in the Department to such an extent that no official other than the Secretary or the Deputy Secretary has the authority needed to address them.

Fortunately, Secretary England brings the kind of strong management background and commitment to addressing these issues that are needed in the Deputy Secretary position.

For the last several months, Secretary England has served as Deputy Secretary of Defense under a recess appointment by the President. I believe that his service to the Department and the Nation over the last 5 years merit a favorable vote on his nomination by the full Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

HONORING THE ENTREPRENEURIAL SPIRIT OF AMERICAN SMALL BUSINESSES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 435, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 435) honoring the entrepreneurial spirit of American small businesses during National Small Business Week, beginning April 9, 2006.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 435) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 435

Whereas America's 25,000,000 small businesses have been the driving force behind the Nation's economy, creating more than 75 percent of all new jobs and generating more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and in the growth of the Nation's economy;

Whereas the programs and services of the Small Business Administration have time and again proven their value, having helped to create or retain over 5,300,000 jobs in the United States since 1999;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for Government contracts, and improved the economic environment in which small businesses compete;

Whereas, for more than 50 years, the Small Business Administration has helped more than 23,000,000 Americans start, grow, and expand their businesses and has placed almost $280,000,000,000 in loans and venture capital financing in the hands of entrepreneurs;

Whereas the Small Business Administration, established in 1953, has provided valuable service to small businesses through financial assistance, procurement assistance, business development, small business advocacy, and disaster recovery assistance;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business, and has played a key role in fostering economic growth in underserved communities; and

Whereas the Small Business Administration will mark National Small Business Week, beginning April 9, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) honors the entrepreneurial spirit of America's small businesses during the Small Business Administration's National Small Business Week, beginning April 9, 2006;

(2) supports the purpose and goals of National Small Business Week, and the ceremonies and events to be featured during the week;

(3) commends the Small Business Administration and the resource partners of the Small Business Administration for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(4) applauds the achievements of small business owners and their employees, whose entrepreneurial spirit and commitment to excellence has been a key player in the Nation's economic vitality.

LOCAL COMMUNITY RECOVERY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4979 received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4979) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4979) was read the third time and passed.

150TH ANNIVERSARY OF THE MINNESOTA NATIONAL GUARD

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 85 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 85) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 85

Whereas the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, 2 years before Minnesota became the 32nd State in the Union;

Whereas the First Minnesota Infantry regiment was among the first militia regiments in the Nation to respond to President Lincoln's call for troops in April 1861 when it volunteered for 3 years of service during the Civil War;

Whereas during the Civil War the First Minnesota Infantry regiment saw battle at Bull Run, Antietam, and Gettysburg;

Whereas during a critical moment in the Battle of Gettysburg on July 3, 1863, 262 soldiers of the First Minnesota Infantry, along with other Union forces, bravely charged and stopped Confederate troops attacking the center of the Union position on Cemetery Ridge;

Whereas only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War;

Whereas the Minnesota National Guard was the first to volunteer for service in the Philippines and Cuba during the Spanish-American War of 1898, with enough men to form 3 regiments;

Whereas 1 of the 3 Minnesota regiments to report for duty in the War with Spain, the 13th Volunteer regiment, under the command of Major General Arthur MacArthur, saw among the heaviest fighting of the war in the battle of Manila and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines;

Whereas after the cross-border raids of Pancho Villa and the attempted instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard;

Whereas the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 42nd "Rainbow" Division;

Whereas the first Air National Guard unit in the Nation was the 109th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921;

Whereas a tank company of the Minnesota National Guard from Brainerd, Minnesota, was shipped to the Philippines in 1941 to shore up American defenses against Japan as World War II neared;

Whereas these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March;

Whereas men of the Minnesota National Guard's 175th Field Artillery, as part of the 34th "Red Bull" Division, became the first American Division to be deployed to Europe in January of 1942;

Whereas when the 34th Division was shipped to North Africa, it fired the first American shells against the Nazi forces;

Whereas the 34th Division participated in 6 major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking the most enemy-defended hills of any division in the European Theater as well as having more combat days than any other division in Europe;

Whereas the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm;

Whereas Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including 1,100 troops who have seen service in Bosnia, Croatia, and Kosovo;

Whereas the Minnesota National Guard has participated in keeping America safe after September 11, 2001, in numerous ways, including airport security;

Whereas the Duluth-based 148th Fighter Wing's F–16s flew patrols over cities after September 11, 2001, for a longer time than any other air defense unit;

Whereas over 11,000 members of the Minnesota National Guard have been called up for full-time service since the September 11, 2001, terrorist attacks;

Whereas as of March 20, 2006, Minnesota National Guard troops are serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq;

Whereas more than 600 Minnesota National Guard troops have been deployed to Afghanistan in Operation Enduring Freedom;

Whereas members of the Minnesota National Guard, serving in the 1st Brigade Combat Team of the 34th Infantry Division, have been a part of the State's largest troop deployment since World War II, with more than 2,600 citizen soldiers called to service in support of Operation Iraqi Freedom;

Whereas the Minnesota National Guard has greatly contributed not only to battles but to the suppressing of violent riots, such as the 1947 national meat processors strike, in which they aided helpless police officers, and the fight against natural disasters such as the Red River flood in 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and helped sandbagging efforts; and

Whereas on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its historical and recent accomplishments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors and congratulates the Minnesota National Guard for its spirit of dedication and service to the State of Minnesota and to the Nation on its 150th anniversary; and

(2) recognizes that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

150TH ANNIVERSARY OF THE MINNESOTA NATIONAL GUARD

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 371, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 371) honoring and congratulating the Minnesota National Guard on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 371) was agreed to.

The preamble was agreed to.

YEAR OF THE MUSEUM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 437, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 437) supporting the goals and ideals of the Year of the Museum.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I rise to support a resolution supporting the goals and ideals of the Year of the Museum. I am pleased to be joined by Senator KENNEDY and other members of the Cultural Caucus in sponsoring this resolution recognizing the vital role museums play in the fabric of our American culture.

On the occasion of the 100th anniversary of the American Association of Museums, we treasure the more than 16,000 museums in the United States that house many of our greatest treasures. Museums inspire curiosity in students of all ages and foster a greater understanding of the world around us. Museums help us connect to the past and envision the future. Today, we celebrate their contribution to the vitality of our communities and our culture over the past 100 years.

I urge my colleagues to support this resolution.

Mr. COBURN. Mr. President, today the Senate considers The Year of the Museum resolution which asks for Congress to support the goals and ideals of the Year of the Museum and asks the President to call upon Americans to observe this year with appropriate programs and activities.

I encourage citizens to utilize and support their local museums which serve as a wonderful resource for communities. There is great value for citizens in the arts, historic collections and museums. They are a reflection of our culture and people, and are important to our history and national identity. Children and young learners benefit tremendously from art programs in the schools. These activities make for well rounded citizens, tomorrow's leaders. Museums play an important role in our lives.

The Subcommittee on Federal Financial Management, which I chair, held a hearing on Federal funding of museums this week and found that Federal support of the arts and humanities, which includes museums, has increased 25 percent in the last 5 years. During a time of tremendous financial challenge, we must exercise thrift and frugality with taxpayer money.

Why not hold museum and arts funding steady at current levels? I believe that budget increases for nonessential activities during a time of great challenge to our Nation are indefensible. It is Congress that holds the purse strings and, frankly, we have been unwilling to make the tough decisions today for the future well-being of our grandchildren.

As a government we have spent over $7 billion on such programs and institutions since 2001, but where in the Constitution does it allow the Federal Government support museums and the arts by taxing citizens to pay for museums in other cities and States? Essentially taxpayers are being forced to subsidize museums they do not attend. Museums spend $21 for every visitor while only earning $5.50 in revenue per visitor according to the American Association of Museums.

I remind my colleagues that the current fiscal environment of war, Katrina and Social Security and Medicare insolvency is a very serious situation. One criticism of the President I have is that he has not asked the American people to sacrifice during wartime. We cannot, as a government, do everything we would like to do. I think the American people would be very forgiving and willing to make sacrifices if only asked. During a time of war Presidents Roosevelt and Truman slashed nondefense spending by over 20 percent. It can be done.

There are several opportunities for Federal funding of museums through competitive grants administered by the Institute for Museum and Library Services and the National Science Foundation which are peer reviewed and grantees are held accountable and must meet financial management requirements as well as other conditions.

Museum earmarks, however, proliferate, especially in the home States of members of the powerful Appropriations Committee. This year 69 percent of museum earmarks went to their home States. These museums get to cut in line and skip the competitive application. Favored projects receive money without having to compete with the other museums. These projects have not had to demonstrate their merit or worth to a community, but get a cash award nonetheless. There is something wrong with this system. What's more, several museums split their earmark requests across bills in the same year to hide the true cost. The same museums request earmarks every year, and get them. Since 2001, over 860 earmarks have been handed out to museums.

I support the ideals of the Year of the Museum, but I ask my colleagues to exercise fiscal restraint and stop focusing on political expediency and start thinking about future generations.

Given the local nature of most of the grants and earmarks, it is difficult to defend the expenditure of taxpayer dollars to benefit a small group of people in Muskogee, St. Louis, or Anchorage. If a community truly wanted such an institution or program, they would and should find a way to pay for it with local and State money, or through admission fees.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 437) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 437

Whereas museums are institutions of public service and education that foster exploration, study, observation, critical thinking, contemplation, and dialogue to advance a greater public knowledge, understanding, and appreciation of history, science, the arts, and the natural world;

Whereas, according to survey data, the people of the United States view museums as one of the most important resources for educating children;

Whereas museums have a long-standing tradition of inspiring curiosity in schoolchildren that is a result of investments of more than $1,000,000,000 and more than 18,000,000 instructional hours annually for elementary and secondary education programs in communities across the United States, creative partnerships with schools, professional development for teachers, traveling exhibits to local schools, digitization of materials for access nationwide, creation of electronic and printed educational materials that use local and State curriculum standards, and the hosting of interactive school field trips;

Whereas museums serve as community landmarks that contribute to the livability and economic vitality of communities through expanding tourism;

Whereas museums rank in the top 3 family vacation destinations, revitalize downtowns (often with signature buildings), attract relocating businesses by enhancing quality of life, provide shared community experiences and meeting places, and serve as a repository and resource for each community's unique history, culture, achievements, and values;

Whereas there are more than 16,000 museums in the United States and admission is free at more than half of these museums;

Whereas approximately 865,000,000 people visit museums annually and these people come from all ages, groups, and backgrounds;

Whereas research indicates Americans view museums as one of the most trustworthy sources of objective information and believe that authentic artifacts in history museums and historic sites are second only to their families in significance in creating a strong connection with the past;

Whereas museums enhance the public's ability to engage as citizens, through developing a deeper sense of identity and a broader judgment about the world, and by holding more than 750,000,000 objects and living specimens in the public trust to preserve and protect the cultural and natural heritage of the United States for current and future generations;

Whereas museums are increasingly entering into new partnerships with community educational institutions that include schools, universities, libraries, public broadcasting, and 21st Century Community Learning Centers, and these partnerships reach across community boundaries to provide broader impact and synergy for their community educational programs;

Whereas supporting the goals and ideals of the Year of the Museum would give Americans the opportunity to celebrate the contributions museums have made to American culture and life over the past 100 years; and

Whereas in 2006, museums of the United States are celebrating 100 years of collective contribution to our communities: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of the Year of the Museum.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 360 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 360) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 360) was agreed to.

ORDERS FOR FRIDAY, APRIL 7, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. Friday, April 7. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2454, the border security bill, with 1 hour of debate equally divided between the managers or their designees prior to the cloture vote. I further ask unanimous consent that the Senate then proceed to a vote on the motion to invoke cloture on the motion to commit, as under the previous order. Further, I ask unanimous consent that with respect to cloture motions filed yesterday on the motion to commit and the underlying bill, that the mandatory quorums under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as in executive session with respect to the cloture motions filed yesterday on nominations, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, following the 1 hour tomorrow for closing remarks, the Democratic leader and I will make statements prior to the cloture vote on the motion to commit. The vote will therefore occur at approximately 9:45 in the morning. If cloture is not invoked, we will proceed to a cloture vote on the underlying bill. We also have two remaining cloture votes scheduled on nominations, although we are hopeful we can work out an agreement for a vote on one of those nominations. Senators can expect a busy and full day.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:18 p.m., adjourned until Friday, April 7, 2006, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 6, 2006:

DEPARTMENT OF STATE

JOHN CLINT WILLIAMSON, OF LOUISIANA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

JOHN A. CLOUD, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

GENERAL SERVICES ADMINISTRATION

LURITA ALEXIS DOAN, OF VIRGINIA, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE STEPHEN A. PERRY, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

R. DAVID PAULISON, OF FLORIDA, TO BE UNDER SECRETARY FOR FEDERAL EMERGENCY MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY, VICE MICHAEL D. BROWN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, April 6, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

DEPARTMENT OF DEFENSE

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AN TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 6, 2006 withdrawing from further Senate consideration the following nomination:

ROBERT M. DUNCAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, WHICH WAS SENT TO THE SENATE ON APRIL 4, 2005.

EXTENSIONS OF REMARKS

A TRIBUTE TO THE THOMAS JEFFERSON GIRLS' BASKETBALL TEAM, BROOKLYN, NY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the Thomas Jefferson Girls' basketball team, champions of the class B division of the Public School Athletic League of New York City. In one year, under the direction of head coach Calvin Young and assistant coach Unique Nelson, the "Lady Orange Wave" excelled to a regular season record of 15 wins and only 3 losses, while going undefeated with five more victories in the city playoffs.

I want to especially recognize the work of superintendent Varleton McDonald and principal Michael A. Alexander, who have worked hard to infuse excellence, respect and accountability not only in athletics programs, but in academic departments as well. In addition, coaches Young and Nelson have instilled a "team first" approach and a tough regimen of discipline and "no excuses" that has led to the team's current success.

However, academics have not taken a backseat. To the contrary, in an era when sports achievements have sometimes replaced excellence in English, math, science and other academic areas, the coaches have demanded a high level of academic performance from team members. Long after the last shot has been taken and the last ball dribbled, the members of the 2006 "Lady Orange Wave" will benefit from the leadership, love and guidance given to them by their coaches, teachers and administrators at Thomas Jefferson. I truly hope that in the days to come, the members of the 2006 "Lady Orange Wave" will build upon their experiences in basketball and their days at Thomas Jefferson.

Mr. Speaker, in this spirit, I believe that the accomplishments of the 2006 "Lady Orange Wave," the work of their coaches, teachers and administrators, are truly worthy of our recognition here today.

CONGRATULATIONS TO CENTRAL MISSOURI EAGLES YOUTH HOCKEY ASSOCIATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate Central Missouri Eagles Youth Hockey Association of Jefferson City, Missouri. The Eagles have been named a winner of the 2006 "Honoring the Game Award," by the Positive Coaching Alliance at Stanford University.

The "Honoring the Game Award" recognizes youth sports programs that "strive to win, but also strive to help their players develop skills that will serve them throughout their lifetimes." The Positive Coaching Alliance, a leading national youth sports organization, chose the Eagles as one of three national winners from among seven finalists. The Eagles are the only program in the Midwest—and the only youth hockey program in the nation—to be honored.

The Eagles were honored for their positive coaching methods and for the community service projects completed by each of their four teams. This year, the Eagles' pee wee team (11–12 year-olds) collected 500 stuffed animals and 130 backpacks for the abused and neglected children in Jefferson City's Michael Prenger Family Center and the Cole Family County Court. The mite and squirt teams (5–10 year-olds) collected more than 300 canned goods for Jefferson City's food bank, the Samaritan Center. The high school varsity team collected more than 400 stuffed animals for the sick and injured children at the University of Missouri-Columbia Children's Hospital.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the Central Missouri Eagles Youth Hockey Association on their accomplishments and thanking them for their dedication to helping others.

TRIBUTE TO BRENDA CLACK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KILDEE. Mr. Speaker, on Saturday, April 8th, the Flint Club of the National Association of Negro Business and Professional Women's Clubs, Incorporated will present Representative Brenda Clack with the Sojourner Truth Award at the 45th annual luncheon in my hometown of Flint, Michigan.

Founded in 1935 the National Association of Negro Business and Professional Women's Clubs, Incorporated seeks to provide a forum for the development of women in the business community and professions. The members come together to provide a place for the exchange of ideas and to encourage new entrepreneurs to succeed in their dreams. They embody the sentiments expressed by Sojourner Truth before the 1851 Women's Rights Convention, "If the first woman God ever made was strong enough to turn the world upside down all alone, these women together ought to be able to turn it back and get it right-side up again."

At the annual luncheon, the Flint Club honors a member of the community that has exemplified the commitment to the ideals of the association and the persevering spirit of Sojourner Truth. This year the Flint Club has chosen Michigan State Representative Brenda Clack to receive this prestigious award.

Brenda moved to Michigan after attending Tennessee State University. She quickly made her mark in the Flint community through her involvement with the NAACP, Urban League, the United Teachers of Flint, the Michigan Education Association, and as a member of Vernon Chapel AME Church. A lifelong educator, she spent 32 years teaching History and Economics in the Flint Public School System before being elected to public office.

In 1995 she was selected as Michigan's Economic Teacher of the Year, the following year she received the Flint Optimist's Outstanding Achievement in Education Award and she was inducted into Phi Beta Kappa's Hall of Fame. Elected to the Michigan House of Representatives in 2002, Brenda serves the constituents of the 34th House District. Besides serving on several House Standing Committees, she founded the "Flint Speaks Out Against Violence" task force and was appointed by Governor Jennifer Granholm to serve with the National Governors Association Policy Academy. Brenda's community involvement is highlighted by her work mentoring students, celebrating grandparents raising their grandchildren, and collecting blankets for the needy. Brenda is married to Floyd Clack, a former State Representative and former Genesee County Commissioner. She is mother to Michael and Mia.

Mr. Speaker, I ask the House of Representatives to rise with me and applaud the accomplishments of Representative Brenda Clack as she is honored for her kinship and inspiration to the Flint area.

HONORING THE CHAIRMAN OF THE NATIONAL PANHELLENIC CONFERENCE (NPS)

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the work of an outstanding individual, Martha Cheely Brown, as she concludes her distinguished work as Chairman of the National Panhellenic Conference (NPC). The National Panhellenic Conference is the association of 26 women's college fraternities. NPC member organizations are found on 620 college and university campuses nationwide and more than 3.8 million women nationwide are alumnae of one of the 26 fraternities that comprise the NPC. Since 2003, Martha has led the over 3.8 million NPC members in having their voices heard through a "Speak Up For Sororities" program she implemented. As

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chairman, Martha consistently dedicated herself to furthering the NPC's core values of "helping women grow, give, lead and succeed."

Martha Cheely Brown was a graduate of the University of North Texas in Denton, Texas, where she served as chapter president of her Delta Gamma Sorority. As an alumna, she has served as Delta Gamma's national convention Chairman, National Panhellenic Conference Delegate, and a member of the Delta Gamma International Board of Directors. As NPC College Panhellenics Committee Chairman, she worked with the 630 College Panhellenics in the United States and Canada.

Martha Cheely Brown's service and leadership were recognized by her alma mater in 2004 when she was awarded the University of North Texas Outstanding Alumna Award; by Delta Gamma Sorority with an Honorary Fellowship; and by the National Panhellenic Conference with a well-deserved citation celebrating her achievements as the 2003–2005 National Panhellenic Conference Chairman.

Mr. Speaker, please join me today in honoring the exemplary service that Martha Cheely Brown has given to the over 3.8 million members of NPC. The National Panhellenic Conference is a better organization because of her dedication, commitment, and determination to improve the lives of women of the NPC.

INTRODUCTION OF THE PATENTS DEPEND ON QUALITY ACT OF 2006

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERMAN. Mr. Speaker, today, I join Representative BOUCHER in introducing the Patents Depend on Quality Act of 2006 (PDQ Act). Introduction of this legislation follows a series of hearings conducted by the Subcommittee on Intellectual Property which ascertained that the current patent system is flawed. Over the course of the last 4 years, there have been numerous attempts to define the challenges of the patent system today. For example, the Patent and Trademark Office developed their Twenty-First Century Strategic Plan, not much later the Federal Trade Commission released a report entitled "To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy," The National Research Council published a compilation of articles entitled "A Patent System for the 21st Century," and two economists authored a critique of patent law in a book titled Innovation and Its Discontents. These accounts make a number of recommendations for increasing patent quality and ensuring that patent protection promotes, rather than inhibits, economic growth and scientific progress. Consistent with the goals and recommendations of those reports, the PDQ Act contains a number of provisions designed to improve patent quality, deter abusive practices by unscrupulous patent holders, and provide meaningful, low-cost alternatives to litigation for challenging the patent validity.

Past attempts at achieving more comprehensive patent reform have met with resistance and recently have resulted in a call for additional hearings. However, the call for legislative action is loud. The New York Times has noted, "[s]omething has gone very wrong with the United States patent system." The Financial Times has stated, "[i]t is time to restore the balance of power in U.S. patent law." Therefore, today, we are introducing a narrowly tailored bill to address some of the more urgent concerns.

I firmly believe that robust patent protection promotes innovation. However, I also believe that the patent system is strongest, and that incentives for innovation are greatest, when patents protect only those patents that are truly inventive. When functioning properly, the patent system should encourage and enable inventors to push the boundaries of knowledge and possibility. If the patent system allows questionable patents to be issued and does not provide adequate safeguards against patent abuses, the system may stifle innovation and interfere with competitive market forces.

This bill represents our latest perspectives in an ongoing discussion about legislative solutions to patent quality concerns and patent litigation abuses. We have considered the multitude of comments received on prior patent bills. We acknowledge that the problems are difficult and, as yet, without agreed-upon solutions. It is clear, however, that introduction and movement of legislation, not necessarily additional hearings, will focus and advance the discussion. It is also clear that the problems with the patent system have been exacerbated by a decrease in patent quality and an increase in litigation abuses. With or without consensus, Congress must act soon to address these problems.

Thus, we introduce this bill with the intent of propelling the debate forward in the 109th Congress.

The bill contains a number of initiatives designed to improve patent quality and limit litigation abuses, thereby ensuring that patents are positive forces in the marketplace. I will highlight a number of them below.

Section 2 creates a post-grant opposition procedure. In certain limited circumstances, opposition allows parties to challenge a granted patent through an expeditious and less costly alternative to litigation. In addition, Section 2 provides a severely needed fix for the inter-partes re-examination procedure, which provides third parties a limited opportunity to request that the PTO Director re-examine an issued patent. The current limitations on the inter-partes re-examination process restricts its utility so drastically that it has been employed only a handful of times. Section 2 increases the utility of this re-examination process by relaxing its estoppel provisions. Further, it expands the scope of the re-examination procedure to include redress for all patent applications regardless of when filed. In addition, Section 2 contains a limitation on use of inter-partes re-examination procedure as a "second bite at the apple" after district court litigation. Other provisions in this bill, such as the second window in the post-grant opposition proceeding, will sufficiently address the quality problem in patents which have already issued.

Sections 3 and 4 permit patent examiners to consider certain materials within a limited time frame submitted by third parties regarding a pending patent application. Allowing such third party submissions will increase the likelihood that examiners are cognizant of the most relevant "prior art," thereby constituting a front-end solution for strengthening patent quality.

Section 6 addresses the unfair incentives currently existing for patent holders who indiscriminately issue licensing letters. Patent holders frequently assert that another party is using a patented invention and for a fee, offer to grant a license for such use. Current law does little to dissuade patent holders from mailing such licensing letters. Frequently these letters are vague and fail to identify the patent being infringed and the manner of infringement. In fact, the law tacitly promotes this strategy since a recipient, upon notice of the letter, may be liable for treble damages as a willful infringer. Section 6 addresses this situation by ensuring that recipients of licensing letters will not be exposed to liability for willful infringement unless the letter specifically states the acts of infringement and identifies each particular claim and each product that the patent owners believe have been infringed.

Section 8 is designed to address the negative effect on innovation created by patent "trolls." We have learned of countless situations in which patent holders, making no effort to commercialize their inventions, lurk in the shadows until another party has invested substantial resources in a business or product that may infringe on the unutilized invention. The patent troll then steps out of the shadows and demands that the alleged infringer pay a significant licensing fee to avoid an infringement suit. The alleged infringer often feels compelled to pay almost any price named by the patent troll because, under current law, a permanent injunction issues automatically upon a finding of infringement. The threat of a permanent injunction would, in turn, cause the alleged infringer to lose the substantial investment made in the allegedly infringing business or product.

While we may question their motives, we do not question the right of patent trolls to sue for patent infringement, to obtain damages, and to seek a permanent injunction. However, the issuance of a permanent injunction should not be granted automatically upon a finding of infringement. Rather, when deciding whether to issue a permanent injunction, courts should have the discretion to weigh all the equities in order to prevent the violation of a patent right. That requires balancing the inventor's exclusive right designed to provide the incentive and reward for invention and those equities which may be necessary for the public interest, such as whether the patent troll has "unclean hands," the failure to commercialize the patented invention, the social utility of the infringing activity, the loss of invested resources by the infringer and, of course, the quality of the patent. After weighing the equities, the court may still decide to issue a permanent injunction, but at least the court will have ensured that the injunction serves the public interest. Section 8 accomplishes this goal.

When considering these provisions together, we believe that this bill provides reform necessary for the patent system to achieve its primary goal of promoting innovation. As the New York Times has pointed out, "[t]here is legislation in the House to address th[e] issue[s], and it needs to be taken up." We hope introduction of this bill will facilitate the necessary movement of patent reform legislation.

I would especially like to thank Congressman BOUCHER with whom I have been working on patent reform for the past few years even before the issue was en vogue. Also deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that continue to contribute their time, thoughts, and drafting talents to this effort. I am pleased that, finally, at least a consensus has emerged among the various collaborators in support of the basic "post-grant opposition" approach embodied in the legislation. This bill is the latest iteration of a process we started over 5 years ago.

Though we developed this bill in a highly collaborative and deliberative manner, I do not want to suggest that it is a "perfect" solution. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

As I have said previously, "The bottom line is this: there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system." High patent quality is essential to continued innovation. Litigation abuses, especially those which thrive on low quality patents, impede the promotion of the progress of science and the useful arts. Thus, we must act quickly during the 109th Congress to maintain the integrity of the patent system.

HONORING GREENVILLE'S FIRST AFRICAN AMERICAN POLICE OFFICER, WILLIE CARSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize an African American pioneer, Willie Carson, Greenville's first African-American police officer. I submit the following article by Bill Johnson of the Delta Democrat Times.

GREENVILLE—ANOTHER DELTA PIONEER HAS PASSED

Willie Carson, the first African-American police officer in Greenville, died Friday evening. He was 86 years old.

Carson forged the way for other black law enforcement officers to follow in the early 1950s, working as a beat officer on Nelson Street.

"Those were some really rough days back then," said his wife of 20 years, Delilah Carson. She recalled some of the many stories told by her husband of his early experiences in uniform from their Fairview Extended home.

"At that particular time, a lot of blacks were killing each other on Nelson. Back then, it was not so much with guns but knives and their fists," she said. "It was a real war zone out there at the time.

"C.A. Hollinsworth was the chief at that time. And he knew that changes were coming and a new day was ahead," she reflected.

"Winchester Davis was very instrumental in helping Willie get on the force. Willie played guitar for Davis' band, and they traveled a lot. He knew Willie had a family with children and needed a good job with benefits, and made a way for him."

Carson took his oath to uphold the law, and he made sure that everyone on his beat abided by the law.

He was smooth and quiet in manner but when necessary made a firm stand.

"A lot of people have come up to him over the years and thanked him for changing their lives." Carson said. "If need be, he could get down and dirty right along with them. And sometimes it was necessary."

While rumors abounded about the reasons Carson was given the Nelson Street beat, she was told by Willie that it was a matter of support.

"Hollinsworth knew that if anything went down on the Nelson Street beat, someone would speak up for Willie and give support for him. But remember, this was the early '50s still, and not many whites were going to go against another white person's word if they were arrested by a colored officer. So it was the best choice for the times," Carson said.

Willie Carson was also really good friends with former police chief and mayor, William Burnley. They spent a lot of time together and even called each other brother.

"They had a very unique relationship," Delilah recalled.

Joe Tinsley, a long-time Nelson Street business owner, also recalled Carson's tenure on the beat. "He was a true pioneer in police work, being a black man back in those days," Tinsely said from his barber shop on the corner of Nelson and Edison. "And boy what a heck of a guitar player."

Tinsley recalled Carson as a hard-working man who always had several jobs along with playing his guitar for a variety of bands, including Ike Turner, Winchester Davis, Big Joe, and others.

"He had a rocky road those early years, with the name calling and all. But he broke through the ice and opened the door for all black law enforcement officers to follow," Tinsley said. "And as time went on, Carson was very much respected. They wouldn't raise any hell or cuss around Officer Carson. It was tough on him, but he was the right man for the job and he made it work."

Carson is remembered by his family as a good husband, father and provider who loved his family and children: a man who believed in being in line with the law.

He was the type of fellow who was known for a good joke and appreciated a better one. He was the go-to guy during the boycotts at Mississippi Valley State College in 1969, where he served as chief of campus police, telling his men, "We are here to protect these students and the faculty. And that's what I expect you to do."

There were no major injuries on his watch, even when meeting face to face and at odds with members of the Black Panthers organization.

Carson was also the first black housing inspector in Greenville, and served as the grand marshal of the 2003 Christmas Parade.

In later years, Carson served with the Washington County Sheriffs Department from 1989 until his retirement in 2000.

He was never a bitter man and was considered rather jolly and outgoing.

"He tried to find the best in even a bad situation," Delilah said, adding that he would often tell his children, "Sometimes you can't get around a problem, but you can always make good choices."

Officer Willie Carson's career and faithful service to the community is a testament to his character. Carson's first probably will not be noted in history books, but it is his service and men and women of similar character that has paved the way for other outstanding African Americans to outfit our public services. It is with great honor, I recognize Officer Willie Carson, a true pioneer.

A TRIBUTE TO FLOR MARINA PRIETO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Flor Marina Prieto and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the community.

Flor Marina Prieto was born in Bogota, Colombia, into a typical middle class Colombian family. Ms. Prieto's father was Captain of the National Police and her mother worked, mainly at home, as an art decorator making very beautiful artificial and natural flower arrangements. Ms. Prieto's mother chose Flor Marina's name because of her love for flowers and her father's passion for the sea. Ms. Prieto's was comprised of school and home surrounded with plenty of love.

Ms. Prieto graduated as a secretary in Bogota, Colombia and soon after came to the United States. As a hobby, she attended ballet classes and had the opportunity to perform as an amateur ballerina. Soon after taking her marriage vows, Ms. Prieto's had her best treasure, her lovely daughter Jacqueline.

Ms. Prieto foresaw the importance and impact of computers in education. In order to learn about this and to earn some money so that she could pay for her college career, she worked as representative of a Colombian Computer Company in the United States. She traveled several times to Europe searching for specialized software to be sold in South America.

Later, she created her own small company M&B Computer Export because at the time it was a good business to sell computers and peripherals outside the United States. Several years later, she decided she was ready to start college to study Psychology. Ms. Prieto studied at St. John's University and graduated in May of 1996 with a Bachelor of Arts in Psychology. Ms. Prieto was so enthralled with this field that she decided to continue her studies in graduate school. She studied at St. John's University as well for a graduate degree in Bilingual School Counseling. Ms. Prieto graduated in June of 2000 with a Master of Science in Education. In addition, upon graduation, she was awarded with honors, the Dean's Award for Academic Excellence.

Ms. Prieto is currently working as a Bilingual Counselor at Eastwood School, P.S. 95. She is very pleased and fulfilled with her role as a counselor. She is very happy to work with children. Ms. Prieto feels her job is very rewarding because she is able to witness how a child's life can change or improve with her help. It is very satisfying to know that one can make a difference in a child's life. Ms. Prieto's main objective was to graduate as a counselor and then use this knowledge to help educate special children. This dream is now a beautiful reality.

Mr. Speaker, I believe this body, in recognition of her life and efforts, should pay tribute to Ms. Flor Marina Prieto.

RECOGNIZING MASTER SAM HYATT AS BOX TOPS FOR EDUCATION KIDS' CAUCUS ESSAY FINALIST

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I proudly rise before you today to recognize a sixth grade boy in the Second Congressional District of Maryland, Master Sam Hyatt. He was named as a finalist in the Box Tops for Education Kids' Caucus Essay contest. Sam wrote an essay for the General Mills sponsored organization on parental involvement in schools. His school, Baltimore Hebrew Congregation Day School in Lutherville, MD, was awarded a grant of one thousand dollars because of his achievement.

By using the topic provided, Sam carefully crafted an essay to explain how he would improve parental involvement in schools if he were principal for a day. He recommends parents volunteer their time by speaking to the students about their area of expertise. For example, he mentions how someone in the health profession came to the school and taught the students a lesson in that subject. He also suggests parents come into the classroom to relate their personal experiences to whatever subject is being taught that day.

Sam's essay is extremely motivational. It proves that school-aged children are interested in their families, and would like more opportunities to learn from them. He suggests teachers assign activities that involve parents, making learning fun for both the student and the parent. Sam provides an example of the previous year when he was given an assignment to learn about rocks. He was only able to find a small variety of rocks in his neighborhood so, as a result, his parents needed to take him to other locations to complete the task. I believe that education is one of the most important gifts we can give our children and it must begin in the home.

It is critical to arm our children with the best skills possible to ensure their success in life. They acquire these skills through practice both in the home and at school. It is very important to keep the lines of communication open between parents and school officials. Sam offers an idea of "Principal Coffees" where parents and administrators are given the opportunity to discuss what is happening in the school. He also recommends administrator and parent meetings via chat room discussions.

Mr. Speaker, I ask that you join with me today to recognize the achievement of essay winner Master Sam Hyatt. He should be commended for his outstanding efforts.

IN HONOR OF THE GREGORY FAMILY AS THEY RECEIVE THE TREE OF LIFE AWARD

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize the Gregory Family as they receive the Tree of Life humanitarian award on April 30th, 2006 from the Jewish National Fund.

The Jewish National Fund has bestowed its prestigious Tree of Life award annually since 1981. Recipients of this honor are chosen on the basis of outstanding community involvement, professional leadership and humanitarian service.

The Tree of Life award was named to symbolize the Jewish National Fund's efforts to reclaim and develop the land of Israel from barren and uninhabitable land into a land of lush green forests and fields, productive farmlands and varied tourism and recreation facilities.

Members of the Gregory Family receiving the award include the late Ted Gregory, his wife Matula and their children and spouses, Tom and Pam; Dean and Hedy; Evan and Terry; and Vickie. This talented and generous family is behind one of Cincinnati's most notable treasures, The Montgomery Inn Restaurants. These award-winning restaurants are known not only in our own region, but across the nation.

Ted Gregory and his wife Matula worked hard to build their business and instill a strong work ethic and sense of charity in their children. Ted often said, "Give until it hurts, then give a little more." This belief, combined with a strong work ethic, is no doubt the recipe to the Gregory Family's success.

As the Gregory's success has steadily grown over the years, so too has their mission to give back to others. Some of their beneficiaries include the Bob Hope House, The Free Store Food Bank, The Down Syndrome Association, Big Brothers and Big Sisters, Cincinnati Children's Hospital, One Way Farm and countless others.

The family also established the Montgomery Inn Invitational, which has raised more than $500,000. These funds have benefited the Jewish Federation, the Uriah P. Levy Jewish Chapel at the U.S. Naval Academy, the United Negro College Fund, the Billy Barty Foundation, and scholarships benefiting many area youth.

Today, Ted and Matula's children continue to carry on the family's charitable legacy. The four Gregory children graduated from Sycamore High School, where they recently endowed a state-of-the-art fitness center bearing the name of their parents.

The Gregory Family will donate the proceeds from this year's Tree of Life dinner to the Jewish National Fund Therapeutic Riding Consortium Endowment for Israel.

In addition to four children, Ted and Matula have eight grandchildren.

All of us in the Cincinnati area congratulate the Gregory Family on receiving the Tree of Life humanitarian award.

A TRIBUTE TO BURNETTA ROSE LEE GRAVES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Burnetta Rose Lee Graves, a distinguished member of the Brooklyn community. I hope my colleagues will join me in recognizing her accomplishments.

Burnetta is a native of Brooklyn, New York and the daughter of Helena and the late Abel Lee Graves both of Wilmington, NC. She attended the public schools in Brooklyn, N.Y. for her formative education and graduated from George W. Wingate H.S. After attending Fashion Institute of Technology in Manhattan, she embarked on an entrepreneurial career as a clothing designer for 13 years.

Burnetta is an active member of both the Brooklyn and Queens communities; her political affiliations include: Women's Caucus for Congressman EDOLPHUS "ED" TOWNS; Guy R. Brewer United Democratic Club of St. Albans, NY; and the Thomas Jefferson Democratic Club of Kings County Inc. Additionally, while working for Philip Morris USA, the company aided Burnetta's community affiliation in various areas of New York.

Burnetta has always been an active member of her church, St. Mark's United Methodist Church in Harlem USA. While there she was president of the Young Adult Club for 4 years and served as a Trustee for 3 years. In 1997, she was drawn to St. Paul Community Baptist Church in East New, Brooklyn, NY because of the interactive relationship that the church has with the community. As a member of the Baby Dedication Ministry and various activities of the church, she has numerous opportunities to reach out to the community at large.

Working for the Rochdale Village Community Center in Jamaica, NY enables Burnetta to teach children ages 5–12 the art of quilt making. To this day the quilts are still displayed in the front entrance of the center.

In 2002 she joined the staff of Congressman ED TOWNS as a Special Assistant and Ecumenical Liaison. In that role she deals with all faith-based organizations in the 10th Congressional District of Brooklyn, NY. She also assists constituents in housing concerns and other issues. Burnetta's current project is "Adopt A School" working with Health-based organizations to insure better health care standards for the community.

Mr. Speaker, Burnetta Rose Lee Graves' selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

HONORING DANIEL FIGUEROA FOR HIS RETIREMENT AFTER MANY YEARS OF SERVICE TO WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to Daniel Figueroa, who has set an example to all, through community involvement, selfless dedication and tireless compassion for the community.

To his community he is known as a pioneer, and as someone who never forgot his roots, to his coworkers he is known for his diligence and exemplary work ethic. Detective Sergeant Daniel Figueroa is not only an outstanding member of the department but also an outstanding member of his community.

Daniel Figueroa has been a member of the Buffalo Police Department for 35 years. It is also important to note that Officer Figueroa was one of the first Hispanic-Latino officers in Buffalo, NY.

Aside from his duty in law enforcement he also served as an Army paratrooper during the Vietnam War.

Officer Figueroa has also been recognized for is service working undercover for the Federal Drug Enforcement Administration.

Stories and memories of his work while in the department have changed lives and inspired others. A prime example of Officer Figueroa's dedicated service occurred in 1970 when on patrol at the Erie Basin Marina; he noticed a crowd of people and saw a man in the water. Without hesitation, he jumped in to rescue the drowning man. He learned later that the man he had rescued was trying to commit suicide, and eventually the man contacted Officer Figueroa to thank him.

Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize Daniel Figueroa for his dedication, honorable service and his daily commitment to making western New York a safer place, and guaranteeing a better tomorrow.

IN RECOGNITION OF AVONDALE CUB SCOUT PACK 67

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the young men of Avondale Pack 67 in Alexander City, Alabama, and also to den leader Laurie Carter for their work to preserve the memory of the crew of an Air Force aircraft which was lost in their community over a decade ago.

April 17 marks the 11th anniversary of the crash of an Air Force C–21 jet which was en route from Andrews Air Force Base in Maryland to Randolph Air Force Base in Texas. The C–21 was transporting eight personnel including Air Force Assistant Secretary for Acquisition, the Honorable Clark G. Fiester, and Major General Glenn A. Profitt, II, when it suffered mechanical problems. The plane attempted to land at T.C. Russell Field in Alexander City.

Tragically, the aircraft lost altitude and went down in a wooded area south of the airport, taking the lives of all aboard. A statement released from the Secretary of the Air Force at the time noted that, "Two of the Air Force's senior leaders were on board the plane."

The families of the victims of that tragedy left a small memorial on the site of the crash to remember their loved ones. But the site, which is heavily wooded, was grown over until the scouts of Pack 67 intervened. On March 18 the scouts of Pack 67, hiked to the site of the memorial, cleared the brush and trimmed the trees that had covered it. They placed small U.S. flags for each of the eight Air Force personnel who lost their lives that day in 1995.

Mr. Speaker, I would like to personally salute the young men of Pack 67 and their leader, Laurie Carter, for not only doing a good deed, but for honoring the memory of these fallen heroes. We can all learn from the example of these community-spirited scouts.

TRIBUTE TO MRS. FRANCES STURGIS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great individual and community leader, Mrs. Frances Sturgis, and to thank her for her contributions to the greater Waco Community, Texas and the country. On April 8, 2006 Mrs. Sturgis will be joined by friends and supporters to celebrate the 25th Anniversary of Keep Waco Beautiful, which Mrs. Sturgis started in 1980.

Mrs. Sturgis began alone working to clean up and beautify Waco. Her vision and work has grown the small Beautification Committee of Waco into Keep Waco Beautiful, one of the most successful beautification groups in the country. From humble beginnings Mrs. Sturgis has guided Keep Waco Beautiful to where it is today, over 11,000 volunteers in an established and well recognized institution in the Waco Community. She was also instrumental in the founding of Keep McLennan County Beautiful and has served the State of Texas as President of Keep Texas Beautiful.

One cannot travel anywhere in Waco, Texas without seeing the legacy of Frances Sturgis. From Indian Springs Park and Heritage Square to Miss Nellie's Pretty Place and University Parks Drive the impact of her contributions to our community are evident. Over the past 25 years Keep Waco Beautiful has spearheaded over one hundred environmental and beautification projects in the Greater Waco community, and established numerous programs that have become an annual part of the lives of the citizens of Waco.

Mrs. Sturgis's service has reflected her deep commitment to the community and has indeed made Waco, Texas a cleaner, healthier, safer and more beautiful place to live and raise a family.

Mr. Speaker, it is a privilege to honor Mrs. Frances Sturgis and offer my heartfelt appreciation for a life dedicated to service of the community.

TRIBUTE TO NORMAN BORLAUG

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor an individual whose contributions have unquestionably made the world a far better place. Through a career in scientific research that has spanned half a century, Dr. Norman Borlaug has distinguished himself and is in a class of his own.

Dr. Borlaug grew up on a farm in Cresco, Iowa, and attended the University of Minnesota in my home state where he went on to earn his doctorate in plant pathology in 1942.

In 1944 Dr. Borlaug participated in a project to boost wheat production that began in Mexico and spread as far as India and Pakistan. This project sparked the Green Revolution that literally saved hundreds of millions of lives. In recognition of these efforts, Dr. Borlaug was awarded the Nobel Peace Prize in 1970. To this day, he is the only person to have received the Award in either the agriculture or food production fields.

Since then, Dr. Borlaug continued in his work throughout Africa, where maize, sorghum and wheat yields have experienced significant increases, helping to curb starvation and malnutrition.

Mr. Speaker, on behalf of all Minnesotans, I would like to congratulate Dr. Borlaug on his distinguished career and remarkable contributions. His legacy and service will continue to benefit our society for generations to come.

I would like to thank my good friend Representative TOM LATHAM of Iowa for his leadership on this matter.

A TRIBUTE TO PENNY LYNDELLA WILLOUGHBY-PARKER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Penny Lyndella Willoughby-Parker. I hope my colleagues will join me in recognizing her accomplishments.

Penny was born in Farmville, North Carolina. However, since age 9 Penny has resided in New York City. Since childhood, Penny has been a person that has strived to live by God's golden rule of "Do Unto Others as You Would Have Them Do Unto You." Penny's genuine love and concern for people as a whole, but especially those that were less fortunate than her inspired Penny to work with people living with mental illness.

Penny worked at Manhattan Psychiatric Center for 13 years, specializing in Psychiatric Rehabilitation. In this capacity, Penny helped to prepare people to successfully return to their family, friends and society to live productive lives.

Oftentimes while reading her patients' charts, Penny would learn that their problems began when they were children. As Penny sat at her desk reading the charts she would often become filled with sadness and say, "Oh God! I wish I had met Jane or John when they were children. Perhaps I could have helped them with their various problems and prevented them from ending up in a mental institution."

God heard Penny's sighs! God saw Penny's tears! And He has Anointed and Appointed her to teach Wisdom to his children. Penny's Mission Statement from God is "to train up a child according to Proverbs 22:6 and to help all children to fully develop Spiritually, Academically, Socially and Culturally which is exceedingly, abundantly, above and beyond what is called "Average".

Penny is the proud mother of two sons, Chinyelu and Cory, but God has given her as He did Abraham and Sarah, innumerable sons and daughters that are spread throughout the world. You will never hear Penny say she did anything special or take credit for the overwhelming successful outcomes of her students' achievements whom she affectionately refers to as her "Power Angels". But, you will hear Penny say, "To God Be the Glory!!!"

Mr. Speaker, Penny Lyndella Willoughby-Parker's selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

PATIENT ASSISTANCE DAY: HELPING LOW INCOME AMERICANS GET THE HEALTH CARE THEY NEED

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to recognize Patient Assistance Day. Today, millions of Americans lack health insurance and cannot access medicines that they need to treat their illnesses. While the government looks for practical ways to help the 45 million uninsured citizens, there are private-sector programs in place that are helping millions of Americans.

One such program is the Partnership for Prescription Assistance (PPA), a national clearinghouse that links uninsured and underinsured people to patient assistance programs that offer drugs for free or nearly free. America's pharmaceutical research companies, along with 1,300 community and patient organizations, launched the PPA in April 2005. Since then, the PPA has helped more than 1.8 million patients, but millions more stand to benefit.

As the PPA commemorates its 1-year anniversary on April 5, 2006, it will celebrate the first annual Patient Assistance Day, which will include educational activities throughout the country designed to raise awareness of and help educate the public about patient assistance programs.

This private-sector program has been successful in helping uninsured Americans get the medicines they need. Mr. Speaker, I ask my colleagues to join me today in recognizing the work of the Partnership for Prescription Assistance and observing April 5th as Patient Assistance Day.

PROCLAIMING APRIL 5, 2006 PATIENT ASSISTANCE DAY

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to talk about a program that I have brought to my district many of times to help my constituents access affordable drugs.

The Partnership for Prescription Assistance (PPA) is a national clearinghouse that links uninsured and underinsured people to patient assistant programs that offer drugs for free or nearly free. America's pharmaceutical research companies, along with 1,300 community and patient organizations launched the PPA in April 2005 and have since helped almost 2 million patients, including over 48,000 in my home state of Louisiana.

Today, the PPA commemorates its 1-year anniversary (April 5, 2006), and with that celebration, the first annual Patient Assistance Day.

Mr. Speaker, I want to recognize this significant achievement of the PPA in addressing the uninsured issue by meeting a real need of patients everywhere. I applaud the efforts of biopharmaceutical research companies, health care providers, patient advocacy organizations, and community groups all across the United States. The PPA has visited the 7th Congressional District to provide information at many of my town hall meetings, as well as other health events. The response to their presence has been overwhelming. I am committed to helping my constituents and all Americans in need access life-saving medicines. In that spirit, I ask my colleagues to join me today in proclaiming" April 5, Patient Assistance Day. Surely, millions more stand to benefit from this program and we should do our part in helping to connect patients in need.

I also submit for the RECORD a success story about the PPA's effort in Southwest Louisiana.

[From the Southwest Daily News, Feb. 15, 2006]

(By Mary Ann Dutton)

Help is Here Express is a traveling education center sponsored by America's Pharmaceutical Research Companies, in partnership with the Calcasieu Community Clinic and the Louisiana Partnership for Children and Families. The bright orange bus rolled into Sulphur on Tuesday to educate uninsured and underinsured patients about prescription assistance. Originally scheduled to be at Sulphur City Hall from 9:30 a.m. to 10:30 a.m., the staff said they would stay until everyone was helped.

Help is Here Express is part of the Partnership for Prescription Assistance, a growing national program that brings prescription assistance to the uninsured and underinsured. According to Partners for Prescription Assistance (PPA) Consultant Cheron Brylski, the PPA was birthed by former Louisiana Congressman Billy Tauzin. While battling cancer, Tauzin realized that he would not have survived without the drugs used in his treatment. Understanding that many cancer patients are unable to afford the drugs that could help them, Tauzin made it a personal goal to get an assistance program started.

"The Partnership for Prescription Assistance is changing thousands of lives everyday," said PhRMA President and CEO Tauzin. "No one is helped by a medicine that sits on the shelf and is out of reach financially. The Partnership for Prescription Assistance is matching the people of Louisiana who are uninsured or underinsured to patient assistance programs that may help them get the medicines they need for free or nearly free. We will keep coming back to Louisiana as long as there are people who need our help."

The Help is Here Express was developed as a way to take the Partnership for Prescription Assistance program on the road, bringing help directly to the people who need it most. In Louisiana alone there have been 26,218 searches and 16,842 matches through the use of the computer terminals and mobile telephones on the bus.

Pharmaceutical Research and Manufacturers of America spokesman Jeff Trewhitt said the Help is Here Express offers help to anyone who is having trouble affording their prescription medicine. Since its launch last April in Baton Rouge, the program has matched more than 1.3 million patients nationally, and more than 44,000 right here in Louisiana.

"There are millions of patients who qualify for assistance and don't know about the program," said Trewhitt. "There are 475 patient assistance plans so we are bringing our education program to reach and inform the masses."

If you were unable to visit the Help is Here Express yesterday, the same services are available by telephone or on the internet. "Many prefer the privacy of their own home," said Trewhitt. "This is possible by calling 1-888-4PPA-NOW (1-888-477-2669) or the user-friendly website www.pparxla.org." Trewhitt suggested that applicants have the names of current medicines available when calling.

An interesting tidbit shared by Trewhitt is that the Help is Here Express bus used to be the touring bus of country singers Brooks and Dunn.

The Help is Here Express is scheduled to be in Lafayette at the Acadiana Outreach Center, 2125 S. Buchanan Street on Feb. 16th at 9:30 a.m.

IN HONOR OF CALEB FOOTE, LAW PROFESSOR AND PACIFIST ORGANIZER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. MCGOVERN. Mr. Speaker, I rise today to remember and honor one of America's great teachers and scholars of law and an inspirational figure for everyone who believes in the creative spirit of non-violence, Mr. Caleb Foote, who passed away on March 4, 2006.

Caleb Foote began his life journey in Massachusetts. He was born in Cambridge in 1917, graduated from Harvard in 1939, and earned his master's degree in 1941. He was raised on Quaker beliefs and held deep principles that rejected the use of violence. During the period of World War II he was sent to prison for those beliefs when he refused to serve in the military or to perform alternative service in support of war. After completing his prison sentence, he spoke out against the internment of Japanese-Americans, working with photographer Dorothy Lange to produce a pamphlet on the subject in 1943. He was forced to serve a second term in prison for continuing to refuse the draft, but he was pardoned by no one less than President Harry S Truman.

In the 1950s, Mr. Foote went back to college and earned his law degree. For the remainder of his career, he taught law and became a leading champion for the rights of the poor, the young, minorities, and the disenfranchised within the criminal justice system. Even after he retired, he continued his research and exposed the failures of the juvenile justice system in California.

America has lost a champion of justice and a man of principle. I extend my condolences to all the members of Caleb Foote's family and his community of friends, who knew him not as a symbol, but as a husband, a father, a grandfather, a friend, and a colleague.

I submit for the RECORD the April 3, 2006 article from the New York Times describing Caleb Foote's life and achievements.

[From the New York Times, Apr. 3, 2006]

CALEB FOOTE, LAW PROFESSOR AND PACIFIST ORGANIZER, 88, DIES

(By Douglas Martin)

Caleb Foote, whose moral sense influenced him to go to prison for refusing to do even noncombatant work in World War II, then led him to become a law professor known for advocacy of criminal rights, died on March 4 at a hospital in Santa Rosa, California. He was 88.

The cause was a blood infection, said his daughter, Heather Foote.

Mr. Foote was born in Cambridge, Massachusetts, on March 26, 1917. He graduated in 1939 from Harvard, where he was managing editor of The Harvard Crimson, and earned a master's degree in economics in 1941.

The Quaker faith of his mother drew him to pacifism, and he was hired that year by the Fellowship of Reconciliation, a pacifist organization, to open its Northern California office. His draft board had denied his request for conscientious objector status in 1940, deciding that his religious argument for the status was based more on humanist principles than on theology.

Mr. Foote then refused an order to report to a camp to perform alternative service, and as a result in 1943 he was convicted for violations of the Selective Service Act.

"Only by my refusal to obey this order can I uphold my belief that evil must be opposed not by violence but by the creation of goodwill throughout the world," Mr. Foote said in an interview with The Associated Press.

He served six months at a federal prison camp, then resumed his work with the fellowship, spending much of his time speaking out against the internment of Japanese-Americans. In 1943, he helped produce a pamphlet on the subject, titled "Outcasts," with the photographer Dorothea Lange.

In 1945, Mr. Foote was again sentenced for draft law violations and served a year at a federal penitentiary. He was pardoned by President Harry S. Truman. From 1948 to 1950, Mr. Foote was executive director of the Central Committee for Conscientious Objectors.

He then decided to go to law school, inspired by the desire to address the racial and economic inequalities he had witnessed in the criminal justice system, his daughter said. In 1953, he graduated from the University of Pennsylvania Law School, where he was managing editor of the law review.

The next year, he became a professor at the University of Nebraska College of Law. He persuaded a federal judge to reverse the conviction of an American Indian man whose lawyer had been incompetent. At a law school convention in New York in 1954, Mr. Foote called for the strengthening of civil remedies for false arrest.

In 1956, he moved to Penn's law school, where he led a student team that studied New York City's bail system and recommended changes. He became a leader in bail reform, and, in 1966, his book, "Studies on Bail" was published. He argued that the bail system was biased against the poor and an unfair burden on falsely accused defendants. He even argued that bail was inherently unconstitutional.

In 1965, Mr. Foote became a professor at the Boalt School of Law at the University of California, Berkeley, where he specialized in family and criminal law.

In 1968, after student protests rocked Berkeley, he was a co-chairman of an investigative committee that recommended changes that included giving the campus autonomy from the rest of California's university system.

He retired in 1987 and moved to Point Reyes Station in Marin County, California, where he became active in local conservation efforts and lived until his death.

In 1993, he did a study for the Center on Juvenile and Criminal Justice in San Francisco showing that the corrections department's share of state expenditures had grown to 8.2 percent from 3.9 percent over the past 10 years, while higher education's part had fallen to 9.3 percent from 14.4 percent.

Besides his daughter, of Washington, Mr. Foote is survived by his wife of 63 years, the former Hope Stephens; their sons, Robert Foote of Copper Hill, Virginia; Andrew Eliot Foote of Los Angeles; Ethan Foote of Santa Rosa; and David Foote of Volcano, Hawaii; and four grandchildren.

THE PRESIDENT'S BUDGET: SACRIFICING SERVICES VITAL TO WOMEN AND THEIR FAMILIES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. MATSUI. Mr. Speaker, the budget the House will debate tomorrow will keep us on the same irresponsible and unsustainable path that America has been traveling for the past 5 years. As a consequence of massive tax cuts, this budget continues to run dangerous fiscal deficits . . . while under-investing in programs vital to developing future generations of Americans.

For instance, the President's budget freezes funding for Head Start. As a result 19,000 children will have to be cut from Head Start next year. When I was home in my district, I toured the Nedra Court & Whispering Pines Head Start programs. They offer comprehensive child development programs vital to women's economic well-being and the ability of their children to succeed in school.

I understand we are in a tight fiscal situation and we need to be realistic. But we need to start making smarter spending decisions—like ensuring children succeed in school and that parents have the resources to support them.

Yes, we need to be making tough choices, but not on the backs of women and future generations.

TRIBUTE TO JEFFREY KAHANE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Jeffrey Kahane, a man who has filled the world with beautiful music and a beautiful philosophy, bringing them to young and old through both performance and education. His inspiration and motivation came as a result of one of history's most sombre times.

At age 17, Jeffrey Kahane's mother and her brother were sent by their parents from Germany to the United States to escape the growing Holocaust. Her ship docked in New Orleans, but on the same day a second ship, the *Saint Louis*, was turned away from Miami. That was the cursed "Ship of Fools," and all of its passengers were forced to return to Germany and were annihilated. As a new American, and as Lore Kahane grew older, she remained always sensitive to her good fortune, and she determined to raise her children to enrich America, its people and its culture.

For son Jeffrey, music is the means by which he fulfills his mother's mission. Soon after graduation from the San Francisco Conservatory of Music, he made his debut as a classical concert pianist at Carnegie Hall in 1983. He has become one of the best in the nation, appearing as soloist with great American, English, Austrian, and Spanish orchestras. Yo Yo Ma, Hilary Hahn and many famed performers have recorded with Jeffrey, as have many orchestras.

He made his conducting debut in 1988, and that has become a major joy to him and to his legions of admirers. A born educator, he brings to an audience not only magnificent music, but also fascinating and significant stories about the music and its composers. A particular goal for him is to educate and inspire youths who then become the audiences and the performers of tomorrow.

He has been creative director of the Los Angeles Chamber Music Orchestra for many years. For the past 10 years, he also has conducted the Santa Rosa Symphony Orchestra. During that time, he has built the orchestra into one of the outstanding regional symphonies in the nation. He also is Artistic Director of the Green Farm Music Festival in Sonoma County.

His outreach to this community has been unique. For example, he took his vision to the Fine Arts department of Santa Rosa High School and explained the meaning behind two great works—Benjamin Britten's War Requiem and Michael Tippett's Child of Our Time. Over many months, he worked with and inspired students and their teachers to create ballets, plays, art work, etc. that expressed the deep philosophies of these musical works. Then, on the nights when the two works were performed on stage, the students performed their creations and displayed their art work in the concert hall lobby.

This is just one example of his using music for messages that address great wrongs to humanity: war, poverty and, yes, the Holocaust. It has been actions such as these that have led to Maestro Kahane's being so well-loved and well-respected by his community.

Now he is leaving Santa Rosa to become Musical Director of the Colorado Symphony in Denver. He has promised to return frequently and play for Santa Rosans, many of whom he has educated to understand and love classical music. In the months and years to come, Denver will come to enjoy and respect this amazing performer and admirable human being.

We salute Jeffrey Kahane for his continuing contribution not only to entertainment but to knowledge and caring for the wonders of music as an expression of the best of humanity by young and older Americans and citizens of many countries.

And we bestow high gratitude to Lore Kahane, his mother, who brought light out of the darkness of the Holocaust by encouraging a son to make this world a better place with music.

A TRIBUTE TO MICHELE NOEL-ADOLPHE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Michele Noel-Adolphe and I hope my colleagues will join me in recognizing the accomplishments of this outstanding member of the Brooklyn community.

Michele Noel-Adolphe is founder and president of Brooklyn Institute for Children (BIC), where she has worked since 1992. BIC has developed into one of the foremost early childhood facilities in Brooklyn and Ms. Noel-Adolphe has emerged as a leader in the education and civic communities of Brooklyn.

After graduating from the State University of New York (FIT) with a degree in Management and International Trade and Long Island University with a Master's of Social Science degree, Ms. Noel-Adolphe entered the field of education as a NYC high school teacher—and later as Executive Director of The Performing Arts Teen Center. In this capacity, Ms. Noel-Adolphe was responsible for designing and implementing numerous after-school programs in Brooklyn that combined the academic needs of youths and their artistic talents.

Ms. Noel-Adolphe is a proud graduate of Erasmus Hall High School. She is a major contributor to and currently serves on the Board of Directors of Sharing Hearts Network, Inc., a nonprofit charitable organization recently founded to respond to the deterioration of the standard of living of poor children in Haiti.

Additionally, Ms. Noel-Adolphe is an active member of numerous professional and civic associations. Among them are: the National Association for the Advancement of Colored People (NAACP); The Brooklyn Chamber of Commerce; The Caribbean-American Chamber of Commerce and Industry (CACCI); the National Black Women Health Association; the National Association for Women Executive and the Association for School Supervision and Curriculum Development (ASCD). Ms. Noel-Adolphe and her family including her 2 young daughters reside in South Midwood.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Michele Noel-Adolphe, as she offers her talents for the betterment of our local and international communities.

IN HONOR AND RECOGNITION OF VASILIOS "BILL" KAVADIAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Vasilios "Bill" Kavadias, owner and manager of the Greek Taverna Restaurant on Pennsylvania Avenue, for his 41 years of service to the Capitol Hill community. For 41 years, Bill has opened his doors to thousands of Members of Congress, Senators, Capitol Hill residents and visitors.

Bill arrived from the Greek Island of Kefalonia on the USS *Independence* on December 30, 1956, with his brother. Soon after his arrival, Bill met and married his wife, Ifigenia. Two years later in 1965 around the same time Bill was starting his new business, the couple gave birth to their one and only child, Gregory.

Starting Taverna with his brother in 1965, rocky times would soon befall on him. But being the man that Bill is, he would not allow the initial shortcomings interfere with his desire to succeed. Changing the menu 3 times in 10 years to meet customers' requests, Bill and his brother noticed that people really enjoyed Greek food, and in 1977, Taverna went all Greek. From here on, Bill turned Taverna into a culinary palace it is today. Even though he would insist that it was his customers who made it happen, we all know that it was Bill who transformed his modest establishment into the symbol it is today. Along the way, he befriended many people including former Speakers of the House Tipper O'Neil and Newt Gingrich. Among the many other Members of Congress that frequent this iconic restaurant, Bill has warmly served the President of Brazil, former presidential candidate Michael Dukakis, the Greek Ambassador during the Reagan years and Secretary of State Madeline Albright to name a few.

I had the pleasure of meeting Bill about 10 years ago shortly after I was elected to Congress. Day after day, I would make my way to his extraordinary establishment and each and every time, Bill was there to greet me. Over time, he and I forged a remarkable friendship that I am so grateful for. Taverna is like my home, but it would not be so without Bill. I am saddened by his retirement but am very thankful for the time I have had with him.

Aside from his business accomplishments, Bill always made sure that he devoted his heart, mind and time to his surrounding community, his customers and his family. This was made evident when many of his friends and long-time customers showed up on the Thursday before his retirement to pay him homage.

This man is truly one to be honored and emulated as he has touched the hearts of so many of his customers and friends during his time at Taverna. His immense kindness and overwhelming generosity is something that is not often seen in today's society. My thoughts and prayers are with him and his family as he embarks on his new path. And like everything else Bill has done, I am certain that he will be enormously successful.

Mr. Speaker and Colleagues, please join me in honor and recognition of Vasilios "Bill" Kavadias, whose dedication and 41 years of service to his customers and community will be missed, but never forgotten.

MORE WATER AND MORE ENERGY ACT OF 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the "More Water and More Energy Act of 2006."

My bill deals with the issue of "produced water," the saline water generated in the production of oil. For every barrel of oil produced, approximately 10 barrels of saline water is generated. This country generates over 5 billion gallons of produced water per day.

While sometimes this water can be and is used for agriculture or other purposes, most often it has been handled as a waste and reinjected. But as we expand our development of fossil energy resources to meet our increasing demand for energy, we are also increasing the volume of water produced in the development process. And given the increasing demand for fresh water supplies in many areas of the country—especially in the West—it makes sense to consider how this produced water could supplement our limited fresh water resources.

I'm glad that this issue is beginning to engage so many around the country as they realize the potential benefits of produced water. Just this week, the Colorado Water Resources Research Institute is hosting a "Produced Water Workshop" to discuss "Energy & Water—How Can We Get Both for the Price of One?"

In my opinion, few topics could be more timely or important, not only for Colorado but for our country.

That's why I'm introducing the More Water and More Energy Act—to facilitate the use of produced water for irrigation and other purposes, including municipal and industrial uses. The bill would direct the Secretary of the Interior (through the Bureau of Reclamation and the U.S.G.S.) to carry out a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for such purposes.

In addition, it would authorize federal grants to assist in the development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the extent to which produce water can be recovered and made suitable for use for such purposes.

Developing beneficial uses for produced water could reduce the costs of oil and gas development, while also easing demand for water—especially in the West—by alleviating drought conditions and providing water for agriculture, industry, and other uses. Energy and water are two of our most important resources—so it makes sense to pursue ways to produce more of both. I believe my bill is a step in this direction.

Here is a brief outline of the bill's provisions:

Section One—provides a short title ("More Water and Energy Act of 2006"), sets forth findings, and states the bill's purpose, "to facilitate the use of produced water for irrigation and other purposes and to demonstrate ways to accomplish that result."

Section Two—provides definitions of key terms used in the legislation.

Section Three—authorizes and directs the Secretary of the Interior, acting through the Bureau of Reclamation and the U.S. Geological Survey, to conduct a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the use of produced water for irrigation and other purposes and the legislative, administrative, and other actions that could reduce or eliminate these obstacles. The study is to be done in consultation with the Department of Energy, the Environmental Protection Agency, and appropriate Governors and local officials, and the Interior Department will be required to seek the advice of experts and comments and suggestions from the public. Results of the study are to be reported to Congress within a year after enactment of the legislation.

Section Four—authorizes and directs (subject to the availability of appropriated funds) the Interior Department to award grants to assist in developing facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the use of produced water for irrigation, municipal or industrial uses, or for other purposes. No more than one such project is to be in a State of the Upper Basin of the Colorado River (i.e. Colorado, New Mexico, Utah, or Wyoming), no more than one is to be in either Arizona or Nevada, and no more than one is to be in California. Grants are to be for a maximum of $1 million, and can pay for no more than half the cost of any project. Grants cannot be used for operation or maintenance of a project.

Section Five—authorizes appropriations to implement the legislation, including up to $5 million for grants authorized by section 4.

THE BUDGET THAT HURTS WOMEN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mrs. McCARTHY. Mr. Speaker, women live longer and have more health problems associated with aging. They also tend to have less retirement income, which affects their ability to deal with rising health and energy costs. As a result of these factors, the cuts proposed by this budget will affect women especially hard.

This budget would cut Federal healthcare programs aimed at those who need them the most. The burden for covering those who would otherwise be uninsured would be pushed to State and local governments who simply do not have the resources to provide adequate healthcare coverage.

The proposed budget cuts Medicaid spending by $17.2 billion over the next 5 years, through shifting costs to beneficiaries and to State governments as well as cutting payments to healthcare providers.

This budget will force those who rely on Medicaid and the Children's Health Insurance Program (SCHIP) to accept cuts in benefits or require State and local governments to raise taxes to pay for these new responsibilities.

Medicaid is the vehicle for seniors to pay for long-term care and I fear that these proposed cuts will force many nursing homes and other facilities out of business because of their reliance on Medicaid reimbursements.

Long Island has already seen hospitals close their doors because of cuts in Medicaid reimbursements. We cannot afford to have nursing homes suffer the same fate.

The budget also proposes cutting the Medicaid reimbursements for generic drugs by $1.3 billion, school-based services by $3.6 billion, and funding for the disabled by $1.2 billion.

I am committed to fighting these cuts. This budget places the burden for the Federal Government's fiscal irresponsibility on our children, seniors, and the disabled. I will work with my colleagues to restore funding to these critical healthcare programs.

TRIBUTE TO THE UNIVERSITY OF MARYLAND WOMEN'S COLLEGE BASKETBALL TEAM FOR WILLING THE 2006 NCAA BASKETBALL CHAMPIONSHIP

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. CARDIN. Mr. Speaker, I rise to recount a story of hard work and dedication, a story of perseverance in the face of daunting odds, a story of achieving what once seemed impossible. In short, Mr. Speaker, I want to recount a story of how the University of Maryland Women's Basketball Team defied all expectations to claim the 2006 NCAA Basketball championship. Go Terps!

Mr. Speaker, this is a David and Goliath story. Duke has performed well in the NCAA tournament, having reached the Final Four in three out of the last five seasons. The team's starting line-up consists of numerous seniors, including 6-foot-7 center Alison Bales. The Terps, by contrast, have never competed in a national title game. The Terps' starting line-up has no seniors and two freshmen, including 5-foot-7 guard Kristi Toliver.

Mr. Speaker, last night's game was the stuff of legends. The more experienced Duke took immediate control of the game, and built a 13-point lead with less than 15 minutes left in the game. Rather than succumb to frustration, the Terps patiently chipped away at the lead, with tough baskets from forward Laura Harper and freshman Marissa Coleman. With just seconds left in regulation, the Terps managed to cut the deficit to three points, setting the stage for the game's electrifying conclusion.

Mr. Speaker, with 6.1 seconds left, Toliver dribbled around two screens and then nailed an audacious 3-pointer right over Bales. The shot capped the Terps' 13-point comeback and sent the game into overtime, where the team sealed its stunning 78–75 victory with confident free throws from Kristi Toliver and Marissa Coleman.

Mr. Speaker, I want to extend my congratulations to each of the members of the Terps Women's Basketball Team for their outstanding performance last night and all season long. The members of the 2005–2006 Maryland Terps championship team are: Charmaine Carr, Marissa Coleman, Shay Doron, Kalika France, Laura Harper, Crystal Langhorne, Christie Marrone, Ashleigh Newman, Aurelie Noirez, Jade Perry, Angel Ross, Kristi Toliver, and Sa'de Wiley-Gatewood.

The fact that 5 players on the team averaged more than 10 points per game this season exemplifies the Terps' selfless and team-oriented approach to the game. Last night's performance exemplifies their ability to play with grace under pressure.

Mr. Speaker, I want to extend my congratulations to Coach Brenda Frese who, in only her fourth season as head coach, guided this splendid team to last night's remarkable victory. I also want to extend my congratulations to Assistant Coaches Jeff Walz, Erica Floyd, and Joanna Bernabei, as well as to Director of Basketball Operations, Mark Pearson.

Finally Mr. Speaker, I would be remiss if I did not put other collegiate sports teams on notice for the future: Fear the turtle!

IN HONOR AND REMEMBRANCE OF REVEREND RALPH EMERSON LEACH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Reverend Ralph Emerson Leach, devoted husband, father, grandfather, United States Veteran, prolific journalist, spiritual leader, social activist, and friend and mentor to countless people, across the southwest and far beyond.

Reverend Leach was born and raised in Massachusetts. He attended the University of Texas School of Journalism until WWII interrupted his studies. In 1943, he joined the U.S. Army and was stationed in the Yunnan Province of China. After 3 years of decorated service, he was honorably discharged. In 1947, Reverend Leach and his wife, Gloria, were married. He began his editorial and reporting career, working at a series of newspapers throughout Texas and Arkansas. As News Editor of the Arkansas Gazette in the mid-50s, Reverend Leach was a frontrunner in exposing the injustice of racism by working on a series of articles that highlighted the historic Central High School integration crisis. The Gazette was later awarded the Pulitzer Prize for its coverage of this benchmark event in the civil rights movement.

Personally moved by the racial intolerance that he witnessed overseas and at home, Reverend Leach ended his career in journalism and began building a spiritual ministry that existed to raise the poor and struggling out of the shadows of poverty and hopelessness, and to free the soul of our Nation from the chains of human injustice. He graduated with a Master of Divinity degree from the Episcopal Seminary of the Southwest, was ordained into the Episcopal ministry, and became firmly entrenched in the civil rights movement. Reverend Leach's work led him to collaborate with our Nation's foremost heroes in the civil rights crusade, including the Reverend Martin Luther King, Jr. Reverend Leach also served as the Manpower Director with Total Action Against Poverty (TAP). Even in his later years, Reverend Leach's dedication as a grassroots activist was as energized and focused as ever, and is reflected in his contribution and leadership within grassroots political campaigns, including my own.

Mr. Speaker and colleagues, please join me in honor, remembrance and gratitude to Reverend Ralph Emerson Leach, whose life was defined by his steadfast commitment to his family and by his limitless passion to make his community, our Nation and our world, a better place. I extend my deepest condolences to his daughters and their spouses: Laura and Don, Rebecca and William, Naomi and Paul; to his son and his fiancee, Stephen and Sally; to his grandchildren, extended family members and many friends. His kindness, integrity, gentle guidance and service to others has made a difference in my life and in the lives of countless families and individuals, and he will be remembered always.

INTRODUCTION OF ROYALTY-IN-KIND FOR ENERGY ASSISTANCE IMPROVEMENT ACT OF 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Royalty-in-Kind for Energy Assistance Improvement Act. This bill is intended to make it possible for the Department of the Interior to implement a provision in the Energy Policy Act of 2005 that was intended to provide a new way to assist low-income people to heat or cool their homes.

For several years before 2005, the Department of the Interior had authority to develop "royalty-in-kind" arrangements under which companies developing federal oil could meet their required royalty payments by providing oil instead of cash. The Energy Policy Act expanded this provision to apply to natural-gas developers as well, and also added new authority for Interior to grant a preference to low-income consumers when disposing of natural gas it obtained under such an arrangement.

While this Energy Policy Act provision does not specifically reference the federal Low-Income Home Energy Assistance Program (LIHEAP), its implementation could benefit that program.

LIHEAP is intended to help low-income Americans pay for their heating and cooling costs. However, at current funding levels this critically important program serves less than 15 percent of those who qualify for it. Implementing the Energy Policy Act provision to grant a preference to low-income consumers would supplement LIHEAP funding and expand the amount of energy assistance available to the poor.

Last September, I joined my colleagues from Colorado in writing a letter to Interior Secretary Gail Norton asking her to consider beginning implementation of the new provision through a pilot program in Colorado. In the letter, we emphasized the importance of helping this country's most vulnerable citizens, who are increasingly hard hit by rising energy costs.

In a reply to my office, the Interior Department responded that the Interior Department's lawyers had reviewed the Energy Policy Act provision and had concluded that as it now stands it could not be implemented because the current law "does not provide the Department with the authority or discretion to receive less than fair market value for the royalty gas or oil."

My bill is intended to correct the legal deficiencies in the provision as enacted to make it possible for the Interior Department to implement the program. In developing the legislation, my staff has reviewed the Interior Department's legal opinion and has consulted with the Interior Department's lawyers and with other legal experts. Based on that review, I think enactment of my bill will resolve the legal problems cited by the Interior Department and will enable the program to go forward.

Spring may be upon us, but hot summer temperatures and another winter are just months away. I believe the Energy Policy Act provision to help low-income consumers is an innovative tool that must be allowed to work. The Royalty-in-Kind for Energy Assistance Improvement Act would make this possible. I urge my colleagues to support this legislation and to support energy assistance for this nation's most vulnerable residents.

Here is a brief outline of the bill:

Section One—provides a short title ("Royalty-in-Kind for Energy Assistance Improvement Act of 2006").

Section Two—sets forth findings regarding the importance of LIHEAP and the intent of the relevant provisions of law regarding payment of royalties-in-kind and the conclusion of the Interior Department that the provision of the 2005 Energy Policy Act intended to allow use of royalties-in-kind to benefit low-income consumers cannot be implemented. This section also states the bill's purpose, which is to amend that part of the Energy Policy Act in order to make it possible for it to be implemented in order to assist low-income people to meet their energy needs.

Section Three—amends the relevant provision (Section 342(j)) of the Energy Policy Act by—

(1) adding explicit authority for the Interior Department to sell royalty-in-kind oil or gas for as little as half its fair market value in implementing that part of the Energy Policy Act under an agreement that the purchaser will be required to provide an appropriate amount of resources to a Federal low-income energy assistance program;

(2) clarifying that such a sale at a discounted price will be deemed to comply with the Anti-deficiency Act; and

(3) authorizing the Interior Department to issue rules and enter into agreements that are considered appropriate in order to implement that part of the Energy Policy Act.

These changes are specifically designed to correct the legal deficiencies that the Interior Department has determined currently make it impossible for it to implement this part of the Energy Policy Act.

McKEESPORT TIGERS WIN STATE CHAMPIONSHIP

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. DOYLE. Mr. Speaker, I rise today to congratulate the McKeesport Tigers on their 2005 PIAA Class AAAA state football championship.

The Tigers' 49–10 victory over the Bethlehem Liberty Hurricanes was one of the most outstanding performances ever in a state title game. I want my colleagues to know just how proud I am of their talent, hard work, and determination. They are an outstanding example of the many admirable qualities possessed by the people of Pennsylvania's 14th Congressional District.

McKeesport's second-ever state title capped off one of the greatest and most memorable postseason runs in Western Pennsylvania sports history. Their victory was indeed a team effort under the superb direction of coach George Smith, but there were several individuals who rose to the challenge and pulled through in the crunch. Quarterback Dan Kopolovich ran for three touchdowns and passed for a fourth. His teammate, running back Warren Waite, was able to gain over 100 yards and added yet another score. On the Tigers' defensive team, Travis McBride earned great distinction by returning an interception for a score. These athletes' outstanding performances, ably supported by those of their teammates, resulted in one of the largest margins of victory in the state title game's history.

I applaud the Tigers for their impressive display of teamwork and perseverance. They have truly demonstrated the quintessential characteristics of Western Pennsylvanians in their run to the championship.

I want to extend my warmest congratulations to the Tigers, Coach Smith, and the entire McKeesport School District and wish them all the best of luck in the future and hope for much continued success.

TRIBUTE TO STAFF SERGEANT RICHARD A. BOETTCHER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the patriotism and self sacrifice of Staff Sergeant Richard A. Boettcher of Greeley, Colorado because of his service to our country during World War II.

Boettcher was drafted into the U.S. Army his senior year of high school in 1945 and sent to Ft. Joseph T. Robinson, Arkansas for basic training. At first, his training focused on fighting the Germans in Europe, but when the European war ended, he was transferred to Camp Maxey, Texas. This camp trained soldiers to fight the Japanese in house-to-house combat in anticipation of a ground invasion of Japan.

After his training was completed, he was shipped to the Pacific with the intent to join up in Okinawa with an infantry division known as "Timber Wolf." This group had fought in Europe and had been sent to Okinawa to invade Japan. Yet shortly before Boettcher arrived, President Harry Truman ordered the dropping of two atomic bombs, and Japan surrendered shortly thereafter.

Instead of fighting his way into Japan, Boettcher became part of the occupation force. He worked in an office position and was responsible for preparing payroll for over 500 military personnel using a small Royal typewriter. In rank he started as a Private 1st Class and rose to Staff Sergeant in less than one year. He returned home to Lincoln, Nebraska in October of 1946.

Boettcher attended the University of Nebraska for two years and then transferred to the University of Northern Colorado to complete his education. He continued to serve his country as a member of the Colorado Nation Guard and received a commission in 1953.

After owning a business for 46 years, Boettcher retired in Greeley, Colorado with his wife Irene of 58 years. Boettcher has three children, seven grandchildren and one great grandchild.

Mr. Speaker, I am honored to represent Mr. Boettcher and the other men and women who have given so much for our freedom. Like so many other members of his generation, Mr. Boettcher set aside his ambitions in service to our nation. I urge my colleagues to join me in expressing my heartfelt gratitude, sincere appreciation, and utmost respect for the patriotic service of Mr. Richard A. Boettcher.

IN HONOR AND REMEMBRANCE OF ERMA ORA JAMES BYRD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Erma Ora Byrd, loving wife, mother, grandmother, great-grandmother, and dear friend and mentor to many. Her passing marks a great loss for her family and friends, and also for the people of West Virginia, whom she served with the highest level of commitment, concern, integrity and honor.

The daughter of a coal miner, Mrs. Byrd remained deeply connected to the foundation of her childhood—one based on family, faith and community. Whether greeting kings at state dinners or meeting with neighbors at the town hall, Mrs. Byrd reflected a certain grace, kindness and warmth. She shied away from the harsh glare of politics, preferring instead to focus on family and close friends, gently inspiring and teaching by example. Mrs. Byrd and Senator ROBERT BYRD were married for 68 years. They met in grade school and married at the tender age of 19.

Together, they raised two daughters, Mona and Marjorie. Mrs. Byrd's limitless love for her daughters, grandchildren and great-children extended to every child in West Virginia, upon whose behalf she advocated. Though awards and accolades held no significance to her, Mrs. Byrd's outreach and advocacy work has been honored numerous times. Both West Virginia University and Marshall University have established academic scholarship programs in her name.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mrs. Erma Ora James Byrd. I extend my deepest condolences to her husband, United States Senator ROBERT BYRD; to her daughters, Mona Carole Byrd Fatemi and Marjorie Ellen Byrd Moore; to her sons-in-law, Mohammed Fatemi and Jon Moore; and to her grandchildren, great-grandchildren and extended family members and many friends. Mrs. Byrd's boundless love for her family, friends and for the people of West Virginia will be remembered always.

TRIBUTE TO JUDGE DENNIS REYNOLDS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a great American, dedicated family man, proud Oregonian, outdoorsman, and a good friend of mine, Judge Dennis Reynolds. Over the last decade, Judge Reynolds has played a significant role in shaping the future of Grant County. Today, as the Judge approaches retirement from elected public service, we thank him for his years of dedication and recognize the numerous contributions he has made during his 12 years in office.

Mr. Speaker, people in my part of the country have a long and rich heritage of being caring stewards of the land and responsible managers of the environment. This is a way of life that Judge Reynolds has embraced, from his days working in the lumber industry through his many years of unselfish public service. Judge Reynolds has never given up on his belief that to be an Oregonian is to love the land and to treat it with great respect.

The Judge has worked tirelessly at the local level to promote and support good stewardship and sound policies that protect our communities and our precious forests from the threats of catastrophic wildfire, windstorms, and bug infestation. In a county where the majority of its land is in public ownership, it is imperative that county officials and local leaders have a strong working relationship with State and Federal Government. People in all levels of government have appreciated Dennis' polite and straightforward approach. During his tenure, Judge Reynolds has been an effective leader, steadfastly advocating for the wellbeing of all rural communities by promoting an effective use of natural resources that recognizes not only the economic value, but also the social value of a productive environment.

Mr. Speaker, as Grant County's chief executive, he has led the county through tough financial times, overseeing essential projects that have improved the way of life for those who reside in this beautiful Blue Mountain region of Oregon. These projects include the construction of a new county health services center, a new criminal justice center, a remodel of the Grant County Courthouse, a new facility to house the Grant County Road Department, and a new building for the fairgrounds.

Mr. Speaker, although these projects of bricks and mortar and concrete and steel will benefit Grant County for many years to come, Judge Reynolds' real impact has been how he has treated his fellow man and the heart with which he has approached every task. Dennis has cared deeply about the people he has so ably served.

Mr. Speaker, Judge Reynolds' distinguished accomplishments are well known throughout Oregon. However, those who know Dennis know that he would list his most rewarding accomplishments as marrying his wife Julie and together raising their three sons, Percy, Beau, and Jake. Mr. Speaker and colleagues, please join me in honoring Judge Dennis Reynolds, a man of vision, a man of heart, and a man of service.

RECOGNIZING COACH GENO AURIEMMA UPON HIS SELECTION TO THE NAISMITH MEMORIAL BASKETBALL HALL OF FAME

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. SIMMONS. Mr. Speaker, I come to the floor to recognize a man who has long been one of Connecticut's, and America's, great sports treasures.

For 21 seasons Geno Auriemma has coached the University of Connecticut's Lady Huskies Basketball team. During that time he has led the Huskies to 5 national championships. His teams have compiled an incredible record of 589 wins with only 116 losses. In his tenure as head coach the team has gone to the Final Four eight times and achieved two perfect seasons—that is an NCAA record for consecutive wins. He is the only coach to take a team to 5 straight Final Fours. For the 2002–03 season Coach Auriemma was named the Big East Coach of the Year as well as the United States Basketball Writer's Association Women's Basketball Coach of the Year; he was also named Coach of the Year by the Associated Press.

His leadership, his personal integrity and his deep commitment to his players, both on and off the court, has now earned him the ultimate recognition that his sport can bestow. This year Coach Geno Auriemma will be inducted into the Naismith Memorial Basketball Hall of Fame in Springfield, Massachusetts. He is a first-time candidate, which makes this honor all the more a special.

The personal story of Coach Auriemma is inspirational. It is truly an American story. Born in Naples, Italy, his family was poor. At the age of 7 Geno arrived in this country unable to speak English. But he grew up to achieve the American Dream.

His rise from poor Italian immigrant to one of the most successful coaches in college history stands as an example of what happens when hard work coupled with an indomitable spirit meets opportunity.

In 1985, while assistant coach at Virginia, Coach Auriemma was offered the head coach position with the University of Connecticut Lady Huskies. He had long desired such an opportunity. Now, at that time UConn's Lady Huskies had no great tradition of winning and no significant fan base. In their 11 year history, the Lady Huskies had compiled only 1 winning season. But the coach had a vision and he took the job. He set goals for himself and for his team and within a few years the Lady Huskies were a rising force.

Through hard work, a profound understanding of his sport and the ability to motivate his players in such a way that they draw the best that is within them, Coach Auriemma has transformed the Lady Huskies into a force to be reckoned with on the court. UConn fans across Connecticut and the United States look forward every year to cheering on the Huskies and they know they're going to see a top team that is prepared and ready for Showtime.

But the real lesson to be learned from the Huskies is that winning does not begin on the court. Winning begins in the preparation, both mental and physical. That is a lesson all great coaches teach their players and it is a lesson all great athletes understand. And it is something that all winners throughout our society know. To prepare for a game or a test, to get ready for a challenge or a certain moment—that is what winning is about.

For more than 20 seasons Coach Auriemma has been a winner and he has communicated what it takes to achieve to the athletes that have gone through his program. The fact that those players have all gone on to attain success long after they left UConn is a testament to their mentor—Coach Geno Auriemma.

Congratulations, coach, and thanks for 21 wonderful seasons. We look forward to the next 21.

AVASTIN, A PHARMACEUTICAL USED ON CANCER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. KUCINICH. Mr. Speaker, I sent the attached letter in support of compulsory licensing for Avastin on February 21, 2006.

FEBRUARY 21, 2006.

MIKE LEAVITT,
Secretary; Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: I request that you issue a compulsory license for Avastin in order to bring the price under control and to send a clear signal to the pharmaceutical industry that price gouging will not be tolerated.

As you know, the New York Times reported on February 15, 2006 that Roche and Genentech plan to charge $100,000 for a year's supply of Avastin to late stage lung and breast cancer victims. This represents a price increase over the already astronomical $50,000 price tag for its current use for colon cancer. These exorbitant prices bear little on the cost of production, which is "a fraction of what Genentech charges for it."

Roche and Genentech's pricing decisions will force many cancer victims to choose between extending their lives and leaving their family a burden of irreconcilable debt. In fact, the Times reports that some are already opting for less life for cost reasons. Furthermore, the poorest and sickest among us will be the most likely to refuse the treatment. Even those patients with insurance are not protected because the copays are likely to approximate $1000 per month for Avastin alone, to say nothing of the cost of chemotherapy pharmaceuticals that often accompany it.

Pricing schemes like these will have ripple effects. They will make it easier for other companies with similar drugs to charge higher prices. Insurance companies will pass on much of the cost, accelerating already out of control health care costs. If the trend of this legal price gouging proceeds unchecked, Medicare's own future is imperiled, especially in the absence of the ability to negotiate prices with drug manufacturers.

In the past, the pharmaceutical industry's excuse for charging substantially higher prices for their drugs as compared to the cost of generics in the U.S. has been that they needed to recover their research and development costs. But Roche and Genentech cited a different reason: it is what they can get away with charging. "'As we look at Avastin and Herceptin pricing, right now the health economics hold up, and therefore I don't see any reason to be touching them,' said William M. Burns, the chief executive of Roche's pharmaceutical division and a member of Genentech's board."

Roche and Genentech have the legal latitude to act in this way through the patent system, which gives pharmaceutical companies a monopoly on drugs they bring to market. But it is not an absolute, unchecked right to extort.

You have the authority to issue a compulsory license. Doing so would allow other manufacturers to compete with Roche/Genentech and therefore drastically lower the price of Avastin. Roche and Genentech would be guaranteed "reasonable and entire compensation" as required by law (28 USC 1498). A compulsory license would also send a clear signal to the pharmaceutical industry that abuse of the patent system, especially when at the expense of health, will not be tolerated.

I look forward to your immediate response.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

IN HONOR OF LOVIS CLARISA HOWELL DOWNING

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to Lovis Clarisa Howell Downing of Hoxie, AR, a fine businesswoman, a friend, a devoted family member, and someone who spent her entire life trying to make others happy.

Lovis was born in Imboden on September 12, 1912. She grew up during World War I and the Great Depression, accepted a job as a school teacher, and eventually became the longtime owner of the Flower Basket in Walnut Ridge, AR, until she retired at the age of 79. Lovis also helped her father-in-law, Terrell Henry Downing, run the Downing's Ice Cream Parlor and Grocery from the mid 1930s until the 1950s.

In addition to being a hard worker, Lovis was an active member of the Hoxie Methodist Church and the Hoxie Hooking Club. She was known for her service to the community, and was a frequent volunteer in church and civic activities.

Lovis and her husband Brooks Downing have one son, Terrell Henry Downing, II, of Hoxie, and two daughters, Dr. Suzanne Gibbard and Dr. Frances Hunter of Jonesboro. They also have nine grandchildren, Kyle Downing of Fayetteville, Amy West of Jonesboro, Jason Willett of Jonesboro, Felicia Willett of Memphis, Mike Deloache and Scott Hunter, Jr., of Jonesboro, Lisa Melton of Houston, TX, Kelley Pillizzi of Libertyville, IL, and David Gibbard of Memphis, and six great grandchildren.

I ask my colleagues to join me in recognizing Lovis Clarisa Howell for 93 years of achievement and contributions to her community. She opened her home to so many during her life, and will be remembered as a wonderful mother, grandmother, great grandmother, friend, and a fine American.

WOMEN AND THE BUSH BUDGET

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, as in previous years, President Bush has proposed a budget that would harm women and girls across the country.

At a time when over two-thirds of low-income elderly people are women and 56 percent of Medicare beneficiaries are women, the President has proposed substantial cuts in Medicare, food stamps, and food delivery programs.

On top of the $22 billion cut in Medicare that was passed by this Republican-led Congress and the President in February, the Bush budget calls for $105 billion more in cuts over the next ten years.

The President's budget also would eliminate the Commodity Supplemental Food Program which serves 420,000 seniors and 50,000 women and children with nutritious food packages, often delivered to their homes.

Replacing this home delivery food program with food stamps is not the solution, as most people on the program are elderly and in need of home delivered food to survive and maintain their health. Moreover, many people now on the food delivery program do not qualify for food stamps for various reasons. That does not mean they are not in need of home delivered food.

Even if we assumed food stamps were the answer for this group of seniors, women, and children, the Bush budget could cause 300,000 Americans to lose their food stamp benefits.

The problems with the Bush budget do not end with cuts in Medicare, food stamps, and food delivery programs. Bush also intends to cut programs that have helped women and girls succeed in education and the workforce.

In 1973, the Women's Educational Equity Act (WEEA) was introduced by a champion for women, the late Representative Patsy Mink. For more than 30 years, WEEA has funded hundreds of programs to expose girls to careers traditionally dominated by men, develop teaching strategies for math and science that engage girls, and to help schools comply with Title IX.

At a time when the President is touting the need for a greater emphasis on science and math education, his budget would eliminate WEEA, along with $664 million in Federal Perkins Loan funds, just 2 months after Congressional Republicans cut college aid by $12 billion.

This comes at a time when only 21 percent of master's degrees in engineering are awarded to women. The statistics are even worse for women of color. Of engineering master's degrees awarded to women, only 11 percent go to Asian-American women, 4 percent go to African-American women, and less than 4 percent go to Latinas. It seems that the President's "competitiveness agenda" does not apply to women.

Furthermore, instead of closing the wage gap, the Bush budget would increase the gap by eliminating Women in Apprenticeship and Nontraditional Occupations program (WANO), which provides grants to employers to help recruit, train and retrain women in non-traditional, well-paying jobs.

Statistics show that women in WANO were 47 percent more likely to enter a high-paying, technical occupation than women who were not a part of the program.

Bush would eliminate this program at a time when women still earn less than men—on average 76 cents to every dollar that a man earns. Moreover, in high-paying, high-technology jobs, women who hold Ph.D.s in computer science and engineering earn $9,000 less than men.

Women in the workforce faced with a wage gap and great need for child-care assistance would be turned away by the Bush budget.

Since the beginning of the Bush Administration, 250,000 children have lost their child-care assistance. Bush would continue that trend by freezing funding for the Child Care Development Block Grant for the fifth year in a row. At this rate, 400,000 more children will lose their child-care assistance in the next 5 years, creating a situation where 25 percent less children receive this assistance than did in 2000.

The Bush budget would also leave behind women who end up in violent situations, cutting $19.5 million in Violence Against Women programs and completely zeroing-out funding for new programs authorized by this Congress last year in the Violence Against Women Reauthorization Act of 2005.

From birth to old age and in their most vulnerable periods in life, the Bush budget would leave women and girls behind. I join my fellow members of the Women's Caucus today to call on Congress to reverse the harmful effects of the Bush's proposed budget on women and girls.

PROCLAIMING APRIL 5, 2006 PATIENT ASSISTANCE DAY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. FOXX. Mr. Speaker, I rise today to talk about an issue that affects millions of Americans-affordable medications. Millions of Americans lack health insurance and cannot access these vital innovations. While the government looks for sensible ways to help the 45 million uninsured citizens there are private-sector programs in place that are helping millions of Americans no matter where you live.

One program I have shared with my constituents is the Partnership for Prescription Assistance (PPA). The PPA is a national clearinghouse that links uninsured and underinsured people to patient assistant programs that offer drugs for free or nearly free. America's pharmaceutical research companies, along with 1,300 community and patient organizations launched the PPA in April 2005 and have since helped more than 1.9 million patients. Given the rising cost of prescription drugs, any attempts made by the private sector to alleviate the burdensome costs should be applauded.

It is refreshing that this private-sector program has been so successful and committed to helping Americans in need access life-saving medicines. Mr. Speaker, I ask my colleagues to join me today in proclaiming April 5 "Patient Assistance Day" and do their part on this day to inform their constituents about the great service the PPA provides to Americans in need.

I have also included a statement from the Partnership for Prescription Assistance about "Patient Assistance Day" and an article from the Charlotte Observer that discusses the PPA's many successes in North Carolina.

[From the Charlotte Observer, Mar. 21, 2006]

PARTNERSHIP FOR PRESCRIPTION ASSISTANCE LAUNCHES NATIONAL "PATIENT ASSISTANCE DAY" CELEBRATION ON APRIL 5, 2006

WASHINGTON, D.C.—The Partnership for Prescription Assistance (PPA), a national program sponsored by America's pharmaceutical research companies to help patients in need access prescription medicines will commemorate its one-year anniversary by launching the first annual "Patient Assistance Day" on April 5, 2006 and announcing a major enhancement to the program. The celebration will consist of educational activities across the country to raise awareness of and help educate the public about patient assistance programs. The PPA has helped nearly 2 million patients to date, but millions more can benefit.

"The PPA is an overwhelming success" said Billy Tauzin, President and CEO of the Pharmaceutical Research and Manufacturers of America. "But our job isn't done. We are declaring April 5 'Patient Assistance Day'—a day when all Americans can join with us to help patients in need."

Through a toll-free number (1-888-4PPA-NOW) and user-friendly Web site (www.pparx.org), the PPA provides a single point of access to more than 475 public and private patient assistance programs that could provide help on more than 2,500 medicines, including a wide range of generic medicines.

"We are calling on all Americans to help us spread the word," said Montel Williams, Emmy award-winning TV talk show host and National PPA Spokesman. "All of us know someone who needs assistance. Help could be as close as a single phone call to our toll free number."

More than 1,300 national and local organizations, including the American Academy of Family Physicians, the National Urban League, United Way of America, Easter Seals and the National Alliance for Hispanic Health, have partnered with America's pharmaceutical companies to make the PPA a success.

For additional information on patient assistance programs that may meet their needs, patients should call toll-free 1-888-4PPA-NOW (1-888-477-2669) to speak with a trained specialist or visit www.pparx.org.

NEW PROGRAM WILL HELP UNINSURED GET CHEAPER PRESCRIPTIONS

(By Valerie Bauman)

AUG. 2, 2005.—North Carolina residents who must struggle with the decision of whether to pay their rent, feed their families or buy much-needed medications now have a new option.

A partnership of doctors, pharmaceutical companies, patient advocates and other health-care providers launched a program Tuesday designed to help the uninsured and underinsured obtain medicine at a lower cost.

Members of the group assess patients' eligibility for public and private prescription assistance and gives them options from among more than 475 programs around the country. Sorting through the information can be daunting and time-consuming for many sick or disabled people.

The North Carolina chapter of the Partnership for Prescription Assistance will help doctors and patients access the programs and figure out which will provide the most financial relief.

"It's wonderful. It's like a single place to go to," said Linda Woodall, an advocate for the National Multiple Sclerosis Society of North Carolina. "Before you would have to apply to the different drug companies (for financial assistance), and for people with MS especially, it's important that you stay on the medicine."

People seeking help can either call a toll-free number or go to a Web site for assistance. After patients answer a few questions a list of programs will be provided to them with a minimum of effort or paperwork.

A TRIBUTE AND COMMEMORATIVE STAMP TO HONOR SUGAR RAY ROBINSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD a tribute to the legendary six-time world champion boxer Sugar Ray Robinson and to recognize the issuance of the Sugar Ray Robinson commemorative stamp.

Although this charismatic boxer was born Walker Smith, Jr., he is best remembered as "Sugar" Ray Robinson. Born on May 3, 1921 in Ailey, GA, his parents moved the family to New York when Sugar Ray was a teenager to escape the prevalent prejudice in the South. It was there, in a Harlem gym, that he was first introduced to boxing. Sugar Ray visited the gym frequently, using a borrowed Amateur Athletic Union boxing card of a friend. The friend's name, incidentally, was Ray Robinson.

His natural talent in the ring began to draw attention, and soon crowds gathered to watch Sugar Ray perform. When future coach George Gainford watched him box for the first time, Gainford commented that the young boxer's style and fluid motions were "sweet as sugar." Others agreed, and the nickname stuck. After winning the New York Golden Gloves championship in 1940, 19-year-old Sugar Ray turned pro and never looked back. By 1946, Sugar Ray was the world welterweight champion. His reign included a 91-fight winning-streak. He held the title for 5 years, and then moved onto acquiring the world middleweight title, which he held five times between the years 1951–1960. A dominant force in the boxing ring for two decades, Sugar Ray was 38 when he won his last middleweight title.

In the mid-1960s, Sugar Ray exited the ring gracefully.

Sugar Ray's record was 128–1–2 with 84 knockouts at the pinnacle of his career. Amazingly, in over 200 fights, Sugar Ray was never physically knocked out; though he did receive one technical KO. Altogether, he amassed 109 KOs, and finished with a record of 175–19–6 with two no-decisions. World champion Muhammad Ali called him "the king, the master, my idol" In 1997, The Ring magazine named Sugar Ray "pound for pound, the best boxer of all time." In 1999, the Associated Press named him both the greatest welterweight and middleweight boxer of the century.

Sugar Ray Robinson passed away on April 12, 1989.

Mr. Speaker, Sugar Ray Robinson is a true legend. I am very pleased to pay tribute to his legacy and also pleased to acknowledge the issuance of a commemorative stamp in his honor scheduled to be unveiled on April 7, 2006.

IN APPRECIATION OF DR. GLEN FENTER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my great friends, Dr. Glen Fenter, President of Mid-South Community College, and the vision behind the economic renaissance converging in Arkansas' Delta. Glen is a true leader, who has accomplished more over the past decade than most will accomplish in a lifetime.

As a graduate of Hendrix College with an Ed.D. from the University of Arkansas, Glen is committed to bringing educational opportunities to some of Arkansas' poorest counties. A former principal of West Memphis High School, Glen accepted the challenge in 1992 to establish a new community college in Crittenden County. After securing local funding, and working with architects and board members to develop a master plan for $40 million of renovations, construction, and equipment, Glen led MidSouth Community College toward accreditation in 1998.

Glen's vision has not only enhanced the quality of education in Arkansas' Delta, but made a considerable impact on the surrounding business community. Since Glen accepted the position of President at Mid-South Community College, automobile companies have begun to notice the great possibilities in the region. They watched Glen secure millions of dollars for workforce training programs at the college, and they are excited at the possibility of working with highly skilled graduates prepared for careers in the automobile industry.

Thanks to the tireless commitment of Glen and his staff at Mid-South Community College, the Arkansas Delta has transformed into a place full of economic opportunity. I ask my colleagues in the U.S. House of Representatives to join me in thanking Glen for his selfless work on behalf of all the residents in our community. We are fortunate to have such a strong leader, a true friend, and a great American working to improve the quality of life in Arkansas.

IN HONOR OF JEAN BURNS SLATER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the incredible career of one of my constituents, Jean Burns Slater, of Hollister. Jean is retiring as superintendent of San Benito High School after a 34-year career in education. I believe that education is critical to the strength of our Nation. The children who are in our schools now will be leading our country before we know it. I am grateful to Jean for her hard work in this department.

In Jean's 3½ years as superintendent of San Benito High School, she has made great improvements to the district and kept a strong focus on the well-being of her students. She has improved the lines of communication between the district, staff, students and the community. She has brought about the introduction of a leadership team and a superintendent's advisory council for parents who choose to take an active role in their children's education. She understands that the people in the community need to have a voice in the education of their youth, and she is confident that this has been achieved in her district.

In addition to this, Jean has worked with the board of trustees to improve the health of her students through the introduction of a new wellness policy which includes strict dietary reform. Reform such as this throughout the district will not only help to curb the growing childhood obesity rate, but will also help to improve the performance of students in the classroom. I believe the central coast is an ideal area for the implementation of a policy of this type. We produce an abundance of fresh produce within our district and if students are eating what we are growing right here at home, complying with these new regulations will be a simple, healthy undertaking.

I commend Jean on her contributions to her district and her tireless efforts to improve the quality of life for the children who are the future of our country.

IMMIGRATION REFORM

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. SOLIS. Mr. Speaker, I rise today in strong support of tolerant, effective, comprehensive immigration reform.

Half a million people, if not a million people, marched peacefully in Los Angeles to let the Senate know that enforcement and border protection-only approach will not solve our broken immigration system. 300,000 people in Chicago, 40,000 in Washington, DC, and 20,000 in Milwaukee and Phoenix marched to defend the hopes and dreams of immigrant families. Nearly 40,000 students across Southern California, including students at several schools in my district, marched for the rights of immigrants.

I urge my colleagues in this body and in the Senate to listen to the message which reverberated across the country and support a tolerant and effective immigration policy. We need effective legislation that strikes the right balance between national security and reforming our current immigration system.

This should include a path to permanency for the millions of law-abiding and taxpaying immigrants who call the United States home. It should reduce the long lines in the family immigration system to promote family unity and include measures to control the future flow of immigrants by providing them with legal avenues to live and work in the United States.

Several proposals under consideration by Congress have a different approach. Rather than fixing the broken immigration system, they worsen the myriad of enforcement only measures which have already been tried and which have failed.

For example, between 1990 and 2000 the size of the border patrol tripled, yet the number of undocumented immigrants increased. Between 1999 and 2004, the number of border agents in the Tucson, Arizona sector of the border increased by 56 percent, while the number of arrests increased by only 4 percent.

This enforcement only approach has done nothing to protect our Nation's security. It merely encourages immigrants to cross in remote areas where it is more difficult to be caught and where they are more likely to die. We must secure our borders. We need to know who is crossing our borders and living and working in our country for our national security. But, enforcement alone will not accomplish this goal.

I hope the U.S. Senate follows the lead of its Judiciary Committee and adopts legislation that will truly reform the system and enhance our Nation's security.

I am pleased that the bill approved by the Committee includes the DREAM Act. As a member of the California Assembly, I authored the first bill to allow in-state tuition for outstanding California students.

Immigrant families are an important part of our social fabric and our economy. Undocumented workers contribute as much as $7 billion a year into the Social Security system yet do not collect benefits. They fill an increasing share of jobs in labor-scarce regions and fill the types of jobs native workers often shun.

Immigrants and their families serve and sacrifice as members of our Nation's Armed Forces. There are more than 35,000 people defending our Nation who are not U.S. citizens, and another 28,806 members of the military who have become U.S. citizens since the events of 9–11. Since September 11, 73 servicemembers have been granted posthumous citizenship. One of them, Francisco Martinez Flores of Duarte, was a constituent of mine. Their sacrifice is no less important to our country because of their immigration status. Undocumented immigrants are our neighbors, co-workers, fellow worshipers, and friends. Many of them want to stay in America and become full-fledged members of our society.

President Bush said "Immigration is an important topic. . . . We need to maintain our perspective. . . . At its core, immigration is a sign of a confident and successful nation." I hope the Senate keeps this in mind and does not let itself be influenced by the demagogues in our media and in Congress.

As the proud daughter of immigrants, I value America's history of treasuring the contributions that immigrants have made to America. For generations, immigrants all over the World have been welcomed by the Statue of Liberty's message: "Give me your tired, your poor, your huddled masses yearning to breathe free, . . ." We should not forget that our ancestors struggled and yearned for the American dream as much as immigrants do today.

Today, I was pleased to join the Progressive Caucus in sending a letter to the Senate asking for real and comprehensive immigration reform. I urge my colleagues to adopt legislation which provides a real solution for our broken immigration system and reject enforcement-only proposals.

A TRIBUTE TO THE LIFE OF GEORGE EDWIN 'JETTY' STEEL

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of George Edwin 'Jetty' Steel, a dedicated lawyer and long-standing pillar of the Nashville, Arkansas, legal community and Howard County. He passed away on March 3, 2006, at the age of 89. I wish to recognize his life and achievements.

Jetty was born in Ashdown, Arkansas, on August 16, 1916. After graduating from Nashville High School, he attended Hendrix College and received a law degree from the University of Arkansas at Fayetteville. Jetty then began an impressive 67-year legal career in Nashville, where he served as the City Attorney of Nashville, Prosecuting Attorney of the Ninth Judicial Circuit of Arkansas, and a partner of Steel and Steel Law Firm.

Jetty's commitment went far beyond the legal community; he led a life of public service by offering unwavering support for institutions throughout Nashville. He served on the Arkansas State Police Commission for 19 years, Board of Directors of First National Bank in Nashville for 20 years, Board of Directors of Diamond State Bank, Board of Directors of Nashville Federal Savings and Loan Association for 33 years, Board of Directors of the Bank of Glenwood and Board of Directors of the University of Arkansas Alumni Association. He was also a member of the Arkansas State Racing Commission and a member of First United Methodist Church in Nashville.

Jetty will be remembered for his lifetime of dedication to his community. While he may no longer be with us, his spirit and legacy will live on in the hearts he touched throughout Nashville. My deepest sympathies and heartfelt condolences are with his son, George Steel; his daughter, Donna Kay Steel Yeargan; his grandchildren, George, Linsley, Ashley, and Nate; his great-grandchildren; and to all those who knew and counted him as a friend.

IN HONOR OF NEWSPAPER OWNER CONE MAGIE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to Cone Magie of Cabot, Arkansas, a great journalist and businessman who devoted his entire life to public service. As an owner of five newspapers, Magi provided reliable and trustworthy news to Central Arkansas for more than 50 years.

Magi's love of the newspaper business began as a young boy when he delivered papers for the Arkansas Gazette. He went on to serve as editor of the England High School newspaper, published a newsletter during his service in World War II, and upon leaving the service, studied journalism at the University of Arkansas. Magi took his first reporting job at the Madison County Record and eventually traveled to Washington, DC where he published a newsletter for the Arkansas and Iowa Farm Bureaus.

After mastering reporting, Magi bought the Cabot Star-Herald in 1955 and eventually added four other newspapers to his company, Magie Enterprises, Inc. His other newspapers include the Carlisle Independent, the Lonoke Democrat, the Sherwood Voice, and the Jacksonville Patriot. Magi served as president of the Arkansas Press Association in 1967 and frequently testified before the Arkansas Legislature on issues impacting the media. Magi and his wife, Betty, were inducted into the University of Arkansas at Fayetteville's Walter J. Lemke Department of Journalism Hall of Honor in 2005 for their significant contributions to Arkansas' newspaper industry.

I ask my colleagues to join me in recognizing Cone Magie for a lifetime of achievement in journalism. His work informed thousands of citizens on local and international issues and inspired an active citizenry in central Arkansas. He will be remembered by many as a devoted businessman, a friend, and a great American.

TRIBUTE TO SUE AND GERALD TREECE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. POE. Mr. Speaker, every year thousands upon thousands of people give their time, money and dedication to others. Never is there a more shining example of volunteerism than my personal friends, Sue and Gerald Treece. Sue and Jerry Treece have been married for 35 years. They have 2 wonderful children, Justin and Trisha who grew up with my four kids. The Treece's have made a name for themselves throughout their community. They come from West Texas and have solid Texas values. They are both Texas educators and they are completely committed to serving the people around them. It is for this reason that they are being honored by the Cypress-Woodlands Junior Forum.

Sue Treece taught junior high students for eleven years and currently volunteers with multiple organizations in her community. She loves Texas and is a tremendous Texas history teacher. She goes to Texas historical sites with her kids to get a first hand knowledge of our state. She has been on the Cypress-Woodlands Junior Forum board for more than 10 years. In 1999 she received the Volunteer of the Year award. Sue truly has a passion for service as she is active in the Alpha Chi Omega Alumna Sorority Philanthropies, Bammel Church of Christ, and the Houston Bar Association Women's Auxiliary. Sue has held board positions with the Montgomery County Women's Council of Organizations, National Charity League, Northland Christian School, and Grogan's Point Residents' Association. In all this, Sue has been a constant companion to her mother who suffered a long time with illness. Sue is a mother, wife and a daughter.

Gerald Treece is the Dean of Students at South Texas College of Law and has been a Professor of Law for thirty-two years. He knows as much about Constitutional Law as our founders but he and I have a long relationship of debating that sacred document. He valiantly served our country during the Vietnam War, earning a Silver Star and the Purple Heart for his bravery during battle. In addition, Jerry served as a special advisor to the Reagan Administration, and more recently he served as a delegate to the 2005 White House Conference on Aging. Jerry Treece has been recognized by the American Bar Association and awarded their Silver Key and Outstanding Professor Awards. He has also been honored by the Texas Senate and in 2003 he was awarded their Award for Service to Legal Education in Texas. In 2005, he was named Rotarian of the Year for his service to the Houston community. Jerry consistently has his moot court team go to the nationals, having won the National Championship several times, defeating such law schools as Harvard, Yale and Princeton, making those Ivy League Law Schools wonder, "Who are those students from the South Texas School of Law?"

Mr. Speaker, my home state of Texas is blessed with some of the kindest and most generous people on earth. Sue and Gerald Treece are shining examples of the best of this group. They are a remarkable couple and they deserve our appreciation and thanks for the ways they have truly made a difference in the lives of those in their community. By giving of their time and lending their hands, the Treece's change lives and lift people up. I am honored to have known them on a personal level and call them my friends and I am honored to join their community and the Cypress-Woodlands Junior Forum in honoring them today. They are great Americans and great Texans, and "the salt of the Earth."

That's just the way it is.

CONGRATULATING THE DISTRICT OF HAWAII UNITED STATES MARSHALS SERVICE ON RECEIVING THE 2005 UNITED STATES MARSHALS SERVICE DISTINGUISHED SMALL DISTRICT DIRECTOR'S HONORARY AWARD

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. CASE. Mr. Speaker, I rise today to honor the outstanding work of the District of Hawaii United States Marshals Service, recipients of the 2005 USMS Distinguished Small District Director's Honorary Award.

Last year, the District successfully accommodated significant workload and productivity increases in law enforcement and prisoner supervisions functions. The District was also exceptionally busy in ensuring the security of our federal judiciary, where proceedings of late have been highly charged.

The District also continued its highly successful partnership with other federal, state, and local law enforcement entities through the Hawaii Fugitive Task Force, a unit of the Hawaii High Intensity Drug Trafficking Area that focuses on the arrest of dangerous fugitives wanted on federal and state felony warrants for drug-related crimes.

For his work on the Hawaii Fugitive Task Force, Criminal Investigator/Deputy United States Marshal Glenn Ferreira received the Hawaii Federal Top Cop Award by the Hawaii State Law Enforcement Officers Association. This award is significant for the District as it is the first time, in its fifty year history, that the association has recognized a member of the United States Marshals Service.

I would like to extend a sincere mahalo (thank you) to Mark "Dutch" Hanohano, United States Marshal for the District of Hawaii, and to our District's eighteen Deputy Marshals for their service and contributions to our state and our country. I would also like to thank all our United States Marshals that work daily to keep our communities and our nation safe.

Mahalo, and aloha.

HONORING DR. CAROLINE L. LATTIMORE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to recognize my constituent, Dr. Caroline L. Lattimore of Durham, North Carolina, for her leadership in the community, in the state of North Carolina, and nationally. A well-respected Associate Academic Dean in the College of Arts and Sciences and the Terry Sanford Public Policy Institute at Duke University, Dr. Lattimore is also the 15th Mid-Atlantic Regional Director for Alpha Kappa Alpha Sorority, Incorporated. As many of my colleagues know, Alpha Kappa Alpha is the nation's oldest Greek-letter organization for African-American women, with more than 170,000 members worldwide.

For the last 4 years, Dr. Lattimore has led the Mid-Atlantic Region, which consists of chapters in my state of North Carolina and in the Commonwealth of Virginia. She will chair the 53rd Annual Mid-Atlantic Regional Conference in Crystal City, VA on April 13–16, 2006. The Regional Conference will be the culmination of her four year tenure as Regional Director.

Dr. Lattimore's tenure as Regional Director has been one of intense activity, as she has almost single-handedly raised the visibility of the Sorority throughout the region. Specifically, Mr. Speaker, she has been the driving force behind the Sorority's programs to promote educational excellence among K–12 and college students, particularly women and minorities; provide leadership development for the next generation of community leaders; support a myriad of community service programs; and encourage volunteerism. In addition, Dr. Lattimore is a founding member of the Alpha Kappa Alpha Education Advancement Fund and an architect of the Sorority's registration of more than 200,000 new voters over the last few years. The basis for all of these endeavors has been Dr. Lattimore's commitment to education.

Mr. Speaker, her work with the Sorority, in educational circles, and in the community have earned Dr. Lattimore numerous awards and accolades. Among them are: Ford Foundation National Fellowship; National Council of Negro Women—Woman of the Year in Leadership Roles; YWCA Women of Achievement Outstanding Woman Award; NAACP Freedom Fund Outstanding Service Award; and the J.C. Penny Golden Rule Volunteer Service Award, to name a few. She was also the Alpha Kappa Alpha International Representative to the 4th World Conference on Women in Beijing, China.

In every aspect of her service to the Alpha Kappa Alpha Sorority, Dr. Lattimore has been a dynamic and inspirational leader. She lives her motto for this Regional Conference: Alpha Kappa Alpha Spirit: Preserving Our Legacy.

As her representative in the United States Congress, I am proud to salute Dr. Caroline L. Lattimore for her accomplishments. I encourage my colleagues to join me in honoring her.

IN APPRECIATION OF DOUG SIMS ON HIS RETIREMENT

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to one of my good friends, Mr. Doug Sims, a great leader in agriculture and the cooperative movement in America. Doug will retire from his post as Chief Executive Officer of CoBank this June after serving farmers, ranchers, farm cooperatives and rural communities for nearly 37 years. This will mark the end of a very successful career, and a very successful period in CoBank's history.

I have had the pleasure of knowing and working with Doug Sims for many years. As a farmer and a farm cooperative member, I know CoBank has always been there for the cooperatives that serve farmers and the rural communities in which they live. I have worked with Doug on a variety of important issues during my time in Federal office, both in the Executive branch, and now in Congress. Like others who have had the pleasure to work with Doug, I always found these efforts to be collaborative, professional efforts at building consensus to benefit cooperatives, rural communities, and the farm families that depend on them for their livelihoods and quality of life.

Doug has steered CoBank through a long list of challenges since joining CoBank in 1988 as president and chief operating officer. Doug's success came from a long history of experience in the Farm Credit System, beginning as a credit analyst for the St. Louis Bank for Cooperatives in 1969. From this humble post, Doug rose to be president and chief operating officer of the Farm Credit Bank of St. Louis.

While serving at the Farm Credit Bank of St. Louis, Doug acted as a key advocate for farmers, cooperatives, and the Farm Credit System, working with Congress and the Administration on critical legislation to protect the system from the agricultural economic and credit crises of the late 1980s. That far-reaching legislation paved the way for the modernization of the Farm Credit System, which has allowed the System to prosper and grow into the nation's largest single lender to agriculture and rural America, with over $135 billion in assets.

Doug guided CoBank to new heights during his tenure with the company. Under his watch, CoBank nearly tripled its assets to $34 billion and enhanced its services to agricultural cooperatives, rural electric cooperatives, rural telecommunications companies, and agricultural exporters. When the financial services' competitive landscape became increasingly challenging, Doug successfully oversaw mergers, opened overseas offices, and nurtured CoBank into a highly respected financial services company domestically and internationally.

Doug's service extends beyond CoBank's interests. He has served as Chairman of many other important organizations, including the National Council of Farmer Cooperatives, the Federal Farm Credit Banks Funding Corporation, the Graduate Institute of Cooperative Leadership at the University of Missouri, and Lutheran Family Services of Colorado.

Mr. Speaker, these are all impressive achievements for an individual who began his education studying agriculture at the University of Illinois. But beyond all of these important accomplishments, what I admire most about Doug is his humble and inclusive leadership style. He is truly a leader who encourages teamwork, seeks to build consensus, bestows credit on those around him, and is not afraid to take responsibility when a leader is needed. I believe it is Doug's integrity that has made him a sought after participant and speaker for organizations ranging from the World Economic Forum in Geneva, Switzerland to the FarmHouse Foundation in Kansas City, Missouri.

While I am confident CoBank and the Farm Credit System will miss Doug's daily contributions, his leadership has established a strong foundation that will help these institutions continue to successfully support agriculture and rural America.

It has been my pleasure and privilege to know and work with Doug Sims for many years. I know that many of my colleagues will join me in wishing Doug and his wife Nancy many years of happiness, new challenges, and contributions in the years ahead.

DEMOCRATIC WOMEN'S WORKING GROUP BUDGET

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. WASSERMAN SCHULTZ. Mr. Speaker, violence against women is on the rise in this country. Sadly, young women have increasingly become victims of violence and domestic abuse in episodes on college campuses and in communities across America.

One-third of teens report some form of abuse in their romantic relationships.

Forty percent of teenage girls report knowing a peer who has been hit by a boyfriend.

These are our daughters, our sisters, our friends and our neighbors.

The idea that our society is still struggling to cope with such violence is simply unacceptable. We must do more.

Yet the Republican majority's budget resolution mirrors the President's budget suggestion to cut funding for Violence Against Women Programs by $19.5 million dollars—cutting the very programs that prevent domestic violence and aid survivors.

These programs are our first line of defense for battered women across the country—and too often, sadly—our last line of defense.

It is time to get our fiscal house and priorities in order. We must carefully consider the message we send to domestic violence survivors by cutting funding intended as a lifeline in their most vulnerable hour.

HONORING LULA TAYLOR, TONY TERESI AND JANE FAGERSTROM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Lula Taylor, Tony Teresi and Jane Fagerstrom for their nearly 50 years of combined service in the Chautauqua County Legislature.

Lula Taylor is the first woman of color to be elected to a county leadership position. She was the district eleven representative for 13 years. Within the legislature and in the community Lula could always be found sitting on or serving as the chair of many committees. As a result of her positive attitude and desire to better her community, Lula had broken down so many barriers. It is truly remarkable what one woman can accomplish a positive outlook and a hardworking spirit. I commend Lula for her numerous years of hard work, dedication, service, leadership, and for her love of the people of Chautauqua County.

Tony Teresi has been a staple in the County Legislature for 16 years as a representative of district thirteen. Mr. Teresi has served as the chair and an active member of many committees within the legislature. Tony brought something to the legislature that is hard to replace. That being his level head, ability to reason, honor, strong work ethic and never ending dedication. He truly knows the meaning of leadership and cooperation. Throughout his tenure in the legislature he worked hard to accomplish the plan to share services with other municipalities. His legacy no doubt will remain in the legislature for many years to come.

Jane Fagerstrom was the first and only female chair of the Chautauqua County Legislature. That alone speaks volumes for her strong work ethic and desire to better her community. Jane has been involved with county government since 1972 but served in the Legislature for 12 years. She served on and was the chair of many committees within the legislature. I commend Jane for her lifetime devoted to public service. She has truly demonstrated a love and devotion to her community.

Lula, Tony and Jane have all shown great dedication and excellence in their work and to their community, that is why, Mr. Speaker, I rise to honor them today.

ON WORLD HEALTH DAY: WORKING TOGETHER FOR HEALTH

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of World Health Day: Working Together for Health.

The main focus for this year's celebration is to address the crisis in the health workforce. Health workers are the very heart of the health system, providing care to those in need. While we are facing a nationwide shortage of health workers, we are not alone. There isn't a country in the world that is immune to the problem. Emphasis needs to be placed on solving the crisis.

With more than 100 years of experience, the Pan American Health Organization (PAHO) has been working hard to improve health and living standards in the Western Hemisphere. Recognized by the United Nations, PAHO's office in El Paso serves as the Regional Office for the Americas of the World Health Organization. PAHO works hard to improve health to vulnerable groups that include mothers and children, workers, the poor, the elderly, and refugees and displaced persons.

Established in 1943, the U.S.-Mexico Border Health Association (USMBHA) has helped promote a better understanding of health needs and problems. I applaud the efforts of the USMBHA for their leadership in the area of public health in the border region and their work fostering communication between both countries as we work together on common health Issues.

This week, back in my home district of El Paso, Texas, the Pan American Health Organization and the U.S.-Mexico Border Health Association will be sponsoring a health forum celebrating the work of promotoras and promotores from the El Paso del Norte region, which includes Texas, New Mexico, and Chihuahua. The event will celebrate the dignity and value of those who work hard everyday for health, and I am here today to help them in this important celebration.

Mr. Speaker, I urge all of my colleagues to join me in supporting World Health Day 2006: Working Together for Health, and I thank PAHO and the USMBHA for all their tireless efforts in support of better healthcare for the people of my community, the U.S.-Mexico border region, and the Americas.

BIRTHDAY CONGRATULATIONS FOR MRS. JOHNNIE VOGT

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. THORNBERRY. Mr. Speaker, I rise today to congratulate Johnnie Vogt on the occasion of her 85th birthday. Johnnie Vogt was born Johnnie Campbell on April 21, 1921 in White Deer, Texas. She lived there until 1931 when her family moved to Canyon so that she along with her brothers and sisters could eventually go to college.

Mrs. Vogt attended school at West Texas State Teachers College, now known as West Texas A&M University. Upon graduation, she moved to El Paso, Texas where she taught school before enlisting in the Army in 1943. Mrs. Vogt served in the Army from 1943 to 1945, receiving her basic training in Georgia. She was also stationed in Iowa and Illinois. While in Illinois, she was one of a group of eight trained to become physical therapy aides for the Army. She served in that capacity until her discharge from the Army.

In 1946, Mrs. Vogt moved to Denver, Colorado and taught a basic course in finance at Lowry Air Force Base. When those courses were no longer being offered, she moved to San Bernardino, California in 1947 and taught school.

Mrs. Vogt subsequently returned to Texas and settled in Amarillo where she ran a nursery from her home. Her love of children, coupled with her teaching experience, led to the directorship of the nursery and nursery school at Northwest Texas Hospital. Upon completion in 1956 of courses in special education, Mrs. Vogt brought her new specialty to the Amarillo Public School System. She then moved to Dalhart, Texas for a brief period of time where she taught English at the junior high school.

In 1960, Mrs. Vogt returned to Amarillo, resuming her Special Ed teaching, first at Bowie Junior High School until 1970, then at Caprock High School until retiring in 1981. Her commitment to children and dedication as an educator were evident by the extent to which she worked with students and the community, teaching life skills, preparation for entering the workforce, and building relationships within the community to ensure job placement upon graduation.

Mrs. Vogt has been active in her church, First Christian Church of Amarillo, teaching Sunday school to both adult singles and couples for over 20 years. She also sings with the Seniors Happy Timers and has been part of the bell choir.

Mr. Speaker, Mrs. Vogt is blessed with a wonderful, loving family. Mrs. Vogt's husband, Leo, and her daughters, Trudi, Patti, Sandy, and Linda and their families are justifiably proud of her. Her daughter Trudi is one of the outstanding public servants who serve the House and the Nation in the Office of the Clerk. And I suspect she learned the importance of service from her mother. Whether it be in the military, in teaching, in her church and community service, or in looking after her family, Mrs. Vogt has served others. It is in stories like hers that America's greatness and goodness can be seen.

I join her family in wishing her a very happy 85th birthday.

CELEBRATING THE 40TH ANNIVERSARY OF CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate the faculty, staff, students and alumni of California State University, San Bernardino for 40 years of success in providing top-quality education for one of the most diverse student bodies in the nation.

I was a proud new member of my hometown school board in 1965 when state officials recognized the need for higher education in the Inland Empire and opened California State College at San Bernardino with 293 students and 93 faculty and staff members. The coverage area for the college was 27,000 square miles, taking in San Bernardino and Riverside counties. The first graduating class in 1967 was 59 students.

Since that quiet start, our local college has become one of the fastest-growing in the state. More than 16,400 students now attend and 3,500 graduate each year—more than 55,000 over the past 40 years. The college became California State University, San Bernardino in 1984.

California's higher education system is still considered one of the finest in the world, and the state university system produces 51 percent of all bachelor's degrees awarded by all public and private institutions in the state. The university system has calculated that the increased education level and earning power brought to our economy by these graduates is $25 billion a year. CSUSB alone is calculated to provide $500 million in expenditures annually and supports 10,000 jobs in our region through the ripple effects of salaries, construction, purchases and student spending.

The university now has five academic colleges, offering more than 70 degrees and certificates. The College of Education consistently ranks among the top CSU campuses that produce credentialed teachers, and many programs have gained national recognition. The university's Inland Empire Center for Entrepreneurship has been recognized among the nation's best by Entrepreneur Magazine.

CSUSB has had three dynamic presidents: John Pfau, Anthony Evans and Albert Karnig, the current president. I have enjoyed working closely with Presidents Evans and Karnig during my time in Washington. The university has utilized a number of small federal investments to create many successful programs, including the Water Resources Institute, the entrepreneurship center and a wide-ranging distance-learning program for the Department of Defense.

The university has been especially successful in partnering with local governments and community groups to improve the quality of life in San Bernardino County, and its student body is considered one of the most diverse in the state system—in fact, there is no majority ethnic group on campus.

In recent years, there have been many signs of a rapidly maturing educational institution: Robert V. Fullerton Art Museum has a regional reputation for cultural contribution; Coussoulis Arena is the largest facility of its kind in the Inland Empire; and a permanent branch campus has been established in the rapidly-growing Coachella Valley.

Mr. Speaker, there is no question that in the past 40 years, California State University, San Bernardino has become one of the most important institutions in the Inland Empire, and a huge contributor to our state's economic future. Please join me in congratulating its faculty, staff and students for their past and future success.

RE: DELPHI BANKRUPTCY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, few communities have suffered more from the decimation of the American manufacturing sector than Western New York.

In the Buffalo of my youth, any person willing to work hard enough could make a decent living for his or her family at one of our great industrial plants. It is no secret that those days are gone. Factories have closed, health care benefits have been dropped, wages have fallen and pensions are in trouble. Competition for remaining jobs is intense and those lucky enough to have a job live in constant fear that it will be outsourced or that their wages, health insurance or pension benefits will be cut.

One of the last bastions of good-paying manufacturing jobs in Western New York is the auto industry. Over 9,000 workers in my congressional district are employed at the Delphi plant in Lockport, the American Axle facilities which supply General Motors in Tonawanda and Cheektowaga, and the Ford Stamping Plant in Woodlawn.

So far, we have been lucky—as bad as things look now, they could be much worse, The Ford Stamping Plant was spared in the first round of plant closings Ford announced in January. And the Lockport plant will be one of the few to survive the recently announced Delphi closings. However, there will not be much relief for the Delphi workers in New York and elsewhere, because of unconscionable actions taken by the company in bankruptcy proceedings.

Delphi has asked the bankruptcy court to slash wages, jobs, healthcare and retirement benefits by voiding the collective bargaining agreements that were negotiated between the company and its workers. Such disregard for the collective bargaining process is incomprehensible in light of the fact that Delphi was recently able to come to an agreement with the United Auto Workers on an attrition program to save costs. Rather than flouting the collective bargaining agreements, Delphi should have re-engaged its workers in a good-faith manner to find a solution together.

If the bankruptcy court cancels the current contracts it will have devastating effects not only on the workers who rightfully relied on those agreements, but also on General Motors itself. This is a risky and unnecessary gamble Delphi is taking, and the economic health of thousands of families hangs in the balance.

I strongly urge Delphi to reconsider its ill-advised request to cancel its contracts and to engage its workers in a constructive, good-faith manner that respects the collective bargaining process and the workers who depend on it.

H.R. 4882, THE VIETNAM VETERANS MEMORIAL VISITOR CENTER DEADLINE ENFORCEMENT ACT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4882, the Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act.

The Vietnam Veterans Memorial was created to honor the more than 58,000 men and women who served and sacrificed their lives in the Vietnam conflict. Since its creation, the

Vietnam Veterans Memorial has been the most visited memorial in our Nation's capitol, with about 4,000,000 visitors each year.

As a Vietnam veteran, I have experienced the horrors of war and witnessed the sacrifice of the men and women who served honorably in Vietnam. The proposed Vietnam Veterans Memorial Visitor Center will allow future generations to better understand the Vietnam Conflict through exhibits and facilitated tours, and honoring those that have fallen in the line of duty.

It is time for Congress to enforce a deadline so that there is no further delay in the construction of the Visitor Center. Mr. Speaker, I urge all of my colleagues to join me in supporting this very worthwhile bill.

CHILDRESS REGIONAL MEDICAL CENTER

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. THORNBERRY. Mr. Speaker, I rise today to congratulate Childress Regional Medical Center, in Childress, Texas, on being named one of the top 100 hospitals in the nation by a healthcare information and analysis company.

The ability to provide quality heath care in rural regions of our Nation continues to face numerous challenges. Today, citizens who live in rural areas often travel hours to receive medical care, and facilities often experience difficulties in attracting and keeping health care providers.

For over 25 years Childress Regional Medical Center has served as a leading example of a full service rural health care facility. Its mission is to provide personalized, efficient, high quality healthcare services for all patients and their families and to serve as a center where physicians and qualified healthcare providers can practice under high technical standards in a productive, professional environment.

Graded on clinical excellence, responsiveness to the community, operating efficiency and financial heath, Childress Regional Medical Center proves quality healthcare can be provided close to home for many in North Texas.

I am glad that the work and dedication by the staff of Childress Regional Medical Center has been recognized, and I hope their example will continue to help bring quality medical care to rural communities like Childress.

MANUFACTURING IN THE UNITED STATES FACES CHALLENGE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LEVIN. Mr. Speaker, since January 2001, the United States has lost 2.8 million manufacturing jobs. As a result, manufacturing states have seven of the ten highest unemployment rates in the country. But manufacturing affects us all, not just those workers who are directly engaged in manufacturing, because manufacturing has the largest employment "ripple effect" of any U.S. industry. During President Clinton's administration, when manufacturing was growing and thriving, private sector job growth was 22 percent. Under the current administration, it's an anemic 2.4 percent. Manufacturing is also responsible for nearly two-thirds of all private sector research and development.

Manufacturing in the United States faces serious challenges in the global marketplace, as our manufacturers compete with companies who get the benefit of a healthy workforce without having to shoulder the rising cost of health care, deal with skyrocketing energy costs, and often face an unlevel playing field when they sell their goods. Instead of standing up for manufacturing and the men and women it employs, the Bush administration continues to sit on its hands as the manufacturing jobs crisis worsens. The workers who are harmed by that inaction deserve to be heard. Tonight, I'd like to read testimony several Michigan workers submitted to us about how the manufacturing jobs crisis is affecting them.

Sherry Lowell of Grand Blanc, MI writes:

"For the past 27 years, I have worked as a Journeyman Toolmaker for GM/Delphi in Flint, MI. My marvelous experience as a tradesman began when I was 30 years old. At the Flint East site, I was the 7th female to graduate as a tradesman. . . .

"For almost three decades, I believed that I was an integral part of the team with the goal of producing products with first time quality at a profit. The wages that I earned were appreciated and getting dirty and greasy were part and parcel of my job as a toolmaker. I have fulfilled my promise to the corporation for the past 27 years to faithfully come to work, work hard at work despite cold (45 degrees) and hot (103 degrees) and dirty environments, and buy GM/AC products.

"The promise of a defined-benefit pension was very important to me. Furthermore, financial planning for my old age has been threatened by corporate raiders of pension funds and the possibility of Social Security benefits ceasing. I would appreciate Congressional efforts to support the men and women of manufacturing skilled trades and production in protecting the pensions they were promised."

Patricia Neal of Clinton Township, MI writes:

"I have been a UAW member and a GM employee for 28 years. I live in Clinton Township, MI. At some point in time nearly every UAW represented auto worker in America has had to hear, that we are 'over paid and under worked'. Every headline that screams out to the public, pointing a scolding finger at UAW represented auto workers, is not only demoralizing and degrading it is downright deceiving. . . .

"We, UAW workers, make the products put before us, we drive the fork trucks, we stand on the steel plated or concrete floors, we tighten the nuts and bolts, we handle the machines, we breath the toxic fumes but we do not make the decisions. We do the work. We want to see GM make a profit, we want GM healthy."

Charles McCray of Southgate, MI writes:

"I am a 54 year old retired hourly worker after 30 years of service. I have worked hard for GM and the UAW. I have always purchased GM products over the years. I want GM to keep their promise to me with the contract I signed when I retired. I retired and gave up my position to another worker to pay taxes and make a good wage.

"With the possible problem at GM if I were to lose any pay what-so-ever I'd be in a tight spot. Where does all the money come from to even bury me when the time comes. We have never lived beyond our means at all. We have been able to pay for college for our 2 children, have a small home paid for. There is a small savings for future use after 62 years of age. With our monthly retirement we do OK but most do not. I have already gone out and have taken another job just because I am not sure what is going to happen at GM."

I hope President Bush and my colleagues in the House will hear these workers and the millions like them, and will begin work on a real agenda to preserve and expand our manufacturing sector and the quality products and jobs it produces.

INTRODUCTION OF THE JOBS CREATION INCENTIVE ACT OF 2006

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a very important piece of legislation to address a very serious problem.

Because of the policies put in place by this Congress and this Administration, our country has prospered and enjoyed continual economic successes. More than 2 million jobs have been created nationally in the last year and our national unemployment rate is down to 4.8 percent. In the last quarter alone, our GDP grew by 1.7 percent.

However, my home state of Michigan has not yet seen this success. Our state economy continues to struggle, our manufacturing base is in serious jeopardy and our unemployment rate of 6.6 percent is one of the highest in the nation. The troubles of the auto industry—Michigan's largest employer—have forced layoffs, downsizing and cutbacks.

Workers in my state are losing their jobs, and our unemployed face multiple challenges and impending statistical disadvantages.

Mr. Speaker, that is why I am introducing this legislation today. My bill, the Job Creation Incentive Act, will help businesses in Michigan and across this country create more jobs.

Simply put, my bill will generate jobs by giving small businesses tax incentives for every new employee they hire.

It is a well known fact that collectively, small businesses are the number one employer in our Nation. When we encourage these small businesses to expand their payrolls and hire more employees, we not only create jobs but we also promote business development and growth.

My bill will give companies with 100 employees or less a tax credit for every new employee they hire. The credit will be equal to 5 percent of the new employee's salary, up to $2,500 maximum, and the new employee must have been on the payroll for at least 960 hours—the equivalent of a full-time position for six months. If companies create multiple jobs, they can receive multiple credits up to a total of 25 percent of their tax liability for the year.

I know that tax incentives are not the complete answer to all of our economic problems in the state of Michigan. We still must work continually to find solutions to solve the problems within our manufacturing base and bring relief to our businesses and our workers.

I also know that for some of us it may be difficult to understand that while America's economy is doing so well nationally, there are still areas where more help is greatly needed. My district is one of those areas.

The Job Creation Incentive Act will help our small businesses through these tough times and will allow them to do what they do best—innovate, drive economic growth, compete in the domestic and global marketplace, and create more jobs for American workers.

Mr. Speaker, thank you for the time to speak on behalf of my bill, the Job Creation Incentive Act. I respectfully request the support of my colleagues for this important piece of legislation to ensure the future success of Michigan's economy and job growth across the country.

IN SUPPORT OF THE EASTERN SIERRA RURAL HERITAGE AND ECONOMIC ENHANCEMENT ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MCKEON. Mr. Speaker, today I take pleasure in introducing the Eastern Sierra Rural Heritage and Economic Enhancement Act.

As you are aware, I am fortunate enough to claim the majority of California's Eastern Sierra Mountains as part of my district. My legislation will protect some of the most pristine land in California for the enjoyment of my constituents in the 25th District, and the visitors we welcome to the Eastern Sierra's each year.

My legislation calls for three wilderness additions: the Hoover Wilderness Addition, the Emigrant Wilderness Addition, and the Amargosa Wild and Scenic River Addition. The Hoover Wilderness Addition rests in between Yosemite National Park, the existing Hoover Wilderness, and the Emigrant Wilderness, and designates 39,680 acres of 11,000 foot mountain peaks, glacial valleys, alpine lakes, and conifer forests as protected wilderness area. The Emigrant Wilderness addition lies adjacent to the existing Emigrant Wilderness, and claims two miles of the Pacific Crest Trail. The Amargosa Wild and Scenic River Addition designates a 24-mile stretch of river as protected, and divides the section into three parts: wild, scenic, and recreational.

Given the popularity of these areas, it is necessary to find a compromise between protection of the land and local wildlife, and recreational sport. This legislation provides such a compromise, affording land for recreation and preservation. Preserving wilderness areas for future generations is imperative, and I am pleased to present this bill as an opportunity to do so.

Mr. Speaker, this legislation is the result of a great deal of compromise, cooperation, and support. Assistance from the Mono County Board of Supervisors which claims the Hoover and Emigrant Wilderness Addition, and the Inyo County Board of Supervisors which claims the Amargosa River Addition has been vital to the introduction of this legislation. This bill required compromise and cooperation between the local environmental community and the Bureau of Land Management, and I am pleased with the agreement that has been reached by both parties. Support from Senators DIANNE FEINSTEIN and BARBARA BOXER, as well as my constituents in the 25th District make it a distinct pleasure to introduce this legislation, and I encourage my colleagues to support the Eastern Sierra Rural Heritage and Economic Enhancement Act.

CECIL D. ANDRUS ELEMENTARY SCHOOL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. OTTER. Mr. Speaker, I rise today to call the attention of the House to a most important lesson in civic virtue.

We hear much today about the shortcomings of our education system, about a growing sense of frustration and despair on the part of students, parents and policy makers. Today I have the honor and privilege of telling you about a success story that we all can celebrate.

The heroes in this story are fifth graders at Cecil D. Andrus Elementary School in Meridian, Idaho. I recently received almost 30 letters from these young Americans requesting that I do whatever I could to stop Congress from removing funds that pay for the "We the People . . ." civic education program at schools throughout America. Mr. Speaker, these students are to be congratulated and encouraged to continue participating in the process of our government, to fully realize their potential as citizens of our great nation.

I also congratulate their teacher, Heidi Fry and their principal, Barbara Horn, whose dedication and example have worked their magic with these students.

The "We the People . . ." program is funded through the U.S. Department of Education by act of Congress. It was established in 1987 under the Commission on the Bicentennial of the United States Constitution.

Letter upon letter from the students at Andrus Elementary related stories about lessons they had learned through the "We the People . . ." program—visionary quotations from the Founding Fathers and the Framers of the Constitution, the history of the documents that became our blueprints for freedom, and how leaders of the founding generation knew that survival of our new American Republic would require each successive generation to learn and embrace the value, price and responsibility of living in a free country.

No greater testament could exist to the value of this educational program than the words of these young people, Mr. Speaker. No more compelling argument could be made for its continued existence in our schools. I therefore gave them my word I would do what I could to restore the funding.

As a side note, the namesake of the school those children attend—Cecil D. Andrus—was Secretary of the Interior during the Carter administration and four times was elected governor of the great state of Idaho. I served with Governor Andrus as Lieutenant Governor during his third and forth terms. He was a leader who put great store in the value of educating Idaho's young people to prepare them for shouldering the responsibility of freedom and the stewardship of our human and natural resources. He also placed great importance on people meaning what they say and keeping their word—especially those in positions of public trust.

In closing I should like to add the names of these students to the CONGRESSIONAL RECORD so that one day in the not-too-distant future, when citizens of Idaho and this Nation are reviewing the background of their generation's leaders, I'm confident these names will surely be among them.

Elaine Beech, Natalie Bowman, Steven Bowman, Ashley Charles, Nicole Covell, Madisson Cutbirth, Alejandro Delaloza, Cole DeSilvia, Joneya Dunn, Amber French, Talia Johnson, Corey Kerensky, Joseph Koetter, Jordan Lee, Brian Luke, Taylor McQuiston, Summer Moffet, JT Moore, Brianna Pantell, Courtney Paul, Dillon Pierce, Zach Poralla, Rhett Suciu, Eric Swider, Jakob Thompson, Lindsay Williams, and Chanel Zeko.

Mr. Speaker, I ask you and all my colleagues to recognize the value of the "We the People . . ." program and help me restore the funding. Let's keep our word to these Idaho students, and to the generations of American students yet to come.

NIDIS BILL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HALL. Mr. Speaker, today I rise to introduce a bill to create a National Integrated Drought Information System (NIDIS). Our nation is unfortunately very aware of the damage droughts bring to our citizens. In my home state of Texas, the wheat crops have been decimated by drought conditions, producing the worst ratings in 20 years. My own home district in northeast Texas is experiencing the most severe damage statewide from the drought. In Missouri, farm ponds have been drying up in record numbers, and in Oklahoma, the wheat crop rated 58% poor to very poor. Droughts cause between $6 billion and $8 billion a year in direct estimated losses to the U.S. economy, and they have devastating impacts on our society.

While we cannot stop nature, we can do a better job predicting, monitoring, and mitigating this problem. Our nation needs a comprehensive drought information system that enables our local, state, and national leaders to be more proactive in their approach to droughts. This bill establishes an integrated system and designates NOAA as the lead agency. NOAA will coordinate with local, state, and federal entities to create a comprehensive network of drought information and provide decision-makers with the best tools to manage our resources. NOAA will do this by building a national drought monitoring and forecasting system, create a drought early warning system, provide an interactive drought information delivery system, and designate mechanisms for improved interaction with the public.

This NIDIS initiative will hopefully improve our analysis of conditions, provide us with more accurate seasonal forecasts, and equip us with a better understanding of climate interactions that produce droughts. I would like to encourage Members to join me in supporting this vital and important initiative.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, because of official business in Colorado, I was not able to be present yesterday for three votes.

Had I been present, I would have voted as follows:

Roll call No. 82, H.J. Res. 81—Providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution—I would have voted "yes."

Roll call No. 83, H. Res. 703—Recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant—I would have voted "yes."

Roll call No. 84, H. Res. 744—Expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process—I would have voted "yes."

THE OCCASION OF THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MCNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24th will be the 91st anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, 'Ketse azat ankakh Hayastan'—Long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

HONORING REGINA MARIE CATANISE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Regina Marie Catanise who peacefully passed from this earth on Tuesday, April 4, 2006, at the age of 84.

The wife of the late Raymond Catanise, Mrs. Catanise, affectionately known as "Gina," was a cherished member of her community of Waterloo, NY, and was loved by one and all who knew her.

Survived by her three children, her son the Reverend Joseph Catanise, her daughter Candi Catanise, and her other son, Richard, Gina is also survived by two sisters, two brothers, four grandchildren, six great grandchildren, and several nieces, nephews, cousins and dear friends.

I take this moment to honor Gina Catanise, Mr. Speaker, because of the closeness felt to her by my friend, Richard Catanise. Richard spoke to me very often about his family in general and about Gina in particular. While I know today that Richard and his entire family's loss is great, I know, Mr. Speaker, that the entire Catanise family knows and understands the depths of the love felt for them by their mother, Gina.

I want to thank you, Mr. Speaker, for allowing me the opportunity to honor the memory of a great New Yorker, a woman who gave of herself to family, friends and community throughout her life. I am pleased that these remarks will remain a permanent part of the CONGRESSIONAL RECORD in perpetuity, so that generations to come may reflect upon the life and contributions to family and community made by Regina "Gina" Catanise. May her soul rest in eternal peace.

IN RECOGNITION OF JOHN WHEELER, CALIFORNIAN SMALL BUSINESS PERSON OF THE YEAR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. FARR. Mr. Speaker, today I rise to recognize and congratulate Mr. John Wheeler of Carmel, California. Next week, Mr. Wheeler will be honored as the Small Business Person of the Year for California.

Mr. Wheeler has succeeded through ingenuity and hard work to turn Peninsula Pure Water, Inc., into a very successful business in 8 short years. With the help of a Small Business Administration-backed loan, Mr. Wheeler bought a bottled water company in 1998 with just 50 customer accounts and 70 daily local deliveries and grew the operation into a business with 24,000 customers, and a net income of $275,000. Beyond his resourcefulness and sheer determination, Mr. Wheeler has shown himself to be a model employer, personally training all new hires and offering to pay half of their tuition costs if they attend college.

Small businesses continue to be the engine of both the Californian and U.S. economies. The success of entrepreneurial businessman like Mr. Wheeler reminds everyone that the American dream is still alive and well. I again congratulate Mr. Wheeler on his well-deserved award as the Californian Small Business Person of the year and wish him much success as he continues to expand Peninsula Pure Water, Inc.

INTRODUCTION OF "FAIRNESS AND ACCOUNTABILITY IN REORGANIZATIONS ACT OF 2006"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. CONYERS. Mr. Speaker, today I am introducing the "Fairness and Accountability in Reorganizations Act of 2006," legislation designed to protect the rights of workers during corporate bankruptcy proceedings which give greater weight to large corporations and the executives who run them.

Many recent corporate bankruptcy filings, including that of the Delphi Corporation, have come under fire for the extravagant bonus packages they reserve for executives while regular workers are forced to accept drastic pay cuts or even job losses. We need legislation to ensure that workers and retirees receive the fair treatment they have earned when their company is facing bankruptcy.

The Fairness and Accountability in Reorganizations Act of 2006 would guarantee that workers are treated more fairly by limiting executive compensation deals and requiring corporations to provide a more accurate picture of their holdings before attempting to modify collective bargaining agreements or promised health benefits during reorganizations. More specifically, this simple and effective legislation would:

Require any executive bonus package to be approved by the bankruptcy court for any corporation undergoing or connected to a bankruptcy reorganization plan.

Consider the debtor company's foreign assets when determining whether or not a company can modify its existing collective bargaining agreement. Some international corporations that are struggling domestically use their losses at home to justify breaking contracts with American workers while their overall company is still thriving.

Require the bankruptcy court to take into account the debtor company's foreign assets when determining whether or not to modify the company's retiree health benefits.

Require that its provisions apply to any chapter 11 bankruptcy case, filed or pending on or after October 1, 2005.

Congress has gone to great lengths to grant advantages to creditors and big business over ordinary Americans. It is time that we include the interest of working families in the bankruptcy law. My legislation would therefore add a small measure of fairness to a playing field that is overwhelmingly tilted against workers.

A TRIBUTE TO PLAINS COTTON GROWERS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. NEUGEBAUER. Mr. Speaker, this morning I rise to honor an organization based in the 19th district of Texas that has played a vital role in West Texas for half a century.

In 1956, a group of West Texas cotton farmers and agricultural businesses came together to form Plains Cotton Growers. Today, PCG represents cotton growers in 41 counties throughout the High Plains and Panhandle of Texas. These growers produce nearly 20 percent of the nation's cotton crop each year. In the 50 years since its creation, PCG has attained a much-deserved reputation as an organization that producers can trust and rely upon for a wide range of services and information. Under the leadership of presidents from W.O. Fortenberry to Rickey Bearden, PCG has promoted regional cotton interests, served as a resource for cutting-edge agricultural research, and provided its members with information on important legislative matters.

If there is an issue in Congress affecting cotton farmers, then Plains Cotton Growers is on top of it. PCG provides the invaluable service of informing its members on agricultural policy being debated in the Capitols in both Washington, DC and Austin, Texas. PCG also ensures that its members have a voice in both Capitols as it keeps legislators abreast of the views and concerns of farmers.

To the staff and members of Plains Cotton Growers: Congratulations on your 50th anniversary and thank you for your service to the people of West Texas.

INTRODUCTION OF THE NATIONAL SCIENCE FOUNDATION SCHOLARS PROGRAM ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the National Science Foundation Scholars Program Act to support students who wish to be scientists, technicians, engineers, and mathematicians.

Although not every student in America needs to become a scientist, technician, engineer, or a mathematician, those who are headed that way need our support for what they contribute to the long term economic health of our nation. This merit-based financial support gives consideration to financial need and to the goal of supporting underrepresented groups as defined in the Equality in Science and Engineering Act.

The United States needs to improve our technical and scientific workforce for the success of our nation in the unfolding global knowledge economy. Although we still educate many foreign students in our graduate science, technology, and engineering, and mathematics departments across the nation, we no longer keep these talented, well-trained individuals here; they want to return to their home.

We must create and retain our highly-skilled, well-trained scientific and technical work force here rather than be dependent on work abroad.

Increases in tuition at colleges and universities in the United States have outpaced inflation for the past two decades. The increases are especially large at public 4-year colleges. The NSF Scholars program would serve as a real inducement to students who would augment our highly-skilled, highly technical work force.

As we move to a global knowledge economy, Juan Enriquez gives us warning for the future of our nation: "In a borderless world . . . those who do not educate . . . and keep their citizens . . . will lose most intellectual wars."

I hope we choose instead to educate our citizens and maintain our strength and competitiveness through the NSF Scholars Program Act.

HONORING THE 100TH ANNIVERSARY OF THE CITY OF COALINGA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to congratulate the city of Coalinga on the celebration of their 100th anniversary.

The birth of the city of Coalinga dates back to the late 1800s, when the mining industry was booming in developing communities across the country. Rich in oil and flourishing in production, the city established several major oil production supplies. With the expansion of the industry, Coalinga oil workers embarked on a campaign to enhance workers rights, improve working conditions for oil producers and create a better community for fellow community members. A glorious and monumental day for Coalinga came on April 3, 1906, when the small town was incorporated into Fresno County.

Still, the city of Coalinga encountered other obstacles, such as a severe economic decline in 1909. After the economic setback, residents struggled to obtain rights to clean and reliable water supply. Due to the lack of flowing surface water and highly mineralized ground water, water in the city of Coalinga was deemed unsafe for drinking. It was not until 1972 that the State water system granted the city of Coalinga its first delivery of San Luis Canal water.

On May 2, 1983, a 6.7 magnitude earthquake struck the small community, which virtually destroyed what took almost a century to build. Fortunately, this catastrophe did not deter the strong community; residents and businesses locked arms and carried on to rebuild their city, to rebuild their home.

Despite the perils that the city of Coalinga experienced, there were many successes that ushered further advancement. At one point in time, Coalinga paid approximately one-fourth of the entire tax burdens for Fresno County. The city prides itself in being the birthplace for the award-winning A&W Root Beer formula, home of the first junior high school in Fresno County and West Hills Community College. Today, the city ranks as one of the most independent communities in the San Joaquin Valley and champions itself in providing residents with a competent municipal library system, recreation and parks system, water supply and hospital systems.

The history of this city further demonstrates that it is only by embracing the importance of community, cooperation and shared vision can such success be achieved. I am honored to stand and shine a spotlight on the city of Coalinga, as they celebrate a century of pride and progress.

IN HONOR OF ADRIENNE JONES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Adrienne Jones, who was awarded the 2006 New Castle County Delaware Chamber of Commerce's William V. Roth, Jr. Citizenship Award. The late Senator Roth would have been extremely proud to see the award which bears his name go to such a deserving individual.

Adrienne has been described by her guidance counselor at A.I. DuPont High School in Wilmington, Delaware as "scholarly, mature, focused and friendly." Senator Roth conducted his business in a focused manner but always went about it in a friendly way. This is why he was able to do so much for so many people across our great nation.

Adrienne has exhibited an excellent academic record in her high school studies. She possesses an outstanding work ethic and selected a quite rigorous college-preparatory curriculum including three advanced placement courses and eleven honors level courses. She also committed to the study of two foreign languages, Spanish and Latin. By the time she graduates, Adrienne will have completed seven years of foreign language study.

While maintaining a full study schedule, Adrienne finds significant time to contribute to her community. Senator Roth was well known in Delaware for his tireless work on behalf of his constituents. Adrienne has earned this award by dedicating herself to community organizations such as the A.I. DuPont Hospital for Children, the National Youth Leadership Forum on Medicine, and the Delaware Community Foundation's Youth Philanthropy Board.

I congratulate and thank Adrienne for all she has contributed to the State of Delaware. She is an exemplary citizen and a proud American. Senator Roth would have been extremely pleased with the work Adrienne has done to help her fellow Delawareans, just as I am today.

PAYING TRIBUTE TO LILIAM LUJAN HICKEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Liliam Lujan Hickey who through her extensive and diversified experiences, has established herself as a successful small business owner, effective motivator, and professional, specifically in the Hispanic-American community. Through her ardent desire to serve others, she has been personally and extensively involved in promoting educational programs in Las Vegas, as well as the entire state of Nevada. She will be honored on April 19th, at the formal dedication of Liliam Lujan Hickey Elementary School, which was named in her honor.

In the business world, Liliam has truly made a name for herself. She is owner and chief executive officer of Lujan development, a property management firm. In 1980, she formed L H System International, a business consulting and sales company with customized training for professionals.

Although born in Havana, Cuba, Liliam has resided in Las Vegas, Nevada for over thirty-six years. As a resident of Nevada, her list of achievements and volunteer service is impressive. Liliam established Career Day for high school students, which has awarded over $300,000 in scholarships to hundreds of needy Hispanic students. She also served as cofounder and president of the Classroom on Wheels, a program which has facilitated educational, medical, and dental services to disadvantaged preschool children.

Liliam was director for the Congressional Award Council of Nevada and co-chaired the Southern Nevada BEST Coalition, a non-profit organization working towards a drug and alcohol-free lifestyle in Las Vegas schools and communities. She also served as chairperson of the Urban Emphasis Committee for the Boy Scouts of America.

She is co-founder, past president, and board member of the Latin Chamber of Commerce. She was one of only two professionals selected from Nevada to attend the White House Hispanic Leadership Reception held by President and Mrs. Clinton. Hispanic leaders throughout the United States were invited to attend this reception.

The Governor of Nevada appointed Liliam to serve on the Martin Luther King, Jr. Holiday commission. She also served on the Job Training Coordinating Council and the United States Governor's Workforce Development Board. She is an active member of the Las Vegas Latin Chamber of Commerce and the Clark County Fair Advisory Council.

Her efforts for the State of Nevada have been recognized through numerous awards. She received the Outstanding Hispanic Award from the Latin Chamber of Commerce. Liliam was named as one of the Women of Achievement in Government and Politics by the Las Vegas Chamber of Commerce. She was also identified by the Nevada 125th Anniversary Commission as one of the women who have played a significant role in making Nevada what it is today.

Mr. Speaker, I am honored to recognize Liliam Lujan Hickey on the floor of the House today. She is an outstanding example of service and hard work not only to the Hispanic-American community but to all southern Nevadans.

INTRODUCTION OF LEGISLATION REVISING THE NUMBER OF ASSOCIATE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. NORTON. Mr. Speaker, it has become necessary to introduce a bill that is necessary for the Superior Court of the District of Columbia to function as Congress intended. Federal law requires that judges of the Superior Court and the District of Columbia Court of Appeals, Article I Courts, to be nominated by the President and approved by the Senate. This bill, which is the companion bill to S. 2068 introduced by Senator SUSAN COLLINS, will increase the number of Superior Court judges by 3 to 61 in order to allow the Superior Court to function at the 58 judge level approved by Congress. However, after the establishment of the new Family Court Division, the Superior Court was temporarily increased by three in order to assist the transition because Congress wanted to assure a full complement of family court judges. However, no permanent authorization reflecting the changes was approved. Consequently, as judges have retired or otherwise moved on, the President has continued to make nominations to fill each judge's seat. With no authorization for the necessary number of authorized judges, an unintended anomaly has resulted in Presidential nominations but no actual vacancies because the court is short three judges. Because as many as nearly 2 years occur after the Senate approval, lawyers are increasingly unwilling to give up their practices to apply for judgeships on the Superior Court, the trial court of jurisdiction for all criminal and civil matters in the District of Columbia. The 15–18 month pipeline for confirming new judges has presented the court with some serious concerns. With such a long waiting period, private and solo practitioners, for example, who are among the best qualified, are significantly deterred, and the court loses judicial talent that would otherwise be available.

The present anomaly has forced the Superior Court to use senior or retired judges inappropriately. Because they are retired, senior judges take on particular cases or a full calendar temporarily, for up to a year. However, inasmuch as confirmed active or permanent judges often cannot be immediately seated, there is no judge to maintain the court's 2 calendars, one for criminal court and the other for temporary restraining orders and warrants. Consequently, several senior judges have taken on this indispensable duty since 2003. While senior judges, of course, take on cases, they do so at their discretion. It should never be the case that senior judges perform an important regular and vital function of the court for years at a time.

I ask that this bill be approved to remedy this problem in the D.C. court system that results entirely from congressional action.

INTRODUCTION OF THE CONGRESSIONAL TEACHER AWARD PROGRAM ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Congressional Teacher Award Program Act, establishing the Congressional Teacher Award.

This is a moment for Congress to raise the level of respect for teaching across the nation. Although we cannot legislate that the nation respect teachers for all the hard work that they do day in and day out for the future of our nation, Congress can use its leadership to take a role in the cultural change required at this time.

This act creates a bi-partisan, bi-cameral Task Force to determine a nonprofit entity to establish and operate the Congressional Teacher Award. This award would be given each academic year to highly-qualified, hard-working teachers who change the lives of students in each congressional district of the United States, including the district of a Delegate or Resident Commissioner to Congress. As funds raised by the nonprofit entity allow, awardees would also receive a scholarship to attend a professional development opportunity of their choosing.

The teachers receiving the award must be certified, have been teaching for 5 consecutive years in a public or private school elementary or secondary school, and demonstrate a commitment of service to his or her school, maintain high standards for students, and incorporate multiculturalism, technology, interdisciplinary studies, student relevance, and current issues in lessons, classroom activities, and special presentations. An application with letters of recommendation would be required.

Each Member of Congress would get to celebrate a teacher in his or her district each year. This continued focus on excellent teaching will work to raise the level of respect for teaching in America. Henry Booker Adams said, "A teacher affects eternity; he can never tell where his influence stops."

Congress does have influence; people and nations take their lead from us, and it is time that we lead the celebration of those who helped us reach this professional level—our teachers.

IN RECOGNITION OF LEONARD HALL'S 100TH BIRTHDAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to recognize Leonard Hall of Armona, California who will be celebrating his 100th birthday on April 24, 2006.

Mr. Hall was born in 1906 to parents Clarence R. Leonard and Ida Mae Hall. Leonard learned at a young age the daily routine of life on a farm. When he was in his early twenties, Leonard began farming on his own. Soon his business grew to include a dairy and he also raised and sold cattle. Mr. Hall successfully ran his business for about 80 years.

Leonard Hall once stated, "I think everyone should give back something to the community where they lived. How else are we going to keep our memories alive?" These were not words without substance—Mr. Hall is a great advocate for his hometown and has financially supported several important projects within Kings County.

In remembrance of his wife Katherine, he gave financial support to the Burris Park Museum in Hanford. The museum recognized the gracious gift by dedicating the new wing of the museum in her name. The Hanford Carnegie Museum also benefited from Mr. Hall's generous donations. With his help the institution was able to install a new foundation and also introduce the original Beacon Oil office as an historical exhibit.

Perhaps the most poignant of his contributions is the funding he provided to help restore the Grangeville Church, which is known as the first church of Kings County. For Mr. Hall, the renovation was not just for the purpose of historical preservation but it was a way for him to honor the memory of his parents, who were wed there at the turn of the century.

Leonard Hall's generosity is his way of saying thank you for all the wonderful memories. During this momentous occasion of Leonard Hall's 100th birthday, I would like to wish to him and his family all the best. I would also like to extend, on behalf of the residents of Kings County, heartfelt appreciation and gratitude for Mr. Hall's generosity that has helped preserve the past for the generations of the future.

IN HONOR OF DONALD R. KIRTLEY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Donald Kirtley, who was awarded the 2006 New Castle County Delaware Chamber of Commerce's Wallace M. Johnson Community Service Award. Over the past 7 decades, Don has been committed to providing better opportunities for children, improving healthcare, and expanding access to the arts for so many in the community.

Don donates his time to a variety of organizations in the State of Delaware, including a 20 year affiliation with the Boys and Girls Club and a 25 year affiliation with the Grand Opera House. He has been on the United Way of Delaware's Campaign Committee numerous times and is a founding member and chairman of the board of the Arts Consortium of Delaware. His resume is truly amazing and all Delawareans are thankful for Don's service.

A telling quote comes from Julie Van Blarcom, Chairwoman of the Arts Consortium of Delaware, who said "He's an old-fashioned, committed volunteer." Don contributes countless hours to different causes and makes every organization he is involved with a top priority.

Currently, Don is in his 2nd year as the chairman of the board of the Delaware Community Foundation (DCF), an umbrella organization that oversees many of the community service organizations in Delaware.

I congratulate and thank Don for all of his contributions to the State of Delaware. He is an exemplary citizen and a proud American. I am pleased to call Don a friend and am impressed by his dedication to the causes in which he so strongly believes. Thank you, Don, for all you have done and continue to do for people of our State.

PAYING TRIBUTE TO THE NEVADA CANCER INSTITUTE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Nevada Cancer Institute and their team of dedicated professionals who are committed to advancing the frontiers of knowledge of cancer through research and providing world-class cancer services to Nevadans and people throughout the Southwest. The facility opened late summer 2005, and this month the new John Robert Murren Research Wing will be dedicated.

It is the overarching goal of the Nevada Cancer Institute to become a National Cancer Institute Designated Comprehensive Cancer Care Center. Facilities awarded this designation not only must perform first-rate research and exceptional patient care, but they must also demonstrate that the close integration of research and clinical efforts fosters an environment that stimulates new discoveries, and translates these discoveries quickly into better care to patients. Research in the area of cancer control and programs in community outreach and education are also essential for comprehensive status. With the opening of a new research wing and implementation of groundbreaking methods of prevention, detection and treatment of cancer, the Institute is well on its way to receiving this honor.

Designated by the State Legislature as the official Cancer Institute for the State of Nevada, the Nevada Cancer Institute is a collaborative, statewide effort involving concerned citizens, the oncology community, academic leaders, legislators, corporations, healthcare advocates, and cancer patients and their families. The Institute is wholly committed to offering the residents of Nevada a facility that offers the most current and most advanced cancer treatment options.

Mr. Speaker, I am honored to recognize the Nevada Cancer Institute on the floor of the House today. I commend them for their efforts in fighting cancer and wish them the best with their new research wing.

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mrs. JONES of Ohio. Mr. Speaker, during a conference of October 7, 2005, titled "Torture and the War on Terrorism" Case Western Reserve University School of Law facilitated discussions with legal scholars from across the country focused on international law. The conference culminated in adoption of The Cleveland Principles, which express the view that acts of torture should never be used or justified as a tool of the Global War on Terror.

International law establishes a normative framework to advance international peace and security. The reciprocity of international law protects Americans abroad as well as individuals within the control of our government. I commend Case Western Reserve University School of Law for its leadership on this issue and I would like to enter into the CONGRESSIONAL RECORD, The Cleveland Principles.

THE CLEVELAND PRINCIPLES OF INTERNATIONAL LAW ON THE DETENTION AND TREATMENT OF PERSONS IN CONNECTION WITH "THE GLOBAL WAR ON TERROR"

INTRODUCTION

In the context of revelations about the mistreatment of detainees at U.S. detention centers in Guantanamo Bay, Iraq, and Afghanistan; the practice of "irregular rendition" as a means of outsourcing torture; the existence of US-created "black sites" where "ghost detainees" are interrogated abroad: and the content of the leaked "White House Torture memos"—the Cleveland Principles were adopted by the undersigned experts who took part in the "Torture and the

War on Terror" Conference at Case Western Reserve University School of Law in Cleveland, Ohio, on October 7, 2005. The Principles have been endorsed by the numerous other experts whose names are also listed below. The undersigned include current and former high-ranking government, military, and international organization officials, prominent academics, and leading practitioners in the field—representing all ends of the political spectrum. The Principles are intended as a clear restatement, written in plain English, of the fundamental international legal rules that apply to the treatment of persons in connection with the so-called "Global War on Terror." The goal was to produce a text that would be easy for the American public, members of the military, and members of Congress to understand—a text that would unambiguously spell out that in the context of the Global War on Terror, there is no law-free zone, torture can never be justified; outsourcing torture is unlawful; and that government personnel may be criminally liable for involvement in acts of torture.

THE CLEVELAND PRINCIPLES

Principle 1: With respect to the "Global War on Terror," there is no law-free zone.

International Law (which includes International Humanitarian Law, International Human Rights Law, and International Criminal Law) applies to all contexts and persons in the "Global War on Terror."

The "Global War on Terror" is not in its entirety an armed conflict. When, and for so long as, the "Global War on Terror" does manifest itself in armed conflict, the rights of persons detained and the obligations of detaining authorities, are governed by International Humanitarian Law, including the Geneva Conventions of 1949 and the Additional Protocols to the Geneva Conventions.

International Human Rights Law, including the Convention Against Torture and the Covenant on Civil and Political Rights, also applies to situations of armed conflict, to the extent that its provisions are not inconsistent with applicable international humanitarian law.

Whenever persons are detained outside the factual framework of armed conflict, international humanitarian law is not applicable and international human rights law, including the Convention Against Torture and the Covenant on Civil and Political Rights, applies instead.

Principle 2: Whenever there is any doubt about whether an individual apprehended in the Global War on Terror is entitled to Prisoner of War status, the decision must be made on a case-by-case basis by a competent tribunal.

Persons who do not qualify for POW status under the Third Geneva Convention are still entitled to humane treatment and the other applicable guarantees of the Fourth Geneva Convention

In addition, such persons must not be subject to acts of torture or to cruel, inhuman or degrading treatment, in accordance with the Torture Convention.

Principle 3: Nothing in the "Global War on Terror" can justify violating the prohibition on committing acts of torture or cruel, inhuman or degrading treatment.

Interrogation in the context of the "Global War on Terror," whether conducted by military personnel or intelligence agents, and whether conducted inside or outside of the State's territory, must never cross the boundaries of humane treatment.

Principle 4: Use of so-called "irregular rendition" as a means of outsourcing torture to third countries is unlawful.

No person acting as an agent of a government may participate in the transfer of any person to any country for interrogation where there are substantial grounds for believing that the person would be in danger of being subject to torture or to cruel, inhuman or degrading treatment.

Diplomatic assurances from the receiving State that the person will not be subjected to torture or to cruel, inhuman or degrading treatment are not a sufficient basis upon which it may be determined that such treatment or punishment will not be imposed, where the receiving State has demonstrated a history of engaging in such treatment.

Principle 5: Governments and Government personnel are obligated to strictly adhere to the international law applicable to the "Global War on Terror" as set forth in the above principles.

States are responsible under international law for violations of these principles committed by the Government's personnel or agents, or by private parties exercising traditional government functions with the Government's acquiescence, whether the act occurs in the territory of the State or outside the territory of the State.

Persons who breach or order violations of these principles, or who aid and abet the breach of these principles, or who fail to punish subordinates who have committed breaches of these principles, may face individual criminal liability at home and/or in foreign or international courts.

INTRODUCTION OF THE SCHOLARSHIP DATABASE ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Scholarship Database Act to create a one-stop Web portal of scholarships, grants, fellowships, and other forms of financial aid for the students wishing to study science, technology, engineering, or mathematics disciplines.

Yes, there are many websites in existence that inform students about federal financial aid or students pay for a service to locate other scholarship opportunities. However, none seems to meet the needs of a wide range of students across the country. We grapple with what to do for our nation's future in terms of the science, technology, engineering, and mathematics students, the least we can do is ease the burden of finding financial aid. In a time of fiscal responsibility, this is an affordable way to enable our workforce of tomorrow to be highly skilled and well educated.

The Science, Technology, Engineering, and Mathematics (STEM) Scholarship Database would give a complete list of scholarships, fellowships, and other programs of financial assistance from all public and private sources for science, technology, engineering, and mathematics postsecondary and post-graduate level study.

First generation students would greatly benefit from such a database that would separate the information according to disciplines of study, level of study, and assistance based on gender, ethnicity, or other characteristics.

When one is the first person in your family to consider going to college one often has very little guidance on how to proceed with the entire college application process, of which financial aid is one piece. If a student does not immediately or easily find financial assistance they may at first see their dream of a college degree in a STEM field shattered. We can ease this with the one-stop Web portal of STEM financial aid.

As we move forward, this Web portal can expand to meet the needs of our nation, and it can serve as a model for other disciplines to follow suit.

IN HONOR OF CALIFORNIA'S COUNTY AGRICULTURAL COMMISSIONERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor California's County Agricultural Commissioners. Agriculture is California's No. 1 industry. In 2004 the fertile soils of California supported over 350 different crops, which were valued at over $37.5 billion and shipped throughout the United States and foreign countries. Weather, water and good farmers are some of the major factors contributing to California's bountiful crops. One other prime factor in California's agricultural success has been the presence of California Agricultural Commissioners.

California County Agricultural Commissioners will celebrate their first 125 years during their annual convention in May 2006, in San Luis Obispo, CA. No other State in the United States has the Agricultural Commissioners system, which has been in existence in California since 1881. It is fitting that the California Agricultural Commissioners be recognized and honored for their contributions to the well being of California and to our Nation.

As prescribed by State Law, the County Agricultural Commissioner is responsible for the local administration of State wide enforcement programs that promote and protect the agricultural industry of the State. In addition this commission is dedicated to protecting public health, safety and welfare. In fulfilling this responsibility, the primary objective of the County Agricultural Commissioner is to maintain a viable system of production and delivery of an abundant supply of wholesome food and fiber to domestic and export consumers. Each agricultural commissioner adheres to the following policies in order to maintain the integrity of the County Agricultural Commissioner's Office.

The first and foremost policy is to ensure the protection of California's agricultural resources and the environment in manner that will result in the greatest long-term benefit to all. One of the primary ways the commission protects agricultural resources, the environment and public health is by supporting beneficial legislation as well as preserving local determination. The Commissioner seeks to insure that all interagency and joint policies provide adequate flexibility to accommodate local concerns and resources.

The County Agricultural Commissioner recognizes the need to protect the agriculture industry from the introduction and spread of damaging pests. Therefore, it encourages and promotes the suppression of pests through biological, cultural, mechanical and chemical methods. However, the Commissioner has always been cognizant of the effects of harmful pesticides and has adamantly enforced all laws and regulations that provide for the appropriate, safe and efficient use of pesticides.

The Commissioner protects both businesses and consumers. The consumers are protected from fraud and deception and are assured marketing equity among producers and among shippers in the distribution of fruits, nuts, vegetables, eggs and honey by the uniform enforcement of quality standards. The Commissioner's Office also encourages the development of alternate disposal methods for substandard commodities to prevent waste.

The Agricultural Commissioners are today enforcing legislation of the basic quarantine sections that have stood for over 115 years. It has been the enforcement of these quarantine laws that has helped to keep California agriculture free from biological pollution caused by invasive insect and plant diseases found in other parts of the world.

The work of the Agricultural Commissioners is to be commended as their presence, dedication, knowledge, professionalism and hard work, has insured an adequate food supply for millions of people and a healthy economy for the State of California. Our Nation's residents as well as citizens of other nations are the beneficiaries of an amazing supply of agricultural products grown throughout the year in California. California, her farmers and Agricultural Commissioners can be proud of the first 125 years of service.

PAYING TRIBUTE TO LT. COL. GEORGE SHERMAN (RET.)

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor a true American hero, Lt. Col. George Sherman (Ret.) who will be celebrating his 80th birthday on April 17, 2006.

A distinguished member of the Las Vegas community, Lt. Col. George Sherman (Ret.) has dedicated his life to being a loving and devoted husband, father, and grandfather, achieving a brilliant career in the United States Army Air Corp-Air Force, and serving as a respected leader in his community.

In the early 1940's, while serving in the Army Air Corp-Air Force, Lt. Col. George Sherman (Ret.) earned the distinct honor of becoming one of the famed Tuskegee Airmen. Throughout his 22 year service in the United States Military, Lt. Col. George Sherman (Ret.) served as Aircraft Commander, Launch and Control Training Officer, and Chief of Ordnance Safety. Furthermore, while serving, he earned a Bachelor of Science degree in Sociology from the University of Illinois; and after retiring from the military in 1971, Lt. Col. George Sherman (Ret.) received a Masters of Arts in Public Administration.

Over his distinguished life, Lt. Col. George Sherman (Ret.) has shown a passion for aviation and community service. He was awarded the Silver Beaver Award, the highest honor of the Boy Scouts of America; he was a member of Kappa Alpha Psi Fraternity, an organization that promotes minority brotherhood and leadership; he continues his connection to the Tuskegee Airmen Inc., represented on several occasions in the Las Vegas Sun and Review Journal newspapers; and has held memberships in Negro Aviation International (NAI), the Dadailians, and served on the Board of Directors of the Nevada Black Chamber of Commerce. Today, Lt. Col. George Sherman (Ret.) remains active in the pursuit of minority youth achievement in aviation, while maintaining his commitment of volunteer work within the Clark County community.

Mr. Speaker, It is an honor to recognize Lt. Col. George Sherman on the floor of the House today. I thank him for his services to this country and congratulate him on a wonderful eighty years.

TRIBUTE TO THE HAITIAN EVANGELICAL BAPTIST CHURCH OF MIAMI

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to recognize the Haitian Evangelical Baptist Church of Miami on the occasion of the blessing of its new Sanctuary.

On Sunday, April 9, 2006, the Reverend David Eugene will lead the members of his congregation to celebrate this milestone of the Church, which sits in the heart of my District's North Dade community.

Founded in August 1980, this Church has unselfishly committed its ministry of bringing the message of salvation to newly-arrived Haitian immigrants. Part of its stewardship is an ongoing teaching component and counseling service that helps meet the needs of immigrant families as they strive to adapt to a new culture. It has also defined its outreach effort as to bring the "whole gospel to the whole man," striving to empower the members of its congregation with their spiritual, emotional, mental and relational well-being, and to draw closer to other communities. Consistent with this philosophy of ministry, this Church has embarked on and supported many community projects to improve the quality of life of underprivileged Haitian children in the Miami-Dade community, and in Haiti as well.

Since its establishment 26 years ago, the prime focus of Church members has been the construction of a sanctuary where people of all races and cultural backgrounds can come together to worship. On its appointed hour at 3:30 p.m. on Sunday, this cherished dream will come to fruition when members of this Congregation will join their voices to those of many prominent members and supporters of this community to inaugurate this long-awaited sanctuary and give thanks to all those who have labored long and hard to ensure that this day would come.

Reverend Eugene has spearheaded not only a spiritual rejuvenation of the members of his Church, but he has also made magnificent strides in ensuring that their commitment to the mandate of the Gospel is defined by its outreach efforts to provide free and reduced-price daycare services to the children in the community, along with an after-school program for low-income families, dropout prevention, computer literacy and acculturation classes, voters' education and registration. It has also established free student tutorials, substance-abuse prevention counseling, along with counseling for dysfunctional families, parenting skills, and regular seminars on cultural diversity.

I am confident that this Church will continue to serve as an unerring instrument for good by evoking in us the centrality of God in our daily lives, conscious of the fact that mandate of our faith must define our charity, understanding and compassion for those who could least fend for themselves.

With the consecration of its Sanctuary on its 26th year of establishment, the Haitian Evangelical Baptist Church of Miami symbolizes a magnificent legacy for the perseverance and resilience of our Haitian community. I join Reverend Eugene and his congregation in celebrating this historic event. My genuine pride in sharing their friendship is only exceeded by my heartfelt gratitude and admiration for all that they have done to help the people of our community.

INCREASING AWARENESS OF KIDNEY DISEASE IN THE AFRICAN AMERICAN COMMUNITY

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. JEFFERSON. Mr. Speaker, as Congress recognizes National Minority Health Month, I join my colleagues, Congresswoman Christensen and Congressman Jefferson to increase awareness about the devastating effects of kidney disease on the African American community.

Both kidney failure and its precursor, Chronic Kidney Disease, CKD, disproportionately affect African Americans. Although only about 13 percent of the U.S. population, African Americans make up 32 percent of the patients treated for kidney failure. The American Heart Association reports that African Americans have a 4.2 times greater rate of kidney failure than white Americans. The Congressional Black Caucus is especially concerned about the growing prevalence of kidney disease because of this disproportionate impact.

Mr. Speaker, the leading causes of kidney disease are diabetes and high blood pressure, both of which also disproportionately affect African Americans. Diabetes occurs at twice the rate in the African American community than it does with Caucasians. High blood pressure affects 1 out of every 3 African American adults. According to the American Heart Association, the prevalence of hypertension in the African American community is among the highest in the world.

Mr. Speaker, African Americans are four times more likely to develop kidney failure than Caucasians. African Americans make up 12 percent of the population but account for 30 percent of people with kidney failure. Diabetes and high blood pressure account for about 70 percent of kidney failure in African Americans. A recent National Kidney Disease Education Program, NKDEP, survey of African Americans found that only 17 percent named kidney disease as a consequence of diabetes, and only eight percent named it as a consequence of high blood pressure. African American males ages 22–44 are 20 times more likely to develop kidney failure due to high blood pressure than Caucasian males in the same age group. Forty-five percent of African American men with kidney failure received late referrals to nephrologists. In some cases people were not aware they had a problem until they needed dialysis.

We must continue our strong support of the efforts of the kidney care community to meet the needs of these patients. We must fund education programs to raise awareness of the disease within the African American community. We must ensure that Medicare treats those who care for patients with kidney disease the same way it treats all other groups of providers—this means enacting an annual update mechanism to recognize inflation and other increases related to caring for these patients. Without equitable reimbursement, it will be difficult for the community to continue to meet the needs of the ever-growing patient population.

Supporting educational programs and high quality care not only improves quality of life for patients, but also reduces the cost to the overburdened Medicare program. Preventing kidney failure and improving care will result in substantial savings for the government. In addition, if treated early, individuals with kidney disease will experience an improved quality of life and be able to maintain more daily life activities, including keeping their jobs.

My colleagues and I applaud the efforts to increase awareness about this important issue and to show support for Americans living with kidney disease. We must act now to help Americans learn more about this deadly disease and how to prevent its development and progression to kidney failure.

TRIBUTE TO THE LATE DAVE PETERSON

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to pay tribute to the late Dave Peterson, of Overland Park, Kansas, who died on March 20th. Dave was born March 31, 1951, to Harold and Josephine (Lewis) Peterson. He was a lifelong resident of the Kansas City area and married Cindy Peterson, with whom he had two daughters: Erica and Andrea Peterson, all of Overland Park. He is also survived by his sister Pat Higgins and brothers Harold Peterson, Jr., and John Peterson.

Dave Peterson was a member of United Auto Workers Local 31 since he began working at General Motors in 1976. He became the President of the local in 2002, a position he held until the time of his death. He was also the President of the Kansas State CAP Council, the AFL–CIO Tri-County Labor Council, was a past member of the executive board of the Wyandotte County United Way and was involved in numerous charity organizations throughout the community. He formerly served as an executive board member of the Kansas AFL–CIO. Dave worked at the GM-Fairfax facility in Kansas City, Kansas, for 30 years, starting on the production line and then going through an apprenticeship program to become a skilled tradesman.

Mr. Speaker, the details of his life do not paint the full picture of the personality and influence that Dave Peterson brought to bear in the Kansas City metropolitan area. As Kevin O'Neill, the publisher of the Labor Beacon said in his paper's obituary concerning Dave: "Whenever I thought of Dave Peterson, I thought of passion. The man was full of passion. That is what made him a great leader. That is what made him a great man." As Garry Kemp, Business Manager for the Greater Kansas City Building Trades said, in the same article, "All who knew him will acknowledge that he wasn't bashful whenever he spoke, publicly or privately, regarding the working people and their equal rights to obtain an economically fair and just livelihood from the services rendered." Dave Peterson was a friend, neighbor and advisor of mine. His enthusiasm, integrity and dedication to the public interest will be sorely missed by all of us in public service in the Kansas City metro area. I echo the sentiments expressed on the Kansas Democratic Party's Web site concerning the passing of Dave Peterson: "Dave was a well-reasoned and common sense advisor to government and business leaders across the state. He was an active, passionate and vocal Democrat who never hesitated to tell anyone how he felt, and that he was proud to be a Democrat. Dave's leadership and dedication will be missed."

While Dave and I did not agree on every policy issue that came before Congress, I respected his counsel and welcomed his advice. Our community is richer for his having been among us and we are poorer today because we have lost him. Mr. Speaker, I include with this statement the obituary regarding Dave Peterson that was published in the Kansas City Star:

DAVE PETERSON, PRESIDENT OF UAW LOCAL, DIES AT 54

[From the Kansas City Star, Mar. 23, 2006]

(By Randolph Heaster)

Dave Peterson, a prominent local union leader, died Monday. He was 54.

Peterson became president of United Auto Workers Local 31 in 2002 and served as its recording secretary before that. He was also president of the AFL-CIO Tri-County Labor Council of Eastern Kansas.

Peterson's activism on behalf of causes supported by organized labor was well known among community and civic leaders. He and Local 31, which represents workers at the General Motors Fairfax assembly plant, also were active in United Way fundraising in Wyandotte County.

He put Local 31 on the map in the political arena and in the labor movement in general, said Jeff Manning, Local 31 vice president. He touched a lot of people, and he was always involved in charitable causes.

Peterson was one of the principal organizers of last year's Labor Day parade, the first in Kansas City in 13 years. He thought such a tradition was sorely needed to reinvigorate a labor movement that was still recovering from the setbacks of the 2004 elections.

We're looking for something to rally around, he said at the time. If we don't come together and show some solidarity, we're all going to wind up losing.

Peterson regularly attended a monthly breakfast meeting between union officials and local media members. That was where Gordon Clark said he got to know Peterson better and began working with him on various issues.

Dave was one of the best labor leaders that I've known, and I've looked up to him the last few years for guidance and leadership, said Clark, president of Transport Workers Union Local 530, which represents American Airlines workers. I was proud to know him. Clark said Peterson was quick to volunteer his time for training or teaching forums on matters affecting organized labor.

He always made the Local 31 union hall available for whoever needed a bigger space, Clark said.

Peterson worked at the Fairfax plant for 30 years. He survived a 21-month layoff when GM eliminated a second shift in the early 1980s. Peterson was president when GM decided to invest $500 million in the Fairfax plant to build the new Chevrolet Malibu. With a new Saturn passenger car also expected to come on line this year, the Fairfax plant survived GM's decision last fall to close several plants in an effort to become profitable.

After years of suffering through temporary shutdowns from slow sales in the 1980s and 1990s, the Fairfax plant's 3,000 employees have had steady work and overtime since the Malibu's introduction three years ago. But Peterson continued to warn the public about the trend among U.S. corporations to eliminate high-paying domestic jobs and opening plants in countries with cheap labor.

He was definitely a working man's friend, Manning said. If you worked hard, he believed you should be rewarded for that. He will be greatly missed.

ACCELERATING THE CREATION OF TEACHERS OF INFLUENCE FOR OUR NATION (ACTION) ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HOLT. Mr. Speaker, today I introduce the Accelerating the Creation of Teachers of Influence for Our Nation (ACTION) Act, a bill that creates highly qualified science, technology, engineering, and mathematics teachers for elementary and secondary classrooms across America.

The ACTION Act has two separate pieces. Through the scholarship portion we create teachers with a science, technology, engineering, and mathematics degree with teacher certification to raise scientific literacy and teach critical thinking, two necessary skills for our citizenry in the 21st century. Each student receiving this scholarship would have a teaching service requirement and if it is not fulfilled the scholarship reverts to a student loan. Students can also obtain their Masters in science, technology, engineering, mathematics, or education.

The competitive renewal university grants encourage universities or a consortium of universities to create these programs, thus augmenting the pool of potential institutions for these scholarship recipients to attend.

Recently Maine declared that they are retiring more science and mathematics teachers than are being produced by colleges and universities. The National Science Board Science and Engineering Indicators 2006 states that "out-of-field teaching (as measured by either lacking a certificate or a college major or minor in the assigned teaching) field is common. A maximum of twenty-eight percent of high school mathematics and science teachers lacked full certification in their teaching field in academic 2002."

As the global economy of the 21st century unfolds, scientific and engineering occupations are expected to continue to grow more rapidly than occupations in general. Out future workforce must be literate and fluent in both the technical and the scientific arenas. The decisions facing our Nation will also require these skills, as we move into uncharted waters with such topics as STEM cell research, nanotechnology, high-tech manufacturing, aerospace engineering, and biotechnology. Right now our 15-year-old students score below the international average on the Program for International Student Assessment which measures students' abilities to apply scientific and mathematical concepts and skills.

It is time to take action and make changes necessary for the future of our Nation, and move the ACTION Act forward.

PAYING TRIBUTE TO ST. ROSE HOSPITAL-SAN MARTIN CAMPUS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the St. Rose Hospital and their team of dedicated professionals who are committed to providing compassionate, high-quality, affordable health services. Moreover, St. Rose Hospital has a proud history of service to the communities of Nevada.

It is the principal goal of St. Rose Hospital to provide a health care ministry distinguished by excellent quality and committed to expanding access to medical care to deprived individuals. This mission is complemented by numerous community outreach programs, sponsored by the hospital, designed to assist those in need and improve the quality of life. Furthermore, St. Rose Hospital has a strong tradition of establishing programs to assist eligible uninsured patients gain access to government funded insurance programs, advancing their goal to help those individuals' access preventative and ongoing care beyond an emergency or acute health care need.

St. Rose Hospital is dedicated to promoting the wholeness of body, mind and spirit in the Dominican tradition of working with others to improve the health status of the community, and does so by providing premium health care services through team work and innovation. Their professional staff members reach out to patients, their families, and those in need outside of the hospitals, while their services focus on the healing concept of physical restoration of the body and the healing of the mind and soul.

Mr. Speaker, I am honored to recognize St. Rose Hospital on the floor of the House today. I commend them for their efforts to provide high-quality health care and improve the quality of life of the community, and I wish them the best in continuing their mission.